

# New Source Review

John A. Paul

RAPCA Dayton, Ohio

# What I Will Talk About

- EPA Web Sites
- PSD Purpose from the Act
- Nonattainment NSR from the Act
- NACAA NSR Principles

# Helpful Web Sites

- Clean Air Act:  
<http://www.epa.gov/air/caa/title1.html#ic>
- NSR Home:  
<http://www.epa.gov/nsr/index.html>
- Regulations and Standards:  
<http://www.epa.gov/nsr/actions.html>
- Laws and Statutes:  
<http://www.epa.gov/nsr/laws.html>

Prevention of Significant Deterioration  
of Air Quality  
Part C of the Act

# Congressional Declaration of Purpose

- (1) to protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipate [\[1\]](#) to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air) [\[2\]](#), notwithstanding attainment and maintenance of all national ambient air quality standards;
- (2) to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;

# Congressional Declaration of Purpose

- (3) to insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources;
- (4) to assure that emissions from any source in any State will not interfere with any portion of the applicable implementation plan to prevent significant deterioration of air quality for any other State; and
- (5) to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decision-making process.

Plan Requirements for  
Nonattainment Areas  
Part D of the Act

# Permit Requirements

- (a) **In general** The permit program required by section [7502 \(b\)\(6\)](#) <sup>[1]</sup> of this title shall provide that permits to construct and operate may be issued if—
  - (1) in accordance with regulations issued by the Administrator for the determination of baseline emissions in a manner consistent with the assumptions underlying the applicable implementation plan approved under section [7410](#) of this title and this part, the permitting agency determines that—

# Permit Requirements

- (A) by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that total allowable emissions from existing sources in the region, from new or modified sources which are not major emitting facilities, and from the proposed source will be sufficiently less than total emissions from existing sources (as determined in accordance with the regulations under this paragraph) prior to the application for such permit to construct or modify so as to represent (when considered together with the plan provisions required under section [7502](#) of this title) reasonable further progress (as defined in section [7501](#) of this title); or

# Permit Requirements

- (B) in the case of a new or modified major stationary source which is located in a zone (within the nonattainment area) identified by the Administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, that emissions of such pollutant resulting from the proposed new or modified major stationary source will not cause or contribute to emissions levels which exceed the allowance permitted for such pollutant for such area from new or modified major stationary sources under section [7502 \(c\)](#) of this title;

# Permit Requirements

- (2) the proposed source is required to comply with the lowest achievable emission rate;
- (3) the owner or operator of the proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in such State are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under this chapter; and [\[2\]](#)

# Permit Requirements

- (4) the Administrator has not determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of this part; and
- (5) an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

# NACAA NSR Principles

- The best time to control a source is at the time of installation or modification
- We support the top-down BACT analysis process
- We believe there should be legally enforceable limits on future emissions
- The impact of a new/modified source on NAAQS, increments, AQRVs, and toxics must be estimated and minimized

# NACAA NSR Principles

- Future MACT and RACT implementation will improve air quality and minimize pressure on new source controls
- NSPS are not a good surrogate for BACT
- We support the RACT/BACT/LAER Clearinghouse
- We do not support any form of netting out of controls on new units

# NACAA NSR Principles

- Plant-wide Applicability Limits are supportable as long as we insure the installation of BACT on new units
- We favor a process which gives industry timeliness and certainty but which retains a strong technology requirement for new or modified sources

# NACAA NSR Principles

- Reform rules should reward good controls
- Reforms should simplify the system, not exempt sources (the ultimate simplification)
- Permits should focus on controls (installation and proper operation)
- The only way to control air pollution is to control air pollution