

Review Protocol: Special Interest Issues, Concurrent Review, and Expedited Review

MAJOR NEW SOURCE REVIEW PERMIT APPLICATIONS

When an application for a major modification or new major stationary source that is subject to 326 IAC 2-2 or 326 IAC 2-3 is received, OAQ will mail a copy to Region 5.

PUBLIC NOTICE SPECIAL INTEREST NOTIFICATIONS

When a draft permit is approved for public notice, the following steps will occur:

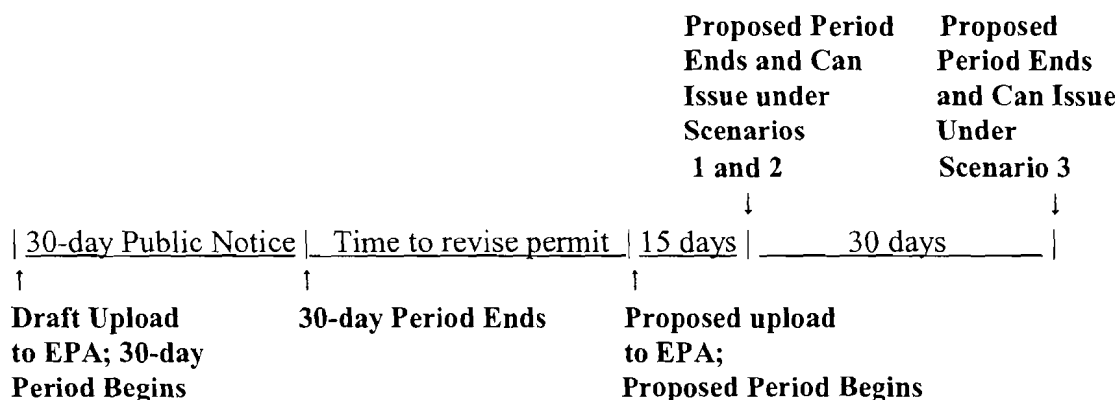
- the draft permit will be uploaded to the Internet site and the index for the database will be updated so that Region 5 is aware that a new permit is available; and
- the draft permit will be sent to the newspaper for the 30-day public comment period. The 30-day public comment period will end based on the newspaper publication date.
- IDEM will notify Region 5 of special interest permits that may contain issues or conditions that may require closer review.

When advised that the permit has been approved for the public comment period, the Permit Reviewer will send an e-mail to the Region 5 permit reviewers listed in appendix A with the following information: the permit name and number, a description of the issue, and the beginning date of the public comment period or the expected beginning date of the public comment period. A copy of the notification e-mail to Region 5 should be sent to the Permits Branch Chief, the Section Chief, and Mentor. The subject line of the e-mail should begin with the phrase, "Special Interest Permit Notification..." to facilitate the notification process. Contracted Permit Reviewers will also copy the "OAQ Contractor" e-mail box. Local Agency Permit Reviewers will also copy the OAQ Local Agency coordinator listed in appendix A.

PROPOSAL TO REGION 5: CONCURRENT AND EXPEDITED REVIEW

This portion of the document only applies to Title V permits, Title V renewals, Title V Significant Source Modifications, and Title V Significant Permit Modifications. Pursuant to 326 IAC 2-7-18(b) [Permit Review by EPA], the 30-day public comment period and the 45-day Region 5 review period may run concurrently. In addition, Region 5 and OAQ have agreed that review may also be expedited in some cases for permits that do not meet the concurrent review criteria. The following procedure discusses the review scenarios which may be encountered during the process of issuing a permit. The first three scenarios are exactly as provided in our existing rules. Scenario X is a special, expedited review not specifically covered by the rules. Both OAQ and Region 5 have to agree to an expedited review schedule on a case-by-case basis because Region 5 must review every permit with an expedited review schedule.

The procedure is illustrated by the following schematic:



Following the end of the 30-day public comment period, one of four situations will occur. The draft permit will be prepared for the proposal stage based on the situation.

Scenario 1: Concurrent Review - No Comments, no changes (other than administrative type changes)
 OAQ receives no comments from the public, any affected state, IDEM or EPA staff, or receives comments that are not based on an applicable requirement. IDEM makes no changes to the draft permit or the only changes that are made are administrative type changes. Administrative type changes are any changes that would qualify as an administrative amendment under 326 IAC 2-7-11 and any of the following:

1. Correction of a grammatical error;
2. Rearrangement of the units or conditions to improve the logical flow of the permit; or
3. Renumbering of permit conditions.

End Date: EPA’s review period will end 15 days after the permit is proposed to Region 5, pursuant to 326 IAC 2-7-18(b)(1), unless Region 5 requests additional time in accordance with the Region 5 Time Adjustment Notification section. Region 5 has 15 days after the permit is proposed to notify the OAQ if additional review is required.

Scenario 2: Concurrent Review - Comments, no changes
 OAQ receives comments from the public, affected state, or IDEM or EPA staff which are based on applicable requirements, but determines not to revise the permit.

End Date: EPA’s review period will end 15 days after the permit is proposed to Region 5, pursuant to 326 IAC 2-7-18(b)(2), unless Region 5 requests additional time in accordance with the Region 5 Time Adjustment Notification section. Region 5 has 15 days after the permit is proposed to notify the OAQ if the full 45-day review period is required. IDEM shall indicate in the index for the permit database that comments based on an applicable requirement were received on the permit, but no changes were made from the draft to the proposed permit.

Scenario 3: Normal Review - Comments, changes
OAQ receives comments from the public, affected state, IDEM or EPA staff which are based on applicable requirements and revises the permit.

End Date: EPA's review period will end 45 days after the permit is proposed to Region 5, pursuant to 326 IAC 2-7-18(b)(3). If Region 5 finishes the review sooner, OAQ requests that Region 5 notify OAQ following the procedures in the Region 5 Time Adjustment Notification section so that the permit may be issued sooner.

Scenario X: Expedited Review - Rush permits or straightforward changes
This scenario covers two situations. In the first situation, OAQ has a critical need to issue the permit as quickly as possible, but the permit does not fall into Scenario 1 or 2. In the second situation, OAQ receives comments from the public, affected state, or IDEM or EPA staff which are based on applicable requirements and revises the permit, but the revision is straight-forward. The following issues are examples of revisions which may be considered straight-forward:

- (i) OAQ's model permit changes (the content and effective date of the model changes will contribute to the evaluation of whether the permit model changes are to be considered under this scenario or not); and,
- (ii) Additional straight-forward changes which the Permit Reviewer, Mentor, and Section Chief determine to be straight-forward upon examination (OAQ will also have an ongoing open communication with Region 5 in evaluating the significance of the revisions made).

In either situation, IDEM makes the decision to request expedited review. The Permits Branch Chief or Section Chief must request review because Region 5 is obligated to review each permit for which they agree to an expedited review schedule.

End Date: EPA's review period will end on a date agreed upon by OAQ and Region 5. During the review time, Region 5 will notify OAQ if additional time is needed in accordance with the Region 5 Time Adjustment Notification section. When granting an expedited review, EPA will notify IDEM that EPA's decision does not affect the public's ability to petition EPA to object to the permit, does not shorten the time period available to the public to object to the permit, and does not prohibit EPA from reopening the permit.

Expedited Review Procedures:

If IDEM requests an expedited review of a Title V permit, the Permits Branch Chief or Section Chief will send an e-mail to the Region 5 permit reviewers listed in appendix A. The request will include a specific time period for review in the request.

After the request, the IDEM Permit Reviewer will send an e-mail to the Region 5 permit reviewers listed in appendix A. The Permit Reviewer will copy their Section Chief and Mentor.

Contracted Permit Reviewers will also copy the “OAQ Contractor” e-mail box. Local Agency Permit Reviewers will also copy the OAQ Local Agency coordinator listed in appendix A. Include the following information in the e-mail:

- (i) Company name and County location;
- (ii) Title V Permit Number;
- (iii) The end date of the 30-day public comment period;
- (iv) The date the permit was proposed or is expected to be proposed;
- (v) The Permit Reviewer’s phone number and e-mail address; and
- (vi) The end date of the EPA review period and an explanation for the basis for that date (refer to the table below for guidelines for each scenario).

Region 5: Respond to IDEM's request for expedited review, indicating if expedited review is acceptable and if the proposed period for review is acceptable.

Table 1. Summary of the Scenarios

Scenario	End Date	Basis
1	15 days after proposed	No comments were received regarding the draft permit, and no revisions were made to the draft permit (other than administrative type changes).
2	15 days after proposed	The Addendum to the TSD will describe the reason why the permit was not revised even though comments were received.
3	45 days after proposed	The revisions are listed in the Addendum to the TSD. However, if Region 5 finishes the review prior to the end of the 45-day period, Region 5 should notify OAQ that the permit may be issued, following the procedures in the Region 5 Time Adjustment Notification section.
X	Indicate the date that has been agreed upon or indicate that the Permits Branch Chief has requested expedited review if Region 5 has not responded to the request yet	OAQ’s e-mail will describe the revisions made to the permit and explain that expedited review was requested or, if the revisions are straightforward, that OAQ feels that the revisions are straightforward and that Region 5 should not require an additional full 45-day period to review the permit.

Region 5 Time Adjustment Notification

It is recommended that Region 5 e-mail the Permit Reviewer and copy the IDEM Section Chiefs with the following information when additional review time is required in Scenarios 1, 2, or when Region 5, without a request to expedite review, completed actual review of the permit prior to the end of the 45 day review period a shortened review period was allowed in Scenario 3.

- Reason for extra review time (Scenario 1 and 2) or notice that a full 45-day period is not necessary (Scenario 3); and,
- Time frame for the extra review time, such as the specific number of days or the required full 45-day period (Scenarios 1 and 2).

PUBLIC NOTICE: CRITERIA FOR SPECIAL INTEREST PERMITS

The U.S. EPA reviews certain permits prior to issuance as part of their role of overseeing state permit programs. Because oversight does not necessarily require review of every single permit, it makes sense to identify permits that could be of significant interest to the U.S. EPA.

The tables below list specific categories of sources or issues which will trigger the Region 5 special interest notification procedures in the "Public Notice Special Interest Notification" section. In addition, Region 5 should be notified when every permit containing language regarding a new or controversial rule is posted for review. It should be noted that this list may not be all-inclusive, and we should use our judgment if additional issues are encountered which may warrant notification of Region 5.

Title V/FESOP Source Categories/Issues
Every Permit Involving a Change in the Emission Factor for a Process (affecting PSD applicability)
Every Permit Including Language Regarding a Compliance Schedule with Respect to Rule or SIP Revisions
Every Permit Involving the Issue of Whether Two Sources May Be One Major Source
Every Renewal with CAM Language for Large CAM Units
Every Significant Permit Modification with CAM Language for Large CAM Units
Every Significant Permit Modification with a PAL

NSR Permit Source Categories
Every Source with CWOP/OWOP facilities with PTE > major NSR/PSD thresholds
Every Source With a Section 112(g) MACT Determination
Every Source Affected by a Change in Status to a Major Source (two or more sources combined into one major source)
Every Source with Large CAM Units Affected by the Federal Compliance Assurance Monitoring Rule
Every Permit Regarding a Compliance Schedule with Respect to Rule or SIP Revisions
Every Permit Being Issued with PSD Requirements
Every Permit with LAER/Offset determinations
Every Permit with netting
Every Permit with a PCP Exclusion
Every permit establishing or modifying a PAL

Approval

Region 5 of the United States Environmental Protection Agency and the Indiana Department of Environmental Management, Office of Air Quality, hereby agree to the terms of this protocol for review

of special interest issues, concurrent review and expedited review.

Pamela Blakley 5/16/06 *Nisha Sizemore 5/16/06*

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IDEM

Appendix A
IDEM and Region 5 Contacts
Updated: May 2006

Region 5 Permit Reviewers:

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