

Clean Air Act Title V Program Evaluation Report
Department of Natural Resources and Environmental Control – FY2022
Prepared By: EPA Region 3
September 14, 2022

I. Executive Summary

For fiscal year 2022, the Environmental Protection Agency Region 3 (EPA) evaluated The Department of Natural Resources and Environmental Control's (DNREC) title V permit program.¹ Due to the COVID-19 pandemic, the evaluation was conducted via remote means. Areas of review included permit preparation and content, public participation and outreach, permit issuance, staffing and resources.

EPA found that DNREC's Division of Air Quality (DAQ) prepares title V permits in accordance with title V rules and regulations. Delaware's extensive draft permit review, community engagement and extensive staff support have resulted in a permitting program that produces high-quality permits. In addition, Delaware's title V Fee evaluations have ensured that title V fees are used appropriately to support the permitting program and that decision makers are provided with the information needed to continue funding the program appropriately and adequately. The DAQ continues to manage its challenges appropriately and has a highly successful permitting program.

II. Introduction

Title V program evaluations are part of EPA's routine oversight of state programs with the intent of identifying best practices, areas for improvement, and ways in which EPA can improve its oversight role. DAQ is responsible for Clean Air Act permitting for all of Delaware. DNREC has two air permitting offices located New Castle and Dover. Historically, EPA has conducted title V program evaluations in person with onsite interviews of air permit managers (APMs). However, due to the travel constraints of the COVID-19 pandemic, the format of this evaluation was modified. This evaluation was conducted through remote means of written questionnaires, virtual meetings, and email correspondence. Areas evaluated include title V permit preparation and content, public participation and outreach, permit issuance, and resources and internal management support.

III. Evaluation

To gather information, EPA provided Ms. Amy Mann, the DAQ APM, with a questionnaire on February 4, 2022 (Appendix A). Written responses were requested and received by March 31, 2022 (Appendix B). On May 23, 2022, EPA's Mary Cate Opila (Air Permits Branch Chief), Matthew Willson (Air Permits Contact) and Justin Leary (Permit Reviewer) held a follow up virtual meeting with Ms. Mann and her two program managers, Joanna French and Karen Mattio. The content of this report is based on the written questionnaire responses, the follow up virtual meeting with DAQ, publicly available information on DNREC's website, as well as EPA's experience working with DAQ's title V permit program during routine oversight. File review was not conducted as part of the evaluation process because EPA routinely reviews draft and proposed title V permits prepared by DAQ.

¹ Approved 10/03/2001 at [66 FR 50321](#).

A. Title V Permit Preparation and Content

DAQ's title V permitting process is outlined in 7 DE Admin. Code 1130. Title V permit applications are submitted to DNREC and entered into a permit data base called AirDE (aka "permit Tracking" or "DEN"). Permits are tracked through every step of the process with the AirDE database. DAQ leadership review reports from AirDE frequently which helps them identify stalled permits and address any issues. An electronic content manager called "DNRECTory" sends an electronic copy of the permit application to the assigned permit writer. Once the permit writer receives the application, they conduct an administrative completeness review. To support this review, an Administrative Completeness Checklist is available as part of the State Operating Permit Plan Application Instructions (Appendix C). If the application is deemed administratively complete the applicant is notified. If the application is not administratively complete the applicant is notified, and the required information is requested. Once an application is complete, the technical completeness review begins. Additional information is requested from the applicant as needed.

The permit writer develops the draft title V permit starting with the permit and memo templates (Appendix D and E). Permit writers have access to the Intranet Desk Reference which houses permit templates, guidance documents, and process flow charts (some of these documents are found in Appendices B, C, D, E, H and I). To develop the draft permit, all existing permits are reviewed to determine if any permit conditions need to be updated. All state and federal regulations are also reviewed to determine applicability and to see if any updates are required. A holistic review is conducted to ensure that all emission limits and operational limits are practically enforceable through monitoring, testing and record keeping requirements. DNREC uses the following process for developing the monitoring requirements in title V permits:

1. Review all applicable state and federal regulations to ensure that monitoring requirements are placed in the permit.
2. Review of the emission limitations and operational limitations is conducted to ensure that they have been made practically enforceable through monitoring requirements. If additional monitoring requirements are needed, they are added to ensure practical enforceability.
3. Each source's emissions are evaluated to determine if more monitoring is needed.
 - a. Sources with more hazardous emissions will require more robust monitoring.
 - b. Sources that are within 80-90% of a standard will also have more stringent monitoring.
4. Source's compliance history is also evaluated.
 - a. Sources with poor compliance will have more robust monitoring added to the permit.

Draft permits are reviewed by both the Environmental Program Manager and the Program Administrator for quality assurance and consistency. Depending upon the facility and the changes being made to the permit, a pre-notification draft permit may be sent to the facility for a two-week review period prior to sending the draft permit to legal notice. This step is completely optional. The Department may consider comments submitted by the applicant but only if they add clarity or correct mistakes.

The draft permit is then sent to legal notice, affected states, the applicant, and EPA for a 30-day public notice period. If no comments deemed significant are received, the EPA 45-day review period will be conducted concurrently, and the draft/proposed permit will be issued at the close of the 45-day review period. If comments that are deemed significant are made on the draft/proposed permit, they are addressed through the sequential review process.

Under sequential review, a response to comments document is developed and included with the proposed permit for EPA's review. If comments received are determined not to be significant, a response to comments document is still included with the final issued permit. Following the end of EPA's review period, the final permit is issued, distributed to relevant parties, and posted to the DNREC website. A process flow diagram of the entire title V permitting process can be found in Appendix B.

B. Title V Public Participation and Outreach

DAQ scans permit applications in to DNREC's electronic content management system, DNREctory, which is accessible to the public through the Environmental Navigator.² The application becomes public after a seven-day holding period unless it is flagged as "confidential". If the application is claimed as confidential, a public version of the application is made available in the Environmental Navigator. Completed draft permits ready for legal notice are published in a newspaper of general circulation in the state and are published on the DNREC Public Notices webpage.³ If a public hearing is requested for an application, all relevant information including the date and time of the meeting, how to submit comments, and a description of the hearing's topics about are posted on DNREC's public hearing webpage.⁴

Delaware's rules for public hearing are set in 7 DE Admin. Code 1130 Section 7.10. A public hearing is hosted by the Department if the Secretary receives a meritorious request for a hearing in within a reasonable time as noted by the advertisement for the permit. For a public hearing request to be deemed meritorious, it must exhibit a familiarity with the application and a reasoned statement of the permit's probable impact. Public hearings are also held on any permit application if it is deemed by the Secretary to be in the best interest of the state to do so. Public hearings are also scheduled preemptively for facilities with a known high level of interest from the public. In these instances, the public hearing is advertised alongside the permit application. DNREC may also utilize public workshops that are scheduled prior to the public hearing if public interest is high enough. The workshop is designed to be informational and encourage discussion allowing the community members to ask questions about the application without having to go on the record.

The Secretary has final decision on whether or not to issue the permit and deciding if changes to the permit are necessary based on comments received. A formal order is issued noting any changes made to the permit and authorizing the Division to proceed with issuing the permit, if appropriate. After issuance, final permits are scanned onto the Environmental Navigator and made available to the public.

DNREC has put together an internal Environmental Justice Committee that works to establish standard operating procedures across the entire department for engagement strategies. DNREC also has a Community Ombudsman that works with communities. DNREC frequently engages communities with environmental justice issues and has personal contacts of numerous community organizations. Members of DNREC DAQ attend community meetings on a regular basis and respond to concerns of the public through phone calls and site visits.

² <https://den.dnrec.delaware.gov/> accessed on 8/5/2022

³ <https://dnrec.alpha.delaware.gov/dnrec-public-notice/> accessed on 8/5/2022

⁴ <https://dnrec.alpha.delaware.gov/public-hearings/> accessed on 8/5/2022

Permit Issuance

On October 14, 2005, DNREC and EPA entered into an agreement memorialized in a Memorandum of Understanding (MOU) regarding DNREC's implementation of its title V operating permit program (Appendix F). In the MOU, DNREC agreed to, among other things:

- Issue 100 percent of new initial permits within 18 months of receipt of a complete application;
- Issue 75 percent of renewals within 18 months of expiration date;
- Issue 75 percent of significant permit modifications within 18 months of receipt of a complete application; and
- Cooperate with EPA during any title V operating permit program evaluation and collaboratively determine how best to implement mutually agreed upon measures that would improve program performance.

DAQ is very proficient at issuing permits in a timely fashion and has shown a great deal of improvement over the last few years. The total permit backlog for DAQ has fallen from 19 in 2018 to 7 at the time of the program evaluation meeting. For purposes of this discussion, initial title V permits and title V permit renewals with applications older than 18 months are considered backlogged (note: this does not include significant modifications).

At the time of the meeting, there was one initial permit backlogged. The backlogged initial permit was for the Clarios Middletown distribution center. The permit issuance was delayed because the facility recently altered its operations and the emission factors used were no longer representative of their emissions. DAQ has since received new stack testing data and is in the process of developing new emission limits factors for the permit.

At the time of the meeting there were 5 significant modifications greater than 18 months past receipt of the administratively complete application date.⁵ Four of these significant modifications are for the Delaware City Refinery and were on hold until the refinery's renewal was finalized. The remaining significant modification has been delayed due to enforcement action resulting in a consent decree. DAQ is waiting for stack test results mandated by the consent decree. Once received DAQ will use the information to develop appropriate provisions, then incorporate the resulting changes in the impending title V renewal.

DAQ has been putting a great deal of time and effort into the reissuance of the Delaware City Refinery title V permit. The permit was backlogged because it is extremely complex and consists of three title V permits. In addition, the permit has garnered significant public interest. DAQ held a public hearing in July 2020 to provide the public with the opportunity to provide further comments. DAQ spent two years developing the response to comments and proposed permit. DAQ issued the renewal permit on August

⁵ The Semiannual Title V Permit Data Report from July-December 2021 listed 6 outstanding significant permit modification. However, one significant permit modification had already been issued and was erroneously included in the report.

18, 2022. Now that the permit has been renewed, DAQ is working to issue the outstanding significant modification applications for the facility.

Other challenges DNREC faces regarding timely issuance of permits include: permit complexity, delayed responses from permittees, permit writer workload, holding public hearings and responding to public comments, compliance and enforcement issues, frequent changes to facility operations that require significant permit modifications, competing internal priorities, and lack of EPA guidance. Regarding EPA guidance, DAQ would like additional guidance for including EJ considerations in its title V permit development process, especially as it relates to cumulative impacts on communities.

C. Resources and Internal Management Support

Fees

The Clean Air Act requires DNREC to collect adequate fee revenue to cover the costs of its title V permit program. Title V fees in Delaware are based on a base fee, a user fee, and a program fee. The base fee is related to the number of hours spent on a facility's title V permit in the previous 5-years, the user fee is based on the emissions (\$/ton), and the program fee is a new component that is based on each source's combined base and user fees. The user fee may or may not be levied after 2023.

To ensure title V fees are used in accordance with 40 CFR Part 70 fee requirements, DAQ uses timesheets to track all time spent working on title V permitting related work, by facility. In addition, DAQ produces an annual title V fee report which details program costs, fees collected, fee structure, program performance and other title V related issues.⁶ This report demonstrates how DAQ meets state and federal requirements and provides analysis that supports future title V fee development. Currently Title V fees are revised every 3 years.

In May, 2019, EPA conducted a title V permit fee evaluation.⁷ The report's findings concluded that among other things, DAQ has a good accounting system to track title V expenses, uses an innovative approach to future fee development, and that the fees collected were adequate to fund the program.

Staffing

The Engineering and Compliance Section of DAQ administers the Title V program. Currently, the Engineering and Compliance Section has 24 authorized positions with 5 vacancies. DAQ uses a work completion list that describes the amount of time a task should take to complete based on internal and external requirements (Appendix G). DAQ continues to demonstrate it is adequately staffed by meeting these timeframes. However, the Engineering and Compliance Section has experienced significant turnover in the past few years with many experienced employees retiring or pursuing other opportunities. This has resulted in a high portion of newer staff members that require significant training and mentorship. DAQ has advertised all the staff vacancies online on both the state and MARAMA website and are hoping to fill the vacancies as soon as possible.

⁶ <https://dnrec.alpha.delaware.gov/air/permitting/major-air-sources/title-v-committee/>

⁷ https://www.epa.gov/sites/default/files/2019-06/documents/dnrec_title_v_permit_fee_evaluation.pdf

Resources and Internal Management Support

DAQ uses a tracking system to track all permit applications. DAQ leadership frequently reviews reports from the tracking system and follows up on permits that are stalled. DAQ leadership then takes appropriate actions to address the issues to allow the permit development process to continue.

Training

DAQ has a workforce development program in place to provide new and existing employees with the training and resources they need to perform their jobs. As discussed above, the Intranet Desk reference has permit templates, model permits, training plans and checklists (including those found in Appendices B, C, D, E, H and I). DAQ employees also have access to The Mid Atlantic Regional Air Management Association's learning management system with electronic and in-person training opportunities. In addition, new employees are paired with more experienced employees for mentoring. These trainings are typically low or no-cost classroom trainings, however, due to the COVID-19 pandemic, most trainings are still being offered virtually.

MOU

The MOU between EPA and DAQ has not been revisited since it was signed on October 14, 2005. There have been changes in EPA's divisional structure and federal rule changes such that the MOU may no longer accurately reflect the current interactions between EPA and DAQ. EPA will work to review and possibly revise the MOU with DAQ.

IV. Conclusions

EPA would like to thank DAQ for its responsiveness and cooperation throughout the evaluation process. EPA appreciates DAQ's flexibility in accommodating this year's alternative format.

Below is a summary of findings: both best practices and areas for improvement. Although areas for improvement are identified in this report, they do not amount to a determination of a finding of deficiency. Additionally, we have not included dates by which the areas for improvement need to be completed, as the activities do not amount to a determination of a finding of deficiency.

EPA would also like to note that DAQ implemented program changes to address both of EPA's suggested program improvements from the 2015 Title V Evaluation. The first suggestion was to eliminate barriers to out-of-state travel, so that DNREC's engineers have access to as much training as possible and the second was to post draft/proposed permits online. The resulting changes have led to increased training opportunities for staff and greater public access to the title V permitting process.

A. Summary of Best Practices**Community Engagement**

DAQ's practice of holding public workshops to inform the community and encourage learning on upcoming permitting actions proactively promotes positive and meaningful public engagement. DNREC has a community Ombudsman which works directly with members of the public and DAQ employees also regularly attend public meetings. DNREC's efforts to engage communities are commendable.

Title V Fee Evaluations

DAQ's title V fee evaluation process is extensive, frequent, and proactive. The annual title V fee report demonstrates DAQ's compliance with both title V and state fee requirements. The report's analysis also informs the fee development process and provides regulators with the information they need to set fees at a level that will adequately fund title V activities. DNREC's approach to title V fee evaluations is exemplary.

Training

DAQ has developed robust tools and mentorship program to ensure the issuance of quality, well-written permits. DAQ should continue to ensure that as new permit writers are onboarded, that they take advantage of training opportunities as well as engagement with more seasoned permit staff. DAQ's training program is excellent.

B. Areas for Improvement**Timely Issuance of Initial title V Permits**

Although DAQ is generally exceptional regarding timeliness of permit issuance, the Clarios Middletown Distribution Center's initial permit was not issued within 18 months of receipt of a complete application, as agreed upon by the MOU. While EPA recognizes that there are elements of the permitting process that are beyond DAQ's control, we nevertheless recommend the DAQ review the circumstances that have contributed to the delayed issuance of the Clarios permit for opportunities to improve on DAQ's permitting process.

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Appendix A

**FY 2022 DE DNREC Title V Program Evaluation
Questionnaire**

A. Title V Permit Preparation and Content

- A.1. Please describe the permit development process, from receipt of an application to final issuance.
- A.2. Please describe efforts DNREC has made since 2015 to improve the efficiency of internal processes for issuing title V permits: revisions of internal procedures and policies, standard operating procedures, etc.
- A.3. Please describe any quality assurance processes for title V permits.
- A.4. Please describe the process for developing monitoring requirements within title V permits.
- A.5. Are there any new rules in the Title V program since 2015?

B. Public Participation and Outreach

- B.1. Please describe the process for public participation from receipt of an application to final permit issuance.
- B.2. When are hearings held? How does DNREC decide whether or not to hold a hearing?
- B.3. Please describe how DNREC interacts and engages with the public when comments are made.
- B.4. How does DNREC engage with environmental justice communities as related to title V permit issuance?

C. Permit Issuance

- C.1. According to DNREC's most recent Title V Operating Permit System (TOPS) report, the statewide renewal backlog has remained relatively steady at or below the average for EPA Region 3 permit authorities. When permits are delayed, what factors cause delays?
- C.2. Do any of the following impact ability to issue timely title V permits (initial or renewal)?
 - a. SIP gap/backlog
 - b. Pending revisions to underlying NSR/PSD permits
 - c. Compliance/enforcement issues
 - d. EPA rulemaking

- e. Lack of EPA guidance
- f. Competing internal priorities
- g. Other (please specify)

C.3. Please describe the permit appeals process. How often are TV permits appealed? Does DNREC have a process to inform EPA when permits are appealed?

D. Resources and Internal Management Support

D.1. Please describe tracking systems used for the title V program. How do the tracking systems contribute to the efficiency of your title V program?

D.2. Please describe current staffing levels. Are staffing levels sufficient in relation to permitting workload? What is the process for determining sufficient staffing?

D.3. Title V Fees¹

- a. Please describe your title V fee structure.
- b. How does DNREC track title V fee usage and ensure that title V fees are used in accordance with 40 CFR Part 70 fee requirements?
- c. Are fees adequate to fund title V activities?
- d. Describe any recent activities DNREC taken to ensure title V fees are adequate.

D.4. Please describe the process for ensuring new and current permit writers have access to adequate training.

¹ Note: EPA conducted a comprehensive fee evaluation in 2019, and developed a corresponding report (fee report). The answers to these questions can reference the fee report (if the information in the report is still accurate), or can provide an update to the information in the fee report. Location of fee report: https://www.epa.gov/sites/default/files/2019-06/documents/dnrec_title_v_permit_fee_evaluation.pdf

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Appendix B

Attachment A

FY 2022 DE DNREC Title V Program Evaluation Questionnaire Responses

A. Title V Permit Preparation and Content

- A.1. Please describe the permit development process, from receipt of an application to final issuance.

The Title V permitting process is outlined in 7 DE Admin. Code 1130. A process flow diagram can be found in Appendix 1 of this response. A full narrative of the process is described below:

1. When an application is received the first step is to enter the application into the permit database called AirDE (aka "Permit Tracking" or "DEN"). An electronic copy of the application is then sent to the permit writer via the electronic content management system called "DNRECTory".
2. Once the permit writer receives the application, he or she will conduct an administrative completeness review. An Administrative Completeness Checklist is available to support this review. If the application is administratively complete the applicant is notified. If the application is not administratively complete the applicant is notified, and the required information is requested.
3. Once an application is complete, the technical completeness review begins. There is no separate checklist for a technical completeness review. Additional information is requested from the applicant as needed.
4. The permit writer then develops the draft permit. To develop the draft permit, all existing permits are reviewed to determine if any permit conditions need to be updated. All state and federal regulations are also reviewed to determine applicability and to see if any updates are required. A holistic review is conducted to ensure that all emission limits and operational limits are practically enforceable through monitoring, testing and record keeping requirements.
5. The draft permit is then reviewed by both the Environmental Program Manager and the Program Administrator for quality assurance and consistency.
6. Depending upon the facility and the changes being made to the permit, a pre-notification draft permit may be sent to the facility for a two-week review period prior to sending the draft permit to legal notice. This step is completely optional. The Department may consider comments submitted by the applicant but only if they add clarity or correct mistakes.
7. The draft permit is then sent to legal notice, affected states, the applicant and EPA for a thirty-day public notice period. If the permit is not controversial, the EPA 45-day review period will also be conducted at this time concurrently.
8. If no comments are made on the draft/proposed permit, it is issued at the close of the 45-day review period. If comments are made, they are addressed through the public comment process.

- A.2. Please describe efforts DNREC has made since 2015 to improve the efficiency of internal processes for issuing title V permits: revisions of internal procedures and policies, standard operating procedures, etc.

The Department of Natural Resources and Environmental Control's Division of Air Quality (DNREC DAQ) has a robust program to ensure efficiency. All permits are tracked in the Permit Tracking system described above. DNREC DAQ leadership reviews reports from the system frequently and follows up on permits that are stalled to ensure that information is obtained, and issues are addressed. DNREC DAQ also has developed an "Intranet Desk Reference" for all permit writers. This system includes permitting flowcharts and document templates for every stage in the permit development process. The Intranet Desk Reference provides consistency and clarity for permit writers.

Since 2015 and with the onset of the Covid-19 Pandemic in 2020, DNREC DAQ has made significant strides in the electronic transfer of documents. DNREC DAQ has developed internal electronic document workflows that eliminate the transfer time for paper documents and allow for "final" documents to be sent to facilities immediately upon completion. DNREC DAQ has also upgraded the electronic content management system to a new system called DNREctory. This system makes permitting documents available to the public through Environmental Navigator <https://den.dnrec.delaware.gov/>. It also allows for electronic review of permitting documents for members of the public. See <https://dnrec.alpha.delaware.gov/dnrec-public-notice/daq-archive/> for more information.

- A.3. Please describe any quality assurance processes for title V permits.

All permits must start from the templates on the Intranet Desk Reference. These templates ensure that every permit is consistent. The Intranet Desk Reference also includes guidance documents and process flow charts as needed. Every permit is reviewed by both the Environmental Program Manager and the Program Administrator for quality assurance before it is issued as well.

- A.4. Please describe the process for developing monitoring requirements within title V permits.

The process for developing monitoring requirements has several steps. The first step is to review all applicable state and federal regulations to ensure that monitoring requirements are placed in the permit. Once that step is completed, a review of the emission limitations and operational limitations is conducted to ensure that they have been made practically enforceable through monitoring requirements. If additional monitoring requirements are needed, they are added to ensure practical enforceability. Each source's emissions are also evaluated to determine if more monitoring is needed. For example, sources with more hazardous emissions will require more robust monitoring. In addition, sources that are within 80-90% of a standard will also have more stringent monitoring. Finally, a source's compliance history is also evaluated. Sources with poor compliance will have more robust monitoring added to the permit.

A.5. Are there any new rules in the Title V program since 2015?

No new rules have been added to the Title V program since 2015. DNREC DAQ is working on minor edits to 7 DE Admin. Code 1130 (Delaware's Title V regulation). However, these edits are administrative and will not impact the program.

B. Public Participation and Outreach

B.1. Please describe the process for public participation from receipt of an application to final permit issuance.

When a document is scanned into the electronic content management system (DNREctory) it becomes available to the public through Environmental Navigator <https://den.dnrec.delaware.gov/> after a seven-day holding period unless it is noted as "confidential." If a confidentiality claim is made, the public version of the document is made available through Environmental Navigator. When the draft permit is sent to legal notice it is published in a newspaper of general circulation in the county and it is published on the DNREC website at: <https://dnrec.alpha.delaware.gov/dnrec-public-notice/>. If a public hearing is requested all relevant information is posted on the public hearing website at: <https://dnrec.alpha.delaware.gov/public-hearings/>. The final permit is also made available to the public through Environmental Navigator.

B.2. When are hearings held? How does DNREC decide whether or not to hold a hearing?

The requirements for public hearing are outlined in 7 DE Admin. Code 1130 Section 7.10. The Department holds a public hearing if the Secretary receives a meritorious request for a hearing within a reasonable time, as stated in the advertisement. A public hearing request is deemed meritorious if it exhibits a familiarity with the application and a reasoned statement of the permit's probable impact.

A public hearing may also be held on any application if the Secretary deems it to be in the best interest of the State to do so. In these cases, the public hearing is advertised along with the draft application. Public hearings are scheduled preemptively for facilities with a high level of interest from the public.

In cases with high public interest a public workshop may also be scheduled prior to the public hearing. The public workshop is designed to be a more informational, discussion based meeting where community members can ask questions about the application without having to go on the record.

B.3. Please describe how DNREC interacts and engages with the public when comments are made.

When public comments are made, DNREC DAQ prepares a Technical Response Memo (TRM) that is shared with the hearing officer. That memo, along with the Hearing Officer's Report (HOR) are used to inform the Secretary's decision regarding the matter. The Secretary's decision is formally issued through an Order. The Order will specify any changes that are made to the draft permit prior to permit issuance and authorize the Division to proceed (or not) with using the permit. The person requesting the public

hearing is notified of the TRM, HOR, and the Secretary's decision, including the outcome of the comments.

B.4. How does DNREC engage with environmental justice communities as related to title V permit issuance?

DNREC has an internal Environmental Justice committee. The committee is working to establish standard operating procedures across the entire Department with respect to engagement with environmental justice communities. DNREC also has a Community Ombudsman that works with communities. Within DNREC DAQ engagement with environmental justice communities occurs on a frequent basis. DNREC DAQ has personal contacts with many different community organizations. Members of DNREC DAQ attend community meetings on a regular basis and respond to community concerns personally through phone calls and site visits.

C. Permit Issuance

C.1. According to DNREC's most recent Title V Operating Permit System (TOPS) report, the statewide renewal backlog has remained relatively steady at or below the average for EPA Region 3 permit authorities. When permits are delayed, what factors cause delays?

Delays can be attributed to the following factors:

1. A lack of responsiveness from the applicant regarding application questions
2. Permit complexity (more complex permits take longer to review)
3. Permit writer workloads
4. Responses to public comments and the public hearing process
5. Ongoing compliance and enforcement issues at facilities
6. Changing business models at facilities that result in frequent changes to operations that require permit updates

C.2. Do any of the following impact ability to issue timely title V permits (initial or renewal)?

- a. SIP gap/backlog
- b. Pending revisions to underlying NSR/PSD permits - yes
- c. Compliance/enforcement issues - yes
- d. EPA rulemaking
- e. Lack of EPA guidance - yes
- f. Competing internal priorities - yes
- g. Other (please specify) – As business models change, especially in the chemical and pharmaceutical industries, several of the Title V sources in the state make

changes to their operations multiple times a year. This results in a significant permitting workload to address the changes.

C.3. Please describe the permit appeals process. How often are TV permits appealed? Does DNREC have a process to inform EPA when permits are appealed?

The permit appeal process is outlined in 7 DE Admin. Code 1130 Section 8.3. Any person may petition the EPA within 60 days after the expiration of the 45-day review period to make an objection to a permit. Any such petition shall be based only on objections to the permit raised with reasonable specificity during the public comment period unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If EPA objects to the permit as a result of a petition the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Department has issued a permit prior to receipt of an EPA objection, EPA will modify, terminate, or revoke such permit, and shall do so consistent with the time limits established in 40 CFR 70.7(g)(4) or 5(i) and (ii), except in emergencies, and the Department may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

Title V permits are appealed in very rare cases. DNREC DAQ has a process to notify EPA when permits are appealed.

D. Resources and Internal Management Support

D.1. Please describe tracking systems used for the title V program. How do the tracking systems contribute to the efficiency of your title V program?

The Permit Tracking system is used to track all permit applications in Delaware including Title V permit applications. DNREC DAQ leadership reviews reports from the system frequently and follows up on permits that are stalled to ensure that information is obtained, and issues are addressed.

D.2. Please describe current staffing levels. Are staffing levels sufficient in relation to permitting workload? What is the process for determining sufficient staffing?

DNREC DAQ currently has 60 authorized positions with 4 vacancies. The Title V program is administered through the Engineering & Compliance Section of DNREC DAQ. The Engineering & Compliance Section has 24 authorized positions with 2 vacancies. Staffing levels are currently sufficient to meet permitting workload. However, the Section has experienced significant turnover in the past few years with many experienced employees retiring or pursuing other opportunities. This has resulted in a high level of newer staff members who need significant training and mentorship.

Engineering and Compliance maintains a Workload Completion list. This list contains Permitting, Compliance and Enforcement tasks and an associated goal describing the amount of time that a task should be completed within. Some of these tasks are required to be completed within a timeframe dictated by the EPA, while other tasks have internally set timeframes. Our ability to meet these goals is one indicator of sufficient staffing. If we are not able to meet these goals, our permit holders in industry around the State experience delays in obtaining permits, therefore affecting their business operations. In addition, the Department must spend a significant amount of time addressing EPA audit results such as what is reported following the State Review Framework, as to why we were not able to meet their required deadlines

D.3. Title V Fees¹

a. Please describe your title V fee structure.

The Title V Fee structure is outlined in 7 Del. C. § 6097. The annual fee for each subject source is determined by the sum of 3 component fees: a base fee, a user fee and a program fee. Please note that the program fee is a new component of the billing cycle for Calendar Years 2021, 2022, 2023. It may not be included in future years.

The base fee is related to services that are common to all sources subject to the program. These services include activities such as permit issuance and renewals; stationary source regulation development; ambient monitoring; emission inventory; control strategy development; and administration of the Small Business Stationary Source Technical and Environmental Compliance Program. The base fee is calculated based upon the number of hours spent on the facility associated with Title V work from 2015 to 2019.

The user fee relates to activities such as: administration of the compliance and enforcement program; implementation and enforcement of the terms of any Title V Operating Permit or synthetic minor permit; permit revisions or amendments, including the development of an applicable requirement as part of the processing of the permit issuance, revision or amendment; the supporting and tracking of data; modeling; and adequate resources to determine which sources are subject to the Program. Such fees shall be based on the sum of the emissions of the following air contaminants: nitrogen oxides (NO_x); particulate matter less than 10 microns (PM₁₀); sulfur dioxides (SO₂); volatile organic compounds (VOC), in whole tons and in the aggregate, excluding carbon monoxide (CO) and particulate matter less than 2.5 microns (PM_{2.5}), as listed in the 2017 Delaware Point Source Emission Inventory of Estimated Actual Regulated Air Contaminants.

¹ Note: EPA conducted a comprehensive fee evaluation in 2019, and developed a corresponding report (fee report). The answers to these questions can reference the fee report (if the information in the report is still accurate), or can provide an update to the information in the fee report. Location of fee report: https://www.epa.gov/sites/default/files/2019-06/documents/dnrec_title_v_permit_fee_evaluation.pdf

The program fee is based upon each source's combined base and user fees.

- b. How does DNREC track title V fee usage and ensure that title V fees are used in accordance with 40 CFR Part 70 fee requirements?

DNREC DAQ tracks Title V Fee usage using timesheet information. All time spent working on Title V facilities is tracked in staff timesheets. Reports are generated throughout the year to determine how Title V fees are being used. Information regarding how Title V fees are spent is provided in an annual report. These reports are available at: <https://dnrec.alpha.delaware.gov/air/permitting/major-air-sources/title-v-committee/>.

- c. Are fees adequate to fund title V activities?

Title V fees are adequate to fund Title V activities. More information regarding this can be found in the Title V Fee evaluation report: https://www.epa.gov/sites/default/files/2019-06/documents/dnrec_title_v_permit_fee_evaluation.pdf.

- d. Describe any recent activities DNREC taken to ensure title V fees are adequate.

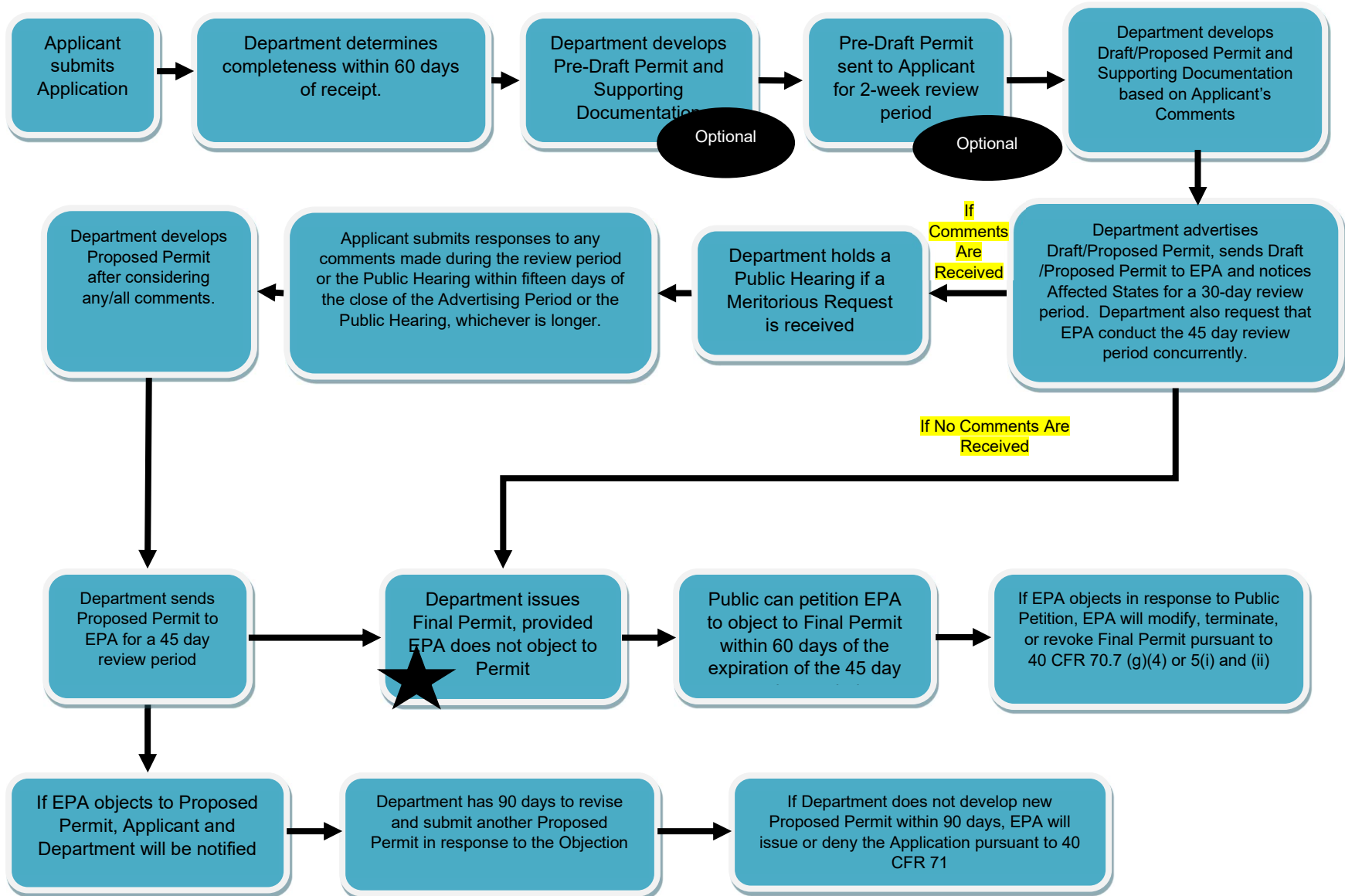
DNREC DAQ meets with the Title V Fee Committee to negotiate Title V fees every three years. The current fee structure covers calendar years 2021 through 2023. More information regarding this can be found in the Title V Fee evaluation report: https://www.epa.gov/sites/default/files/2019-06/documents/dnrec_title_v_permit_fee_evaluation.pdf.

- D.4. Please describe the process for ensuring new and current permit writers have access to adequate training.

A workforce development program is in place to ensure that new and existing employees receive the training and resources they need to perform their jobs. This includes the Intranet Desk Reference with permit templates and model permits, as well as training plans and checklists for new and existing employees, and a Learning Management System (LMS) with electronic training resources. Additionally, new hires are paired with a more seasoned engineer for mentoring. DNREC DAQ employees attend training offered by the Mid Atlantic Regional Air Management Association (MARAMA) and other organizations frequently.

Appendix 1

Title V Operating Permit Process Roadmap (For Initial Permit, Significant Permit Modifications, and Renewals)



Clean Air Act Title V Program Evaluation Report
Department of Natural Resources and Environmental Control – FY2022

Appendix C

Delaware Department of Natural Resources and Environmental Control
Division of Air Quality

7 DE Admin. Code 1130 (Title V)
State Operating Permit Program Application Form (Series AQM-1001)
Supplemental Instructions, Review Criteria and Completeness Checklist
Revised January 27, 2009

This document satisfies the requirement of 7 **DE Admin. Code** 1130, Section 5.1.3. The information in this document shall be relied upon only for judging whether a Title V Permit Application is complete. The completeness determination must be made and the Company notified of the results within sixty (60) calendar days from the date the Department receives the Title V Permit Application; otherwise the application will be deemed complete automatically.

A completeness determination is required only for the initial application, applications for permit renewal, and significant permit modifications [*Reference 7 DE Admin. Code 1130, Sections 5.1.3.2, 7.3.1 and 7.5.3.3*].

- The initial permit application shall satisfy all elements of this document.
- Applications for permit renewal shall address only those portions of the permit application that require revision, supplementing, or deletion; the remainder of the previous permit application may be incorporated by reference.
- Applications for significant permit modifications shall describe the change, the emissions resulting from the change, any new *Applicable Requirements* that will apply, and any existing requirements that will no longer be applicable.

This document is consistent with the "**White Paper for Streamlined Development of Part 70 Permit Applications**" ("*White Paper*") which was published by the U.S. EPA on July 10, 1995. The reviewer should refer to the *White Paper* when clarification is needed.

For *Major Sources*, this checklist details the minimum information and supporting documentation that must be included on/with the Title V Application Form (Series AQM-1001) in order for the permit application to be complete and the Application Shield to be granted. For non-major sources, the applicant is required to satisfy the elements below only for the requirements applicable to Emission Unit(s) that cause the source to be subject to Title V [*Reference 7 DE Admin. Code 1130, Section 3.3.2*].

This document is composed of seven (7) Sections:

- Section 1 – Administrative Information;
- Section 2 – Emission Point Information;
- Section 3 – *Insignificant Activity* Information;
- Section 4 – Compliance Information;
- Section 5 – Permit Shield;
- Section 6 – Trading to Comply with an Emissions Cap; and
- Section 7 – Final Completeness Check.

The detail and quality of information required for a specific Emissions Unit depends on whether and how *Applicable Requirements* apply. Some of the checklist elements below are very specific; others are very general. When assessing the completeness of an application with respect to a general element, the reviewer must keep in mind that the detail and quality of the information required is dependent on the extent the information is needed to assess the applicability of, and compliance with, an *Applicable Requirement*. Requiring a Company to submit unnecessary information does not contribute to the achievement of the goals of the Title V Program; it only adds to the cost and burden of the Program.

Additional information may be required after the completeness determination is made. This additional information shall be requested in accordance with 7 **DE Admin. Code** 1130, Section 5.1.2.3 and, in such case, the status of the Application Shield shall be determined in accordance with 7 **DE Admin. Code** 1130, Section 7.2.1.

Section 1 – Administrative Information

a. **General Information** [Reference 7 **DE Admin. Code** 1130, Sections 5.4.1 and 5.4.2]

The Form AQM-1001 is required for **all** applications.

b. **Specific Information**

- 1. Form AQM-1001 is applicable.....
- 2. Source Information (Blocks 1 through 10).....
- 3. Owner Information (Blocks 11 through 16).....
- 4. Operator Information (Blocks 17 through 21).....
- 5. Applicant Information (Blocks 22 through 26).....
- 6. Plant Information
 - i. Status of Equipment (Block 28).....
 - ii. HAP Source (Block 29).....
 - iii. 112(r) Source (Block 30).....
 - iv. Title VI Source (Block 31).....
- 7. Emissions Unit Identification (Block 32): 7 **DE Admin. Code** 1130, Section 5.4.3.1 requires that the Title V Permit Application “describe” all significant emissions of all regulated air pollutants from each Emissions Unit (and fugitive emissions from each covered source), including those not regulated by an Applicable Requirement. Block 32 provides a place to identify each Emissions Unit; the remainder of the forms in the AQM-1001 series provide a place to describe the emission point (AQM-1001CC provides a place to list insignificant emissions)
- 8. Signature Block (Block 33).....
- 9. Site Plan Attached.....
- 10. Is the facility submitting:
 - i. an initial permit application.....
 - ii. an application for renewal.....
 - iii. a significant permit modification.....

Section 2 – Emissions Point Information

a. **Forms AQM-1001A through AQM-1001J**

- 1. **General Information** [reference 7 **DE Admin. Code** 1130, Sections 5.4.2, 5.4.3.1, 5.4.3.2, 5.4.3.4, 5.4.3.6, 5.4.3.7, 5.4.3.8, 5.4.5, and 5.4.7]

One (1) form from the series AQM-1001A through AQM-1001J is required for **each** Emissions Unit (and for each alternate operating scenario) detailed in Block 32 of Form AQM-1001 (e.g., if there are eight (8) Emissions Units identified in Block 32 of Form AQM-1001, at least eight (8) forms from the series AQM-1001A through AQM-1001J are required).

The purpose of the forms in this series is to provide a place for the Company to:

- Describe the emissions point: the type of equipment used, general operating parameters, raw material used, product produced, or any other non-emissions-related information needed to determine the applicability of an *Applicable Requirement*. Emissions-related information is not reported on this form; it is reported on Form AQM-1001W. In most cases a process flow diagram must accompany each of these forms.
- Describe the information needed to determine the applicability of, and compliance with, work practice standards or equipment specifications (e.g., tanks subject to 40 CFR, Subpart Kb, are required to install an internal floating roof; construction details of the internal roof needed to demonstrate compliance would be described on these forms).
- Identify/describe any limitations which the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*. Such limitations must also be identified on Form AQM-1001V as *Applicable Requirements*, and must be made practically enforceable with proposed monitoring, recordkeeping, or reporting requirements which shall be detailed in Form AQM-1001X.

Forms AQM-1001A and AQM-1001C through AQM-1001J are unit-specific. Form AQM-1001B is a "catch all" form to be used when one of the specific forms is not appropriate.

2. **Specific Information**

i. **Combustion Unit (AQM-1001A)**

Form AQM-1001A is applicable.....

A. One (1) Form AQM-1001A attached for each Combustion Unit.....

B. Each form AQM-1001A contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential To Emit*..

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

ii. **Manufacturing or Processing Operations (AQM-1001B)**

Form AQM-1001B is applicable.....

A. One (1) Form AQM-1001B attached for each manufacturing or process operation.....

B. Each Form AQM-1001B contains information sufficient to determine the applicability of, and if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*..

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional information:

iii. **Incinerators and/or Waste Burners (AQM-1001C)**

Form AQM-1001C is applicable.....

A. One (1) Form AQM-1001C attached for each incinerator and/or waste burner.....

B. Each Form AQM-1001C contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

iv. **Volatile Liquid Storage (AQM-1001D)**

Form AQM-1001D is applicable.....

A. One (1) Form AQM-1001D attached for each volatile liquid storage source.....

B. Each Form AQM-1001D contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

v. **Surface Coating (or) Printing Operations (AQM-1001E)**

Form AQM-1001E is applicable.....

A. One (1) Form AQM-1001E attached for each surface coating (or) printing operation.....

B. Each Form AQM-1001E contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

vi. **Concrete, Asphalt, Aggregate, Feed, Flour & Grain (AQM-1001F)**

Form AQM-1001F is applicable.....

A. One (1) Form AQM-1001F attached for each concrete, asphalt, aggregate, feed, flour & grain operation.....

- B. Each Form AQM-1001F contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

vii. **Metal Cleaning Degreasers (AQM-1001G)**

Form AQM-1001G is applicable.....

- A. One (1) Form AQM-1001G attached for each metal cleaning degreaser.....

- B. Each Form AQM-1001G contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

viii. **Dry Cleaning Systems (AQM-1001H)**

Form AQM-1001H is applicable.....

- A. One (1) Form AQM-1001H attached for each dry cleaning system.....

- B. Each Form AQM-1001H contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

ix. **Metal Plating and Surface Treatment Operations (AQM-1001J)**

Form AQM-1001J is applicable.....

- A. One (1) Form AQM-1001J attached for each metal plating and surface treatment operation.....

- B. Each Form AQM-1001J contains information sufficient to determine the applicability of, and, if appropriate, compliance with all *Applicable Requirements*, and to identify limitations the Company desires to employ (or has already relied upon) to limit their *Potential to Emit*....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

b. **Stack Parameters and Air Pollution Control Equipment** (AQM-1001K) [reference 7 *DE Admin. Code* 1130, Section 5.4.3.5, 5.4.3.7 and 5.4.3.8]

This form is required when credit is taken for the operation of air pollution control equipment. The purpose of this form is to provide a place for the Company to supply information/documentation which substantiates claimed control equipment capture and control efficiency.

Efficiency estimates shall be supported with documentation and an explanation of the method of calculation and/or the source of the information. The minimum quality and detail required are dependent on how close to an applicable emission threshold a particular unit operates (e.g., for a baghouse, higher quality and more detailed data are required if 99 percent control is needed to meet an *Applicable Requirement* than if 50 percent control is needed to meet an *Applicable Requirement*.)

- 1. Form AQM-1001K is applicable.....
- 2. One (1) Form AQM-1001K attached for each Emissions Unit.....
- 3. Each Form AQM-1001K contains information sufficient to validate control equipment capture and control efficiency.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

c. **Forms AQM-1001N, V, and W**

1. **General Information**

Each of these forms is required for **each** Emissions Unit detailed in Block 32 of Form AQM-1001 (e.g., if there are two (2) Emissions Units identified in Block 32 of Form AQM-1001, then at least six (6) forms from this series are required).

2. **Specific Information**

i. **Good Engineering Practice (GEP) Stack Height Determination (AQM-1001N)** [reference 7 *DE Admin. Code* 1130, Sections 5.4.3.8, 5.4.5, and 7 *DE Admin. Code* 1102, Section 2.4]

The purpose of this form is to provide a place for the Company to calculate the GEP stack height, and provide stack parameters for use in required dispersion modeling and in computations when determining compliance with *Applicable Requirements*. This information may also be used by the Department under the preconstruction provisions of Regulation No. 2 to screen emissions to judge whether or not the emissions will cause a condition of air pollution.

If the emissions from multiple Emission Units are combined and routed into one stack, than one (1) Form AQM-1001N may be submitted to cover all the units.

- A. Form AQM-1001N is applicable.....
- B. One (1) Form AQM-1001N attached for each Emissions Unit or combined emissions point.....

- C. Each Form AQM-1001N contains information sufficient to determine the GEP stack height, and contains sufficient information on stack parameters used to evaluate compliance with an *Applicable Requirement*.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

- ii. **Applicable Requirements (AQM-1001V)** [reference 7 DE Admin. Code 1130, Sections 5.4.3.1, 5.4.4.2, and 5.4.6]

The purpose of this form is to provide the Company a place to list all *Applicable Requirements* (emissions standards/limits, record keeping, reporting, monitoring, and testing requirements). Where an *Applicable Requirement* does not specify record keeping, reporting, or monitoring requirements, the Company must propose such requirements on Form AQM-1001X (discussed below).

Citing, rather than repeating, the details of a particular *Applicable Requirement* is acceptable, provided the cited material is readily available and its manner of application to the source is not subject to interpretation [e.g., 7 DE Admin. Code 1124, Section 33.3.1.5]. Any citation must include a qualitative description of the requirement, and must be clear with respect to limits and other requirements that apply to each subject Emissions Unit or activity. If any citation does not meet these criteria, the application is not complete for that particular element.

- A. Form AQM-1001V is applicable.....
- B. One (1) Form AQM-1001V attached for each Emissions Unit.....
- C. Exemption qualification (Block 7) marked.....
- D. Each Form AQM-1001V lists/cites all Applicable Requirements (standards/limitations, record keeping, reporting, monitoring, and testing requirements).....

For each form(s) that **does not** contain sufficient information, indicate the Emission Unit(s) and the additional required information:

- iii. **Emissions Comparison (AQM-1001W)** [reference 7 DE Admin. Code 1130, Sections 5.4.3.3 and 5.4.3.8]

The purpose of this form is to provide a place for the Company to supply emissions information, and to bring together this emissions information with the emissions point information, the Control Equipment Information (AQM-1001K), the Stack Information (AQM-1001N), and the Applicable Requirement Information (AQM-1001V) so that the emissions from the unit can be directly compared to the applicable emissions standards/limitations.

Detailed emissions-related information may or may not be required:

- Detailed emissions-related information (including TPY estimates) **is not** required where the information would serve no useful purpose. Emissions information would, generally, serve no useful purpose for units subject to work practice standards (e.g., degreaser lid closed) or equipment specifications

(e.g., internal floating roof installed in a fixed-roof tank), or for units not subject to an *Applicable Requirement*. In these cases, only a qualitative description of the emissions is required (e.g., for a degreaser required to have a lid, the applicant could qualitatively identify that the degreaser emits VOCs; quantification of the VOC emissions would not be necessary since the level of emissions is not relevant to the standard).

- Detailed emissions-related information **is** necessary when required by an *Applicable Requirement*, when required to determine applicability/*Major Source* status, when a limit is requested by a source to avoid an *Applicable Requirement* (in which case the limit becomes an *Applicable Requirement*), or when a source requests the Permit Shield for a non-applicability determination.

Where emissions calculations are required to determine the applicability/*Major Source* status, the minimum quality and detail required in the emissions calculations are dependent on how close to an applicable emissions threshold a particular unit operates (e.g., higher quality and more detailed data are required for sources close to an applicability threshold than for sources that are well below an applicability threshold). Information for applicability/*Major Source* status determinations need only be detailed enough to resolve any open questions about which requirements apply. In cases where a source is close to an applicability threshold, the Company may concede applicability; then, generally, fewer emissions calculations would be necessary.

Emissions estimates, where required, must be based on information sufficient to support a reasonable belief as to the compliance status and the applicability/non-applicability of a requirement (i.e., AP-42 factors, other EPA emissions factors, reasonable engineering projections, Department-approved test data, etc.). Required emissions estimates shall be expressed in terms consistent with the *Applicable Requirement* (e.g., if the limitation is 0.2 gr/scf, then the actual emissions rate must be calculated in units of gr/scf; if the *Major Source* threshold is 25 TPY, the emissions rate must be calculated in units of TPY). When repetitive emissions-related calculations are required, the applicant may submit examples of calculations performed that illustrate the methodology used as an alternative to submitting each of the actual calculations.

- A. Form AQM-1001W is applicable.....
- B. One (1) Form AQM-1001W attached for each Emissions Unit.....
- C. Each Form AQM-1001W contains information sufficient to directly compare the emissions from each Emissions Unit to all applicable emissions standards/limitations.....

For each form(s) that **does not** contain sufficient information, indicate the Emission Unit(s) and the additional required information:

d. **Monitoring Equipment (AQM-1001L)**

1. **General Information** [reference 7 *DE Admin. Code* 1130, Section 5.4.3.5]

This form provides a place for the Company to provide stack/ambient monitoring information. This form is required if an *Applicable Requirement* (AQM-1001V) or the

Monitoring Plan (AQM-1001X) requires that a particular stack parameter or the ambient air be monitored.

2. **Specific Information**

- i. Form AQM-1001L is applicable.....
- ii. One (1) Form AQM-1001L attached for each Emissions Unit requiring monitoring.....
- iii. Each Form AQM-1001L contains information sufficient to determine adequacy of monitoring equipment and the parameters monitored.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

e. **Compliance Monitoring Devices and Activities (AQM-1001X)**

1. **General Information** [Reference 7 DE Admin. Code 1130, Section 5.4.3.5]

The purpose of this form is to provide a place for the Company to propose monitoring, record keeping, or reporting requirements when such requirements are not specified by an Applicable Requirement and thus are not listed/cited on the Form AQM-1001V (e.g. monitoring, record keeping, and reporting requirements must be proposed to show compliance with the 0.3 lb/MMBTU particulate standard of 7 DE Admin. Code 1104). **Every Applicable Requirement** must be made practically enforceable with monitoring, record keeping, and reporting requirements.

2. **Specific Information**

- i. Form AQM-1001X is applicable.....
- ii. One (1) Form AQM-1001X attached for each Emissions Unit where monitoring, record keeping, or reporting requirement(s) is/are not specified by an *Applicable Requirement*.....
- iii. Each Form AQM-1001X contains information sufficient to assure that all *Applicable Requirements* are practically enforceable.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional information required:

f. **Compliance Assurance Monitoring ("CAM") (AQM-1001EE)** [Reference 40 CFR Part 64]

1. **General Information** [Reference 40 CFR Part 64]

The purpose of this form is to describe the source's CAM Plan for each pollutant-specific emission unit (PSEU). One (1) form must be completed for each PSEU if the PSEU meets **all** criteria specified in 40 CFR Part 64.2 applicability. The use of form AQM-1001EE is not required. However, the CAM plan submittal must still meet the data elements required by 40 CFR Part 64. The deadline for CAM submittals is specified in 40 CFR Part 64.5.

2. **Specific Information**

i. **Determination of whether CAM Plan is applicable**

Mark the appropriate box below as to why this CAM Plan is being submitted:

Initial Application (submitted after 4/20/1998): Only large PSEUs (PSEUs with potential post control device emissions of an applicable regulated air pollutant that are equal to or greater than major source threshold levels) need to be addressed in this CAM Plan submittal. See Initial Application Procedures per Regulation No. 30, Sections 5 and 7.

Renewal Application: All Emission Units (Pollutant-Specific Emissions Units considered separately with respect to each regulated air pollutant) for which a CAM plan has **NOT** yet been approved need to be addressed in this CAM Plan Submittal. See renewal procedures per Regulation No. 30, Section 7(c).

Significant Modifications to Large PSEUs: Only large PSEUs (PSEUs with potential post control device emissions of an applicable regulated air pollutant that are equal to or greater than major source threshold levels) being modified after 4/20/1998 need to be addressed in this CAM Plan submittal. For large PSEUs with an approved CAM Plan, only address the appropriate monitoring requirements affected by the significant modification. See Significant Modification Procedures per Regulation No. 30, Section 7(e)(3).

ii. One CAM Plan is attached for each PSEU requiring a CAM plan. Or alternatively, one (1) form AQM-1001EE attached for each PSEU requiring a CAM Plan.....

iii. Each form submitted contains sufficient information to determine adequacy of the CAM Plan.....

For each form(s) that **does not** contain sufficient information, indicate the PSEU(s) and the additional information required:

Section 3 – Insignificant Activities (AQM-1001CC)

a. **General Information** [reference 7 DE Admin. Code 1130, Section 5.4]

This form is required **only if** *Insignificant Activities* must be listed.

7 DE Admin. Code 1130, Section 5.3 states that an application may not omit information needed to determine the applicability of, or to impose, any *Applicable Requirement*. Quantification of emissions from *Insignificant Activities* is generally not required; however, emissions from trivial and *Insignificant Activities* must be quantified and included if necessary to determine the applicability of, or to judge compliance with, an *Applicable Requirement*.

All emissions points at the facility that are not included in Block 32 of AQM-1001 must be either trivial (Appendix "A" to the *White Paper*) or insignificant (Appendix "A" to 7 DE Admin. Code 1130). 7 DE Admin. Code 1130 Section 5.4 requires that insignificant emissions excluded because of size, emissions rate, or production rate be listed in the permit application; the purpose of Form AQM-1001CC is to provide a place for this list.

b. **Specific Information**

1. Form AQM-1001CC is applicable.....
2. Activities excluded because of size, emissions rate, or production rate listed..
3. Emissions quantified when necessary to determine the applicability of any requirement.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

Section 4 – Compliance Information (AQM-1001M, Y, Z, AA and BB)

a. **Compliance Schedule (AQM-1001M)**

1. **General Information** [Reference 7 DE Admin. Code 1130, Section 5.4.8.3.2]

This is a required form for each Emissions Unit that is subject to an *Applicable Requirement* that will become effective during the permit term.

The purpose of this form is to set up a schedule to ensure that the Emissions Unit will meet, in a timely manner, *Applicable Requirements* that become effective during the permit term.

2. **Specific Information**

- i. Form AQM-1001M is applicable.....
- ii. Each Form AQM-1001M is signed and dated by a Responsible Official...
- iii. Each Form AQM-1001M contains information sufficient to assure compliance will be achieved in a timely manner.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

b. **Compliance Status (AQM-1001Y)**

1. **General Information** [reference Regulation No. 30 Sections 5(d)(8)(i), 5(d)(8)(ii)(A), 5(d)(8)(ii)(B), 5(d)(8)(ii)(C), and 5(d)(8)(iii)(A)]

Each Emissions Unit listed in Block 32 of the AQM-1001 must be addressed on this form.

The purpose of this form is to document the compliance status of each Emissions Unit with respect to all *Applicable Requirements*.

2. **Specific Information**

- i. Form AQM-1001Y is applicable.....
- ii. Each Emissions Unit is addressed on the Form AQM-1001Y.....

- iii. Each Form AQM-1001Y indicates the compliance status of each Emissions Unit.....

For each form(s) that **does not** contain sufficient information, indicate the Emission Unit(s) and the additional required information:

c. **Non-Complying Unit Information (AQM-1001Z and AQM-1001AA)**

1. **Compliance Schedule for Non-Complying Emissions Units (AQM-1001Z)**

- i. **General Information** [reference 7 DE Admin. Code 1130 Sections 5.4.8.2.3 and 5.4.8.3.3]

This is a required form for each Emissions Unit that is not in compliance with an *Applicable Requirement* at the time of permit issuance.

The purpose of this form is to describe how the source will achieve compliance and to document a detailed schedule that will bring the Emissions Unit into compliance with all *Applicable Requirements*.

- ii. **Specific Information**

- A. Form AQM-1001Z is applicable.....
- B. Each Form AQM-1001Z is signed and dated by a Responsible Official.....
- C. Each Form AQM-1001Z contains information sufficient to assure that each unit is on a schedule to come into compliance.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

2. **Certified Progress Report (AQM-1001AA)**

- i. **General Information** [reference 7 DE Admin. Code 1130, Section 5.4.8.4]

This form is required for each Emissions Unit that is not in compliance with an *Applicable Requirement* and is subject to a Compliance Schedule (AQM-1001Z).

The purpose of this form is to document the progress a Company is making in meeting the milestones on the Form AQM-1001A. This form is required to be submitted to the Department no less frequently than every six (6) months.

- ii. **Specific Information**

- A. Form AQM-1001AA is applicable.....
- B. One (1) Form AQM-1001AA attached for each Emissions Unit covered by an AQM-1001Z.....
- C. Each Form AQM-1001AA is signed and dated by a *Responsible Official*.....

- D. Each Form AQM-1001AA contains information sufficient to assure that each unit is following the milestones on the AQM-1001Z or reasons why it is not.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

d. **Compliance Certification (AQM-1001BB)**

1. **General Information** [reference 7 *DE Admin. Code* 1130, Sections 5.4.9.1, 5.4.9.2), 5.5.9.4]

This form is a required part of **each** application for an initial permit, for a renewal permit, and for a significant permit modification.

2. **Specific Information to be completed for Initial Permit Applications & Significant Permit Modification Applications & for Renewal Applications in which changes and/or additions are requested**

The purpose of this form is to provide a place for the Company to certify compliance with Applicable Requirements, to state the methods used for determining compliance, to set up a schedule for submission of compliance certifications, and to indicate the source's compliance status with applicable compliance certification requirements.

- i. Form AQM-1001BB is applicable.....
- ii. One (1) Form AQM-1001BB attached for each Emissions Unit.....
- iii. Each Form AQM-1001BB is signed and dated by a *Responsible Official*..
- iv. Each Form AQM-1001BB contains information sufficient to certify the compliance status, the methods for determining compliance, and a schedule for submitting compliance certifications.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

3. **Specific Information to be Completed for Permit Renewals Only**

The purpose of this form is to provide a place for the Company to certify compliance with the *terms and conditions* of the permit – specifically those permit terms and conditions which the Company is not requesting to be modified or deleted. Compliance certifications for terms and conditions that the Company is not requesting be modified or deleted shall be based upon the latest compliance information. For terms and conditions that are being proposed by the Company and are “new” to the permit, the Company shall certify compliance as specified in No. 2 above – i.e. with the *Applicable Requirement*.

- i. Form AQM-1001BB is applicable.....
- ii. One (1) Form AQM-1001BB attached for each Emissions Unit.....
- iii. Each Form AQM-1001BB is signed and dated by a *Responsible Official*.

- iv. Each Form AQM-1001BB contains information sufficient to certify the compliance status with the terms and conditions of the permit, the methods used for determining compliance, and a schedule for submitting compliance certifications.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

4. **Specific Information to be Completed for Significant Permit Modifications Only**

The purpose of this form is to provide a place for the Company to certify compliance with the terms and conditions of the permit – specifically those permit terms and conditions that will be affected by the facility’s request for a Significant Permit Modification. For permit terms and conditions that will be deleted, a compliance certification does not need to be completed.

- i. Form AQM-1001BB is applicable.....
- ii. One (1) Form AQM-1001BB attached for each Emissions Unit that is subject to the Significant Permit Modification.....
- iii. Each Form AQM-1001BB is signed and dated by a *Responsible Official*...
- iv. Each Form AQM-1001BB contains information sufficient to certify the compliance status with the terms and conditions of the permit, the methods for determining compliance, and a schedule for submitting compliance certifications.....

For each form(s) that **does not** contain sufficient information, indicate the Emissions Unit(s) and the additional required information:

Section 5 – Permit Shield

a. **General Information** [reference 7 DE Admin. Code 1130, Section 6.6]

The Company may request that the Department include provisions in the Title V permit stating that compliance with the terms and conditions of the permit shall constitute compliance with **7 Del. C.**, Chapter 60, for the discharge of any air contaminant specifically identified in the permit.

To request the Permit Shield, the applicant shall attach a narrative description to the application form detailing which applicability and/or non-applicability determinations contained in the permit application are to be covered by the Permit Shield.

b. **Specific Information**

- 1. The Permit Shield is requested.....
- 2. Adequate information is provided in the Permit Shield narrative description to instate the Permit Shield.....

If there is not sufficient information, indicate the additional required information:

Section 6 – Trading to Comply with an Emissions Cap

a. **General Information** [reference 7 DE Admin. Code 1130, Section 7.8.3]

The Company may request that their permit contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purposes of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements.

The applicant may request that trading to comply with an emissions cap be allowed in the permit by attaching a narrative description to the permit application proposing replicable procedures and permit terms that assure that the emissions trades are quantifiable and enforceable, and that they comply with all *Applicable Requirements* and Sections 6.1 and 6.3 of 7 DE Admin. Code 1130.

b. **Specific Information**

- 1. Trading to comply with an emissions cap is requested.....
- 2. Adequate information is provided in the narrative description to assure that the emissions trades are quantifiable and enforceable and that they comply with all *Applicable Requirements* and with Sections 6(a) and (c) of Regulation No. 30.

If there is not sufficient information, indicate the additional required information:

Section 7 – Final Completeness Check

- a. All applicable boxes above marked.....

For each applicable box above that is not marked, the missing information was provided elsewhere in the application, and the information is acceptable (note that since the information required on Forms AQM-1001M, Z, AA, and BB must be certified by a *Responsible Official*, such information cannot be provided for elsewhere in the application).....

- b. Application contains information needed to determine *Major Source* status.....
- c. Application contains information needed to verify the applicability of all *Applicable Requirements*.....
- d. Application contains information needed to verify compliance status with all *Applicable Requirements*.....

The Application submitted by _____ on _____ is complete.

Printed Name of Reviewer and Date Reviewed

Signature of Reviewer

Revised February 26, 2009
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PMII:PMI:ENG OR SCI
F:\EngAndCompliance\ENG or SCI\

pc: Dover (Title V) File

Clean Air Act Title V Program Evaluation Report
Department of Natural Resources and Environmental Control – FY2022

Appendix D

State of Delaware
Department of Natural Resources and Environmental Control
Division of Air Quality

State Street Commons
100 W. Water Street, Suite 6A
Dover, DE 19904

7 DE Admin. Code 1130 (Title V) Operating Permit

Facility I.D. Number: *<insert number>*

<Draft or Proposed> Permit Number: *<insert number><-Renewal X><Revision YY>*

Effective Date: *<insert date>*

Expiration Date: *<insert date>*

Renewal Application Due Date: *<insert date>*

Pursuant to 7 **Del. C.**, Ch 60, Section 6003, 7 **DE Admin. Code** 1102 Section 2.0, and 7 **DE Admin. Code** 1130 Section 7.2, approval by the Department of Natural Resources and Environmental Control ("Department") is hereby granted to operate the emission *<unit/units>* listed in Condition 1 of this permit subject to the terms and conditions of this permit.

This approval is granted to:

Permittee/Owner (hereafter referred to as "Company/Owner")	Operator (hereafter referred to as "Operator")
<i><insert Company Owner Name></i> <i><insert Mailing Address></i> Responsible Official: <i><insert Name></i> Title: <i><insert Title Name></i>	<i><Insert name of Operator></i> <i><Insert Mailing Address></i>
Plant Site Location (hereafter referred to as "Facility") <i><Insert Facility Name></i>	Plant Mailing Address <i><Insert Facility Name></i>
<i><Insert Facility Physical Location></i> <i><Insert City, State, zip code></i>	<i><Insert Facility Mailing Address></i> <i><Insert City, State, zip code></i>

The nature of business of the Facility is *<enter SIC code and NAICS code information: copy from AQM-1001 Blocks 7 and 8>*. The Standard Industrial Classification code is *<insert here>*. The North American Industry Classification System code is *<insert here>*.

<Permitting Engineer> / *<Date>*
Engineer
Engineering & Compliance Section
<(302) 323-4542 or (302) 739-9402>

<Administrator> *<Date>*
Administrator
Engineering & Compliance Section
(302) 323-4542

Permit: *<insert permit number>*

<Company Name>

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<Issue Date>

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Condition 1- Emission Unit Identification

[Reference: 7 DE Admin. Code 1130 Section 3.3 dated 11/15/93]

a. Emission Units Information.

Emission Units	Emission Unit Description
<i><Emission Unit 1></i>	<i><Description of Emission Unit 1 (e.g. Boiler No. 1, maximum rated heat input of 30 MMBTU/hr, fired on: Operating Scenario 1: natural gas Operating Scenario 2: No. 3 fuel oil)></i>
<i><Emission Unit 2></i>	<i><Description of Emission Unit 2 (e.g. Paint Spray Booth No. 1 demonstrating compliance by: Operating Scenario 1: complying coatings Operating Scenario 2: daily weighted average)></i>
<i><Emission Unit 3></i>	<i><Description of Emission Unit 3 (e.g. Boiler No. 2, maximum rated heat input of 20 MMBTU/hr, fired on natural gas)></i>
<i><Emission Unit 4></i>	<i><Description of Emission Unit 4 (etc.)></i>

b. 7 DE Admin. Code 1102 Permit Identification.

This table identifies the underlying permits whose provisions have been incorporated into this Title V permit and specifies the reference number that will be used to identify the source of the underlying permit condition throughout this Title V permit.

Reference: Number	Full 7 DE Admin. Code 1102 Permit Designation
<i>APC-XXXX/XXXX</i>	<i>APC-XXXX/XXXX-(Amendment N)(VOC RACT)(NO_x RACT)(etc.) <Description of 7 DE Admin. Code 1102 permit (from preamble language, e.g. Boiler No. 1 maximum rated heat input of 30 MMBTU/hr fired on...></i>
<i>APC-XXXX/XXXX</i>	<i>APC-XXXX/XXXX-(Amendment N)(VOC RACT)(NO_x RACT)(etc.) <Description of 7 DE Admin. Code 1102 permit (from preamble language, e.g. Boiler No. 1 maximum rated heat input of 30 MMBTU/hr fired on...></i>
<i>etc.</i>	<i>etc.</i>

Condition 2 - General Requirements

a. Certification.

1. Each document submitted to the Department/EPA as required by this permit shall be certified by a Responsible Official as to truth, accuracy, and completeness. Such certification shall be signed

Permit: <insert permit number>

<Company Name>

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<Issue Date>

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Condition 2- General Requirements (Cont.)

by a Responsible Official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." [Reference: 7 DE Admin. Code 1130 Section 5.6 dated 11/15/93 and 6.3.1 dated 12/11/00]

2. Any report of deviations required under Conditions 3(c)(2)(ii) or 3(c)(2)(iii) that must be submitted to the Department within ten calendar days of discovery of the deviation, may be submitted in the first instance without a certification provided a certification meeting the requirements of Condition 2(a)(1) is submitted to the Department within ten calendar days thereafter, together with any corrected or supplemental information required concerning the deviation. [Reference: 7 DE Admin. Code 1130 Section 6.1.3.3.4 dated 12/11/00]
3. Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses except as noted in Condition 2(a)(4):

State of Delaware – DNREC Division of Air Quality State Street Commons 100 W. Water Street, Suite 6A Dover, DE 19904 ATTN: Division Director	U.S. Environmental Protection Agency Region III Enforcement and Compliance Assurance Division (3ED21) 1650 Arch Street Philadelphia, PA 19103-2029
No. of Originals: 1 & No. of Copies: 1	No. of Copies: 1

4. In lieu of submitting a physical copy of the Compliance Certification report specified in Condition 3(c)(3) of this permit to the EPA, the Owner and/or Operator may, and is encouraged to, submit an electronic copy of the report to R3_APD_Permits@epa.gov as a PDF document. The signed original annual General Certification report must be submitted to the Department at the address in Condition 2(a)(3).

b. Compliance.

1. The Owner and/or Operator shall comply with all terms and conditions of this permit. Any noncompliance with this permit constitutes a violation of the applicable requirements under the Clean Air Act, and/or 7 DE Admin. Code 1100, and is grounds for an enforcement action; for permit termination, revocation, and reissuance or modification; or for denial of a permit renewal. [Reference: 7 DE Admin. Code 1130 Section 6.1.7.1 dated 12/11/00]
2.
 - i. For applicable requirements with which the source is in compliance, the Owner and/or Operator shall continue to comply with such requirements. [Reference: 7 DE Admin. Code 1130 Sections 5.4.8.3.1 dated 11/15/93 and 6.3.3 dated 12/11/00]
 - ii. For applicable requirements that will become effective during the term of this permit, the Owner and/or Operator shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. [Reference: 7 DE Admin. Code 1130 Sections 5.4.8.3.2 dated 11/15/93 and 6.3.3 dated 12/11/00]
3. Nothing in Condition 2(b)(1) of this permit shall be construed to preclude the Owner and/or Operator from making changes consistent with Condition 2(m)(3) [Minor Permit Modifications]

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Condition 2- General Requirements (Cont.)

or Condition 4(a) [Operational Flexibility]. [Reference: 7 DE Admin. Code 1130 Sections 6.8 dated 12/11/00 and 7.5.1.5 dated 12/11/00]

4. The fact that it would have been necessary to halt or reduce an activity in order to maintain compliance with the terms and conditions of this permit shall not constitute a defense for the Owner and/or Operator in any enforcement action. Nothing in this permit shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations. [Reference: 7 DE Admin. Code 1130 Section 6.1.7.2 dated 12/11/00]
 5. The Owner and/or Operator may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency or malfunction if both the record keeping requirements in Condition 3(b)(2)(iii) and the reporting requirements in Condition 3(c)(2)(ii)(A) are satisfied. [Reference: 7 DE Admin. Code 1130 Section 6.7.2 dated 12/11/00]
 6.
 - i. In any enforcement proceeding, the Owner and/or Operator seeking to establish the occurrence of an emergency or malfunction has the burden of proof. [Reference: 7 DE Admin. Code 1130 Section 6.7.4 dated 12/11/00]
 - ii. The provisions of 7 DE Admin. Code 1130 pertaining to Emergency/Malfunctions as defined in Conditions Nos. 2(b)(5); 2(b)(6); 3(b)(2)(iii); and 3(c)(2)(ii)(A) of this permit are in addition to any emergency or malfunction provision contained in any applicable requirement. [Reference: 7 DE Admin. Code 1130 Section 6.7.5 dated 12/11/00]
 7. Reserved.
 8. If required, the schedule of compliance in Condition 5 of this permit is supplemental to and shall not sanction noncompliance with the applicable requirements upon which it is based. [Reference: 7 DE Admin. Code 1130 Section 5.4.8.3.3 dated 11/15/93]
 9. Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate noncompliance with any term of this permit. [Reference: 62 FR 8314 dated 2/24/97]
 10. All terms and conditions of this permit are enforceable by the Department and by the U.S. Environmental Protection Agency ("EPA") unless specifically designated as "State Enforceable Only" [Reference: 7 DE Admin. Code 1130 Section 6.2.1 dated 12/11/00]
- c. Confidentiality.** The Owner and/or Operator may make a claim of confidentiality for any information or records submitted to the Department. However, by submitting a permit application, the Owner and/or Operator waives any right to confidentiality as to the contents of its permit, and the permit contents will not be entitled to protection under 7 Del. C., Ch 60, § 6014. [Reference: 7 DE Admin. Code 1130 Sections 5.1.4 dated 11/15/93, 6.1.3.3.5 dated 12/11/00, and 6.1.7.5 dated 12/11/00]
1. Confidential information shall meet the requirements of 7 Del. C., Ch 60, § 6014, and 29 Del. C., Ch 100. [Reference: 7 DE Admin. Code 1130 Section 5.1.4 dated 11/15/93]
 2. If the Owner and/or Operator submits information to the Department under a claim of confidentiality, the Owner and/or Operator shall also submit a copy of such information directly to the EPA, if the Department requests that the Owner and/or Operator do so. [Reference: 7 DE Admin. Code 1130 Section 5.1.4 dated 11/15/93]

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Condition 2- General Requirements (Cont.)

- d. Construction, Installation, or Alteration.** The Owner and/or Operator shall not initiate construction, installation, or alteration of any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department under 7 DE Admin. Code 1102, and, when applicable, 7 DE Admin. Code No. 1125, and receiving approval of such application from the Department; except as exempted in 7 DE Admin. Code 1102 Section 2.2. *[Reference: 7 DE Admin. Code 1102 Section 2.1 dated 6/1/97 and 7 DE Admin. Code 1130 Section 7.2.3 dated 12/11/00]*
- e. Definitions/Abbreviations.** Except as specifically provided for below, for the purposes of this permit, terms used herein shall have the same meaning accorded to them under the applicable requirements of the Clean Air Act and 7 DE Admin. Code 1100.
1. "Act" means the Clean Air Act, as amended by the Clean Air Act Amendments of November 15, 1990, 42 U.S.C. 7401 et seq. *[Reference: 7 DE Admin. Code 1130 Section 2 dated 11/15/93]*
 2. "AP-42" means the Compilation of Air Pollutant Emission Factors, Fifth Edition, AP-42, dated January 15, 1995, as amended with Supplements and Updates.
 3. "CFR" means Code of Federal Regulations.
 4. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the sources, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *[Reference: 7 DE Admin. Code 1130 Section 6.7.1 dated 12/11/00]*
 5. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or of a process to operate in a normal or usual manner, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the malfunction. A malfunction shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. *[Reference: 7 DE Admin. Code 1130 Section 6.7.1 dated 12/11/00]*
 6. "Number 2 fuel oil" and "No. 2 fuel oil" means distillate oil.
 7. "Reg." and "Regulation" mean the regulations covered under 7 DE Admin. Code 1100.
 8. "Regulations Governing the Control of Air Pollution" means the codification of those regulations enacted by the Delaware Department of Natural Resources and Environmental Control, in accordance with 7 Del. C., Ch 60, § 6010.
 9. Permit Specific Definitions
 - i. <Insert definitions specific to this permit as required>
 - ii. <et cetera>
- f. Duty to Supplement.**
1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the Owner and/or Operator shall promptly submit to the

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<Company Name>

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Condition 2- General Requirements (Cont.)

Department such supplementary facts or corrected information. [Reference: 7 DE Admin. Code 1130 Section 5.2 dated 11/15/93]

2. The Owner and/or Operator shall promptly submit to the Department information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the release of a corresponding draft permit. [Reference: 7 DE Admin. Code 1130 Section 5.2 dated 11/15/93]
3. The Owner and/or Operator shall furnish to the Department, upon receipt of a written request and within a reasonable time specified by the Department:
 - i. Any information that the Department determines is reasonably necessary to evaluate or take final action on any permit application submitted in accordance with Condition 2(l) or 2(m) of this permit. The Owner and/or Operator may request an extension to the deadline the Department may impose on the response for such information. [Reference: 7 DE Admin. Code 1130 Section 5.1.2.3 dated 11/15/93]
 - ii. Any information that the Department requests to determine whether cause exists to modify, terminate, or revoke this permit, or to determine compliance with the terms and conditions of this permit. [Reference: 7 DE Admin. Code 1130 Section 6.1.7.5 dated 12/11/00]
 - iii. Copies of any records required to be kept by this permit. [Reference: 7 DE Admin. Code 1130 Section 6.1.7.5.7 dated 12/11/00]
- g. Emission Trading.** No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. [Reference: 7 DE Admin. Code 1130 Section 6.1.9 dated 12/11/00]
- h. Fees.** The Owner and/or Operator shall pay fees to the Department consistent with the fee schedule established by the Delaware General Assembly. [Reference: 7 DE Admin. Code 1130 Section 6.1.8 dated 12/11/00 and Section 9.0 dated 11/15/93]
- i. Inspection and Entry Requirements.** Upon presentation of identification, the Owner and/or Operator shall allow authorized officials of the Department to perform the following:
 1. Enter upon the Owner and/or Operator's premises where a source is located or an emissions-related activity is conducted, or where records that must be kept under the terms and conditions of this permit are located. [Reference: 7 DE Admin. Code 1130 Section 6.3.2.1 dated 12/11/00]
 2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit. [Reference: 7 DE Admin. Code 1130 Section 6.3.2.2 dated 12/11/00]
 3. Inspect, at reasonable times and using reasonable safety practices, any facility, equipment (including monitoring and air pollution control equipment), practice, or operation regulated or required under this permit. [Reference: 7 DE Admin. Code 1130 Section 6.3.2.3 dated 12/11/00]
 4. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement. [Reference: 7 DE Admin. Code 1130 Section 6.3.2.4 dated 12/11/00]
- j. Permit and Application Consultation.** The Owner and/or Operator is encouraged to consult with Department personnel before submitting an application or, at any other time, concerning the operation, construction, expansion, or modification of any installation, or concerning the required

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<Company Name>

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Condition 2- General Requirements (Cont.)

pollution control devices or system, the efficiency of such devices or system, or the pollution problem related to the installation. [Reference: 7 DE Admin. Code 1130 Section 5.1.1.7 dated 11/15/93]

- k. Permit Availability.** The Owner and/or Operator shall have available at the facility at all times a copy of this permit and shall provide a copy of this permit to the Department upon request. [Reference: 7 DE Admin. Code 1102 Section 8.1 dated 6/1/97]
- l. Permit Renewal.** This permit expires on *<maximum is no more than the issue date plus 5 years>* except as provided in Condition 2(l)(4) below. [Reference: 7 DE Admin. Code 1130 Section 6.1.2 dated 12/11/00]
1. Applications for permit renewal shall be subject to the same procedural requirements, including those for public participation, affected state comment, and EPA review, that apply to initial permit issuance under 7 DE Admin. Code 1130 Section 7.1, except that an application for permit renewal may address only those portions of the permit that the Department determines require revision, supplementing, or deletion, incorporating the remaining permit terms by Reference: from the previous permit. The Department may similarly, in issuing a draft renewal permit or proposed renewal permit, specify only those portions that will be revised, supplemented, or deleted, incorporating the remaining permit terms by Reference:. [Reference: 7 DE Admin. Code 1130 Section 7.3.1 dated 12/11/00]
 2. The Owner and/or Operator's right to operate shall cease upon the expiration date unless a timely and complete renewal application has been submitted to the Department *<date renewal application is due; no later than 12 months prior to the expiration date of the permit>*. [Reference: 7 DE Admin. Code 1130 Section 7.3.2 dated 12/11/00]
 3. The Department shall review each application for completeness and shall inform the applicant within 60 days of receipt if the application is incomplete. Unless the Department requests additional information or otherwise notifies the applicant of incompleteness within 60 days of an application, an application will be deemed complete if it contains the information required by the application form and 7 DE Admin. Code 1130 Section 5.4. [Reference: 7 DE Admin. Code 1130 Section 5.1.2.1 dated 11/15/93]
 4. If a timely and complete application for a permit renewal is submitted to the Department pursuant to 7 DE Admin. Code 1130, Section 5.1.2.4 (dated 11/15/93) and Section 7.3.1 (dated 12/11/00) and the Department, through no fault of the Owner and/or Operator, fails to take final action to issue or deny the renewal permit before the end of the term of this permit, then this permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time. [Reference: 7 DE Admin. Code 1130 Section 7.3.3 dated 12/11/00]
- m. Permit Revision and Termination.**
1.
 - i. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. [Reference: 7 DE Admin. Code 1130 Section 6.1.7.3 dated 12/11/00]
 - ii. Except as provided under Condition 2(m)(3) ["Minor Permit Modification"], the filing of a request by the Owner and/or Operator for a permit modification, revocation and reissuance, or termination, or of a modification of planned changes or anticipated noncompliance does not stay any term or condition of this permit. [Reference: 7 DE Admin. Code 1130 Section 6.1.7.3 dated 12/11/00 and 7.5.1.5 dated 12/11/00]

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Condition 2- General Requirements (Cont.)

2. "Administrative Permit Amendment." When required, the Owner and/or Operator shall submit to the Department a request for an administrative permit amendment in accordance with 7 **DE Admin. Code** 1130 Section 7.4. *[Reference: 7 DE Admin. Code 1130 Section 7.4 dated 12/11/00]*
3. "Minor Permit Modification." When required, the Owner and/or Operator shall submit to the Department an application for a minor permit modification in accordance with 7 **DE Admin. Code** 1130 Section 7.5.1 and 7.5.2. *[Reference: 7 DE Admin. Code 1130 Section 7.5.1 dated 12/11/00 and 7.5.2 dated 12/11/00]*
 - i. For a minor permit modification, during the period of time between the time the Owner and/or Operator makes the change or changes proposed in the minor permit modification application and the time that the Department takes action on the application, the Owner and/or Operator shall comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this period the Owner and/or Operator, at its own risk, need not comply with the existing terms and conditions of this permit that it seeks to modify. *[Reference: 7 DE Admin. Code 1130 Section 7.5.1.5 dated 12/11/00 and 7.5.2.5 dated 12/11/00]*
 - ii. If the Owner and/or Operator fail to comply with its proposed permit terms and conditions during this time period, the existing terms and conditions of this permit may be enforced against the Owner and/or Operator. *[Reference: 7 DE Admin. Code 1130 Section 7.5.1.5 dated 12/11/00 and 7.5.2.5 dated 12/11/00]*
4. "Significant Permit Modification." When required, the Owner and/or Operator shall submit to the Department an application for a significant permit modification in accordance with 7 **DE Admin. Code** 1130 Section 7.5.3. *[Reference: 7 DE Admin. Code 1130 Section 7.5.3 dated 12/11/00]*
5.
 - i. When the Owner and/or Operator is required to meet the requirements under Section 112(g) of the Act or to obtain a preconstruction permit under 7 **DE Admin. Code** 1100, the Owner and/or Operator shall file a complete application to revise this permit within 12 months of commencing operation of the construction or modification. *[Reference: 7 DE Admin. Code 1130 Section 5.1.1.4 dated 11/15/93]*
 - ii. When the Owner and/or Operator is required to obtain a preconstruction permit, the Owner and/or Operator may submit an application to revise this permit for concurrent processing. The revision request for this permit when submitted for concurrent processing shall be submitted to the Department with the Owner and/or Operator's preconstruction review application or at such later time as the Department may allow. Where this permit would prohibit such construction or change in operation, the Owner and/or Operator shall obtain a permit revision before commencing operation. *[Reference: 7 DE Admin. Code 1102 Sections 11.2.10, 11.5 and 12.4, dated 6/11/06, and 7 DE Admin. Code 1130 Section 5.1.1.4 dated 11/15/93]*
 - iii. Where an application is not submitted for concurrent processing, the Owner and/or Operator shall obtain an operating permit under 7 **DE Admin. Code** 1100 prior to commencing operation of the construction or modification to cover the period between the date operation is commenced and until such time as operation is approved under 7 **DE Admin. Code** 1130. *[Reference: 7 DE Admin. Code 1102 Section 2.1 dated 6/11/06]*
6. "Permit Termination." The Owner and/or Operator may at any time apply for termination of this permit in accordance with 7 **DE Admin. Code** 1130 Section 7.8.4 or Section 7.8.5. *[Reference: 7 DE Admin. Code 1130 Sections 7.8.4 dated 12/11/00 and 7.8.5 dated 12/11/00]*

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Condition 2- General Requirements (Cont.)

n. Permit Transfer.

1. A change in ownership or operational control of this facility shall be treated as an administrative permit amendment where the Department has determined that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new owner has been submitted to the Department. *[Reference: 7 DE Admin. Code 1130 Section 7.4.1.4 dated 12/11/00]*
2. In addition to any written agreement submitted by the Owner and/or Operator in accordance with Condition 2(n)(1), the Owner and/or Operator shall have on file at the Department a statement meeting the requirements of 7 Del. C., Ch 79, Section 7902. *This permit condition is state enforceable only. [Reference: 7 Del. C., Ch 79 Section 7902 dated 8/28/2007]*
3. The written agreement required in Condition 2(n)(1) of this permit shall be provided to the Department within a minimum of 30 calendar days prior to the specific date for transfer and shall indicate that the transfer is agreeable to both the current and new owner. *[Reference: 7 DE Admin. Code 1102 Section 7.1 dated 6/1/97]*

o. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege. *[Reference: 7 DE Admin. Code 1130 Section 6.1.7.4 dated 12/11/00]*

p. Risk Management Plan Submissions.

1. In the event this stationary source, as defined in the State of Delaware 7 DE Admin. Code 1201 "Accidental Release Prevention Regulation" Section 4.0, is subject to or becomes subject to Section 5.0 of 7 DE Admin. Code 1201 (as amended March 11, 2006), the owner or operator shall submit a risk management plan (RMP) to the Environmental Protection Agency's RMP Reporting Center by the date specified in Section 5.10 and required revisions as specified in Section 5.190. A certification statement shall also be submitted as mandated by Section 5.185. *[Reference: 7 DE Admin. Code 1130 Section 6.1.4 dated 12/11/00, 7 DE Admin. Code 1201 as amended March 11, 2006 and Delaware; Approval of Accidental Release Prevention Program, Federal Register Vol. 6, No. 11 pages 30818-22 dated June 8, 2001]*
2. If this stationary source, as defined in 7 DE Admin. Code 1201 Section 4.0, is not subject to Section 5.0 but is subject or becomes subject to Section 6.0 (as amended March 11, 2006), the owner or operator shall submit a Delaware RMP to the State of Delaware's Accidental Release Prevention group by the date as specified in Section 6.6.10 and required revisions as specified by Section 6.6.1. *Note: State enforceable only. [Reference: 7 DE Admin. Code 1201 as amended March 11, 2006]*

q. Protection of Stratospheric Ozone.

When applicable, this Facility shall comply with the following requirements: *[Reference: 40 CFR Part 82 "Protection of Stratospheric Ozone" revised as of 7/1/97 and 7 DE Admin. Code 1130 Section 2.0 dated 11/15/93]*

1. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - i. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a process that uses a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106.

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- ii. The placement of the required warning statement must comply with the requirements pursuant to §82.108.
 - iii. The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
 - iv. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.
2. Any person servicing, maintaining, or repairing appliances, except for motor vehicles, shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B. In addition, Subpart F applies to refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment.
 - i. Persons owning appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to §82.154 and §82.156.
 - ii. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
 - iii. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to §82.161.
 - iv. Persons performing maintenance, service, repair, or disposal of appliances must certify with the Administrator pursuant to §82.158 and §82.162.
 - v. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with record keeping requirements pursuant to §82.166. ("MVAC-like appliance" as defined at §82.152)
 - vi. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
3. Owners/Operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82, Subpart F §82.166.
4. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
5. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners".
 - i. The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant. These systems are regulated under 40 CFR Part 82, Subpart F.

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Condition 2- General Requirements (Cont.)

6. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed as acceptable in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program.
- r. **Severability.** The provisions of this permit are severable. If any part of this permit is held invalid, the application of such part to other persons or circumstances and the remainder of this permit shall not be affected thereby and shall remain valid and in effect. *[Reference: 7 DE Admin. Code 1130 Section 6.1.6 dated 12/11/00]*

Condition 3- Specific Requirements

- a. **Emission Limitations Emission Standards, Operational Limitations, and Operational Standards.** The Owner and/or Operator shall comply with the limitations and standards detailed in Condition 3 – Table 1 of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.1 dated 12/11/00]*
- b. **Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping).** The Owner and/or Operator shall maintain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all original strip-chart recordings, where appropriate, for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.2 dated 12/11/00]*
1.
 - i. **Specific Requirements.** The Owner and/or Operator shall comply with the operational limitations, monitoring, testing, and record keeping requirements detailed in Condition 3 – Table 1 which are in addition to those in Conditions 3(b)(1)(ii) and 3(b)(2) of this permit. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.1 dated 12/11/00, 6.1.3.1 dated 12/11/00, and 6.1.10 dated 12/11/00]*
 - ii. **General Testing Requirements.** Upon written request of the Department, the Owner and/or Operator shall, at the Owner and/or Operator's expense, sample the emissions of, or fuel used by, an air contaminant emission source, maintain records, and submit reports to the Department on the results of such sampling. *[Reference: 7 DE Admin. Code 1117 Section 2.2 dated 7/17/84]*
 2. **General Record Keeping Requirements.** The Owner and/or Operator shall record, at a minimum, all of the following information:
 - i. If required, for each operating scenario identified in Condition 3 – Table 1 of this permit, a log that indicates the operating scenario under which each particular emission unit is operating. The Owner and/or Operator shall, contemporaneously with changing from one operating scenario to another, record in this log the time at which the operating scenario under which it is operating is changed. *[Reference: 7 DE Admin. Code 1130 Section 6.1.10 dated 12/11/00]*
 - ii. The following information to the extent specified in Condition 3 – Table 1 of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1 dated 12/11/00]*
 - A. The date, place, and time of the sampling or measurements. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.1 dated 12/11/00]*

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Condition 3- Specific Requirements (Cont.)

- B. The dates analyses were performed. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.2 dated 12/11/00]*
 - C. The Owner and/or Operator or entity that performed the analyses. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.3 dated 12/11/00]*
 - D. The analytical techniques or methods used. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.4 dated 12/11/00]*
 - E. The results of such analyses. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.5 dated 12/11/00]*
 - F. The operating conditions as existing at the time of sampling or measurement. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.2.1.6 dated 12/11/00]*
- iii. If the Owner and/or Operator is claiming the affirmative defense of emergency or malfunction as provided in Condition 2(b)(5); a properly signed, contemporaneous operating logs, or other relevant evidence which indicates that: *[Reference: 7 DE Admin. Code 1130 Section 6.7.3 dated 12/11/00]*
- A. An emergency or malfunction occurred and the causes of the emergency or malfunction. *[Reference: 7 DE Admin. Code 1130 Section 6.7.3.1 dated 12/11/00]*
 - B. The facility was at the time of the emergency or malfunction being operating in a prudent and professional manner and in compliance with the generally accepted industry operations and maintenance procedures. *[Reference: 7 DE Admin. Code 1130 Section 6.7.3.2 dated 12/11/00]*
 - C. During the period of the emergency or malfunction the Owner and/or Operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.7.3.3 dated 12/11/00]*
- iv. A copy of the written notice required by Condition 3(c)(2)(iii) for each change made under Condition 4(c) [Operational Flexibility] of this permit shall be maintained with a copy of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*

c. Reporting and Compliance Certification Requirements.

1. Specific Reporting/Certification Requirements. The Owner and/or Operator shall comply with the Reporting/Certification Requirements detailed in Condition 3– Table 1 of this permit, which are in addition to those of Conditions 3(c)(2) and 3(c)(3) of this permit. Each report that contains any deviations from the terms of Condition 3– Table 1 shall identify the probable cause of the deviations and any corrective actions or preventative measures taken. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3 dated 12/11/00, 6.1.3.3.3 dated 12/11/00, and 6.1.3.3.4 dated 12/11/00]*
2. General Reporting Requirements.
 - i. The Owner and/or Operator shall submit to the Department a report of any required monitoring not later than the first day of August (covering the period from January 1 through June 30 of the current calendar year) and the first day of February (covering the period July 1 through December 31 of the previous calendar year) of each calendar year. Each report shall identify any deviations from the monitoring, record keeping, and reporting requirements under this permit; and the probable cause of the deviations; and any corrective actions or preventative measures taken. If no deviations have occurred, such shall be stated in the report. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3.1 dated 12/11/00, 6.1.3.3.2 dated 12/11/00, and 6.1.3.3.3.4 dated 12/11/00]*

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Condition 3- Specific Requirements (Cont.)

- ii. In addition to the semiannual monitoring reports required under Condition 3(c)(2)(i), the Owner and/or Operator shall submit to the Department supplemental written reports and/or notices identifying all deviations from permit conditions, probable cause of the deviations, and any corrective actions or preventative measures as follows: *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3.3.3 dated 12/11/00 and 6.1.3.3.3.4 dated 12/11/00]*
- A. If the Owner and/or Operator is claiming the affirmative defense of emergency or malfunction as provided in Condition 2(b)(5) of this permit, a notice of any deviation resulting from emergency or malfunction conditions shall be reported to the Department within two working days of the time when the technology-based emission limitations were exceeded. Such notice shall contain a description of the emergency or malfunction, any steps taken to mitigate emissions, and any corrective actions taken. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3.3.1 dated 12/11/00 and 6.7.3.4 dated 12/11/00]*
- B. Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery and after activating the appropriate site emergency plan, in the following manner: *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3.3.3 dated 12/11/00 and 6.1.3.3.3.2 dated 12/11/00]*
1. Emissions that pose an imminent and substantial danger to public health, safety or the environment must be reported by calling the Department's Environmental Emergency Notification and Complaint number (800) 662-8802. *[Reference: 7 DE Admin. Code No 1130, Section 6.1.3.3.3.2 dated 12/11/2000]*
2. Emissions in excess of any permit condition or emissions which create a condition of air pollution but do not pose an imminent and substantial danger to public health, safety or the environment must either be called in to the Environmental Emergency Notification and Complaint number (800) 662-8802 or faxed to (302) 855-1902. The ability to fax notifications to the Department may be revoked by the Department upon written notice to the Company and at the Department's sole discretion. *[Reference: 7 DE Admin. Code No 1130, Section 6.1.3.3.3.2 dated 12/11/2000]*
- C. All emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department in a written report pursuant to Condition 3(c)(2)(1) and/or the specific reporting requirements listed in Condition 3 – Table 1 of this permit. *[Reference: 7 DE Admin. Code 1130 Sections 6.1.3.3.3.3 dated 12/11/00 and 6.1.3.3.3.4 dated 12/11/00]*
- D. Discharges to the atmosphere in excess of any quantity specified in the 7 DE Admin. Code 1203 ("**Reporting of a Discharge of a Pollutant or an Air Contaminant**") shall be reported, immediately upon discovery and after activating the appropriate site emergency plan, either in person or to the Department's 24-hour Environmental Emergency Notification and Complaint line (1-800-662-8802). Discharges in compliance with this permit and excess emissions previously reported under Condition 3(c)(2)(ii)(B) of this permit are exempt from this reporting requirement. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.3.3.5 dated 12/11/00 and 7 DE Admin. Code 1203]*
- iii. Prior to making a change as provided in Condition 4 [Operational Flexibility] of this permit the Owner and/or Operator shall give written notice to the Department and EPA at least seven calendar days before the change is to be made. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*

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Condition 3- Specific Requirements (Cont.)

- A. The seven day period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*
 - B. If less than seven calendar days notice is provided because of a need to respond more quickly to such unanticipated conditions, the Owner and/or Operator shall provide notice to the Department and EPA as soon as possible after learning of the need to make the change, together with the reasons why advance notice could not be given. *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*
 - C. The written notice shall include all of the following information: *[Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]*
 1. The identification of the affected emission units and a description of the change to be made.
 2. The date on which the change will occur.
 3. Any changes in emissions.
 4. Any permit terms and conditions that are affected, including any new applicable requirements.
 - iv. The Owner and/or Operator shall submit to the Department an annual emissions statement in accordance with 7 DE Admin. Code 1117 Section 7.0 not later than April 30 of each year, or other date as established by the Department, unless an extension by the Department is granted. Such emissions statement shall cover the preceding calendar year. *[Reference: 7 DE Admin. Code 1117 Section 7.0 dated 1/11/93]*
 - v. If required, the Owner and/or Operator shall submit to the Department a progress report for applicable requirements identified in Condition 5 – Table 1 of this permit. Such reports shall be submitted not later than the first day of August (covering the period from January 1 through June 30 of the current calendar year) and the first day of February (covering the period July 1 through December 31 of the previous calendar year) of each calendar year. Each progress report shall include the following: *[Reference: 7 DE Admin. Code 1130 Sections 5.4.8 dated 11/15/93 and 6.3.4 dated 12/11/00]*
 - A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved. *[Reference: 7 DE Admin. Code 1130 Section 6.3.4.1 dated 12/11/00]*
 - B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted. *[Reference: 7 DE Admin. Code 1130 Section 6.3.4.2 dated 12/11/00]*
 - vi. Nothing herein shall relieve the Owner and/or Operator from any reporting requirements under federal, state, or local laws. *[Reference: 7 DE Admin. Code 1130 Section 6.1.3.3.3.5 dated 12/11/00]*
3. **General Compliance Certification Requirements.**
- i. Compliance with terms and conditions of this permit shall be certified to the Department not later than the first day of February of each year unless the terms or conditions in

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Condition 3- Specific Requirements (Cont.)

Condition 3– Table 1 of this permit require compliance certifications to be submitted more frequently. Such certification shall cover the previous calendar year and shall be submitted on Form AQM-1001BB. The Compliance Certification shall include the following information:

[Reference: 7 DE Admin. Code 1130 Section 6.3.5.1 dated 12/11/00]

- A. The identification of each term or condition of the permit that is the basis of the certification. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.1 dated 12/11/00]*
 - B. The Owner and/or Operator's current compliance status, as shown by monitoring data and other information reasonably available to the Owner and/or Operator. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.2 dated 12/11/00]*
 - C. Such certification shall indicate whether compliance was continuous or intermittent during the covered period. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.3 dated 12/11/00]*
 - D. The methods used for determining the compliance status of the Owner and/or Operator, currently and over the reporting period as required by the monitoring, record keeping, and reporting required under Condition 3. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.4 dated 12/11/00]*
 - E. Such other facts as the Department may require to determine the compliance status of the source. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.3.5 dated 12/11/00]*
- ii. Each compliance certification shall be submitted to the Department and EPA and shall be certified in accordance with Condition 2(a) of this permit. *[Reference: 7 DE Admin. Code 1130 Section 6.3.5.4 dated 12/11/00]*
 - iii. Any additional information possessed by the Owner and/or Operator that demonstrates non-compliance with any applicable requirement must also be used as the basis for compliance certifications. *[Reference: 62 CFR 8314 dated 2/24/97]*

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Condition 3 – Table 1: Specific Requirements

Emission Limitations, Emission Standards, Operational Limitations, and Operational Standards	Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping)	Reporting and Compliance Certification
a. Emission Unit (EU Number and Description)		
1. First Contaminant		
<p><Briefly describe how emissions from this emission unit will be controlled (control equipment, operational limitations, etc.)></p> <p>i. Emission Standard</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p>ii. Emission Limitation</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p>iii. Operational Standard</p> <ul style="list-style-type: none"> A. First B. Second C. Etc. <p>iv. Operational Limitation</p> <ul style="list-style-type: none"> A. First B. Second C. etc. 	<p>v. Compliance Method: Compliance with this emission standard and these operation limitations will be demonstrated by adherence to the appropriate monitoring, testing, QA/QC, and recordkeeping requirements. [Reference: 7 DE Admin. Code 1130 Section 6.3.1, dated 12/11/00] <Or other appropriate language.></p> <p>vi. Monitoring:</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p>vii. Testing That required by Condition 3(b)(1)(ii) of this permit. <or> In addition to the requirements of Conditions 3(b)(1)(ii) of this permit, the Company shall:</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p>viii. Quality Assurance/Quality Control</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p>ix. Recordkeeping:</p>	<p>x. Reporting: That required by Conditions 2(a), 2(b)(9), 2(f)(3), 3(b)(1)(ii), and 3(c)(2) of this permit. [Reference :7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00] <or> In addition to the requirements of Conditions 2(a), 2(b)(9), 2(f)(3), 3(b)(1)(ii), and 3(c)(2) of this permit, the Company shall: [Reference: 7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00]</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p><or other reporting requirements as needed.></p> <p>xi. Certification: That required by Condition 3(c)(3) of this permit. [Reference: 7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00] <or> In addition to the requirements of Condition 3(c)(3) of this permit, the Company shall: [Reference: 7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00]</p> <ul style="list-style-type: none"> A. First B. Second C. etc. <p><or other certification requirements as needed></p>

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Condition 3 – Table 1: Specific Requirements (continued)

Emission Limitations, Emission Standards, Operational Limitations, and Operational Standards	Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping)	Reporting and Compliance Certification
	<p>That required by Conditions 3(b)(1)(ii) and 3(b)(2) of this permit. [Reference: 7 DE Admin Code 1130 Section 6.1.3.1.2 and 6.2.1 dated 12/11/00]</p> <p><or></p> <p>In addition to the requirements of Conditions 3(b)(1)(ii) and 3(b)(2) of this permit, the Company shall: [Reference: 7 DE Admin Code 1130 Section 6.1.3.1.2 and 6.2.1 dated 12/11/00]</p> <p>A. First B. Second C. etc.</p>	
2. Second Contaminant		
<p><Briefly describe how emissions from this emission unit will be controlled (control equipment, operational limitations, etc.)></p> <p>i. Emission Standard A. First B. Second C. etc.</p> <p>ii. Emission Limitation A. First B. Second C. etc.</p> <p>iii. Operational Standard A. First B. Second C. Etc.</p> <p>iv. Operational Limitation</p>	<p>v. Compliance Method: Compliance with this emission standard and these operation limitations will be demonstrated by adherence to the appropriate monitoring, testing, QA/QC, and recordkeeping requirements. [Reference: 7 DE Admin. Code 1130 Section 6.3.1 dated 12/11/00] <Or other appropriate language.></p> <p>vi. Monitoring: A. First B. Second C. etc.</p> <p>vii. Testing That required by Condition 3(b)(1)(ii) of this permit. <or> In addition to the requirements of Conditions 3(b)(1)(ii) of this permit, the Company shall:</p>	<p>x. Reporting: That required by Conditions 2(a), 2(b)(9), 2(f)(3), 3(b)(1)(ii), and 3(c)(2) of this permit. [Reference :7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00]</p> <p><or></p> <p>In addition to the requirements of Conditions 2(a), 2(b)(9), 2(f)(3), 3(b)(1)(ii), and 3(c)(2) of this permit, the Company shall: [Reference: 7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00]</p> <p>A. First B. Second C. etc. <or other reporting requirements as needed.></p> <p>xi. Certification: That required by Condition 3(c)(3) of this permit. [Reference: 7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00]</p> <p><or></p>

Permit: <insert permit number>

<Company Name>

<Draft or Proposed> 7 DE Admin. Code 1130 Operating Permit

<Issue Date>

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Condition 3 – Table 1: Specific Requirements (continued)

Emission Limitations, Emission Standards, Operational Limitations, and Operational Standards	Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping)	Reporting and Compliance Certification
A. First B. Second C. etc.	A. First B. Second C. etc. viii. Quality Assurance/Quality Control A. First B. Second C. etc. ix. Recordkeeping: That required by Conditions 3(b)(1)(ii) and 3(b)(2) of this permit. [Reference: 7 DE Admin Code 1130 Section 6.1.3.1.2 and 6.2.1 dated 12/11/00] <or> In addition to the requirements of Conditions 3(b)(1)(ii) and 3(b)(2) of this permit, the Company shall: [Reference: 7 DE Admin Code 1130 Section 6.1.3.1.2 and 6.2.1 dated 12/11/00] A. First B. Second C. etc.	In addition to the requirements of Condition 3(c)(3) of this permit, the Company shall: [Reference: 7 DE Admin Code 1130 Sections 6.1.3.2.3 and 6.2.1 dated 12/11/00] A. First B. Second C. etc. <or other certification requirements as needed>
3. Compliance Assurance Monitoring <This Section will describe how to write out the CAM requirements for each applicable emission unit Note that even if the CAM requirements are covered in other sections of the emission unit's requirements, they MUST be restated in this CAM section for clarification. Place this section after the section describing the pollutant it applies to. In other words, place an RTO CAM plan after the VOC section, a baghouse CAM plan after particulates, etc.>		
i. Emission Standard ii. Emission Limitation <State emission limit or standard that unit is subject to should already be stated in the section above, just repeated here>	v. Compliance Method Compliance shall be demonstrated by records of the required monitoring. [Reference: 7 DE Admin. Code 1130 Sections 6.1.3.2.3 dated 12/11/00 and 6.2.1 dated 12/11/00] vi. Monitoring [Reference: 40 CFR Part 64.3 and 64.4 dated 10/22/97]	x. Reporting A. Quality Improvement Plan (QIP) <u>1.</u> The Company shall submit a QIP in accordance with 40 CFR Part 64.8(b) if any stack tests reveal higher than permitted emission rates. [Reference: 40 CFR Part 64.7(e) dated 10/22/97]

Permit: <insert permit number>

<Company Name>

<Draft or Proposed> 7 DE Admin. Code 1130 Operating Permit

<Issue Date>

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Condition 3 – Table 1: Specific Requirements (continued)

Emission Limitations, Emission Standards, Operational Limitations, and Operational Standards	Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping)	Reporting and Compliance Certification
<p>iii. Operational Standard</p> <p>iv. Operational Limitations</p> <p>A. Indicators [Reference: 40 CFR Part 64.6(c)(1)(i) dated 10/22/97] <Note there may not be a second indicator></p> <p>1. xx shall be used as the primary indicator</p> <p>2. xx shall be used as the secondary indicator</p> <p>B. Indicator Ranges [Reference: 40 CFR Part 64.6(c)(1)(i) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>C. Excursions [Reference: 40 CFR Part 64.6(c)(2) dated 10/22/97]</p> <p>1. An excursion shall be defined as <xx for the primary indicator></p> <p>2. An excursion shall be defined as <xx for the secondary indicator></p> <p>3. An excursion shall trigger an inspection, corrective action, and a reporting requirement. [Reference: 40 CFR Part 64.7(d) dated 10/22/97]</p> <p>D. Monitoring/Measurement Approach [Reference: 40 CFR Part 64.6(c)(1)(ii) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>E. At all times, the Company shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment. [Reference: 40 CFR Part 64.7(b) dated 10/22/97]</p> <p>F. At all times, the Company shall conduct all</p>	<p>A. Data Representativeness [Reference: 40 CFR Part 64.6(c)(1)(iii) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>B. Verification of Operational Status [Reference: 40 CFR Part 64.6(c)(1)(iii) dated 10/22/97] <only needed for new or modified monitoring equipment></p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>C. QA/QC Practices [Reference: 40 CFR Part 64.6(c)(1)(ii) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>D. Frequency [Reference: 40 CFR Part 64.6(c)(1)(iii) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>E. Data Collection Procedures [Reference: 40 CFR Part 64.6(c)(1)(iii) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>F. Averaging Period [Reference: 40 CFR Part 64.6(c)(1)(iii) dated 10/22/97]</p> <p>1. <xx for the primary indicator></p> <p>2. <xx for the secondary indicator></p> <p>vii. Testing [Reference: 40 CFR Part 64.6 dated 10/22/97] <Note...testing may or may not be required></p> <p>viii. Quality Assurance/Quality Control</p> <p>ix. Record Keeping [Reference: 40 CFR Part 64.9(b) dated</p>	<p>2. The Company shall submit a QIP in accordance with 40 CFR Part 64.8(b) if excursions exceed 5% of the unit's operating time for a reporting period. [Reference: 40 CFR Part 64.8(a) dated 10/22/97]</p> <p>B. The Company shall notify the Department at least 30 days prior to any reestablishment of excursion values. [Reference: 40 CFR Part 64.6(c)(2) dated 10/22/97]</p> <p>C. The report required by Condition 3(c)(2) of this permit shall also contain the following information: [Reference: 40 CFR Part 64.9(a)(2) dated 10/22/97]</p> <p>1. Summary information on the number, duration, and cause of excursions or exceedances;</p> <p>2. The corrective actions taken after an excursion or exceedance;</p> <p>3. Summary information on the number, duration, and cause of monitor downtime incidents; and</p> <p>4. If triggered, a description of the actions taken to implement the QIP.</p> <p>xi. <u>Certification</u> None in addition to that required by Condition 3(c)(3) of this permit. [Reference: 7 DE Admin. Code 1130 Sections 6.1.3.2.3 and 6.2.2 dated 12/11/2000] <or other certification requirements as needed></p>

Permit: *<insert permit number>*

<Company Name>

<Draft or Proposed> 7 DE Admin. Code 1130 Operating Permit

<Issue Date>

Condition 3 – Table 1: Specific Requirements (continued)

Emission Limitations, Emission Standards, Operational Limitations, and Operational Standards	Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping)	Reporting and Compliance Certification
<p>monitoring in continuous operation (or shall collect data at all required intervals) that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are cause in part by poor maintenance or careless <i>operation are not malfunctions</i>. [Reference: 40 CFR Part 64.7(c) dated 10/22/97]</p>	<p><i>10/22/97]</i> A. The Company shall maintain records of the following: 1. Monitoring data; 2. Monitor performance data; 3. Corrective actions taken; 4. Any written quality improvement plan (QIP) required pursuant to 64.8; 5. Any activities undertaken to implement a QIP; and 6. All supporting information used to demonstrate compliance.</p>	
<p>b. Emission Unit</p>		
<p>1. Example of first contaminant</p>		
<p>i. First Condition ii. Second condition A. Sub condition iii.</p>	<p>iv. Next Condition</p>	<p>v.</p>
<p>c. Emission Unit</p>		
<p>1.</p>		
<p>i.</p>	<p>ii.</p>	<p>iii.</p>
<p>2.</p>		

Permit: *<insert permit number>*

<Company Name>

<Draft or Proposed> 7 DE Admin. Code 1130 Operating Permit

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Condition 3 – Table 1: Specific Requirements (continued)

Emission Limitations, Emission Standards, Operational Limitations, and Operational Standards	Compliance Determination Methodology (Monitoring, Testing, QA/QC Procedures, and Record Keeping)	Reporting and Compliance Certification
i.	ii.	iii.
d. Emission Unit		
1.		
i.	ii.	iii.
2.		
i.	ii.	iii.
e. Emission Unit		
1.		
i.	ii.	iii.
2.		
i.	ii.	iii.
f. Emission Unit		
1.		
i.	ii.	iii.
2.		
i.	ii.	iii.
g. Emission Unit		
1.		
i.	ii.	iii.
2.		
i.	ii.	iii.

Permit: <insert permit number>

<Company Name>

<Draft or Proposed> 7 DE Admin. Code 1130 Operating Permit

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Condition 4- Operational Flexibility

- a. In addition to the operational flexibility specifically provided in the terms and conditions detailed in Condition 3 – Table 1 of this permit, the Owner and/or Operator is authorized to make any changes within the facility which contravenes the terms and conditions of this permit without a permit revision if the change:
1. Is not a modification or otherwise prohibited under any provision of Title I of the Act or the State Implementation Plan (SIP); and [Reference: 7 DE Admin. Code 1130 Section 6.8 dated 12/11/00]
 2. Does not involve a change in any compliance schedule date; and [Reference: 7 DE Admin. Code 1130 Section 6.8 dated 12/11/00]
 3. Does not result in a level of emissions exceeding the emissions allowable under this permit, whether expressed herein as a rate of emissions or in terms of total emissions. [Reference: 7 DE Admin. Code 1130 Section 6.8 dated 12/11/00]
- b. Before making a change under the provisions of Condition 4(a) of this permit, the Owner and/or Operator shall provide advance written notice to the Department and to the EPA in accordance with Condition 3(c)(2)(iii) of this permit. [Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]
- c. The Owner and/or Operator shall keep records of any changes made under Condition 4 of this permit in accordance with Condition 3(b)(2)(iv) of this permit. [Reference: 7 DE Admin. Code 1130 Section 6.8.1 dated 12/11/00]

Condition 5- Compliance Schedule

This permit does not contain a compliance schedule. [Reference: 7 DE Admin. Code 1130 Section 6.3.3 dated 12/11/00]

<or, if there is a Compliance Schedule>

- a. The Owner and/or Operator shall come into compliance with the applicable requirements by meeting the compliance deadlines specified in Condition 5– Table 1. [Reference: 7 DE Admin. Code 1130 Section 5.4.8.3.3 dated 12/11/00]

Condition 5 – Table 1		
Applicable Requirement	Required Milestone Actions	Compliance Deadline
a. <First Compliance Requirement e.g.: 7 DE Admin. Code 1102, Section 3.3.1 (Emission Unit 1)>	1. <Required action. e.g.: The Owner and/or Operator shall issue a purchase order for a low NO _x burner>	<Date>
	2. <Required action. e.g.: The Owner and/or Operator shall install the low NO _x burner...>	<Date>
	3. etc.	etc.
b. <Second Compliance Requirement e.g.: 7 DE	1. <Required action. e.g.: The Owner and/or Operator shall issue a purchase order to procure the...equipment necessary to conduct the leak detection and repair inspection program.>	<Date>

Permit: *<insert permit number>*

<Company Name>

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Condition 5 – Table 1		
Applicable Requirement	Required Milestone Actions	Compliance Deadline
<i>Admin. Code 1124 Section 40.0 (All Other Equipment In VOC Service)></i>	<i>2. etc.</i>	<i>etc.</i>
	<i>3. etc.</i>	<i>etc.</i>

- b. The Owner and/or Operator shall submit progress reports to the Department in accordance with Condition 3(c)(2). *[Reference: 7 DE Admin. Code 1130 Section 5.4.8.4 dated 11/15/93] <Insert this condition only if there is a Compliance Schedule>*
- c. The Owner and/or Operator shall submit a written notice to the Department if it deviates or reasonably anticipates deviating from the Compliance Schedule within 10 days of discovery. *[Reference: 7 DE Admin. Code 1130 Section 5.4.8.4 dated 11/15/93]*

Condition 6. Permit Shield.

This permit does not provide a permit shield and shall not be presumed to provide such a shield.

[Reference: 7 DE Admin. Code 1130 Section 6.6.3 dated 12/11/00]

<or, if there is a Permit Shield>

- a. **Permit Shield:** Compliance with the terms and conditions of this permit shall constitute compliance with 7 Del. C. Ch 60 for the discharge of any air contaminant specifically identified in the permit application as of the day of permit issuance. However, nothing in this permit shield shall in any way limit or affect the following:
 - 1. The provisions of section 303 (Emergency Orders) of the Act, including the authority of the Administrator under that section; or
 - 2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
 - 3. The applicable requirements of the acid rain program consistent with section 408(a) of the Act; or
 - 4. The ability of EPA to obtain information from a source pursuant to section 114 of the Act. *[Reference: 7 DE Admin. Code 1130 Sections 6.6.4 dated 12/11/00]*
- b. The permit shield granted in Condition 6 of this permit shall not extend to any changes made pursuant to Condition 2(m)(3) [Minor Permit Modifications] or Condition 4 [Operational Flexibility] of this permit. *[Reference: 7 DE Admin. Code 1130 Sections 6.8.2 dated 12/11/00, 7.5.1.6 dated 12/11/00, and 7.5.2.6 dated 12/11/00] <Insert this condition only if there is a Permit Shield>*

Document Number

pc: Dover (Title V) File

Attachment "A"- Revision History

<u>Date</u>	<u>Number</u>	<u>Revision Type</u>	<u>Description</u>	<u>Pages Revised</u>
<u>XX/YY/ZZZZ</u>	<u>Renewal 1</u>	<u>Permit Renewal</u>	<u>Renewal of permit; updated to reflect operating conditions and limitations.</u>	<u>--</u>
<u>AA/BB/CCCC</u>	<u>Revision 01SPM</u>	<u>Significant Permit Modification</u>	<u><Brief description of changes made by this revision></u>	<u><insert revised page numbers></u>

Clean Air Act Title V Program Evaluation Report
Department of Natural Resources and Environmental Control – FY2022

Appendix E

<This is an example of a Title V Memorandum. Everything in this template between <> is included for instructional purposes only and should be deleted before this Memo is issued (including this note).>

**REVIEW MEMORANDUM
7 DE Admin. Code 1130 (TITLE V) OPERATING PERMIT**

**<INSERT COMPANY NAME>
<Insert Company Address>
<City, State, ZIP Code>**

<INSERT AS APPROPRIATE: DRAFT, PROPOSED, FINAL> Permit No.: xxxxxxxx

TO: Administrator

THROUGH: Managing Engineer

FROM:

DATE: _____

BACKGROUND

<Describe the Company's operations and why they are subject to 7 DE Admin. Code 1130>

<Describe the Company's fee status>

<Describe any confidentiality issues>

CORRESPONDENCE CHRONOLOGY

<Use the table format below>

Date/Correspondence	Subject
<date, describe type of correspondence, (describe who the application was from)>	<describe the correspondence>
<date, describe type of correspondence, (describe who the application was from)>	<describe the correspondence>

EMISSION POINT AND EMISSION UNIT IDENTIFICATION

The following have been identified as emission points and emission units subject to the Title V operating program:

<Use the table format below>

Emission Unit ID	Emission Point ID	Emission Unit Description
<insert ID>	<insert ID>	<describe emission unit: for example - 25 mmBTU/hr natural gas fired boiler>

<Version 4 – Created 6/24/2013>

Review MEMORANDUM

<insert as appropriate: "Draft", "Proposed", "Final"> Permit No.: **xxxxxxx**

Company Name

Date

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INSIGNIFICANT ACTIVITIES

The following have been identified as insignificant activities under 7 DE Admin. Code 1130:

<Use the table format below>

Emission Unit ID	Emission Point ID	Description	Basis
<insert ID>	<insert ID>	<describe emission unit>	<describe basis of exemption>

EXISTING 7 DE Admin. Code 1102 PERMITS

<Use the table format below>

Permit Number and Date	Permitted Equipment
<insert permit number and date issued>	<describe the equipment that is permitted>

REGULATORY REVIEW/TECHNICAL REVIEW/COMPLIANCE METHODOLOGY

<Conduct a regulatory review for each emission unit. Discuss the Regulations that are applicable to each of the emission units and how the Company will comply with those requirements. Provide any emissions calculations. If the Company has a 7 **DE Admin. Code** 1102 permit for the emission unit, describe whether the condition will be transferred into the Title V Permit. Use the following Table format if Applicable:>

7 DE Admin. Code 1102 Permit Conditions/Status <insert Permit Number>		
Condition Number	Status	Permit Condition
<insert the condition number>	<insert status: Transferred or Deleted>	<insert the permit condition>

FACILITY WIDE REQUIREMENTS

1990 CAAA, Section 112(r)

<Version 4 – Created 6/24/2013>

Review MEMORANDUM

<insert as appropriate: "Draft", "Proposed", "Final"> Permit No.: **XXXXXXXX**

Company Name

Date

Page 3

<Describe whether the facility is subject to 112(r)>

1990 CAAA, Title VI

<Describe whether the facility is subject to Title V>

Compliance Schedule

<Provide whether or not the facility is under a compliance schedule. If it is, describe the schedule>

Permit Shield

<Provide whether or not the facility has requested a Permit Shield. If the have, use the following table to describe how the permit shield will cover the applicable requirements>

Emission Point	Emission Unit	Applicable Requirement
<list emission points>	<list emission units>	<list the applicable requirement>

Compliance Assurance Monitoring (CAM) Rule

For an emission unit to be subject to 40 CFR Part 64 (the CAM Rule) an emission unit must meet the following three (3) criteria: 1) The unit must be subject to an emission limitation or standard for the applicable regulated air pollutant, 2) The unit must use a control device to achieve compliance with any such emission limitation or standard; and 3) The unit must have potential pre-control device emissions of the applicable regulated air pollutant greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source.

The first step in investigating the CAM rule was to determine which emission units have a control device. The second step was to determine the potential pre-control emissions for that emission unit. The final step was to determine if the control device was inherent process equipment. The emission units with a control device, the regulated pollutant controlled, the potential pre-control emissions, and the inherent process equipment determination are presented in the following table.

CAM Applicability Determination

EU #	EU Name	Control Device	Pollutant	Applicable Requirement	Pre-Control Emissions	Inherent Process Equipment?	CAM Applicable?
<#>	<Insert name here>	<describe control device>	<VOC, PM, NO _x , etc.>	<describe requirement>	<provide number in TPY>	<Yes/No>	<Yes/No>

<Provide any other applicable information>

Review MEMORANDUM

<insert as appropriate: "Draft", "Proposed", "Final"> Permit No.: xxxxxxxx

Company Name

Date

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ADM:PMI:ENG or SCI:sec

F:\EngAndCompliance\ENG\SCI\xxxx.doc

pc: Dover Title V File
 PMII
 PMI
 ENG or SCI

Clean Air Act Title V Program Evaluation Report
Department of Natural Resources and Environmental Control – FY2022

Appendix F

Berne



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF AIR & WASTE MANAGEMENT
156 S. STATE STREET
DOVER, DELAWARE 19901

AIR QUALITY MANAGEMENT
SECTION

TELEPHONE : (302) 739 - 4791
FAX No.: (302) 739 - 3106

October 17, 2005

Ms. Judy Katz (3AP00)
Director
Air Protection Division
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

Dear Ms. Katz: *Judy*

Enclosed for your records is a signed copy of the Memorandum of Understanding (MOU) between the State of Delaware Air Quality Management Section and the U. S. Environmental Protection Agency, Region III for the Title V Operating Permits Program and the Compliance Program.

Sincerely,

Ali Mirzakhali
Ali Mirzakhali, P.E.
Administrator

Enclosure

RECEIVED
OCT 24 2005
DEPARTMENT ASSOCIATE DIR. (3AP00)
RECEIVED
OCT 20 2005
Division Director (3AP00)

Delaware's good nature depends on you!

AIR QUALITY MANAGEMENT

TITLE V

OPERATING PERMITS PROGRAM

and

AIR COMPLIANCE PROGRAM

MEMORANDUM of UNDERSTANDING
BETWEEN THE
STATE of DELAWARE
AIR QUALITY MANAGEMENT SECTION
AND
U.S. EPA - REGION 3
AIR PROTECTION DIVISION

October 2005

MEMORANDUM OF UNDERSTANDING

TITLE V
OPERATING PERMITS PROGRAM

AND

AIR COMPLIANCE PROGRAM

TABLE OF CONTENTS

- General Policy Statement
- II.** Purpose
- III.** General Responsibilities
- IV. Term **of MOU**
- V. Modification to MOU
- VI. Dispute Resolution
- VII. Specific Responsibilities of the Delaware Air Quality Management Section for Title V Operating Permits
- VIII. Specific Responsibilities of the Delaware Air Quality Management Section for Air Compliance Activities
- IX. Specific Responsibilities of the U.S. EPA -Region 3
- X. Program Evaluation

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
STATE OF DELAWARE
AIR QUALITY MANAGEMENT SECTION
AND
U.S. EPA - REGION 3
AIR PROTECTION DIVISION

I. GENERAL POLICY STATEMENT:

- A.** Over the coming years we will continue to work **closely** with our state and local agency partners to sharpen our focus on achieving measurable environmental results. This MOU is designed, in part, to help achieve two of the five goals presented in **EPA's** 2003 Strategic Plan - namely, Goal 1, Clean Air and Global Climate Change and Goal 5, Compliance and Environmental Stewardship as those goals apply to criteria and hazardous air pollutants for ambient air.
- B.** This Memorandum of Understanding (hereinafter **"MOU"**) defines policies, procedures, and responsibilities by which the operating permits program, and the air compliance program will be administered by both the Delaware Air Quality Management Section (hereinafter **"Delaware"**) and the United States Environmental Protection Agency, Region 3, Air Protection Division (hereinafter **"EPA"**). Such agreement will be maintained consistent with the Clean Air Act (CAA), and other existing regulations, and national policies.
- C.** This MOU may be modified after mutual consent of both parties for any purpose. Any revisions or modifications to this MOU shall be in writing signed by Delaware and EPA.

II. PURPOSE:

- A.** This MOU is entered into jointly by Delaware and the EPA for purposes of implementing the Title V Permits Program and the Air Compliance Program. Each party is responsible for ensuring that its obligations for Title V Permits under part 70 and Title V of the CAA are met accordingly. Also, that each party is responsible for adherence to national enforcement policies, and reporting of Minimum Data Requirements (MDRs) into the national AIRS Facility Subsystem (AFS) consistent with national time frames. Both

parties agree to maintain a **sufficient** level of communication, cooperation, and coordination between their respective staffs to ensure successful and effective administration of the Title V Operating Program and the Air Compliance Program.

- B.** Where provisions or conditions of this MOU conflict with any portion of previous agreements between Delaware and the EPA, the provisions or conditions of this MOU shall supersede those provisions or conditions of the prior agreements.
- C.** Both parties also agree to maintain a list of contact persons involved with implementation of both programs.

~~III. GENERAL RESPONSIBILITIES:~~

- A.** Notwithstanding the statutory and regulatory authority or any inter-agency agreements between Delaware and EPA, the State of Delaware has the primary responsibility for implementation of the Title V Operating Permits Program, as well as primary responsibility for implementation of national compliance policies and data reporting obligations. Delaware shall conduct its compliance and enforcement activities in accordance with the national Timely and Appropriate Enforcement Response to High Priority Violators and the Compliance Monitoring Strategy (hereinafter "policies¹").
- B.** In general, while this agreement provides Delaware with responsibility for initial enforcement, it is also intended to memorialize an oversight role for EPA. The EPA **shall** monitor compliance on a national and regional level. The EPA shall ensure that the implementation of environmental regulations through compliance assistance **and/or** enforcement activities is provided in a consistent fashion across the Region. Further EPA will ensure timely and appropriate Delaware enforcement against violators subject to, and consistent with, the above national policies in order to maintain a high rate ~~of compliance by the regulated c~~ **ity. This document does not give any** third party rights, nor does it limit **EPA's** authority under the CAA, nor limit Delaware's rights in any way.

IV. TERM OF MOU:

This MOU **shall** be effective upon execution by appropriate representatives of Delaware and EPA. It shall remain in effect unless terminated 30 days after written notice by either party.

V. MODIFICATION TO MOU:

This MOU will be modified in the future to reflect experiences in its implementation, as well as acknowledge revisions to national regulations, policies and/or guidance. This **MOU** may be modified only by written mutual agreement of Delaware and EPA.

VI. DISPUTE RESOLUTION:

Delaware and EPA shall view conflicts arising in the implementation of this MOU as an opportunity for discussion and improvement. With respect to the Compliance Program, Delaware and EPA shall address any disputes consistent with the Consultative Framework Process for Compliance and ~~Enforcement Coordination. Specifically, if conflicts arise between Delaware~~ and EPA staff regarding implementation of this **MOU**, attempts shall be made to resolve them at the lowest staff level possible. Conflicts which cannot be resolved to the satisfaction of Delaware's Program Manager for Engineering and Compliance and **EPA's** Associate Director for Enforcement and Permits Review, will be elevated to Delaware's Program Administrator of the Air Quality Management Section, and **EPA's** Director of the Air Protection Division.

VII. SPECIFIC RESPONSIBILITIES of the DELAWARE AIR QUALITY MANAGEMENT SECTION for TITLE V OPERATING PERMITS

A. TITLE V IMPLEMENTATION

1. The State of Delaware shall implement its Title V operating permit program consistent with its operating permit program regulations as approved by EPA on October **3,2001**.
2. The State of Delaware shall ensure that all sources subject to its Title V ~~operating permit program regulations submit timely applications~~ for initial permits and permit renewals, and any relevant permit modifications.
3. The State of Delaware shall meet the following milestones:
 - i. **Issue** all initial permits by December **31,2005**.
 - ii. After the effective date of this MOU, issue **100%** of new initial permits within 18 months of receipt of a complete

application.

- iii. After the effective date of this MOU, issue 75% of renewals within 18 months of expiration date.
- iv. After the effective date of this MOU, issue 75% of significant permit modifications within 18 months of receipt of a complete application.

- 4 The State of Delaware shall cooperate with EPA during any Title V Operating Permit program evaluation and **collaboratively** determine how best to implement mutually agreed upon measures that would improve program performance.

B. INFORMATION MANAGEMENT and REPORTING

By December 1 of each year, Delaware **shall** submit a report with the following information, for the prior EPA fiscal year:

- 1. Number of initial permits issued.
- 2. Number of initial sources for which a permit is required but not yet issued.
- 3. **Number** of new initial Title V **permit** applications **received** and number processed within 18 months of receipt of a complete application.
- 4. Number of renewal applications received and number of renewals issued within 18 months of permit expiration date.
- 5. Number of significant permit modification applications received and number processed within 18 months.

, These permit statistics should be a separate report for those data elements not reported in AFS.

VIII. SPECIFIC RESPONSIBILITIES of the DELAWARE AIR QUALITY MANAGEMENT SECTION for AIR COMPLIANCE ACTIVITIES

A. COMPLIANCE and ENFORCEMENT

- 1. Delaware shall operate its compliance and inspection program consistent with the national policy known as the "Clean Air Act Stationary Source Compliance Monitoring Strategy", dated April 25, 2001, and EPA Region 3's Area Source Delegation Implementation Strategy, dated June 8, 1999. The

emphasis by Delaware shall reflect a balance between Title V major sources, a limited subset of synthetic minor (SM) sources, and a limited subset of MACT area sources whose compliance date was on or before June 8, 1999.

2. Delaware is responsible for monitoring compliance of stationary sources of air emissions, taking appropriate enforcement action against violators of permitting and regulatory requirements and addressing citizens' complaints regarding nuisance situations and air pollution events. Delaware is also responsible for supporting **EPA's AFS** database in several capacities. There are currently 256 sources of air emissions in Delaware. These are more than the Air Quality Management Section has resources to inspect each year. Therefore, a select number are chosen to be monitored each year. The sources shall be selected for on **and/or** off-site monitoring based on size, potential impact on air quality, citizen concerns and importance to the regulatory scheme. As a result, those sources that have the greatest potential for adverse impact will be considered a priority for receiving a full compliance evaluation (majors, synthetic minors, and minor MACT sources). Other facilities are overseen through other means, such as partial compliance evaluations which includes limited scope site visits and record reviews (stack test reports, telemetry data, **production/raw** material usage data, VOC content analysis, etc.). Some facilities become priorities throughout the year due to complaints being received or as a result of rising compliance concerns. Also, special initiatives will be undertaken at times to focus on a single category of sources. Delaware's projected compliance monitoring activities should be embodied in an overall Compliance Monitoring Plan.

B. INFORMATION MANAGEMENT and REPORTING

1. By November 1 of each year, **identify** in AFS all sources planned to be inspected for this Federal fiscal year
2. By July 1 of each year, submit a revised **CMP** to EPA, if necessary, delineating by years 1 and 2 sources that will be inspected, and whether those inspections will be on-site or off-site, a full compliance evaluation, partial compliance evaluation or an investigation; a list of mega-sites, including the basis for identifying each source as a mega-site unless

already approved by the Office of Enforcement and Permits Review.

3. Provide for reporting into AFS within 60 days of completion the following: identified, addressed, and resolved **HPVs**; Inspection compliance status; penalties assessed and penalties paid; Permits issued: Title V, major **NSR/PSD**, and SM; Date of tests, pollutants tested, and compliance results for stack tests for major sources; and date reviewed and facility compliance status for Title V annual compliance certifications.
4. Identify to EPA **all** sources subject to the Timely and Appropriate Policy within the policy's time-frames and APD enforcement guidance.
5. Attempt to calculate emission reductions, where practicable, with every concluded enforcement settlement.

C. COMMUNICATIONS

1. Participate in **T&A** conference calls.
2. Identify to EPA all sources subject to the **T&A** Policy within the policy's time-frames and APD enforcement guidance.
3. On an as necessary basis, provide copies of **NOVs** and other noncompliance determinations for major sources and synthetic minors identified as **HPVs** during the **monthly/quarterly** T&A conference calls **and/or** meetings. Also provide copies of follow-up enforcement actions, penalty amounts and dates paid.
4. Resolve actions consistent with the Timely and Appropriate Enforcement Response Policy for High Priority Violations.

IX. SPECIFIC RESPONSIBILITIES of the U.S. EPA - REGION 3

A. PERMITS

1. The EPA **shall** operate pursuant to national and regional operating permit program initiatives that shall be delineated in Region 3's Annual MOA with EPA Headquarters, and may be modified as necessary and appropriate.

B. COMPLIANCE and ENFORCEMENT

1. The EPA shall operate pursuant to national and regional compliance and enforcement initiatives that shall be delineated in Region **3's Annual** MOA with EPA Headquarters, and may be modified as necessary and appropriate.
2. The EPA shall conduct inspections of planned national and regional sectors that will be shared with Delaware at the beginning of each Fiscal Year.
3. The EPA shall take action pursuant to Sections 113 or 114 of the Clean Air Act where Delaware requests such action or where there exists a violation of a federal order or decree or a national or regional initiative.
4. The EPA shall confer with Delaware prior to initiating any action pursuant to Sections 113 or 114 of the Clean Air Act. Such communication shall occur as soon as the EPA has reason to believe such action is necessary.
5. The EPA shall share with Delaware compliance assistance information it has developed or intends to use itself.

C. INFORMATION MANAGEMENT

1. The EPA shall share with Delaware information periodically generated or accumulated for compliance or enforcement purposes to promote an awareness of its activities, and for mid-year or year-end program-wide analysis.
2. The EPA and Delaware shall consult as necessary and appropriate, but not less than once every four months as part of the T&A communications to discuss compliance and enforcement efforts. During such meetings, the following information shall be shared:
 - i. planned federal inspections
 - ii. planned federal enforcement activities
 - iii. progress with ongoing federal enforcement actions

D. TRAINING

1. The EPA shall, at the request of Delaware, provide training regarding regulations, guidance, or other matters relevant to the Title V Operating Permit program, as **resources** allow.
2. The EPA shall, at the request of Delaware, provide training on regulations, guidance, inspection procedures, or other matters relevant to compliance and enforcement activities, as resources ~~permit~~ allow.
3. The EPA shall conduct an annual workshop for **AFS** data management, and on-site training, when requested and assuming available travel funds exist.

X. PROGRAM EVALUATION

A. TITLE V PERMITS

The EPA shall, on a periodic basis, conduct comprehensive Title V Operating Permit program and **permit** content evaluations. Such evaluations shall, be coordinated with Delaware in advance and with identified procedures.

B. COMPLIANCE AND ENFORCEMENT

Any evaluation of Delaware's compliance and enforcement program must account for the unique requirements, approaches, issues, and authorities of the Department of Natural Resources and Environmental Control. Any such evaluation must be on a **program-**wide basis at the close of each federal fiscal year or as part of a national initiative such as the Oversight Review Framework. Notwithstanding such evaluation, Delaware and the EPA will review issues relative to the implementation of this MOU as part of the T&A Meetings. The following may be considered:

- i. compliance rates
- ii. rates of recurring noncompliance and specific chronic violators
- iii. sources on the national "Watch List"ⁿ data base
- iv. frequency and adequacy of communications
- v. coordination efforts

- vi. penalty adequacy
- vii. **AFS** data quality
- viii. compliance with the national Compliance Monitoring Strategy
- ix. inspection thoroughness
- x. timeliness of enforcement actions
- xi. appropriateness of enforcement actions

C. GENERAL

Evaluation of Delaware's air compliance and permit programs must consider the degree to which the EPA acted as a leader for, partner with, and enabler of the Delaware Air Quality Management Section relative to compliance, enforcement and permit activities. Such evaluation **shall** occur at the close of each federal fiscal year, or other time frame **as** may be mutually agreed upon.

For the State of Delaware:



Ali Mirzakhali, Program Administrator
Air Quality Management Section

10-14-05
Date:

For the US. Environmental Protection Agency - Region 3:



Judith M. Katz, Director
Air Protection Division

10/3/05
Date:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Ali Mirzakhali, Director
Air Quality Management Section
Delaware Department of Natural Resources
& Environmental Control
156 South State Street
Dover, DE 19901-1401

15 OCT 2007

Dear Mr. Mirzakhali: *Ali*

In the fall of 2005, we entered into a Memorandum of Understanding (MOU) between the U.S. Environmental Protection Agency (EPA) and the Delaware Department of Natural Resources and Environmental Control regarding the management and oversight of the Title V Operating Permit Program and Air Compliance Program in Delaware. The purpose of this letter is to clarify the existing MOU to recognize your obligation to satisfy a more recent national EPA data collection request regarding the Title V program.

On August 16, 2006, EPA issued a memorandum entitled, "Revisions to Data Used for Title V Administrative Tracking (TOPS)" (enclosed). The memorandum establishes a uniform reporting instrument for the provision of Title V operating permit program implementation data to EPA by all permitting authorities in the country. This semiannual Title V permit data report requires the collection of data elements that are more inclusive than those data elements prescribed in Section VII.B. of the MOU. Therefore, this letter affirms that your submission of the semiannual Title V permit data report as detailed in the August 16, 2006 memorandum by July 31 and January 31 of each year will necessarily satisfy the reporting obligations of Section VII.B. of the MOU.

Please append this letter to the existing signed MOU as a means to clarify your obligations under Section VII.B. If you have concerns regarding this letter or do not wish to affect the MOU in this fashion, please contact me so that we may discuss other alternatives.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judith M. Katz".

Judith M. Katz, Director
Air Protection Division

Enclosure





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

AUG 16 2006

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Revisions to Data Used for Title V Administrative Tracking (TOPS)

FROM: *for* William T. Harnett *Scott Marbles*
Director, Air Quality Policy Division (C504-01)

TO: Regional Air Division Directors

Last year, an EPA work group, led by Region 5, was formed and tasked with reviewing and updating the data collected and used for tracking progress of the Title V operating permits program. The purpose of this memorandum is to transmit the revised data elements that resulted from the work group efforts. The collected data is entered into an EPA database, the Title V Operating Permits System (TOPS) database, and used to track State and Local Agency progress in implementing operating permits programs under 40 CFR Part 70. We are doing this to ensure we maintain adequate data for program oversight, including for reporting progress to the Office of Management and Budget (OMB) on meeting certain national goals for part 70 program administration established during OMB's Performance Assessment Rating Tool (PART) review. The Office of Air Quality Planning and Standards (OAQPS) are in the process of revising the TOPS database to include the revised data elements that we collect on issuance of initial permits, permit renewals, and permit modifications. In addition, we are changing the data reporting frequency from once a quarter to twice a year.

I am asking EPA Regions to transmit the attached documents to each of their State and local permitting agencies and to work with them to collect the new data. As you have done in the past, we will need Regional assistance in gathering the data from State and local agencies and entering the data into TOPS. We expect the new data to be reported for the first time in January of 2007, (covering the July-December 2006 period), although we are making allowances for State and local agencies that cannot meet this deadline (described as a "transition plan" below).

State and local permitting authorities were involved in the TOPS revision process. We first informed State and local agencies of the need to revise TOPS in March 2005 through STAPPA/ALAPCO. In January 2006, we provided a draft of the reporting form

to STAPPA/ALAPCO, and we asked for their input. We received several comments. Most comments were supportive, but several made specific requests for revisions or clarifications of the data elements. We have prepared a response to comments document to address the comments received.

Attached are three documents that provide additional information on these changes. First, a Question and Answer (Q&A) document providing detailed background information, including a transition plan for State and local agencies that need more time to start reporting the revised TOPS data (e.g., those that need to re-program State computer systems). Second, a reporting form that State or local agencies may use to report the data to EPA Regions, which provides detailed explanations of each data element. Third, a Response to Comments document, describing State and local agency concerns on an earlier draft of the TOPS reporting form and EPA responses, including revisions and clarifications made in response to those concerns.

If you have general questions about TOPS, please call Jeff Herring (OAQPS) at (919) 541-3195. For more specific questions about the TOPS workgroup or the definitions of the new data elements, please call Beth Valenziano (EPA Region 5) at (312) 886-2703.

Attachments

Q & A's on Revisions to TOPS

What is TOPS?

The Title V Operating Permit System (TOPS) is an internal EPA computer database used to track the progress of State and local permitting authorities ("Permitting Authorities") in administering approved part 70 operating permit programs. Currently, each Permitting Authority provides tracking data four times a year to its EPA Region and the EPA Region enters the data into TOPS. EPA takes data on issuance of initial operating permits from TOPS and provides it to the public at

<http://www.epa.gov/oar/oaqps/permits/maps/mapslink.html>

Why is TOPS being revised?

We seek to improve the administrative tracking data that we have been collecting, and begin collecting additional data. We are making the revisions to TOPS at this time because Permitting Authorities have issued most of the first-round initial operating permits, upon which the current version of TOPS focuses. Those first-round permits are starting to expire and today's proposed revisions will enable the Agency to track the issuance of renewal permits, in addition to other items related to the issuance of initial permits and permit modifications. We are also revising TOPS to track certain other data elements consistent with an agreement with the Office of Management and Budget (OMB), resulting from a Performance Assessment Rating Tool (PART) review. Based on the recent PART review, EPA has established national targets for timely issuance of initial permits and significant modifications and the revisions to TOPS will track information relevant to these targets.

How is the data reported and who enters it into TOPS?

In the past, Permitting Authorities have provided administrative tracking data to EPA Regions every 3 months using various formats. The EPA Regions entered the data into TOPS.

EPA has developed a reporting form that identifies all of the revised data tracking elements for TOPS. EPA encourages Permitting Authorities to use this form, as it will promote data consistency across EPA Regions. For those Permitting Authorities that do not use the form, they should nevertheless refer to the form to ensure that they are reporting to EPA all of the revised data elements. See below for the time-line for submitting the new TOPS data elements.

Is there a transition plan for gathering this new data from Permitting Authorities?

EPA acknowledges that Permitting Authorities may have to update or revise their internal administrative tracking systems in response to the revisions to TOPS (e.g., certain Permitting Authorities may need to start tracking the expiration dates of permits). EPA hopes that most Permitting Authorities will begin collecting the new TOPS data by July

2006, so that complete data for the July-December 2006 period will be available in January 2007. Permitting Authorities that provide the new TOPS information for this 6-month period will no longer have to submit the previous TOPS data on a 3-month basis.

Permitting Authorities unable to provide new TOPS data for the July-December 2006 period may continue to submit old TOPS data for the July-September 2006 and October-December 2006 periods. EPA requests that all Permitting Authorities report the new TOPS data for the January-June 2007 reporting period. EPA Regions will continue to enter the data into TOPS.

What is EPA's authority to ask States for this information?

EPA implemented the TOPS system pursuant to Title V of the Clean Air Act and its implementing regulations (40 CFR Part 70), which authorize EPA to perform oversight activities for approved operating permit programs. Specifically, 40 CFR 70.10(b) provides that approved operating permit programs shall be conducted in accordance with the requirements of 40 CFR Part 70 and of any agreements between the Permitting Authority and the Administrator concerning operation of the program. Section 70.10(b) further authorizes EPA to take certain actions if it concludes that a Permitting Authority is not adequately administering and enforcing its part 70 program. Section 70.4(j) also provides that information obtained or used in the administration of an operating permit program must be available to EPA upon request without restriction and in a form specified by the Administrator, including computer readable files to the extent practicable.

Were Permitting Authorities involved in the revision process?

Permitting Authorities were involved in the revision process. We first informed Permitting Authorities of the need to revise the administrative tracking data in TOPS in March of 2005 through STAPPA/ALAPCO. In January of 2006, we provided a draft of the data collection form to STAPPA/ALAPCO, and asked for comments. We received several comments. Most comments were supportive, but several made specific requests for revisions or clarifications of the data elements. We have prepared a response to comments document to address the comments received.

What is PART and how does this relate to TOPS?

The PART is an accountability tool used by OMB to drive federal program improvement. A PART review helps identify a program's strengths and weaknesses to inform funding and management decisions aimed at making the program more effective. The PART review for part 70, completed in December 2005, resulted in agreement for EPA to provide a national percentage of timely issued initial permits and significant modifications. EPA will be calculating these national percentages, based on the information provided in TOPS. Note that for fiscal year 2007 the national target for the percentage of timely issued initial permits is 87% and for timely issued significant modifications is 94%. "Timely" in this context refers to the statutory and regulatory

requirements for Permitting Authorities to issue or deny permits within 18 months of receipt of an administratively complete permit application.

Will additional changes be necessary in the future?

We may need to make adjustments to our requests for tracking data as we gain implementation experience. Also, additional PART measures for the national permit program may be necessary as there are on-going discussions with OMB on appropriate PART measures. If such additional measures are necessary, we may need to revise the TOPS data elements further. If this occurs, we intend to work with the EPA Regions and Permitting Authorities to facilitate any such changes.

FINAL EPA RESPONSE TO
STAPPA/ALAPCO COMMENTS
ON DRAFT REPORTING FORM

TITLE V OPERATING
PERMITS SYSTEM (TOPS)
REVISION PROJECT

U.S. EPA Regional &
OAQPS Workgroup
To Revise TOPS

August 16, 2006

Introduction

The Title V Operating Permit System (TOPS) is a computer database that EPA uses for Title V program oversight purposes. State and local permitting authorities ("Permitting Authorities") currently provide information to EPA Regions four times a year, and the EPA Regions enter that information into TOPS. The purpose of TOPS is to track permitting authority progress in issuing part 70 operating permits. The program has been in place for over a decade.

In February 2006, EPA proposed revisions to TOPS and circulated those revisions to interested stakeholders. This document contains responses to the comments that stakeholders raised concerning the February 2006 draft proposed revisions.

We are making the revisions to TOPS at this time because Permitting Authorities have issued most of the first-round initial operating permits, upon which the current version of TOPS focuses. Those first-round permits are starting to expire and today's revisions will enable the Agency to track the issuance of renewal permits, in addition to other items related to the issuance of initial permits and permit modifications. We are also revising TOPS to track certain other data elements consistent with an agreement with the Office of Management and Budget (OMB), resulting from a Performance Assessment Rating Tool (PART)¹ review. Based on the recent PART review, EPA has established national targets for timely issuance of initial permits and significant modifications and the revisions to TOPS will track information relevant to these targets.

EPA implemented the TOPS system pursuant to Title V of the Clean Air Act and its implementing regulations (40 CFR Part 70), which authorize EPA to perform oversight activities for approved operating permit programs. Specifically, 40 CFR 70.10(b) provides that approved operating permit programs shall be conducted in accordance with the requirements of 40 CFR Part 70 and of any agreements between the Permitting Authority and the Administrator concerning operation of the program. Section 70.10(b) further authorizes EPA to take certain actions if it concludes that a Permitting Authority is not adequately administering and enforcing its part 70 program. Section 70.4(j) also provides that information obtained or used in the administration of an operating permit program must be available to EPA upon request without

¹ The Performance Assessment Rating Tool (PART) is an accountability tool used by OMB to drive federal program improvement. A PART review helps identify a program's strengths and weaknesses to inform funding and management decisions aimed at making the program more effective. The PART review for part 70 was completed in December 2005. As a result of that review, EPA agreed to provide OMB a national percentage of timely issued initial permits and significant modifications. EPA will be calculating these national percentages, based on the information provided in TOPS. For fiscal year 2007, the national target for the percentage of timely issued initial permits is 87% and for timely issued significant modifications is 94%, pursuant to agreement with OMB.

restriction and in a form specified by the Administrator, including computer readable files to the extent practicable.

A. General

1. A Permitting Authority in EPA Region 4 commented that they will need to change their automated Quarterly Title V Permitting Report in their database to report the data elements specified in the proposed TOPS revisions. There are numerous permitting offices in the state that use the same database. As a result, it will take some time for computer systems programming to implement this request statewide.

Response: EPA acknowledges that Permitting Authorities may have to update their database queries in response to the changes to TOPS. Note, however, that the revised TOPS data elements are based on basic part 70 permit issuance milestones that all Permitting Authorities should already be tracking.

Permitting Authorities that are able to provide the EPA Regional Offices the new TOPS information for the July-December 2006 reporting period should no longer submit quarterly information for the previous TOPS elements. For these Permitting Authorities, the last quarterly report submitted under the old TOPS system will be for the April-June 2006 reporting period. Permitting Authorities that are not able to provide the new TOPS information for the July 2006-December 2006 reporting period should submit the old TOPS information for the July-September 2006 and October-December 2006 quarterly reporting periods. To facilitate program oversight, EPA requests that all Permitting Authorities report the new TOPS elements beginning with the January-June 2007 reporting period.

2. A Permitting Authority in EPA Region 4 commented that, to address permit backlog concerns, it might be helpful to draft a plan to expedite issuance. They recommend that any such plans be drafted between the EPA Regions and state and local agencies.

Response: EPA agrees that, once Permitting Authorities begin submitting the revised TOPS data, it may be appropriate for Permitting Authorities and EPA Regional Offices to develop permit issuance plans to address any backlog concerns.

B. Data Element 1: Outstanding Permit Issuance

1. A Permitting Authority in EPA Region 5 suggested that this data element be static for permitting authorities that either had no commitment (they would indicate "Not applicable"), or have met the commitment (e.g., indicating the date completed). Permitting Authorities that have not completed the commitment should indicate "X of XXX commitment applications remaining".

Response: EPA has revised data element 1 to add the date of "commitment" completion. We clarify that for purposes of TOPS reporting, the term "commitment," as used in the revised tracking form, means any agreement(s) by the Permitting Authority concerning completion dates for initial permit issuance. For example, a letter from the Permitting Authority to EPA, indicating the number of initial

permits that will be issued within a specified time period, is a "commitment" for purposes of this data element. Permitting Authorities that do not have commitments would enter "Not Applicable" in 1.a and 1.b.

C. Data element 2: Total Current Part 70 Universe and Permit Universe

1. Data element 2.a. A Permitting Authority in EPA Region 5 raised several detailed questions, including requests for clarification of when to count sources (based on permit application due dates), clarification of sources no longer subject to part 70; and additional detailed scenarios.

Data Element 2.a. A Permitting Authority in EPA Region 5 agrees that clarification is needed regarding the "known sources that should have submitted a Part 70 application, but did not".

Response: EPA has changed this data element to clarify its intent by focusing less on the varying part 70 program application requirements. In the proposed revisions to TOPS, EPA proposed that Permitting Authorities count part 70 sources in this element only after the sources' part 70 permit applications become due. EPA chose this benchmark because Permitting Authorities may not have information pertaining to sources' part 70 status until the sources submit the applications, which in many cases will be 12 months after sources become subject to part 70. The revised data element now includes all sources subject to the Permitting Authority's approved part 70 program applicability requirements (i.e., requirements equivalent to 40 CFR 70.3). However, the instructions acknowledge that Permitting Authorities' data may be limited prior to the sources' submission of part 70 applications.

Accordingly, element 2 is intended to capture all sources currently subject to part 70, based on information available to the Permitting Authority. EPA expects that the majority of sources identified in element 2 will still be based on the Permitting Authority's application and permit tracking information. However, the Permitting Authority should count all part 70 sources it has identified, regardless of sources' application or permit status. For example, if the Permitting Authority is aware of new part 70 sources that are not yet required to submit part 70 permit applications, those sources should be included in data element 2 as well.

In addition, EPA has added examples of "sources no longer subject to part 70," in the chart, such as sources that have shut down, become natural minors, or become synthetic minors, and do not have an active part 70 permit.

2. Data element 2.b. A Permitting Authority in EPA Region 5 provided several detailed scenarios, asking EPA to further clarify this subset of the part 70 source universe.

Data element 2.b. A Permitting Authority in EPA Region 5 and a Permitting Authority in EPA Region 6 requested that EPA clarify the term "expected to obtain a synthetic minor restriction". One Permitting Authority stated that they do not separately track new applications that may include requests for minor source limits.

August 16, 2006

Data Element 2.b. Two Permitting Authorities in EPA Region 5 requested clarification of the phrase in the second bullet "synthetic minor restrictions have expired."

Response: EPA has revised this data element to further clarify it. The purpose of this data element is to identify the number of part 70 sources that are seeking synthetic minor restrictions to avoid the applicability of 40 CFR Part 70 (see 40 CFR 70.3), but they have not yet received such restrictions, and the part 70 program's application due dates have passed. The sources are therefore still subject to Part 70's application and permitting requirements. Some Permitting Authorities may have a number of sources in this situation, while other Permitting Authorities may not. Permitting Authorities may also wish to provide additional information in data element 9 to address any specific situations and to describe related state program requirements, as needed.

Please note that, if the Permitting Authority's part 70 applications do not readily identify sources seeking synthetic minor restrictions in lieu of a part 70 permit, the Permitting Authority may include those sources in 2.a, and need not break them out in 2.b. However, there may be instances where the Permitting Authority has knowledge - separate and apart from part 70 permit applications - that a source is seeking synthetic minor restrictions. In such instances, the Permitting Authority should report this information in data element 2.b. EPA believes it will not be unduly burdensome to calculate 2.b because Permitting Authorities need not determine the part 70 applicability implications for all synthetic minor requests. Permitting Authorities will only have to consider requests that are not acted upon before the part 70 application due date.

EPA has also clarified the meaning of "sources whose synthetic minor restrictions have expired" by noting that these include sources with no synthetic minor restrictions currently in place, even though they may be eligible for such restrictions. For the purposes of this data element, the Permitting Authority should include in data element 2.b sources that previously had limits to avoid part 70 applicability, no longer have any such limits (even though they may be eligible), and are now required to submit a part 70 application. Sources with expired synthetic minor limits that apply for part 70 permits because they are no longer seeking synthetic minor restrictions should be counted in 2.a, not 2.b. Whether or not a Permitting Authority has any sources in this situation will depend on the Permitting Authority's mechanisms for limiting part 70 applicability, such as whether synthetic minor limits expire, whether the program allows synthetic minor permit terms to extend if the source submits a timely renewal application, whether the permitting authority has other stop-gap mechanisms to avoid a lapse in synthetic minor restrictions, etc.

3. Data element 2.d. A Permitting Authority in EPA Region 5 requested that EPA clarify the term "expected" in the data element.

Data element 2.d. A Permitting Authority in EPA Region 5 noted that it is currently not set up to track this information automatically for permits issued to sources having separate source IDs. The Permitting Authority has quite a few sources where multiple permits are issued to

the same source under separate IDs including but not limited to steel mills, their contractors, and some utilities. This could require a significant manual effort.

Response: For Permitting Authorities that issue separate part 70 permits to single sources, and also track these permits separately, the source universe identified in data element 2 may be smaller than the permit-based tracking information in subsequent data elements. For example, a permitting authority may have a total part 70 source universe of 200, but those 200 sources may be covered by a total of 250 individual permits. To help reconcile any such discrepancies, data element 2.d provides a place to identify the permitting authorities' total permit universe.

The transition period from the old TOPS tracking system to new TOPS, discussed in A.1 above, should provide Permitting Authorities sufficient time to adjust current tracking systems. Permitting Authorities that issue separate part 70 permits to single part 70 sources should be able to ascertain both the number of part 70 sources, as well as the associated number of part 70 permits. However, if the Permitting Authority issues multiple permits to single sources on the same time line, i.e., they are issued simultaneously and have identical 5-year permit terms, and the Permitting Authority tracks and reports these multiple permits as a single permit, then the Permitting Authority may enter "not applicable" in element 2.d. In addition, EPA has revised the element to remove the term "expected", as some Permitting Authorities found the term confusing.

D. Data element 3: Total Active Part 70 Permits

1. Data element 3. A Permitting Authority in EPA Region 5 provided several detailed scenarios, asking EPA to further clarify this data element, particularly with respect to extended permits.

Data element 3. The Permitting Authority's comments on element 2.d regarding tracking multiple permits issued to single sources also applies to element 3.

Response: EPA believes that the current description of this data element, as well as the description of extended permits in data element 6.b, is sufficient.

However, we have further clarified that Permitting Authorities should only count currently active permits. Permitting Authorities should not count part 70 permits that are no longer in effect, including, for example, sources that have shutdown, sources that have obtained permits with synthetic minor restrictions such that the sources no longer meet the applicability criteria of 40 CFR Part 70, etc. EPA notes that the procedures for rendering part 70 permits no longer effective may vary, depending on the specific Permitting Authority's requirements.

See response C.3 above addressing the comment of the Permitting Authority from EPA Region 5.

E. Data Element 4: Timeliness of Initial Permits

1. Data Element 4. On the February 2006 STAPPA conference call, several Permitting Authorities expressed concern regarding the need for this data element.

Response: These data elements will allow EPA to track the annual measures that EPA and OMB agreed to in the PART review of the title V program completed in December 2005. The PART review is an OMB requirement for each federal agency (over 700 agencies have been "PARTED" to date). This review requires both long-term and annual measures to track success of the program in meeting its goals. Although the long-term measures are still under development, the annual measures are included in the TOPS system to facilitate reporting and handling of the data.

2. Data Element 4.a. Several Permitting Authorities requested clarification regarding whether "complete application" referred to administrative or technical completeness.

Response: EPA has modified these data elements to refer to an "administratively complete application." Section 70.5(a)(2) provides that the operating permit program include "criteria and procedures for determining in a timely fashion when applications are complete." Pursuant to 40 CFR 70.7(a)(4), the Permitting Authority must "promptly provide notice to the applicant of whether the application is complete." Section 70.7(a)(4) further provides that "[u]nless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of the application, the application shall be deemed complete." The 18 month time period for processing permit applications begins upon receipt of an administratively complete application. See, e.g., 70.7(a)(2); 57 FR 32272 (July 21, 1992). In July 1995, EPA issued guidance on the issue of completeness determinations. See White Paper for Streamlined Development of Part 70 Permit Applications (White Paper 1), July 10, 1995, at 19-20. EPA refers Permitting Authorities to that guidance which addresses administratively complete applications.

Some Permitting Authorities have expressed concern that the need for additional information from an applicant after an application is deemed administratively complete can affect permit issuance rates. If this is an issue, Permitting Authorities may choose to provide information in data element 9 pertaining to the initial permits that were not finalized within 18 months of receipt of an administratively complete application due to requests for additional information. For purposes of reporting under these TOPS data elements, requests for additional information made after a finding of completeness (or after an application is deemed complete under 40 CFR 70.7(a)(4)) do not restart the 18-month clock.

3. Data Elements 4.a and b. A Permitting Authority in EPA Region 5 requested additional clarification regarding when to count applications as "initial", for sources that had previously been issued state only or synthetic minor permits, or for sources whose previous permits had lapsed.

Response: For TOPS tracking purposes, initial permits are permits that are issued to any source that has become subject to part 70 for the first time, or any source that comes back into the part 70 program

after a period of not being subject. If a previous permit has lapsed, the part 70 applicability status of the source--not the status of the previous permit--should be used to determine whether the subsequently issued permit is an initial or a renewal part 70 permit. For example, if a source's previous part 70 permit expired because the source did not submit a timely and complete renewal application, the subsequently issued part 70 permit is still considered a renewal permit because the source remained subject to part 70. Another example is where a source has an expired synthetic minor permit and applies for a part 70 permit. For TOPS purposes, this application would be considered an "initial" application. Permitting Authorities should determine the part 70 status of sources when calculating the TOPS data elements. Permitting Authorities may also wish to provide additional information in data element 9 to address any specific situations and to describe related state/local program requirements, as needed.

4. Data Element 4.c. A Permitting Authority in EPA Region 5 suggested removing the percentage calculation element because it is irrelevant and may be misinterpreted as representing the overall ability of a permitting authority to adequately implement the Part 70 program. The Permitting Authority agrees that data elements 4.a and 4.b are useful for identifying the split of permits that did and did not meet the processing deadline.

Response: EPA agrees that it is not necessary for Permitting Authorities to provide the percentage calculation of initial permits issued timely within the 6 month reporting period, and has removed data element 4.c. However, please note that EPA has agreed to provide OMB a national percentage of timely issued initial permits as part of the PART review process. Therefore, EPA will be calculating the national percentage, based on the information Permitting Authorities provide in data elements 4.a and 4.b. Note also that the national target for the percentage of timely issued initial permits has changed from 100% to 87% for fiscal year 2007, pursuant to discussions with OMB.

F. Data Element 5: Total Outstanding Initial Part 70 Applications and Synthetic Minor Requests

1. Data Element 5.a. Several Permitting Authorities requested clarification regarding whether "complete application" referred to administrative or technical completeness.

Data Element 5.a. A Permitting Authority in EPA Region 5 provided several detailed questions, asking EPA to further clarify this data element.

Response: EPA has revised this data element to refer to "administratively complete" initial Part 70 permit applications. See the discussion in section E.2 above. In addition, EPA has revised the element to remove the phrase "sources expected to obtain a part 70 permit", as some Permitting Authorities found the term "expected" confusing. EPA also removed a redundant sentence in the information section of the chart.

The purpose of this data element is to identify the initial part 70 permit application backlog. As discussed in section E.3 above, for TOPS purposes, initial applications are applications for sources that

are subject to part 70 for the first time, or any source that comes back into the part 70 program after a period of not being subject. Due to the structure of the commenter's permitting program, this Permitting Authority may be grouping part 70 and other types of permits together in determining "initial" or "renewal" status. States should determine the part 70 status of sources when calculating the TOPS data elements.

The initial part 70 permit application backlog element only tracks pending applications that have not yet been acted on. For example, once a Permitting Authority issues a part 70 permit-even if that action occurred more than 18 months after receipt of an administratively complete application--that application is no longer counted in this data element.

2. Data element 5.b. A Permitting Authority in EPA Region 5 commented that definition of the sources captured by this data element may need some clarification. The Permitting Authority suggests that applications submitted before 1997 be reported separately from more recent applications received more than 18 months ago.

Data element 5.b. A Permitting Authority in EPA Region 6 commented that they do not categorize minor source permit applications into those that would/would not be Title V without permit restrictions.

Data element 5.b. A Permitting Authority in EPA Region 5 provided several detailed questions, asking EPA to further clarify this data element.

Response: EPA has decided to remove data element 5.b. This element was intended to capture the synthetic minor application backlog for part 70 sources seeking to avoid the part 70 program. However, EPA found it difficult to define this element in a way that would adequately address Permitting Authorities' varied programs, and as a result many found the data element confusing. Data element 2.b still captures information regarding sources seeking to avoid part 70, which EPA will use for national program oversight. Permitting Authorities should be prepared to provide additional information regarding these sources, if necessary for individual program oversight.

3. Data element 5.d. A Permitting Authority in EPA Region 5 commented that there are so many variables in determining the different time clocks for the State's combined New Source Review/part 70 permit issuance timelines, it would be complicated to report on this data element.

Data element 5.d. A Permitting Authority in EPA Region 5 suggested striking this metric. To ensure consistency and reduce workload and confusion, the State suggests all Permitting Authorities report consistently nationwide based on the 40 CFR Part 70 requirements.

Data element 5.d.2. A Permitting Authority in EPA Region 6 commented that the synthetic minor restriction number would always be zero for that Permitting Authority, as addressed in section 2.b comments above.

Response: EPA agrees that reporting based on Permitting Authority-specific timelines may be difficult to manage as a national TOPS data

element due to the many varied requirements across the country. Although EPA is removing this data element from TOPS, EPA may nonetheless request this information as necessary for individual part 70 program oversight.

G. Data Element 6: Outstanding Renewal Permit Actions

1. Data Elements 6.a and 6.b. A Permitting Authority in EPA Region 5 asked for clarification on the word "addressed," when referring to "expired permits addressed through consent orders or other enforcement mechanisms."

Data Elements 6.a and 6.b. A Permitting Authority in EPA Region 5 asked for clarification regarding determining whether an application is timely, i.e., application received date vs. postmark date.

Response: These requirements may vary, depending on factors outside of the part 70 program. For purposes of TOPS reporting, Permitting Authorities should count all expired permits for those sources that meet the applicability requirements of 40 CFR 70.3, even if a source is still complying with the expired permit for other purposes, such as to meet the terms of a consent order. With respect to determining timely application status for purposes of TOPS reporting, Permitting Authorities should consider relevant state administrative requirements, such as considering postmark dates, when making this determination.

2. Data Element 6.a. A Permitting Authority in EPA Region 6 commented that it does not track this information, but checks for expired permits through annual inspections for all part 70 sources. The Permitting Authority can provide the number of enforcement actions for expired permits.

Data Element 6.a. A Permitting Authority in EPA Region 5 commented that this element is complicated because it requires identifying the null case where no application has been received. The Permitting Authority also requested clarification on several detailed permitting scenarios.

Response: EPA acknowledges that Permitting Authorities may have to update their tracking systems in response to the changes to TOPS. Permitting Authorities should be able to determine permit expiration dates for each permit. This should not be unduly burdensome, as most part 70 permits have a fixed 5 year term. Permitting Authorities that are not currently tracking permit expiration dates may need to either add this tracking element or they may be able to calculate it based on permit issuance dates.

EPA disagrees that tracking expired permits is complicated. Because most permits have a fixed 5 year term, it is a straightforward matter to determine when the 5 year term has ended. Further, because Permitting Authorities should also be tracking permit renewal applications, it should not be difficult to remove from a preliminary count of potentially expired permits those sources that have submitted timely and administratively complete renewal applications.

The Region 5 Permitting Authority's detailed questions again pertain to the interrelated structure of their permitting programs. Permitting

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Authorities should determine the part 70 status of sources when calculating the TOPS data elements. For example, this Permitting Authority refers to part 70 applications for a source previously subject to a state permit program as renewal applications. For purposes of TOPS, these are considered initial part 70 applications and would not be counted in this data element.

3. Data element 6.b. A Permitting Authority in EPA Region 6 commented that it does not track extended permit information, and uses annual inspections to assure timely renewals.

Data element 6.b. A Permitting Authority in EPA Region 5 requested clarification on several detailed permitting scenarios.

Response: EPA acknowledges that Permitting Authorities may have to update their tracking systems in response to the changes to TOPS. In addition to TOPS tracking, Permitting Authorities should be able to identify extended part 70 permits for the purposes of managing their own permit issuance workloads and priorities. Once Permitting Authorities determine the expired permit information for element 6.a, they will also be able to identify the extended permit information in element 6.b.

The Region 5 Permitting Authority's detailed questions again pertain to the interrelated structure of their permitting programs. Permitting Authorities should determine the part 70 status of sources when calculating the TOPS data elements. EPA will work with this Permitting Authority if necessary to address any outstanding questions.

H. Data Element 7: Timeliness of Significant Modifications

1. Data element 7. Several Permitting Authorities requested clarification regarding administrative versus technical completeness.

Response: As addressed above in section E.2, EPA has clarified this data element to refer to administrative completeness.

2. Data element 7.c. A Permitting Authority in EPA Region 5 suggested striking the percentage timely calculation because it is irrelevant and may be misinterpreted as representing the overall ability of a permitting authority to adequately implement the Part 70 program.

Response: EPA agrees that it is not necessary for Permitting Authorities to provide the percentage calculation of significant modifications issued timely within the 6 month reporting period, and has removed data element 7.c. However, please note that EPA has agreed to provide OMB a national percentage of timely issued significant modifications as part of the PART review process. Therefore, EPA will be calculating the national percentage, based on the information Permitting Authorities provide in data elements 7.a and 7.c. Note that the national target for the percentage of timely issued significant modifications has changed from 100% to 94% for fiscal year 2007, pursuant to discussions with OMB.

Also see the response below in section I.2, regarding an addition to data element 7.

I. Data Element 8: Outstanding Significant Permit Modifications

1. Data element 8. Several Permitting Authorities requested clarification regarding administrative versus technical completeness.

Response: As addressed above in section E.2, EPA has clarified this data element to refer to administrative completeness.

2. Data element 8.b. A Permitting Authority in EPA Region 5 suggested striking this metric, consistent with their comments on element 5.d. To ensure consistency and reduce workload and confusion, they suggest all Permitting Authorities report based on the 40 CFR Part 70 requirements.

Data element 8.b. A Permitting Authority in EPA Region 5 requested clarification regarding how to calculate their specific deadlines for merged New Source Review/part 70 applications. In addition, the Permitting Authority requested clarification regarding whether EPA wants information pertaining to the 40 CFR 70.7(e)(4)(ii) requirement that the majority of significant permit modification reviews be completed within 9 months.

Response: EPA agrees that reporting based on Permitting Authority-specific timelines may be difficult to manage as a national TOPS data element due to the many varied requirements across the country. Although EPA is removing this data element from TOPS, EPA may nonetheless request this information as necessary for individual part 70 program oversight.

EPA agrees that it would be useful to collect data pertaining to the 9 month significant permit modification provision in 40 CFR 70.7(e)(4)(ii). We have expanded data element 7 to capture the number of significant modifications finalized during the 6 month reporting period that were issued within 9 months. Because data element 7 already requires Permitting Authorities to calculate similar significant modification data, this addition is not overly burdensome. Note, however, that the 9 month issuance data is not a PART reporting requirement.

Semiannual Title V Permit Data Report

This information request is authorized pursuant to the Information Collection Request for Part 70 Operating Permit Regulations, EPA Number 1587.06, OMB Number 2060-0243; April 2004.

Permitting Authority:		
Report Date:		
Reporting Period:	<input type="checkbox"/> January 01 – June 30, *Report due July 31*	<input type="checkbox"/> July 01 – December 31, *Report due January 31*

Data Element	Reported Value	Information
1. Outstanding Permit Issuance	a) Number of final actions:	<ul style="list-style-type: none"> Total final actions on Permitting Authority-specific permit issuance commitments (i.e., agreements by the Permitting Authority to complete action on initial permits within a specified time-frame, such as agreements related to the 2001 citizen comments). If the Permitting Authority does not have a commitment, enter "not applicable" in 1(a) and 1(b).
	b) Total commitment universe:	
	c) Date commitment completed (if applicable):	
2. Total Current Part 70 Source Universe and Permit Universe	a) Number of active part 70 <u>sources</u> that have obtained part 70 permits, plus the number of active part 70 <u>sources</u> that have not yet obtained part 70 permits:	<ul style="list-style-type: none"> The total current part 70 <u>source</u> universe includes all sources subject to the Permitting Authority's part 70 program applicability requirements (i.e., provisions comparable to §70.3). In 2.a), count all active sources that either have obtained or will obtain a part 70 permit. EPA expects that this data will be primarily based on the Permitting Authority's application and permit tracking information. If, however, the Permitting Authority is aware of part 70 sources that are not yet captured by application or permit information, count those sources as well. Do <u>not</u> count sources that are no longer subject to part 70, such as sources that have shut down, or become natural minors or synthetic minors, and do not have an active part 70 permit. Do <u>not</u> double count sources included in 2.b).

<p>Total Current Part 70 Source Universe and Permit Universe</p> <p>(Continued)</p>	<p>b) Number of part 70 <u>sources</u> that have applied to obtain a synthetic minor restriction in lieu of a part 70 permit, and the part 70 program's permit application due dates for those sources have passed:</p>	<ul style="list-style-type: none"> • Element 2.b) is intended to capture the universe of part 70 sources that are seeking synthetic minor restrictions in lieu of part 70 permits, but haven't received those restrictions before becoming subject to the part 70 program's permit application requirements. If the part 70 applications don't readily identify sources seeking such restrictions, the Permitting Authority may include those sources in 2.a), and need not break them out here. However, EPA expects Permitting Authorities to consider pending synthetic minor requests <u>not</u> addressed in part 70 applications to calculate this portion of the part 70 source universe. • Count sources that currently meet the part 70 program's applicability requirements, their part 70 application due dates have passed, and they have requested but not yet received synthetic minor restrictions in lieu of a part 70 permit (or permit renewal). • Also count active sources whose synthetic minor restrictions have expired (i.e., no synthetic minor restrictions are currently in place, even though they may be eligible for such restrictions) and are past their part 70 program's application due date. • Do <u>not</u> count sources that have active synthetic minor restrictions and are no longer subject to part 70. • Do <u>not</u> double count sources included in 2(a).
	<p>c) Total number of current part 70 <u>sources</u> (a+b):</p>	
	<p>d) <i>For permitting authorities that issue multiple part 70 permits to a single source:</i> total number of active part 70 <u>permits</u> issued, plus part 70 <u>permits</u> applied for:</p>	<ul style="list-style-type: none"> • For Permitting Authorities that issue multiple part 70 permits to a single source, and these permits are issued and tracked separately, report the total permit universe, including # of active part 70 permits issued (element 3 below), plus permits applied for (based on pending applications). This information is for correlating data when the Permitting Authority's part 70 <u>permit</u> universe may be greater than the part 70 <u>source</u> universe. • For Permitting Authorities that do not issue multiple permits to a single source, or for those that issue and track multiple permits issued to a source on a source-wide basis, enter "not applicable" in 2.d).

<p>3. Total Active Part 70 Permits</p>	<p>Total number of active part 70 permits:</p>	<ul style="list-style-type: none"> • This element includes all <u>active</u> initial and renewal part 70 permits issued by the permitting authority. Do <u>not</u> count inactive permits, i.e., permits that are no longer in effect due to source shutdown, synthetic minor restrictions, etc. Note: the procedures for rendering part 70 permits no longer effective may vary, depending on the part 70 program. • Do <u>not</u> count both initial and renewal permits (or prior renewal and current renewal permits) issued to the same source; i.e., do not double count. • Count permits that have been extended (see 6.b. below), but do <u>not</u> count permits that have expired, or have been voided, revoked, etc. • Count each source covered by a general permit separately for this data element. If a single source has several general permits and/or source specific permits, refer to the information for permitting authorities that issue multiple part 70 permits to a single source. • For permitting authorities that issue multiple part 70 permits to a single source and included information in element 2(d), count each permitted portion of the source separately for this element. This distinction is for correlating this data element with the permit universe information in element #2(d).
<p>4. Timeliness of Initial Permits (PART element)</p>	<p>a) Total number of initial part 70 permits issued during 6 month reporting period:</p>	<ul style="list-style-type: none"> • This data element tracks the initial part 70 permits issued as final (e.g., not draft or proposed) during the 6 month reporting period covered by this report, and whether they were issued within 18 months of receipt of an administratively complete application. • For TOPS purposes, initial permits are permits that are issued to any source that has become subject to part 70 for the first time, or any source that comes back into the part 70 program after a period of not being subject. • If no initial permits were issued during the 6 month reporting period, report "zero" in 4(b), and "not applicable" in 4(a).
	<p>b) Number of initial part 70 permits finalized during 6 month reporting period that were issued within 18 months:</p>	<ul style="list-style-type: none"> • Start the 18-month clock on the submittal date of an administratively complete application. For purposes of this data element, do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. • For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each permitted portion of the source separately for this element. This distinction is for determining individual permit timeliness.

<p>5. Total Outstanding Initial Part 70 Applications</p>	<p>The number of active initial part 70 applications older than 18 months:</p>	<ul style="list-style-type: none"> • This element tracks <u>all</u> active, administratively complete <u>initial</u> part 70 permit applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. • For TOPS purposes, initial part 70 applications are applications for sources that are subject to title V for the first time, or for any source that comes back into the title V program after a period of not being subject. Do <u>not</u> include renewal applications. • Include all current outstanding initial applications, including those that may also be tracked in data element #1. • Do <u>not</u> count initial applications the Permitting Authority has taken final action on.
<p>6. Outstanding Renewal Permit Actions</p>	<p>a) Total number of expired permits for active part 70 sources:</p>	<ul style="list-style-type: none"> • This data element tracks the total number of expired permits for active part 70 sources. Part 70 permits expire after 5 years if the sources do not submit timely and complete renewal applications, or if they have lost their application shield by not timely responding to additional requests for information. • Include expired permits that have been addressed through consent orders or other enforcement mechanisms. Expired permits can be further addressed in the "Additional Information" element. • Do <u>not</u> include permits that have expired because the source is no longer subject to Title V; i.e., they have shutdown or have received synthetic minor restrictions. <p>For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each expired permit separately.</p>

<p>Outstanding Renewal Permit Actions</p> <p>(Continued)</p>	<p>b) Total number of active permits with terms extended past 5 years:</p>	<ul style="list-style-type: none"> • This data element tracks the total number of active permits that have been extended past the original 5 year permit term. Part 70 permits or permit conditions are extended beyond the original 5 year term when sources submit a timely and complete renewal application (and any timely and complete additional information requested by the permitting authority), but the permitting authority has not yet issued a renewal permit. • Count all extended permits, including extended permits for sources that submitted timely and complete renewal applications within the last 18 months. Pending applications that are less than 18 months old can be further addressed in the "Additional Information" element. • Do <u>not</u> include inactive extended permits, i.e., when a subsequent permit renewal has been issued or a source is no longer subject to part 70. • Do <u>not</u> include "expired part 70 permits" that have been addressed through consent orders or other enforcement mechanisms. Count expired permits in 6(a). • For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each extended permit separately.
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<p>7. Timeliness of Significant Modifications (PART element - a and b only)</p>	<p>a) Total number of significant modifications issued during 6 month reporting period:</p>	<ul style="list-style-type: none"> This data element tracks the number of significant modifications issued as final (e.g., not draft or proposed) during the 6 month reporting period. It also tracks the number of those modifications that were issued within 18 months of receipt of an administratively complete significant modification application, and also the number that were issued within 9 months. Note that 7(c) is a subset of 7(b). If no significant modifications were issued during the 6 month reporting period, report "zero" in 7(a) and "not applicable" in 7(b) and 7(c). Start the application clock on the submittal date of an administratively complete significant modification application. Do not restart the clock for additional information submissions.
	<p>b) Number of significant modifications finalized during 6 month reporting period that were issued within 18 months:</p>	
	<p>c) Number of significant modifications finalized during 6 month reporting period that were issued within 9 months:</p>	
<p>8. Outstanding Significant Permit Modifications</p>	<p>Total number of active significant modification applications older than 18 months:</p>	<ul style="list-style-type: none"> This element tracks all active, administratively complete significant permit modification applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. Do <u>not</u> count significant modification applications the Permitting Authority has taken final action on.
<p>9. Comments and Additional Information</p>		<p>Permitting authorities may provide any additional information in this section. For example, a permitting authority may address data changes, data management issues, general permits, multiple permits issued to single stationary sources, synthetic minor information, additional relevant data, etc.</p>

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Appendix G

APPENDIX A

Workload Completion - Employees will adhere to the following project milestone timeframes:

Area	Sub-Area	Item	Goal
Permitting	Natural Minor	Issuance	90 days
Permitting	Natural Minor	Advertise/Request additional information	30 days
Permitting	Natural Minor	Initial Review	7 days
Permitting	Synthetic Minor	Issuance	120 days
Permitting	Synthetic Minor	Draft issued	80 days
Permitting	Synthetic Minor	Initial Review	7 days
Permitting	Federally Enforceable	Issuance	120 days
Permitting	Federally Enforceable	Draft issued	80 days
Permitting	Federally Enforceable	Initial Review	7 days
Permitting	TV Renewal	Issuance	By expiration
Permitting	TV Renewal	Draft issued	Expiration - 120 days
Permitting	TV Renewal	Completeness	60 days
Permitting	TV Sig Mod	Issuance	270 days
Permitting	TV Sig Mod	Draft issued	90 days
Permitting	TV Sig Mod	Completeness	60 days
Permitting	TV Admin	Issuance	60 days
Permitting	NSR Permits	Issuance	365 days
Permitting	NSR Permits	Draft issued	270 days
Permitting	NSR Permits	R/B/L Clearinghouse	Issue + 60 days
Permitting	Registrations	Issuance	30 days
Permitting	Registrations	Screen Check	20%
Compliance	CMS Inspections	Megasite Inspections	As per plan in Appendix B.
Compliance	CMS Inspections	Megasite FCE Completed	On track for 9/30/2017
Compliance	Insp Report	To Manager	2 weeks
Compliance	Insp Report	To Dawn	4 weeks
Compliance	TV semi-annual	review memo	30 days
Compliance	TV Annual Cert	review memo	30 days
Compliance	Report reviews	Monthly CEAS	30 days
Compliance	Stack Test review	Monthly CEAS	30 days
Enforcement	NOV	NOV Issued	Incident Report + 30 days
Enforcement	NOV	NFA	Day 0 + 270 days
Enforcement	Admin Penalty	package	NOV + 60 days

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Appendix H

TIME-FRAME CHECKLIST
PERMIT, SIGNIFICANT PERMIT MODIFICATION, AND PERMIT
RENEWAL

Pursuant to 7 DE Admin. Code 1130 (Title V)

RECEIPT OF APPLICATION

Applicant:

Applicant ID Number:

Permit Number: _____

Date Application Received: / /

Title V Fee Paid and Up-to-Date? YES

If NO, Date Referred to Management: / /

COMPLETENESS REVIEW

Maximum Sixty (60) Day Completeness Review Period: From / / To / /

Additional Information Requested From Applicant? YES

If YES, Date Requested: / /

Application Ruled Complete? YES

If YES, Date Application Ruled Complete: / /

Application Deemed Complete? YES

If YES, Date Application Deemed Complete: / /

Date Applicant Notified of Completeness: / /

DEPARTMENT TECHNICAL REVIEW

Date Technical Review Began: / /

Date Technical Review Completed: / /

Permit Denied: YES

If YES, Date Permit Denied: / /

If YES, Reason Permit Denied:

Date Draft Permit Advertised: / /

Date Draft Permit Sent to EPA: / /

Date Draft Permit Sent to Applicant: / /

TIME-FRAME CHECKLIST

PERMIT, SIGNIFICANT PERMIT MODIFICATION, AND PERMIT RENEWAL

Page 2 of 3

Date Draft Permit Sent to Affected States

Maryland: / /

New Jersey: / /

Pennsylvania: / /

Virginia: / /

Date Sent to Others: / /

Describe Others:

NOTICE/PUBLIC HEARING/COMMENT PERIOD

Time Period for Public Notice/Comment Period: From / / To / /

Comments Received

EPA: YES **Date Received:** / /

Applicant: YES **Date Received:** / /

Maryland: YES **Date Received:** / /

New Jersey: YES **Date Received:** / /

Pennsylvania: YES **Date Received:** / /

Public: YES **Date Received:** / /

Public Hearing Requested: YES **Date Requested:** / /

If YES, Time Period for Public Notice for Hearing: From / / To / /

If YES, Public Hearing Date: / /

If YES, Public Comment Period After Hearing: From / / To / /

Time Period for Applicant to Submit Response: From / / To / /

Comments Submitted by Applicant: YES

If YES, Date Comments Submitted: / /

Secretary's Decision: Deny Permit

Date of Secretary's Decision: / /

ISSUE PROPOSED PERMIT

Date Proposed Permit Sent to EPA: / /

Date Proposed Permit Send to Company: / /

EPA PROPOSED PERMIT REVIEW

EPA 45 Day Review Period: From / / To / /

TIME-FRAME CHECKLIST

PERMIT, SIGNIFICANT PERMIT MODIFICATION, AND PERMIT RENEWAL

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EPA Objection to Proposed Permit? YES

If NO, Date Final Permit Issued: / /

If YES, 90 Day Period to Revise and Resubmit Proposed Permit to EPA:

From / / To / /

If YES, Date Proposed Permit Resubmitted to EPA: / /

Date Final Permit Issued: / /

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Appendix I

Project 14-13 LMS (Training)

Engineer Pool, Phase I, Division & Branch Orientation			
Note: The following actions, tasks and related courses depict the recommended employee orientation training events.			
Event (Action/Task/Skills)	Training Method	Training Provider	Completed Date
Employment Confirmation			
Confirm Acceptance of Employment Offer	DNREC/HRM	DNREC/HRM	NLT Start Date
Pre-Employment Forms			
			NLT
PAF (Initiated by HRM)	Coordination via email/ Fax		NLT Start Date
Acceptable Use Statement	Coordination via email/ Fax		NLT Start Date
Computer Access Request	Coordination via email/ Fax		NLT Start Date
PHRST Payroll Request	Coordination via email/ Fax		NLT Start Date
Drug Free Work Place	Coordination via email/ Fax		NLT Start Date
Employee Eligibility Verification	Coordination via email/ Fax		NLT Start Date
Benefits Session	OMB On-line Orientation & DNREC Benefit Advisor Briefing	http://hrm.omb.delaware.gov/neo/index.shtml	NLT Start Date
Welcome			
			NLT
Welcome Letter	Letter to individual	Supervisor	NLT Start Date
Division Announcement	Email Announcement	Supervisor	NLT Start Date
Computer/Phone Assignment	As Directed	OSG (Tony)	NLT Start Date
Computer/printer set-up	Supervisor/DTI	DTI Help Desk	NLT Start Date
Email set-up	Supervisor/DTI	DTI Help Desk	NLT Start Date
Phone Set-up	Supervisor/DTI	DTI Help Desk	NLT Start Date
Assign Email Address Groups	Supervisor/DTI	DTI Help Desk	NLT Start Date
Employee Badge/Building Access	Supervisor/HRM	HRM	NLT Start Date
Introduction/Orientation			
			Hours / NLT Day
Supervisor-Employee Orientation	Briefing	Supervisor	2.0 / Day 1
Building Tour	Briefing/Tour	Supervisor	1.0 / Day 1
Assigned Branch/Group Introduction	Briefing/Tour	Branch/Group Manager	1.0 / Day 1
Facility Safety Briefing	Briefing and Tour	OSG (Safety Council)	1.5 / Day 1

			5.5 Hours
Training & Support Systems			Hours / NLT Day
Organizational Core Values	Briefing	Supervisor/Values Committee	1.0 / Day 2
Establish a State LMS Account	On-Line Request	DNREC Training Admin	2.0 / Day 2
Establish an APTI-Learn Account	Online Request	APTI-Learn.net (OSG)	1.0 / Day 2
Fleet Reservation Account	On line Request	Fleet Service	1.5 / Day 3
ALAS/TKS/Timesheet Codes	Instructions	OSG	1.0 / Day 3
DAQ Intranet Tools	Training Demonstration	OSG	4.0 / Day 5
Complete Employee Safety Classification	Supervisor-Employee Interview	Supervisor	1.0 / Day 5
<ul style="list-style-type: none"> Medical Monitoring Program 	Enrollment/Physical	DWHS Program POC	1.0 / Day 10
Safety/COOP Orientation	Briefing	OSG	2.5 / Day 10
DNREC/DAQ Server & Drive Overview	Demonstration	TBD	1.5 / Day 10
Safety Personal Protective Equipment	Issued	Supervisor/AG	1.0 / Field Duty
Files & Document Management	Explain Document flow process	Supervisor/AG	XX / Day 10
Intro Delaware Environmental Navigator (DEN)	Demonstration	Supervisor	XX / Day 15
Merit Rules	HR Basics	OMB/State Training	6.0 / As Required
			XX Hours
Organizational Orientation			Hours / NLT Day
DNREC New Employee Orientation	Part I: On-line Training (New 2015)	DNREC/Training Coordinator	TBD / ASAP
DNREC New Employee Orientation	Part II: Classroom/Presentation	DNREC/Training Coordinator	TBD / ASAP
Planning Branch	Briefing & Tour	Branch/Program Manager	XX / Day 15
<ul style="list-style-type: none"> Monitoring Station Visit 	Briefing & Tour	Program Manager/Staff	As Required
Engineer/Compliance Branch	Briefing & Tour	Branch/Program Manager	XX / Day 10
<ul style="list-style-type: none"> Facility Inspection 	Briefing & Tour	Program Manager/Staff	As Required
Operations Support Group	Briefing & Tour	Branch/Program Manager	0.5 / Day 10
Analytical Support Group	Briefing & Tour	Group Manager	0.5 / Day 10
Administrative Group	Briefing & Tour	Group Manager	0.5 / Day 10
DNREC Policies	General Overview Briefing	Supervisor	0.5 / Day 10

Meet the Director	Meeting/Discussion	Director	0.5 / Day 15
Public Relations Briefing	Briefing	Supervisor	0.5 / Day 15
			XX Hours
Office Set-up/Logistics			Hours / NLT Day
Name Plates	Request/Order	AG	0.2 / Day 15
Business Cards	Request/Order	AG	0.2 / Day 15
Office Chair	Order/Request, if required.	AG	0.2 / Day 15
Cisco Phone Procedures & Protocols	Briefing/Demonstration	AG	0.5 / Day 15
Phone Conference Calling	Briefing/Demonstration	AG	0.2 / Day 15
Mail Systems and Procedures	Briefing/Demonstration	AG	0.2 / Day 20
Video Teleconferencing Calls (VTC)	Briefing/Demonstration	OSG	0.2 / Day 20
Email Procedures and Protocols	Briefing/Demonstration	Supervisor	0.2 / Day 20
			1.9 Hours
Introduction to Air Pollution Control			Hours / NLT Day
Clean Air Act	APTI - V: 102 (All Modules)	APTI-Learn.net (OSG)	2.0 / Day 30
Air Pollution Control Orientation/Introduction	APTI - SI: 422 or APTI SI: 105	APTI-Learn.net (OSG)	*25.0 / Day 45
Mathematics Review for Air Pollution Control	APTI - SI: 100	APTI-Learn.net (OSG)	30.0 / Day 50
			*57.0 Hours
Regional and National Agency Overview			Hours / NLT Day
MARAMA	Mission Overview Briefing	Supervisor	0.2 / Day 30
EPA Region 3	Mission Overview Briefing	Supervisor	0.2 / Day 30
NACAA	Mission Overview Briefing	Supervisor	0.2 / Day 30
US EPA	Mission Overview Briefing	Supervisor	0.2 / Day 30
OTC	Mission Overview Briefing	Supervisor	0.2 / Day 30
			1.0 Hour
Performance Plans			Hours / NLT Day
Initial Performance Plan	Completed & Signed Plan	Supervisor & Employee	XX / Day 60
Career Development Plan (Volunteer/Decline)	Completed & Signed Plan	Supervisor & Employee	XX / Day 60
			XX Hours
End of Orientation Training			*Estimated

Project 14-13, LMS (Training)

Engineer Pool, Phase II, Initial Training Requirements			
Note: The Initial Technical Phase includes core training events normally completed during the first year probationary period.			
Event (Action/Task/Skills)	Training Method	Training Provider	Hours
State/Department Training Requirements			Hours
DiSC (Personal Profile/Behavioral Style)	Classroom Instruction	OMB/State Training	5.0
L.E.A.D.	Classroom Instruction	TBD	TBD
Sexual Harassment	On-Line Training	OMB/State Training	1.5
Know Your State Government	On-Line Training	OMB/State Training	2.0
Quality Service Training	Classroom Instruction	OMB/State Training	5.0
Ethical Conduct for State Employees	Classroom Instruction	OMB/State Training	2.5
Violence in the Workplace /Active Shooter	Classroom Instruction	OMB/State Training	3.0
Diversity-Food for Thought	Classroom Instruction	OMB/State Training	6.0
Office Safety	Classroom Instruction	OMB/State Training	3.0
Cyber Security (Securing the Human)	DTI On-Line Training	http://extranet.dti.state.de.us/information/dtie_information_eSecurity_CBT_new.shtml	2.0
			30 Hours
General Administrative			Hours
Public Hearing Process	Briefing / Demonstration	Supervisor	XX
Building Relationship with EPOs	Briefing / Orientation/Introduction	Supervisor	XX
Desktop Reference Material	Briefing / Demonstration	Supervisor	1.0
Technical Document Procedures/Process	Briefing / Demonstration	Supervisor	XX
Field Safety Requirements	Briefing, Per Policy	Supervisor	1.0
FOIA Requests	Process Briefing	Supervisor/DAQ FOIA POC	XX
Program Funding Sources (TV, Grants, Fees)	Program Briefing	Funding Program Manager	1.0
Legal Ad procedures	Process Briefing	AG/POC	XX
Governor's Weekly Reporting	Process Briefing	AG/POC	0.5
Basic Filing Requirements/Procedures	Process Briefing	Supervisor	XX
Federal Registry & CFRs	Briefing / Demonstration	Supervisor	XX

			XX Hours
Communications Skills Training			Hours
Basic Writing (As required)	Grammar in Workplace	OMB/State Training	6.0
Technical Writing (As required)	**Put it in Writing \$100.00	OMB/State Training	6.0
	**Searching for a more suitable course		12.0 Hours
Computer Skills Training (Stanton Campus)			Hours
Microsoft Word (Advanced)	Classroom Instruction \$157.25	OMB/State Training (DTCC)	2 Days @ 4.5
Microsoft Excel (Advanced)	Classroom Instruction \$157.25	OMB/State Training (DTCC)	2 Days @ 4.5
Microsoft PowerPoint (Advanced)	Classroom Instruction \$220.00	OMB/State Training (DTCC)	6.5
			15.5 Hours
General Air Quality			Hours
Federal Regulations (Basic Concepts Environmental Sciences)	APTI RE-100-7: - Module 7: Regulatory Requirements	APTI-Learn.net (OSG)	1.5
Delaware State Codes	Supervisor Demonstration	Supervisor	XX
Criteria Pollutants	APTI - SI: 422 or SI: 105	APTI-Learn.net (OSG)	APTI -SI 422
Basic Air Pollution Meteorology	APTI - SI: 409	APTI-Learn.net (OSG)	20.0
Smoke School Certification (Annual Requirement)	Classroom and Certification	OSG (Dover Fire School)	8.0
Information Sources and References	Supervisor Briefing	Supervisor	XX
Principle and Practices of Air Pollution	APTI - 452 (Classroom)	APTI-Learn.net (OSG)	3-Days
			XX Hours
Air Quality Permitting			Hours
Basic Permitting	APTI - SI:460	APTI-Learn.net (OSG)	20.0
Industrial Processes and Pollution Control Devices	APTI - SI: 431	APTI-Learn.net (OSG)	40.0
Applied Math Skills (AP-42)	Supervisor Demonstration	Supervisor	1.0
Demonstrate /Explain Permitting Process Flow	Supervisor Demonstration	Supervisor, Per Desk Ref	4.0
Effective Permit Writing (Basic)	APTI - 454 (Classroom)	Scheduled through (APTI-Learn)	3 - Days
Introduction to Toxicology	APTI - SI: 300	APTI-Learn.net (OSG)	12.0
Introduction to Boiler Operations	APTI - SI: 428A	APTI-Learn.net (OSG)	20.0
Introduction to Fabric Filter Review	APTI - SI: 412A	APTI-Learn.net (OSG)	20.0
Introduction to Electrostatic Precipitator Review	APTI - SI: 412B	APTI-Learn.net (OSG)	20.0

Introduction to Wet Scrubber Plans Review	APTI - SI: 412C	APTI-Learn.net (OSG)	40.0
Coastal Zone Permitting Requirements	TBD	TBD	XX
			165.0 Hours
Air Quality Compliance			Hours
Source Inspections and Safety	APTI - SI: 445	APTI-Learn.net (OSG)	25.0
Inspection Procedures	APTI - SI: 446	APTI-Learn.net (OSG)	40.0
Basic Inspectors Course	CARB-350 Classroom (NACT)	APTI-Learn.net (OSG)	3 - Days
Observe an Actual Stack Test	Observation/Demonstration	Source Testing Program	4.0
Data QA/QC (chain of custody, etc.)	APTI - SI: 303	APTI-Learn.net (OSG)	1.0
Observe a Minimum of Five - Source Inspections	Scheduled/tracked by Supervisor	Supervisor/Trainer	5 - Days
			118 Hours
Air Quality Enforcement			Hours
Principles of Compliance & Enforcement	CARB - 335 (if required)	Scheduled through (APTI-Learn)	3-Days
DNREC Compliance & Enforcement Response Guide (CERG)	Guide Application & Overview	Supervisor	XX
Enforcement Panel Process	Supervisor Demonstration	Supervisor	XX
FRV/HPV	EPA Policy Guide Briefing	Supervisor	XX
Observe Actual Enforcement Panel	Supervisor Demonstration	Supervisor	3.0
			XX Hours
Air Quality Emissions Inventory			Hours
Introduction to Emissions Inventory	APTI – SI:419A	APTI-Learn.net (OSG)	6.0
Understanding Delaware’s Inventory Processes	Briefing/Demonstration	Program Manager	XX
Demonstrate Data Management Process	Briefing/Demonstration	Program Manager	XX
			XX Hours
Air Quality Monitoring and Planning			Hours
Introduction Regulation Development	APTI - V: 107 & APTI - V: 207	APTI-Learn.net (OSG)	7.0
Introduction to SIPs	APTI - V: 206	APTI-Learn.net (OSG)	0.5
Introduction to Ambient Monitoring	APTI - SI: 434	APTI-Learn.net (OSG)	50.0
Introduction to CEMS	APTI - SI: 476B	APTI-Learn.net (OSG)	30.0
Observe/Tour Monitoring Stations	Briefing/Demonstration/Tour	Program Manager	XX

			XX Hours
Data Analysis			Hours
Air Quality Measurements	APTI - SI: 471	APTI-Learn.net (OSG)	30.0 Hours
Scientific Measurements/Conversions	APTI - SI: 100 Completed in Phase I	APTI-Learn.net (OSG)	APTI SI: 100
			XX Hours
Air Quality Modeling			Hours
Introduction to Dispersion Modeling Concepts	APTI - SI: 410	APTI-Learn.net (OSG)	35.0
Principles of Data Management	TBD	TBD	XX
Demonstrate Modeling Calculations	Supervisor Demonstration	Supervisor	XX
			XX Hours
Recommended Employee Protection & Safety			
Drivers Safety	Classroom & Certification (\$6.00)	OMB/State Training	6.0
CPR/First Aid/AED	Classroom & Certification	DNREC Training	6.0
			12.0 Hours
End of Initial Technical Training	*Estimated Hours		

Project 14-13 LMS (Training)

Engineer, Phase III, Advanced Skills / Professional Development Training Requirements			
Note: Advanced Technical Training and Professional Development programs should be initiated after completing Phase 2. Please refer to the Performance Plans and Assessment System (PPAS) and Career Development Program (CDP) goals and objectives for each individual employee.			
Event (Action/Task/Skills)	Training Method	Training Provider	Hours
Advanced Computer Skills			
Microsoft Word (Expert)	Classroom Instruction \$220.00	OMB/State Training (DTCC)	6.0
Microsoft Excel (Expert)	Classroom Instruction \$220.00	OMB/State Training (DTCC)	6.0
Microsoft PowerPoint (Expert)	TBD	TBD	TBD
			12.0 Hours
Advanced Communications Skills			
Public Speaking	Effective Presentation Skills	OMB/State Training	6.0
Advanced Written Communications	Writing Smarter, not Harder	OMB/State Training	6.0
Advanced Interagency Relationships	TBD	TBD	TBD
			12.0 Hours
Advanced Technical Skills Training			
Advanced Permitting (NACT)	CARB 334 - Permit Writing II (Class)	APTI-Learn.net (OSG)	3 - Days
Advanced Inspection (NACT)	CARB 355 - Advanced Inspector (Class)	APTI-Learn.net (OSG)	3 - Days
Advanced Regulation Development	DNREC Policy 1006	Supervisor	XX
Advance Stack Testing	Stack Testing Course	MARAMA Developed	3 - Days
Advanced Applied Modeling	APTI - 423	APTI-Learn.net (OSG)	3 - Days
Introduction to Environmental Statistics	APTI - SI: 474	APTI-Learn.net (OSG)	*8.0
SME Responsibilities	Supervisor Briefing	Supervisor	1.5
			*XX Hours
Advanced Skills Training			
Emergency and Incident Response	ERB Briefing	Program Manager	2.0
Career Ladder Progression Requirements	Supervisor Briefing (CDP)	Supervisor (CDP)	TBD
Cross Training Opportunities	Supervisor Briefing	Supervisor (CDP)	TBD
			XX Hours

Leadership and Management			
Basic Principles of Leadership	Classroom Instruction	OMB/State Leadership Series	4.0
Problem Solving	Classroom Instruction	OMB/State Leadership Series	6.
Conflict Resolution	Classroom Instruction	OMB/State Leadership Series	5.5
Planning and Reviewing Performance	Classroom Instruction	OMB/State Leadership Series	6.0
Providing Constructive Feedback	Classroom Instruction	OMB/State Leadership Series	6.0
Correcting Performance Problems	Classroom Instruction	OMB/State Leadership Series	4.0
Developing Others	Classroom Instruction	OMB/State Leadership Series	4.0
Communication and Active Listening	Classroom Instruction	OMB/State Leadership Series	6.0
Environmental Leadership Academy	Academy Classroom Training	DNREC/Training (when available)	XX
Mentoring Program	TBD	TBD	XX
			XX Hours
Supervisor Development Certificate			
Volunteer and Supervisor Approval	Per OMB/Training Outline	Approved by OMB/State Training	1.0
			1.0 Hours
Professional Groups & Certificates			
National Society of Professional Engineers (NSPE)	Supervisor and Enrollment	http://www.nspe.org/resources/licensure/what-pe	As Required
Professional Engineer License	Supervisor and Enrollment	http://www.nspe.org/resources/licensure/what-pe	As Required
Delaware Association of Professional Engineers (DAPE)	Supervisor and Enrollment	https://www2.dape.org/	As Required
"Ethics in Engineering"	DAPE Enrollment (Supervisor Approval)	https://www2.dape.org/	1 - Day
End of Advanced Training and Professional Development Training			