



AIR & WASTE MANAGEMENT
ASSOCIATION

MISSISSIPPI CHAPTER
SOUTHERN SECTION



A&WMA Southern Section Meeting

Mississippi Air Update

September 28, 2018

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2015 Ozone NAAQS

November 6, 2017: EPA designated Mississippi (all 82 counties) unclassifiable/attainment

- Published in FR November 16, 2017
- Effective January 16, 2018

Monitor ozone March 1-October 31

- NCORE site in Jackson monitors year round

Ozone forecast April 1 – October 31

Mississippi 8-Hour Ozone 2015-2018

County	2015	2016	2017	2018*	3-Year Average 2015 – 2017	3-Year Average 2016 – 2018*
Bolivar	63	64	59	69	62	64
DeSoto	61	66	60	69	62	65
Hancock	61	61	60	65	60	62
Harrison	67	63	64	68	64	65
Hinds NC	61	60	59	64	60	61
Hinds CC	63	63	59	68	61	63
Jackson	65	62	64	67	63	64
Lauderdale	56	58	55	62	56	58
Lee	58	61	55	60	58	58
Yalobusha	56	57	53	55	55	55

*Incomplete Data

NC - NCORE Multipollutant Site | Hinds CC – Com College

SO₂ Data Requirements Rule (DRR) - Background

June 22, 2010: EPA revised primary 1-hour SO₂ NAAQS

August 5, 2013: EPA made initial designations (Round 1)

- EPA made no designation for MS due to lack of information.
- Sierra Club sued EPA for failure to meet the obligation to designate all areas within 3 years of promulgating a new NAAQS.

March 2, 2015: Effective date of EPA's SO₂ consent decree.

- Round 2 - Areas with largest SO₂ sources
 - Lamar Co. designated unclassifiable/attainment on June 30, 2016 (published in Federal Register July 12, 2016 and effective September 12, 2016)
- Round 3 & 4 designations to be handled through the DRR

SO₂ Data Requirements Rule (DRR)

August 21, 2015: Final DRR published in FR

- Sources with >2,000 tpy of actual SO₂ emissions in 2015
- Round 3 sources must characterize ambient SO₂ levels through modeling or a federally enforceable emission limit
- Round 4 sources must characterize ambient SO₂ levels through monitoring

Round 3

- 5 sources (Choctaw, Harrison, Jackson, and Rankin Counties)
 - 1 shut down
 - 2 took federally enforceable permit limits to limit SO₂ below 2,000 tpy.
 - 2 modeled – results demonstrate attainment
 - Choctaw & Jackson Counties
- Remaining MS counties (81) designated unclassifiable/attainment on December 21, 2017 (published in Federal Register January 9, 2018 and effective April 9, 2018)

SO₂ Data Requirements Rule (DRR)

Round 4

- No Round 4 sources in Mississippi
- Designations due by December 31, 2020 for 50 remaining areas across the country

What's Next - Reporting

- State reports to EPA annually by July 1 for areas designated attainment based on modeling -
 - Lamar Co.
 - Choctaw Co.
 - Jackson Co.
- Assess whether emissions have changed in a manner warranting new modeling
 - Evaluations so far have shown that emissions are at or below the modeled rates.

Start-up, Shutdown, Malfunction (SSM) SIP Call

May 22, 2015: EPA issued a SIP call to 45 state and local agencies to correct inadequacies regarding SSM provisions. (Published in Federal Register on June 12, 2015)

- **Petition for rulemaking filed by the Sierra Club on June 30, 2011**
- **EPA's 2015 revision to their SSM policy for SIP provisions**

Mississippi Actions:

- **November 10, 2016: Commission adopted proposed amendments to 11 Miss. Admin. Code, Pt. 2, Ch. 1 and a proposed revision to the State Implementation Plan (SIP)**
 - **These changes simply further clarified how we already handle SSM**
- **November 17, 2016: Submitted the proposed SIP revision to EPA**

Status:

- **Awaiting EPA approval**
- **Party to a pending lawsuit calling for SIP call vacatur since 2015**
 - **Status unknown**
 - **Outcome likely irrelevant**
- **Implementing the revised regulation since the adoption in 2016**

111(d) - Clean Power Plan

EPA Published the Proposed Affordable Clean Energy Rule (ACE) to replace the Clean Power Plan on August 31, 2018

Comment period ends October 31, 2018

ACE Components

- **Emissions Guidelines**
- **New implementation rules for 111(d)**
- **Revision to New Source Review regulations**

Mississippi still reviewing proposal and having discussions with stakeholders, but in agreement with the direction of the proposal.

Lawsuits for CPP emission guidelines and NSPS for EGUs are still pending

Once-In-Always-In Policy

Old EPA Way of Thinking

- **May 16, 1995 EPA Memo**
 - “Potential to Emit for MACT Standards – Guidance on Timing Issues”
 - a.k.a. the May 1995 Seitz Memo
 - To avoid an applicable MACT standard, a facility **MUST** take measures to limit PTE below the major source thresholds **PRIOR** to the compliance date of the rule.

New EPA Way of Thinking

- **January 25, 2018 EPA Memo**
 - “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act
 - A source can take an enforceable limit on its PTE **ANYTIME** to become an area source and get out of major source MACT provisions.

Mississippi has not seen a large impact from this change

EPA plans to issue a FR notice to take comment on adding regulatory text to reflect the new policy

Litigation

- **On March 26, 2018, a coalition of environmental groups filed a petition for review in the D.C. Circuit Court**

For more information

- **www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean**

Risk Management Program (RMP) changes

Applies to facilities that have over a Threshold Quantity (TQ) of a listed substance.

Mississippi has approximately 150 subject facilities.

January 13, 2017: Final RMP amendments published in the FR.

- **West Fertilizer explosion in West, Texas on April 17, 2013**
- **Executive Order 13650 signed on August 1, 2013 required EPA and other agencies to consider whether changes to existing chemical safety and security regulations were necessary.**

February/March 2017: EPA received and granted petitions for reconsideration of the amendments based on inadequate comment period.

- **Comment period closed 2 days after ATF ruled Texas explosion was intentional.**
- **Significant changes from proposal to final with no additional comment period.**

June 14, 2017: Stay of amendments published in the FR.

- **Effective date is February 19, 2019**

RMP Changes

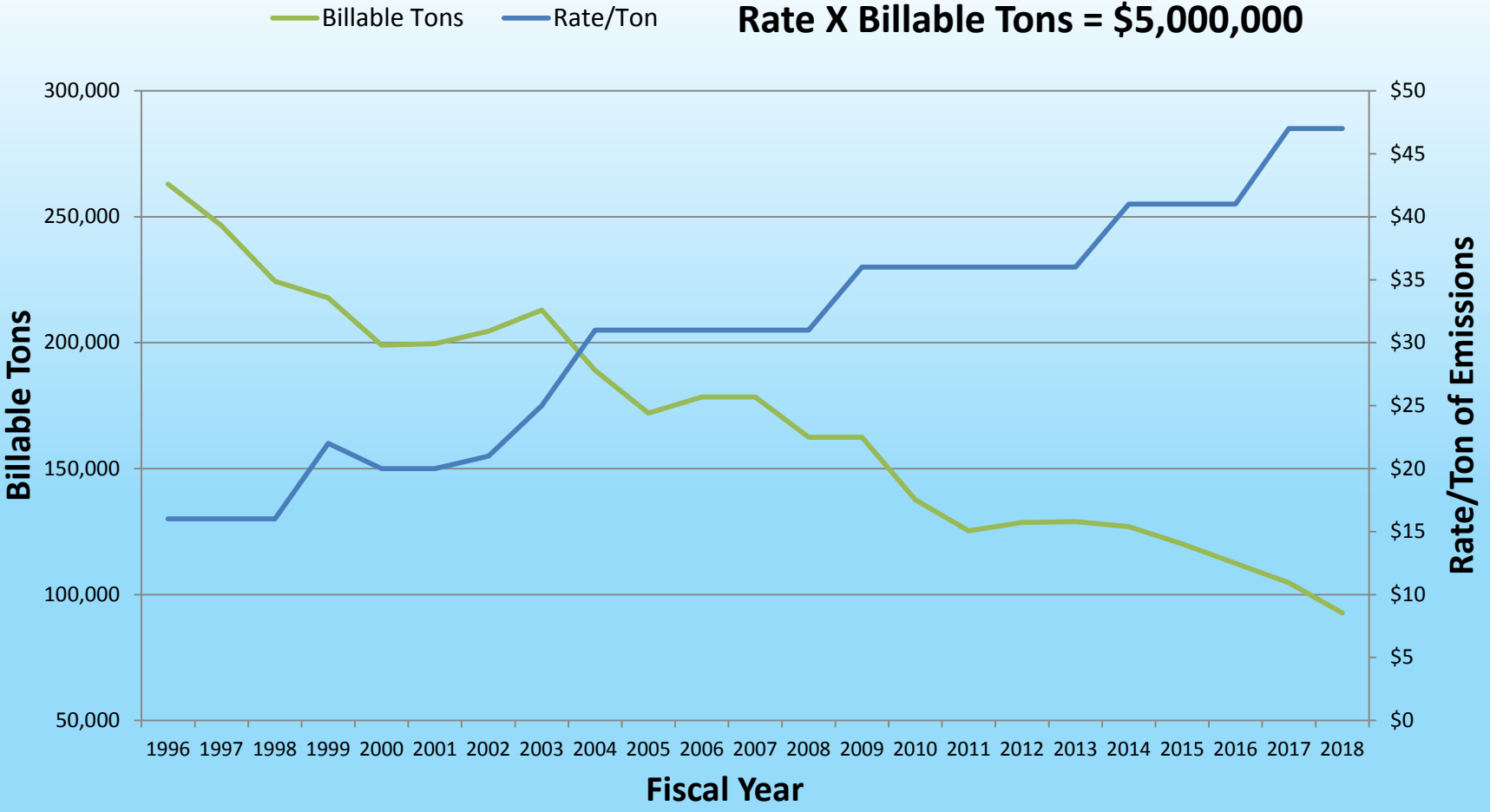
- **May 30, 2018 EPA proposed reconsideration of the RMP amendments**
- **August 17, 2018 DC Court of Appeals issued a decision vacating the June 2017 stay of the final RMP amendments.**
- **September 21, 2018, the U.S. Court of Appeals for the D.C. Circuit issued its mandate for the vacatur of the RMP Delay rule, which makes the 2017 RMP Amendments rule now effective.**
 - **Some provisions of the rule require current compliance while others require compliance in the future.**
- **For more information:**
<https://www.epa.gov/rmp/risk-management-plan-rmp-delay-rule-vacatur>

Risk Management Program (RMP) – EPA Initiatives

General Duty Clause [112(r)(1) of CAA] Inspections

- Any facility with a regulated or extremely hazardous substance on site is subject
 - EPA's Consolidated List of Lists is a start (CAA, EPCRA, CERCLA)
- Authority is retained by EPA
 - not delegable
- EPA inspections usually based on industry wide initiative
 - Focus is often RAGAGEP, hazard assessment, release prevention, and emergency response
 - Expect an industry expert in attendance
- www.epa.gov/rmp/general-duty-clause-under-clean-air-act-section-112r1

Title V Fee Trends



Thoughts on the Trends

Billable tons continues to decrease

Would like to have flexibility in funding

- **Adequate funding long term**
- **Equitable funding**
 - **More than half of TV facilities pay less than what it takes staff to write and enforce a basic Title V permit**

Any deviation from $\text{RATE} \times \text{BILLABLE TONS} = \text{TITLE V REVENUE}$ would require a statute change

The Title V advisory council proposed revisions to the Statute in 2018, but did not make it through the legislature. They plan to propose again next year.

Title V Fees - Important Dates

April (first week): AERFs mailed to TV facilities

July 1: AERF must be submitted (i.e. postmarked) to MDEQ

- Completed – put a number in every blank
- Signed by RO/DAR
- Supporting calculations included
- If late, fee will be based on allowable emissions
- No exceptions or extensions to this due date will be granted

August 1: Title V Fee invoices are mailed

September 1: Full or 1st quarter payment due

October 1: Late fees are assessed

VW Settlement

- Mississippi DEQ designated as Lead Agency
- MDEQ held meetings for public input in April and May and took public comment through May
- Mitigation Plan has been drafted and being reviewed in house
- We plan to go to Public Notice when review has been completed
- Overall idea is to have periodic request for proposals to solicit projects
- We will evaluate the submittals and award the projects
- We do not plan to exclude any of the allowable categories.
- Plan to be able to issue first request beginning of 2019

Air Monitoring Issues

- EPA Completed TSA of the Air Monitoring Program earlier this year
- Air Monitoring working on QAPPs
- Moving to Continuous PM2.5 monitors except for 2 sites required by EPA
- Changing from in-House PM2.5 lab to contract lab.