

The background features several large, overlapping, curved shapes in shades of green, purple, and light blue. Scattered throughout are numerous small, yellow, triangular shapes, some pointing towards the center and others pointing outwards, creating a dynamic and celebratory feel.

# **Update on New Source Review Activities**

**CAPCA**

**October 21, 2005**



# NSR Reform – December 2002

- Upheld by D.C. Circuit Court of Appeals
  - Baseline Actual Emissions
  - Actual-to-Projected-Actual Applicability Test
  - Plantwide Applicability Limits (PAL)
- Vacated by D.C. Circuit Court of Appeals
  - Clean Unit Test
  - Pollution Control Project Exclusion
- Requested Rehearing on Clean Units and effective date for decision on PCPs
- Processing SIP submittals which incorporate the rules



## Equipment Replacement Provision NSR Reform – October 2003

- Equipment replacements that are like-for-like or functionally equivalent, are below 20 percent of the cost of the unit and do not exceed basic design parameters are routine maintenance
- ERP rule is stayed by Court
- Litigation Schedule
  - Briefs already filed by opponents of rule
  - EPA Response due November 20, 2005

# NSR Applicability for Electric Utilities (Proposed October 20, 2005)

- Propose three alternatives for electric utilities estimating emission increases
  - Maximum achievable emissions per hour
  - Maximum achieved emissions per hour
  - Output-based hourly emissions
- Additional items for comment
  - Eliminate netting
  - Eliminate significant increase
- Comment deadline – December 19, 2005
- Will be publishing a supplemental notice with regulatory language and additional technical data



# Priority Rulemakings

- Notice of data availability – NO<sub>2</sub> Increments and Clean Air Interstate Rule
- Debottlenecking and Aggregation Rule
- Potential to Emit Rule (NSR, Title V and Section 112)
- Phase II 8-hour Ozone Implementation
- PM<sub>2.5</sub> Implementation
- Tribal NSR Rule
- Appendix S
- Remand on Reasonable Possibility



# Litigation and Related Activities

- Newmont Mining Reconsideration (Fugitive Emissions)
- D.C. Circuit Court Appeals (Clean Unit and effective date of PCP decision)
- Decision on appeal of 4<sup>th</sup> Circuit Court of Appeals Duke Decision
- Ozone Implementation Phase I
- Equipment Replacement Provision



# Issues and other Activities

- NAS Study of Impacts of NSR Reform (January 2006)
- CAAAC Title V Task Force Report (March 2006)
- WESTAR Recommendations on Increment Analysis
- Policy on IGCC
- Energy Bill and Refineries