

Clean Air Act 101

Module 5 – Title V

Operating Permits

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&

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**Overview of the
Title V
Operating Permit
Program**

What is the Title V Operating Permit Program?

- Established by the Clean Air Act Amendments of 1990
- One source - One Title V Permit
- Permit expires after 5 years
- Title V pays for itself – Permit fees

Benefits of the Title V Operating Permit Program

- Satisfies the need for a uniform and comprehensive permit system that implements the Clean Air Act.
- Increased Public Access
 - Permit Review Process
 - Compliance Data and Reports

Benefits of the Title V Operating Permit Program

continued

- Improved compliance due to consolidation of requirements
- Improved implementation

Who is the Title V Permitting Authority

- The CAA envisioned that State and Local air pollution agencies would issue Title V permits.
- States become the Title V permitting authority upon final approval by EPA of its Title V Program consisting of regulations to satisfy 40CFR Part 70.
- Until that happens, EPA is the permitting authority under 40 CFR Part 71.

Who Needs a Title V Permit?

- Major Sources - any stationary source that exceeds potential-to-emit (PTE) thresholds for regulated pollutants.
- Regulated Pollutant Thresholds
 - Criteria Pollutants: ≥ 100 tpy PTE
 - HAPs: ≥ 10 tpy (1 HAP) or ≥ 25 tpy (HAPs)

Who Needs a Title V Permit?

continued

- Facilities subject to (regardless of size):
 - New Source Performance Standards (NSPS)
 - National Emission Standards for Hazardous Air Pollutants (NESHAPs) aka
 - Maximum Achievable Control Technology (MACT) Standards
- Facilities subject to major New Source Review (NSR) including Prevention of Significant Deterioration (PSD)
- Sources subject to the Title IV Acid Rain program.

Who Does Not Need a Title V Permit?

- Minor Sources
 - Natural Minors
 - Synthetic Minors
- Exempted Area Sources under Section 112 (MACT Standards) e.g. drycleaners

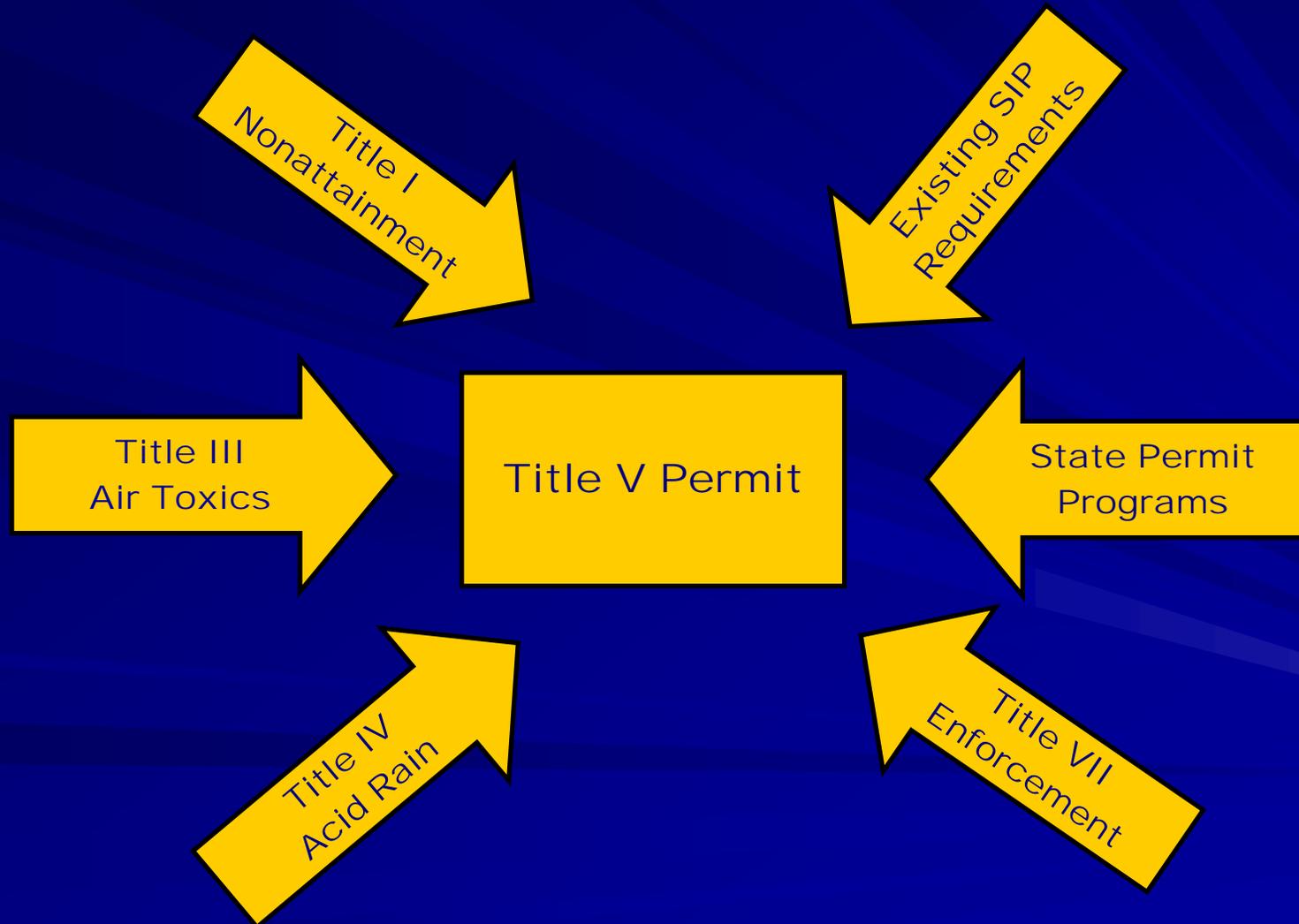
How are Title V Permits Different From Preconstruction Permits?

- Title V does not establish any new Federal requirements for a facility.
- Preconstruction permits are required for most new facilities or new/modified units at existing facilities.
- Title V permits will contain most preconstruction permit conditions.

What Does a Title V Permit Look Like?

- Identification of Units and Boilerplate
- Emission Unit and Facility-wide Groups
- Federal and State-only Enforceable Sections
- Statement of Basis/Fact Sheet/TSD

What Goes into a Title V Permit?



What Goes into a Title V Permit?

Continued

- **Applicable Requirements**
 - SIP Requirements
 - Major NSR/PSD Permits
 - Other Federally Enforceable Permits
 - NSPS and 111(d) Plans
 - NESHAPs/MACT- 40 CFR Parts 61 and 63
 - Acid Rain Permits (Title IV)
 - Stratospheric Ozone (Title VI)
 - Other

What Goes into a Title V Permit?

continued

- Emission Limits, Operational Restrictions, Work Practice Standards
- Monitoring and Testing
- Recordkeeping and Reporting
- Any Compliance Schedules

Why is Title V Important?

- A more useful permit for everyone
- More compliance information
- Expanded legal rights/requirements

SIPS & Title V Permits

- Title V permits “house” existing SIP requirements (and all other applicable federal and state requirements).
- SIPs are required under Title I of the CAA and must stand complete on their own.
- Title V permits are required under Title V of the CAA.

SIPS & Title V Permits

- Title V permits may not be used to “create” or “fix” or “fill-in” SIP requirements.
- The issue is NOT federal enforceability.
- Nothing is made part of the SIP until and unless it goes through the state and federal processes required to codify it in 40 CFR Part 52 pursuant to Section 110.

SIPS & Title V Permits

- SIP requirements cannot be open-ended with the “details” to be set in the Title V permit.
- SIP revision requests to approve documents or regulations with expiration or sunset dates pose approvability problems.

Title V Contacts at EPA

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END OF Clean Air Act 101
MODULE 5 – Title V