

# EPA's Tailoring Rule

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# CAA Permitting

- Title V Program
  - Little impact for most sources
    - Only BACT for GHG is an applicable requirement
    - GHG Reporting Rule is not an applicable requirement
    - Need to estimate GHG emissions to determine PSD applicability
  - For a few sources a significant impact on July 1, 2011
    - Sources with 100,000 tpy of CO<sub>2</sub>e and 100 mass base tons will be required to obtain an operating permit
    - Sources caught by GHG emissions will need to address all applicable requirements

# PSD Permitting

- You cannot think of GHG applicability along traditional lines
- Commend CT DEP for recognizing this
- EPA's definition of "subject to regulation" adds another applicability test

# Am I subject to BACT for GHG?

- For traditional pollutants
  - Existing major source making a major modification – 75,000 tpy CO<sub>2</sub>e
  - New major source – 75,000 tpy of CO<sub>2</sub>e
- For GHG emissions regardless of traditional pollutants (starting no later than July 1, 2011)
  - New source – 100,000 tpy CO<sub>2</sub>e, 100/250 tpy GHG on mass basis
  - Existing 100,000 tpy CO<sub>2</sub>e source, 100/250 GHG on mass basis – 75,000 tpy CO<sub>2</sub>e
  - Modification itself is 100,000 tpy CO<sub>2</sub>e and 10/250 GHG on mass basis

# Guidance

- November 2010 guidance on BACT
- White papers for 7 industries (EGUs and large boilers included)
- EPA developing white paper for landfills
- In January, EPA will issue further BACT guidance for biomass facilities

# SIP Call/FIP

- December 1, 2010 EPA finalizes SIP Call and FIP
- CT one of 13 states affected
- CT submits SIP revision by March 1, 2011
- EPA and CT will use the parallel process to minimize the effect of a potential FIP on CT sources

# Other Tidbits

- July 1, 2011 – source with minor NSR permit must evaluate GHG emissions if it has not begun actual construction
  - Term “begin actual construction” defined in 40 CFR 51.166(b)(11) – you have to start physical construction
  - Can take PTE cap on GHG in minor NSR permit
- Biomass is not treated differently for applicability purposes
- Biomass can be looked at for BACT in the 4<sup>th</sup> step – environmental, energy, and economic impacts

# Other Tidbits (cont)

- Existing source with 105,000 tpy CO<sub>2</sub>e and minor traditional pollutants makes modification with <75,000 tpy CO<sub>2</sub>e but 45 tpy VOC. VOC not subject to BACT\*\*\*
- Existing major source of traditional pollutant with <100,000 tpy CO<sub>2</sub>e, modification increases CO<sub>2</sub>e >=75,000 tpy, no significant increase in traditional pollutants. Change not subject.