

NYS Department of Environmental Conservation

Part 231: New Source Review for
New and Modified Facilities

& associated revisions to

Part 200: General Provisions

Part 201: Permits and Registrations

Part 231 Regulation Development

- Adopt a State, SIP-Approved NSR Program
 - Combine attainment and nonattainment requirements
- Incorporate federal NSR Reform provisions
 - Strengthen provisions of EPA's December 31, 2002 Reform Rule
- Address deficiencies in Dept's existing NNSR regulations

Part 231 Regulation Development (Con't)

- Associated Revisions to Parts 200 and 201 were necessary
 - RMRR definition added
 - Major Stationary Source definition modified

New Source Review (NSR) Overview

- Nonattainment New Source Review (NNSR)
 - Nonattainment areas: Requires new and modified sources to minimize emissions via LAER and obtain emission offsets
- Attainment NSR - Prevention of Significant Deterioration (PSD)
 - Attainment areas: Requires new and modified sources to minimize emissions via BACT and conduct Air Quality Modeling to determine impact of emissions

Outline of Part 231

- 231-1 and 231-2 Existing Nonattainment Regulations
- 231-3 General Provisions
- 231-4 Definitions
- 231-5 New Major Facilities and Mods to Existing Non-major Facilities in Nonattainment Areas and Attainment Areas of the State within the OTR
- 231-6 Mods to Existing Major Facilities in Nonattainment Areas and Attainment Areas of the State within the OTR

Outline of Revised Part 231, con't

- 231-7 New Major Facilities and Mod to Existing Non-major Facilities in Attainment Areas (PSD)
- 231-8 Modifications to Existing Major Facilities in Attainment Areas (PSD)
- 231-9 Plantwide Applicability Limitation
- 231-10 Emission Reduction Credits
- 231-11 Permit and Reasonable Possibility Requirements
- 231-12 Ambient Air Quality Impact Analysis
- 231-13 Tables and Emission Thresholds

Subpart 231-5 (Nonattainment NSR)

- New major facilities
 - LAER and emission offsets required
 - Permit with emission limits to enforce PTE
- Major modifications to existing non-major facilities
 - LAER and emission offsets required
 - Permit with emission limit to enforce PTE

Subpart 231-6 (Nonattainment NSR)

- Modifications that are less than significant
 - Comply with recordkeeping and/or monitoring requirements of 231-11.2 for insignificant modifications
- Modifications that do not have a significant net emission increase
 - Permit with emission limits to enforce creditable emission decreases (emission reduction credits) and the projected actual emissions
- Modifications that result in a significant net emission increase (NSR major mod)
 - LAER and emission offsets required
 - Permit with emission limits to enforce projected actual emissions

Subpart 231-7

(Attainment NSR – PSD)

- New major facilities
 - BACT and Ambient Air Quality Analysis
 - Permit with emission limits to enforce PTE
- Major modifications at existing non-major facilities
 - BACT and Ambient Air Quality Analysis
 - Permit with emission limits to enforce PTE

Subpart 231-8

(Attainment NSR – PSD)

- Modifications that are less than significant
 - Comply with recordkeeping and/or monitoring requirements of 231-11.2 for insignificant modifications
- Modifications that do not have a significant net emission increase
 - Permit with emission limits to enforce creditable emission decreases (emission reduction credits) and the projected actual emissions
- Modifications that result in a significant net emission increase (NSR major mod)
 - BACT and Ambient Air Quality Analysis
 - Permit with emission limits to enforce projected actual emissions

Subpart 231-9

- PALs allowed for existing major facilities only
- PAL emission limit
 - Level set at actual emissions plus threshold limit
 - 25% max reduction or BACT req'd in 6th year
- 10 year term (less if PAL is granted during mid term of Title V permit), 10 year renewal
- Renewals aligned with TV Permit process
- Specific monitoring and recordkeeping provisions

Subpart 231-10

- Emission Reduction Credits
 - Most existing ERC requirements have been retained
 - Now also required for attainment netting
 - PM_{2.5} ERCs can now be created
 - Eliminated requirement to retain 25% of the ERCs from emission unit or facility shutdown

Subpart 231-11

- Strengthens federal monitoring and recordkeeping requirements
- Sets forth specific permit requirements for new major facilities, NSR modifications and netting
- Includes Reasonable Possibility requirements for insignificant modifications

Subpart 231-12

- Incorporates federal PSD ambient air quality analysis requirements
- Specifies SILs for Attainment, Non-attainment, and Federal Class I areas

Subpart 231-13

- Establishes significant project thresholds for attainment and nonattainment contaminants
 - New thresholds for PM-2.5
 - 100 tpy for new major facilities
 - 10 tpy for significant modifications
- Retains 1 hour ozone designations and threshold levels

TRANSITION PLAN

- Subpart 231-2 will apply to applications determined complete on or after 11/15/92 and prior to the effective date of revised Part 231
- Subpart 231-3 through 231-13 will apply to applications determined complete on or after the effective date of revised Part 231
- Dual EPA/DEC PSD review until SIP approval of revised Part 231. Revised SIP under review by EPA.

Applicability and Non-applicability Ramifications (Permitting and/or Recordkeeping Obligations)

- New Major Facility
 - ❖ State Facility or Title V Permit
 - ❖ LAER and Emission Offsets
 - ❖ Enforceable PTE Permit Limit for all Applicable Contaminants
 - ❖ All Applicable Part 201 Recordkeeping & Monitoring Requirements & Applicable 231-11.1 Requirements

Applicability and Non-applicability Ramifications (Permitting and/or Recordkeeping Obligations - cont)

- NSR Major Modification
 - ❖ New State Facility or Title V Permit Mod
 - ❖ LAER and Emission Offsets
 - ❖ Enforceable PTE or Projected Actual Emissions Permit Limit for all Applicable Contaminants
 - ❖ All Applicable Part 201 Recordkeeping & Monitoring Requirements & applicable 231-11.1 Requirements

Applicability and Non-applicability Ramifications (Permitting and/or Recordkeeping Obligations - cont)

- NSR Netting
 - ❖ Applies only to existing major facilities
 - ❖ New State Facility or Title V Permit Mod
 - ❖ Enforceable PTE or Projected Actual Emissions Permit Limit for Modification Applicable Contaminants
 - ❖ Approved ERCs & Use of ERC Forms for any Reductions used
 - ❖ All Applicable Part 201 Recordkeeping & Monitoring Requirements & applicable 231-11.1 Requirements

Applicability and Non-applicability Ramifications (Permitting and/or Recordkeeping Obligations - cont)

- Insignificant Modifications – Reasonable Possibility Requirements (231-11)
 - ❖ Requirements do not apply if PTE is used in lieu of PAE in determining PEP
 - ❖ PEP less than 50% of applicable significant project threshold but equals or exceeds 50% if independent or unrelated emissions increases (ex. demand growth) are included, or if PEP equals or exceeds 50% but is less than the applicable significant project threshold and independent or unrelated emissions increases are not part of the modification
 - Application to modify permit under minor permit provisions of Subpart 201-6 required
 - Specific recordkeeping, monitoring & submission of annual report required

Applicability and Non-applicability Ramifications (Permitting and/or Recordkeeping Obligations - cont)

- Insignificant Modifications – Reasonable Possibility Requirements
 - ❖ PEP less than 50% of applicable significant project threshold if independent or unrelated emissions increases (ex. demand growth) are not part of modification or if PEP is less than 50% with inclusion of independent or unrelated emissions increases
 - Specific recordkeeping required for a minimum of five years

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