

*Ohio EPA*  
*Division of Air Pollution Control*

# inter-office communication

**to:** Title V Permit Writers and P&E Group

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**from:** Michael W. Ahern Environmental Manager, DAPC/PIDM

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**subject:** Title V Renewal Application Review and Permit Development

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**date:** August 10, 2004

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The following guidance is intended for reviewing renewal Title V applications and a list of items to address during renewal permit development. This memo is intended to support initial renewal review and permit development. Detailed processing and workflow instructions concerning renewal permits (and modifications) will be sent out under separate guidance. The contents of this memo will be incorporated into the guidance documents. Please note that there are processing time lines associated with timely review and issuance of renewal Title V permits. These requirements can be found in OAC rule 3745-77-08(A). As a result, it is of particular importance to determine application completeness (see the following list and requirements identified in OAC rule 3745-77-05). Results of your application completeness review must be documented in correspondence to the applicant. A checklist is attached and will be added to STARS as a template document to aid in your review of the renewal application. ***Please use the attached checklist or template and add/update the checklist document in the renewal STARS action.***

## Renewal Application Review

- 1) Did the application provide attached completed EAC forms for all the insignificant activities that are subject to one or more applicable requirements (usually established in a PTI)?

*An EAC form must be included in the renewal application for each insignificant activity or emissions level that is subject to one or more applicable requirements. These EAC forms must be submitted as an electronic attachment in STARShip or in hard copy along with the signed Title V application receipt. This requirement applies typically to IEUs that have a PTI. However, there are some operations that are subject to applicable requirements that do not require a PTI (e.g., a small use paint booth that uses less than 3 gal/day but is required to maintain records pursuant to OAC rule 3745-21-09), including emissions units subject to SIP/rule-based emissions limits that, for various reasons, are not subject to obtaining a Permit-To-Install. The requirement to submit EAC information is required for all emissions units subject to one or more federally enforceable applicable requirements (limits established by rule and approved as part of the Ohio SIP are considered federally enforceable). This includes the vast majority of emissions units that are not subject to*

*Permit-To-Install requirements but which are subject to federally approved rules through our SIP. There will be a very limited number of emissions units that are not required to have a Permit-To-Install but are subject to non-SIP approved State rules. These insignificant emissions units will not be required to have an EAC attached as part of the Title V renewal application.. An EAC form is required for these operations as well. No EAC form is required if the operation is De minimis pursuant to OAC rule 3745-15-05 or is specifically exempt pursuant to exemptions identified in OAC rule 3745-31-03 and is not subject to other generally applicable requirements.*

*DAPC recommends submitting EAC forms (which can be found at the Ohio EPA web site) <http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>) for insignificant units by completing the EAC form(s) in WordPerfect and attaching it (them) to the "Ohio EPA Electronic Submittal Receipt Verification/Certification" submission. The receipt form has a section at the end where the applicant can check a box to indicate that there are hard copy attachments that should be included as part of the application.*

*Applicants can also submit the forms by electronically attaching them in STARShip (under the File menu there is an attach option). However, if the EAC forms are electronically attached, the STARS System Administrator could possibly get an error when trying to get it into STARS. The only option left would be hard copy submittal of the EAC forms.*

*Emissions unit forms [i.e. Title V Application (EU) form] should not be completed in either scenario. The applicant risks inclusion of an IEU as a non-insignificant emissions unit by marking the IEU as non-insignificant and creating/adding an emissions unit level form as part of the renewal application.*

*If the applicant failed to supply the required EAC forms, a letter must be sent indicating that the forms are required for a complete application. Continue to follow the incompleteness procedures if the forms are not submitted.*

- 2) Are all of the BAT requirements for significant activities (significant emissions units) identified in the application?

*The regulatory basis for all BAT requirements for significant emissions units must be identified in the renewal application. These requirements need to be identified in the STARShip facility form under the applicable requirements tab.*

- 3) Are all emissions units and applicable requirements accurately identified and addressed in the renewal application?

*Many facilities change, remove, or add operations during the permit cycle. The renewal Title V application should reflect the "current" status of operations. Of particular importance is the addition of requirements for emissions units that were added to the initial permit as Off-Permit changes during the previous permit cycle. These emissions units must be identified and addressed in the renewal application for the renewal application to be*

*deemed complete.*

*Title V applicants are required to identify all applicable requirements and propose the following for each applicable requirement:*

- 1) Approach for determining compliance;*
- 2) Compliance reporting method;*
- 3) Compliance monitoring method;*
- 4) Compliance record-keeping method; and*
- 5) Compliance test method.*

*Most of what was submitted in the original applications were determined to be inadequate as the basis for developing the Title V permit terms and conditions. This was due, in part, to shortcomings of the STARShip software, changing federal and state rule requirements, lack of experience and guidance concerning "adequate" proposed approaches (mainly because Title V was brand new at the time), etc.*

*Renewal applications have an advantage over the initial applications in that an issued Title V permit exists, PTIs now commonly include operating terms and conditions, Engineering Guide 65 and the associated STARS library of Terms and Conditions has been refined, and there is greater alignment of PTI and Title V permit terms and conditions language. DAPC believes that these factors provide an opportunity to reduce administrative burdens, provide clarity, and ensure a greater degree of success in applicants meeting the permit application requirements by allowing renewal applications to reference existing Title V or PTI requirements in the renewal application. Applicants can supplement referenced requirements in those instances where the existing requirement does not meet the current permit application requirements (such as in the case of CAM applicability, or when the applicant wants to propose an approach that is different from the existing permit requirements) rather than requiring applicants to regurgitate the requirements in the STARShip application. Of course, applicants can still choose to detail each requirement. However, DAPC believes this new approach will allow for more streamlined renewal application development, review, and permit development because the applicant Ohio EPA, and the public will better be able to identify and focus on those proposed approaches/requirements that differ from what has been previously reviewed/developed. See Attachment A as an example of how this can be accomplished. DAPC will also revise the STARship users manual available on our web page to provide more detail on how this can be accomplished.*

*You will need to review the application for completeness under either approach submitted by the renewal applicant.*

- 4) Have you used the preliminary and technical completeness checklists to review the renewal application? Have you sent a letter indicating the completeness or deficiencies identified in the renewal application?

*The renewal application should be treated the same as a new application and should be reviewed for all of the elements that are reviewed for an initial application in addition to the items identified above. A letter indicating the completeness or enumerating the deficiencies*

*in the renewal application must be sent to the permittee upon completion of your review.*

## **Renewal Permit Development**

- 1) Are all of the emissions units contained in the renewal application accurately reflected in the Title V renewal permit document?

*STARS has been modified to copy terms and conditions from a final document to a draft document for renewal purposes. You may be asked whether you want to delete terms during this process if the status of an emissions unit has changed based on the information supplied through the STARShip application (e.g., a permitted emissions unit is marked as “permanently shut down” in the renewal application). You should evaluate each determination carefully. If you choose to delete the terms and conditions, you will need to develop the terms manually if you subsequently determine that the emissions unit should be included in the renewal permit.*

*There are a small number of initial permits that were processed in WordPerfect. Review of the emissions units contained in the renewal application is particularly important in this instance because the application emissions unit information is not tied to the permit terms and conditions. This lends itself to a higher probability that an emissions unit is not identified in the permit application and vice-versa. All inconsistencies must be resolved prior to issuance of the renewal permit.*

- 2) Have all requirements associated with off-permit changes been added to the State-Federal side of the permit and the statement of basis (SOB)?

*The majority of off-permit changes are new operations that are installed during the permit cycle and are incorporated into the Title V permit as off-permit changes. The terms and conditions from the PTI must be incorporated into the renewal permit in all appropriate places as well as be added to the SOB.*

- 3) Are all BAT requirements located on the State-Federal enforceable side of the permit.

*All renewal permits must identify any applicable BAT requirements on the State-Federal enforceable side of the permit. Many early permits include the BAT requirements on the State-only side of the permit. In such cases, the BAT terms must be moved from the State-only to the State-Federal side of the permit.*

- 4) Are all state and federally enforceable requirements identified on the State-Federal enforceable side of the permit for each emissions unit?

*Existing permitted emissions units may become subject to new applicable requirements during the course of the permit. Although this may result in a required reopening of the permit, in some cases these requirements are added upon renewal. The Title V permit must incorporate all applicable requirements at the time of renewal.*

- 5) Is the monitoring, recordkeeping and reporting sufficient for each applicable requirement?

*What constitutes "adequate" monitoring, recordkeeping and reporting has changed as permitting authorities and USEPA have gained experience in writing/reviewing Title V permits. Additionally, federal court decisions and the results of Title V permit appeals have affected what constitutes "adequate" monitoring, recordkeeping and reporting. Finally, the applicant is required to identify all applicable requirements and submit how they will comply with those requirements as part of the Title V application. In some cases, the applicant may submit a compliance strategy that differs from what Ohio EPA identifies in Engineering Guide 65 or what is contained in the STARS terms and conditions library. It is important to review and consider what the applicant presents in their application to determine if it is as stringent as the equivalent compliance strategy identified through the STARS terms and conditions library. If this is the case, the approach identified by the applicant should be the approach incorporated into the Title V permit (although it may need to be tweaked through working with the applicant). If the proposed approach is not adequate, you should work with the applicant using the STARS terms and conditions library as your benchmark. Additional training and guidance will be provided concerning this issue. However, your first resource should be your permit review supervisor and the STARS Terms and Conditions library.*

- 6) Is the list of insignificant emissions units located on the State-Federal enforceable side of the permit? Is the permit to install (PTI) number (if a PTI has been issued) included next to the emissions unit number for each insignificant activity listed?

*DAPC anticipates fulfilling a commitment to list each insignificant emissions unit on the State-federal side of the permit along with the PTI number in order to address public and USEPA concerns regarding the ability to track applicable requirements associated with insignificant activities.*

- 7) Is the facility subject to 112(r) risk management plan requirements? Has the 112(r) permit term been added to the State-Federal side of Part II of the permit?

*Central Office permit review staff must continue to identify Title V facilities that are required to file a 112(r) risk management plan. See the October 16, 2001 e-mail guidance from Tom Rigo and any subsequent additions to that guidance. Please use the referenced guidance to supplement Part II.A of the permit or make it clear to the Central Office contact when a facility is subject to 112(r) requirements so that the permit language can be properly reflected in Part II.A of the permit.*

- 8) Is the facility subject to 40 CFR Part 72 Acid Rain requirements?

*Central Office permit review staff must continue to identify Title V facilities that are subject to 40 CFR Part 72 (acid rain requirements). For those facilities, the provided term and condition must be placed in the State-Federal side of Part II of the permit. See the October 16, 2001 e-mail guidance from Tom Rigo. Please use the referenced guidance to supplement Part II.A of the permit or make it clear to the Central Office contact when a*

facility is subject to Acid Rain requirements so that the permit language can be properly reflected in Part II.A of the permit.

- 9) Is there a Statement of Basis (SOB)? If so, has it been updated to reflect the current-approved SOB form and any changes to the permit since prior issuance of the permit?

*Early Title V permits were not accompanied by an SOB. OEPA has committed to creating an SOB upon renewal or updating the SOB for permits that were originally accompanied by an SOB. Additionally, the structure of the SOB must be updated to reflect the most recent approved version of the form. Note that you may be able to copy and paste from the current version of the form into the "current" version of the completed SOB for your permit. This will save time and effort in revising the SOB. Contact Mike Ahern if you would like assistance in identifying the new data elements in the form. The current version of the SOB can be obtained at:  
([http://www.epa.state.oh.us/dapc/title\\_v/titlev.html](http://www.epa.state.oh.us/dapc/title_v/titlev.html)).*

- 10) Is there a citation for the origin of authority for each Part II(A) and Part III(A) term or condition?

*The origin of authority must be provided with the specific terms and conditions that permit writers have created in Parts II (A) and III (A) of the Title V permit. See the citation of the origin of authority for the Part I(A) General Terms and Conditions as an example.*

- 11) Is superseding language included in the baseline document (i.e., existing Title V permit) for any emissions unit? If so it must be revised.

*Early Title V permits had "superseding" language to revise the monitoring, recordkeeping, or reporting established in older PTI's. This language must be revised in all renewal documents with the "streamlining" term that was worked out with U.S. EPA. Please note that any change in monitoring, recordkeeping, and reporting requirements needs to be equivalent or more stringent than requirements established in the PTI. If this is not the case, then the PTI will need to be modified and you will not be able to "streamline" the different monitoring, recordkeeping, and reporting requirements in the renewed permit. U.S. EPA will no longer accept the "superseding" term used in the earlier permits.*

- 12) Are any of the emissions units subject to 40 CFR Part 64 Compliance Assurance Monitoring (CAM) requirements?

*CAM monitoring, record keeping and reporting requirements must to be established in Title V permit for affected emissions units. Incorporation of CAM requirements is an evolving issue. Please see the final renewal document for the Akron Thermal Energy Corporation (facility ID 1677010757) as an early example of incorporating CAM in renewal permits. Also, please check the and the DAPC web page for the latest CAM/permit interface guidance  
([http://www.epa.state.oh.us/dapc/title\\_v/titlev.html](http://www.epa.state.oh.us/dapc/title_v/titlev.html)).*

## **Summary**

Please use the attached checklists in review of the application and development of the Title V permit. Please provide a copy of the completed checklist to the Central Office permit reviewer upon submission of the renewal permit recommendation. This can be accomplished by adding the checklist document to the STARS renewal action. The current version of the checklists can be obtained at:

([http://www.epa.state.oh.us/dapc/title\\_v/titlev.html](http://www.epa.state.oh.us/dapc/title_v/titlev.html)).

## Title V Renewal Permit Review and Permit Development Checklist

<b>Title V Renewal Application Review</b> <b>(Check each item as it is completed; indicate "n/a" where applicable)</b>	
	EAC forms are included in the application for all the insignificant activities that have one or more applicable requirements (usually established in a PTI).
	BAT requirements for all significant activities (significant emissions units) are identified in the renewal application.
	All emissions units are accurately identified and addressed in the renewal application (including new emissions units that had been incorporated previously as off-permit changes).
	<b>If applicable, was a CAM plan submitted as part of the application?</b>
	Application review has been completed to ascertain if the facility is subject to 112(r) risk management plan requirements.
	Application review has been completed to ascertain if the facility is subject to 40 CFR Part 72 Acid rain requirements.
	A preliminary and technical completeness checklist has been completed (use the same checklists as were used for the initial permit application), and all elements have been addressed.
	A letter indicating completeness or deficiencies identified in the renewal application has been sent to the applicant.
	A completeness letter has been sent to the applicant based on the initial or revised application.
<b>Renewal Permit Development</b> <b>(Check each item as it is completed; indicate "n/a" where applicable)</b>	
	All of the emissions units contained in the renewal application accurately reflected in the Title V permit document supplied by PMU.
	All requirements associated with off-permit change been added to the State-Federal side of the permit and the statement of basis (SOB).
	All BAT requirements are located on the State-Federal enforceable side of the permit
	The list of insignificant emissions units and the associated PTI number (if a PTI has been issued) are located on the on the State-Federal enforceable side of the permit.
	The 112(r) permit term has been added to the State-Federal side of Part II of the permit ( if the facility is subject to 112(r) risk management plan requirements, indicate "n/a" if the facility is not subject to 112(r)).
	The facility subject to 40 CFR Part 72 Acid Rain requirements and the appropriate permit term has been added to the State-federal side of Part II (indicate "n/a" if the facility is not subject to 40 CFR Part 72).
	The current version of the Statement of Basis has been created/updated to accompany/ reflect changes since prior issuance of the permit.
	Citation for the origin of authority for each Part II(A) and Part III(A) term or condition has been added to the renewal permit.
	All superseding language has been removed from the renewal document.
	40 CFR Part 64 Compliance Assurance Monitoring (CAM) requirements have been added for all affected emissions units.



## Attachment A - Proposed Title V renewal application completion

Renewal applicants are required to identify each pollutant and applicable requirement for each emissions unit. This is accomplished by completing the “applicable requirements” tab in STARShip. STARShip provides a pick list of pollutants and state and federal regulations. An “Other” category is available for instances where the an applicable requirement is not identified in the pick list. Additionally, some of the effective dates for listed rules are not current, it is still acceptable to choose the rule, Ohio EPA recognizes that the current effective rule is the basis for the application submission and permit development.

Renewal applicants can use the approach identified below in developing renewal applications. Essentially this involves replacing the original proposed approaches for determining compliance, monitoring, record keeping, etc with citation to the existing Title V permit requirements and/or issued PTIs. The applicant must supplement the citations in unusual situations (e.g., where additional CAM provisions have to be accounted addressed), or can continue to use the "traditional" approach when they want to propose something that they believe is different from, but equivalent to, the existing permit requirements.

The following are screen captures of the applicable requirements tab under the streamlined renewal approach:

The screenshot shows the STARShip software interface. The main window is titled "Title V Permit Application - Facility Information". It has several tabs: "Name/Address", "General Information", "Estimated Emissions", "Applicable Requirements", "Exemptions", and "Confidential Claims". The "Applicable Requirements" tab is selected and contains the following text:

11. Identify all applicable requirements as defined in OAC rule 3745-77-01(H), applying to this facility or its emissions units, and the related information specified below for each requirement:

Emissions Unit: #1 Turbine (P001)

Applicable Emissions Limit or Control Requirement	Affected Pollutants	Regulatory Basis(es)	Applicable Method for Determining Compliance
PM/PM-10 tons/year per PT...	Particulate Mat...	BACT from PTI 14-4682;	0
SO2 ton/year per PTI 14-4...	Sulfur dioxide	BACT from PTI 14-4682;	0
NOx tons/year per PTI 14-...	Nitrogen oxides	BACT per PTI 14-4682;	3

At the bottom of the table is a "Copy Requirements..." button. The Windows taskbar at the bottom shows the date and time as "Tues, Jan 13, 2004 11:54 am" and the system tray shows the time as "11:54 AM".

## Attachment A - Proposed Title V renewal application completion

Applicable Emissions Limit or Control Requirement:  
See Part III.A.1 of Title V permit issued 01/05/1998.

Affected Pollutants:  
PM <= 10 microns  
PM <= 2.5 microns  
Sulfur dioxide  
Vinyl chloride

List Boxes:  
Ctrl-Click = Multiple Select    Shift-Click = Range

Text Boxes:  
Ctrl-C = Copy    Ctrl-V = Paste    Ctrl-X = Cut

Regulatory Basis(es):  
If regulatory basis is "other," describe:  
BACT from PTI 14-4682

\*Other (Enter description, above)

3745-15-01 (01-Nov-82)	Air Pollution Control Definitions
3745-15-02 (01-Nov-82)	Air Pollution Control

OK Cancel

Editing requirements... AIR Tues, Jan 13, 2004 11:57 am

Start STARS D... Adobe Acr... Novell Gro... PTI Track ... Mail From:... Corel Wor... 11:57 AM

Note that multiple pollutants can be selected in the "Affected Pollutants" section, but it is advised that this should only be done in instances where the applicable rules and proposed methods for ensuring compliance are identical.

Note that multiple rules may apply to the identified pollutant(s). Please multiple select all applicable rules in the "Regulatory Basis" section. Please be sure to add a list of all rules/requirements not identified in the list of rules by selecting the "Other" row and listing the rules/requirements in the area provided.

# Attachment A - Proposed Title V renewal application completion

