



Air Regulatory Updates

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NDEQ Environmental Update, Lincoln NE

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NDEQ revised process for Title 129 revisions

- Revisions proposed once per year in February
- Significant outreach on development of revisions

Last Title 129 revision December 9, 2013

- Revised chapters 4, 19, 22, & 28

Proposed revisions to EQC on February 6, 2014

- Revised chapters 1, 4, 15, 18, 20, 28, & 34
- Pending approval by the Governor



8-Hour Ozone NAAQS

EPA expected to propose revision in late 2014/early 2015

- Indications that proposal will lower standard to 60-70 ppb from current 75 ppb
- Current design values in eastern NE/western IA ~ 65-69 ppb
 - Omaha MSA design value = 69 ppb



Sulfur Dioxide (SO₂) NAAQS

SO₂ Standard Revised June, 2010

- Implemented 1-hour standard of 75 ppb
- Revoked annual and 24-hour standards

SO₂ Attainment/Nonattainment Designation

- State designations based upon monitoring & modeling
- Modeling/monitoring required for sources with large SO₂ emissions
 - Designation rule at “proposed rule” phase



Cross-State Air Pollution Rule

CSAPR Finalized July, 2011

- Focused on reducing pollution from upwind states
- Requires power plants to reduce ozone and PM_{2.5} precursors
 - Nebraska included to reduce NO_x and SO₂

CSAPR Challenged & vacated by Court of Appeals

- EPA petitioned & granted Supreme Court review
- Supreme Court remanded CSAPR - April 29, 2014

EPA will be providing further guidance



CAA requires improvement of visibility in Class 1 areas (national parks)

NDEQ submitted Regional Haze SIP in 2011

- Nebraska affected visibility at Wind Cave & the Badlands
- Required Best Available Retrofit Technology (BART)

EPA issued partial FIP for Nebraska in 2012

- Ruled SIP insufficient at Gerald Gentleman Station
- FIP utilized “CSAPR Better Than BART” rule
- FIP outcome pending CSAPR decision



NESHAP/NSPS Updates

Major Source Boiler Rules (NESHAP Subpart DDDDD) issued December 23, 2011

- EPA requested “voluntary remand” in March, 2014
 - Revisiting methodology for setting “MACT Floor”

New Residential Wood Heaters (Subparts AAA, QQQQ, & RRRR)

- Proposed Rule on February 3, 2014
- Updating emission limits, eliminating exemptions, & streamlining certification process



NESHAP/NSPS Updates (cont.)

Reciprocating Internal Combustion Engines (RICE) (NESHAP Subpart ZZZZ/NSPS JJJJ) issued January, 2013

- EPA issued Notice of Reconsideration in September, 2013 requesting comments on:
 - Operation conditions for 50 hours/year in non-emergency situations under financial arrangements with another entity
 - Timing of specific compliance and reporting requirements



NESHAP/NSPS Updates (cont.)

Oil & Natural Gas Storage Tanks NSPS (Subpart 0000)

- Final rule issued August, 2013
- Establish dates for installing VOC controls & alternative emission limits
- Streamline compliance monitoring
- Adjust requirements for submitting annual reports



NESHAP/NSPS Updates (cont.)

Petroleum Refineries NESHAP (Subpart CC)

- Final rule issued June, 2013
- Add additional monitoring options
- Revise the definition of “heat exchange system”
- Clarify monitoring requirements

Grain Elevator NSPS (Subpart DD)

- Proposed revision forthcoming...?



Greenhouse Gas Regulation

Supreme Court determined GHG is a pollutant in 2007

- Gave EPA authority to regulate GHG

EPA established higher permitting thresholds

- Called the “Tailoring Rule”
- Eliminated small sources from requiring a permit

Lawsuit challenged EPA’s authority to set alternative thresholds

- Supreme Court decision expected soon



Flint Hills Burning





Flint Hills Burning (continued)

Eastern Nebraska & other midwest states recorded PM_{2.5} exceedances in April, 2014

- Visible haze & smoke in air

Strong correlation with fires in Flint Hills in Kansas

- Annual grassland burning in Flint Hills in spring
 - Range management & restores native grasslands
- More burning & strong south winds in April, 2014



Flint Hills Burning (continued)

NDEQ in current discussions with EPA, surrounding states, & local agencies concerning PM_{2.5} exceedances

NDEQ has option to submit an “exceptional event” demonstration

- Would exclude data for nonattainment purposes
- Must prove that Nebraska would not have exceeded standard “but for” Flint Hills smoke
- Would require significant time & resources for an adequate demonstration



Carbon Pollution

EPA has proposed carbon pollution standards for new electric generating units (EGUs)

- Proposed under Section 111(b) of the CAA
- For more information, wait until this afternoon...

EPA is planning on releasing proposed guidelines for existing EGUs in June 2014

- Proposed under Section 111(d) of the CAA
- Guidelines for states to set & implement performance standards
- Content...?



Questions?

Thank you!

