

Request for Hearing:

In The Matter Of The Petition To Amend 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; And 20.11.1 NMAC, *General Provisions*. The Amendments To 20.11.42 NMAC Are Proposed As A Revision To The Title V Operating Permit Program, And The Amendments To 20.11.61 NMAC And 20.11.1 NMAC Are Proposed As A Revision To The New Mexico State Implementation Plan For Air Quality (SIP).

AQCB Petition No. 2010-4

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Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.

- **PSD & Title V GHG Tailoring Rule:**
 - “Tailors” permitting requirements to ensure only the largest sources of GHG-facilities must obtain air permits for GHGs
 - power plants, refineries, cement manufacturing, etc.
- **Timely Application**, has been deleted to conform to 40 CFR 70.5, *Permit Applications*, and 20.2.70 NMAC, *Operating Permits*
- **CAA, PSD and Title V permitting thresholds for criteria pollutants are 100 or 250 TPY**
 - Triggers for criteria pollutant permits too low
- **States and local agencies must adopt amendments by January 2, 2011**
 - Inaction automatically triggers complex new Title V permits or PSD permits

Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.

Step 1

■ **PSD permits:**

- **No new Tailoring Rule permitting actions triggered solely on GHG emissions**
- **Only “anyway” sources must also address GHGs under the Tailoring Rule**
- **Will be subject to PSD requirements only if the sources increase GHG emissions by 75,000 TPY CO₂e or more**

■ **Title V permits:**

- **Only permitted Title V sources or those that must obtain a new Title V permit for non-GHG pollutants must address GHGs in Step 1**

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Step 2

■ PSD permits:

- GHG sources that emit or have potential to emit at least 100,000 TPY CO₂e will be subject to PSD requirements**
- Physical change or a change in the method of operation at a 100,000 TPY CO₂e source, resulting in a net GHG increase of at least 75,000 TPY CO₂e, the source will also be subject to PSD permitting**

■ Title V permits:

- Sources subject to GHG permitting under Step 1 will continue to be subject to GHG permitting requirements under Step 2**
- GHG sources that emit or have potential to emit at least 100,000 TPY CO₂e will be subject to Title V requirements**

Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.

Step 3:

- **PSD and Title V:**
 - **EPA commits to rulemaking by 7/1/12, after soliciting comment on streamlining and exclusion of certain sources**
 - **Step 3 will not require permitting of sources with GHG emissions less than 50,000 TPY CO₂e before 4/30/16.**

Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*

- **Comments**

- **Proposed amendments 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions* as amended by Staff Proposed Floor Amendments**

- **Amendments to 20.11.42 NMAC will be submitted to EPA as a revision to the Title V Operating Permit Program**
- **Amendments to 20.11.61 NMAC and 20.11.1 NMAC will be submitted to EPA as a revision to the SIP**

Questions?



Svante Arrhenius