

Notes:

Adequate Compliance Demonstration

- No major comments on issues 1 and 2, so nothing new today
- Issue #3 is main point of discussion
 - focus on parametric monitoring - it is NOT the only tool for demonstrating compliance
 - an indicator of proper operation of device
 - not one size fits all
 - based on 4 Colorado petitions, 3 prong approach seems to satisfy
 - periodic testing
 - operation & maintenance procedures to ensure proper operation of device
 - CAM plan as backstop for ongoing demonstration
 - 3 scenarios for 3 prong approach (see ppt file)
 - CAM lite?
 - justify applicability of monitoring
 - monitoring accounts for operational variability
 - actual emissions vs limits
- Discussion of scenario proposal:
 - Q: What if going outside CAM range? When does it become violation?
 - will need guidance on purpose of CAM lite
 - Part 70 deleted reference to 'deviation' on operating outside of CAM plan (confirm?)
 - can always be used as 'credible evidence'
 - From comment letter on Pulliam's latest draft: says CAM plan needs to provide 'exceedence' level, not just excursion parameters.
 - no agreement there
 - Proposal to revise NR 439 to include CAM style provisions for all sources
 - solve concern there is no support for parameter range as excursion and not violation?
 - There are some letters from EPA region 4 to KY on 'relevant time period'

http://www.epa.gov/region4/air/permits/TitleVObjectionLetters/KY_ObjectionLetters/Noveon_BFGoodrich.pdf

http://www.epa.gov/region4/air/permits/TitleVObjectionLetters/KY_ObjectionLetters/ZeonChemicals.pdf

http://www.epa.gov/region4/air/permits/TitleVObjectionLetters/KY_ObjectionLetters/PolyOne.pdf

- 439 change to include CAM type provisions for non-CAM sources
 - seems highly supported but what is EPA's take
 - need to be consistent with response to petitions, or reference other denied petitions for any of these permits
- PM CEMS seems to be solution for some, but what is it really measuring
 - does it get backhalf
 - does it get all sizes
 - problems for multi-fuel boilers, ash changes and lose correlation
- response to petitions can be bigger driver of solution than making changes in the process

- need to find out if other states have tried similar efforts and whether experienced any success
 - attempted at Region 5 permit call, with mixed reactions
- what about getting input from sources on response to comments?
 - could offer additional support where it seems lacking based on comments
 - will have to investigate whether there are any internal issues with that
- what happened to determination that continuous operation of the control device was the 'demonstration' of continuous compliance with a limit?
 - why is surrogate of proper operation considered a permit condition that would trigger violation of the permit?

Next Steps:

- lay out examples of 3 prong approach on 3 scenarios in draft guidance/policy (similar to final Including Plans in Permits guidance) & provide to workgroup,
- draft scope of rule change to 439

Carol C - sources with a CAM plan DO have a correlation between parameters and PM emissions; NRDC challenged CAM on meeting the intent of Title V requirements because it doesn't establish compliance/non-compliance, but the challenge was denied.

D Bender had provided a question via Live Meeting Q&A that was summarized later:

"I think it was something to the effect of the fact that the legal requirement is to have monitoring that provides adequate data during the relevant time period to be able to determine compliance/non-compliance at all times, and that DNR's proposal (3-prong approach) focuses on form not substance. Jon Wright's presentation suggested that as long as the permit contains a minimum set of parameter/stack testing (3-prongs), it is sufficient. This misses the point. There are probably many combinations of parameter and direct monitoring that could be sufficient for some limits (whether 2, 3, 5 or more "prongs"), but the number of "prongs" is not the correct focus. The correct focus is whether DNR can say with a reasonable degree of engineering certainty that as long as a facility is in compliance with the specific suite of monitoring selected for the specific permittee and limit, that the facility is in compliance with the underlying limit. I think my comment was a hypothetical scenario based on Jon Wright's "3-prongs" and asked if the DNR could say with sufficient certainty that a facility was continuously complying with an instantaneous limit based on those parameters. "

* We agree this represents the true challenge to DNR on this issue. We will keep in mind as we develop the guidance/policy.

Old Limits and Application Information in Permits

No real changes to anything in earlier presentations on any but this topic: *Enforceability of Emission Unit Descriptions*

Proposals:

1. If there is a change in the old information:
 - does it fit exclusion from modification, and is it exempt from NSR?
 - if both, then nothing is needed other than good explanation
 - OR
 - if it does meet definition of modification, follow Title I permit process to change
 - need to be clear about any and all changes in PDs
2. Is information in the application enforceable limits?
 - examples to show how detailed information will help highlight future changes
 - 'description table' at front of permits
 - new idea for NSR format

- add a statement to sections that information only for descriptive purposes and not enforceable; how to best do that and satisfy legal concerns
 - consider using GIS system DNR has online to describe sources; anyone can go there to match up permit with source description
 - need to investigate how that might work
- when does capacity or other description of unit become limit related and need to go in body of permit?
 - if capacity used to establish lb/hr for NAAQS, is that capacity needed in permit to preserve compliance demonstration??
 - or does that take us back to the 'adequate compliance demonstration' issue?
 - will that capacity information affect emissions & change enough that they would no longer meet lb/hr used in model?
 - it is required that sources construct as applied for, so doesn't that mean capacity is applicable requirement?
 - old permit applications asked for 'minimum capacity' while we now ask for 'maximum heat input rating'
 - should address changes in capacity, however they come about, within modification/exclusion review - and can do so without including thresholds in permit body
 - capacity change may not be due to 'physical or operational change' and just variation in fuels, temperature, humidity, etc. when tested - if doesn't meet that test, a key point in definition of modification
 - would better PD descriptions offset issues - as well as better responses to comments
 - need to check change in capacity for (1) affect on PTE, (2) affect on modeling levels, (3) other applicability
- **program will set up a clear statement on how we will treat titles in permits as we cycle through the next round of renewals

PSD determinations

- product will be an internal process to respond to comments on old PSD issues, one of two ways likely:
 - proceed with renewal and follow up later, acknowledging issue in permit shield possibly
 - put renewal on hold for investigation
- what would trigger investigation into old permits/determinations?
 - criteria for sufficient justification
 - not just list of projects & \$\$?
- Q: Is Title V the proper place to raise PSD review issues?
 - it may be the first time a change was brought into public view

Next steps:

Dec 13th next meeting - at DNR Science Operations

1. Any comments on two main proposals today, DUE to Renee by November 22, 2011.
2. Jonathon and Susan will provide draft policy/guidance documents to group for review by December 9th (Friday before next meeting).
3. Andy will provide a presentation on the process for looking back at old PSD determinations.