**ISSUE:** Are the Descriptions of Emission Units submitted with the Application Materials Applicable Requirements and Enforceable Conditions?

**Problem:** The Clean Air Act requires Title V permits to contain all applicable requirements for each emission source. The permit is meant to consolidate all applicable requirements into a single document, establishing detailed requirements on emissions and compliance demonstration methods. Several petitions contend that descriptions of emission units are legally enforceable applicable requirements because size, maximum production rate, heat input capacity, fuel usage and date of installation/modification define the capacity of the unit to emit pollution.

**Proposal:**

1. Include a detailed description of the description of each emission unit to include maximum capacity; throughput and fuels will be included in each permit. Rename the existing Stack and Process Index to “Description of Emission Unit(s) Table”

Including details of the size of the unit(s), how the permittee will operate the unit, type of control equipment, and other information from the application will facilitate a single reference. This description table is not considered to contain ‘enforceable’ condition, but rather is a means of communicating and summarizing the information provided in the application and used to determine applicable requirements and compliance methods. Provides a summary for users of the permit(s) in a single document.

**For Operation Permits** – Include the detailed description in the Preamble of the Operation Permit replacing the Stack and Process Index with the “Description of Emission Unit(s) Table”. List the Emission units by order of appearance in the sections of the permit and include the Process number designation, description of control equipment and stack designation in addition to the capacity, fuels, date of last modification and other operating information from application

**For Construction Permits** – Include the Description of Emission Unit(s) Table” as new page prior to Part I Applicable Requirements

note – currently this page is not included in Construction permits.

Examples of “Description of Emission Unit(s) Table”
**Description of Emission Units Table.**

**Example 1:**

<table>
<thead>
<tr>
<th>A. Stack S12, Boilers B24 and B25; Controls C24 and C25</th>
</tr>
</thead>
<tbody>
<tr>
<td>These boilers are dry bottom boilers that burn pulverized coal to provide steam for the generation of electricity. Boiler B24 was installed in 1949 and is rated at 693 million BTU (mmBtu) per hour while Boiler B25 was installed in 1951 and is rated at 875 million BTU per hour. Each boiler has electrostatic precipitators to control particulate matter emissions. Each boiler has igniters to allow natural gas to be burned as a supplemental fuel. These boilers also have the capacity to fire boiler cleaning waste liquids, petroleum contaminated soils and absorbents, partially burned fuel and controlled substances. Please see the additional requirements that relate to these alternate operating scenarios for the boilers in Sections C, D, E and EE of this permit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Stack S13, Boiler B26, Control C26 and Stack S14, Boiler B27, Control C27</th>
</tr>
</thead>
<tbody>
<tr>
<td>These boilers are dry bottom boilers that burn pulverized coal to provide steam for the generation of electricity. Boiler B26 is rated at 999 million BTU per hour and was installed in 1958, while Boiler B27 is rated at 1510 million BTU per hour and was installed in 1964. Both boilers have electrostatic precipitators to control particulate matter emissions. Both boilers have igniters that burn natural gas as a supplemental fuel. These boilers also have the capacity to fire boiler cleaning waste liquids, petroleum contaminated soils and absorbents, partially burned fuel and controlled substances. Please see the additional requirements that relate to these alternate operating scenarios for the boilers in Sections C, D, E and EE of this permit.</td>
</tr>
</tbody>
</table>

**Example 2:**

**Description of Stacks and Processes Covered under this Permit Action:**

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Processes P03, Stack S03 and P04 Stack S04 - Waste Gas Flare: Varec 244W, continuous pilot.</td>
</tr>
<tr>
<td>C. Process P01, Stack S01 – Biogas Fired Engine Generator Set: 1175 horsepower engine model year 2011; P01 is a GE –Jenbacher engine fired on biogas only.</td>
</tr>
<tr>
<td>E. Process P06, Fugitive F06 – Aerobic Wastewater Treatment Plant Operations and miscellaneous unit operations</td>
</tr>
</tbody>
</table>
2. Provide Guidance for When Descriptions and Capacity become Applicable Requirement and Inclusion as Conditions within the Body of the Permit.

In general, descriptions of maximum capacity are not considered enforceable applicable requirements. There are however situations where the capacity defines the potential to emit or is relied on for demonstrating compliance with an emission limit. In these situations, the capacity may need to be included as applicable requirements. The examples below are intended to illustrate various scenarios:

A. The following situations the Maximum production Capacity; Heat Input Capacity, Age of Unit are NOT applicable enforceable requirements. For these examples, include this information in the “Description of Emission Unit(s) Table”

When the Description is used to determine the applicability of a standard.

Example: the application is for a Boiler with a maximum rated heat input capacity of 650 mmBTU/hr. The boiler fires pulverized coal as the primary fuel and distillate fuel oil for start-up. The emissions are controlled by fabric filter control device and low NOx burner.

Allowable emission limitations:
Particulate matter emissions: s. NR 415.06(2), Wis. Adm. Code – 0.10 lbPM/mmBTU heat input
Visible emissions: s. NR 431.05, Wis. Adm. Code and NSPS, s. NR 440.19(3)(a)2., Wis. Adm. Code
Sulfur Dioxide emissions: NSPS – 1.2 lb/mmBTU heat input
Ambient Air Quality Standards (NAAQS): s. NR 404./ s. NR 405, Wis. Adm. Code – pounds per hour emission limits. (annual, 3 hour and/or 24 hour average

The NSPS limitations are in terms of pounds pollutant per heat input capacity do not contain a total mass emission limit nor maximum heat input requirement. The permittee must meet the emission limits at all heat input capacities, therefore this type of emission limit does not require heat input capacity to be an enforceable requirement. The size of the unit is used to determine applicability of the standard and appropriate emission limits.

The requirement to meet NAAQS are written in terms of pound per hour emission limits with averaging periods appropriate for the pollutant and limit. NAAQS are not an emission standard or limitation. Compliance with the NAAQS is measured as a pound per hour emission limit with use of the control device and monitoring /recordkeeping as compliance demonstration. The heat input capacity is not an underlying applicable requirement. The size of the unit is used with other data to calculate theoretical mass emission rates.

Petitions to reference for additional information:
East Kentucky Power Cooperative, Inc. – William Dale Power Station.
Portland Generating Station – Upper Mount Bethel Township – Northampton Pennsylvania

Wisconsin Department of Natural Resources – JP Pulliam

B. When the Maximum Capacity is an Enforceable Applicable Condition

Example: if the heat input is contained in the Title I as an applicable requirement. Applicable requirements cannot be changed in a Title V permit. If the heat input capacity is contained as an applicable requirement in a Title I permit then it must be included in the Title V.
Example: capacity is used to limit the potential to emit (PTE). This is often done to limit the source to below an applicability threshold such as Title V status or to avoid PSD. Limits on PTE must be enforceable as a practical matter. See Sietz memo. Permit conditions which limit PTE are production limits, operational limits (control equipment with monitoring) or Emission limits alone provided they represent MTE or are backed up by short term mass emission rate and/or continuous emission monitoring (CEMs). In these cases, the capacity is relied upon to demonstrate the mass emission rate is attained on a continual basis.

Petitions to reference for additional information:

Alliant Energy – WPL Edgewater Generating Station;

note: this petition addresses enforceable heat input (lb/mmBTU) emission limits imposed in a Title I PSD permit. These limitations remain in effect and enforceable in the Title V