

Issue Statement:

How to Handle Information from Old/Previous Permit Conditions *and* Permit Applications in Title V Operating Permits

▶ Title V permits...

DO- Contain emission limits and monitoring, recordkeeping, reporting to assure sources comply with all Existing Applicable Requirements &

Create legally-enforceable documents-

DON'T – Impose *new* substantive Air Quality Control Requirements (Applicable Requirements)

2 Sub-Issues

- 1. Conditions from previous Permits, Orders, and/or Legal Documents – includes Title I, changes to regulations, changes to the source
- 2. Information in Applications as Enforceable Conditions – includes heat capacity and throughputs

Sub-issue 1: Incorporating conditions from old Permits, Legal Documents and Changes in Requirements into Title V permits.

Title V operating permits are required to contain *all* applicable requirements.

Concern: *Consistently and Adequately* incorporating conditions from Title I (PSD/NSR/minor source) permits, Orders, new regulations into the Title V permit

Examples to illustrate several situations

Conditions in Construction permits that do not expire remain in effect and enforceable

Petitions supporting this issue:

Alliant Energy – Edgewater

WPSC- JP Pulliam

Situations where this issue may be of concern include:

- Conditions in previous permits for emission units which no longer exist, fuels no longer used, etc.
- New applicable requirements because of changes to the emission unit(s)
- New or changed applicable requirements because of changes in regulations
- Conditions for general limitations which are now contained in Part II of the permit
- Changes to applicable requirements based on Air Management Policy [examples, limits previously set for allocation of air resource; what constitutes Good Combustion, changes resulting from use of new air dispersion modeling (AERMOD), etc.]

Situation 1- historical record

- Conditions in previous permits for emission units which no longer exist. This situation can include emission units to which PSD requirements applied or may have been used in netting, removal of older emission units such as coal fired boiler and replacement with different technology where specific pollutants are no longer emitted, changes to source status because of removal of emission units.

Approaches	& Practices
<ul style="list-style-type: none">□ Remove emission unit from Preamble and Body of Permit□ Remove permit conditions specific to the unit or fuel or material□ Remove permit conditions of a pollutant no longer emitted	<ul style="list-style-type: none">□ Retain PSD avoidance limits/netting analysis and limits remain□ Clearly state reason(s) in the review (preliminary determination)

Situation 2- Changes to Emission Units

Approaches to take when incorporating changes to emission units into Title V permit when **Title I actions** are necessary

Approaches & Practices

- Review change to emission unit to determine if it constitutes a Title I action with NEW applicable requirements. (s. NR 405/ s. NR 406.04, Wis. Adm. Code)
- Title I actions – require separate PSD/NSR/Minor permit action (construction permit no, fees, public notice) concurrent and integrated with Title V, but outside of Title V

- Review Underlying Permit for applicable requirements – example PSD avoidance to limits which may be applicable and enforceable
- Revise the Title V operation permit

Situation 3- Changes to Regulations

New applicable conditions because of changes to regulations. Issues and problems due to timing

Examples include:

- newly promulgated Standards -New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS);
- changes to regulated pollutants – compounds added or deleted from list of HAPs or VOC;
- changes to federal code that have not been incorporated into Wisconsin’s State Implementation Plan (SIP)

Approaches & Practices

- | | |
|--|--|
| <ul style="list-style-type: none">□ Review applicability to emission unit at time of Renewal□ Revise the Title V at time of Renewal to include all applicable requirements | <ul style="list-style-type: none">□ Source has obligation to comply - For time between promulgation and Renewal, all applicable requirements are not in Title V<ul style="list-style-type: none">- Change to pollutants (ie pollutant no longer regulated or new GHG pollutants)- Changes to Federal Regulations not part of SIP which create dual requirements |
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Situation 4- **Location** of general limitations in Title V permits

Part I Conditions which are included in Part II

Approaches & Practices

- Remove condition in Part I if identical to condition in Part II –
Clearly state reason(s) in the review (preliminary determination)
- Revise the Title V at time of Renewal
- Eliminates duplicate conditions

Situation 5-Changes due to Policy change

Changes to applicable requirements because of changes in Air Program Policy

Examples include:

- use of AIRMOD,
- limits set for allocation of air resource, etc.

Approaches & Practices

Review results of change to determine:

- do emissions increase - Title I construction permit action is necessary. Source proceeds with actions to maintain compliance;
- does change relax an emission limit - Title I construction permit action may be necessary
- does change affect compliance monitoring, records, - revision to Title V at time of renewal

Revise the Title V at time of Renewal with integrated Title I action

Clearly explain changes in the Preliminary Determination documents

Discussion

Address Concern:

Consistently and Adequately

- How to make information available?
- Suggestions for practices to ensure consistent implementation-

Sub issue 2: Information in Applications -Is capacity an applicable requirement and enforceable limitations?

Concern: Are heat input capacities “descriptions” or federally enforceable “operating limitations” and legally enforceable applicable requirements.

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Information in Application as Applicable Requirements

Petitions supporting this issue:

Alliant Energy – Edgewater

East Kentucky Power Cooperative –
Spurlock Generating Station (R2)

Portland Generating Station –
Northampton Co. PA

Underlying requirements

- ▪ When the allowable emission limitation is in terms of throughput examples:
 - s. NR 415.05: lb PM/ton stone fed; lb NO_x/MMBTU, etc.
 - capacity and throughputs cap the allowable emissions from the emission unit.
- ▪ When applicability of code requirements depend on size, the capacity and throughputs enforceable clearly show whether an emission unit must meet an applicable code (or conversely what limits have been taken to avoid a particular code ... examples:
NSPS or NESHAP requirements
- ▪ Capacity and throughputs can clearly cap potential to emit when taking synthetic minor limitations to avoid requirements such as PSD, MACT requirements

EPA Decisions

- Information in Application is used to determine *what applies* to a source and is used in determining approval of Title I construction permit
- Title V permit is required to contain sufficient monitoring, recordkeeping, etc. to assure compliance
- If does not have a bearing on demonstration of compliance heat input rate are not applicable requirements by themselves

Questions for Discussion

- **What information needs to be enforceable?**
- When might capacity and throughputs be enforceable?
- How should capacity and throughputs be made enforceable?

Other Issues: