

New Source Review (NSR) Program Review Questionnaire
May 14, 2003

Note: This questionnaire does not address implementation of changes made to the major NSR rules in EPA's rulemaking on December 31, 2002.

1. Program Requirements Common to Both Prevention of Significant Deterioration (PSD) and Nonattainment NSR

1. Netting

Y N 1. Is netting approved in your NSR SIP for determining whether modifications at major stationary sources are subject to major NSR (PSD or nonattainment NSR as applicable)? If no, please explain.

Y N 2. Is your contemporaneous look-back period five years, exactly the same as in the Federal PSD regulations at 40 CFR 52.21. If not, what is the contemporaneous time period for netting in your SIP?

Y N 3. For determining the baseline from which emission reductions are calculated do you require the applicant to submit the actual emissions from the units along with any permit limits that apply?

Y N 4. Do you allow an applicant to receive emission reduction netting credit for reducing allowable emissions instead of actual emissions? If yes, please explain.

Y N 5. Do you allow an applicant to receive emission reduction credit for reducing any portion of actual emissions that resulted because the source was operating out of compliance?

Y N 6. Do you allow an applicant to receive emission reduction credit for an emissions unit that has not been constructed or operated?

Y N 7. Are emissions reductions to meet MACT requirements eligible for netting credits? If yes, under what conditions? (See EPA's November 12, 1997 memo from John Seitz entitled "Crediting of Maximum Achievable Control Technology (MACT) Emission Reductions for New Source Review (NSR) Netting and Offsets".)

Y N 8. When any emissions decreases are claimed as part of a proposed modification, do you require that all stationary, source-wide, creditable and contemporaneous emissions increases and decreases of the pollutant be included in the major NSR applicability determination?

9. To avoid "double counting" of emissions reductions what process do you use to determine if emissions reductions considered for netting have already been relied on in issuing a major NSR permit for the source?

Y N 10. Do you have a process to track projects that use credits to net out of major NSR? If yes, please explain.

Y N 11. Do you require that emissions reductions (e.g., reductions from unit shutdowns) must be enforceable to be creditable for netting?

Y N 12. Have you had public concerns regarding the netting analysis and procedures used for any issued permits that avoided major NSR? If yes, please describe.

Y N 13. Do you allow interpollutant trading when netting, e.g., can a source use NOx or PM credits

for netting out of VOC increases? If yes, please explain.

14. What process do you have to verify that a source's emissions reductions considered for netting, including emissions reductions that may have been "banked," are not already used by the source, or another source, as nonattainment NSR offsets? Please describe.

2. Routine Maintenance, Repair, and Replacement (RMRR)

Y N 1. Do you have knowledge of the EPA letter dated May 23, 2000, to Henry Nickel of Hunton & Williams concerning Detroit Edison and the Wisconsin Electric Power Company (WEPCO) case RMRR documents?

2. What other documents do you rely upon when making RMRR exemption determinations?

Y N 3. Do you have a formal protocol for making RMRR exemption determinations? If yes, describe the protocol.

4. Approximately how many formal RMRR exemption determinations have you made in the last five years? Using any one such determination as an example, describe the example, state the conclusion you reached, and discuss how you reached the conclusion.

Y N 5. Do you keep documentation of formal RMRR exemption determinations?

Y N 6. Do you restrict the RMRR exemption to units being modified and exclude replacement of entire units from RMRR exemption consideration?

Y N 7. Regarding the "purpose" evaluation

factor in an RMRR exemption evaluation, do you exclude projects from the RMRR exemption that result in an increase in production capacity?

8. Regarding the "frequency" evaluation factor in an RMRR exemption evaluation, do you consider just the history of the specific unit(s) in question, just the history of other similar units at the same facility, just the history of similar units at other facilities in the same industry, or some combination of these histories?

9. Regarding the "cost" evaluation factor in an RMRR exemption evaluation, what procedure do you follow to take cost into account?

Y N 10. Do you provide RMRR exemption evaluation training to NSR permitting staff employees (other than on-the-job training)? If yes, describe the nature of the training provided.

Y N 11. Do you provide an information outreach program on RMRR exemption evaluations for owners of regulated sources? If yes, how frequently do you provide such information and how do you provide it?

3. Synthetic Minor Limits

Y N 1. Do you keep a list of synthetic minor sources (i.e., sources that would otherwise be major for NSR but are considered minor because of emissions limits or other limiting conditions in their permits) that is available for review by the public and EPA ? If yes, please explain how.

2. Describe your formal process for establishing or designating a synthetic minor source.

Y N 3. For synthetic minor sources do your permits include enforceable limits to keep the sources minor?

4. How is compliance with the synthetic minor limits tracked over time? Please explain.

Y N 5. Are you satisfied that your tracking activities are sufficient to ensure that sources getting synthetic minor permits to avoid major NSR review are not actually operating above the applicable major source threshold?

Y N 6. Do you include in your synthetic minor permits conditions requiring sources to notify you if and when the major source threshold is reached?

Y N 7. Do you perform (or require) modeling for sources seeking synthetic minor permits to determine impacts on PSD increments?

Y N 8. Do you consider visibility issues in Class I areas, if applicable, when reviewing synthetic minor applications?

4. Pollution Control Projects (PCP) Exclusion

Y N 1. Do you have standard permitting procedures or rules that allow for certain changes at non-utility emissions units to be designated as PCP, which are excluded from major NSR?

2. How many PCP exclusions have been granted for "feed" or "fuel" switches?

3. What process do you use to determine if the project is "environmentally beneficial" and not just "economically efficient"?

4. How are the collateral emission increases evaluated? Do you require a modeling analysis to demonstrate insignificant impacts from emissions increases?

5. How do you handle collateral increases in hazardous air pollutants (HAP)?

Y N 6. Are the emission reduction credits from PCP available for netting or NSR offsets? Please explain.

7. Which add-on control devices are most frequently involved in PCP exclusion requests?

8. Which types of industrial sources typically request PCP exclusions from major NSR?

Y N 9. Does your NSR SIP include the PCP exclusion for electric utility steam generating units (often referred to as the WEPCO exclusion)?

5. Fugitive Emissions

1. Please provide your regulatory definition of "fugitive" emissions for major NSR applicability purposes.

Y N 2. Do you make a distinction between "fugitive" emissions and "uncontrolled" emissions? If so, please explain.

Y N 3. Do you include fugitive emissions in major NSR applicability determinations for new sources? For modified sources? Please explain.

Y N 4. Do you allow major sources to use reductions in fugitive emissions for netting purposes? If so, please explain, and describe how you determine the fugitive emissions "baseline" used for netting.

5. Please provide a description of your guidelines or calculation methodology used to quantify fugitive emissions.

Y N 6. Do your permits contain conditions for specific emission limits or control methods/work practice standards for fugitive emissions consistent with requirements for BACT?

6. Modeling

Y N 1. Do you follow EPA's modeling guidelines in 40 CFR Part 51 Appendix W?

Y N 2. Are deviations from the modeling guidelines in Appendix W subjected to public comment and submitted to the regional EPA office for approval?

Y N 3. Are minor permit actions

(i.e., proposed new and modified minor sources), evaluated to determine if modeling for PSD increments is needed? Under what circumstances is increment modeling triggered for these minor permit actions?

- Y N 4. Do you ask applicants to submit a modeling protocol for approval prior to submitting modeling?
- Y N 5. Is the protocol provided to other interested organizations (e.g., EPA, Federal Land Manager)?
- Y N 6. Is the effect of downwash modeled if stacks are less than good engineering practice (GEP)?
- Y N 7. Are modeling analyses available for public review?
- Y N 8. Do you review modeling submittals to determine if option switches are correct?
- Y N 9. When off-site meteorological data are used what years are typically used?
10. How do you train your modeling staff?
- Y N 11. Do you follow The Air Quality Analysis, Additional Impacts Analysis, and Class I Area Impact Analysis guidance provided in the New Source Review Workshop Manual (Draft October 1990)?
12. For cumulative national ambient air quality standards (NAAQS) and PSD increment compliance assessment:
- a. How are the appropriate emission inventories of other sources developed?

b. What are the reasons used to identify and/or eliminate emission sources?

c. How are PSD increment consuming/expanding sources identified and tracked?

2. Are mobile sources modeled for increment compliance?

13. What is the basis (e.g., allowable, maximum or average actual short-term emissions, last two year period, etc.) of the emission rates provided in the NAAQS and PSD increment consuming inventories of other sources?

14. How do you ensure that the controlling concentrations reported by the applicant for each pollutant and averaging period were appropriately determined?

Y N

15. Are the impact modeling analyses reviewed to ensure that they are accurate and complete, and that appropriate modeling procedures (e.g., modeled to 100-m resolution, fence line and not property line, nearest modeled receptors, etc.) were followed?

Y N

16. Is complex terrain an issue

in your region? What modeling procedures are used to address impacts in complex terrain?

Y N

17. Are pollutants without NAAQS and/or PSD increments addressed in the air quality impact assessments? What threshold concentrations (e.g., acceptable ambient concentrations) are used to evaluate impacts?

Y N

18. Do you have written agency-specific air quality modeling guidance for use by applicants? If yes, has the guidance been provided to other concerned organizations (e.g., regional EPA, appropriate FLM, etc.) for review and comment? Is your guidance available on the internet?

19. How do you determine the appropriateness of proposed meteorological data for an application? When are "on-site" meteorological data required for an application? Are "on-site" meteorological data validated and accepted if recovery is less than 90 percent?

20. When an applicant's air quality modeling reveals NAAQS and/or PSD increment violations, what is required to grant the permit and how are the violations resolved?

Y N

21. Do your regulations include the federal definition of ambient air? If no, what is your definition of ambient air?

22. Discuss your procedures for modeling "hot spots," including minimum receptor spacing?

23. How do you determine if background air quality data are representative?

24. Do you use the same NAD for stack, receptor, and building UTM coordinates?

1. Stationary Source Determinations

Y N

1. Do your SIP-approved rules define stationary source differently than 40 CFR 51.165 or 51.166? If yes, please explain.

Y N

2. When determining if emissions units are contiguous or adjacent, do you assess whether emissions units under common ownership or control may be a single stationary

source regardless of the distance between the emissions units? Please explain.

Y N 3. Do you assess facilities' financial, personnel, and contractual relationships to determine common ownership or control?

Y N 4. Do you assess whether sources with different first two-digit SIC codes (i.e., emissions units not in the same industrial grouping) may qualify as separate stationary sources?

2. Debottlenecking and Increased Utilization

Y N 1. When determining if proposed modifications are subject to major NSR, do you include emissions increases from existing emissions units that are not physically modified (i.e., units that will be debottlenecked or have increased utilization such as boilers)?

2. What method is used to determine the emissions increase from these emissions units? What EPA guidance do you consider for this issue?

Y N 3. Do you train your permitting staff to include such emissions increases when determining if a modification is major for NSR?

A. Relaxation of Limits Taken To Avoid Major NSR

1. Describe

your knowledge of the "relaxation" regulatory provisions of 40 CFR 51.165(a)(5)(ii), 51.166(r)(2), and 52.21(r)(4).

2. What types of changes do you consider potentially subject to relaxation assessments?

Y N

3. Do you have a written policy on relaxation assessments?

4. Approximately how many relaxation assessments have you made in the last five years?

Y N

5. Do you include specific permit limits and conditions to make potential future relaxation possibilities more identifiable?

6. What is your understanding of the appropriate circumstances under which an existing minor source is allowed a 100/250-tons-per-year emissions increase without triggering relaxation provisions?

Y N

7. Do you provide relaxation evaluation training to NSR permitting staff employees (other than on-the-job training)? If yes, describe the nature of the training provided.

3.
Circumvention/Aggregation Issues

Y N

1. When you review a modification to determine if it is major for NSR, do you consider aggregating prior minor emissions increases at the stationary source?

2. Please provide any criteria you may use to determine if a series of minor modifications or projects needs to be aggregated for NSR applicability purposes?

Y N

3. When requests are made to permit new or modified emissions units as separate minor changes over time, do you evaluate whether the permitting process is purposely staged as minor when the changes are really one permitting action subject to major NSR?

3. Prevention of Significant Deterioration (PSD)

Note: The PSD program implements part C of Title I of the Clean Air Act for new or modified major stationary sources.

1. Program Benefits Quantification

Y N

1. In your opinion, is the PSD program an incentive to reduce emissions below major source levels?

Y N

2. In your opinion, have PSD permits been used as the authority to implement other priorities such as toxic emission reductions and improved monitoring and reporting?

Y N 3. In your opinion, does the case-by-case nature of a PSD permit allow you to implement emission reducing programs or controls more quickly than rulemaking?

Y N 4. In your opinion, does the PSD program provide communities a mechanism to be involved in improving their own air quality?

Y N 5. In your opinion, has the PSD program contributed to sustaining good air quality?

2. Best Available Control Technology (BACT)

Y N 1. Do you require permit applicants to use the "top-down" method for determining BACT? If no, what approach do you require?

Y N 2. Do you commonly use information resources other than the RACT/BACT/LAER Clearinghouse to identify control options, costs, etc.? If yes, what resources do you commonly use and rate the usefulness of each one?

Y N 3. Do you provide a detailed documentation/explanation of draft BACT determinations in the public record?

Y N 4. In your public record for draft BACT determinations, do you provide an economic rationale if a BACT option is rejected as being prohibitively expensive?

5. What procedures do you use to calculate baseline emission rates for calculation of cost effectiveness values? What do you view as "uncontrolled" emissions?

Y N 6. Do you consider combinations of controls when identifying and ranking BACT options (e.g., low organic solvent coatings plus thermal oxidation)?

Y N 7. Do you ever re-group the emissions units included in a cost evaluation? For example, if an applicant's approach is to evaluate the cost of controlling each unit separately, do you ever consider combining units for control by one control device? Conversely, if an applicant combines all units for control by one control device and concludes this approach is too expensive, do you ever consider controlling individual units or a small group of units that have the greatest percentage of total emissions?

Y N 8. Do your PSD permits specify emissions limits and control methods consistent with the basis (and capabilities) of the selected BACT options?

9. How do you establish the compliance averaging times for BACT emissions limits?

Y N 10. Do you make sure that permit conditions impose restrictions consistent with BACT evaluation assumptions? For example, if the annual emissions used in a BACT cost evaluation are based on an assumption of less than continuous operation and/or operation at less than maximum capacity, do permit conditions contain limits based on the assumption used?

For questions 11-16 regarding BACT cost evaluations:

Y N 11. Do you allow deviation from EPA's recommended cost evaluation procedures? If yes, please explain.

12. Do you place primary reliance on total or incremental cost effectiveness values? If you give greatest (or equal) weight to incremental costs, what is your basis for doing so?

Y N 13. Do you place primary reliance on a comparative cost approach or a "bright line" test?

Y N 14. If you place greatest importance on a comparative cost approach, do you try to obtain cost data for projects outside your permitting jurisdiction?

Y N 15. If you use what can be described as a "bright line" test, what is the basis of your "bright line" cost effectiveness value and do you change the value over time to account for inflation?

Y N 16. Do you use a different cost approach for different pollutants? If yes, please explain.

17. Under what circumstances do you conduct a BACT cost evaluation independent of the cost evaluation provided by the

applicant? (An independent evaluation could entail obtaining additional vendor quotes.)

Y N 18. Are cost estimates required to be referenced to a common baseyear (e.g., 1998) so that cost estimates can be easily compared?

Y N 19. Are other agencies contacted to determine if their cost estimates need to be normalized before comparisons can be made?

Y N 20. Do you perform a BACT assessment for all new/modified emissions units or activities emitting a pollutant subject to PSD review no matter how small the emissions from an affected unit or activity?

Y N 21. Do you consider increases or decreases in corollary toxic/hazardous air pollutants as part of a BACT evaluation? [This question addresses implementation of EPA's "North County Resource Recovery Remand" memo dated September 22, 1987.] If yes, please give a specific example.

Y N 22. Do you provide BACT evaluation training to new (or newly-assigned) new source review (NSR) permitting staff (other than on-the-job training)? If yes, describe the nature of the training provided.

Y N 23. Do you provide BACT evaluation refresher training to experienced NSR permitting staff? If yes, how frequently do you provide this training and what is the nature of the training provided?

Y N 24. Do you provide an information outreach program on BACT evaluations for owners of regulated sources? If yes, how frequently do you provide such information and how do you provide it?

Y N 25. Do you provide an information outreach program on BACT evaluations to the public? If yes, how frequently do you provide such information and how do you provide it?

Y N 26. Do you enter each BACT determination in the RACT/BACT/LAER Clearinghouse?

Y N 27. Before establishing BACT as work practice, design, or operational standards do you determine that emissions limits (e.g., lbs/mmBTU, lbs/hr) are not feasible? If no, please explain.

Y N 28. Do you apply BACT to fugitive emissions? If no, please explain.

3. Class I Area
Protection For PSD

Sources

1. How do you determine which proposed projects need a Class I impacts analysis, including consideration of distance of the source from Class I areas (e.g., maximum distance criteria)? Please explain.

Y N 2. For new or modified sources within 10 kilometers of Class I areas do you require sources to submit an impact analysis for all pollutants to determine if any have impacts greater than 1 ug/m³?

Y N 3. Do you require applicants to submit a Class I increment analysis for each pollutant subject to PSD review for which an increment exists?

Y N 4. Do you require applicants to identify and provide a cumulative impacts analysis (maximum impact within Class I areas) for all Class I areas impacted by the source?

Y N 5. Do you have a formal procedure for notifying Federal Land Managers (FLMs)? If yes, please explain.

Y N 6. Do your permitting procedures require the applicants to notify Federal Land Managers? If yes, please explain.

Y N 7. Is there communication, consultation, and discussion between you and FLMs? If yes, to what extent (e.g., high, moderate, minimal).

Y N 8. Is there communication, consultation, and discussion between

the applicant and FLMs? If yes, to what extent (e.g., high, moderate, minimal)?

Y N 9. Do you actively seek input from FLMs during the permitting process?

Y N 10. Is the applicant required to address potential adverse impacts on air quality related values (AQRVs) that are identified by the FLM during the notification process?

Y N 11. Do you require prior approval of Class I area impact analysis procedures that applicants plan to use?

Y N 12. Do you require applicants to perform a visibility analysis for Class I areas?

Y N 13. If a visibility impairment is indicated, do you require the applicant to notify the appropriate FLM for the Class I area?

Y N 14. Is the applicant required to address potential effects on scenic vistas associated with Class I areas that may have been identified by the FLM during the notification process?

Y N 15. Do you have a formal process for handling Class I area increment violations if predicted?

Y N 16. Have you issued PSD permits where the FLM objected? If yes, please explain and identify the projects.

4. Additional Impacts -
Soils, Vegetation,
Visibility, Growth

Y N 1. Do your PSD application forms specifically require information regarding additional impacts?
If yes, include a copy of the forms.

Y N 2. If no, do you require applicants to submit sufficient information necessary to complete an additional impact analysis?

3. What resources do you use for researching additional impacts?

Y N 4. Do you include environmental justice issues in your analysis?

Y N 5. Has an additional impact analysis in the last 5 years been a cause for concern in an issuance of a PSD permit? If yes, please explain.

Y N 6. Do you generally allow arguments that the protection of the NAAQS will assure protection of vegetation? If yes, please explain.

Y N 7. Do you require that predicted short-term impacts (e.g, one hour NOx impacts) be used to assess impacts on vegetation for pollutants which do not have short term ambient standards? If no, please explain.

Y N 8. Regarding visibility impacts, do you require assessments for vistas (e.g., parks, airports) near the proposed source or modification? If no, please explain.

5. Preconstruction Monitoring

Y N 1. Do you have formal preconstruction monitoring requirements?

Y N 2. Do you have a formal public participation process regarding requirements for preconstruction monitoring for specific proposed projects?

Y N 3. Have you ever consulted with FLM regarding preconstruction monitoring requirements for a proposed source or modification?

Y N 4. In the last five years have you ever required an applicant applying for a PSD permit to conduct preconstruction ambient monitoring or meteorological monitoring?

Y N 5. Do you have a formal approval/denial process at the conclusion of preconstruction monitoring?

Y N 6. Do you have a formal process during preconstruction monitoring for resolving conflicts between the FLM and the applicant? If yes, please explain.

Y N 7. Do you routinely provide ambient monitoring data in lieu of requiring applicants to perform preconstruction monitoring? If yes, please briefly describe the monitoring network used and the basis for the monitoring value selected.

Y N

8. Do you follow EPA guidance (e.g., siting, equipment, data validation, audits) regarding collection of preconstruction monitoring data?

9. Under what circumstances would you require post construction ambient monitoring as a condition of a PSD permit?

6.Increment Tracking Procedures

1. What method do you use to assign baseline dates, e.g., county-specific, region-specific, or entire state?

Y N

2. Do you have a list of the minor source baseline dates for each area?

Y N

3. Do you have an understanding of receptor location dependence vs. source location dependence for increment tracking?

4. Do you have a formal or informal program for increment tracking?

Y N

5. Do you maintain and update a computerized emission source database for increment tracking that includes minor sources that affect increment? If yes, does the database include the information needed for modeling (e.g., source locations, stack parameters, emissions)?

6. Do you use allowable or actual emissions for increment tracking purposes? If actual emissions, how do you calculate emissions for each averaging period covered by the increments?

Y N

7. Are area sources included in increment tracking analyses, e.g., growth-related and transportation-related emissions?

8. How frequently is increment consumption evaluated - on a scheduled basis or just when occasioned by a new permit application?

9. How "transparent" (i.e., understandable) is the emission source inventory used for PSD modeling? Could an outside reviewer (such as a member of the public) clearly identify the sources included (e.g., name, location, stack parameters) and the sources excluded in a modeling analysis?

10. How do you handle interstate increment tracking (for state reviewing authorities) or interjurisdiction tracking (for local reviewing authorities), including consistency of tracking across jurisdiction boundaries?

11. What procedure do you follow in planning for and incorporating new modeling tools?

Y N

12. Do you provide increment tracking training to NSR permitting staff (other than on-the-job training)? If yes, describe the nature of the training provided.

7. Endangered Species Act (ESA)

Y N

1. Do you have a PSD program that is fully approved by EPA (i.e., SIP-approved)?

Y N

2. Do you have a fully or partially-delegated PSD program? (Note: ESA obligations apply only when all or portions of a PSD

program have been delegated.) If yes, answer questions 3 through 6 below.

Y N 3. Do you notify PSD permit applicants of their ESA obligations? If so, please provide a copy or description of your notice.

Y N 4. Do you know the difference between a formal vs. an informal consultation process?

Y N 5. Do you advise applicants, concerning their ESA obligations, to consult with a.) EPA; b.) The U.S. Fish and Wildlife Service; and/or c.) Federal Land Manager? If yes, please explain, and describe what information you provide to applicants concerning their ESA obligations.

Y N 6. Does an ESA consultation affect the timing of your issuance of a proposed or final PSD permit? If yes, please explain.

4. Nonattainment NSR

1. Program Benefits

Y N 1. In your opinion, is the nonattainment NSR program an incentive to reduce emissions below major source levels?

Y N 2. In your opinion, have nonattainment NSR permits been used as the authority to implement other priorities such as toxic emission reduction and improved monitoring and reporting?

Y N 3. In your opinion,

does the case-by-case nature of a nonattainment NSR permit allow you to implement emission reducing programs or controls more quickly than rulemaking?

Y N 4. In your opinion, does the nonattainment NSR program provide communities a mechanism to be involved in improving their own air quality?

Y N 5. In your opinion, have the nonattainment NSR requirements contributed to reducing emissions or avoiding emissions increases in nonattainment areas?

2. NSR Offsets

Y N 1. Do you have an emissions "bank" for offsets? If no, go directly to 10.

Y N 2. Is the bank a database used for emissions trading? Please explain how the trading works.

Y N 3. Do you, as the reviewing authority, control the trading of credits in the "bank"? If no, who controls the trading?

Y N 4. Are the credits certified "creditable" (including surplus for attainment planning purposes and other Clean Air Act requirements) by you at time of entry into the bank?

Y N 5. Are the credits evaluated and certified "creditable" (including currently surplus) at the time of withdrawal and use? If no please explain.

6. How long
are the "offsets" valid from time of reduction?

Y N

7. Are the banked
credits included in the attainment demonstration
and inventory as "real emissions" (i.e., emissions
being emitted into the air)?

Y N

8. Are the banked
credits used for NSR offsets only? If no, what
are the other uses?

Y N

9. Are the banked
credits discounted with time? If yes, please
explain the discounting procedures.

10. How do you
determine that the reductions being used are
properly included in the attainment demonstration?

Y N

11. Are the emissions
reductions available for NSR offsets only allowed
from the same nonattainment area as the proposed
source or modification? If no, please explain.

12. What
procedures do you use to determine the baseline to
quantify the reductions? How do you quantify the
amount of creditable reduction?

Y N

13. Are the records for determining actual emissions available for review by you?

Y N

14. Are copies of permits required as part of the permit application to determine if the reductions from other sources being proposed as NSR offsets are federally enforceable?

15. How do you verify that the reductions proposed for NSR offsets are "surplus" to other Act requirements and are "real," i.e., reductions in emissions that were actually emitted into the air?

16. What process do you use to verify that the reductions were not used in a previously issued permit?

Y N

17. Do you allow interpollutant trading for NSR offsets? If yes, please describe this trading procedure (e.g., pollutants allowed, ratio of reductions required, eligibility criteria, etc.).

Y N

18. For serious and severe ozone nonattainment areas do you allow "internal offsets" instead of lowest achievable emissions rate (LAER)? What is the offset ratio?

Y N

19. Do you allow credits used for netting to be used as nonattainment NSR offsets?

Y N

20. Do your nonattainment NSR rules require the offset ratios prescribed in the Clean Air Act? If no, please

explain what other ratios are used?

Y N 21. Do you require that applicants proposing to use NSR offsets include a "net air quality benefit" modeling analysis as part of their permit application? If yes, please describe what information is required.

3. LAER Determinations

Y N 1. Do you require permit applicants to use a top-down approach to determine the most stringent control option available for LAER? If no, what approach do you require?

Y N 2. Do you require a permit applicant to identify all available control options? If yes, do you require the applicant to identify control options as being:

Y N a. Achieved in practice?

Y N b. Contained within the SIP of any other state or local reviewing authority?

Y N c. Technologically feasible?

Y N d. Cost effective?

Y N 3. Do you use information sources other than the RACT/BACT/LAER Clearinghouse to identify control options? If yes, what information sources do you commonly use and rate the usefulness of each?

4. Please describe under what circumstances you would conduct

a LAER analysis independent of the analysis conducted by the permit applicant.

Y N 5. Do you submit your LAER determinations to the EPA's RACT/BACT/LAER Clearinghouse?

Y N 6. Do you consider technology transfer in your LAER determinations?

7. If you consider cost effectiveness in LAER determinations, please describe the procedures used. (For example, describe the procedures used to calculate the baseline emission rate in the cost effectiveness determination.) For each criteria pollutant, provide the dollar/ton threshold used to determine whether a control option is cost effective (and state whether this is total or incremental cost).

Y N 8. Do you use a different cost approach for different pollutants? If yes, please explain.

Y N 9. Do you provide detailed documentation or explanations of proposed LAER determinations in the technical support document (TSD) or public record?

Y N 10. Do you provide an economic rationale in the TSD or public record if a LAER option is rejected as being prohibitively expensive?

Y N 11. Do you consider combinations of controls when identifying and ranking LAER options?

Y N 12. Do you perform a LAER assessment for all new/modified emission units or activities emitting a nonattainment pollutant subject to major NSR review no matter how small the emissions from an affected unit or activity?

Y N 13. Does your LAER analysis include "time of" considerations? (For example, if a new or modified source had constructed without a permit and at a later time went through nonattainment NSR review, would you consider LAER at the time of permit issuance or at the time of emission unit construction/modification?)

Y N 14. Do your permits contain conditions requiring specific emission limits/ control method conditions/work practice standards consistent with the basis (and capabilities) of the selected LAER option?

15. Please describe how you establish compliance averaging times for LAER emission limits.

Y N 16. Do your permits contain conditions requiring emissions testing, monitoring, recordkeeping, and reporting so that inspectors and enforcement personnel can easily determine compliance with LAER requirements? If no, please explain.

Y N 17. Do you ensure that permit conditions impose restrictions consistent with the LAER determination? (For example, if emissions used in the LAER determination are based on an assumption of less than continuous operation and/or operation at less than maximum capacity, do permit conditions contain limits or restrictions based on the assumptions used?)

18. Please describe how you incorporate public comments into your LAER determinations.

Y N 19. Do you provide LAER evaluation training to new (or newly-assigned) NSR permitting staff other than on-the-job training? If yes, please describe the nature of the training provided.

Y N 20. Do you provide LAER evaluation refresher training to experienced NSR permitting staff? If yes, how frequently do you provide this training and what is the nature of the training provided?

Y N 21. Do you provide an information outreach program on LAER evaluations for owners or operators of regulated sources? If yes, how frequently do you provide such information and how do you provide it?

Y N 22. Do you provide an information outreach program on LAER evaluations to the general public? If yes, how frequently do you provide such information and how do you provide it?

4. Alternatives Analysis

Y N 1. Does each nonattainment NSR permit action address the alternatives analysis as required by section 173(a)(5) of the Clean Air Act?

Y N 2. Is this alternatives analysis a specific requirement of your nonattainment NSR rules?

Y N 3. Do you have criteria that would address the depth of analysis required for a specific project?

Y N 4. Do you include

project-specific environmental justice issues that are raised as part of this analysis?

Y N 5. Do you know of any projects where this analysis resulted in changes to proposed projects? If yes, what changes resulted?

5. Compliance of Other Major Sources in the State

Y N 1. Do you require the permit applicant to demonstrate that all major stationary sources owned or operated by the applicant in your State are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards?

2. Please describe - a) the criteria used by an applicant in a statewide compliance demonstration, and b) when in the permitting process you require the applicant to make the statewide compliance demonstration.

5. Minor NSR Programs

1. NAAQS/INCREMENT Protection

Y N 1. Do you use modeling to assure that minor sources and minor modifications will not violate the NAAQS?

Y N 2. As a result of modeling are air quality monitors required for some sources as a permit condition?

Y N 3. For the pollutants with PSD increments established do you have a list of areas where the minor source baseline has been triggered?

Y N 4. Do you model minor sources for PSD increments if the minor source baseline is triggered?

Y N 5. Do you have procedures in place to identify minor sources that consume or expand PSD increment?

6. How does the public access a list of sources that affect PSD increments?

2. Control Requirements

Y N 1. Does your SIP require any level of control for emissions units not subject to major NSR requirements (e.g., BACT or LAER)? For example, do you have a BACT or similar requirement for minor modifications?

Y N 2. Are there any monitoring or reporting requirements for minor sources?

Y N 3. Does the application or permitting process require modeling for minor sources?

Y N 4. Do you require minor sources with Federally applicable permit limits for MACT, NSPS, or NESHAP to report compliance?

3. Tracking Synthetic Minor NSR Permits

Y N 1. Do you have records listing sources permitted as synthetic minors? If yes, how is this list updated?

Y N 2. Do you have an

established procedure for tracking synthetic minor permits?

Y N 3. Do you include "prompt deviation" reporting requirements in synthetic minor source permits? If yes, how do you define "prompt deviation"?

Y N 4. Do permit applications your agency reviews, and permits issued identify the requirements (e.g., PSD, nonattainment NSR, Title V, NESHAP) being avoided by keeping the source minor?

IV. Public Participation

A. Public Notification

1. What criteria are used to determine if a permit is public noticed?

Y N Are new nonattainment NSR and PSD permits noticed?
Y N Are major modifications noticed?
Y N Are synthetic minor permits noticed?
Y N Are netting permits noticed?
Y N Are minor permits noticed?
Other?

Y N 2. Do you publish notices on proposed NSR permits in a newspaper of general circulation?

Y N 3. Do you use a state or other publication designed to give general public notice? If yes, please describe.

Y N 4. Do you have procedures for notifying the public when major NSR permit applications are received?

Y N 5. Have you developed a mailing list of interested parties for NSR permit actions [e.g., public officials, concerned environmentalists, citizens]? If yes, how does one get on the list?

Y N 6. Aside from methods described above, do you use other means for public notification? If yes, what are they (e.g., post notices on your webpage, email)?

Y N 7. Do your public notices clearly state when the public comment period begins and ends?

8. What is your opinion on the most effective ways to provide public notice?

Y N 9. Do you provide notices in languages besides English?

Y N 10. Have you ever been asked by the public to extend a public comment period? If yes, did you grant the extension? If no, please explain?

11. What approximate percentage of your major NSR permits are revised due to public comments?

12. If a draft

permit is revised, what criteria do you use to determine if a permit should be re-issued in draft?

13. What type of comments or other concerns trigger a public hearing?

14. How are public hearings noticed? How much notice is given?

15. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, monitoring reports) especially during the public comment period?

Y N

16. Do you have a website for the public to get permit-related documents? What is available online? How often is the website updated? Is there information on how the public can be involved?

Y N

17. Do you provide training to citizens on public participation or on NSR? If yes, approximately how many training opportunities have been provided in the last five years.

18. How do you notify affected States (including tribes and Canada) of draft permits?

Y N

19. Do public notices for PSD permits specifically state the amount of increment consumed?

Y N 20. Are public notices for PSD permits sent to each party identified in 40 CFR 51.166(q) (2) (iv)?

B. Environmental Justice (EJ)

Note: By EJ analysis we refer to any procedures applied during the permitting process, regardless of whether they are called EJ, that consider demographics (race, income, nationality, etc.), cumulative effects, (burden, exposure, risk), comparative effects or modifications to the public involvement processes to address unique characteristics of the project.

Y N 1. Do you consider EJ issues during the permitting process? If yes, please provide a description of the criteria, guidelines, or screening procedures used to address EJ issues.

Y N 2. Regarding section 173(a) (5) of the Clean Air Act, do you conduct an alternatives analysis as part of your nonattainment area permitting process? If yes, please provide a description of the EJ criteria or guidelines used for this analysis.

Y N 3. Regarding section 165(a) (2) of the Clean Air Act, does your NSR permitting program and public comment process for PSD regulated pollutants provide for consideration of alternatives?

4. How are the demographics of the affected community taken into account in the permitting process?

5. How are cumulative effects and/or pre-existing burden addressed in the permitting process?

6. What additional community information and/or demographics (for example - children, the elderly) do you consider important for an EJ analysis?

Y N

7. Do you allow public involvement during an EJ analysis? If yes,

a. What stakeholder groups do you try to involve?

b. At what point in the EJ analysis or permitting process do stakeholders become involved?

c. To what degree and in what manner do stakeholders or the community influence the permit decision making process?

d. To what degree do you know about how stakeholders or the affected community participated in the permit decision making process?

e. Describe how you make information available to

stakeholders and the affected community. (For example - translation of information, understandable and accessible materials, personal contacts, clearly explained technical information including potential risk, distribution of information, public meetings, etc.)

Y N

8. In the EJ analysis, do you consider direct and indirect benefits and burdens from the proposed actions? If yes,

a.

Describe what benefits you consider in the EJ analysis. (For example - economic, social, cultural, health, environmental, etc.)

b.

Describe what burdens you consider in the EJ analysis. (For example - economic, social, cultural, health, environmental, etc.)

Y N

9. In the EJ analysis, do you consider comparative and disproportionate impacts? If yes,

a.

Describe the criteria or procedures used to determine any potential or actual adverse health or environmental effects or impacts.

b. Describe

the criteria or procedures used to determine whether evidence exists to describe these effects or impacts.

c. Describe the criteria or procedures used to determine whether the proposed project complies with all applicable environmental laws.

V. Program Staffing and Training Issues

1. What is the total number of staff dedicated to permitting for your NSR program? Please provide an organizational chart.

2. For your NSR program please breakdown the staff into the different job functions (e.g., number of modelers, review engineers, technicians, environmental scientists, clerical, supervisory, enforcement).

3. Please describe your training program for new and existing staff who work on NSR permitting and issues. List any materials you use or training course you try to attend.

4. Describe any additional training that you believe would be beneficial. Would you like for EPA to provide more NSR training?

Y N

6. Do you provide NSR program training opportunities for the public, including the regulated community? If yes, please describe.

VI. General NSR Program Issues

Y N 1. Do you implement EPA issued program guidance and policy for NSR? In no, please explain.

Y N 2. In general, how do you learn about federal NSR rule changes? Do you use EPA's TTN website at www.epa.gov/ttn to monitor NSR program changes and implementation issues?

3. How do you determine if emissions factors (e.g., AP-42) are acceptable for NSR applicability purposes?

4. Please provide any comments, suggestions, or concerns you may have regarding the NSR program.

5. Please provide the number of non-major permits you issued last year, not counting renewals.

6. How many PSD permits did you issue last year?

7. How many nonattainment NSR permits did you issue last year? Since 1990?

8. For PSD

permits what is the average time (months) taken by you to issue the permit, starting from the time the application was determined complete? For nonattainment NSR permits?

Y N 9. Do you have a formal procedure for establishing past permit violations related to NSR requirements?

Y N 10. Do you have a formal procedure for dealing with "self reported" NSR violations?

Y N 11. Do you have formal enforcement procedures for dealing with past violations of NSR requirements, including applicable BACT or LAER requirements of major NSR?

Y N 12. Do you include PM10 condensible emissions in the total amount of PM10 emissions when determining PSD applicability, BACT, PSD increment, and NAAQS?

Y N 13. When PM10 testing is required do you include a permit condition that requires testing and specifies testing methods for PM10 condensibles?"

VII. Effective Construction Permits

Do your construction permits:

Y N 1. Identify each emissions unit regulated?

Y N 2. Establish emissions standards or other operational limits that must be met, including appropriate averaging times for numeric limits?

Y N 3. Include specific

methods for determining compliance and excess emissions, including reporting, record keeping, monitoring, and testing requirements?

Y N 4. Outline procedures necessary to maintain continuous compliance with emission limits?

Y N 5. Establish specific, clear, concise, and enforceable permit conditions?

Y N 6. Include conditions necessary for a source to avoid otherwise applicable requirements (e.g., keeping a modification "minor")?