Division of Air Pollution Control

Guidance for Incorporating Facility Changes into a Title V Permit

Last Revised
March 9, 2005

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CHANGES AT A TITLE V FACILITY

As certain changes occur at a facility they must be incorporated into the Title V permit as described in this guidance and Ohio Administrative Code (OAC) Chapter 3745-77. Most commonly a change will require a revision of the Title V permit. Revisions include administrative permit amendments (APA), minor permit modifications (MPM), significant permit modifications (SPM) and reopenings. Other changes that require incorporation outside of the revision procedures are off-permit changes and operational flexibility changes. There are also changes at a facility that require no revision or notice to Ohio EPA that would be part of the inherent flexibility the facility has under its Title V permit. A permittee can always make changes, including physical and production changes, so long as they are not constrained under the permit and they do not trigger any new applicable State or federal requirements. For example, a permittee could physically move equipment within the facility if the move does not change or affect applicable requirements or the terms and conditions of the permit. Or a painting facility with a permit that limits the VOC content of its paints can switch paint colors freely as long as each color complies with the VOC content and other terms and conditions of the permit.

This document is intended to provide guidance for both Ohio Environmental Protection Agency (EPA) personnel and permittees who work with Title V permits and may need to incorporate changes into a final Title V permit. The reader of this document should also consider new source review (NSR) requirements which are beyond the scope of this document. NSR requirements and procedures for revising NSR permits differ from the Title V permit program requirements. For example, it may not be accurate to assume a change to an emissions unit's terms and conditions that requires an "administrative amendment" of an NSR permit would be processed as an "administrative permit amendment" of a Title V permit, or a change to an emissions unit's terms and conditions that requires a modification of a "minor" NSR permit would be processed as a "minor permit modification" of the Title V permit.

Where the rules are discussed in this document, the applicable rule is cited and should be consulted to ensure that all conditions within that rule are being considered. You will find information throughout this guidance as follows:

- Six major sections that detail the six methods for addressing changes at a Title V facility as required pursuant to OAC Chapter 3745-77.
- "*Clarification*" boxes which are intended to expand upon the intent of the rule.
- "**Note**" boxes which are intended to provide additional tips and useful information.

- Additional sections that provide information relevant to incorporating changes into the Title V permit.

- Summary Table which highlights the major points from each of the six major sections.

- Decision Trees ‘A’, ‘B’, and ‘C’. Each question on the decision trees is identified by number. These numbers can also be found throughout the text of this document for easy reference back to the decision tree. They are identified as:

  Q#

  At the end of many sections will be examples. The examples also identify how the change progresses through the decision trees. For example:

  Q1 ö Q2 ö Q3A ö Q4 ö Reopening for Cause

Included in this guidance is the incorporation of several previously issued guidance documents. This new guidance will supersede the previously issued guidance and any copies of previous guidance should be made obsolete as they may contain inaccurate information. Below is a list of the obsolete guidance:

- Engineering Guide #63 - Change in a Federally Required Information Field
- March 2, 1998 IOC - Definition of a Title V Permit Significant Modification
- April 16, 1998 IOC - Off-Permit Change Guidance October 1, 1998
- Guidance - Title V Modification Examples

Helpful guidance:

- Engineering Guide #62 - Air Contaminant Activities Too Small for Title V Applicability http://www.epa.state.oh.us/dapc/engineer/guide62.html
- Processing Title V & State PTO Revisions and Renewals (Ohio EPA internal guidance)
- Engineering Guide #71 - Requirements for Reporting Emissions from very Small Emissions Units in the Annual Fee Emission Reports http://web.epa.state.oh.us/dapc/engineer/eguides/guide71.pdf
- STARShip Users Manual
- Annual Compliance Certification Form. Under “Title V” at http://www.epa.state.oh.us/dapc/files/files.html.

SUMMARY TABLE: INCORPORATING CHANGES AT A FACILITY INTO THE TITLE V PERMIT

OPERATIONAL FLEXIBILITY

1. Used for:
   - Changes that contravene a permit term but do not require a permit revision or affect the monitoring, record keeping or reporting compliance certification
   - Emission trading if part of terms and conditions of existing Title V permit
2. Does not qualify for permit shield (except emission trading)
3. Requires 7-day advanced notice before operating under the change can commence

OFF-PERMIT CHANGES

1. Used for:
   - Incorporating PTI's that are non-Title I modifications but for changes that are not specifically addressed or prohibited in the current permit
   - Incorporating any permit revision that would not violate any existing federally enforceable permit term or condition
   - Incorporating exempt or *de minimis* sources
2. Do not qualify for permit shield
3. Are incorporated into the state-only side only (if the facility desires the change to be on the federal side of the permit, a significant or MPM must occur)
4. Require an updated application and correction revision form from permittee (timing differs depending on the change, see Section II for details)
5. Operating under the change can commence immediately or when the PTI is issued final when a PTI is applicable
6. Are issued as a direct final action

ADMINISTRATIVE PERMIT AMENDMENTS

1. Used for:
   - Incorporating off-permit changes
   - Typos
   - Name, address, phone number changes
   - Changes in ownership or operational control
   - Increase in monitoring or reporting frequency
2. Are most frequently initiated by Ohio EPA but permittee can make requests for APAs
3. Change can be implemented immediately when permittee requests the APA
4. Are Issued as a direct final action

MINOR PERMIT MODIFICATIONS

1. Used for:
   - Incorporating non-significant changes to existing monitoring, record keeping or reporting terms and conditions
   - Inclusion of, or changes in, BAT so long as they are not changes that would trigger a SPM
   - Inclusion of or changes in synthetic minor units
2. Some changes that would qualify for processing as a MPM could be processed as an off-permit change. Ohio EPA will use the off-permit change procedures unless requested otherwise by the permittee.
3. Do not qualify for permit shield
4. Require an updated application, correction revision form and suggested draft terms and conditions from permittee before operating under the change can commence
5. Are issued as proposed then final actions

SIGNIFICANT PERMIT MODIFICATIONS

1. Used for:
   - Significant changes in existing monitoring terms or conditions
   - Relaxation of reporting or record keeping terms or conditions
   - Modifications under Section 111 (NSPS) - existing units only
   - Modifications under Section 112 (HAPS) - new and existing units
   - Major modifications under Part C of Title I (PSD) - new and existing units
   - Major modifications under Part D of Title I (Nonattainment Areas) - new and existing units
2. Qualify for permit shield
3. Require an updated application and correction revision form from permittee
4. Operating under the change can commence immediately only if the change is not prohibited by the current Title V permit. When the current Title V permit prohibits the change, operations can begin after final issuance of the SPM
5. Are issued as draft, preliminary proposed, proposed, then final actions

REOPENINGS FOR CAUSE

1. Used for:
   - Incorporating additional requirements that become applicable, such as a newly promulgated MACT category standard(s)
   - Correcting material mistakes or inaccurate statements
2. Ohio EPA may request an updated application be submitted
3. Are initiated by Ohio EPA although a permittee can request Ohio EPA initiate a reopening

INCREASE IN COMPLEXITY AND PLANNING REQUIRED

DECISION TREE ‘A’ FOR INCORPORATING CHANGES AT A FACILITY INTO THE TITLE V PERMIT

<INSERT>

DECISION TREE B FOR INCORPORATING CHANGES AT A FACILITY INTO THE TITLE V PERMIT

<INSERT>

DECISION TREE C FOR INCORPORATING CHANGES AT A FACILITY INTO THE TITLE V PERMIT

<INSERT>

I. OPERATIONAL FLEXIBILITY CHANGES

Operational flexibility changes are changes described below that are appropriate without requiring a permit revision.

A. USES:

1. Changes that contravene an express permit term except as described in condition I.B.1 through I.B.3 below. [OAC rule 3745-77-07 (H)(1)(a)] Q21A

> *Clarification: To qualify for operational flexibility the change occurring must contravene, or be counter to, a permit term or condition contained in the Title V permit. U.S. EPA has provided clarification regarding the intention regarding use of operational flexibility. Operational flexibility can be used where a term of a Title V permit is more stringent than the applicable requirement(s) for the source and the permittee wishes to make a change that would contravene that term (see examples below). Because of this clarification and the limitations described in I.B.1 through I.B.3 below, Ohio EPA believes the scope of this use will be very limited.*

> *Clarification: Operational flexibility does not include alternative operating scenarios that may be contained in a permit and that the owner of a facility elects to use. When operating under an alternative operating scenario the source is still complying with the permit term, if the term has been written in a way that envisions the possible alternative operating scenario, and, therefore, such operation does not meet the condition of contravening a permit term.*

2. Emission trading allowed under the State Implementation Plan (SIP) where the permit does not already provide for such emissions trading. Ohio's SIP contains a NOx Budget Trading program (OAC Chapter 3745-14); however, permittees electing to participate in this program will have the necessary terms and conditions incorporated in their Title V permit. Therefore, this use is not applicable to Ohio at this time. This document will be updated in the future if it does become applicable. [OAC rule 3745-77-07 (H)(1)(b)]

3. Emission trading allowed to comply with a federally enforceable emission cap. This option is available for facilities that have the necessary terms and conditions included in the Title V permit. [OAC rule 3745-77-07 (H)(1)(c)]

B. CONDITIONS:

1. As noted above under use I.A.1, the change must contravene an express permit term. ***However, changes that contravene federally enforceable permit terms and conditions that include monitoring, record keeping, reporting and compliance certification requirements are not allowed under operational flexibility.*** [OAC rule 3745-77-07 (H)(1)(a)]

2. The change cannot violate an applicable requirement. [OAC rule 3745-77-07 (H)(1)(a)]

3. ***Changes that are required to have a permit revision are not allowed under operational flexibility.*** This includes Title I modifications and any minor changes that result in an exceedance of the allowable emissions identified in the permit (whether expressed as a rate or as total emissions). Title I modifications include: major modifications (new or existing sources) under Part C and D of Title I (prevention of significant deterioration (PSD) and non-attainment new source review, respectively); modifications (existing sources only) under Section 111, new source performance standards (NSPS); and modifications (new or existing sources) under Section 112, hazardous air pollutants (HAPS). Title I modifications are further discussed under the SPM section. [OAC rule 3745-77-07 (H)(1)]

4. A seven-day advance notification to both the Director and the Administrator (U.S. EPA) is required when using the operational flexibility option. [OAC rule 3745-77-07 (H)(1)]

5. Changes resulting from use I.A.1 above are not protected by the permit shield (OAC rule 3745-77-07(F)). The permit shield may be reinstated if the terms and conditions applicable to the change are later incorporated as a SPM or if the facility's operations revert back to those that resume compliance with the terms and conditions of the permit. [OAC rule 3745-77-07 (H)(3)]

C. PROCEDURE:

1. Within a minimum of seven days prior to the proposed change, notice is to be provided to the Director and the Administrator. For use I.A.1 above, the notification letter, signed by the responsible official, is to include: a brief description of the change, the proposed date of implementation of the change, and any permit term or condition that is no longer applicable as a result of the change. In addition to those items above, changes resulting from use I.A.3 also require the letter to include a statement on how the increases and decreases in emissions will comply with the affected terms and conditions of the permit. [OAC rule 3745-77-07 (H)(2)]

2. When notifying the Ohio EPA, a copy of the letter signed by the responsible official should be sent via certified mail to both the Permit Issuance and Data Management (PIDM) Section of the Division of Air Pollution Control (DAPC) and the district or local (DO/LAA) with jurisdiction over the facility. A copy of this letter must be attached to the Title V permit located at the facility and Ohio EPA.

D. WHEN CAN THE FACILITY BEGIN THE CHANGE?

Seven days from the receipt of the notification by Ohio EPA, the facility can begin operating under the change. Ohio EPA strongly suggests sending the letter via certified or overnight mail to ensure the permittee knows when the seven-day waiting period begins. [OAC rule 3745-77-07 (H)(1)]

E. EXAMPLE(S)*:*

1. The Title V permit specifies a brand of coating, along with the emission limit applicable to that coating. The facility could change the brand of coating using the procedures for operational flexibility so long as the new brand complies with the emission limit.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q19 ö Q20B ö Q21A ö Operational Flexibility

2. The Title V specifies a source will be monitored five times during a week long period beginning on Sunday and ending on Saturday. The permittee wishes to change the period to begin on Monday and end on Sunday. The applicable requirement only requires the source be monitored five times during a week long period. Specifying the exact day on which the week begins and ends goes beyond the applicable requirement. The permittee may make the change using the procedures for operational flexibility.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q19 ö Q20B ö Q21A ö Operational Flexibility

II. OFF-PERMIT CHANGES

Off-permit changes are changes described below that are allowed without requiring a revision to the state-federal side of the permit. However, for qualifying off-permit changes that also require a permit to install (PTI), the off-permit change must be included on the state-only enforceable portion of the permit. This procedure provides the permittee with the required authorization under Ohio law to continue to operate in accordance with the requested change.

A. USES:

1. Incorporate any change in a facility's operations or emissions that is not specifically *"addressed* or *prohibited"* in the Title V permit. Most commonly this includes the incorporation, by reference on the state-only side of the permit, of the terms and conditions of a PTI, PTI exempt source not subject to any applicable requirements, or *de minimis* source. Trivial sources (see Engineering Guide #62) do not have to be incorporated. [OAC rule 3745-77-07(I)]

Q19

> *Clarification: Use of the term "addressed" in the rule is in reference to a facility's ability to comply with the terms and conditions that include monitoring, record keeping, reporting and compliance certification. Changes to existing monitoring, record keeping, reporting and compliance certification provisions for existing sources in the Title V permit cannot be accomplished by an off-permit change. However, the term "addressed" does not exclude other changes to existing sources from being made by off-permit change so long as all of the other conditions below are met.*

> *Clarification: Although Ohio law does not require authorization to operate exempt or de minimis sources, Ohio is required to include all activities and emissions levels at a Title V facility except for "trivial" activities and as such includes these sources on the state-only side of the Title V permit. Therefore, the Ohio EPA requires that the permittee provide sufficient information to include in the Title V permit all activities and emission levels that are not trivial activities as discussed under the procedures section below.*

B. CONDITIONS:

1. As noted above under use II.A.1, the change cannot be specifically *"addressed* or *prohibited"* by the Title V permit. [OAC rule 3745-77-07(I)]

2. The change cannot be subject to Title IV (Acid Rain Requirements) or be considered a modification under Title I. [OAC rule 3745-77-07(I)(5)]

3. The change at the facility cannot violate any applicable requirements or existing federally enforceable permit terms or conditions. [OAC rule 3745-77-07(I)(1)]

4. The permittee must provide contemporaneous written notice of the change at the facility to the Director and the Administrator, except for insignificant activities or emissions levels not subject to one or more applicable requirements (OAC rule 3745-77-01(U)). This notice requirement includes a description of the change, date of the change, and changes in emissions and federally applicable requirements that result from the change. Notice to both the Director and the Administrator is accomplished by updating the STARShip application and submitting the updated application to the Ohio EPA. The U.S. EPA has access to STARS; therefore, updating STARShip provides contemporaneous written notice to the Administrator. [OAC rule 3745-77-07(I)(2)]

5. The change does not qualify for permit shield. If a permittee wishes to have the permit shield, a SPM must be requested and the changes will be incorporated into the state-federal side of the permit. This request should be stated in the STARShip Correction Revision Form so that the changes will not be incorporated off-permit. Whenever possible the Ohio EPA will incorporate changes off-permit unless the permittee specifically requests otherwise. [OAC rule 3745-77-07(I)(3)]

Q20A

6. The permittee must keep a record describing all changes including emissions resulting from those changes. In cases where a PTI is applicable, complying with the MRR requirements of the PTI fulfills this requirement. [OAC rule 3745-77-07(I)(4)]

C. PROCEDURE:

1. <u>Non-Substantive Off-Permit Change(s)</u>

Non-substantive off-permit changes include “insignificant” activities or emissions levels (as defined in OAC rule 3745-77-01(U)) that <u>are not</u> subject to one or more applicable requirements, including the exemption from obtaining a PTI, *(e.g., de minimis* (OAC rule 3745-15-05)), or those that <u>are</u> subject to one or more applicable requirements but are exempt from obtaining a PTI (OAC rule 3745-31-03). These changes must meet the conditions identified above.

a. Reflect the change in STARShip by updating the appropriate areas in STARShip.

b. Apply to have this type of "non-substantive" off-permit change incorporated into the state-only side of the Title V permit *only* when at the same time a change requiring an application submittal is required (see Section VIII on how to apply) or upon renewal.

c. Needs no notice, other than reflecting the change in STARShip, for non-substantive changes; therefore, the change may be instituted by the permittee immediately.

> **Note:** Emissions from such changes must be accounted for properly in the annual Title V fee emissions reports and emissions inventory summaries (FER/EIS) beginning the year the change occurred (see Engineering Guide #71).

> **Note:** Such changes are not subject to Annual Compliance Certification or Quarterly and Semi-annual reporting requirements (if applicable) until the requirements are incorporated into the federally enforceable side of the permit.

2. Substantive Off-Permit Change(s)

Substantive off-permit changes are activities or emissions levels that are subject to one or more applicable requirements, including the requirement to obtain a PTI (OAC rule 3745-31-02) (either "insignificant" or "non-insignificant") and meet the conditions identified in Section II.B. above.

a. Apply for and obtain the PTI according to OAC Chapter 3745-31 prior to making the change. This PTI will allow for the operation of this off-permit change for up to one year.

b. Note the change in STARShip.

c. Within the time frame specified in the PTI (but not to exceed one year), the Title V permit holder must apply, by submitting a revised STARShip application, to have the off-permit change incorporated into the state-only side of the Title V permit.

> **Note:** Emissions from such changes must be accounted for properly in the annual Title V fee emissions reports and emissions inventory summaries (FER/EIS) beginning the year the change occurred (see Engineering Guide #71).

Note: Such changes are not subject to Annual Compliance Certification or Quarterly and Semi-annual reporting requirements (if applicable) until the requirements are incorporated into the federally enforceable side of the permit.

3. Some changes that require a MPM may also qualify for the off-permit change procedure. When this occurs, Ohio EPA will process the MPM as an off-permit change unless the permittee requests otherwise.

4. In cases where the terms and conditions of a PTI will be incorporated into the Title V permit using the off-permit change option, the permittee must apply in the time frame specified in the PTI to have the off-permit change incorporated into the state-only side of the Title V permit (not to exceed the one-year operational period allowed under the PTI). As long as the permittee submits a timely amended Title V application, they will be protected under Ohio Revised Code (ORC) Section 119 while the off-permit change is processed by the Ohio EPA, and the Director takes a final action to either incorporate it into the state-only side or deny the off-permit change (OAC rule 3745-77-04(A)). Upon incorporation of the off-permit change, the Title V permit will then allow for the continued operation of this change through the remaining effective period of the Title V permit. Upon renewal of the Title V permit, off-permit changes on the state-only side of the permit will be incorporated into Parts II and III of the permit, as appropriate.

5. An off-permit change is brought into the state-only enforceable portion of the permit using the administrative permit amendment procedure for tracking purposes only. Please note that off-permit changes are not APAs. The procedure is only used for the purpose of adding the off-permit change to the state-only enforceable portion of the permit. Since this is a direct final action of the Director, this action is public noticed and subject to appeal to the Environmental Rules Appeal Commission (ERAC).

6. Section VIII of this manual provides a detailed outline of how the permittee would use STARShip to request incorporation of an off-permit change.

Note: During the Title V permitting review period (draft, PPP, PP), changes that would qualify as off-permit changes, if the permit has not been issued final, may be incorporated into the Title V permit while the original permit application is under review. If the change occurs prior to issuance of the final Title V permit and the revised STARShip application is submitted in time, the change will likely be incorporated into the state-federal side of the permit, if appropriate. If the revised application is forwarded after the issuance of the Title V permit, then this would be handled as an off-permit change as discussed above.

D. WHEN CAN THE FACILITY BEGIN THE CHANGE?

As always, when a PTI is required, construction can begin after final issuance of the PTI. Operation can begin immediately for off-permit changes. The procedures outlined under II.C.1 and II.C.2 above should be followed to ensure continued operation is afforded by Ohio law. [OAC rule 3745-77-07(I)]

E. EXAMPLE(S):

1. A permittee plans to install a new emissions unit where: PSD and nonattainment new source review are not applicable; it is not considered a modification under section 112 (HAPS); and it does not violate any applicable requirements or existing permit terms or conditions. The permittee needs to first apply for and obtain a PTI for the new emissions unit prior to construction. The permittee needs to submit the change in STARShip and notify the Ohio EPA within the time frame specified in the PTI (not to exceed one year) to have the off-permit change included on the state-only side of the permit.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q19 ö Q20A ö Off-permit change

2. A permittee plans to add a new emissions unit whose potential to emit for VOC is 33 tons per year at 8760 hours. The facility did have a facility-wide emission cap established in its Title V permit to avoid PSD. The new unit takes the facility over the facility-wide emission cap. A new cap will be established, by first obtaining a synthetic minor PTI, to avoid PSD again. PSD and nonattainment new source review are not applicable; it is not considered a modification under section 112 (HAPS); and it does not violate any applicable requirements. However, it will violate an existing permit term or condition, and the current emission cap; therefore, it is prohibited by the current Title V permit. This emissions unit cannot be added using the off-permit change option. This change will require a MPM as explained in the MPM section of this guidance. Had the unit not violated the emission cap in the current Title V permit it could have been processed as an off-permit change after obtaining the required PTI.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q19 ö Q20B ö Q21B ö Q22B ö MPM

3. A permittee plans to add a new emissions unit that will be a synthetic minor unit due to agreed upon restrictions and/or emission limitations; therefore, PSD and nonattainment new source review are not applicable. It is also not considered a modification under section 112 (HAPS) and it does not violate any applicable requirements or existing permit terms or conditions. The permittee needs to first apply for and obtain a PTI for the new emissions unit prior to construction. The permittee needs to submit the change in STARShip and notify the Ohio EPA within the time frame specified in the PTI (not to exceed one year) to have the off-permit change included on the state-only side of the permit.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q19 ö Q20A ö Off-permit change

III. ADMINISTRATIVE PERMIT AMENDMENT

APAs are used primarily for making small administrative changes to a Title V permit.

A. USES:

1. Typos. [OAC rule 3745-77-01 (C)(1)]

> *Clarification: Administratively amending a permit that contains a typo affecting an emission limit or numeric operational restriction that would "appear" to be a relaxation of the limit/restriction is permitted if the underli application and supportive engineering calculations indicate a clear typographical error.*

Q1

2. Small administrative changes such as name, address or phone number of individuals identified in the permit. [OAC rule 3745-77-01 (C)(2)]

Q1

3. Increases in monitoring or reporting *frequency*. [OAC rule 3745-77-01 (C)(3)]

Q13

See Section VII, "Monitoring, Record keeping and Reporting Changes" for a more detailed discussion.

4. Changes in ownership or in operational control. [OAC rule 3745-77-01 (C)(4)]

Permanent shutdown of an emissions unit.

Q1

Ohio EPA has developed two options for a permittee to be relieved of the permit obligations for permanently shutdown emissions units; a notification or an application for an APA.

a. Notification. The permittee submits a notice and Ohio EPA updates files and processes the change during the next permitting action. On September 16, 2003, Ohio EPA added additional general terms and conditions to the state-only and state-federal sides of the Title V permit regarding this topic. The following differentiates the requirements:

i. Title V permits (issued or modified) with the new general terms and conditions applicable to the permanent shutdown of emissions units (on or after September 16, 2003).

In this case, both the state-only and state-federal general terms and conditions require the submittal of a certified notice. This new

language then relieves the permittee of all requirements associated with that emissions unit (e.g., any monitoring, record keeping, reporting, or testing requirements, applicable to that emissions unit, except for any residual requirements, such as the quarterly deviation reports, semi-annual deviation reports and annual compliance certification covering the period during which the emissions unit last operated) effective upon the certification date.

ii. Permits without the new general terms and conditions applicable to the permanent shutdown of emissions units (before September 16, 2003).

In this case, there are no specific general terms or conditions that require submittal of a certified notice. The specific terms and conditions for the emissions unit will remain in the Title V permit and Ohio EPA will not relieve the permittee from continuing to meet all requirements, including, for example, reporting deviations associated with monitoring, record keeping and reporting until the specific terms and conditions are removed from the Title V permit as a revision. However, if the permittee submits a notification signed by the responsible official and containing the information described in the new general term and condition described in Section III.A.4.a.i , Ohio EPA will relieve the permittee of all requirements associated with that emissions unit, <u>except</u> the annual compliance certification. The permittee must continue to address the shutdown emissions in the annual compliance certification until the emissions unit's terms and conditions are removed from the Title V permit as a revision.

NOTE: A detailed listing of each applicable requirement is not necessary in the Annual Compliance Certification for any certification period in which the emissions unit was permanently shutdown for the entire applicable period. A one-line identification of the permanent shutdown date is sufficient.

b. Application for an APA. If the permittee wants to ensure the update occurs quickly and wants a revised Title V permit reflecting the change, the permittee can submit a revised application and request the APA procedure. The permittee would be relieved of all requirements associated with that emissions unit (e.g., any monitoring, reporting, record keeping, or testing requirements, applicable to that emissions unit, except for any residual requirements, such as the quarterly deviation reports, semi-annual deviation reports and annual compliance certification covering the period during which the emissions unit last operated) upon removal of the emissions unit from the Title V permit (final issuance).

Clarification: If the permanently shutdown emissions unit shares a term or condition with another active emissions unit(s) and the term or condition for the active emissions unit(s) will require revision, the APA procedure will not be used. For example, if a number of emissions units share a common baghouse and the permanent shutdown of one emissions unit requires the operating parameters for the baghouse to be adjusted, a MPM of the permit would be required.

5. Other items determined by the Administrator to be similar to those above. [OAC rule 3745-77-01 (C)(6)]

Clarification: The U.S. EPA requires a list of "similar changes" be proposed by State agencies and approved by U.S. EPA to allow adequate U.S. EPA review to ensure they are similar. Currently Ohio EPA has not proposed any similar changes; therefore, this use is not available at this time.

B. CONDITIONS:

1. Changes in ownership or in operational control must be accompanied by a written notification showing agreement of the change in ownership and operational control that includes the date of transfer from the current permittee to the new permittee. [OAC rule 3745-77-01 (C)(4)]

Clarification: Title V permits are transferrable and the responsibility to comply with the permit terms and conditions falls on the current owner regardless of whether the change is officially amended in the Title V permit.

2. Does not qualify for permit shield. [OAC rule 3745-77-08(B)(2)]

C. PROCEDURE:

1. For the above uses, the permittee has the options of requesting an APA be issued final or providing a notification letter of the change.

   a. When the permittee is requesting an APA be issued as a final action, the permittee must update the STARShip application and submit the application to the Ohio EPA (see Section VIII). Ohio EPA may elect to only update its correspondence file rather than officially amend the permit unless expressly requested by the permittee. However, Ohio EPA will update all internal data (e.g., emissions fee tables) and note the change in the facility file.

b. Permittees that submit a notification letter must send the request to the DO/LAA and Central Office indicating the change and why it meets the requirements of the APA. STARShip should be updated to reflect the change(s) requested, but a revised application should not be submitted. Ohio EPA will update all internal data (e.g., emissions fee tables) and note the change in the facility file. Depending on the change identified in the notification, the Ohio EPA may request an application be submitted in order to amend the Title V permit.

2. Final action on an application submitted for an APA should take no more than sixty days from the receipt of the request. [OAC rule 3745-77-08 (B)(1)(a)]

3. APA's are public noticed and issued as appealable direct final actions of the Director.

> *<u>Clarification</u>: OAC rule 3745-77-01 (C)(5) states, in part, that a facility can incorporate federally enforceable requirements in a PTI if the PTI is issued "consistent with procedural requirements applicable to the change if it were subject to review as a Title V permit modification". This does not apply to PTIs issued in Ohio. This language was taken from 40 CFR Part 70.7(d)(v) where U.S. EPA allows for states to structure their new source review programs consistently with the Title V permit notification and processing requirements so that concurrent processing of a new source permit and Title V permit could take place under the same permit action. For many reasons, Ohio EPA has found that it would not be beneficial to align its new source review program with the procedural requirements of the Title V permit program at this time. Qualifying PTIs can either be incorporated in a Title V permit via an off-permit change or the PTI can be processed concurrently with either a MPM or SPM of the Title V permit.*

D. WHEN CAN THE FACILITY BEGIN THE CHANGE?

The facility owner may implement the change immediately upon submittal of the request. [OAC rule 3745-77-08 (B)(1)(c)]

E. EXAMPLE(S):

1. The owner of a facility has sold the operations. The new owner needs to be identified on the Title V permit. The owner submits a letter requesting the APA and a written agreement between the old and new owner. Ohio EPA incorporates the change using the APA procedures.

Q1 ö APA

2. The need to increase the monitoring frequency for an emissions unit has been identified by the Ohio EPA as a result of an inspection. Rather than having the Ohio EPA go through a lengthy reopening for cause procedure to incorporate this change, the permittee has requested the APA procedure be used.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11A ö Q12B ö Q13A ö APA

3. An Ohio EPA permit writer finds a typo in a Title V permit that has been issued final. An emission limit was listed as 8 lb/hr rather than 80 lb/hr. Ohio EPA has verified through the application and support data that this was clearly a typo. Ohio EPA uses the APA procedures to correct the typo.

Q1 ö APA

IV. MINOR PERMIT MODIFICATION and GROUP MINOR PERMIT MODIFICATION

MPMs will most frequently be used for changes that do not trigger Title I modifications or involve significant changes to monitoring, record keeping or reporting.

A. USES:

1. A modification that:

   a. Does not violate any applicable requirement. [OAC rule 3745-77-08 (C)(1)(a)(i)]

   b. Does not involve *significant* changes to *existing* monitoring, record keeping or reporting in the permit. [OAC rule 3745-77-08 (C)(1)(a)(ii)]

   Q7 Q9A Q16 Q18 Q11B Q14 Q12A Q13B

   See Section VII, "Monitoring, Record Keeping and Reporting Changes" for a more detailed discussion.

   c. Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis. [OAC rule 3745-77-08 (C)(1)(a)(iii)]

   Q22A

   > *<u>Clarification</u>: The inclusion of, or change in, a State Best Available Technology (BAT) determination, operational restriction or other standard is not considered a change in a case-by-case determination. The term case-by-case determination is meant to refer only to <u>federal</u> determinations, such as Best Available Control Technology (BACT), Reasonably Available Control Technology (RACT), etc. Therefore, inclusion of, or changes in an emissions unit's BAT (such as an increase in an emissions limitation), operational restrictions or other standards are permitted under this use. However, as described in use A.1.a above, the change cannot violate an applicable requirement. The qualifying change will need to be incorporated into the source's PTI (an applicable requirement) prior to incorporation into the Title V permit as a final action.*

   Q23

   d. "Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source assumed to avoid an applicable requirement to which the source would otherwise be subject" which includes a federally enforceable emissions cap assumed to avoid classification as a

   Q21B

modification under Title I or an alternative emissions limit approved under section 112 (i)(5). [OAC rule 3745-77-08 (C)(1)(a)(iv)]

> *Clarification: The reference to a "federally enforceable emission cap", such as a synthetic minor unit, is not applicable to those synthetic minor units that are established, or modified, in a State PTI first. Upon establishing, or modifying, the PTI first, the PTI then becomes the "corresponding underlying applicable requirement".*

Q22B

e. Is not a modification under Title I (see Section V). [OAC rule 3745-77-08 (C)(1)(a)(v)]

Q5

f. Is not required to be processed as a SPM. [OAC rule 3745-77-08 (C)(1)(a)(vi)]

2. May be used for permits involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches. [OAC rule 3745-77-08 (C)(1)(b)]

B. CONDITIONS:

1. An application, the source's suggested draft permit (terms and conditions applicable to the change only), and certification by the responsible official are required. [OAC rule 3745-77-08 (C)(1)(c)]

> *Clarification: The source's suggested draft permit must be submitted by the source owner or operator as part of the application in order to be determined a complete application.*

2. MPMs do not qualify for the permit shield. [OAC rule 3745-77-08 (C)(1)(g)]

C. PROCEDURE:

1. The permittee submits a request for a MPM by updating the STARShip application and submitting the application to the Ohio EPA (see Section VIII for more detail). The application shall include a description of the change, the emissions resulting from the change, and any new applicable requirements that apply to the change.

2. Along with the application, the suggested draft permit for the source must be submitted in order to be determined a complete application. As described under Section IV.D below, upon receipt of the required materials by Ohio EPA the permittee can begin complying with the proposed changes and applicable requirements governing those changes in lieu of complying with the terms and conditions of the approved Title V permit for the source. Therefore, it becomes essential that the permittee's suggested draft permit clearly identify both the new

terms and conditions the facility will be operating under and the current terms and conditions that will no longer be applicable. Ohio EPA's preferred method is submittal of a word processing document of the original Title V terms and conditions with redline and strikeout text to clearly identify what terms are being eliminated and what are being added. A hard copy of the suggested draft permit should be attached to the permittee's current Title V permit at the facility and also at the DO/LAA until the modified permit is issued final. See Section VIII.B.2 for more details on submitting the draft permit.

3. The responsible official must provide certification that the proposed modification meets the criteria for use of the MPM procedures and request that such procedures be used. This is accomplished by returning the completed receipt as described in Section VIII.

4. Within 90 days of receipt of the required information, the Ohio EPA shall either, issue a proposed permit, propose to deny the permit, or determine the modification does not meet the MPM procedure and review it as a SPM. [OAC rule 3745-77-08 (C)(1)(e)]

5. MPM applications are public noticed and the permit is issued as proposed, then a final action of the Director.

6. If a MPM has not been issued final prior to the Title V permit expiring, the permittee can continue to operate under the terms and conditions established in the permittee's proposed draft terms and conditions for the MPM until the renewal permit, which will include the MPM, is issued final. [OAC rule 3745-77-08 (E)(1)]

7. When a PTI is to be issued that will result in a Title V MPM, the permittee should submit both applications together for more efficient processing.

8. Some changes that require a MPM may also qualify for the off-permit change procedure. When this occurs, Ohio EPA will process the MPM as an off-permit change unless the permittee requests otherwise.

9. Groups of permit applications for MPMs may be eligible to be collectively processed if they meet the criteria listed above and if the emissions under the modifications collectively are below 10% of the emissions allowed by the permit for the emissions unit the change is being requested for, or below 20% of the applicable definition of a major source (OAC rule 3745-77-01), or below 5 tons per year, whichever is least. The processing of the application for group MPMs is extended to 180 days from the receipt of an application (OAC rule 3745-77-08 (C)(2)(d)), and group MPMs do not qualify for the permit shield (OAC rule 3745-77-08 (C)(2)(f)). [OAC rule 3745-77-08 (C)(2)(a)]

D. WHEN CAN THE FACILITY BEGIN THE CHANGE?

As always, when a PTI is required, construction can begin after final issuance of the PTI. However, operation cannot begin for MPMs until the required materials described in IV.C.1 through IV.C.3 are received by Ohio EPA. [OAC rule 3745-77-08 (C)(1)(f)]

> *Clarification: Upon receipt of the required materials by Ohio EPA, the permittee can begin complying with the proposed changes and applicable requirements governing those changes in lieu of complying with the terms and conditions of the approved Title V permit for the source. In the event that the requested change is determined not to qualify for a MPM, the permittee's ability to operate out of compliance with its approved permit terms and conditions could be terminated. It therefore becomes important for the permittee and the Ohio EPA to work closely together in the planning stages to ensure that the change proposed qualifies for the MPM procedure before the permittee makes the change. For example, if a permittee makes the determination that the requested change qualifies for a MPM and the permittee submits the required materials and makes the change, there will be a lag time between when the Ohio EPA reviews the change and when the commencement of the change occurs. If the change is found to require a SPM, under the SPM procedure, the permittee may be required to obtain the revision prior to operating. The permittee would have to immediately stop operations and revert back to the terms and conditions of the approved permit upon notification by Ohio EPA. If the source continued to operate out of compliance with the approved permit, enforcement could be initiated.*

> *Clarification: If the permittee fails to comply with the proposed permit terms and conditions and applicable requirements governing the change during this time period, the existing permit terms and conditions the permittee seeks to modify may be enforced against the permittee.*

E. EXAMPLE(S):

1. A permittee wants to make a change to a synthetic minor emissions unit. The emissions unit was originally incorporated into the permit as a synthetic minor unit because the permittee agreed to an emissions cap by limiting emissions through a BAT limit. A PTI is issued that allows an increase of the BAT allowable for particulate emissions to a level higher than what was permitted in the initial Title V permit. However, the emissions unit will remain a synthetic minor emissions unit and will not trigger PSD. So long as no applicable requirements are violated and a Title I modification is not triggered, this change can be incorporated using the MPM procedures. As soon as the required materials (Section IV.B.1) are received by the Ohio EPA, the permittee can begin operation with the change.

2. A permittee has applied for a PTI for modification of an emissions unit to increase capacity. Emissions will increase, but not to a Title I modification level. So long as no applicable requirements are violated and a Title I modification is not triggered, this change can be incorporated using the MPM procedures. As soon as the required materials (IV.B.1) are received by the Ohio EPA, the permittee can begin operation with the change.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q19 ö Q20B ö Q21A ö Q21B ö Q22A ö Q23 ö MPM

See Section VII, “Monitoring, Record keeping and Reporting Changes” for more example(s) of MPMs.

V. SIGNIFICANT PERMIT MODIFICATION

A. USES:

1. For modifications that do not qualify for MPMs or APAs [(OAC rule 3745-77-08 (C)(3)(a))].

For example, Title I modifications, where "Title I modification" (defined in OAC rule 3745-77-01(JJ)) includes:

Q5

a. A modification under Section 111 (New Source Performance Standards (NSPS)), i.e., when a modification of an existing unit at a Title V facility is considered a modification as defined in 40 CFR Part 60.14. (This does not include new units subject to NSPS.)

> *<u>Clarification</u>: When an existing non-NSPS source at a Title V facility makes a change and then becomes subject to a NSPS for the first time, it is considered an existing unit for NSPS purposes and determining if a Title I modification is applicable. When an existing NSPS source makes a change that meets the requirements of 40 CFR Part 60.15, that is when the change is greater than 50% of the capital cost of the source and it is therefore considered a reconstruction of an NSPS source and considered a new NSPS source for that change, it is no longer considered an existing NSPS source for purposes of determining if a Title I modification is applicable.*

b. A modification under Section 112 (Hazardous Air Pollutants (HAPS)), i.e., when either a new project or a modification of an existing emissions unit at a Title V facility would increase the potential to emit for HAPs and would constitute either the construction or reconstruction of a major source of HAPs as defined in 40 CFR part 63.41 (this would require a PTI first). This type of modification also occurs when a modification to an existing emissions unit occurs that would not be considered a reconstruction of a major source of HAPs, but would still increase HAP emissions beyond the HAP major levels such that federal promulgated MACT requirements for the emissions unit category would become applicable.

c. A major modification under Part C of Title I (PSD), i.e., when a new project or modification of an existing emissions unit at a Title V facility will require a PSD PTI. This is a major modification under Part C of Title I of the Clean air Act.

d. A major modification under Part D of Title I (Nonattainment Areas), i.e., when a new project or a modification of an existing emissions unit at a Title V facility will require a major nonattainment federal new source permit to install that includes obtaining air emission offsets. This is a major modification under Part D of Title I of the Clean Air Act.

2. For a *significant* change in *existing* monitoring permit terms or conditions. [OAC rule 3745-77-08 (C)(3)(a)(i)]

Q9A	Q10B
Q13A	Q13B
Q16	Q18

See Section VII, "Monitoring, Record keeping and Reporting Changes" for a more Detailed discussion.

3. For relaxation of reporting or record keeping permit terms or conditions. [OAC rule 3745-77-08 (C)(3)(a)(ii)]

Q9A	Q10B
Q13A	Q13B
Q16	Q18

See Section VII, "Monitoring, Record keeping and Reporting Changes" for a more detailed discussion.

B. CONDITIONS:

1. SPMs must meet all requirements of OAC Chapter 3745-77, including requirements for submitting a complete application. [OAC rule 3745-77-08 (C)(3)(c)]

2. The permit shield is applicable to SPMs. [OAC rule 3745-77-08 (F)]

3. When a SPM renders a permit condition inapplicable, it does not prohibit the modification from occurring. [OAC rule 3745-77-08 (C)(3)(b)]

> *<u>Clarification</u>: This rule is intended to demonstrate that a change to an emissions unit may still occur even if it renders conditions to no longer be relevant, specifically monitoring, record keeping and reporting conditions. It will be ensured, through the modification procedure, that compliance can still be determined.*

C. PROCEDURE:

1. The permittee submits a request for a SPM by updating its STARShip application and submitting the application to the Ohio EPA (see Section VIII).

2. The review of a *majority* of SPMs shall occur within nine months after receipt of a complete application. [OAC rule 3745-77-08 (C)(3)(e)]

3. SPM applications are public noticed. The SPM is issued as a draft, preliminary proposed, proposed, and final action of the Director. This path is identical to the initial permit or renewal issuance path and provides for public comment, petition or appeal on only those areas of the Title V permit affected by the SPM and allows for federal review of the modification.

4. When a PTI is to be issued that will also require processing a Title V SPM, the permittee should submit both applications at the same time for more efficient processing. There may be circumstances, as noted below, where a permittee cannot begin operating the new change until the modification of the Title V permit is issued final. In those instances, it is essential the permittee and the Ohio EPA work closely together to submit both the PTI application and Title V modification application to begin concurrent processing of the permits. A SPM will likely take a longer period of time to process than a PTI, but the permittee can begin any necessary construction immediately after receiving the issued PTI.

D. WHEN CAN THE FACILITY BEGIN THE CHANGE?

Construction for any modification can begin upon receiving the required PTI. However, when operation can begin depends on the answer to this key question:

Would the resulting operation of the change requested, in any way, be prohibited by the current Title V permit? (OAC rule 3745-77-08 (C)(3)(d))

If it would be prohibited, for example, if a less stringent term or condition is implemented, then a SPM would have to be obtained prior to beginning to operate under the change.

If nothing in the current Title V permit prohibits the construction or operation of the change, the facility can operate that change for one year under the new PTI, but must <u>apply</u> for the modification within the time frame specified in the PTI (not to exceed one year). The applicant is then authorized to continue operation under the Title V application shield pursuant to OAC rule 3745-77-06 and ORC chapter 119 upon Ohio EPA determining that a timely and complete application was submitted in accordance with OAC rule 3745-77-05.

E. EXAMPLE(S):

1. A permittee is adding a new unit that will require PSD review due to an emission increase of 45 tons per year of VOC. The new unit will be permitted for the 45 tons per year of VOC emissions and will not violate any existing Title V permit terms or conditions. Because this is considered a major modification, based on the PSD definition of major modification, the OAC Chapter 3745-31 PTI will require PSD review, thus meeting the definition of a “Title I Modification”. As a result, the contemplated change must also be processed as a SPM. Because there is no

existing Title V permit term or condition that would prohibit operation of the unit, construction and operation can begin upon issuance of the PTI. Within the one year operational period under the PTI, or as otherwise specified in the PTI, the permittee is required to apply for the SPM.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö SPM

2. A permittee wants to make an operational change to an existing emissions unit that will undergo PSD review (i.e., it is a major modification). This would be considered a "Title I modification" and would, therefore, have to be incorporated into the Title V permit as a SPM. Construction could begin upon receipt of the PTI, but operation will have to wait until the SPM of the Title V permit is complete (i.e., issued final) if the requirements of the modification are less stringent than what is currently required in the Title V permit. However, if the requirements are more stringent, then operation is authorized for up to one year from commencement of operation. Further, a complete Title V application is required to be filed within the time frame specified in the PTI (not to exceed one year). Operation continues to be authorized under the Title V application shield until the SPM is processed.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö SPM

3. Over eight years ago, in order to avoid a PSD permit for VOC emissions, a permittee had a synthetic minor PTI issued that established a facility-wide limit of 240 tons per year of VOC's. This was incorporated into the permittee's final Title V permit in association with several operational restrictions. Due to favorable business conditions, the permittee would like to remove the synthetic minor restrictions. The permittee plans to apply for a modification of both the PTI and Title V permit so the facility will no longer be required to meet restrictions that keep it out of PSD requirements so that the facility-wide potential to emit can increase to above 250 tons per year of VOC. Because a PSD permit will be required, resulting in an increase in the existing Title V emissions, this change clearly represents a SPM. The previous terms and conditions would prohibit the operation of the above changes; therefore, the modifications to the PTI and Title V permit must occur before operation can begin. By processing the two permits simultaneously, the permitting process can be expedited.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö SPM

4. A permittee operates a 2-megawatt industrial steam generating unit that has a maximum design input capacity of 11.4 million Btu's per hour, and was initially built and operated in 1994. The permittee has decided to increase the size and capacity of this unit to 12 megawatts at a maximum design input capacity of 24.6 million Btu's. This is considered a modification under NSPS and will require an increase in the short term emission limit. Because this is a modification subject to the NSPS (40 CFR Part 60 Subpart Dc), the permittee must apply for a PTI that is subject to the NSPS modification permit requirements, and this change is considered a Title I modification (i.e., is subject to Section III of the CAA). Therefore, a SPM of the Title V permit is required. Because the new emission limit will be higher than the

current emission limit, the change would be prohibited by the current Title V permit. Upon receipt of the PTI, the permittee can commence the modification; however, operation of the source at the increased emission limitation must not occur until the Title V permit SPM is final.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö SPM

See Section VII, “Monitoring, Record keeping and Reporting Changes” for more example(s) of SPMs.

VI. REOPENING FOR CAUSE

Conditions may arise that require a revision of the Title V permit that is not initiated by the permittee. In such instance, the Title V permit is "reopened" by the Ohio EPA.

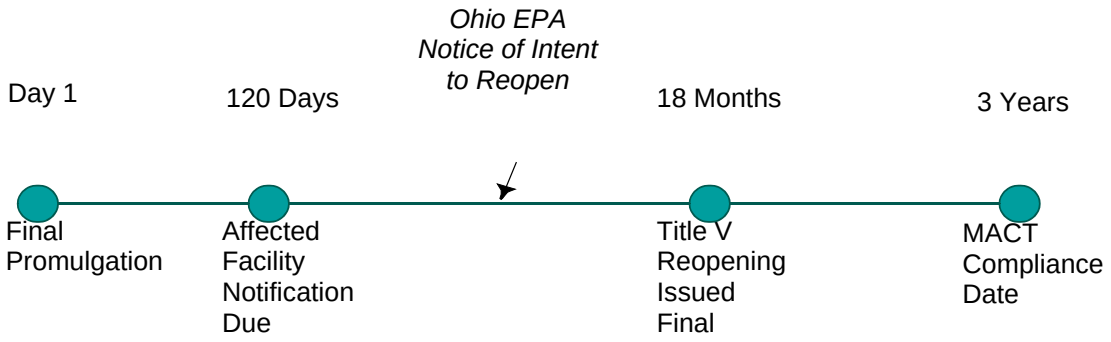
A. USES:

1. Additional applicable requirements under the Act become applicable to a major Title V source with a permit term of ≥ 3 years remaining (i.e. the permit term is within the first 2 years of issuance). If required, the reopening must be completed no later than 18 months after the promulgation of the requirement. No reopening is required if the effective date is later than the permit expiration. [OAC rule 3745-77-08 (D)(1)(a)]

Q2

Q3B

This use will most commonly occur for the incorporation of a MACT requirement. In this case it is important to consider the following time line.



A typical MACT will require the initial notification within 120 days of final promulgation (publish in the Federal Register). The Reopening rule requires the MACT be incorporated within 18 months of final promulgation even though the typical MACT compliance date is three years from promulgation. Ohio EPA will send out a notice of intent to reopen the Title V permit after the initial notification is received. This will initiate the requirement for the permittee to submit a revised Title V application. MACT requirements that are incorporated by the 18 month deadline will include a compliance date for those requirements that coincides with the federal MACT compliance date rather than the date the final Reopening is issued.

> *<u>Clarification</u>: Permittees having less than 3 years remaining in their permit term may request the incorporation of a new applicable requirement, such as a newly promulgated MACT, although it is not required under the reopening procedure. If requested, the new requirement will be incorporated using either the MPM or SPM procedure, depending on which modification procedure will be applicable to the changes affecting the current Title V permit. Otherwise, the MACT requirements will be incorporated into the Title V permit at renewal. Renewal applications must include updated information regarding any newly applicable MACT requirements.*

2. Additional requirements become applicable to an affected source under the acid rain program. [OAC rule 3745-77-08(D)(1)(b)] Q4

3. If the permit contains a material mistake or if an inaccurate statement was made when establishing emissions standards or other terms or conditions. [OAC rule 3745-77-08(D)(1)(c)] Q3A

4. If it is determined by the Administrator or Director that the permit must be revised or revoked to assure compliance with applicable requirements. [OAC rule 3745-77-08 (D)(1)(d)]

B. CONDITIONS:

1. The permit holder must be given at least 30 days advanced notice of a reopening (i.e. 30 days prior to the issuance of a draft). [OAC rule 3745-77-08(D)(3)]

> *Clarification: Ohio EPA considers a request by a permittee for reopenings to meet the requirements for advanced notice.*

2. If a permit has been reopened for cause within two years of the expiration of the permit, the owner or operator can elect to renew the entire permit at the time of the reopening. The renewal procedures would then be followed. [OAC rule 3745-77-08 (E)]

3. Any permittee whose Title V permit is to be revoked shall be afforded a prompt hearing. [OAC rule 3745-77-08(F)(2)]

C. PROCEDURE:

1. Permits subject to reopening for cause are public noticed and issued as draft, preliminary proposed, proposed, and final actions of the Director. This path is identical to the initial permit or renewal issuance path and provides for public comment, petition or appeal on only those areas of the Title V permit affected by the reopening and allows for federal review of the reopening. The reopening shall be made as expeditiously as practicable. [OAC rule 3745-77-08 (D)(1)(d)]

2. The permittee can request the Ohio EPA initiate a reopening for cause. This is accomplished by submitting an updated application and correction revision form describing why a reopening is being requested. In the event Ohio EPA initiates a reopening for cause at the request of a permittee, the submittal of the updated application will constitute the 30-day advance notice required to be given to the permittee under condition VI.B.1 above.

3. Although reopening for cause is initiated by Ohio EPA, the rules require an updated application be submitted (OAC rule 3745-77-08(A)) and, therefore, Ohio EPA will request such. Ohio EPA's request will constitute the 30-day advance notice required to be given to the permittee under condition VI.B.1 above.

D. WHEN CAN THE FACILITY BEGIN THE CHANGE?

Reopening for cause is initiated by the Ohio EPA and any terms and conditions that will result from a reopening are not effective until the permit is issued final. However, this does not release a permittee from the obligation to comply with all applicable requirements. If a new applicable requirement has an effective date before the Title V reopening is complete, it remains the obligation of the permittee to comply with the new applicable requirement and certify compliance for the applicable period in the Annual Compliance Certification (See instructions for the annual compliance certification of a Title V permit's general terms and conditions in the Annual Compliance Certification form).

E. EXAMPLE(S):

1. The Ohio EPA needs to remove the monitoring, record keeping and reporting requirements for a control system that does not exist for a coating line. Coating lines, with the exception of one, in this facility are routed to an incinerator. The monitoring, record keeping and reporting requirements associated with the incinerator operating parameters were inadvertently added to <u>all</u> the coating lines in the Title V permit. This would be considered a material mistake, and the Title V permit would need to be reopened and modified according to the reopening procedures in order to remove the monitoring, record keeping and reporting requirements from the coating line that is not controlled by the incinerator. The permittee should indicate "N/A" for the incorrectly added term(s) in the annual compliance certification.

Q1 ö Q2 ö Q3A ö Reopening for Cause

2. An existing emissions unit was accidentally not included in the original Title V permit application by the permittee although it was located at the facility prior to the application being submitted. This is a significant material mistake and the Title V application will need to be updated immediately. The Title V permit will need to be reopened and revised to include the "missing" emissions unit. During the annual compliance certification, this omission in the application should be disclosed until the permit has been revised to include the emissions unit.

Q1 ö Q2 ö Q3A ö Reopening for Cause

3. A new MACT is promulgated and is applicable to a Title V source with 4 years remaining on the permit term. The permit must be reopened to include the new requirements. The permittee will need to comply with the new MACT on the effective date of the new MACT. In the event the reopening procedure is not complete by the effective date of the new MACT, the permittee must continue to comply with the new MACT for the affected emissions unit(s) until it is incorporated into the Title V permit.

Q1 ö Q2 ö Reopening for Cause

VII. MONITORING, RECORD KEEPING AND REPORTING CHANGES

The following discussion is relevant to changes in monitoring, record keeping and reporting (MRR) for existing non-insignificant emissions units. When adding new MRR associated with a new emissions unit not currently identified by the Title V permit, the proper revision procedure would be based on factors other than the MRR. Any change in the terms and conditions for an existing insignificant emissions unit identified on the state-federal side of the Title V permit that does not require a SPM is always a MPM.

Each revision procedure section of this guidance should be consulted for the applicability of these changes. All the uses, criteria and conditions listed for the various revision types in this document must be met in conjunction with those discussed below in order for the change to be processed under each respective revision type. When a change occurs that affects MRR and other requirements in the Title V permit (e.g., emissions limits), it is important to assess all terms and conditions that are affected by the contemplated change, and process the change under the most stringent applicable procedures.

A. CHANGES IN EXISTING MRR (including testing requirements) may be accomplished *only* through the following four mechanisms:

1. Using the APA procedure for increases in monitoring or reporting *frequency*. (See Section III.A.3.)

Q13A

2. Using the MPM procedure for changes that do not involve *significant* changes to *existing* monitoring, record keeping or reporting in the permit. (See Section IV.A.1.b.)

Q7 Q9A
Q11B Q12A Q13B
Q14 Q16 Q18

3. Using the SPM procedure for a *significant* change in *existing* monitoring permit terms or conditions or for a *relaxation* of reporting or record keeping permit terms or conditions. (See Section V.A.2. through V.A.3.)

Q9A Q10B
Q13A Q13B
Q16 Q18

> *Clarification: Although in most instances it will be obvious as to whether or not a relaxation is occurring, some instances may require a technical determination. A good starting point is for Ohio EPA or LAA staff to establish whether or not this change in the reporting or record keeping is less stringent. If it is less stringent, then it would be considered a relaxation and could be achieved through a SPM. If Ohio EPA or LAA staff conclude the change is equivalent to or more stringent than the existing reporting or record keeping (even if the textual change appears to be a relaxation), then it would not be considered a relaxation and could be achieved through a MPM.*

4. Using the reopening for cause procedures when a change to MRR is necessary because the permit contains a material mistake or if an inaccurate statement that was made when establishing the MRR. (see Section VI.3) Q3A

B. DETERMINING SIGNIFICANCE OF A MRR CHANGE:

The following information is in reference to changes identified under VII.A.2 and VII.A.3 above. The term "significant" has not been defined by the U.S. EPA and, therefore, Ohio EPA is empowered to judge what are significant and non-significant changes. Similar to determining if a "relaxation" is occurring, a good starting point for determining significance is to establish whether or not a proposed change in existing MRR is more or less stringent. If it is determined to be less stringent it would be considered a significant change, and the SPM procedures must be used. If Ohio EPA or LAA staff conclude the change is equivalent to or more stringent than the existing MRR, then it would likely not be considered a significant change, and the MPM procedures could be used.

Ohio EPA has developed some guidelines that can be used in determining the significance, relaxation, or change in stringency of MRR changes. These are only guidelines. Because each change that occurs at a facility can be complicated by permit-specific or site-specific factors, determining whether a change is "significant" will often require individual judgments to be made on the part of Ohio EPA or LAA staff.

1. A permittee may make a change at their facility that requires the addition of an applicable requirement, but not because it was newly promulgated. This may be because another existing requirement becomes applicable in addition to current existing applicable requirements or in lieu of an existing applicable requirement. Q8

> *Clarification: A newly promulgated requirement is incorporated using the reopening for cause procedures. (see Section VI)*

There are two possible scenarios.

a. The applicable requirement and associated MRR in the current Title V are no longer applicable (obsolete) and will be completely replaced. This can be accomplished using the MPM procedure. Q9A

b. The MRR remains relevant to the new applicable requirement and will not be changed or only minor changes may need to be made. If the existing MRR would remain intact or would Q9A

be modified only slightly (e.g., it referenced VOC and should now reference OC) without affecting the frequency, stringency or relaxing the method of the MRR, the MPM procedure could be used.

c. Adding new MRR for the new applicable requirement while retaining the old MRR is accomplished using the MPM procedure. Q9A

2. A permittee may make a change in controls for an emissions unit. A new or replacement control device would be installed on the emissions unit and it either has no effect on actual emissions, or a positive effect (e.g., reduces emissions, more efficient) without increasing actual emissions or introducing any new pollutants. Q9B Q10B

a. The MRR will need to be completely removed and replaced with new MRR (because the MRR associated with the obsolete control is rendered meaningless), or additional MRR will be added without affecting the current MRR, or the MRR needs modified because the MRR associated with the new control device renders the previously established MRR, or a portion of it, meaningless. In these cases a MPM procedure is used. Q18

b. If the new device would not meet the criteria in Sections VII.B.2 and VII.B.2.a., a SPM procedure would be used. Q10B Q18

3. An emissions unit status changes to *de minimis*. Changing the designation from federally enforceable to state-only enforceable, and removing the associated MRR, would be processed using the MPM procedure <u>IF</u> the permittee provides sound justification for the change and the DO/LAA reviews and approves the justification (e.g., stack test results). If the emissions unit has an associated PTI, the PTI must be revoked for cause (OAC rule 3745-31-07) prior to removing the *de minimis* emissions unit from the state-federal side of the Title V permit so that an applicable requirement, the PTI, is not violated (see Section IV.A.1.a).

4. An emissions unit's operational restrictions require modification. Q10A

a. If the MRR needs to be modified only slightly without affecting the frequency, stringency or relaxing the method of the MRR, a MPM procedure is used. Q14

b. If the frequency is relaxed, the SPM procedure is used. Q13A

c. The operational restriction values are explicitly identified in the MRR terms and conditions and the stringency or method of the operational restriction appears to be relaxed. The MPM procedure may be used IF the permittee provides sound justification for the change and the DO/LAA reviews and approves the justification (e.g., stack test results, manufacturer's engineering specifications) (see example 1 below). If sound justification is not provided and/or approved, this would be considered a relaxation and the SPM procedure must be used.

Q15

Q16

d. The MRR terms and conditions state they would be established at a later date or state that the values may be adjusted at a later date if the DO/LAA is notified and approves the adjustment, it is not considered a relaxation and the MPM procedure is used.

Q11B

e. For changes in operational restrictions due to a change in they type of control equipment, see Section VII.B.1. above.

5. Changes that are not captured by Section VII.B.1 through B.4 above, but add additional MRR requirements without changing the existing MRR can be processed as a MPM. This would not include increasing the frequency of existing MRR which would be accomplished as an APA. This type of change, for example, would include adding an additional operational restriction and associated MRR in order to ensure ongoing compliance with an existing applicable requirement, which in effect, increases the stringency.

Q12A

6. Changes outside of those identified by Section VII.B.1 through B.5 above will require judgment by Ohio EPA as to what are significant and non-significant changes.

Note: Any change in a term or condition must ensure ongoing compliance in order for the change to be approvable.

Note: Changes resulting from controversial issues or enhanced compliance issues may be processed using a more stringent procedure in order to ensure public participation.

C. EXAMPLE(S):

1. A permittee has a permit with an operational restriction requiring the carbon adsorber temperature to be 260 degrees Fahrenheit or greater, but the company did stack testing at 230 degrees Fahrenheit and demonstrated compliance with the allowable mass emission rate. The reporting and record keeping will remain the same, and the terms for monitoring will remain the same other than monitoring for 230 degrees and above rather than 260 degrees and above. This would not be considered a "significant" change to monitoring. So long as no applicable requirements are violated and a Title I modification is not triggered, this change can be incorporated using the MPM procedures. As soon as the required materials (Section IV.B.1) are received by the Ohio EPA, the permittee can begin operation with the change.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11B ö Q14 ö Q15 ö Q16 ö MPM

2. A permittee has a permit that contains a requirement for continuous monitoring and continuous recording on a strip chart. The permittee wishes to add new monitoring equipment to be consistent with CAM guidance from U.S. EPA. The monitoring will need to be modified in the permit to allow continuous monitoring and electronic recording every 15 minutes (reduced record keeping). The fact that this is in alignment with the CAM guidance from U.S. EPA is sound justification for the change and, therefore, would not be considered less stringent or significant. So long as no applicable requirements are violated and a Title I modification is not triggered, this change can be incorporated using the MPM procedures. As soon as the required materials (Section IV.B.1) are received by the Ohio EPA, the permittee can begin operation with the change.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11A ö Q12B ö Q13A ö Q16 ö MPM

3. In the preamble to the final Title V regulations, U.S. EPA gave the following example for an "insignificant" change to monitoring: a switch from one validated reference test method for that pollutant and source category to another, where the permit does not already provide for an alternative test method.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11A ö Q12B ö Q13B ö MPM

4. A permittee is modifying an existing emissions unit by adding a control that will reduce emissions. The permittee will no longer be required to monitor as frequently based on the applicable requirement for the new control. The permittee's record keeping and reporting requirements will also be reduced in the Title V permit revision. Because the permittee is adding a control that creates a positive effect on

emissions and because the old MRR is now rendered meaningless based on the applicable MRR requirements for the new control device, the MPM procedure can be used.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10B ö Q17 ö Q18 ö MPM

5. U.S. EPA gave an example of a significant change to existing monitoring in the preamble to the Title V rules as follows: a switch from direct measurement of emissions to fuel sampling and analysis, such as switching from emissions monitoring of SO_2 to sampling and analyzing coal sulfur content.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11A ö Q12B ö Q13B ö SPM

6. A permittee performed surface coating of plastic parts and products using an emissions unit identified in the Title V permit with the applicable requirements being OAC rule 3745-21-07. The permittee has changed products and no longer coats plastic parts and products, but now coats miscellaneous metal parts and products. The applicable requirement is no longer OAC rule 3745-21-07. The new applicable requirement is OAC rule 3745-21-09(U) which establishes the necessary MRR within the rule. The MRR which is no longer applicable because it is rendered meaningless due to the change, along with the emissions limits associated with OAC rule 3745-21-07, are completely removed from the Title V permit; and the new emissions limit and MRR established in the rule are incorporated using the MPM procedure.

Note: The change in the emissions limit was determined to qualify for the MPM procedure. Had the change in the emissions limit required a SPM of the Title V permit (e.g., it triggered a Title I modification), the associated change in MRR would also have been processed under the SPM procedure.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9A ö MPM

7. A permittee is permanently shutting down an emissions unit identified on the state-federal side of the Title V permit. This emissions units shares a common baghouse with several other emissions units. As a result of the shutdown, the operational restriction values will require adjustment in order to ensure the remaining units and the baghouse achieve proper operation. In order for this to be achieved, the number of fans and frequency of the cleaning cycles will be reduced in the Title V permit. It is considered sound justification because the proper operational

parameters for the baghouse are maintained, therefore Ohio EPA would not consider this a relaxation of the frequency, stringency or method of MRR and the change could be processed using the MPM procedure.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11B ö Q14 ö Q15 ö Q16 ö MPM

8. A permittee is requesting a change in the MRR in order to be covered by the consolidated federal air rule (CAR). The CAR specifies the requirements in the regulation. In comparison to the current terms and conditions in the Title V permit, the permittee will be required to keep some records never kept previously, some records will no longer be required and the record keeping frequency is reduced. Although it would appear to be a relaxation in the requirements because it renders some of the previous MRR obsolete, the MPM procedure may be used because it is considered sound justification that this is a federal regulation with the approvable MRR identified directly in the rule and the DO/LAA will use no judgment or leeway in incorporating the changes to the MRR.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11A ö Q12B ö Q13B ö MPM

and for the reduced frequency,

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11A ö Q12B ö Q13A ö Q16 ö MPM

9. A permittee currently holds a Title V permit that has an emissions unit with an operational restriction of 8 hours per day specified in the Title V permit. The permittee has applied for a PTI requesting an increase in the operation of the emissions unit to 16 hours per day. The emission limitation associated with the unit will not change, but the operational restriction and the associated monitoring and record keeping will be adjusted to reflect the longer operating hours. So long as no applicable requirements are violated and a Title I modification is not triggered, this change can be incorporated using the MPM procedures. Emissions will not increase and the changes to monitoring and record keeping are not considered significant because the permit will maintain the same type and <u>same frequency</u> (per shift) of MRR (sound justification). As soon as the required materials (Sections IV.B.1) are received by the Ohio EPA, the permittee can begin operation with the change.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10A ö Q11B ö Q14 ö Q15 ö Q16 ö MPM

10. A permittee is replacing its wet scrubber with a baghouse. The facility is currently in compliance with its emissions limitations and is not requesting an increase in any allowable emissions or production. The current record keeping and reporting will be valid for the new control; however, the monitoring requirement for operating the scrubber within a pressure drop range of 11-14 in. w.c. is now meaningless. A baghouse would typically operate within a pressure drop range of 3-8 in. w.c. The MPM procedure can be used because the change in control has "no effect on actual emissions, or a positive effect (e.g., reduces emissions, more efficient) without increasing actual emissions or introducing any new pollutants," and the MRR needs to be modified only slightly due to the pressure drop range being rendered meaningless.

Q1 ö Q2 ö Q3A ö Q4 ö Q5 ö Q6 ö Q7 ö Q8 ö Q9B ö Q10B ö Q17 ö Q18 ö MPM

VIII. USING STARShip FOR REVISIONS

Ohio EPA is notified of a change requiring a Title V revision or an off-permit change when the owner or operator submits a revised application. This is accomplished by creating a Correction/Revision Form within STARShip and revising or adding any forms in the application needed to perform the revision. In the Correction/Revision Form you must indicate the type of revision you are requesting and provide a summary of the change. The STARShip user manual can be consulted for instructions on generating the Correction/Revision Form. Below is a detailed description on how to use STARShip to apply for the different revisions and off-permit changes.

A. HOW TO PROVIDE NOTICE OF OPERATIONAL FLEXIBILITY USE AND REQUEST FOR APAs

Operational flexibility does not require the use of the STARShip software; however, it does require notification to both Ohio EPA and U.S. EPA. See Section I.C. for notification procedures.

A permittee needing an APA has the option of submitting a request or an application to Ohio EPA. See Section III.C.1 for request procedures.

B. HOW TO APPLY FOR OFF-PERMIT CHANGES, APAS, MPMS AND SPMS

The procedures for using the STARShip software to submit applications and other required documents for off-permit changes, APAs, MPMs and SPMs are detailed below. In each case, a new application should not be created; the permittee should update the previous STARShip application and submit the revised application to starship@epa.state.oh.us. By starting with the existing STARShip application it is important to not remove any existing links between the forms (Emissions Unit (EU) Form and Emissions Activity Category (EAC)) associated with each emissions unit as that will adversely effect the associated permit terms stored in Ohio EPA's system. Removing links between existing forms should only occur if the change being requested is the result of a permanent shutdown of an emissions unit. This will provide the permittee and the Ohio EPA with a complete application containing the most current information for the revision application and will retain the application/permit data integrity for all emissions units located at the facility. Ohio EPA recognizes that information contained in the STARShip submittal that is not associated with the requested revision is not subject to review.

1. Update the maintain entities tables. Add any new emissions units, control equipment, egress points, contact name changes, etc. if any of this information has changed or needs to be added.

2. Update the Title V permit application.

Insignificant Emissions Units

If you have modified or added insignificant emission units, they need to be listed under the exemptions tab of the facility form. In addition, for all insignificant emissions units that are subject to one or more applicable requirements, the applicant must include EAC forms. This is necessary to comply with the requirements of OAC rule 3745-77-03(A). This can be accomplished in two ways:

a. By completing the EAC forms available in WordPerfect and attaching them electronically to the application in STARShip prior to submitting them, or

b. By completing the EAC forms, in STARShip or WordPerfect, printing a hard copy and submitting them with the hard copy of the Title V permit application

> **Note:** Section XIII identifies recent changes affecting incorporation of facility changes into the Title V permit. This section addresses recent rule changes related to insignificant emissions units that may require submission of EAC forms for certain IEUs whenever ANY permitting action (other than an APA) occurs. For example, if a MPM of a non-insignificant emissions unit is requested and the permittee has several insignificant emissions units still listed on the state-only side of the Title V permit, the permittee will be required to update the exemptions tab, if necessary, and submit EAC forms for each insignificant emissions unit as part of the MPM application. All changes to the application should be described in the Correction/Revision Form. For the example identified above, Ohio EPA will then incorporate all the insignificant emissions units subject to one or more applicable requirements into the state-federal side of the permit as part of processing the requested MPM.

Non-insignificant Emissions Units

One EU Form and EAC Form must be completed for each new non-insignificant emissions unit and modified for each existing non-insignificant emissions unit. Additionally, the facility form needs to have any applicable requirements pertaining to those non-insignificant emissions units modified or added.

> **Note:** The procedures for completing the EAC forms required for non-insignificant emissions units differs from the procedures developed for insignificant emissions units. See the EAC Forms heading below and your STARShip User Manual for additional information.

EAC Forms

Recently, Ohio EPA updated all EAC forms. The EAC forms in STARShip are not the updated EAC forms. Ohio EPA will be updating STARShip as part of a major permitting software rebuild in the future. Until this is completed, the DAPC web

page provides the updated EAC forms. The permittee may choose to use either form. If the new EAC forms available on the DAPC web page are preferred, they can be used for non-insignificant emissions units as “flat” EAC forms as described in Chapter 5 of the STARShip Users Manual. For insignificant emissions units, they can be used as described in Section VIII.B.2 of this document.

Completeness of a MPM Application

As described in Section IV.C.2, a MPM application is not determined complete until the source’s suggested draft permit (terms and conditions applicable to the change requested) has been submitted. There are three mechanisms for performing this action through STARShip:

a. Type the new terms and conditions directly into the correction revision form (see Section VIII.B.3).

b. Attach the terms and conditions as a word processing document. (See Chapter 7 of the Starship Users Manual)

c. Send the terms and conditions in hard copy with the signed receipt.(see Section VIII.B.4)

Ohio EPA’s preferred method is submittal of a word processing document of the original Title V terms and conditions with redline and strikeout text to clearly identify what is being eliminated and what is being added.

3. Create a Correction/Revision Form. The Correction/Revision Form has a comment field where the permittee should describe the changes that were made in STARShip. The permittee should also indicate the type of revision/change they are requesting, and the basis for it meeting the requirements of that type of revision/change. If there is not enough space provided for the text you need to enter, a word processing document can be attached electronically to the application or a hard copy can be submitted with the receipt for the application. In addition to the revision/change description, additional information is required for the following types of revisions/changes:

   a. Off-permit changes for a non-insignificant emissions unit(s) issued a PTI: List PTI number(s) associated with the off-permit change along with the date of PTI issuance, the associated emissions unit(s) and the date operation commenced for each emissions unit.

4. Create a STARShip export package and submit the file to Ohio EPA, DAPC (see Chapter 7 of the Starship Users Manual). A receipt will be generated and sent back to the permittee. The receipt must be signed by the responsible official and sent with any hard copy attachments to the DO/LAA. The Title V application has not been officially submitted and cannot be deemed complete until the signed receipt is received by the DO/LAA.

Clarification: This receipt includes certification by the responsible official. The responsible official will be certifying only to the revision(s)/change(s) that have occurred, not to the entire application that was resubmitted.

Note: Off-permit changes are included on the state-only portion of the permit on the Facility level page (Part II). Off-permit changes will be listed as follows:

Off-Permit Changes
The following emission units are included in this Title V permit as an off-permit change and must continue to operate in accordance with the applicable requirements listed below until this Title V permit has been renewed: (example below)

Emissions Unit	Applicable Requirement
P001	Terms and conditions of PTI # _ _-_ _ _ _
K007	OAC rule 3745-21-07

Note: If an application is being requested for a reopening for cause, the permittee should follow the same procedures used to apply for a SPM.

Note: Where confidential trade secrets are applicable to a revised application being submitted to Ohio EPA, the permittee must also submit a 'public version' of the revised application. This is described in Chapter 4 of the STARShip Users Manual.

IX. OPTING OUT OF THE TITLE V PERMIT PROGRAM

A. PERSONS CURRENTLY HOLDING A TITLE V PERMIT OR PERMIT APPLICATION

If a permittee currently holds a Title V permit for an emissions unit and circumstances arise whereby the unit will no longer be subject to Title V regulations or the permittee decides to accept an emissions cap for the unit to remove the facility from the Title V permit program (i.e., the PTE of the facility would fall below the Title V permit thresholds), this change in permit status will have to wait until the expiration of the Title V permit. Ohio EPA is currently working on a rule revision that will allow a Title V permit to be revoked for cause, which will allow the permittee to proceed with opting out of the Title V program prior to expiration. This guidance will be updated upon completion of the rule revisions.

The following steps/requirements apply to the permittee:

- For emissions units where the incorporation of changes will make the facility a true minor, the permittee will need to submit a potential to emit analysis indicating potential emissions are below the Title V permit thresholds and to apply for State permit(s) to operate (PTO's) or State registration status for each and every emissions unit unless it is exempt (see OAC rules 3745-15-05, 3745-31-03 and/or 3745-35-05 (A) unless a PTI was issued for the emissions unit prior to the establishment of the exemption).

- For an applicant who will opt out by accepting an emissions cap on the emissions unit(s), an application for a federally enforceable state operating permit (FESOP) will need to be submitted (see OAC rule 3745-35-07). This will include applying for a PTO for each emissions unit that is part of the FESOP including a potential to emit analysis and FESOP strategy analysis. OAC Chapter 3745-35 PTO applications will also be required for all other subject air contaminant sources at the facility.

- For persons currently holding a Title V permit, all PTO/FESOP application(s) should be submitted in a manner that will allow ample processing time prior to expiration of the Title V permit. The PTO/FESOP application(s) will be issued upon expiration of the Title V permit.

- Ohio EPA plans to issue all PTOs and registration notices on the same date for the entire facility as facilities change status from Title V to true or synthetic minor sources.

Note: Recall under Section III.A.4, procedures for the permanent shutdown of emissions units is discussed. Following these procedures can help reduce reporting requirements of the permittee for permanently shutdown emissions units.

Note: If a permit applicant has not been issued their final permit and is operating under the application shield, the request to remove an emissions unit from the permit or permit the facility as a non-Title V facility can be made immediately.

X. STATEMENT OF BASIS (SOB)

It is the DO/LAA's responsibility to provide an updated Statement of Basis (SOB) for all revisions of the Title V permit (MPMs, SPMs and reopenings). This SOB is required to be provided to the U.S. EPA with the revised permit.

Other changes, off-permit changes, APAs that were not previously incorporated, and operational flexibility changes, that will affect the content of the Title V permit, will be incorporated into the state-federal side, where applicable, upon renewal. It is the DO/LAA's responsibility to include as part of the Statement of Basis (SOB), a list of these other changes that occurred during the previous permit term.

XI. REQUESTING MULTIPLE REVISIONS

Circumstances may arise where a permittee may request multiple types of revisions for multiple changes at the facility, or one change at the facility may have terms and conditions that can be split into multiple types of revisions. In either case, the permittee should list each type of revision being requested along with each change that meets the criteria for that revision in the correction revision form or an attached word processing document. The ability of the permittee to incorporate the changes (begin operations) will be evaluated based on the individual changes listed in the correction revision form and the conditions applicable to the type of revision requested. However, Ohio EPA will process all of the changes under the most stringent revision procedure requested. In the case where that procedure requires public participation, only the change(s) that would have been required to undergo public participation will be subject to public comment.

For example, a permittee is requesting revision of their Title V permit for two emissions units, K007 and K008. K007 changes include an increase in the emission limitation that is below a Title I modification level and a change to the monitoring, unrelated to the emissions increase, that would be considered significant and conflict with the existing monitoring. K008 is a new emissions unit that is also not considered a Title I modification. The addition of K008 could be accomplished as an off-permit change while the changes to K007 could qualify for two separate revision types. The emission increase could be accomplished via the MPM procedure while the change to monitoring would require a SPM. Ohio EPA will use the SPM procedure to process all three changes, placing the off-permit change on the state-only side and the changes to K007 on the state-federal side. The permittee will be able to begin operating emissions unit K008 immediately after receiving the PTI. The emissions increase to K007 can also begin after the permittee submits the updated application, draft terms and conditions for the emissions increase, and the correction revision form. The change to monitoring will have to wait until (i.e., the permittee will be required to comply with the existing monitoring requirements identified in the permit) the SPM is issued final. The change to the monitoring requirement will be the only change subject to public comments. The permit shield will only be applicable to the change subject to public comment. If the permittee wishes all three changes to be afforded the permit shield, the off-permit change will have to be incorporated into the state-federal side and all three changes will have to be subject to public comment.

XII. OTHER CHANGES THAT CAN OCCUR DURING THE PROCESSING OF A REVISION

A. UPDATED GENERAL TERMS AND CONDITIONS

When a MPM, SPM or reopening for cause of a Title V permit occurs, Ohio EPA will automatically update the general terms and conditions section of the Title V permit to the most current version. Changes to the general terms and conditions are made in consultation with U.S. EPA and the Air Permit Advisory Group consisting of regulated community and environmental organization representatives.

XIII. RECENT CHANGES AFFECTING INCORPORATION OF FACILITY CHANGES INTO THE TITLE V PERMIT

A. SEPTEMBER 16, 2003 INSIGNIFICANT EMISSIONS UNITS

On September 16, 2003, amendments of OAC rules 3745-77-07 and 3745-77-08 became effective. They affect how Ohio EPA addresses insignificant emissions units (IEU) in Title V permits. These changes were necessary in order to resolve a notice of deficiency issued by U.S. EPA in April, 2002.

Any Title V permit issued on or after September 16, 2003 (with the exception of APA's) is required to list all IEUs subject to one or more applicable requirements on the state-federal side of the Title V permit. At this time, many Title V permits exist that will be required to have all of these types of IEUs currently listed on the state-only side moved to the state-federal side of the Title V permit with the next permitting action (again, with the exception of APA's). This will require the permittee to update their STARShip application, including EAC forms, to reflect the new requirement when applying for the next permitting action (with the exception of APA's). Upon receipt of the updated application, the DO/LAA will process the required change and within the same action, update the Title V permit to include the appropriate IEUs on the state-federal side of the Title V permit. (See Section VIII.B.2 for more details.)

Prior to September 16, 2003, all IEUs were listed on the state-only side of the Title V permit and any changes a facility made to an IEU would be processed as an off-permit change, updating the state-only side of the Title V permit upon renewal. The rule amendments now establish that:

1. IEUs subject to one or more applicable requirements must be included on the state-federal side of the Title V permit. Incorporation of new or modifications of existing IEUs not subject to one or more applicable requirements (e.g, *de minimis* emissions units) will continue to be processed as off-permit changes.

2. New IEUs that meet the requirements for an off-permit change and are required to be listed on the state-federal side of the Title V permit will be incorporated using the off-permit procedure as described in Section II.C. and as follows:

    a. Those that require a PTI must have the off-permit change applied for within the time frame specified in the PTI.

    b. Those that are exempt from the requirements to obtain a PTI may wait and apply for the off-permit change during the next permitting action.

3. Existing IEUs that are required to be listed on the state-federal side of the Title V permit will be modified using the MPM procedure when:

   a. There are changes to the MRR that do not qualify for APAs.

   b. There are changes to a case-by-case determination of emission limitations or other standards, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.

   c. There are any other changes, not related to MRR, and that do not trigger the SPM requirements.

> **Note:** Ohio EPA's current procedure for incorporating insignificant emissions units in the state-federal side of the Title V permit is via referencing either the PTI number or non-PTI applicable requirement(s) and emissions unit identification number. Because of this procedure, we anticipate there will be very few changes that require the use of the above procedures. For example, only changes that require a PTI be issued under a different PTI number than that identified in the Title V permit, changes to the applicable requirement identified in the Title V permit, or the addition of a new applicable requirement to the Title V permit would require an actual revision of the terms and conditions of the Title V permit.

Permittees who make changes to IEUs subject to one or more applicable requirements after September 16, 2003, whether or not they are currently on the state-only or state-federal side of the Title V permit, will have to apply for the appropriate revision type, as described above.