

Implementing the Guidance on Including Plans in Permits

Results from Permit Writer Survey
Sept 2011



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Why are Plans Required in Permits?

- 0011
1. Title V permits must include all applicable requirements and all requirements necessary to assure compliance with those applicable requirements including each plan used and/or relied upon to demonstrate compliance with any applicable requirement or compliance demonstration method included in the permit,
 2. Title V permit applications must include all information including the plans that the department used to determine applicable requirements, and methods to demonstrate compliance with those applicable requirements, and
 3. The public must have an opportunity to review the information in 2., so the public can determine whether that information is sufficient to ensure compliance with all applicable requirements.

Three Approaches

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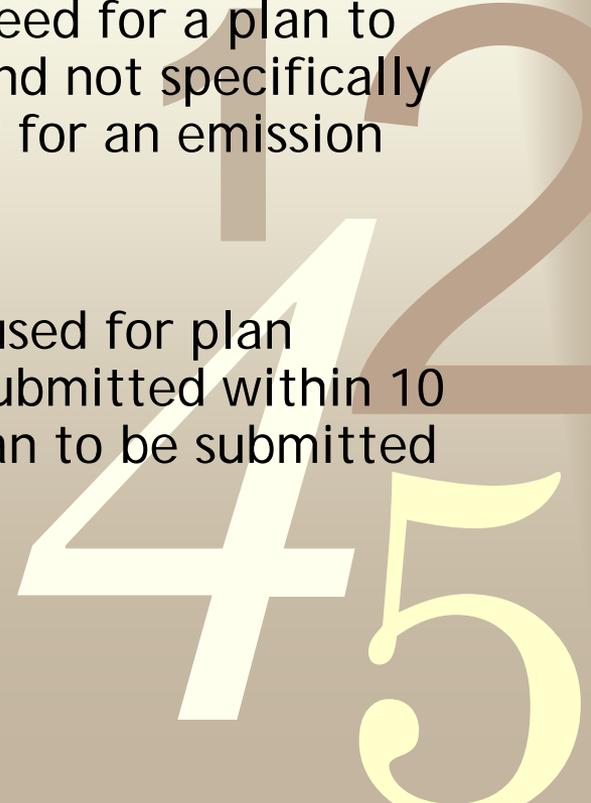
- Approach 1
 - Include key elements of the plan and other “off-permit” information as applicable requirements, compliance demonstration, and/or monitoring requirements in the permit.
 - It is recommended that this approach be used for Fugitive Dust Control Plans, continuous emissions monitor (CEM) QA/QC Plans, Malfunction Prevention and Abatement Plans (MPAP), Outdoor Fugitive Coal Dust Control Plans, other plans, and other “off-permit” information that may allow the use of key elements as applicable requirements, compliance demonstration methods, and/or monitoring requirements without using the entire plan.

Three Approaches

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- Approach 2:

- Requirement to have a plan and other “off-permit” information included in table ZZZ. This approach is used in combination with Approach 1 when the need for a plan to be submitted is a requirement by itself and not specifically a compliance demonstration requirement for an emission limitation in the permit.
- One of the following methods should be used for plan submittal requirements: (a) plan to be submitted within 10 days of request by Department; or (b) plan to be submitted within 30 days of permit issuance.



Three Approaches

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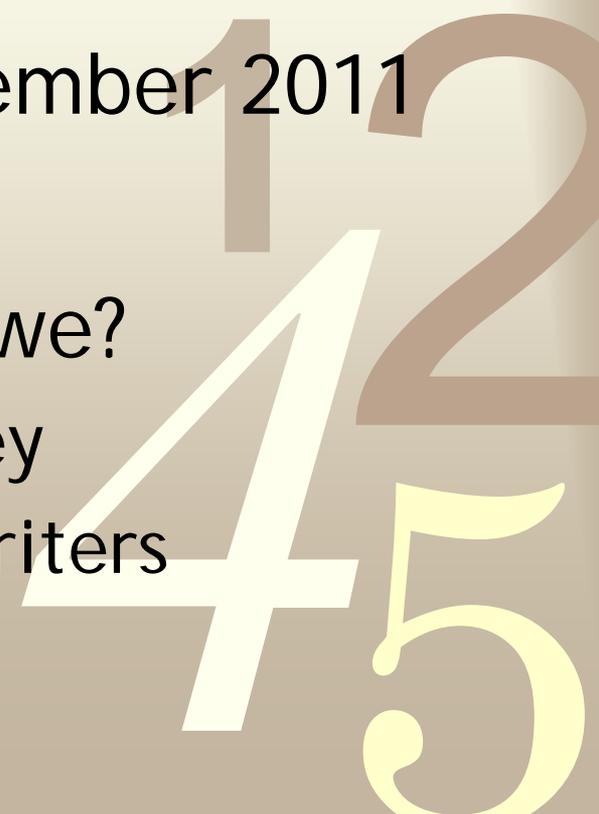
- **Approach 3:**

- Include the entire plan and/or other “off-permit” information (for example, boiler manufacturer start-up procedures, etc.) as part of the permit, and make that plan and/or other “off-permit” information available during the public comment period for the draft permit.
- Situations where this approach may be appropriate include:
 - (a) the plan or other “off-permit” information is required within a previous construction permit, and removing that requirement requires a new construction permit or construction permit revision that the permittee does not wish to pursue;
 - (b) requested by the permittee; or,
 - (c) other compliance demonstration methods are inadequate without the full plan or other “off-permit” information being in the permit.

Progress on Plans in Permits

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- Official guidance published September 2010
- Poll of permit writers September 2011
- So after 1 year, where are we?
 - 26 staff responded to a survey
 - out of 30-35 active permit writers



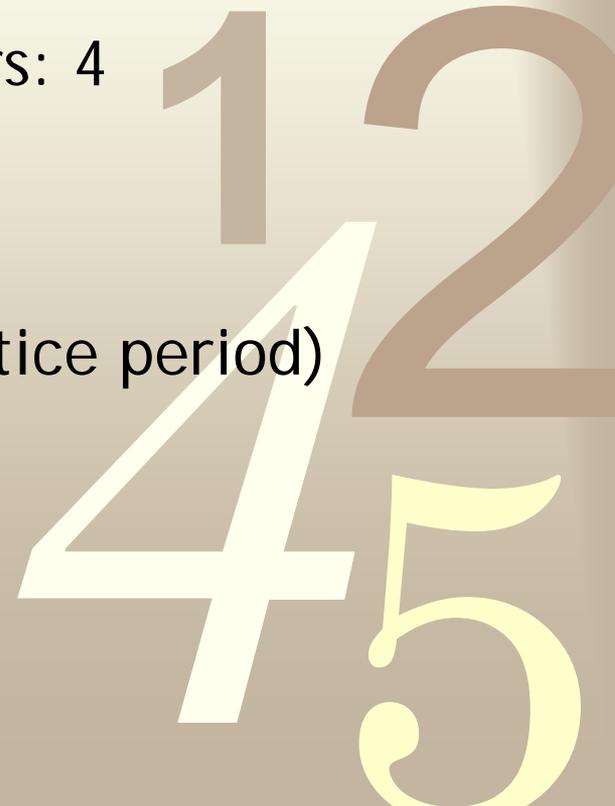
Results of Poll

- Have you used the guidance in a permit?
 - Yes: 16
 - No: 10
 - In progress: one working on a draft
- Which approach did you use?
 - 1: 10
 - 2: 12
 - 3: 3
 - More than one: 7 (All = 2)
 - None of above: 9



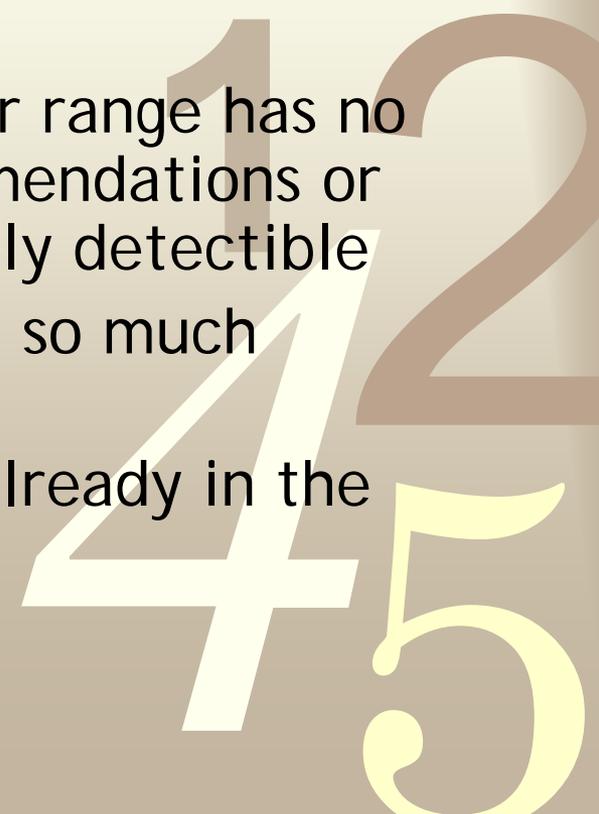
Results of Poll

- Did it affect your permit review time?
 - significant added time: 3
 - noticeable, not significant: 4
 - more time for some, less for others: 4
 - not noticeable at all: 4
- Estimates:
 - significant? (working day, new notice period)
 - noticeable? (2-4 hrs, 1 hr)
 - not noticeable? (30 min)



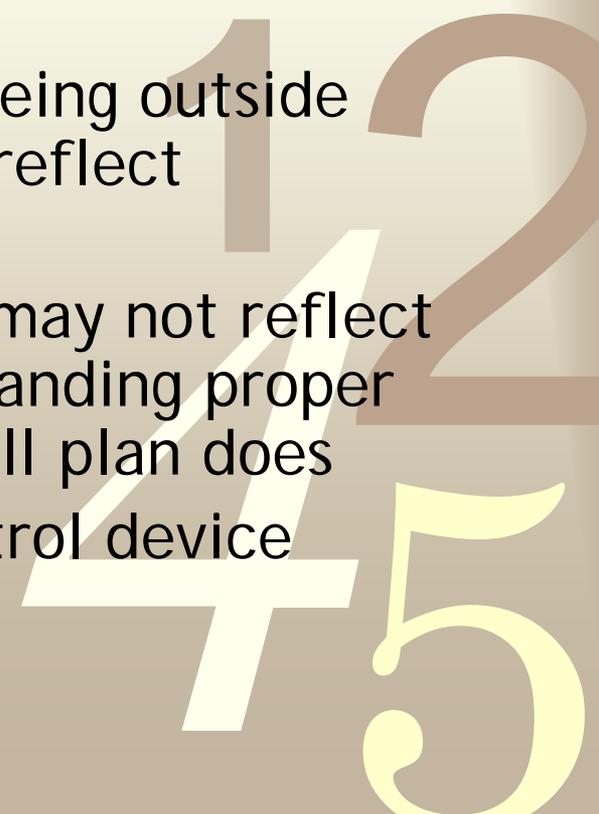
Results of Poll

- Any concerns raised by facilities?
 - No = 13, Yes = 4 , Blank = 9
 - Comments:
 - concerns that proper parameter range has no basis in manufacturer's recommendations or test data when results are barely detectible
 - question purpose for MPAP, not so much process
 - seemed like duplication since already in the plan



Results of Poll

- Any issues raised by inspectors?
 - No = 15, Yes = 4, Blank = 7
 - Comments:
 - enforcement complications if being outside parameter range doesn't truly reflect violation of standard/limit
 - pulling out only pieces of plan may not reflect the whole situation for understanding proper operation of a device, which full plan does
 - why ask for MPAP when no control device present?



Outreach on Guidance

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- Do you think the word is out on this guidance for applicants?
- If not, what ways can we get out the information to more facilities/consultants?
 - Air News
 - press release
 - FET
 - other?

