



**Utah Division of Air Quality (UDAQ)
Title V Program Review**

Conducted by

**United States Environmental Protection Agency (USEPA)
Region 8**

September 2016

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Executive Summary

In August 2016, the United States Environmental Protection Agency (EPA) conducted the third round review of the Utah Division of Air Quality's (UDAQ) Clean Air Act Title V operating permits program. This review consisted of a conference call with UDAQ as well as document review. The first round program review was conducted in fiscal year 2006. EPA issued the final report for the first round in September 2006. The second round program review was conducted in fiscal year 2009. EPA issued the final report for the second round in September 2009. The third round program review (like the previous reviews) consisted of a discussion of UDAQ's responses to the program evaluation questionnaire and fiscal tracking questionnaire.

The goal of the third round review was to examine any concerns raised by UDAQ or EPA in the prior evaluation (second round), to determine how any unaddressed concerns might be addressed, to identify any good practices developed by UDAQ that may benefit other state and local Title V permitting authorities and EPA, document any areas needing improvement, and learn what assistance EPA can provide.

EPA Concerns from the Second Round Review:

EPA had two concerns, one involving underlying NSR permitting and PM₁₀ SIP approval issues, and the other involving Title V permit backlog (i.e., permits for which the five-year expiration date in the permit had passed without the permit being renewed). These concerns have been substantially addressed since the second round review. See "Followup to Second Round Review" below for details.

EPA and State Concerns from the Third Round Review:

EPA has no new concerns. The UDAQ's own concerns may be found in "Third Round Review's Findings and Comments" below.

Conclusions

UDAQ has provided all of the necessary information to EPA during this review and has addressed issues raised by EPA. UDAQ's field experience and knowledge of air permitting has assisted EPA in understanding the challenges faced by the State. No new issues or concerns were noted during this review.

Introduction

EPA conducted this program review as part of its obligation to oversee and review state programs that have been approved by EPA, and in response to recommendations from an audit of EPA's operating permits program conducted in July 2002 by the Office of Inspector General.

The State of Utah operates a fully EPA approved program that allows it to implement the requirements of Title V of the Clean Air Act (CAA), including the issuance of operating permits. EPA has a statutory responsibility to oversee the programs it approved by performing oversight duties, including occasional program reviews. Such responsibilities include overseeing the activities of the State program to ensure that local, regional, and national environmental goals and objectives meet minimum requirements outlined by the federal regulation.

Objective of the Program Review

Following the completion of the first and second round reviews for states in Region 8, EPA nationally committed to a third round of reviews. While the questionnaire used for the first round review was developed by a "national workgroup" for national consistency, the second and third round review questionnaires were developed by the Regions to emphasize Regional priorities that were identified during the first round reviews.

Region 8 consulted with other Regions about the approach and format of the questionnaire and the extent of the follow-up review of state programs. Region 8 concluded that the follow-up reviews do not need to be as extensive as the first round reviews, but should build on the findings and recommendations of the first round review.

The main objectives of the third round reviews are to conduct a follow-up to the first and second round reviews by: 1) ensuring that areas of concern identified by EPA during the first and second rounds have been addressed or are being addressed satisfactorily; 2) ensuring that the UDAQ concerns have also been addressed or are being addressed to UDAQ's satisfaction; 3) identifying and documenting additional good practices that can benefit other state and local Title V permitting authorities and EPA; 4) identifying and documenting any areas of concern that need improvement; and 5) getting feedback on how EPA can be of service to the permitting authorities.

Program Review Process

In August 2016, the EPA conducted the third round review of UDAQ's Title V operating permits program, consisting of a conference call with UDAQ and document review. The final report for the first round review was issued in September 2006. The final report for the second round review was issued in September 2009.

The first round review was conducted in response to the 2002 Office of Inspector General audit recommendations that EPA: examine ways it can improve permitting authorities' Title V operating permit programs and expedite the permit issuance rate; note and document good practices which other agencies can learn from; assess deficiencies in the program; and to learn how EPA can help the permitting authorities improve their overall program. In meeting these

goals, EPA developed a questionnaire that was sent to each permitting authority and followed up with on-site visits to conduct interviews and file reviews. The findings of the initial UDAQ Title V operating permit program review were outlined in the September 2006 final report with the main categories as follows: a) programmatic areas where UDAQ has improved in the past five years; b) programmatic areas where improvements can be made; and c) programmatic areas where UDAQ needs additional assistance from EPA.

The second round review in 2009 focused primarily on: 1) assessing and documenting UDAQ progress in areas where EPA had previously identified as areas needing improvements; 2) assessing permitting authorities' evaluation of EPA's effort in providing additional assistance to improve its Title V operating programs; 3) identifying continued improvements in the program's previously identified strong attributes; 4) identifying additional good practices by the UDAQ since the first round review and 5) conducting a Title V operating permit program fee audit.

The format of the 2016 third round review differs slightly from the first two rounds. EPA provided a standard Title V questionnaire (Attachment 1) and fiscal tracking questionnaire (Attachment 2) to UDAQ, as has been done in the previous two reviews, but with some revisions. Also, the third round review included a conference call rather than an on-site visit.

As mentioned above, a separate questionnaire was provided by EPA to UDAQ for the Title V fee audit ("State/local Title V Program Fiscal Tracking Evaluation Document"). The purpose of the fee audit is to determine whether the following are satisfied:

- Sources are being billed in accordance with fee requirements and are paying the required fees;
- Division of expenses is identified by UDAQ between Title V and non-Title V programs;
- Features are integrated into UDAQ's accounting/financial management system which will identify Title V revenue and expenditures separate from other funding, and which certify the disposition of Title V funds;
- Title V fees collected from sources are used by UDAQ to pay for the entire Title V program; and
- No such fees are used as CAA Section 105 grant matching.

As also mentioned above, EPA finds that UDAQ has substantially addressed the issues identified by EPA during the second round review. The issues are discussed in "Follow-up to Second Round Review" below. There were no issues pertaining specifically to the fee audit.

Program Review Procedure

EPA sent the third round program review questionnaire and the Title V fiscal tracking questionnaire to UDAQ on March 16, 2016. UDAQ submitted an electronic copy of the completed questionnaires to EPA on April 20, 2016. EPA had a few followup questions, which were handled by an informal phone call between EPA and UDAQ staff, after which a revised response to the questionnaire was submitted on May 10, 2016. The revised response is included as Attachment 1 to this report. The response to the fiscal tracking questionnaire is included as Attachment 2 to this report.

EPA then prepared a draft Title V program review report and emailed it to UDAQ on August 16, 2016 for review. UDAQ responded with comments on August 17, 2016. A conference call was held between EPA and UDAQ on August 24, 2016 to discuss the comments. EPA then made appropriate edits to the report to incorporate the comments. The final report was sent to UDAQ on September 1, 2016.

During the above-mentioned conference call, EPA explained that the main objectives of conducting on-going reviews of states' programs are twofold. First, EPA seeks to continue to effectively perform its regulatory oversight obligation under the Clean Air Act. Second, EPA hopes such periodic reviews will improve communication and the relationship between the agency and UDAQ and thus continue to improve the state's Title V operating program. EPA and UDAQ then discussed topics as listed in the program review and fiscal tracking questionnaires and draft third round program review report.

Follow-up to Second Round Review

There was one EPA concern from the second round program review involving underlying NSR permitting and PM₁₀ SIP approval issues. EPA and the UDAQ are continuing to work together to resolve this issue. A new PM₁₀ SIP was completed by the UDAQ during the fall of 2015 and approved by the State Air Quality Board in December 2015. The PM₁₀ SIP is currently at EPA Region 8 for review and approval. Once it is approved, EPA and UDAQ anticipate that the UDAQ will be able to issue eight initial Title V permits and one renewal permit to sources that had conflicts between their approval orders and the existing PM₁₀ SIP.

A second EPA concern was the backlog of Title V permits. These are permits that are past the expiration date in the permit but have not yet been renewed. Prior to the second round review, UDAQ had 37 permits past the expiration date without renewal and many more under review for renewal where the expiration date would soon pass. Six months prior to the second round review, UDAQ re-prioritized Title V tasks and put an emphasis on renewing permits, with the ones beyond the expiration date considered the highest priority. By the time the second round review was completed, UDAQ had reduced the backlog to 30 and continues to reduce it. As of early 2016, there were only eight permits past the expiration date that were still awaiting renewal. Three of those renewal permits have been drafted and are out for public comment, with one currently at the proposed stage. One additional permit that is past the expiration date and still awaiting renewal has completed public review but is being held while the UDAQ completes an NSR action to establish the source as a minor (non Title V) source.

In summary, as explained above, EPA has evaluated UDAQ's responses to EPA's concerns and recommendations from the second round review and concludes that UDAQ has substantially addressed the concerns.

[EPA note about the meaning of "expire" and "expiration" in Part 70: Under 40 CFR 70.4(b)(10), permitting authorities have two options for dealing with situations where a timely and complete application for permit renewal has been submitted, but the renewal permit has not been issued before the end of the term of the previous permit (i.e., before the permit is past the expiration date). The permitting authority can either: (i) provide that the permit shall not "expire"

until the renewal permit has been issued or denied, or (ii) provide that all terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied. EPA's preamble to Part 70 states that EPA believes the substantive effect of choosing one option or the other should be minimal at most. The word "expiration" appears in Part 70 in a somewhat different context. Under 40 CFR 70.7(c)(1)(ii), permit expiration terminates the source's right to operate, unless a timely and complete renewal application has been submitted.]

Third Round Review's Findings and Comments

Procedural changes in Title V program. The third round program review questionnaire asked whether any procedures in the Title V program have changed (e.g., public participation, petitions, communication with EPA) since the second round program review. UDAQ responded that there have been no substantial changes.

What the State believes it is doing especially well. The third round questionnaire asked what the State thinks it is doing especially well in the Title V program. The UDAQ responded with the following remarks:

"Utah Title V permits extended beyond the 5 year permit term (expired permits) have been reduced from 37 in 2009 to 9 as of December 2015 (current level May 2016 is 7 "expired" permits). Continuing to keep that level very low is a priority for Utah Title V."

"Utah issues all Title V permits according to its approved program and in conjunction with state statutes and rules. Utah Title V consciously writes practically enforceable permit conditions in all permits. We have three layers of review for every permit action. We have a state of the art permit writing database with full tracking features for every aspect of each permit."

"Utah Title V permits are very thorough with a high level of detail, specifically with incorporation of NSPS, MACT, and SIP requirements."

Issues affecting the Title V program. The third round questionnaire also asked if there are any issues affecting the Title V program that the UDAQ considers particularly important. UDAQ responded with the following remarks:

"Permit writing database is inefficient and it is difficult to produce meaningful management or other useful reports."

"Environmental groups continue to increase their interest in our Title V permits extending the review time after the draft permit phase."

"MACTs continue to be difficult to incorporate into permits."

"Budget and funding concerns (fee review and adjustments) continue to be an annual issue."

Most important issues. The third round questionnaire asked which issues the UDAQ would rate as the most important. UDAQ responded that the permit writing database (“Tempo”) is the most important issue.

EPA policies or regulatory issues causing concern. The third round questionnaire asked if there are any EPA policies or regulatory issues that are causing concern. UDAQ responded that MACTs continue to be difficult to incorporate into permits.

What EPA can do to help. The third round questionnaire asked how EPA can help with these issues. UDAQ had no specific suggestions.

Permit issuance timeliness questions. The third round questionnaire asked the questions below about timeliness of permit issuance. These questions are followed by UDAQ’s responses.

1. Since the second round program review, what percent of Title V initial permits have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2)? UDAQ responded with the following remarks:

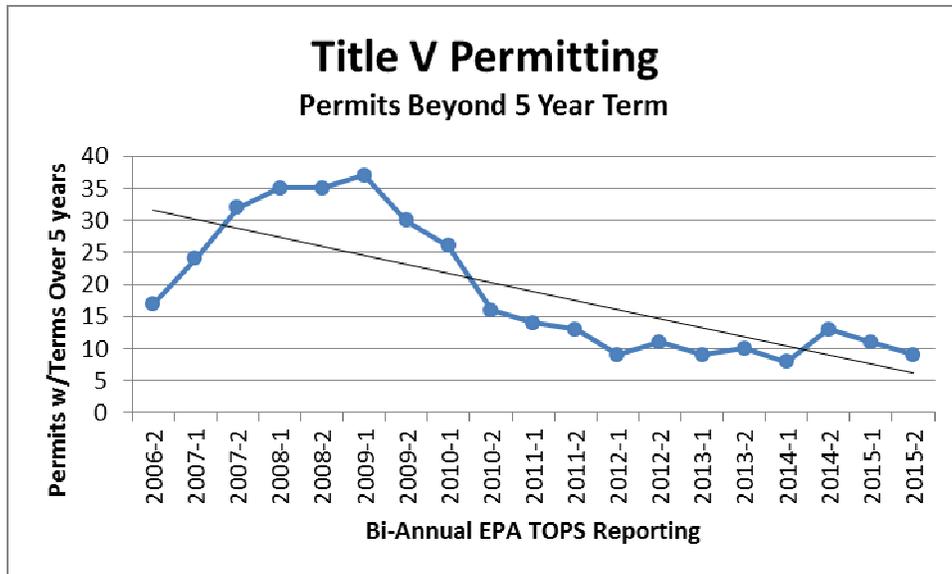
“From the TOPS data, July 1, 2009 to December 31, 2015, we issued 11 initial permits, 4 of which were issued within the regulatory timeframe of 18 months (36%).”

2. Since the second round program review, what percent of Title V significant permit modifications have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2) and (e)(4)(ii)? UDAQ responded with the following remarks:

“From the TOPS data, July 1, 2009 to December 31, 2015, we issued 8 Title V Significant permit modifications, 7 of which were issued within the regulatory timeframe of 18 months (88%), and 5 of which were issued within the regulatory timeframe of 9 months (63%).”

3. What percent of Title V permits expire before they can be renewed? UDAQ responded with the following remarks:

“We track “expired” permits as a 6 month snapshot for reporting in the TOPS report. We do not have data to determine the specific percentage being asked in this question. Below is a graph of the “Expired” permits from the first six months of 2006 through the second six months of 2015:”



4. For those permits that could not be renewed before they expired, what are the reasons they could not be renewed prior to their expiration? UDAQ responded with the following remarks:

“New approval orders have been requested or required by the source during the renewal process.”

“Manpower issues - we have had personnel leave and it has been difficult to fill positions with qualified people, the last recruiting effort has been ongoing for 13 months and we have not yet filled the position.”

5. Have unresolved violations created any delay in issuing Title V renewals? UDAQ responded no.
6. Have permittees requested a hold in renewal for any reason? UDAQ responded with the following remarks:

“No formal requests for hold have been made by permittees, however informally we have held issuing Title V renewals to allow new Approval Orders to be issued and included in the renewal.”

Based on these questions and responses, EPA finds no issues or concerns with timeliness of Title V permit issuance in Utah. Since the second round review, permitting backlog has been reduced to a minimal level.

Compliance Assurance Monitoring (CAM). The third round questionnaire asked whether CAM requirements (40 CFR Part 64) have slowed the renewal process or have otherwise caused difficulties. UDAQ responded no, the State has gotten over the CAM hurdle and there are now

only minimal issues, mainly involving lack of knowledge and/or training for sources and their consultants on CAM rules. CAM training has been adequate for State permit writers.

Improvements that could be described as best practices. The third round questionnaire asked what improvements the State believes it has made to the management of the Title V permit program, since the second round review, that could be described as best practices and could be of interest to other States. The questionnaire also asked what improvements the State plans to make within the next five years.

UDAQ responded that continued use and improvement of the Tempo permit writing database is anticipated, or else replacement of Tempo with a more user friendly database that may help increase issuance rate of renewal permits.

Public participation. The third round questionnaire asked what forms of news media are used to maximize public participation, how public participation could be improved, whether a mailing list is used, and whether the State has a public participation policy.

UDAQ responded that newspaper notices, web page listings, and a public-requested mailing list are used. These are required by UDAQ's rules, except that web page listings are created voluntarily by the UDAQ. The UDAQ believes that increased use of web-based notices and email lists would be an improvement. Regarding policy, UDAQ cited an April 8, 2003 guideline memorandum, which is attached to this report as Attachment 3.

Petitions. The third round questionnaire asked what effect petitions have had on the program. UDAQ responded that EPA has received three petitions thus far. Since EPA has not yet responded to any of these petitions, UDAQ had no comment on any effects on the program.

[EPA note about petitions: The three petitions mentioned above pertain to the Stericycle medical waste incinerator, Tooele Army Depot, and PacifiCorp Hunter power plant.]

EPA relationship. The third round questionnaire asked if there is any EPA Title V policy that is causing problems or confusion. In particular, the questionnaire asked about the issue of startup-shutdown-malfunction (SSM) emissions. UDAQ responded yes, some permits with SSM "exemption" issues have been on hold for a long time.

[EPA note about SSM issue: One proposed Title V permit where EPA raised SSM issues was for the PacifiCorp Currant Creek power plant. This was the proposed initial Title V permit for the new power plant. The issues were originally raised by EPA during NSR permit review on the proposed new power plant. The initial Title V permit has not yet been finalized. EPA also raised SSM issues during NSR permit review on the proposed new PacifiCorp Lakeside power plant. No Title V permit has yet been proposed for that plant. SSM issues raised by EPA on two other proposed Title V permits, for the existing PacifiCorp Hunter and Huntington power plants, have been resolved and those Title V permits have been issued final as renewal permits. EPA and UDAQ continue to discuss remaining SSM issues for the Currant Creek and Lakeside plants, which originated in NSR permit review.]

Permit reviews. As mentioned in the second round review, EPA attempts to review all UDAQ Title V permit actions, not just a sampling of permit actions. EPA has done so since the inception of the UDAQ Title V permitting program in the 1990's. This includes all types of Title V permit actions: initial permits, renewals, significant permit modifications, minor permit modifications, administrative amendments, and reopenings for cause. The majority of these actions are administrative amendments. As was explained in the second round review, the UDAQ makes extensive use of the administrative amendment permit revision track to incorporate new Approval Orders and updated MACT and NSPS regulations into Title V permits. Many of these actions can involve substantial changes to the permits, which is allowed under UDAQ's EPA-approved operating permit program regulations.

Regarding permit renewals, since many of the permits are now undergoing the third renewal, EPA is quite familiar with the permits, having seen them multiple times already. The permit changes upon renewal tend to be minimal, since in most instances the UDAQ's extensive use of the administrative amendment track has kept the permits up-to-date since the last renewal.

EPA occasionally submits comments on draft or proposed Title V permits; however, the comments are usually about relatively minor concerns, such as typographical errors or explanations for permitting decisions, or questions to facilitate better EPA understanding of the permits or statements-of-basis. The comments have always been quickly resolved. EPA appreciates the UDAQ's excellent cooperation in these matters.

UDAQ Organization and Staffing

Title V permits are issued by the Operating Permits Section, which is part of the Permitting Branch in the UDAQ. The UDAQ is within Utah's Department of Environmental Quality. The head of the Operating Permits Section is David Beatty. The head of the Permitting Branch is Regg Olsen. The Operating Permits Section works closely with the Major Source Compliance Section and the Major New Source Review Section in the UDAQ.

Training

UDAQ has enjoyed stability among the permit writers for the past decade, allowing the State to ensure trained and seasoned personnel implement the program. Most of the permit writers have many years of experience in the Title V program. The UDAQ has not noted any training concerns or made any requests to EPA regarding training since the second round review.

Fee Audit

EPA did not conduct a formal Title V operating permit fee audit during the first round review. A fee audit was conducted during the second round review. A fee audit questionnaire titled "Fiscal Tracking Evaluation Document" (unchanged from the first and second round) was submitted to the UDAQ during the third round to fill out, but no on-site fee audit was performed. UDAQ's responses to the fee audit questions are included as Attachment 2 to this report. Supporting documents are included as Attachment 2A, consisting of a table of operating permit program expenditures and revenues by fiscal year for 2000 through 2015, and an example of a Payroll Period Time Record.

A detailed explanation of how the UDAQ keeps track of revenues and expenses in Title V program may be found in the Fee Audit section of the 2009 second round review report, and will not be repeated here, as there have been no changes since 2009 in how this is done.

After the fee audit questionnaire was sent out by the Region to the UDAQ, EPA's Office of Air Quality Planning & Standards (OAQPS) asked the Region to pose some additional fee-related questions, which are listed below, along with UDAQ's responses.

1. The total of the fees collected for the last fiscal year and the total of costs for the fiscal year, so that they can be directly compared.

UDAQ response:

FY2015 Fee Collected: \$3,766,151.71
FY2015 Total Costs: \$3,808,072.37

2. Any transfers of fee money out that may be used for non-title V purposes.

UDAQ response:

No fee money was used for non-Title V purposes in FY2015.

3. Computation of the presumptive minimum fee for the state for the last fiscal year, including the GHG cost adjustment, so that it can be compared to the fees collected.

UDAQ response:

FY2015 "presumptive minimum" was \$59.06 per ton with an estimate of 63,500 tons for a total estimated fee of \$3,750,409.00. (This estimate was calculated in August 2013 as it had to pass through the Utah state legislature as part of the department fee package in March 2014.)

EPA has examined UDAQ's responses to the fee audit questions and does not have any concerns.

Implementation Agreement

There is no Implementation Agreement between the UDAQ and EPA for the Title V permitting program.

Conclusion

In conclusion, UDAQ implements an effective Title V program that continues to evolve as challenges arise. UDAQ continues to communicate with EPA staff to address issues in proposed permits. The Title V fee review demonstrates UDAQ's ability to continue to operate a program that meets the fee requirements of Part 70. UDAQ has provided all of the necessary information to EPA during these reviews and has addressed issues raised by EPA. UDAQ's Title V program continues to meet the requirements of the Part 70 regulations. No deficiencies were noted during this review.

Title V Third Round State Program Review Questionnaire

- I. General Questions and Responses to First and Second Round Program Reviews
- A. What has been done in response to EPA recommendations for improvements from the second round program review?

There was one concern from the second round program review involving underlying NSR permitting and PM10 SIP approval issues. A new PM10 SIP was completed during the fall of 2015 and approved by the State Air Quality Board in December 2015. The PM10 SIP is currently at EPA Region VIII for review and approval. Once approved, we will be able to permit 8 initial sources and one renewal that had conflicts between their approval orders and the existing PM10 SIP.

The second concern was the backlog of Title V permits that were extended beyond the 5 year permit term often referred to as “expired permits”. Prior to the second round review, the state of Utah had 37 permits extended beyond the 5 year term and facing many more that were being reviewed for renewal and soon to be expired. Six month prior to the second round review the Utah Title V permitting section re-prioritized tasks and put an emphasis on renewing permits, with the ones extended beyond 5 years considered the highest priority. By the time the second round review had completed we had reduced the backlog to 30 and have continued to reduce it through today. The current number of Utah permits that are extended beyond the 5 year permit term is 8, with 3 of those now in draft form at public review and 1 in proposed form at EPA for review. One additional permit extended beyond 5 year term completed public comment but is being held for the source to complete a new NSR action to become a true minor source.

- B. What key EPA comments on individual Title V permits remain unresolved (EPA to determine this)? What is the State’s position on these unresolved comments?
- C. Have any procedures in Title V changed (e.g., public participation, petitions, communication with EPA) since the second round program review?

No, no substantial changes.

1. If so, which ones?

N/A

D. What does the state think it's doing especially well in the Title V program?

Utah Title V permits extended beyond the 5 year permit term (expired permits) have been reduced from 37 in 2009 to 9 as of December 2015 (current level May 2016 is 7 "expired" permits). Continuing to keep that level very low is a priority for Utah Title V.

Utah issues all Title V permits according to its approved program and in conjunction with state statutes and rules. Utah Title V consciously writes practically enforceable permit conditions in all permits. We have three layers of review for every permit action. We have a state of the art permit writing database with full tracking features for every aspect of each permit.

Utah Title V permits are very thorough with a high level of detail, specifically with incorporation of NSPS, MACT, and SIP requirements.

E. Are there any issues affecting the Title V program in your state right now that you consider particularly important?

Permit writing database is inefficient and it is difficult to produce meaningful management or other useful reports.

Environmental groups continue to increase their interest in our Title V permits extending the review time after the draft permit phase.

MACT's continue to be difficult to incorporate into permits.

Budget and funding concerns (fee review and adjustments) continue to be an annual issue.

1. Which one would you rate as the most important?

Permit writing database.

2. Are there any EPA policies or regulatory issues that are causing concern?

MACT's continue to be difficult to incorporate into permits.

3. How can EPA help?

No specific suggestions.

II. Permit Issuance **See TOPS data, Utah has reported TOPS data since January 2006**

- A. Since the second round program review, what percent of Title V initial permits have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2)?

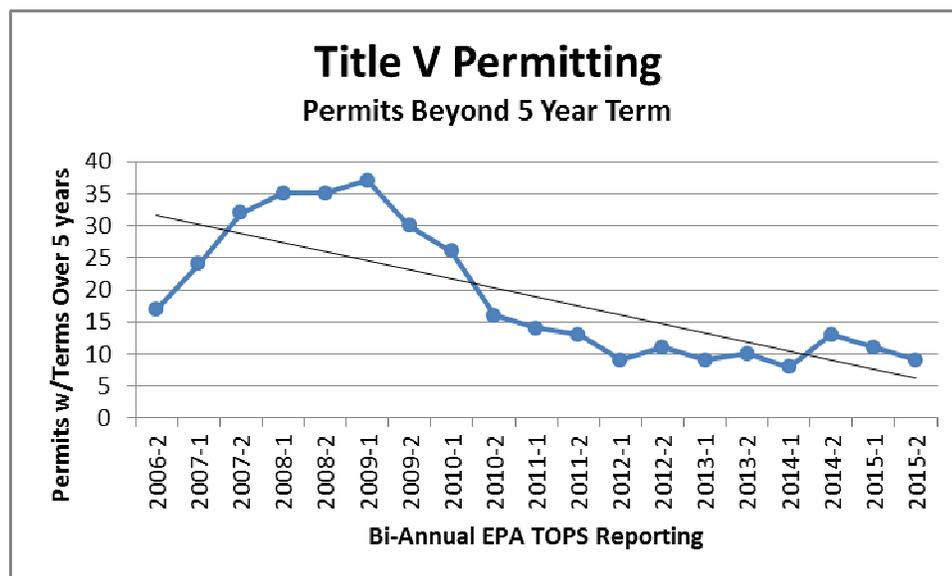
From the TOPS data, July 1, 2009 to December 31, 2015, we issued 11 initial permits, 4 of which were issued within the regulatory timeframe of 18 months (36%)

- B. Since the second round program review, what percent of Title V significant permit modifications have you issued within the regulatory timeframe specified in 40 CFR 70.7(a)(2) and (e)(4)(ii)?

From the TOPS data, July 1, 2009 to December 31, 2015, we issued 8 Title V Significant permit modifications, 7 of which were issued within the regulatory timeframe of 18 months (88%), and 5 of which were issued within the regulatory timeframe of 9 months (63%)

- C. What percent of Title V permits expire before they can be renewed?

We track “expired” permits as a 6 month snapshot for reporting in the TOPS report. We do not have data to determine the specific percentage being asked in this question. Below is a graph of the “Expired” permits from the first six months of 2006 through the second six months of 2015:



1. For those permits that could not be renewed before they expired, what are the reasons they could not be renewed prior to their expiration?

New approval orders have been requested or required by the source during the renewal process.

Manpower issues - we have had personnel leave and it has been difficult to fill positions with qualified people, the last recruiting effort has been ongoing for 13 months and we have not yet filled the position.

- D. Have unresolved violations created any delay in issuing Title V renewals?

No.

- E. Have permittees requested a hold in renewal for any reason?

No formal requests for hold have been made by permittees, however informally we have held issuing Title V renewals to allow new Approval Orders to be issued and included in the renewal.

- F. CAM

1. Are CAM plan requirements slowing the renewal process?

No, we have gotten over the CAM hurdle and appear to be incorporating CAM plans with minimal issues or problems.

- a. If so, what is it about CAM that's problematic?

2. Where CAM plans have been inadequate, what have been the main types of inadequacies that have caused difficulties or delays in permit issuance?

N/A

3. What difficulties have you had in getting better plans to be submitted?

When we have had minor delays in CAM, the main reasons have been the lack of knowledge and/or training for sources and their consultants on CAM rules.

4. Have you had to supplement the CAM technical guidance document (TGD) with state-issued guidance?

Utah has not issued state CAM guidance.

5. Is CAM training adequate?

CAM training has been adequate for our permit writers.

6. Are CAM applicability determinations resource-intensive or difficult?

No, the applicability determinations do not cause many problems.

- G. What improvements does the State believe it has made to the management of the Title V permit program, since the second round program review, that could be described as best practices and could be of interest to other States?

Continued use and improvement of the Tempo permit writing database.

- H. What improvements does the state plan to make, if any, in the management of the Title V permit program within the next five years?

Continued improvement of the Tempo database used to write permits, or replacement of Tempo with a more user friendly database that may help increase issuance rate of renewal permits.

1. Does the state have a set period of time for planning cycles?

No.

III. Public Participation

- A. What forms of news media do you use to maximize public participation, for implementation of 40 CFR 70.7(h)?

Newspaper notices, web page listings, and public requested mailing (email) list.

1. How is the form of media chosen?

This form of media is based in our rules. Additionally, as a service to the public, we have chosen to voluntarily post information on our web pages.

2. How do you believe public participation should be improved?

Increase in web based notices and email lists

- B. Do you have a mailing list for Title V public participation for implementation of 40 CFR 70.7(h)(1)? If so, please provide it.

Yes, currently it is an email only list developed by requests from individuals; no requests have been received for standard mailings.

- C. Is there a policy which outlines the response to comments procedure or process, such as which comments are responded to, the time-frame for responding, how the permitting authority will respond, to whom, etc.?

Yes, there is a guideline memorandum dated April 8, 2003 that we have followed for responding to comments. This guideline has not been updated recently.

1. If written, can you provide a copy? If not written, could you describe the policy?

A copy of the Memorandum is attached.

IV. Petitions

3 petitions on Utah issued permits have been received by EPA. EPA has not addressed these petitions to date.

A. Since the second round program review, to what extent have Title V petitions:

1. Changed how permits are written;
2. Resulted in re-openings of other permits;
3. Resulted in an amended permitting process, to address any issues settled through petitions granted in full or in part?

V. EPA Relationship

A. Is there any EPA policy, on Title V, that is causing problems or confusion?

No.

NOTE: Answer may or may not be the same as I.E.2.

B. Has the state developed any tools, strategies, or best practices that have assisted in the inclusion of MACT subparts in Title V permits?

We have assigned subject matter experts to each new promulgated MACT to be the go-to person for questions involving incorporating that particular MACT into a permit.

C. Is the issue of startup-shutdown-malfunction (SSM) emissions causing problems or confusion in Title V permit writing?

Yes, we are currently holding several permits with SSM “exemption” issues, some have been on hold for a long time.

1. Has the state developed any tools, strategies, or best practices that have alleviated problems or confusion if either exist?

D. Do you have any unaddressed training needs? What can EPA do to help?

Permit writing training for new hires is probably the most helpful training, we usually look to AWMA or WESTAR for our training needs.

<p>Basic Questions for All Permitting Authorities</p>	<p>More Detailed Questions -- Factors to Support a Permitting Authority's Answer to the Basic Questions (Note: these are not all-inclusive, and some ideas will not apply in all cases)</p>	<p>Possible Resources Available</p>
<p>1. Title V Fee Revenue</p>		
<p>Can the Permitting Authority show that sources are being billed in accordance with its fee requirement(s), and that sources are paying fees as required?</p>	<p>Where are the fee collection authority and the fee rate(s) specified? Is the Permitting Authority including reference to these fee requirements in its Title V permits?</p> <p>Utah State Rules R307-415-9, and Utah State Statute 19-2-109.1 & 19-2-104. The fee rates are specified on our web site at: http://www.deq.utah.gov/permits/air/fees.htm</p> <p>Yes, in Section I.G. of each of our permits the fee rules are referenced.</p> <p>List the fee rate(s) formulae applicable for the time period being reviewed. (Include emission based fees, application fees, hourly processing fees, etc.)</p> <p>Dollars per ton of chargeable emissions (\$/tons)</p> <p>Does the Permitting Authority anticipate any significant changes to its fee structure?</p> <p>Not at this time.</p> <p>What is the current status in States/locals with requirements to balance income & expenditures of the Title V program annually (i.e., must rebate any overage of fees, etc.)?</p> <p>The unexpended funds are authorized for use in the Operating Permits Program to reduce the fee in the second fiscal year following the year the unexpended funds occurred.</p>	<p>Req's/Auth.: State/local Title V program legislation & regulations</p> <p>Permit ref's: Permits state has written/submitted to EPA</p> <p>Fee Rate(s): State/local Title V program submittal, and then verify w/ Permitting Authority that info is up-to-date</p> <p>Billing/Payments: Permitting Authority records. Emission data may be in AIRS. If some fees are hourly, there should be some direct labor tracking mechanism (see accounting system, below).</p>

1. Title V Fee Revenue – Continued		
	<p>Examine documentation of how the annual fees for sources are determined. Audit several sources' bills for accuracy.</p> <ul style="list-style-type: none"> • Are appropriate (actual or potential) emission records used for \$/ton based fees? <p>Yes</p> <ul style="list-style-type: none"> • How are the Permitting Authority and its sources determining actual emissions for fee purposes? <p>Sources submit an inventory according to Utah inventory rules R307-150. This inventory rule is referenced in Section I.U. of each Title V permit.</p> <ul style="list-style-type: none"> • Are records kept (and used) for any hourly based fees? <p>N/A</p> <ul style="list-style-type: none"> • Review similar documentation for other types of fee mechanisms. <p>N/A</p> <p>Billing...</p> <ul style="list-style-type: none"> • How is the Permitting Authority notifying sources of the fees owed and due dates for payment? <p>Each source is invoiced annually, the invoice includes fees owed and the date the fee is due.</p> <ul style="list-style-type: none"> • Discuss how incoming payments are recorded to the appropriate accounts (receivings tracking). <p>The Department of Environmental Quality has a revenue code set up in the state accounting system that is specific to the Title V emission inventory fees. Payments are coded when received and input into the system. The accounting system requires a revenue code be used.</p>	

1. Title V Fee Revenue – Continued		
	<p>Payments...</p> <ul style="list-style-type: none"> • Are the sources paying the total fees charged each year? <p>Yes.</p> <ul style="list-style-type: none"> • Are they paying on time? <p>Approximately 99% of the fee revenue is received on time.</p> <ul style="list-style-type: none"> • If there's a collection problem, how is the Permitting Authority addressing it? <p>Sources that don't pay are referred to Utah State Debt Collections office.</p> <ul style="list-style-type: none"> • Are late fees being assessed? <p>Yes.</p> <ul style="list-style-type: none"> • If so, are the late fees being credited to the Title V accounts? <p>Yes.</p>	

2. Title V Expenditures		
<p>Is the Permitting Authority identifying division of expenses between Title V and non-Title V programs?</p>	<p>What matrix is the Permitting Authority using to differentiate Title V activities from non-Title V activities?</p> <p>Direct labor:</p> <ul style="list-style-type: none"> • If used by State/local program, review time sheets and instructions given to employees as to how to code information into the time sheet. If time sheets are not used, investigate method that State/local program uses to differentiate Title V and non-Title V direct labor. • Ensure that accounting system is set up to utilize the various coding information. • Analyze time sheets/instructions (and/or other direct labor differentiation method) for conformance with the matrix of acceptable Title V activities <p>Hours worked on Title V activities are charged appropriately on electronic timesheets by using Organizational Unit codes set up specifically for Title V work. Organizational Units are tracked and reported in the state accounting system. See attached time sheet example.</p>	<p>If used by State/local program, sample time sheets and instructions given to employees; equivalent records for alternate direct labor differentiation methods.</p> <p>Accounting system records showing that administrative/ clerical personnel costs are accounted for in the Title V program</p> <p>Accounting system records showing that non-labor costs (travel, equipment, office space costs, etc.) are accounted for in some fashion and a portion is billed to Title V.</p> <p>EPA Guidance includes: “Matrix of Title V-Related and Air Grant-Eligible Activities, Information Document,” Office of Air & Radiation, May 31, 1994</p>

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2. Title V Expenditures - Continued

Direct non-labor:

- Does the Permitting Authority utilize an allocation system that separates travel and equipment costs for Title V and non-Title V functions?
- If so, are the allocations in accordance with the Permitting Authority’s Title V/ non-Title V activity separation?
- If not, are these included as part of indirect costs? (Direct non-labor needs to be addressed somewhere.)

See next response.

Indirect labor & non-labor:

- How are indirect labor & non-labor costs apportioned between Title V vs. non-Title V accounts? (Indirect costs include parts of secretarial & managerial overhead, paper & supplies, space, utilities, generalized computers, etc., that is not addressed as direct labor/non-labor)

The state accounting system uses Expenditure Object Codes for all the various types of expenses. All expenditures have to be coded with organizational unit numbers, expenditure object codes, and reporting category codes, which are tracked and reported through the system. Various expenditures are allocated based on personnel costs. Other expenditures are apportioned and charged directly. Various detailed and summary reports are used to track all the Title V expenditures. Reports are given to all the Air Quality managers monthly for review.

3. Accounting System (i.e., the system that provides for analysis of the Title V program revenue and expenditure information gathered above)		
<p>Has the Permitting Authority integrated features into its accounting/financial management system which will:</p> <ul style="list-style-type: none"> • identify Title V fee revenues separate from other funding? • identify Title V expenditures separate from other expenses? • produce management reports, periodically and as requested, which the Permitting Authority will be able use to certify as to the disposition of Title V funds? 	<p>Describe the accounting structure that the Permitting Authority uses to differentiate Title V \$ from other funds. [i.e., govt. fund, enterprise fund, etc. -- for more detail on options, see the U of MD report.]</p> <p>The Department of Environmental Quality has a Revenue Code set up in the state accounting system that is specific to the Title V emission inventory fees. All other funds are assigned specific revenue codes. These codes are used to track and report the various funds</p> <p>Does the accounting system have separate categorization for Title V and non-Title V funding and expenses?</p> <p>Yes.</p> <p>If yes, are these features being used to track Title V monies separate from non-Title V monies?</p> <p>Yes.</p> <p>If no, does the Permitting Authority keep any separate records that identify Title V monies separate from non-Title V monies? Could such information potentially be integrated into an accounting/financial management system?</p> <p>N/A</p>	<p>Review sample reports/specific reports for the time period being reviewed.</p> <p>For background: <u>Overview of CLEAN AIR Title V Financial Management and Reporting, A Handbook for Financial Officers and Program Managers</u>, Environmental Finance Center, Maryland Sea Grant College, University of Maryland, 0112 Skinner Hall, College Park, MD 20742, January 1997, [Publication Number UM-SG-CEPP-97-02]</p>

4. Separation of Title V from §105 grant and grant match funding		
<p>Can the Permitting Authority confirm that the Title V fees collected from sources are used to pay for the entire Title V program, and that no Title V fees are used as match to the CAA section 105 Air Program grant?</p>	<p>Determine the federal §105 grant award received, and the amount of state/local funds used during the time period being reviewed.</p> <p style="text-align: center;">N/A</p> <p>Determine the Title V fees collected (and Title V funds available, if carryover of Title V fees is allowed by state/local regulations) during the time period being reviewed.</p> <p>See Attached Table.</p> <p>Determine Title V expenditures during the time period being reviewed.</p> <p>See Attached Table.</p> <p>Ensure that adequate non-Title V state/local funds were available to provide required match to the federal grant.</p> <p style="text-align: center;">N/A</p> <p>Ensure that sufficient Title V funds were available to pay for the Title V program (i.e.--Title V program is self supporting)</p> <p>See Attached Table.</p>	<p>Grant files -- FSR's for applicable years. (See appropriate EPA Region grant & project manager staff)</p> <p>Permitting Authority accounting system reports showing revenue and expenditure summaries for Title V, grant, and other activities</p>

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PAYROLL PERIOD TIME RECORD
 APPROPRIATION UNIT: NAB

NAME: BEATTY, DAVID
 EIN:
 FLSA: EXEMPT

PAY PERIOD
 ENDING DATE: 9/22/2006

UNIT	APPR UNIT	FUNCTION	PROGRAM	PHASE	WEEK 1							WEEK 2							Total Hours				
					Sa 9/9	Su 9/10	Mo 9/11	Tu 9/12	We 9/13	Th 9/14	Fr 9/15	Total Week1	Sa 9/16	Su 9/17	Mo 9/18	Tu 9/19	We 9/20	Th 9/21	Fr 9/22	Total Week2	Time Code	REG. TIME	OVER TIME
OP-COMPLIANCE SECTION																							
2612	NAB	2OPP			1.								1.							1.			
HAPS SMALL BUSINESS PROG																							
2642	NAB	2OPP			1.								1.							1.			
LEAD-BASED PAINT GRANT FUNDED																							
2643	NAB	2PBGRANT	2LE6		1.								1.							1.			
OPERATING PERMITS-OPP																							
2712	NAB	2OPP			1.								1.							1.			
AIR GRANT 105-MAJOR																							
2741	NAB		2AP6		1.								1.							1.			
TOTAL:					5	0	0	0	0	0	0	0	5.	0	0	0	0	0	0	0	.0	5.0	.0

NON-EXEMPT: Hours worked in excess of 40 qualify as overtime and will be recorded. For calculating overtime, leave, holiday and on-call hours DO NOT count towards hours worked. Normally, the State's policy is to compensate overtime work with time off. Overtime is accrued as compensatory or paid per the employee's signed up-front agreement. However, agencies may choose to pay for the overtime. (SEE STATE DHRM RULES FOR FLSA-EXEMPT TIME REPORTING REQUIREMENTS)
 NOTE: Overtime earned in this pay period must be either accrued as comp time OR paid, not both.

By signing this timesheet, I verify that the above reported hours worked and leave used are accurate for this pay period.
 EMPLOYEE SIGNATURE _____ DATE _____ APPROVED _____ DATE _____
 This timesheet is to be filled in each department. This is a data-entry document and is not to be submitted to Finance

**STATE OF UTAH
OPERATING PERMIT PROGRAM EXPENDITURES AND REVENUES BY FISCAL YEAR**

Fiscal Year		2000	2001	2002	2003	2004	2005	2006	2007	2008
Reporting Category										
Total Expenditures	20PP	\$2,766,850.34	\$2,547,253.02	\$2,949,637.73	\$2,857,284.25	\$2,872,535.29	\$2,978,078.75	\$3,126,030.96	\$3,293,559.75	\$3,604,596.19
Revenue Source										
Total Revenue	2302	\$2,533,382.06	\$2,534,292.00	\$2,545,918.94	\$2,842,105.25	\$2,902,973.03	\$2,882,412.28	\$3,113,966.71	\$3,330,657.44	\$3,633,730.40
Revenue Less										
Expenditures		(\$233,468.28)	(\$12,961.02)	(\$403,718.79)	(\$15,179.00)	\$30,437.74	(\$95,666.47)	(\$12,064.25)	\$37,097.69	\$29,134.21

Fiscal Year		2009	2010	2011	2012	2013	2014	2015
Reporting Category								
Total Expenditures	20PP	\$3,911,170.40	\$3,841,305.15	\$3,675,422.80	\$3,684,443.41	\$3,621,302.66	\$3,543,862.62	\$3,808,072.37
Revenue Source								
Total Revenue	2302	\$3,854,235.08	\$3,841,379.92	\$3,641,376.83	\$3,630,535.30	\$3,573,294.73	\$3,405,717.39	\$3,766,151.71
Revenue Less								
Expenditures		(\$56,935.32)	\$74.77	(\$34,045.97)	(\$53,908.11)	(\$48,007.93)	(\$138,145.23)	(\$41,920.66)

Each year estimated expenditures and revenues are determined. Based on our needs a change to the fee amount, if necessary, is requested. For excess revenues remaining in FY2004, a refund or credit was given to the companies in FY2005. Starting with FY2005 a change was approved by the legislature allowing the unexpended funds to be used to reduce the fee in the second fiscal year following the year the unexpended funds occurred.



Utah!

Where ideas connect

Department of Environmental Quality
Division of Air Quality

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000
(801) 536-4099 Fax
(801) 536-4414 T.D.D.
www.deq.utah.gov

Public Hearings & Comment Folder

*not a guideline
not updated*

WPA 5/12/11

DAQO-004-03

MEMORANDUM

TO: Permitting Branch

FROM: Regg Olsen *RDO 4/8/03*

SUBJECT: Procedures for Responding to Public Comments on Permits & Approval Orders

DATE: April 8, 2003

1. It seems that lately we have been receiving more comments and requests for hearings than in times past. As a result, I have seen several different approaches to how we respond (or not) to these comments. This memo is intended to provide a framework for dealing with public comments and hearings.
2. As you are probably aware, we must consider all comments submitted (see R307-401-4 & R307-415-7i), whether in writing or orally as part of a hearing. It is important to remember that this opportunity for comment is an integral part of our process.
3. To demonstrate that we have considered each comment that is received during the comment period, a Memorandum to File will be prepared that addresses any comments received, written or oral. Keep in mind the following:
 - a. An individual response to the commenter is not required, though a copy of the memorandum may be provided as a courtesy.
 - b. The Memorandum to File should be able to stand on its own as a document, i.e., it should clearly state the source and action that was being reviewed.

- c. It should also outline in an introductory paragraph, the period for public comment and when a hearing was conducted (if appropriate).
 - d. The introductory paragraph should also identify how many comments were received and considered and whether they were written or oral; it is not necessary to identify the submitter of the comment.
 - e. Although it is not necessary to identify in the memo the submitter, if EPA submits comments, this fact should be noted. Otherwise, they are treated like any other comment received; a copy of the memo will be provided the EPA office that submitted comment.
 - f. If comments were received both in written form and orally at a hearing, clearly identify at which venue each comment was received.
 - g. The body of the memorandum should either summarize or repeat the comment followed by the DAQ response. The same comment received from multiple commenters need not be repeated. If changes are made to the permit/AO as a result of the comment, this fact should be noted along with details of the changes.
 - h. A copy of written comments and/or attendee list from a hearing should be attached to the memorandum.
 - i. The final document should be initialed by the writer and the section manager and included in the packet being forwarded through the branch manager to the Executive Secretary for final signature. For Title V Permits, this memo should be provided with the proposed permit for EPA review.
 - j. The final resting place for this memorandum will be the source file along with the action that precipitated the comments.
4. Three example memorandums are attached as examples that can be followed if desired. Each is a little different in format – each is ok and any one of them could be done differently. Format is not as important as the content discussed above. If you have any questions regarding this process, please talk to your manager.

MEMORANDUM

To Metropolis City Source File
Through: Rusty Ruby
From James Olsen
Date: March 3, 2003
Subject: Response to Public Comments

An Approval Order (AO) for Metropolis City Power Plant was proposed with a public comment period from January 21, 2003 thru February 28, 2003; written comments were received from three submitters. In addition, a public hearing was requested. The hearing was held at 7:00 P.M. on Thursday February 20, 2003, in the City Council Room at the Metropolis City Hall in Metropolis City, Utah. The public comment period was extended beyond the normal 30 days to accommodate the hearing. Each comment received was considered before final issuance of the AO and minor changes were made to the AO before final issuance as noted in the response to oral and written comments concerning the operating hours for the diesel generators.

The comments received, both written and those made orally at the hearing are identified below along with DAQ's response to the comment. The AO allows Metropolis City to add three General Motors Electromotive Diesel (EMD) generators, a Continuous Emissions Monitoring (CEM) system for NOx and CO and to add two catalytic oxidizers.

Oral Comments

There were a total of 14 people at the hearing, including DAQ staff (an attendance list is attached to this memo). During an informal discussion, several people asked various questions concerning the project; only three people offered official comment.

[Note – it is not necessary to identify by name the commenter (either those making oral comment or those submitting written comments. The memo could just as easily, and in fact maybe more easily, state, "One commenter made the following comment" or "Two commenters were concerned that . . ." Also, in the paragraph above, you could have said, "Two commenters spoke in favor of the project and one had concerns that are identified below." For purposes of example only, this example identifies each by name for those at the public hearing.]

Comment of Clark Kent:

Stated he was Director of Emergency Response for the city during the 1950's and was a neighbor of the plant. Mr. Kent stated that they have always been good neighbors and

that they have increased the output of the power plant while maintaining the emissions below their permit limits.

DAQ Response – none required.

Comment of Flash Gordon:

Mr. Gordon stated that Metropolis was the leading entity in modifying enterprise diesel fired generators to clean burn dual fuel (natural gas and diesel). The use of the power plant during the power shortage over the last two years was beneficial to the citizens of Metropolis. He also stated that the management of the power group desired to have an efficient and clean power generating facility.

DAQ Response – none required.

Comment of Christopher Robin:

Mr. Robin made the following specific comments:

1. That Metropolis illegally installed three polluting generators.
2. That the two catalysts will allow them to increase production and that the technology they used was ancient.
3. That Metropolis was irresponsible and that they should be required to install cleaner units.
4. That EPA gave this type of power generators an emission factor rating of E.
5. That they have 10-20 tpy of HAP emissions with 15 tpy of carcinogen emissions.
6. That they could run polluting engines and generate cheap electricity using straight diesel during natural gas curtailments and inversions. He made a recommendation that they not be allowed to burn during red and yellow burn conditions and was concerned that there was no limit on their operation during natural gas curtailments.
7. He was concerned that the VOC was increased by 50% and the limits were removed from the Approval Order conditions.

DAQ Response – *[Note that you should address each of the specific comments of the individual making the comment – don't overlook any or it appears that we're ignoring the comment.]*

1. The issue of the illegal installation of the generators was not germane to the issuance of the AO. The compliance history of the source is something that should be addressed with the compliance section of the division.
2. Metropolis may be able to increase their hours of operation by installing the catalysts for the reduction of CO. However, if Metropolis increases the

- hours of operation, they will not be able to increase their emissions over what they are currently allowed.
3. Metropolis has met BACT for internal combustion by installing dual fuel engines.
 4. The AP-42 emission factor rating of E is an indication of the reliability of the factor. The fact remains, that it is the best information available and is appropriate for use with that understanding and in the absence of better data.
 5. Based on AP-42 emission factors, Metropolis will not emit 20 tpy of HAPS with 15 tpy carcinogens. Rather the estimated emissions are xx tpy of HAPS and yy tpy of carcinogens.
 6. The AO condition limiting hours of operation was changed so that they are only allowed to run the engines during natural gas curtailment for a total of 72 hours per year. They will still have to meet their emissions limits for NO_x and CO during the curtailments. With this and other permit limitations, a restriction to not burn during red or yellow burn conditions is not necessary (irregardless of the fact that the red/yellow/green burn status was not targeted to industry).
 7. The VOC emissions do not increase by 50 %. The increase identified in the newspaper incorrectly identified those emissions solely from the operation of the EMD engines as a theoretical value based on full time operation of the engines. However, because of NO_x and CO limitations, the engines will not be able to operate long enough for the VOC emissions to increase before the NO_x or CO limits were exceeded. Therefore, for this project, VOC emissions will not increase.

Written Comments

As mentioned above, three sets of written comments were received of which two were identical to each other. The comments submitted are addressed below followed by DAQ's response to the comment. A copy of each written comment is attached to this memo.

Comment:

The CO reduction in the newspaper notice was incorrect.

DAQ Response: The emission reduction in the newspaper notice was incorrect; however, the emissions reduction in the Plan Review and the Intent to Approve were correct. The CO reduction in the newspaper notice was an early estimate that was made during the initial stages of the project and was inadvertently never updated to reflect more accurate amounts.

Comment:

The air quality impact analysis was not in the folder when the project was reviewed.

DAQ Response: The analysis is now included in the project folder.

Comment:

HAPs are not appropriately addressed, specifically formaldehyde.

DAQ Response: The HAP emission of concern for natural gas combustion is formaldehyde. This pollutant was calculated and modeled and was under the modeling trigger levels. NO_x and CO are pollutants of concern for internal combustion engines, and will be required to be tested and monitored with a Continuous Emission Monitoring system.

The formaldehyde increase calculated was for the operation of the EMD generators alone when in actuality, the operation of the EMD generators would result in a decrease in formaldehyde emissions. The EMD generators have a higher CO output (60 lbs/hr) than the Enterprise generators (21.00 lbs/hour) and this would result in the 12-month CO emissions limit of 219.8 tons per 12-month period being reached sooner with the operation of the EMD generators. This would result in a decrease of Formaldehyde emissions and not an increase as was published in the newspaper notice. The formaldehyde emissions increase listed in the newspaper notice was for the sole operation of the EMD engines as a theoretical calculation without regard to the NO_x and CO limits.

Comment:

Metropolis would be allowed to operate with no restrictions during inversions and natural gas curtailments.

DAQ Response: The AO condition limiting hours of operation was changed so that they are only allowed to run the engines during natural gas curtailment for a total of 72 hours per year. They will still have to meet their emissions limits for NO_x and CO during the curtailments.

Comment:

The existing AO required parametric monitoring (PEM) of NO_x, CO and VOCs.

DAQ Response: The proposed AO requires Metropolis to use a CEM system to monitor the NO_x and CO. A PEM system uses parameters to indirectly measure the emissions whereas a CEM directly measures the emissions. NO_x and CO are the primary pollutants of concern for internal combustion (IC) engines. VOCs are not as accurate as NO_x and CO for determining the proper operation of IC engines.

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Comment:

VOC emissions are increasing by approximately 50%.

DAQ Response: See response to oral comment #7 above.

MEMORANDUM TO FILE

To: Metropolis City Source File
Through: Rusty Ruby
From: Jimmy Olsen
Date: March 3, 2003
Subject: Response to Public Comments

An Approval Order (AO) for Metropolis City Power Plant was proposed with a public comment period from Jan 21, 03 thru Feb 20, 03; written comments were received from one individual. Each comment was considered before final issuance of the AO. The comments received, are identified below along with DAQ's response to the comment and a copy of the submitted comments is attached to this memo. The AO allows Metropolis City to add three General Motors Electromotive Diesel (EMD) generators, a Continuous Emissions Monitoring (CEM) system for NOx and CO and to add two catalytic oxidizers.

COMMENT:

Approval of this AO will allow operation of the Metropolis Power Plant with new engines. The power plant is too close to the new Luther Estates Development and will cause property values to decrease and reducing the quality of life in this nice neighborhood. In addition, the noise at night has been keeping me awake and I know that they are causing extra dust that settles in the neighborhood. My asthmatic son can't even play outside in our own yard because of the particulate emissions. I also think that the HAPs are poisoning the fish in my backyard pond.

DAQ Response:

While the DAQ is sensitive to the concerns expressed in the submitted comments, most of the issues raised are not issues related to the technical aspects of the approval order. They do not address either the process or the determination of BACT for the power plant. The issues raised should be addressed to the local entity responsible for zoning.

The questions concerning particulate and the HAP emissions were reviewed. The particulate emissions are well within the range of emissions expected for this type of unit. The source conducted, and we reviewed, a very thorough BACT analysis that determined that the level of control for the power units was appropriate (2 scrubbers in series followed by a baghouse). In addition, the source obtained offsets of 24 tpy for their expected increase of 20 tpy of PM10. Thus the overall quality of the air is improved by this project.

The DAQ was unable to identify any credible documentation that would indicate an adverse impact on fish from formaldehyde, the HAP of concern from this type of emission unit. In fact, the primary cause of problems with this pollutant is through breathing it into the lungs. Research (see the article, "Non-industrial Effects of Formaldehyde" published in the magazine, "Backyard Grilling" dated April 1, 2004)

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shows that coming into contact with water neutralizes the formaldehyde, transforming it into O₂.

[Note – the above explanation is purely fictional and is not intended to represent any truthful analysis of formaldehyde or to indicate an appropriate level of control for PM₁₀. Rather it is meant to show the type of explanation that would be appropriate for a comment of this nature.]

MEMORANDUM TO FILE

To Metropolis City Title V Source File
Through: Dave Beatty
From Lois Lane
Date: March 3, 2003
Subject: Response to Public Comments

A Title V Operating Permit for Metropolis City Power Plant was proposed with a public comment period from January 21, 2003 thru February 20, 2003; written comments were received from both individuals. The comments received are identified below along with DAQ's response to the comment and a copy of the submitted comments is attached to this memo. The Operating Permit (OP) allows Metropolis City to operate their Central Power Plant and all equipment identified in the OP as outlined in the permit.

COMMENT:

Both commenters were concerned that approval of this OP will allow operation of the Metropolis Power Plant with new engines. They each indicated that the power plant is too close to the new Luther Estates Development and will cause property values to decrease and reduce the quality of life in this nice neighborhood. In addition, the noise at night has been keeping them and their neighbors awake and the plant is causing extra dust that settles in the neighborhood. Additionally, one commenter specifically stated, "My asthmatic son can't even play outside in our own yard because of the particulate emissions. I also think that the HAPs are poisoning the fish in my backyard pond."

DAQ Response:

While the DAQ is sensitive to the concerns expressed in the submitted comments, most of the issues raised are not issues related to the administrative or technical aspects of the Operating Permit. They do not address either the process or adequacy of any monitoring, recordkeeping or reporting requirements of the permit; the comments also do not indicate that any applicable requirement has been overlooked or changed. In this specific case, the plant is authorized to operate all identified equipment under authority of Approval Order (Approval Order DAQE-1234567-99) and NSPS 40 CFR 60 Subpart Dc. No other applicable requirements have been identified. As a result of our review of these comments, no changes have been identified as necessary and the OP is being proposed to EPA as written.

[NOTE – if comments did cause us to make a change of some type, i.e., maybe change the MRR or the reference info for a requirement, it should be so stated.]

Public Hearings

Things to remember to bring:

NOI , with the important sections marked for quick reference

Other pertinent correspondence with source

Reference material used to draft the ITA

ITA

Engineering Review, with the BACT discussion laid out for quick referral

Rules

Copy of the hearing notice from the newspaper

Pertinent correspondence with group requesting the hearing, (photos, letters, etc)

A sign pointing the direction to the meeting room

Sign in sheet

A form requesting to make a comment

A sheet with contact information for:

Compliance

The permit writer

Where to send the comment (e-mail and address)

The recording equipment

Blank cassette tape

Pencils

Extra copies of: (if it seems appropriate)

ITA for the other staff present

Public notice

Engineering Review