

PSD - Case #1



- Case #1:
 - A simple cycle natural gas power plant with PTE NO_x of 300 tpy and GHGs of 150,000 tpy CO₂e receives a PSD permit addressing NO_x, but NOT GHGs on December 31, 2010. The facility is not planning to begin actual construction until after July 1, 2011.
 - Will the permit need to be reopened to address BACT for GHGs?
- Answer:
 - No. The facility was permitted under the PSD regulations prior to Step 1 (January 2, 2011) and it is allowed to proceed.

PSD – Case #2



- Case #2
 - Same simple cycle natural gas power plant as Case #1 with PTE NO_x of 249 tpy and GHGs of 125,000 tpy CO₂e receives a state issued permit making the facility a minor source under the PSD regulations for all criteria pollutants on December 31, 2010. The facility is not planning to begin actual construction until after July 1, 2011.
 - Will the facility have to get a PSD permit for this project before it can begin construction?
- Answer:
 - Yes.
- Followup – When applying for the PSD permit to address BACT for GHGs, will it also have to address PSD for any criteria pollutants (i.e. NO_x) whose PTE exceeds the significant increase levels?
- Answer:
 - Yes - 40 CFR 52.21(2)(iii) – “No major source...shall begin actual construction without a permit that the source meets [PSD] requirements”

PSD - Case #3



- Case #3
 - Site is an existing minor source for PSD
 - Owners currently planning a project that is minor and no permit limits at the source will be changed
 - After the project, site will be a major source
 - Will the Tailoring Rule directly impact the planned project for PSD purposes?
- Answer:
 - Tailoring rule transition will not impact this project.
 - After the project, site will be major and future modifications maybe impacted by PSD
 - However; if project has GHG > 100,000 tons CO₂e and begins actual construction after July 1, 2011, PSD applies (anything above SER)

PSD – Case #4



- Case #4
 - Site an existing minor source for PSD.
 - As of July 1, 2011, facility has PTE for GHGs > 100,000 tpy CO₂e
 - Will this facility need to evaluate future modifications for potential PSD applicability? When?
- Answer:
 - For GHGs, any modification for pending applications, or projects permitted but not yet begun actual construction, as of July 1, 2011, will need to be evaluated for PSD applicability at the 75,000 tpy CO₂e significance level
 - If a project has GHGs > 75,000 tpy CO₂e, then must also evaluate whether or not projects has other NSR regulated pollutants greater than their respective significance levels.
 - For non-GHGs, facility is still a minor source for PSD. GHG only becomes “subject to regulation” when a modification is over 75,000 tons CO₂e.

PSD – Case #5



- Case #5
 - Site is an existing major source for PSD
 - A PSD application has been submitted and construction authorization/permit modification is pending
 - Permit application did not address GHG
 - When must permit be issued in order to avoid PSD GHG applicability?
- Answer:
 - Permit must be finalized and issued prior to January 2, 2011, or else owner must address PSD GHG applicability (compare to 75,000 tpy CO₂e).
 - Bonus: What if actual construction has not begun prior to January 2, 2011?
 - Answer: No consequences. Project went through PSD and may proceed.

PSD – Case #6



- Case #6
 - Site is an existing major source for PSD
 - Minor modification permit application submitted and the construction authorization is pending
 - Authorization will be finalized and permit issued prior to January 2, 2011. GHG not addressed in application
 - Site expects to begin actual construction prior to January 2, 2011
 - Issues?
- Answer:
 - If project has GHG emissions less than 75,000 tpy CO₂e, then there are no issues.
 - If existing source has GHG PTE > 100,000 tpy CO₂e, then if project has GHG emissions > 75,000 tpy CO₂e, then project would have to begin actual construction prior to July 1, 2011.
 - If project itself had GHG PTE > 100,000 tpy CO₂e, then project is subject to PSD for GHGs unless it begins actual construction prior to July 1, 2011.

PSD – Case #7



- Case #7
 - Site is an existing major source for PSD
 - PSD applicable project construction authorization (without consideration of GHG) issued on December 28, 2010
 - Project's net emissions increase of GHG is more than 75,000 tpy CO₂e
 - Actual construction not expected to begin until March 1, 2012
 - Issues?
- Answer:
 - As long as project commences construction within 18 months (existing PSD requirement), project may proceed.

PSD – Case #8



- Case #8
 - Site is an existing minor source for PSD
 - As of July 1, 2011, site has GHG PTE > 100,000 tpy CO₂e
 - Pending project expects construction authorization to be issued prior to July 1, 2011
 - Issues?
- Answer:
 - If project GHG PTE is less than 75,000 tpy CO₂e, then no issues.
 - If project GHG PTE exceeds 75,000 tpy CO₂e, then project is subject to PSD unless it begins actual construction prior to July 1, 2011.
 - Similar to Case #4

PSD – Case #9



- Case #9
 - Existing facility with PTE for GHG of 160,000 tpy CO₂e (actual above 100,000 tpy CO₂e). The facility is not PSD major for any other pollutant (all below 250 tpy each).
 - Contemplated change would be post-July 2011 and increase NO_x more than 40 tons/year but would NOT increase GHG more than 75,000 tpy CO₂e.
 - PSD triggered for NO_x increase or not?
- Answer
 - No. GHG is not “subject to regulation” unless project increases GHG by 75,000 tons or more.

Title V – Case #1



- Case #1
 - Existing minor source that will become subject to Title V in Step 2 (GHG PTE >100,000 tpy CO₂e on and after July 1, 2011)
 - When do they have to submit their Title V application?
- Answer:
 - Submit permit application within 12 months after the source becomes subject to the program – July 1, 2012

Title V – Case #2



- Case #2
 - Existing Title V major, pending application for Title V renewal under review by EPD when GHGs become subject to regulation in Step 2 (July 1, 2011)
 - What does source need to do?
- Answer:
 - Nothing
 - If additional requirements become applicable to a source, after submittal of renewal (but prior to draft permit), source must supplement its application (and ensure compliance at time of permit issuance).
 - However, at this point, it doesn't appear that there will be any applicable requirements for GHGs at that time.
 - At this point we plan to ask sources to report their GHG PTE in Title V applications received after July 1, 2011. Sources should have the ability to report this information before then if they choose. EPD (Data Management Unit) working on revision to application at this time.

Title V – Case #3



- Case #3
 - Existing Title V major, getting a PSD permit modification that includes new GHG applicable requirements (under either Step 1 or Step 2)
 - What does source need to do with Title V permit?
- Answer:
 - Nothing.
 - Georgia's SIP permitting and Title V permitting programs are merged for existing sources. Therefore, the PSD permit modification will simultaneously be a modification to the Title V permit.

Title V – Case #4



- Case #4
 - Existing minor source that will become subject to Title V in Step 2 (but wants to take a limitation to remain minor)
 - What does facility need to do?
- Answer:
 - Submit application requesting synthetic minor permit limitations to limit PTE to less than 100,000 tpy CO₂e
 - Would need to have limitations in place prior to July 1, 2012 to avoid requirement to obtain Title V permit
 - Recommend that facility submit application by October 1, 2011 to give us enough time to process the synthetic minor permit application.