

Minor NSR Updates

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Minor NSR Concepts

Retain the de minimis amount of 1 tpy

Update Insignificant Activity definitions

Update list of NSPSs and NESHAPs that do not trigger the need for a permit on a stand-alone basis

Establish a three-tiered Minor NSR program

- BACT required for nonattainment pollutants with allowables above 50% of any major source definition
- Modeling required for attainment pollutants with allowables above 50% of any major source definition
- RACT required for any source with allowables under 50% of any major source definition

Incorporate the one time doubling change

Establish rules to allow for locally developed General Permits

Modify the annual fee adjustment rule to account for inflation

Clarify fees categories

Insignificant Activities

Potentially create an insignificant activity definition for natural gas and/or propane fired equipment used solely for heating buildings for personal comfort or for producing hot water for personal use

Potentially create an insignificant activity definition for oil fueled (not including off-spec oil) equipment used solely for heating buildings for personal comfort or for producing hot water for personal use

Potentially modify the insignificant activity for internal combustion engines

Potentially create an insignificant activity definition for spray painting

NSPS and NESHAP list

Add language to state the following NSPSs and NESHAPs do not trigger the need for a permit if the facility has an uncontrolled PTE less than 1tpy or all the equipment meets the definition of an insignificant activity.

- 40 CFR 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines)
- 40 CFR 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines)
- 40 CFR 63, Subpart ZZZZ (Reciprocating Internal Combustion Engines)
- 40 CFR 63 CCCCCC (Gasoline Distribution)
- 40 CFR 63 JJJJJJ (Industrial, Commercial and Institutional Boilers)
- 40 CFR 63 WWWW (Ethylene Oxide Sterilizers)
- 40 CFR 63 HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations)

Minor NSR BACT

Establish a top-down BACT analysis requirement for the following sources:

- Any source with permitted allowables for a nonattainment pollutant above 50% of any major source definition
 - While the lowest major source definition is currently 100 tpy this could change in the future and the rule would accommodate such a change
 - Effectively BACT would (at this point) be required for any source with a nonattainment pollutant allowable between 50 and 99 tpy.
- Locally adopted RACT rules would also apply.

Minor NSR modeling

Establish a modeling analysis requirement for the following sources:

- Any source with permitted allowables for an attainment pollutant above 50% of any major source definition
 - The lowest major source definition in attainment areas is 100 tpy
 - Effectively this modeling requirement would be for any source with an attainment pollutant allowable between 50 and 249 tpy for non-categorical sources and 50 and 99 tpy for categorical sources.
- May look at allowing an option to implement BACT in lieu of modeling.
- Locally adopted RACT rules would also apply.

Minor NSR RACT

Establish a RACT requirement for the following sources:

- Any source with permitted allowables below 50% of any major source definition
- Effectively RACT would be required for any source with permitted allowables between 1 tpy and 49 tpy
- Possible presumptive RACT
 - A control technique guideline issued by USEPA
 - Any NSPS or NESHAP adopted after 1990
 - Any PCAQCD Chapter 5 standard
- Case-by-case RACT will be required if a standard does not exist
- Based on previous EPA comments, modeling may be required at the Control Officers discretion

Modeling Review Fees

We are looking into the following fees for review of a Modeling Protocol prior to submitting a permit application

- Require a modeling protocol review application
- Require a deposit
- Charge the current hourly processing time fee

One Time Doubling

Incorporate the recent ADEQ changes that allow One Time Doubling

- Under the federal rules you must be a major (PSD/NNSR) source in order to have major modification
- PCAQCD rules need to be modified to reflect this
- EPA has already stated a CAA §110L analysis must be conducted to demonstrate that backsliding is not occurring

General Permit

Retain the ability to issue ADEQ general permits

Establish rules to allow for the issuance of locally created general permits

- Initially general permit fees will equal individual fees
- Currently looking at the following general permit categories
 - Gas Stations
 - Autobody shops
 - Air Curtains

Annual Fee Adjustment

The Annual fee adjustment rule, PCAQCD Code §3-7-585.B currently states:

In the event that prior to January 1 of any year the Board does not revise the fees or hourly rates set or referenced by this article on the basis of the preceding cost accounting under §3-7-595, then those fees and rates shall be automatically adjusted, to the nearest \$1 for annual fees only, as of that January to reflect the increase, if any, by which the Consumer Price Index for the most recent year exceeds the Consumer Price Index for the previous year.

ADEQ, MCAQD, and PDEQ all have rules that utilize a current year / base year formula

PCAQCD annual fees, emission fees and the hourly rate have not increased since 2010 due to the current year / previous year formula.

In order to account for inflation we propose to modify the rule to utilize a current year / base year formula.

Fee Categories

The Appendix B fee Categories are divided into four categories:

- Class I Title V Fees – no changes currently being considered
- Class II Title V Fees – clarify the following categories apply to sources with an uncontrolled PTE over major source thresholds, are covered by a NESHAP or NSPS, and take a limit to stay below 50%.
 - Stationary Sources not otherwise classified
 - Qualifying General Source as defined in §3-1-030(16a)
- Class II Non-Title V Fees
 - Change Gasoline Dispensing Operation description to more than 10,000 gallons per month (currently references an ADEQ General Permit that no longer exists)
- Class III Non-Title V Fees
 - Change Gasoline Dispensing Operation description to less than 10,000 gallons per month (currently references an ADEQ General Permit that no longer exists)

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