

Standard Operating Procedures for the Issuance of True Minor Operating Permits

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts. Mention of trade names or commercial products does not constitute an endorsement or recommendation for use.

Effective Date: May 14, 2018

Signatures:

A handwritten signature in blue ink that reads 'Michelle W. Avery'.

Division Director

A handwritten signature in blue ink that appears to read 'James P. [unclear]'.

Reviewer - Division Deputy Director

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PURPOSE

The purpose of this policy is to provide standard operating procedures for TDEC-APC staff for the issuance of true minor operating permits.

**DIVISION OF AIR POLLUTION CONTROL
STANDARD OPERATING PROCEDURE FOR TRUE MINOR OPERATING PERMITS
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Section 1: INTRODUCTION

The purpose of this Standard Operating Procedure is to provide a consolidated reference document for use in training and orientation of employees. This guide will also be a useful reference tool for more experienced employees. The SOP identifies the technical information and application requirements for true minor operating permits. This SOP will delineate all steps in the process, including responsible personnel. Additional information includes state and federal statute and rule authorization, plus supporting documentation (when necessary). This SOP is only intended to describe routine conditions normally encountered with true minor operating permits. Additional processes and/or irregular conditions that could be involved with true minor operating permits will be considered independently of this SOP.

Tennessee Rule 1200-03-09-.02(2) states that no person can operate an air contaminant source without first obtaining an operating permit, Notice of Coverage, or Notice of Authorization from the Technical Secretary except as specifically exempted in Rule .04 of chapter 1200-03-09.

The objectives of operating permits include: (1) protection of public health and welfare, (2) harmonization of the mutual goals of economic growth and clean environment, and (3) enhancement, protection, and preservation of air quality in Tennessee. These objectives are accomplished by ensuring compliance with all applicable rules and regulations through issuance of operating permits.

Section 2: STATUTORY AND REGULATORY AUTHORITY FOR PROCESS

- 2.1 Tennessee Statutory Authority
 - T.C.A. Section 68-201-105(a)(1)
 - T.C.A. Section 68-201-105(b)(2)

- 2.2 Tennessee Regulatory Authority
 - Rule 1200-03-09-.02

- 2.3 Federal Statutory Authority
 - 42 USC 7410
 - 42 USC 7661a-7661e

- 2.4 Federal Regulatory Authority
 - 40 CFR 51
 - 40 CFR 52

Section 3: PROCESS PROCEDURES

Responsible Person	Steps
Administration (Admin)	1. Receive permit application <ul style="list-style-type: none"> • Date stamp hard copy permit application • Log application into SmogLog under “Mail Log”
Admin	2. Create permit record in Smog Log (ensure not a duplicate site or facility). <ul style="list-style-type: none"> • Upload application and cover letter to SmogLog unless confidential information is included. If this is the case, notify the permit writer that the information was not uploaded. • Upload MACT/GACT Initial Compliance Notification to SmogLog • Revise contact information in SmogLog if it has changed. • Forward application to Permitting Manager (EM) with route sheet.
Permitting Manager (EM)	3. Review application and assign to EPS/EC. <ul style="list-style-type: none"> • Update SmogLog with permit writer and reviewer information. • Review application to determine if the source was constructed <u>or</u> constructed and operated without a permit. If so, notify EPS/EC to draft an appropriate NOV and letter. • Forward application to EPS/EC with route sheet.
Environmental Protection Specialist (EPS) or Environmental Consultant (EC)	4. Completeness Review <ul style="list-style-type: none"> • Determine if the source is located in a local program county (Davidson, Hamilton, Knox, Shelby). <ul style="list-style-type: none"> ○ If yes, is the source owned by the State of Tennessee? <ul style="list-style-type: none"> • If yes, proceed with completeness determination. • If no, the source is not eligible for a permit from the Division. Contact the applicant and provide contact information for the correct local program (http://tn.gov/environment/article/other-environmental-related-contacts). Cancel the application in SmogLog and return all paper copies of the application to the applicant. Note in SmogLog that the source is located in a local program area and actions taken (applicant contacted, application

	<p>returned, etc.).</p> <ul style="list-style-type: none"> ○ If no, proceed with completeness determination. ● Is the source located at a true minor source/facility? <ul style="list-style-type: none"> ○ If yes, proceed with completeness determination. ○ If no, notify manager. If not re-assigned to a different permit writer, use the correct operating permit SOP for the new source type (conditional major or Title V). ● Was the source constructed without a construction permit and no construction permit has been issued? <ul style="list-style-type: none"> ○ If yes, draft NOV and a separate letter denying the operating permit application and requesting a construction permit application. The template for the denial letter can be found on the Permitting SharePoint site under Letter Templates. ○ If no, proceed with completeness determination. ● Is the source eligible for a general permit or permit-by-rule? <ul style="list-style-type: none"> ○ If no, proceed with completeness determination. ○ If yes, contact the applicant and suggest that they submit a general permit or permit-by-rule NOI (whichever is applicable for the type of source). If the applicant agrees to be covered by a general permit or permit-by-rule, instruct the applicant in the appropriate procedures. Submission of a Notice of Intent for coverage under a General Permit or Permit-by-Rule for the source by the applicant shall be treated as a written request for cancellation of the initial application. The permit writer should then cancel the application in Smog Log. ● Review permit application for missing items - signatures, stack test data, missing data from completed Air Pollution Control (APC) forms, etc. Failure to include stack test data that was required in a previous permit or Order with the application (or prior to application submittal) is grounds for deeming the application incomplete. ● Is confidential information included? <ul style="list-style-type: none"> ○ If yes, is a redacted copy and confidentiality request form included? <ul style="list-style-type: none"> ▪ If yes, scan and upload redacted application, including cover letter. Confidential material must be secured when staff is not at their desk. Continue processing. ▪ If no, contact the company and explain confidentiality
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	<p>requirements. Verify that they are requesting confidentiality and direct them to our website for the form or send via email. Processing of the application can proceed until received. Confidential material must be secured when staff is not at their desk.</p> <ul style="list-style-type: none"> ▪ If confidentiality is not requested but documents are marked confidential, request written confirmation. This confirmation should be uploaded to SmogLog as Internal Draft. ○ If no, proceed with processing application. • Is applicant currently out of compliance? Check for timeliness of application, outstanding NOVs, and outstanding orders when making this determination, as well as requirements (testing, etc.) in previous permits. <ul style="list-style-type: none"> ○ If yes: <ul style="list-style-type: none"> ▪ Does a Technical Secretary's Order require the facility to submit a complete application by a specific date? <ul style="list-style-type: none"> • If yes and the application is complete, move to the next step. • If yes and the application is incomplete, the incomplete letter must require submittal of missing information no later than the date specified in the Order. If the due date has passed, consult with reviewer and Enforcement for guidance. • If no, move to next step. ▪ Is a compliance schedule already in place to correct the non-compliance? <ul style="list-style-type: none"> • If yes, include the compliance schedule in the permit if not in another active permit. • If no, a compliance schedule must be included in the permit. This schedule should be developed in conjunction with the Enforcement Program. ▪ Verify that all outstanding order requirements have been met. If not, consult with reviewer and enforcement staff to determine next steps. ▪ Note: no permit can be issued to a facility that is out of compliance unless the permit contains a compliance schedule [1200-03-09-.02(4)]. ○ If no, proceed with completeness review. • Determine if source/facility is subject to a Notice of Violation
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	<p>(NOV)</p> <ul style="list-style-type: none"> ○ If yes, follow NOV issuance procedures. <u>Note:</u> Enforcement action applies to sources constructing or operating without a valid permit or waiver on or after April 16, 1986. However, sources subject to NSPS, NESHAPS, or PSD are always subject to enforcement action regardless of whether they began construction on or before April 16, 1986 ○ If no, proceed with completeness determination. ● Is applicant on the delinquency list for APC fees (posted in Sharepoint, if on list confirm status with Sринi) <ul style="list-style-type: none"> ○ If yes, the application is incomplete. The applicant should be notified that the Division cannot proceed with issuance of the permit until all outstanding fees have been paid. Include contact information for the Division of Fiscal Services in the incomplete letter. ○ If no, proceed with completeness determination. ● Determine if the source is subject to a federal NSPS (40 CFR 60) and/or NESHAP (40 CFR 61 and 40 CFR 63). Note that Part 61 NESHAP regulations are commonly referred to as NESHAPs, Part 63 regulations that apply to major sources are commonly referred to as MACT standards, and Part 63 regulations that apply to area sources (i.e., non-major) are commonly referred to as GACT standards (see section 3 for definitions of MACT and GACT). While most area-source Part 63 regulations are GACT standards, some were actually developed to meet MACT requirements. Part 61 NESHAPs were developed prior to the 1990 Clean Air Act Amendments and can apply to either major or area sources. Far fewer sources are subject to Part 61 than Part 63. <ul style="list-style-type: none"> ○ Review 40 CFR 60 (eCFR — Code of Federal Regulations) and 1200-03-16 to determine if NSPS applies. Note: If the federal and state rules are different, they must comply with both. When such situations are discovered, notify the Regulatory Development Program manager so rulemaking can begin to resolve the discrepancy. If an NSPS applies, add the applicable Subpart to SmogLog on the Facility page if not already included. ○ Determine if source/facility is subject to a NESHAP standard.
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	<ul style="list-style-type: none"> ▪ Does the source emit HAP? <ul style="list-style-type: none"> • If yes, are the potential emissions of HAP from the source/facility equal to or greater than 10 TPY of an individual HAP and/or 25 TPY of a combination of HAPs? <ul style="list-style-type: none"> ○ If facility-wide potential HAP emissions are less than the above thresholds, the facility is an area source for HAP. ○ If facility-wide potential HAP emissions equal or exceed the above thresholds, the facility is major for HAP and may need a major source operating permit (Title V). Contact the facility and request verification of the quantity of HAP emissions. <ul style="list-style-type: none"> ▪ If the reported quantities are correct, deny the application and advise the facility that they must either lower their emissions through a conditional major operating permit or apply for a Title V operating permit. ▪ If the reported quantities are incorrect and are below major source thresholds, send an incomplete letter requesting updated application forms. • If yes, has a standard been proposed or promulgated by EPA for the source/facility category (NESHAP and Urban Air Toxics Strategy Area Source Standards Technology Transfer Network Air Technical Web Site US EPA)? Note that there are several GACT standards and some MACT standards that apply to sources that are area sources for HAP. • Determine if source/facility properly determined NESHAP applicability. <ul style="list-style-type: none"> ○ If yes, proceed with completeness review. ○ If no, contact the facility to discuss any MACT issues. The application may be incomplete if the applicant failed to address MACT; discuss with reviewer. • If a NESHAP applies, add the applicable Subpart to SmogLog on the Facility page if not already included.
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- Determine if the source is subject to state *New Source Performance Standards* (NSPS, 1200-03-16) and/or *National Emission Standards for Hazardous Air Pollutants* (NESHAP, 1200-03-11 and 31)
 - Ensure that the operating permit includes all requirements of the federal and/or state rule(s) (the source must comply with both the state and federal rules if they are different), including, but not limited to:
 - Emission limitations, input limitations, production limitations, or work practice standards to control the emissions of HAP
 - Compliance certifications, testing, monitoring, reporting and recordkeeping requirements consistent with the federal and state standards and Rule 1200-03-09-.02(11)(e)3 of the Tennessee Air Pollution Control Regulations when applicable
 - Monitoring that is capable of demonstrating continuous compliance
- If the application is incomplete, draft a certified letter (<H:\APC\Permitting Guidance\Letter Templates\Complete and Incomplete Letters or Permitting Sharepoint site>) informing the permit applicant of the deficiency or deficiencies. Send draft letter to reviewer for review.
- No later than thirty (30) days after incomplete letter is sent, contact the company (phone or e-mail) if no response has been received to be sure they understand the reasons for the deficiencies.
- Upload all documents (letters, emails, etc.) to SmogLog, and enter all dates information was requested or received.
- If letters are sent via certified mail, associate the certified mail number in SmogLog following the certified mail procedures.
- Update Smog Log business identification information
 - Check S.O.S. Facility ID
 - If not present, look up on [S.O.S. website](#) and enter it into Smog Log (use S.O.S. verification SOP)
 - If business is not registered, prepare notice letter to register with S.O.S. (use approved template found on the Permitting Sharepoint site)
 - Government entities are not required to have an SOS Facility ID.

<p>Reviewer</p>	<p>5. Review draft incomplete/denial letter(s), review NOV (if applicable). Ensure all required data and documents are entered/uploaded to SmogLog. Notify the EPS/EC of any deficiencies.</p> <ul style="list-style-type: none"> • If the permit application is being denied, ensure the reason for the denial is entered in SmogLog. <p>Note: This step may need to be repeated.</p>
<p>EPS/EC</p>	<p>6. Draft permit preparation</p> <ul style="list-style-type: none"> • Finalize permit application review. • Determine if notice of permit issuance or denial must be sent to the permit registry (see shared contacts in Outlook; Lida maintains this list). If yes, send the notification when the draft permit has been approved by the reviewer. Include a copy of the draft permit, but if issuance is time-sensitive and the draft is not ready, the permit registry notification can be sent without the draft permit. Anyone on the permit registry must be notified at least fifteen (15) days prior to permit issuance or denial and a copy of the draft permit must be made available upon request. • Determine if a permit template exists for the source type (see H:APC\Permitting Guidance, SmogLog Site ID 61456, and Sharepoint) and if it is appropriate for this permit. <ul style="list-style-type: none"> ○ If yes, use the permit template to draft the permit. ○ If no, use the standard operating permit template to draft the permit. ○ Always use a Section Break to separate page 1 from the rest of the permit ○ Always put page number and permit number in the document header for all pages except the first • Review files if company is an existing facility. <ul style="list-style-type: none"> ○ Review most recent annual inspection, if available, to determine if any changes to the permit are needed for clarity or enforceability. • Determine if the facility emits lead (Pb). <ul style="list-style-type: none"> ○ If no, proceed with drafting permit. ○ If yes, does the facility have the potential to emit ½ ton per year or more? <ul style="list-style-type: none"> ▪ If no, proceed with drafting permit. ▪ If yes <ul style="list-style-type: none"> • Contact the company and ask them to verify that

	<p>lead emission estimates are correct. Lead monitoring must be conducted at sources with actual emissions above 0.5 TPY. If the company indicates that lead emissions are incorrect, send them an incompleteness letter requesting revised calculations.</p> <ul style="list-style-type: none"> • Advise Permit Manager, Technical Services Manager, Emission Inventory manager, and Deputy Director of the potential need for lead monitoring. • Schedule a plant visit for an engineering walk-through if necessary and applicable per permit site visit guidance (APC-PERM-P-02-Site Visits found in the Permitting Sharepoint site in the Permitting Policy and Guidance folder) • If the facility has the potential to emit 25 TPY or more of NOx or VOC and is located in Davidson, Rutherford, Shelby, Sumner, Knox, Blount, Anderson, Williamson, or Wilson county, the permit must include the reporting requirement for such sources found in 1200-03-18-.02(8). • Does the previous permit include the means for demonstrating compliance with each condition? <ul style="list-style-type: none"> ○ If yes, proceed with processing. ○ If no, determine if adding compliance methods is appropriate and consult with reviewer. For many sources with existing operating permits, addition of the following statement may be adequate: “The Technical Secretary may require the permittee to prove compliance with this limitation.” • If NESHAP or NSPS applies, include this information on the first page of the permit under the Emission Source Reference Number. • Prepare Emission Summary (templates found on H drive in the Permitting Guidance\Construction Permit Information folder or on the SharePoint site) • Send application package and draft permit to reviewer.
Reviewer	<p>7. Review draft operating permit</p> <ul style="list-style-type: none"> • Return application package to EPS/EC for corrections, if necessary
EPS/EC	<p>8. Operating permit preparation continued</p> <ul style="list-style-type: none"> • Correct any errors in draft permit package identified by reviewer

	<ul style="list-style-type: none"> • When approved, e-mail the draft operating permit to the applicant and the EFO for comments separately. “Draft” should be clearly indicated on the copy sent for review, whether by watermark or the word “Draft” in the header or footer of each page. The draft sent to the company should be “clean,” with all changes accepted and comments removed. Allow seven days for applicant and EFO review. The permit program EM3 or Deputy Director must approve any shortening of the time frame for EFO review if the applicant requested expedited review. • Review permit registry for any changes.
EPS/EC	<p>9. Final operating permit preparation</p> <ul style="list-style-type: none"> • Inform reviewer of any comments from the applicant or EFO and ask for guidance. Consult manager if agreement can’t be reached. Discuss any revisions to monitoring or recordkeeping resulting from company comments with the EFO reviewer. • Revise the draft operating permit, incorporating comments from the applicant, EFO, or permit registry participant, if appropriate. • Respond to questions from the reviewer and EFO before the permit is issued, and explain why any requested changes were not made.
Reviewer	<p>10. Review operating permit, ensuring the permit writer has:</p> <ul style="list-style-type: none"> • Corrected all previously identified errors • Responded to all comments • Uploaded all relevant documents to SmogLog.
EPS/EC	<p>11. After reviewer has approved draft permit, prepare the permit for issuance.</p> <ul style="list-style-type: none"> • Remove “Draft” from all pages of the permit. • Accept or deny all changes made using “Track Changes” in Word and turn off “Track Changes.” • Remove any comments made in the electronic version in Word • Type issuance and expiration dates on permit. Set the permit expiration date as ten years from the date of issuance (If issued February 1, 2018, the expiration date is January 31, 2028). • Email MS Word version of the permit to Admin at APC.Admin@tn.gov. The e-mail should include:

	<ul style="list-style-type: none"> ○ A statement confirming the facility's category as TM, CM, or T5: <ul style="list-style-type: none"> ▪ Issuance of this permit will not result in a change to the facility's category; or ▪ Issuance of this permit will change the facility's category (TM, CM, T5, etc.) from <old category> to <new category>. ○ A statement that report tracking will or will not be required by this permit: <ul style="list-style-type: none"> ▪ Report tracking will not be required by this permit; or ▪ Report tracking records will need to be added to SmogLog for this permit. See condition <#> for the report type(s) and reporting period(s); or ▪ Report tracking records will need to be moved from permit <old permit #> to <new permit #>. ○ MSWord version of the permit and any supporting PDF documents. ○ If the document should be mailed/e-mailed or both, and if there should be language used other than the current canned e-mail language. (Include approved language for e-mail to facility – see H:\APC\Permitting Guidance\Document Templates\Transmittal Letters) ○ The individual at the facility that should receive the document. Verify that this individual's mailing address/e-mail is correct in Smog Log before sending to Admin. ● Confidential material should be given to the EC4 for evaluation, and should include a statement of whether a redacted copy of the application was submitted and uploaded.
<p>Admin</p>	<p>12. Mail or e-mail permit</p> <ul style="list-style-type: none"> ● Review statements from permit writer regarding the facility category and report tracking requirements. If the source category changes or there are reports involved notify Lida and Tonja. ● Verify the permit issue date, change if needed ● Is the expiration date correct? ● Does the permit number, facility name, installation address and emission source reference number match what is in Smog Log? If not contact the permit writer. ● Insert Technical Secretary's signature on the permit

	<ul style="list-style-type: none"> • Save the document as a pdf. • Review formatting of permit. If addition of the signature caused errors in the permit format, return to EPS/EC for revision. If no formatting errors, upload to the permit page in SmogLog. • Verify the address and e-mail address in SmogLog. • E-mail or mail (or both, as identified above) the pdf copy of the permit to the identified contact. <ul style="list-style-type: none"> ○ If e-mailed, copy the EPS/EC. Save the permit as a pdf and upload to SmogLog. Use the standard language located at H:\APC\Permitting Guidance\Document Templates\Transmittal Letters. <ul style="list-style-type: none"> ▪ The standard language includes a request for the recipient to reply to the email for confirmation that the permit was received. If the permit writer was not copied on the response, forward the reply to the permit writer. ○ If mailed, notify the EPS/EC that it was mailed.
<p>EPS/EC</p>	<p>13. Update SmogLog</p> <ul style="list-style-type: none"> • Enter permit issuance and expiration dates. • Change permit status to “Active.” • Change previous permit status to “Inactive,” if applicable. • Change previous permit File Type to “Old Permit.” • Change previous application to “Old Application.” • Update fee data in SmogLog by entering allowable emissions information in the Permit Allowable Emission Rate table. • Upload Microsoft Word versions of the permit and Emission Summary, including the Construction Permit Summary, to SmogLog as Document Type “Internal Draft.” • Upload the transmittal e-mail and the recipient’s response confirming receipt to SmogLog if e-mailed in pdf format.
<p>EM</p>	<p>14. QA/QC all SmogLog entries and documents</p>

Section 4: DEFINITION OF TERMS

“Allowable emissions” means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to legally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (i) The applicable standards under this Division 1200-03 or in the State Implementation Plan, including those with a future compliance date; or
- (ii) The emissions rate specified as a legally enforceable permit condition established pursuant to rule 1200-03-09-.01 including those with a future compliance date; or pursuant to rule 1200-03-09-.02. (1200-03-26)

“Conditional major source” means a facility which has agreed to federally enforceable permit limitations and compliance methods that ensure the emissions from the facility do not exceed the applicability thresholds for Title V (potential to emit [PTE] \geq 100 TPY of any criteria pollutant [TSP, SO₂, VOC, NO_x, CO] PTE \geq 10 TPY of a single hazardous air pollutant [HAP], and/or PTE \geq 25 TPY of a combination of HAP]).

“Construction” means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

“Federally enforceable” (for purposes of this SOP) means a limit that is enforceable by the State of Tennessee and the U.S. EPA through federally approved permitting programs or State Implementation Plans (SIPs). Tennessee’s air quality construction permits are federally enforceable as long as they are issued after expiration of the public notice.

“General permit” means a permit issued to a category of sources under which individual sources may request coverage.

“Generally Available Control Technology” (GACT) means generally available control technology. Although not specifically defined, it is commonly used to refer to a

technology-based standard for a specific category of area sources either promulgated by the Administrator of the Environmental Protection Agency and published in 40 CFR Part 63, or a case-by-case determination of what constitutes reasonable and proper control for hazardous air pollutants from area sources. GACT may include, but is not limited to: control equipment, work practice standards, emission standards, process modification or raw materials substitution and/or reformulation. [1200-03-31-.02(9)]

“Hazardous Air Pollutant” (HAP) means any air pollutant listed in or pursuant to section 112(b) of the Clean Air Act (42 U.S.C. 7401 *et seq.*, as amended by Pub L. 101-549, 104 Stat. 2399). Per EPA’s website at [Pollutants and Sources | Technology Transfer Network Air Toxics Web site | US EPA](#), HAPs are those pollutants that cause or may cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental and ecological effects.

“Legally enforceable” means all limitations and conditions which are enforceable by the Technical Secretary, including those under this Division 1200-03, the State Implementation Plan, and any permit requirements established pursuant to this Division 1200-03. Legally enforceable may also include a limitation or condition that is enforceable by the United States Environmental Protection Agency or its administrator.

"Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person [or persons under common control]) belonging to a single major industrial grouping and that are described in subparts (i), (ii), (iii) or (iv) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

- (i) A major source under section 112 of the Federal Act, which is defined as:

- (I) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Federal Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (II) For radionuclides, "major source" shall have the meaning specified by the Administrator of the EPA by rule.
- (ii) A major stationary source of air pollutants, as defined in section 302 of the Federal Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Federal Act, unless the source belongs to one of the following categories of stationary sources:
- (I) Coal cleaning plants (with thermal dryers);
 - (II) Kraft pulp mills;
 - (III) Portland cement plants;
 - (IV) Primary zinc smelters;
 - (V) Iron and steel mills;

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- (VI) Primary aluminum ore reduction plants;
- (VII) Primary copper smelters;
- (VIII) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (IX) Hydrofluoric, sulfuric, or nitric acid plants;
- (X) Petroleum refineries;
- (XI) Lime plants;
- (XII) Phosphate rock processing plants
- (XIII) Coke oven batteries;
- (XIV) Sulfur recovery plants;
- (XV) Carbon black plants (furnace process);
- (XVI) Primary lead smelters;
- (XVII) Fuel conversion plants;
- (XVIII) Sintering plants;
- (XIX) Secondary metal production plants;
- (XX) Chemical process plants;
- (XXI) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (XXII) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (XXIII) Taconite ore processing plants;
 - (XXIV) Glass fiber processing plants;
 - (XXV) Charcoal production plants;
 - (XXVI) Fossil-fuel-fired steam electric plants or more than 250 million British thermal units per hour heat input; or
 - (XXVII) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category;
- (iii) A major stationary source as defined in part D of title I of the Federal Act, including:
- (I) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Federal Act, that requirements under section 182(f) of the Federal Act do not apply;
 - (II) For ozone transport regions established pursuant to section 184 of the Federal Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;
 - (III) For carbon monoxide nonattainment areas (1) that are classified as "serious," and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under

rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and

- (IV) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10.

- (iv) For purposes of these regulations, a research and development facility may be treated as a separate source from other stationary sources that are located on a contiguous or adjacent property and are under common control. However, all activities claimed by an applicant to be research and development at the contiguous or adjacent property shall have their emissions aggregated as a single source for the purposes of determining whether or not the research and development activities constitute a major source.

“Maximum Achievable Control Technology” (MACT) means the emission limitation reflecting the maximum degree of reduction in emissions of hazardous air pollutants (including a prohibition on such emissions, where achievable) that the Technical Secretary, taking into consideration the cost of achieving such emission reductions, and any non-air quality and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory to which such emission standard applies. “MACT” is frequently used to refer to the requirements established by the U.S.EPA for major sources found in 40 CFR Part 63.

“Modification” means any physical change in, or change in the method of operation of an air contaminant source, which increase the amount of any air contaminant (to which an emission standard applies) emitted by such source or which results in the emission of any air contaminant (to which an emission standard applies) not previously emitted except that:

- (i) Routine maintenance, repair, and replacement shall not be considered physical changes, and

- (ii) The following shall not be considered a change in the method of operation:

- (I) An increase in the production rate, if such increase does not exceed the operating design capacity nor the stated production rate on the permit of the affected source.
 - (II) An increase in hours of operation if such increase does not exceed the operating hours stipulated as a permit condition of the source.
 - (III) The use of an alternative fuel if the source is designed to accommodate such alternative fuel.
 - (IV) Required alterations to equipment for the use of an alternative fuel or raw material by reason of an order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act.
- (iii) The burden of proof establishing that a change is excepted under parts 1. and 2. is on the owner or operator. The Technical Secretary shall rule on whether or not a reported change is expected in a timely fashion. Further expansions or restrictions of the definition may be listed in specific chapters or rules.

“National Emission Standards for Hazardous Air Pollutants” (NESHAP) are standards for the emission of hazardous air pollutants promulgated by the Administrator of the Environmental Protection Agency and published in the *Federal Register*. For purposes of this document, NESHAP refers to 40 CFR Part 61.

“New Source Performance Standards” (NSPS) means technology based standards established by the U.S. EPA which apply to specific categories of stationary sources. These standards are promulgated by the Administrator of the Environmental Protection Agency and are found in 40 CFR Part 60.

“Nonattainment area” means either of the following:

- (i) A geographical area designated by the US Environmental Protection Agency or the Board as nonattainment for an air contaminant (pollutant) for which there is a national ambient air quality standard; or

For any other air contaminant for which there is an ambient air quality standard in Chapter 1200-03-03, a geographical area designated by the Board as not attaining that standard.

“Permit-by-rule” means a specific permit exemption that applies to certain types of low-emitting air pollution sources. Permit-by-rule is an option a company may use to exempt a source from the air permit application process.

“Pollutant” means those air contaminants which fall under the categories of criteria and non-criteria pollutants. Criteria pollutants are those for which an ambient air quality standard has been established. The criteria pollutants are found in Chapter 1200-03-03, Table 1. The non-criteria pollutants are air contaminants that are not criteria pollutants.

“Potential to emit” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

“Prevention of Significant Deterioration of Air Quality” (PSD) means a portion of the New Source Review (NSR) program found in the *Code of Federal Regulations* (CFR) at 40 CFR 52.21 {TDAPC Rule 1200-03-09-.01(4)}.

“Title V” is the operating program required by the Federal Clean Air Act (42 U.S.C. 7661a-7661e) and the federal regulations promulgated thereunder at 40 CFR Part 70. (FR Vol. 57, No. 140, Tuesday, July 21, 1992 p. 32295-32312). Most sources subject to the Title V operating permit program have the potential to emit ≥ 100 TPY of any criteria pollutant (TSP, SO₂, VOC, NO_x, CO), PTE ≥ 10 TPY of a single hazardous air pollutant (HAP), and/or PTE ≥ 25 TPY of a combination of HAP). Some

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sources are only required to obtain a Title V permit because they are required to do so by regulation (usually MACT).

“True minor source” means any source or group of sources located within a contiguous area, and under common control, which is not a major source or a conditional major source (a source that accepted limitations to opt out of Title V).

Section 5: MINOR SOURCE OPERATING PERMIT SYSTEM ROUTE SHEET

LOG NUMBER	FACILITY NUMBER
FACILITY NAME	SOURCE NUMBER(S)

	REQUIRED ACTION(S)	DATE		INITIAL	COMMENTS
		IN	OUT		
ASA	Create permit record in Smog Log. Upload application and related documents to SmogLog. Forward application to EM with route sheet.				Electronic or paper application? (circle one)
EM	Review source type/application content. Determine if constructed and/or operated w/o permit. Assign EPS & reviewer in SmogLog. Forward application to EPS with route sheet.				Coming off construction or renewal? (circle one)
EPS	Verify fees are up to date. Verify (if any) source test requirement(s) were fulfilled. Check applicability of area source NESHAP. Verify facility emission totals are below major source thresholds. (Note: This item may be repeated).				Was application made on time? Was start-up certification (if applicable) submitted? If no, create EAR, and draft NOV. Was source constructed without a permit? If yes, create EAR and draft NOV. Permit registry? (must be notified at least 15 days prior to permit issuance)
Rev.	Review (& Correction) of NOV, incomplete letter, etc. (if applicable) (Note: This item may be repeated).				Application and associated documents uploaded?
EPS	Prepare draft permit. (Note: This item may be repeated.)				
Rev.	Review draft permit. (Note: This item may be repeated.)				
EPS	Correct deficiencies. When approved, e-mail draft to EFO main email address. E-mail draft to Permittee. Respond to comments and revise draft as appropriate.				
Rev.	Review revised draft.				
EPS	Prepare approved permit for issuance.				
Rev.	Approve to issue.				
LGB / EPS	Prepare stamped/e-signed permit for mailing. Mail permit.				
EPS	Upload additional information, correspondence, signature copy of permit, emission summary, calculations, to Smog Log, all in portable document format (.pdf). Change permit status to 'active' (see comment). Enter allowable emissions in tpy, source by source. Add/update applicable NSPS/NESHAP to facility page. Archive permit and support documents in Word format.				If permit supersedes a previous permit, change the superseded permit status to 'inactive', and change the file type of superseded permit (if uploaded) to 'old permit'. If archived to Smog Log, use file type 'internal draft'.

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EM	QA/QC Smog Log entries and documents.				
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**Date Entered on the Permit Page
Permitting Activities”**

Check below when entered	Description of Event
	Application Complete (if complete as received, same as received date)
	Application Cancelled (if insignificant/exempt, or as applicable)
	Issuance Date
	Expiration Date (First day of month of corresponding county number)
	Next Application Due (for renewal)

Date Entered in “Dates of other

Check below when entered	Description of Event
	App additional info received (could be multiple dates)
	Draft to EFO
	Draft to Permittee
	Startup Notification (if applicable, this date is entered on the construction permit page)

Section 6: DOCUMENT REVISIONS

Revision Number	Date	Brief Summary of Change
0	05/14/2018	Initial document