The US EPA GHG Tailoring Rule – The Actual Regulatory Language

Actual Changes to Federal PSD Rule

- 40 CFR 52.21(b), “Definitions,” is amended:
  - By adding paragraph (b)(49);
  - By revising paragraph (b)(50)(iv); and
  - By adding paragraph (b)(50)(v).

40 CFR 52.21(b)(49)

- (49) Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:
  - [continued on next slides…]

40 CFR 52.21(b)(49) – (i) and (ii)

- (i) Greenhouse gases (GHGs), the air pollutant defined in §86.1818-12(a) of this chapter as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraphs (b)(49)(iv) through (v) of this section.
- (ii) For purposes of paragraphs (b)(49)(iii) through (v) of this section, the term tpy CO2 equivalent emissions (CO2e) shall represent an amount of GHGs emitted, and shall be computed as follows:
  - (a) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of part 98 of this chapter – Global Warming Potentials.
  - (b) Sum the resultant value from paragraph (b)(49)(ii)(a) of this section for each gas to compute a tpy CO2e.,

Global Warming Potentials (GWP) for Regulated GHGs

- 40 CFR 52.21(b)(49)(ii):
  - For purposes of paragraphs (b)(49)(iii) through (v) of this section, the term tpy *CO2 equivalent emissions (CO2e)* shall represent an amount of GHGs emitted, and shall be computed as follows:
    - (*a*) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of part 98 of this chapter—Global Warming Potentials.
    - (*b*) Sum the resultant value from paragraph (b)(49)(ii)(*a*) of this section for each gas to compute a tpy CO2e.
- GWPs
  - Carbon dioxide (CO_2) = 1
  - Methane (CH_4) = 21
  - Nitrous oxide (N_2O) = 310
  - Hydrofluorocarbons (HFCs) = varies
  - Perfluorocarbons (PFCs) = varies
  - Sulfur hexafluoride (SF_6) = 23,900

TABLE A–1 TO SUBPART A OF PART 98—GLOBAL WARMING POTENTIALS (GWP) [100-Year Time Horizon]

Name	CAS No.	Chemical formula	GWP (100 yr.)
Carbon dioxide	124–38–9	CO_2	1
Methane	74–82–8	CH_4	21
Nitrous oxide	10024–97–2	N_2O	310
HFC–23	75–46–7	CHF_3	11,700
HFC–32	75–10–5	CH_2F_2	650
HFC–41	593–53–3	CH_3F	150
HFC–125	354–33–6	C_2HF_5	2,800
HFC–134	359–35–3	$C_2H_2F_4$	1,000
HFC–134a	811–97–2	CH_2FCF_3	1,300
HFC–143	430–66–0	$C_2H_3F_3$	300
HFC–143a	420–46–2	$C_2H_3F_3$	3,800
HFC–152	624–72–6	CH_2FCH_2F	53
HFC–152a	75–37–6	CH_3CHF_2	140
HFC–161	353–36–6	CH_3CH_2F	12
HFC–227ea	431–89–0	C_3HF_7	2,900
HFC–236cb	677–56–5	$CH_2FCF_2CF_3$	1,340
HFC–236ea	431–63–0	CHF_2CHFCF_3	1,370
HFC–236fa	690–39–1	$C_3H_2F_6$	6,300
HFC–245ca	679–86–7	$C_3H_3F_5$	560
HFC–245fa	460–73–1	$CHF_2CH_2CF_3$	1,030
HFC–365mfc	406–58–6	$CH_3CF_2CH_2CF_3$	794
HFC–43–10mee	138495–42–8	$CF_3CFHCFHCF_2CF_3$	1,300
Sulfur hexafluoride	2551–62–4	SF_6	23,900
Trifluoromethyl sulphur pentafluoride	373–80–8	SF_5CF_3	17,700
Nitrogen trifluoride	7783–54–2	NF_3	17,200
PFC–14 (Perfluoromethane)	75–73–0	CF_4	6,500
PFC–116 (Perfluoroethane)	76–16–4	C_2F_6	9,200
PFC–218 (Perfluoropropane)	76–19–7	C_3F_8	7,000
Perfluorocyclopropane	931–91–9	$C\text{-}C_3F_6$	17,340
PFC–3–1–10 (Perfluorobutane)	355–25–9	C_4F_{10}	7,000
Perfluorocyclobutane	115–25–3	$C\text{-}C_4F_8$	8,700
PFC–4–1–12 (Perfluoropentane)	678–26–2	C_5F_{12}	7,500
PFC–5–1–14 (Perfluorohexane)	355–42–0	C_6F_{14}	7,400
PFC–9–1–18	306–94–5	$C_{10}F_{18}$	7,500
HCFE–235da2 (Isoflurane)	26675–46–7	$CHF_2OCHClCF_3$	350
HFE–43–10pccc (H–Galden 1040x)	E1730133	$CHF_2OCF_2OC_2F_4OCHF_2$	1,870
HFE–125	3822–68–2	CHF_2OCF_3	14,900
HFE–134	1691–17–4	CHF_2OCHF_2	6,320
HFE–143a	421–14–7	CH_3OCF_3	756
HFE–227ea	2356–62–9	$CF_3CHFOCF_3$	1,540
HFE–236ca12 (HG–10)	78522–47–1	$CHF_2OCF_2OCHF_2$	2,800
HFE–236ea2 (Desflurane)	57041–67–5	$CHF_2OCHFCF_3$	989
HFE–236fa	20193–67–3	$CF_3CH_2OCF_3$	487
HFE–245cb2	22410–44–2	$CH_3OCF_2CF_3$	708
HFE–245fa1	84011–15–4	$CHF_2CH_2OCF_3$	286
HFE–245fa2	1885–48–9	$CHF_2OCH_2CF_3$	659
HFE–254cb2	425–88–7	$CH_3OCF_2CHF_2$	359
HFE–263fb2	460–43–5	$CF_3CH_2OCH_3$	11
HFE–329mcc2	67490–36–2	$CF_3CF_2OCF_2CHF_2$	919
HFE–338mcf2	156053–88–2	$CF_3CF_2OCH_2CF_3$	552
HFE–338pcc13 (HG–01)	188690–78–0	$CHF_2OCF_2CF_2OCHF_2$	1,500
HFE–347mcc3	28523–86–6	$CH_3OCF_2CF_2CF_3$	575
HFE–347mcf2	E1730135	$CF_3CF_2OCH_2CHF_2$	374
HFE–347pcf2	406–78–0	$CHF_2CF_2OCH_2CF_3$	580
HFE–356mec3	382–34–3	$CH_3OCF_2CHFCF_3$	101
HFE–356pcc3	160620–20–2	$CH_3OCF_2CF_2CHF_2$	110
HFE–356pcf2	E1730137	$CHF_2CH_2OCF_2CHF_2$	265
HFE–356pcf3	35042–99–0	$CHF_2OCH_2CF_2CHF_2$	502
HFE–365mcf3	378–16–5	$CF_3CF_2CH_2OCH_3$	11
HFE–374pc2	512–51–6	$CH_3CH_2OCF_2CHF_2$	557
HFE–449sl (HFE–7100)	163702–07–6	$C_4F_9OCH_3$	297
Chemical blend	163702–08–7	$(CF_3)_2CFCF_2OCH_3$	
HFE–569sf2 (HFE–7200)	163702–05–4	$C_4F_9OC_2H_5$	59
Chemical blend	163702–06–5	$(CF_3)_2CFCF_2OC_2H_5$	
Sevoflurane	28523–86–6	$CH_2FOCH(CF_3)_2$	345
HFE–356mm1	13171–18–1	$(CF_3)_2CHOCH_3$	27
HFE–338mmz1	26103–08–2	$CHF_2OCH(CF_3)_2$	380
(Octafluorotetramethy-lene)hydroxymethyl group	NA	$X\text{-}(CF_2)_4CH(OH)\text{-}X$	73
HFE–347mmy1	22052–84–2	$CH_3OCF(CF_3)_2$	343
Bis(trifluoromethyl)-methanol	920–66–1	$(CF_3)_2CHOH$	195
2,2,3,3,3-pentafluoropropanol	422–05–9	$CF_3CF_2CH_2OH$	42
PFPMIE	NA	$CF_3OCF(CF_3)CF_2OCF_2OCF_3$	10,300

List of Global Warming Potentials (GWP) from Table A-1 to Subpart A of 40 CFR Part 98

40 CFR 52.21(b)(49) – (iii)

- (iii) The term emissions increase as used in paragraphs (b)(49)(iv) through (v) of this section shall mean that both a significant emissions increase (as calculated using the procedures in paragraph (a)(2)(iv) of this section) and a significant net emissions increase (as defined in paragraphs (b)(3) and (b)(23) of this section) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as 75,000 tpy CO2e instead of applying the value in paragraph (b)(23)(ii) of this section.

40 CFR 52.21(b)(49) – (iv) and (v)

- (iv) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:
  - (a) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO2e or more; or
  - (b) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO2e or more; and,
- (v) Beginning July 1, 2011, in addition to the provisions in paragraph (b)(49)(iv) of this section, the pollutant GHGs shall also be subject to regulation
  - (a) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO2e; or
  - (b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO2e or more.

40 CFR 52.21(b)(50)

- 40 CFR 52.21(b)(50)(iv) and (v) used to say:
  - (iv) Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112(b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.
  - (v) [Reserved]
- Now says:
  - (iv) Any pollutant that otherwise is subject to regulation under the Act as defined in paragraph (b)(49) of this section.
  - (v) Notwithstanding paragraphs (b)(50)(i) through (iv) of this section, the term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

40 CFR 70.2

- Section 70.2 is amended:
  - By revising the introductory text of paragraph (2) of the definition for ‘‘major source’’
    - Simply inserted “subject to regulation” into the definition for “major source”
  - By adding a definition for ‘‘Subject to regulation’’

40 CFR 70.2 "Major Stationary Source"

- Paragraph (2) of this definition used to say:
  - (2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
- It now says:
  - (2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits, or has the potential to emit, 100 tpy or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

40 CFR 70.2 “Subject to Regulation”

- Subject to regulation means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of this chapter, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:
  - (1) Greenhouse gases (GHGs), the air pollutant defined in § 86.1818–12(a) of this chapter as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO2 equivalent emissions.
  - (2) The term tpy CO2 equivalent emissions (CO2e) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table A–1 to subpart A of part 98 of this chapter—Global Warming Potentials, and summing the resultant value for each to compute a tpy CO2e.