

### **Greenhouse Gas Permitting Officially Begins January 2011**

Greenhouse gas (GHG) emissions are now formally considered regulated air pollutants under the Clean Air Act (CAA) because of the final light duty vehicles rules that were issued April 1, 2010 by EPA and US DOT. The final rules increase the Corporate Average Fuel Economy (CAFÉ) standards and set GHG emission reductions by 2016. By regulating GHG emission from motor vehicles, EPA has defined GHG emissions as a regulated air pollutant under the CAA, impacting other regulatory programs such as Prevention of Significant Deterioration (PSD) and Title V Permitting.

Therefore, starting January 2, 2011, all new and modified major sources of GHG will be required to obtain the necessary PSD preconstruction permits and evaluate Best Available Control Technology (BACT) for GHG emissions, as detailed in the formal reconsideration of the December 2008 “Johnson Memo”, finalized by EPA March 29, 2010. The reconsideration also addresses GHGs under the Title V program, where GHGs will be subject to Title V requirements as of January 2, 2011 as well.

The implementation of GHG permitting remains uncertain. The September 30, 2009 draft Tailoring Rule proposed major source thresholds at 25,000 tons/yr; however, there is talk of an emission threshold of 75,000 tons/yr or higher. There is also talk that for sources major only for GHG emissions under PSD, these sources may not have to obtain PSD permits initially. EPA is further promising to issue guidance on BACT determination for GHGs.

More information outlining this approach and timeline can be found at:  
<http://www.epa.gov/nsr/guidance.html>