

GENERAL FACT SHEET

12R-117

BILL NUMBER

BRIEF TITLE <u>Air Pollution Regulation Changes</u>	APPROVAL DEADLINE _____	REASON <u>Update regulations.</u>
_____	_____	_____
_____	_____	_____

DETAILS

POSITIONS/RECOMMENDATIONS

<p>The Lincoln-Lancaster County Health Department (LLCHD) proposes to revise the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. The revision proposal incorporates permitting thresholds for fine particulate matter, clarifies and reorganizes other particulate matter-related definitions; establishes oxides of nitrogen as precursors to ozone, updates the primary and secondary National Ambient Air Quality Standards (NAAQS) for lead; updates the NAAQS for ozone; modifies how fees are charged to dry cleaning facilities.</p>	Sponsor	Board of Health
	Program Departments, or Groups Affected	Environmental Public Health Division, LLCHD and Regulated Air Pollution Sources
	Applicants/ Proponents	Applicant Board of Health City Department Health Other Air Pollution Control Advisory Board
	Opponents	Groups or Individuals None Expected Basis of Opposition
<p>Discussion (Including Relationship to other Council Actions) The City Council has regularly updated the LLCHD Air Pollution Control Program Regulations and Standards. This assures that the local businesses, institutions, and industries that are regulated under the Clean Air Act are in compliance with Federal law if they comply with their permit conditions.</p> <p>LLCHD writes and issues air quality permits, conducts inspections, inventories air pollution emissions, provides technical assistance and conducts enforcement actions when necessary. This program is 100% fee funded, primarily through emission fees charged for air pollution emissions.</p>	Staff Recommendations	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
	Board or Commission Recommendation	BY Board of Health <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions or conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council Use Only)	<input type="checkbox"/> Pass <input type="checkbox"/> Pass (As Amended) <input type="checkbox"/> Council Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not Pass

MEMORANDUM

TO: Lancaster County Board of Commissioners and Lincoln City Council

FROM: Scott E. Holmes, Manager, Environmental Public Health Division, Lincoln-Lancaster County Health Department *SEH*

DATE: May 31, 2012

RE: Lincoln-Lancaster County Air Pollution Control Program Regulation and Standards (LLCAPCPRS), Explanatory Statement for March 2012 Lancaster County Board of Health Meeting

Short Description:

The Air Quality Program is proposing changes to the LLCAPCPRS. Proposals include (a) in Article 2, Sections 1, 2 and 19, changes to specify that nitrogen oxides are precursors to ozone; (b) also in Article 2, Section 1, addition of the definition of "PM_{2.5}" and "PM_{2.5} emissions"; (c) in Chapter 4, updating of the primary and secondary National Ambient Air Quality Standard for lead; and (d) in Article 2, Section 20 and 22, standardization of the use of the term "particulate matter (PM) emissions".

Rationale:

Nitrogen Oxides as Precursor to Ozone

On November 29, 2005, the EPA published its "Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard, Phase 2". Within that rule was a requirement to specify nitrogen oxides as a precursor to ozone. Because Lancaster County was in attainment of the 1997 ozone standard and did not need to take any action at that time to remain in attainment, the change related to nitrogen oxides was overlooked. EPA has recently called this to the attention NDEQ, and NDEQ has proposed changes in Title 129, Chapters 1, 2, and 19 to address the oversight. The LLCHD Air Quality Program is proposing to adopt these changes for the same reasons.

Please note that this action relates to the 1997 ozone standard and is unrelated to the recent action by President Obama to suspend reconsideration of the 2008 ozone standard.

2008 Lead NAAQS

In October 2008, the EPA lowered the primary and secondary National Ambient Air Quality Standard for lead. We are proposing to update Article 2, Section 4 to include the 2008 standard. Because the 2008 standards measure lead differently than the 1978

standard, it is expected both will exist concurrently until later this year. Lincoln and Lancaster County are in attainment of both the new standard and the old standard.

Section by Section Description:

Article 1, Section 5:

Paragraph (F): Removes incorrect reference and replaces with correct reference.

Article 1, Section 6:

Paragraph (B)(2)(f): Establishes annual fee for sources subject to 40 CFR Part 63, Subpart M (MACT for Perchloroethylene Dry Cleaners). The sources have historically been required to hold operating permits and pay emission fees, though it is unlikely any of them emit enough pollutants to trigger the need for an operating permit. This change will relieve the owners/operators of these sources of the requirement to hold an operating permit, and they will no longer have to report emissions on an annual basis. Instead, compliance with MACT standard will be addressed simply through annual inspections. These sources will pay a fee comparable to that paid by other Area Source MACT facilities.

Article 2, Section 1:

“Baseline area”: Corrects references, specifies baseline dates for SO₂, NO₂, and PM₁₀, and adds baseline date and concentration for PM_{2.5}.

“Best Available Control Technology (BACT)” for PSD purposes: Replaces “reviewing authority” with “Director”. This is a language change only, and does not change the process by which BACT is determined.

“Best Available Control Technology (BACT)” for non-PSD purposes: Typo correction.

“Hazardous Air Pollutant”: Typo correction.

“Innovative Control Technology”: Definition added to allow for use of innovative emission controls. Definition is consistent with NDEQ regulations.

“Major modification”: Specifies that a significant increase in emissions of NO_x, or net emissions increase that is significant for NO_x (along with volatile organic compounds) shall be considered significant for ozone.

“Major source baseline date”: Narrows major source baseline date for ‘particulate matter’ to apply only to PM₁₀, adds major source baseline date for PM_{2.5}.

“Minor source baseline date”: Adds definition to specify minor source baseline dates for PSD program. Definition is consistent with NDEQ regulations.

“Net emissions increase”: Typo correction.

“Particulate matter (PM)”: Narrows the definition to exclude uncombined water from the definition. This definition is then expanded to include the definitions of “PM₁₀” and “PM_{2.5}” as subsets.

“Particulate matter (PM) emissions”: Alters the definition to reference the modified definition of “particulate matter (PM)”. Also changes the reference to a test method by which particulate matter emissions may be measured to include one specified in the LLCAPCPRS rather than in “an approved State Implementation Plan.” This definition is then expanded to include the definitions of “PM₁₀ emissions” and “PM_{2.5} emissions”.

“PM₁₀”: Moves the definition to be a subset under the definition of “particulate matter (PM)”. The wording is unchanged.

“PM₁₀ emissions”: Moves the definition and deletes the phrasing about reference methods now included in “Particulate matter (PM) emissions”.

“Permit modification”: Definition is removed due to redundancy with “Permit revision”.

“Permit revision”: More clearly defines what constitutes a ‘permit revision’, and expands permit revisions to include both operating and construction permits.

“Person”: Adds terms to expand what entities are considered a ‘person’ for purposes of the LLCAPCPRS.

“Project”: Adds definition to keep LLCAPCPRS consistent with NDEQ definitions.

“Projected actual emissions (PAE)”: Adds definition to keep LLCAPCPRS consistent with NDEQ definitions.

“Regulated air pollutant”: Revises definition related to greenhouse gases (GHGs) to make definition consistent with NDEQ definitions, and to remove dates which have already passed.

“Regulated NSR pollutant”: Adds to the definition the specification that PM, PM₁₀ and PM_{2.5} shall include both filterable and condensable particulate matter. Also allows exclusions for permits issued and applicability determinations made prior to January 1, 2011. Also adds to the definition that VOC and NO_x are precursors for ozone, and that NO_x and SO₂ are precursors for PM_{2.5}.

“Secondary standard”: Corrects reference.

“Significant”: Adds significance threshold for PM_{2.5}, and adds NO_x to significance threshold for ozone.

“Significant emissions increase”: Adds definition to keep LLCAPCPRS consistent with NDEQ definitions.

“Significant emissions unit”: Adds definition to keep LLCAPCPRS consistent with NDEQ definitions.

“Small emissions unit”: Adds definition to keep LLCAPCPRS consistent with NDEQ definitions.

“Speciation”: Adds definition to keep LLCAPCPRS consistent with NDEQ definitions.

“Statement of basis”: Adds definition, which clarifies the purpose of a ‘statement of basis’, and details what a ‘statement of basis’ should contain. The requirement for a ‘statement of basis’ is set for in 40 CFR Part 70 §70.7(a)(5). While the federal rules only detail a requirement for a ‘statement of basis’ for Title V operating permits, the LLCHD prepares such documents for all operating and construction permits. The EPA and the NDEQ often refer to these documents as “fact sheets”, but the LLCHD has long used the term ‘statement of basis’ in our air quality permitting program. There is no official regulatory term for this statement.

“UTM coordinates”: Typo correction.

Article 2, Section 2:

Paragraph (E): Specifies that a major stationary source that is major for NO_x (or for volatile organic compounds) shall be considered major for ozone.

Article 2, Section 4:

Formatting changes have been made throughout to add clarity to this section.

Paragraph (E): Adds the 1997 National Ambient Air Quality Standard for ozone. This is consistent with NDEQ regulations.

Paragraph (F): Adds the 2008 National Ambient Air Quality Standard for lead. This standard and the 1978 standard are in effect concurrently until one year after EPA makes designations for the 2008 standard. After that time, the 1978 standard will no longer be in effect.

Article 2, Section 17:

Paragraph (A): Removes obsolete language and makes wording consistent with NDEQ regulations. Also adds construction permitting threshold for PM_{2.5}. A reference is also added to (A)(1)(h) to clarify when a ‘toxic BACT’ analysis is

required, which is not an added requirement, but just provides clarity to the regulated community.

Paragraph (I): Adds annual and 24-hour significance thresholds for PM_{2.5}.

Paragraph (S): Adds provision that a source may obtain or modify a construction permit without conducting physical or operational changes that would meet construction permit emission thresholds.

Article 2, Section 19:

Paragraph (A): References are 'cleaned up' to provide better clarity, and incorporates additional federal regulations.

Paragraph (J): Incorporates several formatting and 'housekeeping' changes, and also adds significance thresholds for PM_{2.5}, as well as the inclusion of NO_x to significance threshold for ozone.

Paragraph (A)(17)(d): Corrects spelling error.

Paragraph (L): Establishes annual and 24-hour air increments for PM_{2.5}.

Paragraph (P)(7)(a): Specifies that, for a major stationary source or major modification, with regard to emissions of ozone, any net increase of 100 tons or more of NO_x (as well as VOCs) subject to PSD would require the performance of an ambient impact analysis, including the gathering of ambient air quality data before an exemption from monitoring would be allowed. Also provides that the Department may provide an exemption from monitoring if a source can demonstrate the modification will cause PM_{2.5} impacts less than 4 micrograms per cubic meter, and/or PM₁₀ impacts less than 10 micrograms per cubic meter.

Paragraphs (P)(8) and (9): References are corrected.

Paragraph (R): Sets forth required demonstration for sources to determine that allowable emissions do not cause or contribute to a violation of NAAQS or major source baseline concentration. Also adds 'significant impact levels' for PM_{2.5}.

Article 2, Section 20:

Formatting changes made for increased clarity.

Paragraph (A): Replace the phrase "the emissions of particulates" with "particulate matter (PM) emissions".

Paragraph (B): Replace the term "particulate matter" with "PM emissions". Delete the words "of particulate matter" from the second column heading in the table under paragraph (B).

Paragraph (D): Adds the word "total" for determining heat input for allowable emission rate. Replaces the phrase "amount of particulate matter which may be emitted" with "PM emissions".

Article 2, Section 22:

Change title from "Incinerator Emissions" to "Incinerators: Emission Standards", consistent with NDEQ Title 129.

Paragraph (A)(14)(a): Replace the term "emissions of particulate matter" with "particulate matter emissions".