

2011 Lincoln Air Update Workshop/Open Forum Q&A

The following questions and answers were read during the Lincoln Workshop Open Forum.

Question: Does EPA and NDEQ know the financial impact on industry every time a change is made to regulations?

Answer: The vast majority of the regulations in Title 129 originate from Federal regulations. Each time EPA promulgates a new rule, they perform a cost benefit analysis. This analysis may be found in the Regulatory Impact Analysis for each rule and will generally be summarized in the Fact Sheet for the rule in question. In assessing the costs, EPA will evaluate the cost to those subject to the rule. In regard to benefits, they are generally related to public health, e.g., reduced deaths, reduced emergency room visits, reduced work absences, etc. NDEQ is also required to do a Fiscal Impact Statement (FIS) with each regulatory package that goes before the Environmental Quality Council. The FIS will generally describe the impact to the regulated community, the implementing agencies, and any affected municipal governments. However, as mentioned above, most regulations originate from Federal regulations. As such, there will be no further burden on the sources in the state. That is, because these are national standards, a source is required to comply with them regardless of whether they are in Title 129. If NDEQ substantially deviates from the federal rule, making it more stringent, then NDEQ is required to conduct a thorough Fiscal Impact Analysis describing the economic impacts and the benefits of implementing the rule.

Question: If a source becomes a Title V source (Class I) solely because of Green House Gases (GHGs) emissions, is the source Title V for all criteria pollutants?

Answer: Yes, the criteria under the Title V program are based on the source's emissions. If any single pollutant, or group of pollutants (as in the case of total Hazardous Air Pollutants and GHGs), exceeds their respective criterion, then the source is major. Once a source is major, the Title V regulations apply to all pollutants.

Question: Is there going to be any funding for Clean Diesel projects this year?

Answer: Yes, NDEQ has received \$189,000 from EPA for this year's State Clean Diesel program. NDEQ will be launching a grant rebate program soon. The focus for this year's funding is a rebate for the purchase and installation of Auxiliary Power Units on Class 8 long haul trucks.

Question: When do you expect the emissions inventory to change, taking Greenhouse Gases (GHG) into account?

Answer: NDEQ expects to report the 2011 GHG emissions for inclusion to the emissions inventory due March 31, 2012.

Question: If the facility is not one of the 28 major source categories listed in Title 129, Chapter 2, Section 002.01 through 002.27, do they need to include fugitive emission calculations in the construction permit application?

Answer: Yes, all emissions must be calculated and addressed in the application. Although fugitive emissions are not added to the other emissions when determining permit applicability, total emissions (including fugitive emissions) would be included in the application fee determination and other aspects of the program.

Question: I have a non-road engine (e.g., a front-end loader) that is used daily within my facility. Is this to be included as an emission point in my application?

Answer: No, non-road engines are not permitted in the construction permits; however, NDEQ likes to have them identified in the Fact Sheet at the time of permitting so there is no confusion about the status of an engine during an inspection. Although a front-end loader is clearly a non-road engine, non-road status is always easier to discern for other engines.

Question: When an applicant submits a construction permit (CP) application for a modification to a previously issued construction permit, is the entire source-wide potential to emit (PTE) considered in determining applicability of regulations, or only the change in PTE from the previous CP to the modified CP?

Answer: We permit the project; therefore, the change in PTE for the source is what is used to determine applicability of regulations for the CP modification. However, the source-wide PTE is also calculated as it is taken into account when assessing application fees. Also, the source-wide PTE is used in determining if the existing source is a major source. At a major source (Chapter 19/Prevention of Significant Deterioration [PSD] source), the project emissions as calculated in accordance with the PSD regulations must not exceed the significance thresholds. If the existing source prior to the project is not a major source then the 'significance' thresholds are higher before the project would have to go through PSD review.

If you have any questions or comments, please contact Tim Kalb, Air Compliance Assistance Coordinator at 402-471-3139 or tim.kalb@nebraska.gov.