Changes to Title V Permits

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How do we incorporate changes?

• Revisions of Title V permits
  – Significant Permit Modifications
  – Minor Permit Modifications
  – Administrative Permit Amendments
  – Reopenings

• Off Permit Procedure
Significant Permit Modification (SPM)
In Summary

SPM is used for significant changes to the Title V that typically include:

• Changes in existing units such as emissions increases above Title I modification levels and/or significant changes to MRR.

• Incorporating new units that qualify as a Title I modification.

Additional requirements must be met: see example for qualifying criteria
What is considered a Title I modification?

1. NSPS Sources – existing sources only
   - If it meets the definition of a modification as defined in 40 CFR 60.14

2. HAPs Sources – existing and new sources
   - If the PTE increases and it is considered a construction or reconstruction of a major source of HAPS as defined in 40 CFR 63.4, or
   - If the PTE for HAPS increases but it is not considered a reconstruction, however, now a MACT is applicable to the source category

Significant Permit Modification
What is considered a Title I modification cont?

3. PSD Sources – existing and new sources
   - If it meets the definition of a major modification under Part C of Title I (PSD) and, therefore, a PSD PTI is required

4. Nonattainment Area Sources – existing and new sources
   - If it meets the definition of a major modification under Part D of Title I (Nonattainment Areas) and, therefore, will require a major nonattainment new source PTI which includes obtaining air emission offsets

Significant Permit Modification
Procedures

- Issued draft, PP (preliminary proposed), P (proposed) and final.

- Public comment is afforded only to those parts of the permit affected by the change.

Significant Permit Modification
When can the facility begin the change?

When operation of the change can begin depends on the answer to the following question:

Would the operation of the change requested, in any way, be prohibited by the current Title V permit?

- **YES**
  - Operation cannot begin until the SPM is issued final

- **NO**
  - Immediately after receiving the PTI, but the permittee must apply for the SPM within the 1 year period required by the PTI

Significant Permit Modification
## Qualifying Tests

1. Does not qualify for a MPM or APA, i.e., Title I modifications
2. Relaxation of reporting or record keeping
3. Significant change in monitoring

## Example

8 years ago, in order to avoid a PSD permit for VOC emissions, a synthetic minor PTI was issued establishing a facility-wide limit of 240 tons per year of VOC’s. It was incorporated into the Title V permit in association with several operational restrictions. The permittee would like to remove the restrictions that kept it out of PSD requirements so that the facility-wide potential to emit can increase to above 250 tons per year of VOC.

**Does this change qualify for the SPM option?**

### Significant Permit Modification
Example

• Answer – Yes.
  – Needs PSD Permit
  – Request concurrent processing of SPM and PSD permit
  – Facility can begin operations after both are issued
Minor Permit Modification (MPM)
In Summary

MPM is used for minor changes to the Title V that typically include changes to existing emissions units such as emissions increases below Title I modification levels and/or insignificant changes to MRR.

Additional requirements must be met: see example for qualifying criteria.
Procedures

- Permittee submits a complete application which includes: updated STARShip application, a correction revision form, a suggested draft permit and certification by the responsible official.

- Issued as a proposed and then final permit...no public comment is afforded.

Minor Permit Modification
When can the facility begin the change?

Operation of the change cannot begin until Ohio EPA has received the required materials (application, correction revision form, suggested draft terms and conditions and certification)
Qualifying Tests

1. Does not violate an applicable requirement
2. Not a Title I mod or considered a significant mod
3. Is not a significant change to M,R or R
4. Does not involve changes to case-by-case emission limits (except BAT), source specific determinations for temporary sources, or a visibility/increment analysis
5. Does not involve an emission cap established outside of a PTI

Example

A synthetic minor unit previously incorporated into a Title V permit is being modified. A PTI is issued that allows an increase in the BAT emission limit previously included in the Title V permit. However, the unit remains a synthetic minor and does not trigger PSD. The new emission limit needs incorporated into the Title V.

Does this change qualify for the MPM option?
Example

• Answer - Yes
  – This can be done under a MPM because:
    • It is not a change to a FEDERAL case-by-case
determination or emission limit (e.g. BACT, LAER)
    • State BAT is excluded from that criteria
  – Must establish or change synthetic minor limit
in PTI first in order to pass qualifying test #5
  – Facility can institute change after issuance of
PTI and receipt of specified materials.
Administrative Permit Amendment (APA)
Used for:

1. Typos
2. Administrative Changes (name, address, phone)
3. Increases in monitoring or reporting frequency
4. Changes in ownership or operational control, including permanent shutdown of emissions units
5. Items determined to be similar to those above

Administrative Permit Amendment
When can the facility begin the change?

The change can be implemented immediately upon submitting the request or application.
Reopening for Cause
Used for:

1. Additional requirements become applicable and there is 3 or more years remaining on their permit term (e.g. a MACT is promulgated).

Clarification: When a new MACT is promulgated, Ohio EPA requests the permittee provide an updated application as part of the required notification of the MACT applicability.

Reopening for Cause
2. Additional requirements become applicable to an affected source under the acid rain program.

3. If there is a material mistake or if an inaccurate statement was made when establishing emissions standards or other terms and conditions.

4. It is determined that the permit must be revised or revoked to assure compliance with applicable requirements.

Reopening for Cause
Procedures

- Issued as draft, preliminary proposed, proposed and then a final action.

- Public comment is afforded only to those parts of the permit affected by the change.
Qualifying Tests

1. Permittee subject to new applicable requirement
2. Material mistake or inaccurate statement
3. Needs revised/revoked to ensure compliance

Example

Ohio EPA needs to remove the M,R & R for a control system that does not exist for a coating line. Several coating lines, with the exception of this one, are routed to an incinerator. The requirements were inadvertently added to all the coating lines in the Title V permit.

Does this change qualify for the reopening option?

Reopening for Cause
Example

• Answer - Yes
  – This was a material mistake and the permit must be reopened to correct it.
  – Could not use Administrative Permit Amendment
OFF-PERMIT CHANGES
(also known as 502(b)(10) changes)
Used for:

Incorporating non-Title I modification changes to the state-only side of the Title V permit that are not specifically “addressed or prohibited” by the current Title V permit

e.g., commonly used for incorporating a PTI for a new source, an exempt sources or a de minimis sources

Additional requirements must be met: see example of qualifying criteria

Off-Permit Changes
Procedures:

- Must provide contemporaneous written notice to Ohio EPA and U.S. EPA and must keep a record describing the changes. Both are accomplished by facility updating their STARShip application and submitting it to Ohio EPA.
When can the facility begin the change?

Operation can begin immediately

- After the PTI is issued final (when applicable)
- Follow the procedures for contemporaneous notice to ensure continued operation is afforded by Ohio law when operation under the PTI has expired

Off-Permit Changes
Qualifying Tests

1. Not subject to Title IV
2. Not considered a Title I modification
3. Does not violate any applicable requirement or existing term or condition

Example

- A permittee had a facility-wide emission cap established in their Title V permit to avoid PSD. A new unit not subject to the "acid rain program" or considered a "Title I modification" with a potential to emit for VOC of 33 tons per year at 8760 hours is being installed.

Scenario 1: The new unit takes the facility over their cap.

Scenario 2: The facility will still remain under their cap with the new unit.

Does this change qualify for the off-permit option?

Off- Permit Changes
Example

• Answer
  – Scenario 1: Could not be processed as an off-permit change because it would not meet qualifying test #3 – MPM is needed
  – Scenario 2: Could be off-permit because remain under cap meeting qualifying test #3
Guidance

http://www.epa.state.oh.us/dapc/title_v/titlev.html

• Available on the web for interested parties to stay up-to-date
ADDITIONAL INFORMATION
Monitoring, Reporting & Recordkeeping (MRR)
MRR: Existing Units

• The following mechanisms can be used for changes to MRR:
  – APA – increases in monitoring or reporting frequency.
  – MPM – insignificant changes to existing MRR
  – SPM – significant changes to existing monitoring or a relaxation of reporting or recordkeeping
  – Reopening – if there was a material mistake or inaccurate statement made when establishing the MRR
MRR: Existing Units

• Don’t get caught up in thinking it’s the emissions that trigger the modification type, often it can be the changes to MRR.
MRR: Existing Units

• A change requires adding an applicable requirement (not newly promulgated) either because the old applicable requirement is no longer applicable or because an additional requirement becomes applicable…. 

MPM or SPM?
MRR: Existing Units

– If the old applicable requirement and associated MRR is completely replaced – MPM

– The MRR remains relevant to the new applicable requirement or very minor changes are being made (e.g. referenced VOC and now OC is applicable) without affecting the frequency, stringency or relaxing the methods of the MRR – MPM

– The old MRR remains intact and additional new MRR is added for the new applicable requirement - MPM
MRR: Existing Units

• A new or replacement control device is being installed. It has no affect on actual emissions, or a positive affect (e.g. reduces emissions, more efficient) without increasing the actual emissions or introducing any new pollutants…

MPM or SPM?
MRR: Existing Units

– The obsolete MRR is removed for the replaced control and new MRR is added for the new control – MPM
– Additional MRR is added without affecting the current MRR – MPM
– The MRR is modified only slightly without affecting the frequency, stringency or relaxing the method of the MRR (or because a portion of it is rendered meaningless) - MPM
MRR: Existing Units

• Modification of operational restrictions:
  – MRR is modified only slightly without affecting the frequency, stringency or relaxing the method of MRR – MPM
  – Frequency is relaxed – SPM
  – The MRR terms state the parameters will be established or may be modified at a later date after approval from the Ohio EPA - MPM
MRR: Existing Units

• Modification of operational restrictions continued:
  – Operational restriction values are explicitly identified in the MRR terms and the stringency or method appears to be relaxed but the permittee provides sound justification for the change (e.g. stack test results, manufacturer’s engineering specs) – MPM
Qualifying Tests

1. APA - increases in M or Reporting frequency.
2. MPM – insignificant changes to existing MRR.
3. SPM – significant changes to existing M or a relaxation of RR.
4. Reopening – mistake or inaccuracy when establishing the MRR.

Example

A permittee is modifying an existing unit by adding a control to reduce emissions. The MRR is no longer applicable to the new control device and is replaced with new MRR. The monitoring frequency will be reduced because of the new type of control.

What type of change is this?
Example

• Answer
  – Although the monitoring frequency is being reduced and it appears to be a relaxation of frequency, the new control makes the existing frequency and other MRR requirements meaningless or obsolete –
    • It is not considered significant and the MPM procedure can be used.
  – Had the reduced monitoring frequency been requested for other reasons – SPM is required
Qualifying Tests

1. APA - increases in M or Reporting frequency.
2. MPM – insignificant changes to existing MRR.
3. SPM – significant changes to existing M or a relaxation of RR.
4. Reopening – mistake or inaccuracy when establishing the MRR.

Example

A permit has an operational restriction for a carbon absorber T to be maintained at >260F. A stack test showed >230 F demonstrates compliance.

What type of change is this?
Example

• Answer
  – Because a stack test (sound justification) showed the new lower temperature, which could have appeared as a relaxation, continues to ensure compliance, the MPM is applicable
Qualifying Tests

1. APA - increases in M or Reporting frequency.
2. MPM – insignificant changes to existing MRR.
3. SPM – significant changes to existing M or a relaxation of RR.
4. Reopening – mistake or inaccuracy when establishing the MRR.

Example

A surface coating operation coats plastic parts and 3745-21-07 is applicable. There is a change in product and metal parts will now be painted (3745-21-09(U)). The old MRR is removed and the new MRR is added.

What type of change is this?
Example

• Answer
  – The old obsolete MRR is completely removed and new MRR is added to address a NEW applicable requirement – MPM
  • Had it been a newly promulgated applicable requirement – a reopening is required.
More Examples of the Different Types of Modifications
Qualifying Tests

1. Does not qualify for a MPM or APA, i.e., Title I modifications
2. Relaxation of reporting or record keeping
3. Significant change in monitoring

Example

A permittee is installing a new unit that is subject to NSPS requirements.

Does this change qualify for the SPM option?
Example

- Answer
  - Not a Title I modification because its a new unit – NSPS Title I modification is the only Title I modification that only applies to existing units
  - If Title I modification it is ALWAYS a SPM
  - If not Title I modification, either an off-permit change or minor modification
    - Either case allows operation to begin after the PTI is issued and before the final Title V is revised as long as there is no conflict with existing permit terms and conditions
Qualifying Tests

1. Does not qualify for a MPM or APA, i.e., Title I modifications
2. Relaxation of reporting or record keeping
3. Significant change in monitoring

Example

A permittee is installing a new unit that is subject to PSD requirements.

Does this change qualify for the SPM option?
Example

• Answer
  – Any time a PSD permit is needed it is always a SPM
  – Operation can begin immediately after issuing the PTI as long as there are no conflicts with existing permit terms and conditions (e.g. a facility wide emissions cap)
  – Must submit an application within 12 months of PTI being issued.
Qualifying Tests

1. Permittee subject to new applicable requirement
2. Material mistake or inaccurate statement
3. Needs revised/revoked to ensure compliance

Example

A new MACT category is promulgated and a permittee is subject to the requirements. There are 2 years and 11 months remaining on the permit term at the time of final promulgation.

Does this change qualify for the reopening option?
Example

• Answer:
  – Only has to be incorporated using the reopening procedure if there are 3 or more years remaining on the permit
  – Wait until renewal to include the new MACT language