

Title V Petition Workgroup
January 24, 2012

Notes:

1. Adequate Compliance Demonstration

Michelle Farley presented the draft guidance document on parametric monitoring in permits. The document is in the department format of a policy memo from the Permit & Modeling section chief, Andrew Stewart.

- next the draft document will go to the permit and compliance teams for review of implementation steps, then air management team (program supervisors)
- Questions/discussion
 - With renewal applications - this looks to add work to both sides, almost full Title V applications for at least the first round of renewals following implementation
 - compliance inspectors need to review against last inspection
 - permit writers review the justifications for completeness
 - What if we still get petitions?
 - hope/expectation is that many of petitions that were allowed by EPA were based on lack of justification
 - better justifications, following lead of states who had petitions denied based on their level of justification, should provide less room for petitions here
 - What happens if a source goes outside the range included in the permit? Is this violation or deviation or excursion?
 - need to support what happens when operating outside a range; how to ensure device still operating in a way it reduces emissions
 - that next step is also something that likely should be part of permit compliance demonstration requirements
 - question of whether a range set in "part 70" permit condition is different than a range in a CAM plan? different level of deviation/violation, for one vs other?
 - most didn't see distinction
 - permits will need more detail about how range is supported by other monitoring to ensure/demonstrate meeting emission limit
- One final week for comments on memo, to Renee.

2. Application Information/Old Limits in Permits

Susan Lindem presented a proposed guidance document, not yet in guidance memo format, and highlight key items in a PowerPoint.

- three key proposals were included:
 - add table in permits "Description of Emissions Unit Table" and make it clear that the information in the table is not intended to be enforceable
 - add section in preliminary determination highlighting changes in the permit since previously issued - to explain any conditions removed or modified, units removed, etc.

- separating out emission limits so that its clear which citation applies to which
- it would still be helpful to have examples of when maximum capacity must be an applicable requirement
 - vendors provide 'boiler plate' as really their minimum design guarantee and overdesign when they build it; they don't really know 'maximum achievable' until its run under load
 - then conditions like age, fuels, temp, humidity all factor in to what it can reach
 - 'maximum achievable' doesn't mean running for long periods of time either, or you run down the unit quicker
 - maybe we consider the maximum capacity for boilers like the printers are permitted - one worst case ink (for VOCs and HAPs), at highest coverage possible, even if never expected to operate there for any real print job
 - application forms only ask for maximum rated heat input, not maximum achievable (definition says maximum rating sustainable for 3 hours)
- if you use the language in Part II about ensuring the source constructs what they apply for, how is the application information (capacity, etc) not an enforceable condition?
 - (what came out of this question?)
- returned to earlier discussion on how much application information ties back to adequate compliance demonstration for meeting emission limits, etc
 - improve justification for monitoring parameters, may or may not require capacity information from application
 - (other points?)
- Two weeks for comment on this proposed guidance.

3. Permit Shield Policy

Barb Pavliscak, Operation Permit Team Leader, presented an updated air program policy on use of the permit shield in operation permits.

- primary concern is carrying over old shielded requirements in renewals without confirmation that its still an accurate statement
- goal to make sure all shield statements are correct
 - if reviewed diligently, with updated supporting information from applicant, it can be included in the shield
 - some examples might be RICE or Boiler MACT applicability
- diligence is more on the construction permit side, should be clear in terms of applicability reviewed at NSR stage and not automatically included in operation permit shield
- justification of applicability is required in the major source permit applications
 - need more guidance for minor/synthetic minor sources if you're going to expect them to know what rules apply/don't apply and provide justification
- review Part 71 process for using permit shield...EPA
- Next version of guidance will include examples of where including statements *is* a good idea.
- If no changes have happened to unit, just say so. Then at least it's the permittee declaring it so, and not the permit writer assuming that to be the case.
- Two weeks for additional input on this policy.

4. PSD/NSPS Look Back

Steve presented their first cut at the process for internal decisions on whether to investigate allegations of potential PSD projects not properly permitted. Review PowerPoint for details.

- Three key questions for group:
 - how much substantiation should be provided by petitioner to trigger an investigation
 - is 90 days sufficient for DNR to determine if project qualified for PSD
 - does it need to be handled within renewal, or can the renewal proceed while investigation is completed and some schedule included in OP
- Two weeks for comments, and responses to questions.

Next Steps

We will schedule another meeting to hear final proposal on Application Information/Old Limits, any updates on Permit Shield Policy, and proposed guidance document on PSD/NSPS look back. Keeping to monthly meetings, will look at late February into March. A doodle survey will be sent out.