

## Potential Major Source Applicability of Greenhouse Gases (GHGs)

On January 2, 2011, pursuant to actions taken by the USEPA, Greenhouse Gases (GHGs) became a regulated pollutant under the major NSR program. To avoid having unreasonably low applicability thresholds, EPA, on December 13, 2010, promulgated a Prevention of Significant Deterioration (PSD) rule revision (“[the Tailoring Rule](#)”) that sets unique major stationary source and major modification applicability thresholds for GHGs. The DAQ has revised (as of June 2011) our PSD Implementation Rule - [45CSR14](#) - to incorporate the provisions of the Tailoring Rule.

~~As of July 1, 2011, GHGs can alone trigger PSD review. DAQ is now analyzing new and modified sources for their potential applicability to PSD for GHG emissions. The threshold for new sources is 100,000 tons per year (TPY) of CO<sub>2</sub>e (a weighted aggregate of the six identified GHGs) and 75,000 TPY of CO<sub>2</sub>e for modified sources. Please see the applicability tables on the following page for a complete list of GHGs, the estimated Global Warming Potential of each, and relevant applicability thresholds. It is important to note that EPA has stated that if the actual construction of a project (new source or modification) commences after July 1, 2011, it must be evaluated under the applicability thresholds of that date even if the permit for that project was issued prior to July 1.~~

Also, as with other pollutants, where the potential-to-emit (PTE) of GHGs would naturally exceed the PSD applicability thresholds and applicants request it, we will be issuing GHG synthetic minor permits. These will be minor source (45CSR13) permits with enforceable GHG limits below major source applicability thresholds.

EPA has provided GHG permitting training and guidance on their website. It is strongly encouraged that all applicants with large sources of GHGs review this guidance prior to submitting a permit application. These include a large guidance [document](#), a series of presentation [slides](#), and a series of [web slides with narration](#).

To facilitate expedited permitting of your application, please include emissions estimates of GHGs and associated calculations for both your existing facility and associated with the proposed modification (if applicable, and based on the methodology as given under 45CSR14).

If you have any permitting questions concerning GHGs, please contact:

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### **\*\*\*Update: 8/25/14\*\*\***

On June 23, 2014 in *Utility Air Regulatory Group v. Environmental Protection Agency*, the Supreme Court of the United States (SCOTUS) ruled that GHGs alone could no longer define a source as a “major stationary source” or a modification as a “major modification” for the purposes of PSD review. However, SCOTUS confirmed that if a traditional pollutant triggers PSD review, GHGs will still be subject to PSD review if the emissions of CO<sub>2</sub>e exceed a *de minimis* level (currently still defined at 75,000 TPY). Pursuant to [USEPA guidance](#), WVDAQ will be abiding by this ruling and, upon further action by the courts and USEPA, will make the appropriate changes to 45CSR14. The obsolete GHG applicability tables have been removed to avoid confusion. Additionally, note that the GHG Gross Warming Potentials have been revised and are located at [40 CFR 98, Subpart A, Table A-1](#).

