

Title 129 Regulatory Changes for February 2014 EQC

July 2013 Open House Meetings



Nebraska Department
of Environmental Quality

Presentation Overview

- Rulemaking Process
 - Opportunities for input
- Description of changes under consideration
 - Concepts
 - No regulatory language – coming later
- Summary of Next Steps
- Q & A Discussion



Rulemaking Process

- July Meetings – Input on Concepts
- No regulatory language yet
- Input needed by August 9, 2013
 - Input on changes under consideration?
 - How do these potential changes affect you?
 - Cost?
 - Benefit?
 - Thoughts on regulatory language?



Rulemaking Process

- August – September
 - DEQ draft regulatory package
 - Submit to Governor's Policy Research Office for review and approval
 - Upon Governor's PRO approval – outreach begins
 - ~ anticipate beginning late October - early November 2013
- Late October – early December 2013
 - DEQ conducts open house meetings
 - Provides draft regulatory language
 - Request input prior to public notice for Feb 2014 EQC



Rulemaking Process

- ~December 23, 2013
 - EQC package finalized and submitted to legal for public notice
- ~December 28, 2013
 - EQC package public noticed
- ~February 6, 2014
 - EQC public hearing

(Dates are approximate)



Title 129 Changes Under Consideration

- Exempt/Partially exempt t-butyl acetate
 - Chapter 1 section 160 definition of “VOC”
 - Section 160 amended @ June 2013 EQC
 - Replaced listing exempt VOCs with CFR reference
 - CFR citation was 40 CFR 51.100(s)(1)
 - Citation did not include 40 CFR 51.100(s)(5)
 - Partial exemption for t-butyl acetate
 - t-butyl acetate only “partial” exemption
 - Still counted as “VOC” for recordkeeping, reporting & modeling
- Consider including 40 CFR 51.100(s)(5) citation



Title 129 Changes Under Consideration

- Incorporate remaining requirements to comply with EPA PM Implementation Rule (77FR 65107)
 - Incorporate federal definition for NSR

“PM_{2.5} emissions and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter (CPM) shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} and PM₁₀ in PSD permits. Compliance with emissions limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on CPM unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for CPM shall not be considered in violation of this section unless the applicable implementation plan required CPM to be included.”



Title 129 Changes Under Consideration

- Questions for Stakeholders:
- Should NDEQ consider additional changes to make Title 129 consistent with the federal NSR definition throughout?
 - Title V ?
 - State construction permit program?
 - Define PM2.5 similar to how PM10 is defined?
 - Anywhere else?



Title 129 Changes Under Consideration

- Update the definition of “solid waste”
 - LB203 changed the definition
 - Provided an exemption for “slag”
 - Consider language that conforms with LB203



Title 129 Changes Under Consideration

- Update National Ambient Air Quality Standards
 - PM2.5 standard effective March 2013
 - Annual health standard lowered from 15 $\mu\text{g}/\text{m}^3$ to 12 $\mu\text{g}/\text{m}^3$
 - Propose to conform to federal standard
 - Propose to update CFR reference to 2013 in Chap 4
 - Through 2012, all areas of Nebraska comply with the revised PM2.5 standard
 - More information see Ambient Air Quality Monitoring Publications under Focus on Air at our website at: <http://deq.ne.gov>



Title 129 Changes Under Consideration

- Chapter 18 - Update list of New Source Performance Standards & CFR reference to 2013
 - EPA promulgated 7 NSPS standards since 2009
 - Da – Electric Utility Steam Generating Units
 - Ga – Nitric Acid Plants
 - CCCC – Commercial & Industrial Solid Waste Incineration Units
 - DDDD – Emission Guidelines & Compliance Times for Existing Commercial & Industrial Solid Waste Incineration Units
 - LLLL – Sewage Sludge Incineration Units
 - MMMM – Emission Guidelines & Compliance Times for Existing Sewage Sludge Incineration Units
 - OOOO – Crude Oil & Natural Gas Production, Transmission & Distribution



Title 129 Changes Under Consideration

- Chapter 28 - Update list of National Emission Standards for Hazardous Air Pollutants & CFR reference to 2013
 - EPA promulgated 4 NESHAP standards since 2009
 - DDDDD – Industrial, Commercial & Institutional Boilers & Process Heaters (major sources)
 - UUUUU – Coal and Oil Fired Electric Utility Steam Generating Units
 - JJJJJ – Industrial, Commercial, & Institutional Boilers (area sources)
 - HHHHHH – Polyvinyl Chloride & copolymers production



Title 129 Changes Under Consideration

- Chapter 15 – provide language to permit “off permit” changes
 - Federal Title V program allows for certain changes to be made without requiring an operating permit revision
 - Title 129 currently does not allow for this
 - Consider language consistent with the federal program to allow for such changes
- Consider clarifying what information is needed to process change in ownership and/or facility name change



Title 129 Changes Under Consideration

- Chapter 34 – Updates & Clarifications to Performance Testing requirements
 - Current rule specifies 30 day advance notice for testing
 - Considering alternate language to allow for a different schedule if federal rule and guidance allows
 - Considering language to:
 - Allow tests to be conducted under alternative operating conditions
 - Clarify what may happen should a test be stopped
 - Provide 60 days to submit test report unless required by federal requirement to submit earlier



Title 129 Changes Under Consideration

- Chapter 5 – Low Emitter Program
 - Currently there is no Greenhouse Gas (GHG) low emitter program
 - Evaluate whether there is a need for one?
- Question for stakeholders?
 - Are there any out there who would benefit from a Low Emitter GHG program?



Summary of Next Steps

- Feedback needed on changes under consideration
 - Do you have input?
 - How do these potential changes affect you?
 - Quantification of any costs?
 - Quantification of any benefits?
 - Do you have thoughts on regulatory language?
- Suggestions for other changes welcome
- Feedback needed by August 9, 2013



THANK YOU



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