



November 8, 2017



Nonattainment New Source Review Update

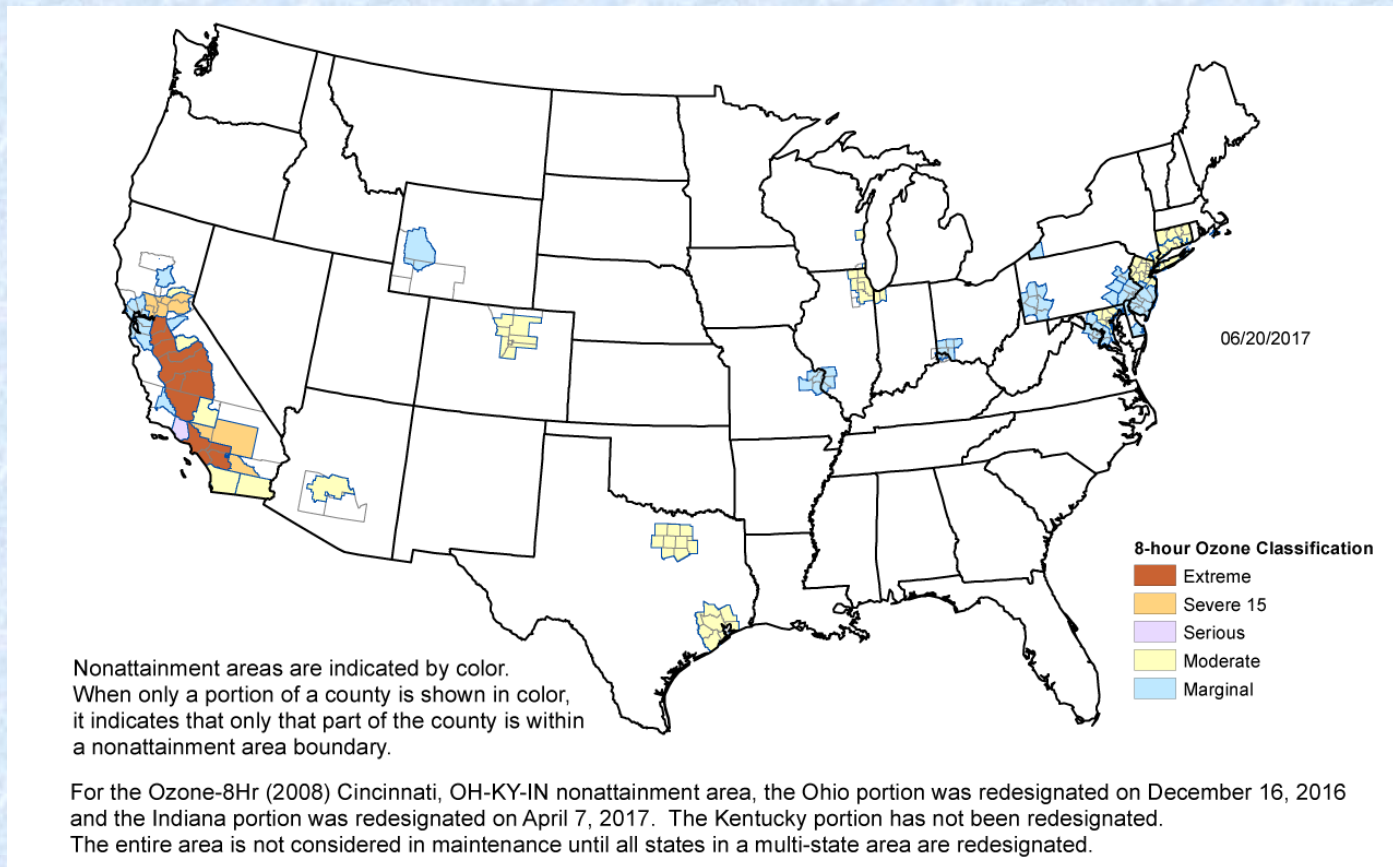
Presented by:
Paul Collins
Miller Canfield

Common Question for Projects That Will Be New Major Sources or Major Modifications

- **PSD or Nonattainment NSR?**
- **What does a shift in regulations mean for this project?**
- **How do I find offsets?**
- **Do I have to model pollutants for which I have offsets?**

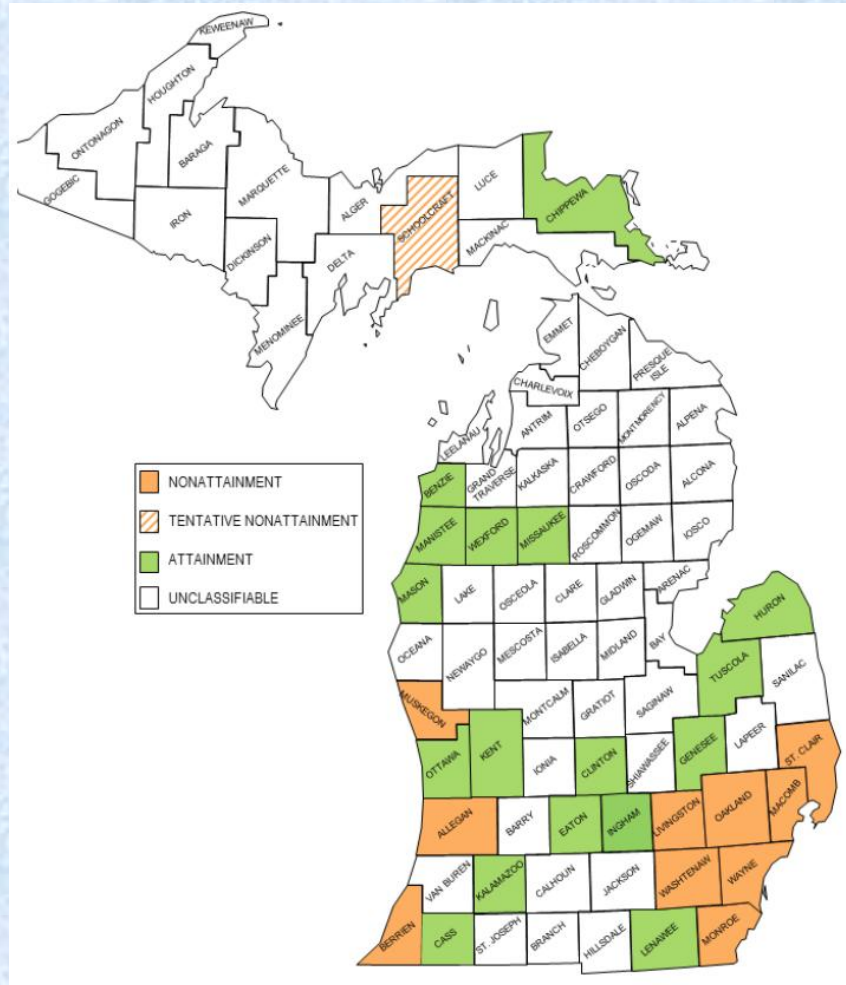
PSD or Nonattainment NSR?: Ozone Nonattainment Status Update

- Attainment Status for 2008 Ozone NAAQS



Ozone Nonattainment Status Update

- **Expected Attainment Status for 2015 Ozone NAAQS**



PSD or Nonattainment NSR?: Ozone Nonattainment Status Update

06/06/2017

News Releases from Headquarters

EPA to Extend Deadline for 2015 Ozone NAAQS Area Designations

8/02/2017

EPA does about-face on 2015 ozone designations

Agency will work with states on meeting new, lower ozone standards

On August 2, 2017, EPA announced that it would “move forward” with the 2015 ozone designations, reversing the Agency’s earlier decision to delay the deadline for the designations by one year.

PSD vs. NSR

- **PSD**
 - Best Available Control Technology (BACT) - \$\$\$ count.
 - Modeling demonstration (NAAQS & Increment).
 - Cannot adversely impact a Class I area.
- **Nonattainment NSR**
 - Alternative site and project analysis.
 - Lowest Achievable Emission Rate (LAER) - \$\$\$ do not count.
 - Emission offsets.
 - Compliance required for all stationary sources in same state.
- **Both Programs**
 - Public notice and hearing required.
 - Subject to judicial challenge.

Key Info for Nonattainment NSR Applications

Applicable Regulations?	
Locating Offsets?	
Contiguous Nonattainment Areas?	
Baseline Date?	
Who owns the offset?	

Simplifying NSR?

10/25/2017

Final Review on Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources Under Executive Order 13783

EPA believes opportunities exist to simplify the NSR application and permit process; to review ways to reduce the length of the permitting process; to review burdens created by the current emissions offsets structure; to improve relationships with the states; and to review the “once in, always in” policy to clarify the means by which a facility currently classified as a major source can become an area source.

Administrator Pruitt intends to convene an NSR Reform Task Force, details of which will be announced in a forthcoming agency memorandum.