



Department of  
**Environment &  
Conservation**

# Title V Permit Changes

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# Applicable Requirements

Includes the following:

- SIP requirements
- PSD or nonattainment NSR permit conditions
- NSPS
- NESHAP/MACT standards
- Acid Rain Program requirements
- Title V monitoring requirements (CAA §§504(b) or 114(a)(3))
- Solid waste combustion requirements, (CAA §129)
- Federal ozone measures (CAA §183(e))

Permit changes cannot violate applicable requirements.

**Note:** the above list is not exhaustive.

# Title I Modification

- “Modification” as defined under NSPS, NESHAP
- “Modification” as defined under PSD/nonattainment NSR
- Project accounting (in step 1) and contemporaneous net-outs (in step 2) are “modifications” at an existing major PSD source

# Title I Modification – NSPS Applicability

- Modification or reconstruction of an existing non-NSPS emissions unit would be a Title I modification. §60.14 defines a “modification” as a physical or operational change that:
  - Increases the hourly emission rate of an NSPS pollutant;
  - Is associated with a capital expenditure; and
  - Is not otherwise exempted.
- Modification or reconstruction of an existing NSPS emissions unit would not be a Title I modification unless the modification/reconstruction triggers a new/different NSPS requirement (e.g., modification of an NSPS VV unit so that it becomes subject to NSPS VVa).
- Construction of a new NSPS emissions unit would not be a Title I modification.

# Title I Modification – MACT Applicability

- CAA §112(a)(5) defines "modification" as any physical or operational change **at a major source** which increases the actual emissions of any hazardous air pollutant (or results in the emission of a hazardous air pollutant not previously emitted) **by more than a de minimis amount**.
- Construction or reconstruction of a major source (e.g., construction of a process or production unit, which in and of itself is a major source, at an existing facility) would be a Title I modification.
- Construction, modification, or reconstruction of a process or production unit, which in and of itself is not a major source, would not be a Title I modification.

# Permit Shield

- **If requested by the applicant**, the Title V permit shall include a provision stating that compliance with the permit conditions shall be deemed compliance with any applicable requirements, provided that:
  - The applicable requirements are included in the permit; or
  - The Technical Secretary, determines in writing that other requirements specifically identified are not applicable to the source.

# Significant Permit Modification

|                                           |                                                                                                                                                  |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Can be used for:                          | Any change to permit. Most commonly used for Title I modifications; significant changes to monitoring, recordkeeping & reporting; PSD avoidance. |
| <u>Cannot</u> be used for:                | N/A                                                                                                                                              |
| Information required:                     | Same as a regular Title V application, except that you only need to submit forms for sources that are being changed.                             |
| The source can make the requested change: | Upon issuance of the permit modification                                                                                                         |
| Public comment:                           | 30 days. Only the portion of the permit affected by the significant modification is open to comment.                                             |
| EPA review:                               | 45 days                                                                                                                                          |
| Permit shield?                            | Yes                                                                                                                                              |
| Time to issue:                            | TDEC must act within 9-18 months                                                                                                                 |
| Application Fee ( <b>NEW</b> ):           | \$5,000                                                                                                                                          |
| Other comments:                           | Procedures for issuance are the same as for a Title V permit.                                                                                    |



# Minor Permit Modification

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Can be used for:           | Allowable emission increases that do not trigger PSD, MACT, etc., updates to operating parameter ranges (non-significant changes to monitoring, recordkeeping, & reporting), etc.                                                                                                                                                                                                                                                                                                                              |
| <u>Cannot</u> be used for: | Title I modifications; significant changes to monitoring, recordkeeping & reporting; PSD/MACT avoidance (case-by-case emission limits).                                                                                                                                                                                                                                                                                                                                                                        |
| Information required:      | <ol style="list-style-type: none"><li>1. Description of the change, emissions resulting from the change, any new applicable requirements, completed application forms (APC INDEX, APC 1, and any additional forms that would change as a result of the modification).</li><li>2. Certification by a responsible official that the proposed change meets the criteria for use of minor modification procedures and a request that such procedures be used.</li><li>3. Source's suggested draft permit</li></ol> |

# Minor Permit Modification (continued)

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|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The source can make the requested change: | Upon submittal of the application.                                                                                                                                                                         |
| Public comment:                           | None. TDEC must notify EPA and affected States within 5 working days of receipt of a complete application.                                                                                                 |
| EPA review:                               | 45 days                                                                                                                                                                                                    |
| Permit shield?                            | <b>No</b>                                                                                                                                                                                                  |
| Time to issue:                            | TDEC must issue or deny within 90 days of receipt or 15 days after the end of EPA's 45-day review period, whichever is later. The applicant can make the requested change prior to issuance of the permit. |
| Application Fee ( <b>NEW</b> ):           | \$2,800                                                                                                                                                                                                    |

# Reopen for Cause

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Can be used for:      | <ol style="list-style-type: none"><li>1. To add requirements under the Federal Act that become applicable to sources in the permit, provided the permit has a remaining term of 3 or more years.</li><li>2. To add requirements that become applicable to an affected source under the acid rain program.</li><li>3. To make corrections if the Technical Secretary or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit.</li><li>4. The Technical Secretary or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.</li></ol> |
| Information required: | None. Typically initiated by the Division or EPA.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Public comment:       | 30 days. Only the portion of the permit affected by the reopening is open to comment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| EPA review:           | 45 days                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

# Reopen for Cause (continued)

|                  |                                                                                                                                                                                                                                                                                 |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permit shield?   | Yes                                                                                                                                                                                                                                                                             |
| Time to issue:   | As expeditiously as practicable                                                                                                                                                                                                                                                 |
| Application fee: | None                                                                                                                                                                                                                                                                            |
| Other comments:  | Procedures for issuance are the same as for initial Title V permit issuance. Reopening shall not be initiated before a notice of such intent is provided to the permittee by the Technical Secretary at least 30 days in advance of the date that the permit is to be reopened. |

# Administrative Permit Amendment

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Can be used for:                          | <ol style="list-style-type: none"><li>1. Minor changes/corrections (typographical errors, change in name, address, or ownership), require more frequent monitoring.</li><li>2. Can use to establish an <b>initial</b> parametric value through testing/monitoring <u>if</u> the current permit has undergone public participation and the specific type of monitoring is established in the permit.</li></ol> |
| <u>Cannot</u> be used for:                | Title I modifications, changes to established monitored parameters, changes to applicable requirements.                                                                                                                                                                                                                                                                                                       |
| Information required:                     | A statement regarding the nature of the request; applicable Title V Permit Application forms; and any supporting documentation.                                                                                                                                                                                                                                                                               |
| The source can make the requested change: | Upon submittal of the request                                                                                                                                                                                                                                                                                                                                                                                 |
| Public comment:                           | None                                                                                                                                                                                                                                                                                                                                                                                                          |
| EPA review:                               | None. TDEC submits the amended permit to EPA after issuance.                                                                                                                                                                                                                                                                                                                                                  |
| Permit shield?                            | <b>No</b>                                                                                                                                                                                                                                                                                                                                                                                                     |
| Time to issue:                            | 60 days                                                                                                                                                                                                                                                                                                                                                                                                       |
| Application fee:                          | None                                                                                                                                                                                                                                                                                                                                                                                                          |

# 502(b)(10) Changes

|                                           |                                                                                                                                                                         |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Can be used for:                          | On-site relocation of an existing source, change in reagent brand.                                                                                                      |
| <u>Cannot</u> be used for:                | Title I modifications; changes to applicable requirements, federally-enforceable conditions, or allowable emissions.                                                    |
| Information required:                     | Brief description of change; date on which change will occur; any change in actual emissions; any permit term no longer applicable; responsible official certification. |
| The source can make the requested change: | 7 days after notification to TDEC <u>and</u> EPA                                                                                                                        |
| Public Comment:                           | None                                                                                                                                                                    |
| EPA review:                               | None. TDEC submits our acceptance or denial to EPA after issuance.                                                                                                      |
| Permit shield?                            | <b>No</b>                                                                                                                                                               |
| Time to issue:                            | No time limit.                                                                                                                                                          |
| Other comments:                           | 502(b)(10) changes are relatively uncommon, because most modifications do not qualify as 502(b)(10) changes.                                                            |

# Operational Flexibility Changes

|                                           |                                                                                                                                                                                                                                                                                 |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Can be used for:                          | Changes that are not addressed or prohibited by the permit.<br>Example: a paper mill submitted an operational flexibility notification to add hydrogen peroxide to lime mud precoat filters. This change was not addressed by the permit, and there was no change in emissions. |
| <u>Cannot</u> be used for:                | Title IV (Acid Rain) changes, Title I modifications, changes to any existing permit condition.                                                                                                                                                                                  |
| Information required:                     | Date, change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.                                                                                                                                                      |
| The source can make the requested change: | 7 days after notification to TDEC <u>and EPA</u> . Not required for insignificant activities.                                                                                                                                                                                   |
| Public comment:                           | None.                                                                                                                                                                                                                                                                           |
| EPA review:                               | None. TDEC submits our acceptance or denial to EPA after issuance.                                                                                                                                                                                                              |
| Permit shield?                            | <b>No</b>                                                                                                                                                                                                                                                                       |
| Time to issue:                            | No time limit.                                                                                                                                                                                                                                                                  |
| Other comments:                           | The permittee must keep a record of operational flexibility changes until the changes are incorporated into subsequent permits.                                                                                                                                                 |

# Questions?

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