

Revisions to the Petition Provisions of the Title V Permitting Program

FACT SHEET

FINAL ACTION

- On January 14, 2020, the U.S. Environmental Protection Agency (EPA) finalized revisions to the title V permitting regulations to streamline and clarify processes related to the submittal and review of title V petitions.
- This final rule implements changes in three key areas:
 - Providing direction as to how petitions should be submitted to the EPA.
 - Requiring mandatory content and format for title V petitions.
 - Requiring permitting authorities to respond in writing to significant comments received (when applicable) during the public comment period for draft title V permits, and to provide that response in the form of a response to comments document with the proposed title V permit to the EPA for the agency's 45-day review period.
- Additional revisions were finalized to ensure that the title V regulations are consistent with the language contained in the Clean Air Act (CAA):
 - Requiring a petitioner to provide copies of its petition to the permitting authority and permit applicant.
 - Correcting a citation to refer to the appropriate section of the Act, which focuses on the availability of records, reports, and information to the public.

BACKGROUND

- The title V operating permit program, established under the 1990 CAA Amendments, is a vehicle for ensuring that air quality control requirements are appropriately applied to facility emission units and for assuring compliance with such requirements, but it does not generally impose new pollution control requirements.
- Most states, certain local agencies, and two tribes have federally-approved operating permit programs. As part of an approved program, title V of the CAA requires every major source and certain other sources to apply for and operate according to the specifications in an operating permit. It further requires that such permit contain conditions that assure compliance with all of a source's applicable requirements under the Act, including the requirements of the applicable implementation plan.
- The CAA requires permitting authorities to submit a proposed title V permit, including initial permits, permit renewals, or permit modifications/revisions, to the EPA Administrator for a 45-day review period before issuing the permit as final. During that review, if the Administrator determines that the permit contains provisions that are not in compliance with

the applicable requirements under the Act, the Administrator must object. If the Administrator does not object to the permit during the 45-day EPA review period, any person may submit a title V petition to the Administrator within 60 days after the expiration of the 45-day review period seeking such an objection.

FOR MORE INFORMATION

- To download a copy of today's final action from the EPA website, go to "Current Regulations and Regulatory Actions" at the following address: <https://www.epa.gov/title-v-operating-permits/current-regulations-and-regulatory-actions>.
- For more information on the final action, contact Carrie Wheeler at (919) 541-5469 or wheeler.carrie@epa.gov; or Cheryl Vetter at (919) 541-4391 or vetter.cheryl@epa.gov.