

# Title V Minor Permit Modification Guidelines

## For use when modifying a Title V Operating Permit via a Minor Permit Modification

Minor permit modifications are the most commonly used type of modification. Common uses for minor permit modifications include: increases to allowable emissions on a permit that do not trigger PSD, MACT, etc.; changes to monitoring that are not “significant”; addition of NSPS emission units; or changes to allowable SIP limits (i.e., SO<sub>2</sub> emission limits determined by rule). This document is guidance only; minor permit modification regulations are found at TAPCR 1200-03-09-.02(11)(f)5.(ii).

### Minor permit modifications can be used to make changes that:

- Do not violate applicable requirements;
- Do not involve significant changes to existing monitoring, reporting, recordkeeping (change in monitored parameter as opposed to parametric range);
- Do not require case-by-case emission limit (RACT, BACT, MACT)
- Do not seek to establish or change permit conditions “for which there is no underlying applicable requirement” (e. g., PSD, MACT avoidance);
- Are not Title I modifications. **Title I modification** is any change that would meet the definition of “modification” under NSPS, MACT, or major New Source Review. This includes netting, where emission reductions are used to avoid PSD by offsetting emission increases.

[TAPCR 1200-03-09-.02(11)(f)5.(ii)(I)]

### Common uses for minor permit modifications include:

- Increases to allowable emissions on a permit that do not trigger PSD, MACT, etc.;
- Changes to monitoring that are not “significant” (e. g., updates to operating parameter ranges);
- Addition of NSPS emission units; or
- Changes to allowable SIP Limits (i.e., SO<sub>2</sub> emission limits determined by rule).

### Example:

- Title V sources typically monitor control device operating parameters such as baghouse pressure drop or scrubber flow rate. Minor permit modifications can be used to change the value or range of the monitored parameter (for example, a baghouse can use a minor modification to change the minimum pressure drop).
- In general, a change to a completely different monitored parameter would be “significant” and could not be accomplished using a minor permit modification. If an applicant submits a minor permit modification that involves changes to monitoring, the applicant needs to be careful not to make any changes that could be considered “significant” prior to issuance of the modification. If an applicant has questions about whether a change is “significant”, please call TDEC APC for guidance. If necessary, TDEC APC will contact EPA for an applicability determination.

### Minor permit modification requests should include:

- A description of the change, including the emissions resulting from the change and any new applicable requirements that will apply if the change occurs
- The source’s suggested draft permit conditions
- A certification by a responsible official that the proposed modification meets the criteria for use of the minor modification procedures, and a request that such procedures be used. Applicants should note that this requirement is in addition to the truth, accuracy, and completeness certification of TAPCR 1200-03-09-.02(11)(d)4.
- Completed application forms, including:
  - APC INDEX
  - APC 1 (Facility Identification Form)Any additional forms that would change as a result of the modification or any new forms that result from the modification

[TAPCR 1200-03-09-.02(11)(f)5.(ii)(II)]

**Application fee:** None.

**Approval timeline:**

- Facilities can make the requested change immediately upon submittal of the request.
- However, since the Title V permit shield does not apply, the facility is proceeding at its own risk. If it is determined that the change cannot be approved as a minor permit modification (i. e., if the change requires a significant modification), then the applicant could be subject to enforcement action.
- TDEC APC must issue or deny the request within 90 days of receipt or 15 days after the end of EPA's 45-day review period, whichever is later.

[TAPCR 1200-03-09-.02(11)(f)5.(ii)(IV) and (V)]

**EPA/Public involvement:**

- TDEC APC must notify EPA within 5 working days of receipt of a complete application.
- A proposed permit must be sent to EPA for 45-day review. TDEC APC may issue after 45 days or upon receipt of comment/no comment from EPA.
- No public notification required.

[TAPCR 1200-03-09-.02(11)(f)5.(ii)(III) and (IV)]

**How to submit:** Minor permit modifications can be submitted electronically via e-mail to [Air.Pollution.Control@tn.gov](mailto:Air.Pollution.Control@tn.gov) (preferred) or by mail to:

Tennessee Department of Environment and Conservation  
Division of Air Pollution Control  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 15th Floor  
Nashville, TN 37243

# Minor Permit Modification Checklist

To be a Minor Permit Modification the change must meet all of the following criteria:

- Does not avoid applicable requirements (MACT, PSD avoidance limit)
- Not a Title 1 Modification
- Does not require case-by-case emission limit (RACT, BACT, MACT)
- Does not violate applicable requirements
- Does not significantly change existing monitoring, reporting, or record keeping

The submittal of a Minor Permit Modification application must contain the following:

- A description of the change
- Any emissions resulting from the change
- Any new applicable requirements
- Suggested Draft Permit language
- APC Index Form
- APC I Form
- Any APC forms that would change due to the Modification
- Any new APC forms required due to the Modification