

REGIONAL HAZE BART – Key Issues For Consideration

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SSJF Meeting

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NSPS May Not Satisfy BART

- EPA proposing revision to “guidelines for BART under the 1980 visibility regulations”
 - Analytical process remains generally acceptable for conducting BART analyses for Reasonably Attributable BART, but...
 - EPA argues that recent plant retrofits have achieved lower emissions than applicable NSPS levels

Required Use of BART Guidelines

- EPA re-proposed 2001 BART guidelines, taking into account comments received in 2001;
 - May result in more uniform decisions, but...
 - Concern that such a proposal might limit State, Local, and Tribal discretion, which is inconsistent with *Corn Grower's* case.

Federal Register Vol 69. No. 87, Page 25187-25188

Pollutants To Be Addressed

- Proposal does not include Ammonia
 - EPA cites uncertainty about NH₃ data, and marginal effectiveness of reductions;
- Does this pre-empt Reasonably Attributable BART analysis for individual sources?
- Should permitting authorities retain discretion to include NH₃, based on data availability and reasonable progress needs?

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Pollutants to Be Addressed Cont.

- Proposal continues to include VOC
 - EPA's understanding of the relationship between VOC and PM_{fine} is evolving
 - Rationale may be based on rural vs. urban concept, but appears disjointed from NH_3 process
- Request a comprehensive and consistent approach for NH_3 , VOC, and PM?

BART De Minimis Levels

- Sources deemed to be BART-eligible for one pollutant are required to address BART for “any visibility-impairing” pollutant, regardless of emission rate.
 - EPA requests comment on whether or not de minimis levels (not to be greater than PSD significance levels) are appropriate to reduce burden on permitting authorities and sources

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Determining Which BART-Eligible Sources Are Subject to BART

- Option 1: All BART-Eligible Sources are subject to BART
 - Although this was explicitly not decided by the Corn Growers case, there is potential for future litigation
- Option 2: Using a cumulative approach, States can choose to demonstrate that none of the BART-Eligible Sources are subject to BART
 - Basis for a Regional Trading Program?

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Determining BART Eligible Sources Subject to BART Continued

- Option 3: States may choose to use individual exemptions
 - Political or legal concerns if source is exempted from Regional Haze BART, but included in a Cap & Trade program?
- Should there be a fourth option, allowing States the discretion to develop an alternative scheme?

Better-than-BART Determinations

- Should the guidelines more explicitly allow other reasonable progress factors to be considered when a better-than-BART determination is made? Examples include:
 - Cost of emissions controls
 - Time to implement
 - Energy impacts
 - Etc.

California Approach

- Should BART guidelines allow for an alternative approach where BART compliance can be demonstrated through evaluation of existing rules and permit conditions?
 - Could relieve burden on California, and other States with NH₃, VOC and PM issues

Visibility Impairment Trigger

- EPA has proposed a 0.5 deciview (dv) change in any 24 hour period as compared to “natural conditions” as the trigger for a BART analysis
 - Can the WRAP come to consensus on an appropriate number?

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Top Down Analysis

- Is a “BACT like” top-down analysis the most appropriate methodology for determining what constitutes BART?
 - EPA seeking comment on top-down approach, intermediate control approach, or floor-up approach

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Four Alternatives for Individual Source Exemption

- Alternatives include:
 - Screening assessment using CALPUFF;
 - Look-up tables based on CALPUFF screening;
 - Source Ranking; and
 - Emissions divided by distance (Q/D)
- Should these be used in lieu of, or perhaps as the first steps of an individual source exemption?
- Should one or all of the exemptions be available for permitting authorities to use?

Contents of WRAP Comments

- Should the WRAP comment?
 - It's likely the WRAP will pursue a better-than-BART alternative (e.g. Cap and Trade Program). Is there merit to continuing efforts to present comments on a process that may not be used?
- If the WRAP comments, should focus on consensus statements only
 - Controversial topics (e.g. dv changes) should be addressed outside the WRAP

Next Steps

- Week of June 7
 - Workgroup reconvenes to discuss results from June 2-3 SSJF meeting and develop consensus on comments
- By June 11
 - Concurrently circulate draft letter with comments to workgroup and SSJF for review and comment
 - Comments due by June 16
- By June 18
 - Revised draft comment letter circulated to IOC, AMC, and the Board for review and comment
 - Comments due by June 28
- By June 30
 - Draft letter finalized and prepared for signature
 - Final letter sent by July 6