

Title V Petition Workgroup
October 12, 2011

Notes

Adequate Compliance Demonstration

#1 - Ranges only in Title V permit after construction/testing complete, with full justification for compliance demonstration; Title I permit will have authority to derive the range only.

- May affect/limit use of integrated permits since you have to wait for information from sources.

#2 - Source provides justification for range

- will affect timeliness of permits
- ACTION: need permit guidance on review of justification - What's sufficient?

Question: If sufficient justification is provided, what happens if other evidence (fall out on cars/homes nearby) indicates something's not operating properly? Automatic NOV? Enforcement discretion?

- Need all sources of information for justification: testing, operational knowledge, manufacturing specs or other documents,

Then, the opposite scenario. If outside a given range, but no other evidence its not in compliance...is that truly non-compliance?

ACTION: Guidance on what level of justification will avoid issues for 'excursions' that aren't violations.

#3 - Monitoring frequency may not match limit/requirement.

- time period in NR 439 may not have justification, but don't need for all size sources just Title V
- need to enhance justification going forward - will frequency pick up variability in operations and capture excursions that matter to compliance

CAM plans:

- If CAM plans are included in a permit, whole, then duplicate information in Part I of permit should be eliminated. Just refer from Part I to the plan later in the permit.
- CAM does require justification of parameters, but what about those not affected by CAM?
 - ACTION: Need boilerplate CAMs, or similar monitoring plans.
 - Inspectors should have input on ranges, and compliance team/section chief on enforcement procedures (excursions vs exceedences)

Renewals with petitions:

- ACTION: may need additional forms or guidance that helps address petitioned issues in every renewal going forward
- monitoring sufficiency/justification section
- will be more work for permit drafters and applicants

Don't forget EPA guidance on related issues, being aware of court cases for/against those as well:

- Title I/V interface
- 2008 court case (??)
- EPA petition letters/orders - not just Region 5's

Q: What should go in the renewal PDs? How much detail on justification can sources provide? Offer specific examples/ideas please.

- alarm systems vs pressure drop or other direct observations; how to test the system to prove it is sufficient, and submit tests, etc with justification
- all PDs need to be MORE DETAILED going forward, ESPECIALLY if old PDs that have previous justification for conditions are not easily available;
- make sure all old PDs are online, at least when renewals posted for public comment
- if ranges are not "best", need process to correct/update
- language in Title I vs Title V needs work/comments from externals
- check with nearby states with similar permit procedures and see how they handle these types of requirements

NOTE: Barb Pavliscak was appending the permit writer's guidance during the discussion on areas that needed improvement.

Old Limits and Application Information in Permits

Old limits were touched on last time and seem clearly procedural for DNR.

Application information in permits is open for discussion today.

- Comes down to the underlying limit or requirement. Does the unit capacity or other details provided in the permit matter to the review and/or compliance demonstration?
 - if basis for a cap or modeling emission rate that just makes the standard.
 - if exceeding the capacity matter to compliance with limit or requirement
 - maybe not if have other ways to prove compliance (CEMs), even if for previous permits it was the only way (new technology)
 - goes back to justification; why is it needed
- BACT units with capacity that changes from a historical level?
 - capacity does drive an 'avoidance' cap, they're 'IN' the rule already
 - consider if it would affect original cost of controls
 - are there other protections on change in capacity (new modeling)
- lb PM per ton material
 - this may matter more if the capacity is only demonstration for lb/hr limit
 - if lb/hr is a 'most restrictive of' limit, may need better explanation for why compliance demonstration is best for that limit and whether capacity matters

ACTION: permit writers need to do better historical review of files for renewals to find justification for why old limits are there, and why they can be removed

- permit writers should know why each limit is there and being carried forward
- some source responsibility to help on justification
- specific focus on those with elective limits (statutory basis)

- will need to remove capacity through proper permit process, if not needed
- look at use of Table of Contents for more description (with clear call out that its only descriptive, not enforceable)
- if capacity is needed for limits, then its included in the body of the permit text along with compliance demonstration

Q: If do include application information, what is compliance demonstration?

**If we do modify the structure of the permit and the description/justification for units, may call for more reviews of draft PD and permit before public comment, to make sure it all matches up. [Reminder, those drafts will be public documents as staff was reminded as well during recent permit training.]

Closing

We will still take comments on the open discussion items from today through October 28th. The plan is to offer all final procedures at the November 8th meeting on these two issues.

Next meeting, November 8th, 9:30 am at Fish Hatchery office.