



AQD Permitting Updates

- New Permitting Rules
 - NSR/Construction Permits at Major Sources
 - Projects with RAP > 10 TPY
 - 5 Permits Issued
- Minor Source Public Review

EPA Permitting Updates

- NSR Actual-to-Projected-Actual Applicability Test Memorandum
 - Memo Issued Dec. 7, 2017
 - EPA Would Not “Second-Guess” Industry Estimates of Projected-Actual Emissions
 - EPA Would Emphasize Post-Project Actual Emissions
 - Reconsidering Memo Direction

EPA Permitting Updates

- Fugitive Emissions
 - 2008 Rule Exempted Fugitive Emissions From “Major PSD Modification” Reviews
 - 2009 EPA Granted Petition
 - 2008 Rule Now Held In Abeyance
 - Currently, Fugitive Emissions Must Be Included In Major Modification Reviews



EPA Permitting Updates

- Sufficiency Of Minor Source Programs
 - 3 To 5 Year Plan To Address Issues:
 - Practical Enforceability
 - EPA Oversight Plan
 - Update Guidance Of Key Expectations
 - Address Public Participation



EPA Permitting Updates

- PTE And “Legally and Practicably” Enforceable Limits
- Original Question Came From “Once-In-Always-In” 40 CFR PART 63 Review
- Review Applies To NSR/Title V/NESHAPs
- Considering; Public Review, Emission Limit Types, Monitoring, Recordkeeping



EPA Permitting Updates

- August 31, 2022, EPA BACT Letter To Texas
 - Addresses Criteria To Be Used When Doing A BACT Review In A PSD Permit
 - Issue: Should Control Technologies Be Considered Even If Not Installed And Demonstrated To Work In Practice
 - Letter Clarifies EPA Position That Feasible Controls Must Be Evaluated Regardless Of Being Installed