Idaho Department of Environmental Quality
Title V Program Review
(3rd Round)

EPA Region 10

Final September 7, 2023

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7 Region 10 Report: IDEQ Title V Program Review, (2nd Round), September 27, 2007

I. Introduction

This report documents the (2023) third review of the Idaho Department of Environmental Quality's (IDEQ's) title V permitting program. A title V program is an operating permitting program for stationary sources of air pollution that are classified as major sources or have been specifically identified by the Administrator. (See 40 CFR 70.3.) Air construction permit conditions and other applicable requirements are combined into one title V permit for ease of implementation. The first title V program review for IDEQ was completed in January 2004. The second round was completed in September 2007.

IDEQ's Title V Program

IDEQ is a state air pollution control agency with jurisdiction throughout Idaho (except Indian Country) and promulgates its own suite of air pollution control regulations. IDEQ has 10 positions in the permitting program. The permitting program also addresses pre-construction permits (both major and minor) and synthetic minor operating permits (known as Tier II permits). At present, most positions are filled. The filled positions include an engineering supervisor and one senior engineer. Six permit writers (an additional permit writer position is vacant) report to the engineering supervisor. Title V source compliance inspection activities are primarily handled by personnel located in IDEQ's six regional offices (Boise, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello, and Twin Falls), assisted by personnel in IDEQ's Technical Services Division, at headquarters in Boise. Title V permits (also known as Tier I permits) have been issued to all first round initial title V sources in Idaho. The agency is presently busy with permit renewals, modifications, and revisions. As of July 2023, Idaho had 50 title V sources. IDEQ currently has an approved title V program.

IDEQ's title V regulation is found in Idaho Administrative Code IDAPA 58.01.01.300-399. Region 10 granted IDEQ interim approval of its title V program effective January 6, 1997, 61 FR 64622 (December 6, 1996), and full approval effective November 5, 2001, 66 FR 50574 (October 4, 2001).

IDEQ issues title V permits to approximately 50 sources. There are about 10 permit engineers at IDEQ that spend at least some of their time on title V permits; all of the title V staff have non-title V duties as well.

Each permit is accompanied by a statement of basis (SoB) that explains the technical and legal basis for the permit.

Program Review Objective and Overview

The EPA initiated title V program reviews in response to recommendations in a 2002 Office of Inspector General audit. The general objective of broader program reviews (as opposed to individual permit reviews) is to identify good practices that other agencies can learn from, document areas needing improvement and learn how the EPA can help improve state and local title V programs and expedite permitting.

The EPA set an aggressive initial national goal of reviewing all state and local title V programs with ten or more title V sources. IDEQ was one of ten title V programs in Region 10 reviewed between 2004 and 2007. Below is the list of agencies in Region 10 reviewed in the first round along with the final report date and an approximate number of title V sources they regulated when reviewed:

Permitting Authority (first round)	Report Date	Permits
Idaho Department of Environmental Quality	January 2004	59
Oregon Department of Environmental Quality	June 2006	111
Lane Regional Air Protection Agency (OR)	June 2006	19
Spokane Regional Clean Air Agency (WA)	August 2006	10
Puget Sound Clean Air Agency (WA)	September 2006	35
Washington Department of Ecology	September 2006	27
Northwest Clean Air Agency (WA)	September 2006	21
Alaska Department of Environmental Conservation	September 2006	158
Olympic Region Clean Air Agency (WA)	September 2007	15
Southwest Clean Air Agency (WA)	September 2007	12

In response to a 2005 follow-up review by the Office of Inspector General, the EPA also committed to repeat the reviews of all title V programs with 20 or more title V sources every four years beginning in 2007. The original, second-round commitment covered each of the four state programs in Region 10 (Alaska, Idaho, Oregon and Washington) as well as two local agencies in Washington (Puget Sound Clean Air Agency and Northwest Clean Air Agency). In September 2016, we fulfilled that commitment and decided to continue second-round reviews for the remaining agencies that were reviewed in the first round, but not yet reviewed for a second time.

Below is the list of agencies reviewed to date in the second round along with the final report date. All of the program review reports can be found on Region 10's air permitting website.[1]

Permitting Authority (second round)	Report Date
Idaho Department of Environmental Quality	September 2007
Puget Sound Clean Air Agency (WA)	September 2008
Northwest Clean Air Agency (WA)	September 2013
Washington Department of Ecology	September 2014
Alaska Department of Environmental Conservation	September 2015
Oregon Department of Environmental Quality	September 2016
Lane Regional Air Protection Agency (OR)	August 2017
Spokane Regional Clean Air Agency (WA)	September 2018
Southwest Clean Air Agency (WA)	November 2019
Olympic Region Clean Air Agency (WA)	September 2020

In the first round of title V program reviews, EPA covered all major elements of a title V program. In the second round of program reviews, EPA focused on previously identified issues specific to each permitting authority's implementation of its permitting program. We also considered permit issuance progress, resources, compliance assurance monitoring (CAM)[2], and how permitting authorities have integrated new requirements and rules into their permits and program. EPA Region 10 asked each permitting authority to provide a response to each of the first-round program reviews, stating how the agency planned on addressing Region 10's comments. The focused approach used in the second round was both efficient and effective, and has been carried forward during the third round of reviews to determine how the permitting authority implemented the previous recommendations. The review also evaluated management

[1] https://www.epa.gov/caa-permitting/permit-program-reviews-epa-region-10
[2] CAM is required to be added to the renewed title V permit for most sources.

of resources and permit issuance. Below is a list of agencies reviewed to date in the third round along with the final report date.

Permitting Authority (third round)	**Report Date**
Puget Sound Clean Air Agency (WA)	September 2021
Washington Department of Ecology	September 2022

To prepare for the third round review, EPA Region 10 sent a January 26, 2023 letter, requesting specific information from IDEQ (Attachment 1). Region 10 reviewed IDEQ's emailed responses (Attachment 2) which included a staff list, financial records, and an update on the concerns raised in 2007.[3] EPA Region 10 also reviewed the permit issuance data that IDEQ reported to the Title V Operating Permits System (Attachment 3) and a selection of recently issued title V permits. Permits that were issued more recently were intentionally selected for review to provide an accurate depiction of how IDEQ's permits are currently being issued. The four permits (all renewals) reviewed to assess how IDEQ responded to the full scope of 2nd round concerns (A-1 through AC-17) are listed in the table below. We also reviewed nine other permits to assess 2nd round "big concern" CAM implementation. Our review and comments regarding CAM are discussed in Section III of this report separate from our follow-up to the other 2007 concerns that are discussed in Section II.

Permit No.	**Company Name & Location**	**Date Issued**
T1-2022.0016	Amalgamated Sugar Company - Twin Falls	01/09/2023
T1-2021.0048	Gas Transmission Northwest, LLC – Compressor Station 04, Samuels	03/21/2022
T1-2021.0006	Kootenai Country Farm Landfill	09/09/2022
T1-2021.0038	Plummer Forest Products, Inc. - Post Falls	04/19/2022

A virtual conference was conducted with IDEQ on June 13-14, 2023, where EPA Region 10 staff interviewed IDEQ permit writing staff, finance staff, and management. The purpose of the interviews was to clarify and discuss what was learned from the permit reviews and other information provided. The conference also included a discussion of permit issuance progress, program resources (and the fee program), general program implementation, and specific issues identified during the previous review of IDEQ's program.

Program Review Report Structure

This program review report is presented in five main sections:

I. Introduction
II. Evaluation of Progress Since 2nd Round Program Review
III. Compliance Assurance Monitoring
IV. Additional Review
V. Summary of Concerns

Section I presents background information regarding IDEQ's title V program as well as an overview of Region 10's program review plan. Section II presents Region 10's evaluation of IDEQ's progress in resolving concerns identified in the 2007 program review except for CAM. Section III presents Region 10's review of IDEQ's implementation of the CAM program.

[3] IDEQ also provided Region 10 on May 12, 2023 an update to its 2007 title V Program Action Plan (developed in response to EPA's 2007 review of IDEQ's title V program). See Attachment 4. Region 10 conducted a limited review of the plan and associated guidance documents as part of this 2023 program review. This report makes no comment on either the action plan or associated guidance documents.

Section IV presents additional observations from Region 10's 2023 review of IDEQ's individual permits and other information provided. Finally, Section IV summarizes Region 10's third-round concerns.

II. Evaluation of Progress Since 2nd Round Program Review

EPA Region 10 evaluated the progress IDEQ made in addressing the concerns identified in the 2007 second program review. In the initial title V program review, finalized in January 2004, Region 10 provided observations delineated into nine separate topic areas labeled A through I (Attachment 6). The second and third program reviews use the same labeling of identified concerns to maintain a consistency between the reports. IDEQ responded to Region 10's first and second program reviews in January 2004 and September of 2007, respectively, explaining how they were going to address the concerns identified. To initiate the third round review, IDEQ provided Region 10 with an update on implementation of the program and previously-identified issues. Each of Region 10's concerns identified in the second round report is described below (Attachment 7), followed by IDEQ's 2007 response, IDEQ's 2023 update, and Region 10's current (Round 3) evaluation.

Section A. Title V Permit Preparation and Content

A-1 Background: In 2004, Region 10 identified the concern that permit application forms lacked sufficient information necessary for IDEQ's permit writers to draft a permit and Statement of Basis (SoB). In response, IDEQ committed to update the application form. In 2007, after completing another round of permit reviews, Region 10 reiterated the concern that IDEQ should continue to update the application form as needed to address the needs of the maturing program.

2007 IDEQ Response: *As part of DEQ's recent permit streamlining event in 2006, TV application forms and guidance were identified as requiring significant updates. DEQ anticipates revised forms and guidelines to be completed by July 2008*.

2023 IDEQ Update: *The forms were updated as IDEQ committed to in 2007 and now most Title V/Tier 1 renewal applications are complete upon initial submittal. In addition, IDEQ has created new emissions unit specific forms and guidance to assist in Title V/Tier 1 renewal applications.*

Round 3 Evaluation: Region 10 reviewed IDEQ's title V application form and in accordance with their response, found that it now adequately addresses the original concern that was raised in 2004. Region 10 recommends that IDEQ review and update (as necessary) the form whenever the agency updates its title V application rules so that the language and citations in the form are consistent with the amended regulation. Region 10 considers this concern resolved.

A-2 Background: In 2004, Region 10 recommended IDEQ consider removing language included on the cover page of all title V permits that states "This permit incorporates all applicable terms and conditions of prior air quality permits issued by IDEQ for the permitted source …".

2007 IDEQ Response: *DEQ does not see any issue with the standard language quoted in the report. Standard language specifically addressing the Permit Shield is located in the General Provisions section of the Tier I permit.*

2023 IDEQ Update: *No change was made to the Title V/Tier 1 cover pages as was stated in 2007.*

Round 3 Evaluation: Region 10 still observed this language in all of the permits that were reviewed in this third round. There is no indication that IDEQ intends to revise this language and this concern is no longer being pursued.

A-3 Background: During the first program review, Region 10 identified concerns with incorporating various NSPS, NESHAP, and SIP requirements into permits. A number of general provisions from NSPSs and NESHAPs were not being addressed in the permits or SoBs. There was wording in the regulations that needed additional clarification. For example, the language identifying the "Administrator" (EPA Administrator) in delegated NESHAPs that should have been changed to "IDEQ Administrator". IDEQ responded stating that they would create a library of standard language that would address this concern and be used by permit writers going forward.

2007 IDEQ Response: *As part of DEQ's recent permit streamlining event, DEQ identified the need for standard permit languages for various types of emission sources, control equipment and other regulatory requirements. Certain NSPS and MACT general provisions have also been identified as categories for standard language. Development of a library of standard language is an ongoing process and will be completed by July 2008*

2023 IDEQ Update: *The library of standard permit conditions/language has been created and continues to grow to as IDEQ processes Title V/Tier 1 and NSR permits.*

Round 3 Evaluation: Region 10 reviewed four of IDEQ's permits and associated SoB to assess progress on Concern A-3. All permits included issues with the incorporation of NSPS, NESHAP, and SIP language. In a few of the permits reviewed, the permit contained a copy of the entire NSPS or NESHAP verbatim. While this method ensures that all of the regulation is captured, it does not specify which parts of the facility are subject to which applicable requirement. In a few of the permits reviewed, language was found that still identifies the EPA "Administrator" as opposed to what it should read for delegated NESHAPs or NSPSs, which is the "IDEQ Administrator". Region 10 believes this is still an ongoing concern.

A-4 Background: In 2004, Region 10 identified a concern in where there was no review for obsolete permit conditions or for noncompliance issues, such as missing or failing a source test, being carried forward in the permits that were reviewed. IDEQ responded in 2007, stating that an internal checklist would be developed to help permit writers address this issue. IDEQ responded in 2007 that they would address this concern through the creation of the guidance checklist that would include review for removal of obsolete permitting conditions.

2007 IDEQ Response: *In order to ensure a consistent reviews and level of effort by permit writers on Title V permit application renewals, an internal checklist is being considered for development. The checklist would be specifically developed for permit writers as a renewal guideline to ensure that all of the necessary elements of a permit renewal process are addressed. The guidance checklist would include, but is not limited to, the requirement to review for obsolete permit conditions and for noncompliance issues such as missing or failed source testing. In cases of noncompliance, the development of compliance schedules in the TV permit would be required.*

2023 IDEQ Update: *During processing of Title V/Tier 1 operating permit renewals, DEQ staff is directed to remove obsolete permit requirements as necessary*.

Round 3 Evaluation: In Region 10's review of the four permits for this program review, two of the permits contained obsolete permitting language. One of them consisted of the inclusion of a one-time energy assessment condition that was required to be completed well before the issuance of the permit. The other included language that established criteria for whether or not the source is new or existing. IDEQ should address this concern in the guidance document and remove obsolete permitting language in every permit. Region 10 believes this an ongoing concern.

A-5 Background: In 2004, Region 10 recommended that IDEQ apply for NSPS delegation to enable the discontinuation of the dual reporting requirements in the title V permit. IDEQ responded in 2007 by stating that they already had or were in the process of receiving delegations for the most NSPS.

2007 IDEQ Response: *DEQ received program delegation of certain NSPS subparts in early 2006, so the requirements for dual reporting is not needed in most instances. Now that Idaho has certain NSPS delegation, permit writers will need to update the reporting requirements in TV permits to reflect changes and document in the statement of basis. This check can be included in the TV renewal guidance checklist described in response to 4 above*.

2023 IDEQ Update: *As stated in 2007 IDEQ now has NSPS delegation for most sources and the need for dual notifications has been mostly eliminated.*

Round 3 Evaluation: IDEQ has applied for and has received delegation of NSPS and NESHAP. Although NESHAP was delegated, one of the four reviewed permits continues to require reporting to both EPA and IDEQ. IDEQ should update this permit's language to be consistent with the language in the delegation approval during the permit's next renewal. Region 10 considers this concern resolved.

A-6 Background: In 2004, Region 10 identified an issue in a few permits of there being a "SIP gap". Region 10 stated that in the situations where this occurs, the permit needs to include both the state-only requirements as well as the SIP requirements. In 2007, IDEQ agreed that this should be the case in any permit where this may occur.

2007 IDEQ Response: DEQ concurs.

2023 IDEQ Update: *Most of IDEQ Rules since 2007 are SIP approved so these cases should not exist anymore.*

Round 3 Evaluation: This issue was discussed during the interviews and according to IDEQ, a "SIP gap" no longer currently exists. Region 10 considers this concern resolved.

A-7 Background: In 2004, Region 10 recommended that IDEQ improve its streamlining process. There were instances identified were IDEQ did not adequately document in the SoB that compliance with a stricter requirement ensured compliance with the other less stringent requirement. IDEQ responded stating that they would address this in the creation of the guidance documents for permitting staff to follow.

2007 IDEQ Response: To ensure proper application of EPA's permit streamlining criteria and proper documentation in the statement of basis, the process can be included in the TV

renewal guidance checklist for permit writers to follow as described in response to 4 above.

2023 IDEQ Update: DEQ does not streamline permit requirements anymore. In the cases that we do, i.e. process weight rate, the technical memorandum (i.e. SOB) documents the streamlining decision made by IDEQ staff.

Round 3 Evaluation: Of the permits that were reviewed, none of them referenced streamlining and there was no evidence that streamlining was occuring either in the permits or SoBs. As per IDEQ's 2023 update, streamlining is no longer a promoted practice within the agency. Region 10 considers this concern resolved.

A-8 Background: In 2004, Region 10 identified a concern where IDEQ had cross-referencing to other regulations, permit conditions, and applications in the permits that were reviewed. IDEQ responded in 2007 stating that they agree with EPA's concern.

2007 IDEQ Response: *DEQ concurs*.

2023 IDEQ Update: *This practice has been essentially eliminated in Title V/Tier 1 operating permits issued by IDEQ.*

Round 3 Evaluation: Of the permits that were reviewed, two of them contained language that indicated that cross-referencing was occuring. In one of the permits, there was language that states that the monitoring approval method for one of the emission units can be found in different permit's appendix. Instead of stating where the approval method can be found, IDEQ should reiterate the monitoring method language in the reviewed permit. In the other permit, there was language that pointed to a construction permit for an emission factor analysis for one of the emission units in the title V permit. Upon further investigation, the originating construction permit and its technical support documents were not available online and therefore, the emission factor analysis was not available to be reviewed for the title V permit. Region 10 believes this an ongoing concern.

A-9 Background: In 2004, Region 10 identified instances where IDEQ identified the averaging period for an emission limit as part of the monitoring requirements, not as part of the emission limit. EPA stated that it is important to properly identify the averaging period for emission limits when the limit is taken to avoid a program, such as the NESHAP or PSD programs. IDEQ responded stating that they were currently developing standard language that would address this concern.

2007 IDEQ Response: *DEQ has identified the need for standard language for emissions rate limits. Emission rate limit language is currently under development as part of the permit streamlining process. This language will address the issue of appropriate averaging periods*.

2023 IDEQ Update: *This is an ongoing effort to ensure emission limit/monitoring averaging periods have been properly identified in underlying permits as well as in Title V/Tier 1 operating permits*.

Round 3 Evaluation: Of the permits that were reviewed, only one of them had been found to still contain this concern. In that permit, the facility-wide conditions contained annual limits and monitoring. Region 10 believes this is an ongoing concern.

A-10 Background: In 2004, Region 10 identified a concern where IDEQ had included the permit shield provisions in their permits without identifying which requirements have been determined to not apply to the facility. This is a requirement of obtaining a permit shield, otherwise, there is no permit shield for the inapplicable requirements. IDEQ responded in 2007 stating that if no inapplicable requirements have been identified, then it is assumed that no permit shield for inapplicable requirements exists.

2007 IDEQ Response: *If an inapplicability determination has not been made, no permit shield for inapplicable requirements exists. If the applicant doesn't seek the determination, it doesn't exist. See IDAPA 58.01.01.314.07 and 325.01.b. Section 19 of the General Provisions specifically references these sections*.

2023 IDEQ Update: *If an Applicant requests a permit shield IDEQ would identify the decision/determination in the permit and SOB. To date, no applicant has requested a permit shield.*

Round 3 Evaluation: In one of the four permits that were reviewed, EPA found that one of the general permit conditions titled "Permit Shield," may inadvertently convey to the permittee that they have a permit shield when in fact they do not. If no permit shield is being granted, the permit should clearly indicate this. Region 10 believes this is an ongoing concern.

A-11 Background: In 2004, Region 10 recommended that IDEQ use actual emission measurement data when specifying the emission factors in the emission inventories. EPA recommend the use of Continuous Emission Monitoring System (CEMS) or source test data to establish the emission factors as opposed to using the more generic emission factors that apply to broad classes of emission units. IDEQ responded stating that they agree with this assessment.

2007 IDEQ Response: *DEQ concurs*.

2023 IDEQ Update: *For sources that require either CEMs or Source Testing. IDEQ incorporates the more representative emissions into the emissions inventory of the facility.*

Round 3 Evaluation: Of the permits that were reviewed, there was at least one permit where it was unclear as to what the basis was for the emission factors that were being employed. It is important to document the basis of the emission factors and how the factor was selected. Region 10 believes this is an ongoing concern.

A-12 Background: In 2004, Region 10 identified an issue with a lack of explanation of the permit conditions in the SoB. There was a simple restatement of the permit requirements, with little additional explanation of the basis of the requirements. This is important when the permitting authority is required to consider what terms and conditions are needed to assure compliance with applicable requirements. IDEQ responded in 2007 stating that they agree and that this issue would be address in the upcoming guidance documents that were being developed.

2007 IDEQ Response: *DEQ concurs. Specific guidance is required to be developed relating to the quality of the discussion of the legal and factual basis for permit requirements in the statement of basis to ensure consistent documentation by all permit writers. This issue can be included in the TV renewal checklist described in response to 4*.

2023 IDEQ Update: *IDEQ has improved the writing of the Technical Memorandum (now SOB) over the years to reflect the recommendation from EPA.*

Round 3 Evaluation: In all four of the reviewed permits, the SoB still contained nonspecific descriptions for the basis of the permitting terms that are found in the permits. There was one permit where the SoB did not explain why no monitoring was being required for a permit condition and why recordkeeping would be considered adequate in that case. Region 10 believes this is an ongoing concern.

A-13 Background: In 2004, Region 10 found that the SoB failed to explain why certain emissions are classified as fugitive. There was one example where operations inside of buildings were being identified as "fugitive" when these emissions usually are considered point source emissions instead. IDEQ responded stating that it was their intention of updating all of the permits and SoBs to address this comment.

2007 IDEQ Response: DEQ concurs. Appropriately determining and documenting in the statement of basis what sources fugitive versus point sources and when fugitives count towards potential to emit for program applicability purposes is an important issue. DEQ is currently revising the statement of basis for PTC's and Tier II permits to improve the explanation of fugitive and point source emissions. Once this is completed, the Tier I statement of basis will be revised to ensure this element is captured.

2023 IDEQ Update: IDEQ has improved the writing of the Technical Memorandum (now SOB) over the years to reflect the recommendation from EPA.

Round 3 Evaluation: Of the permits that were reviewed, three of them still had this issue where the SoB did not distinguish the fugitive emissions from the non-fugitive emissions being generated at the facility. Region 10 believes this is an ongoing concern.

A-14 Background: In 2004, Region 10 identified a concern that certain key elements of O&M plans that were required to be submitted and reviewed by IDEQ were not being inserted into the permit. IDEQ agreed in their 2007 response and stated that they intended to create specific permit conditions based on the O&M plan going forward.

2007 IDEQ Response: *DEQ agrees that O & M manuals are a good extension of the compliance assurance efforts in permitting and compliance. DEQ has also recognized that a more efficient approach may be to include the key parameters as permit conditions, rather than as separate O & M requirements, to assure compliance with the underlying requirements. With the development of standard permit conditions for various control and process equipment, DEQ will begin to migrate towards specific operating, monitoring, and maintenance conditions in place of general O & M requirements.*

2023 IDEQ Update: *This is an ongoing effort to ensure that the requirements of what the O & M manual should include is in the permit and being submitted to IDEQ for review and approval.*

Round 3 Evaluation: Of the permits that were reviewed, only one of them required the permittee to submit an O&M plan to IDEQ. The permit condition did not require the O&M plan to be reviewed and approved by IDEQ. It was uncertain as whether important key elements of the plan have been inserted into the permit. Region 10 continues to believe that IDEQ should include in the permit as enforceable provisions the key elements of the facility's operation and maintenance procedures that are important for

ensuring compliance with applicable requirements. Region 10 believes this is an ongoing concern.

A-15 Background: In 2004, Region 10 recommended that IDEQ allow staff to travel outside the state of Idaho for any national title V training opportunities and that the fees collected from the title V program should cover this. IDEQ responded in 2007 stating that they will make a good faith effort to send as many permit writers to the next permit writers training that was scheduled to occur.

2007 IDEQ Response: *DEQ understands the benefits associated with sending as many permit writers to TV workshops as possible. DEQ will make all efforts possible to send as many permit writers to the next conference tentatively scheduled in Alaska. Based on the last TV workshop held in 2007, a rotational schedule was planned so that each state in Region 10 could host a TV conference which will help improve permit writer attendance*.

2023 IDEQ Update: *IDEQ participates in all Title V permitting workshops, as well as hosting the 2017 workshop held in Boise. During COVID-19, a virtual NSR Workshop was held and Idaho fully participated in that event as well*.

Round 3 Evaluation: Since this concern has been identified, IDEQ has participated in many of the title V/NSR trainings that have been provided by Region 10 and other state and local air agencies. It is expected that many of the trainings going forward will have a "virtual" component to them, allowing much more staff to participate than in previous years. Region 10 will continue to encourage all of the state and local air agencies to send their permit writers to as many trainings and conferences as possible. Region 10 considers this concern resolved.

Section C. Monitoring

C-1 Background: In 2007, Region 10 identified the concern that all title V permit renewals should revisit and expand when necessary, the testing, monitoring, recordkeeping, and reporting decisions that were made in the initial title V permits to assure compliance with all of the applicable requirements. Many of those permits that were reviewed at the time relied on monitoring of a single parameter to ensure compliance where it was not obvious that a single parameter alone would be adequate. In certain cases, the SoB did not sufficiently explain the decision to include no or very little monitoring. IDEQ responded in 2007 stating that they would agree to address this issue in the development of the permitting checklists.

2007 IDEQ Response: *DEQ agrees that this is an important issue to address. As explained in previous responses, the development of a library of standard permit languages and development of a TV renewal checklist will be used as a starting point to address this issue.*

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Of the permits that were reviewed, one of them still identified a concern with the HAP testing that was prescribed for the facility. The permittee is being allowed to emit up to the designated limit without any type of "trigger" testing that would occur should the emissions rise to the threshold. IDEQ should be confident that emissions

are not being underreported and there is no discussion in the SoB about further HAP testing, should it be required. Region 10 believes this is an ongoing concern.

C-2 Background: In 2004 for the permits that were reviewed, Region 10 identified inadequate SoB discussion of CAM applicability and monitoring decisions. For instance, the SoB did not discuss in sufficient detail how excursion thresholds were derived. IDEQ acknowledged this concern and agreed to address it in the SoB guidance document that was being created. During the 2007 program review, Region 10 again identified as a concern inadequate SoB discussion of CAM applicability and monitoring decisions.

2007 IDEQ Response: *DEQ will review the Oregon DEQ guidance as part of the process in the development of guidance to address this issue. This may roll into the TV checklist as discussed earlier*.

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Region 10 did not review permits with this concern. Region 10 is not certain if this concern has been resolved.

C-3 Background: In 2004 for the permits that were reviewed, Region 10 found that the permit format was consistent however, inconsistencies were also identified in the monitoring requirements. There were instances were similar operational and emission control scenarios did not have similar monitoring requirements. Region 10 recommended the creation of guidance documents to help inform this decision-making process.

2007 IDEQ Response: See 2007 IDEQ response noted above for Concern C-2. IDEQ intended that response to apply to several Region 10 concerns (including Concern C-2) associated with writing monitoring conditions.

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Region 10 did not review permits with this concern. Region 10 is not certain if this concern has been resolved

C-4 Background: In 2004 for the permits that were reviewed, Region 10 identified an issue where the permit did not always require simultaneous monitoring and recording of the compliance assurance parameters. Similarly, where particulate matter testing was required in permits, the permits did not always require simultaneous recording of opacity. It is important to establish compliance assurance parameters and provide a baseline relationship between monitored parameters and emissions that can be used to identify potential performance changes for an emission unit. IDEQ responded stating that they would create standard permit language to address this.

2007 IDEQ Response: *As described in an earlier response, DEQ is in the process of developing standard permit languages. Source testing language has been identified in this development which includes procedures for ensuring that appropriate compliance assurance monitoring of key parameters are including in the source testing requirement*.

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Of the permits that were reviewed, we identified two of them that did not require simultaneous monitoring of compliance assurance parameters. In one permit, testing was required and used to measure the steam generating rate of the emission unit, however the permit did not require monitoring of the multiclone pressure drop or the ESP's secondary voltage. The second permit had emission limits established for a pellet cooler that were based on process weight requirements however, the permit only requires inspection of the associated multiclone and not of process weight requirement. This is insufficient to demonstrate compliance. Region 10 believes this is an ongoing concern.

C-5 Background: In 2004, Region 10 identified the issue where opacity observations that were being prescribed in the permits did not indicate what would happen if a Method 9 observation that exceeded 20% during the required 6 minute observation. If it were a full 60 minute test, the opacity limit would be exceeded. Region 10 recommended that language be added to the permit that would instruct the permittee to perform a full 60 minute test if this circumstance were to happen.

2007 IDEQ Response: *DEQ will consider this issue and propose a response at a later time*.

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Of the permits that were reviewed, all of them contained standard language that allowed a Method 9 opacity test to be suspended after 30 observations. According to the standard permit language, measurement of opacity for more than 3 minutes of greater than 20% in any 60 minute time period triggers corrective action. However, if a reading is captured every 15 seconds, then that means that 30 observations will result in a total read time of 7.5 minutes. Region 10 believes this is an ongoing concern.

C-6 Background: In 2004, Region 10 identified a concern with frequency of testing and monitoring that was being prescribed in the permits that were reviewed. IDEQ utilized a somewhat standard approach where the frequency was dictated by the previous source test and how close it was to the compliance margin. While this is a good approach, IDEQ should also take into consideration factors such as the relative variability of an operation and the availability of other appropriate monitoring provisions to ensure compliance between tests.

2007 IDEQ Response: *DEQ will include this issue in the guidance for standardized source test language still under development*.

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Of the permits that were reviewed, there was one permit where there was no discussion of the testing or monitoring frequency in the SoB. When evaluating the

frequency of the monitoring prescribed to an emission unit, a permit writer should discuss important elements such as the compliance margin, whether add on controls are necessary for the emission unit to meet the emission limit, variability of the unit over time, and the frequency of monitoring found on like emission units. Region 10 believes this is an ongoing concern.

C-7 Background: In 2004, Region 10 found that many of the title V permits contained a condition that allowed a source test to operate up to 120% of the operating rate achieved during the most recent passing source test. The use of a standard margin above the last source test will not ensure compliance in all cases.

2007 IDEQ Response: DEQ has moved away from using the 120 % provisions and utilizes compliance assurance margins or "worst case normal" provisions on a case by case basis. For example, some permits have used the graduated scale technique for wood fired boilers as EPA states above. Other permits require sources to conduct testing at worst case operating conditions. Standard permit language is currently under development for source testing which will include a wide variety of options based on the type of source to be tested and the parameters that most effect emissions.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern as this practice is no longer utilized at the agency.

Round 3 Evaluation: IDEQ has moved away from this approach and now determines operating rates on a case-by-case basis based on testing from highest emitting conditions. Region 10 considers this concern resolved.

C-8 Background: In 2004, Region 10 identified a concern with IDEQ requiring source testing for similar or identical emission units without explaining in the SoB why the same testing was appropriate. This was especially concerning where past testing did not demonstrate that emission units have similar emissions and were being operated in a similar manner.

2007 IDEQ Response: *DEQ agrees that proper documentation of the stack testing decision making process needs to be technically supported in the statement of basis. DEQ has recently developed guidance for requiring source tests in air permits which provides for useful information in the stack testing decision making process. The TV checklist approach could also include a requirement for permit writers to ensure proper documentation in the statement of basis regarding stack testing decisions*.

2023 IDEQ Update: See 2023 IDEQ response noted below for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including monitoring associated with permit and SOB writing.

Round 3 Evaluation: Region 10 did not review permits with this concern. Region 10 is not certain if this concern has been resolved.

Section D. Public Participation & Affected State Review

D-1 Background: In 2004, Region 10 reviewed an Idaho ruling where the right of an environmental organization to intervene in an appeal of a title V permit, but not itself appeal the permit. Region 10 determined, at that time, the ruling did not interfere with the public participation requirements of the Clean Air Act and EPA's Part 70 regulations.

2007 IDEQ Response: *Idaho's Board of Environmental Quality applies United States Supreme Court precedent when reviewing representational standing*.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: Region 10 has no further information to provide on this court case with respect to representational standing for organizations. Region 10 considers this concern resolved.

D-2 Background: In 2004, Region 10 identified a concern where IDEQ did not provide outreach to the public on how the title V program works or how the public could participate in the review and issuance of title V permits. Region 10 recommended that IDEQ provide basic training opportunities to the public on how the title V program works and how the public can participate in the review and issuance of title V permits.

2007 IDEQ Response: *DEQ encourages public participation in the permitting, rulemaking and SIP review processes. In areas of high interest, DEQ receives high public participation. DEQ provides the public with the opportunity to sign on to the DEQ list server, whereupon a personal email is sent announcing public comments or hearing opportunities*.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: Region 10 thinks that public outreach is still a good practice to strive toward in informing the public about the title V permitting process and how they can meaningfully participate in it. Throughout the interview process during this year's program review, IDEQ made clear to Region 10 that it makes a good faith effort to inform and share information with the public. Region 10 considers this concern resolved.

D-3 Background: In 2004, Region 10 was concerned with how IDEQ addressed environmental justice with respect to the title V permitting process. A recommendation was made that IDEQ consider including Spanish translations of the public notice when going out to the public comment period, especially in high Spanish speaking communities.

2007 IDEQ Response: *DEQ will consider this issue, such as providing a name and number to contact for Spanish translation on its website*.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: During the interviews that were conducted during this year's program review, IDEQ informed Region 10 of numerous practices that were being undertaken to address environmental justice in communities. One of them was where they now provide a line in their public notices for Spanish speaking individuals to contact IDEQ if they would like the permit translated for them. Another is the ability for people to change the language of IDEQ's entire website into their native language. Region 10 acknowledges the progress that IDEQ has made in promoting EJ and encourages further progress.

D-4 Background: In 2004, Region 10 was concerned with IDEQ providing a pre-draft permit to the permittee and working with them to develop any substantive requirements of the permit without making these changes available to the public.

2007 IDEQ Response: *DEQ provides the public with the opportunity to comment and provide input at any time prior to permit issuance*.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: During the interviews that occurred for this year's program review, IDEQ stated that they include any comments by the facility in an appendix in the SoB. They also stated they do not allow comments on anything other than what is already within the scope of the application that they submitted to the agency. Region 10 considers this concern resolved.

Section E. Permit Issuance/Revision/Renewal

E-1 Background: In 2004, Region 10 had a concern about the amount of time that was being taken to issue Administrative Amendments for title V permits. IDEQ was taking more than the 60 days that was in the regulation to take final action on amendment requests.

2007 IDEQ Response: *DEQ's recent permit streamlining event was designed to reduce the lead time for all permit application projects, including Tier I permit amendments. DEQ has also developed a performance measure (PM) that requires 90% of all Tier I permits applications meet regulatory timeframes. This PM is contained in each permit writer's performance plan*.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: According to the most recent reporting by IDEQ on their title V issuance progress, the agency has no outstanding initial permit applications and four extended permits that had outstanding renewal applications. Region 10 considers this concern resolved.

Section G. Resources & Internal Management Support

G-1 Background: In 2004, Region 10 had a concern with IDEQ being able to ensure that staff working in multiple programs (such as title V, NSR, and Tier II) would not affect the responsibilities of permit writers issuing timely permits in the title V program as the title V program is intended to be a fully self-funded program.

2007 IDEQ Response: *Please note DEQ's response to concern #1 in section F above.* IDEQ's Response to F-1*: DEQ's recent permit streamlining efforts will improve the efficiency and consistency of all permit types. DEQ has also recently added two new FTE's to the permit team bring the number to 10 dedicated permit writers. These additional resources have increased DEQ's capabilities of handling increased NSR and TV workloads*.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: According to the most recent reporting by IDEQ on their title V issuance progress, the agency has no outstanding initial permit applications and four extended permits that had outstanding renewal applications. Region 10 considers this concern resolved.

G-2 Background: In 2004, Region 10 was concerned with IDEQ not collecting all of the fees it required from the permittee to ensure that the title V program revenues would be sufficient to maintain the program. Region 10 observed that IDEQ did not collect interest on fees that were late or to even collect past due fees from facilities.

2007 IDEQ Response: Part 70 does not require the collection of interest for overdue fees. DEQ may enforce against those TV facilities that fail to pay fees. Additionally, IDAPA

58.01.01.394 provides DEQ with the authority to refuse to process or issue a permit to construct or operate to any facility delinquent in paying fees.

2023 IDEQ Update: IDEQ did not provide an update for this specific concern.

Round 3 Evaluation: During the interviews in this year's IDEQ program review, IDEQ stated that they now take numerous steps to address this concern. They send out reminder emails to facilities first and if the account goes delinquent, they follow up with a warning letter. If there is an application or other permitting action being worked on when this occurs, IDEQ stops working on that project until the issue is resolved. In reviewing IDEQ's financial statements, Region 10 was unable to identify an issue with the fees or revenue stream for the agency. Region 10 considers this concern resolved.

Section AC. Additional Concerns Raised During 2007 Review

AC-1 2007 EPA Concern: IDEQ should revise forms and guidance. At a minimum, guidance should address the following issues: a) Use of emissions data from monitoring and/or stack tests over generic emission factors; b) When it is appropriate to consider apparent fugitive emissions as point source emissions; c) When it is appropriate to include key operating parameters as enforceable requirements in the permit rather than as elements in O&M manuals; d) How to implement permit shields in permits and how the implementation of the shields should be documented or explained; e) How to develop monitoring, recordkeeping and reporting requirements in permits adequate to assure compliance with the underlying applicable requirements; f) Include the variability of emission unit operation and the availability of other monitoring provisions to ensure compliance between tests when determining the frequency of testing and monitoring; g) Requiring the simultaneous monitoring of operational parameters during a source test so that these operational parameters can be monitored between tests to contribute to a determination of compliance; h) Remove from all open permit actions any generic permit requirement that allows a source to operate at 120% of the tested operating rate; and i) How to conduct applicant reviews of the pre-draft permit materials and how to document changes made at this stage of permit development.

2023 IDEQ Update: *a. Guidance on Emissions Data Hierierchy document is posted on DEQs air permitting web page. (attached) DEQ developed an internal Guidance for Requiring Source Tests in Air Permits, dated 4/16/2007. See electronic document management system (EDMS) record #2008AAF49 (attached) b. DEQ developed guidance for Fugitive Emissions in Permitting Actions. EDMS #2008AAF237 (attached) c. DEQ developed a guidance document – Establishing Permit Conditions. EDMS #2008AAF202 This document includes guidance on O&M Manuals and example templates for permit conditions. (attached) d.DEQ's Tier I (Title V) Operating Permit Application Checklist is posted on the DEQ web page and includes Permit Shield Requests in section 14. (attached) e. DEQ developed a guidance document – Establishing Permit Conditions. EDMS #2008AAF202 (attached) Also see - Guidance for Including Emissions Standards in Air Permits. EDMS #2011ACF3 (attached) f. DEQ developed an internal Guidance for Requiring Source Tests in Air Permits, dated 4/16/2007. EDMS #2008AAF49 (attached) g. DEQ has a template of Standard Permit Conditions (EDMS record #2019AAH2, attached) This Word document includes example permit conditions and comments on how to draft permit conditions for scrubbers, ESPs, baghouses, boilers, emission testing,*

fugitive dust control plans, etc. h.NA i.DEQ's T1 SOB Instructions (EDMS 2008AAH92, attached) direct permit writers to document facility comments in an Appendix to the SOB.

Round 3 Evaluation: Region 10 received copies of these guidance documents in 2008. Region 10 thinks that IDEQ has made progress in the creation of these guidance documents to address the list of recommendations from the 2007 program review. However, there is still room for improvement as many of the guidance documents are still lacking in detail necessary to inform the permit writer of how to document the decisions that are being made in the SoB. Region 10 believes this is an ongoing concern.

AC-2 2007 EPA Recommendation: IDEQ should develop a library of standard permit language for: a) Specific emission units, control equipment, NSPS and NESHAP requirements; and b) Emission rate limits to ensure that averaging period is included as part of the limit rather than as a separate monitoring requirement.

2023 IDEQ Update: *a. DEQ has a template of Standard Permit Conditions (EDMS record #2019AAH2, attached). This Word document includes example permit conditions and comments on how to draft permit conditions for scrubbers, ESPs, baghouses, boilers, emission testing, fugitive dust control plans, etc. b. DEQ developed a guidance document – Establishing Permit Conditions. EDMS #2008AAF202 (attached) See Also - Guidance for Including Emissions Standards in Air Permits. EDMS #2011ACF3 (attached)*

Round 3 Evaluation: IDEQ has created and submitted these guidance documents to Region 10 as was recommended in the previous program review which was conducted in 2007. Although the guidance should be periodically reviewed and updated as necessary to include new and relevant information, Region 10 considers this concern resolved.

AC-3 2007 EPA Comment: IDEQ should develop a checklist for initial and renewal permit actions, to ensure that permit content and procedures are consistent across the program. At a minimum, the checklist should address the following issues: a) Review for obsolete permit conditions; b) Review for compliance issues; c) Review for newly-applicable rules, e.g. CAM, MACT; d) Use of streamlining criteria; e) Review for periodic monitoring; f) Quality of the discussion of the legal and factual basis for permit requirements; and g) How to develop monitoring, recordkeeping and reporting requirements in permits adequate to assure compliance with the underlying applicable requirements.

2023 IDEQ Update: *a, b, c. DEQ has developed a T1 Application Completeness checklist (attached) that addresses obsolete permit conditions, non-applicability determination, compliance plans, compliance schedules, permit shields, applicable requirements, etc. d. DEQ's T1 SOB Instructions (2008AAH92, attached) include a two page discussion of streamlining. e,f,g. The Tier I SOB template and SOB instructions include a discussion of establishing appropriate monitoring, recordkeeping, and reporting.*

Round 3 Evaluation: IDEQ has created and submitted these guidance documents to Region 10 as was recommended in the previous program review which was conducted in 2007. Although the guidance should be periodically reviewed and updated as necessary to include new and relevant information, Region 10 considers this concern resolved.

AC-4 2007 EPA Comment: At least once each year, IDEQ should request delegation of the appropriate NSPS and NESHAP regulations from EPA Region 10, to ensure that delegations are kept up to date.

2023 IDEQ Update: *DEQ's most recent NSPS and NESHAP delegation was approved for rules in effect on July 1, 2022. The delegation letters were issued by EPA Region 10 on May 10, 2023.*

Round 3 Evaluation: As per the conversations that were held during the interviews and IDEQ's 2023 response, IDEQ regularly requests delegation for NSPS and NESHAPs from Region 10 as the most recent approval was in May of 2023. Region 10 considers this concern resolved.

AC-5 2007 EPA Comment: IDEQ should update all future statements of basis to either provide the complete legal and factual bases for permit decisions or provide a summary of each permit decision and reference other documents for further detail. In some cases it may be appropriate to append the referenced document to the statement of basis, e.g. for a PTC/administrative amendment permit action.

2023 IDEQ Update: *See the T1 SOB template and T1 SOB Instructions. EDMS #2008AAH93 and #2008AAH92 (attached)*

Round 3 Evaluation: In the permits that were reviewed for this year's program review, all of them could have included more information as to why certain decisions were being made and how the agency arrived at certain conclusions. See EPA Region 10 response to C-1 for additional information. Region 10 believes this is an ongoing concern.

AC-6 2007 EPA Comment: IDEQ should finalize the source testing guidance currently being developed and send a copy to EPA for review.

2023 IDEQ Update: *DEQ developed a guidance document for Requiring Source Tests in Air Permits. EDMS #2008AAF49 (attached)*

Round 3 Evaluation: IDEQ has created and submitted these guidance documents to Region 10 as was recommended in the previous program review which was conducted in 2007. Although the guidance should be periodically reviewed and updated as necessary to include new and relevant information, Region 10 considers this concern resolved.

AC-7 2007 EPA Comment: IDEQ should refine their permit procedures to ensure that permit compliance documents, such as quality assurance plans, dust management plans and operations and maintenance plans are kept at the IDEQ location in addition to being kept at the site by the facility (see Avista comment no. 1).

2023 IDEQ Update: *The T1-Operating-Permit-Application-Completeness Checklist (attached) requests copies of "Documents for Public Comment" that are to include quality assurance plans, dust management plans, and operation and maintenance manuals.*

Round 3 Evaluation: IDEQ has created and submitted this guidance document to Region 10 as was recommended in the previous program review which was conducted in 2007. Although the guidance should be periodically reviewed and updated as necessary to include new and relevant information, Region 10 considers this concern resolved.

AC-8 2007 EPA Comment: IDEQ should develop written guidance to ensure that emission inventories adequately document assumptions and conclusions, especially those that result in emissions estimates below that suggested by continuous operation of an emission unit (see Avista comment nos. 2 and 3).

2023 IDEQ Update: *See FORM EI – Facility-wide PTE Inventory 2012ACE1 (attached)*

Round 3 Evaluation: IDEQ has created and submitted this guidance document to Region 10 as was recommended in the previous program review which was conducted in 2007. Although the guidance should be periodically reviewed and updated as necessary to include new and relevant information, Region 10 considers this concern resolved.

AC-9 2007 EPA Comment: IDEQ should update their "see/no-see" visible emissions compliance strategy to ensure that all eventualities are represented in the outcomes addressed through permit conditions (see Avista comment no. 4).

2023 IDEQ Update: *See the Tier I Permit Template (attached), permit conditions 3.7 – 3.9 regarding Visible Emissions.*

Round 3 Evaluation: IDEQ has created and submitted this guidance document to Region 10 as was recommended in the previous program review which was conducted in 2007. Although the guidance should be periodically reviewed and updated as necessary to include new and relevant information, Region 10 considers this concern resolved.

AC-10 2007 EPA Comment: IDEQ should systematically update the source test methods listed with each emission unit in the permit, to ensure that the listed test method is the most appropriate for that particular emission unit (see Avista comment no. 5).

2023 IDEQ Update: *DEQ permit writers route draft permits with source test requirements to DEQ's Technical Services division for review of source test conditions prior to issuance.*

Round 3 Evaluation: In the permits that were reviewed, this issue was not perceived as a concern. Region 10 considers this concern resolved.

AC-11 2007 EPA Comment: IDEQ should develop a process to ensure that citations for each permit condition are complete and contain the appropriate level of detail (i.e. avoid high level citations - see Avista comment nos. 7 and 9).

2023 IDEQ Update: *See guidance on Establishing Permit Conditions, Section 7 – Bracket Citations in Permits. EDMS #2008AAF202 (attached) DEQ has guidance on Referencing Federal Requirements in Permits. EDMS #2015ACF17 (attached)*

Round 3 Evaluation: In the permits that were reviewed, this issue was not perceived as a concern. Region 10 considers this concern resolved.

AC-12 2007 EPA Comment: By December 28, 2007, provide EPA with a plan to ensure that the issues noted in Sections III.B and III.C of this report do not occur in any future permit or statement of basis.

2023 IDEQ Update: *DEQ has developed checklists, guidance, and SOPs as noted above.*

Round 3 Evaluation: The issues in III.B were in relation the to review performed on the Simplot permit in 2007 and III.C was for the Potlatch permit. In regards to issues identified withing the SoB, see Region 10 2023 response to comment AC-5. Region 10 considers this concern resolved.

AC-13 2007 EPA Comment: Issue written guidance to permit staff, no later than November 30, 2007 on the need to evaluate and document CAM applicability for all initial and renewal title V permits.

2023 IDEQ Update: *DEQ has Guidance on Compliance Assurance Monitoring. EDMS #2008AAF52 (attached) An application form for the facility to address CAM (EDMS #2008AAF215, attached) is identified in the Tier I application checklist.*

Round 3 Evaluation: IDEQ has submitted this guidance document to EPA Region 10 as requested in this recommendation. Region 10 considers this concern resolved.

AC-14 2007 EPA Comment: Issue written guidance to permit staff, no later than November 30, 2007 on the appropriate elements of CAM requirements within a title V permit.

2023 IDEQ Update: *DEQ has Guidance on Compliance Assurance Monitoring. EDMS #2008AAF52 (attached)*

Round 3 Evaluation: IDEQ has submitted this guidance document to EPA Region 10 as requested in this recommendation. Region 10 considers this concern resolved.

AC-15 2007 EPA Comment: By December 28, 2007 provide EPA with a written analysis of whether CAM applies to any pollutant-specific emission unit in the Simplot permit. If the outcome of the analysis indicates that at least one of the pollutant-specific emission units is subject to CAM, IDEQ should reopen the permit by February 28, 2008 to include all applicable measures of the CAM program into the permit.

2023 IDEQ Update: *DEQ does not have record of providing a CAM applicability analysis to EPA. The Tier I permit issued October 26, 2009, T1-2009.0119, does not include CAM requirements. The SoB for the February 2012 Tier I permit renewal indicates CAM is not applicable to the line 1 fryer controlled by a WESP because the pre-control PM10 potential to emit is less than 100 tons per year. The Simplot-Caldwell facility is no longer a Title V source.*

Round 3 Evaluation: The facility referenced in this recommendation by EPA Region 10 is no longer a title V facility. Region 10 considers this concern resolved.

AC-16 2007 EPA Comment: By December 28, 2007 provide EPA with a written analysis of how Permit Conditions 5.6 through 5.10 fully satisfy the requirements of the CAM program in the Potlatch permit. If the outcome of the analysis indicates that these permit conditions are not adequate to fully satisfy the requirements of the CAM program, IDEQ should reopen the permit by February 28, 2008 to include all applicable measures of the CAM program into the permit.

2023 IDEQ Update: *This facility is now Plummer Forest Products-Post Falls. DEQ does not have record of providing a CAM applicability analysis to EPA by January 28, 2008. The August 1, 2008 SoB for Tier I permit No. T1-2008.0095 includes a 3-page analysis of CAM applicability.*

Round 3 Evaluation: In reviewing this permit and the specific conditions referenced in the 2007 concern, the emission unit's CAM analysis that was in question is no longer subject to CAM. Due to these circumstances, Region 10 considers this concern resolved.

AC-17 2007 EPA Comment: IDEQ should submit to EPA a plan for ensuring not only that the current backlog of renewal permits is issued without further delay, but that future permits (including initial, renewal, modified and amended permits) are issued in a timely manner.

2023 IDEQ Update: *NA* (IDEQ did not provide a 2023 response to this comment.)

Round 3 Evaluation: According to the most recent reporting by IDEQ on their title V issuance progress, the agency has no outstanding initial permit applications and four extended permits that had outstanding renewal applications. Region 10 considers this concern resolved.

AC-18 2007 EPA Comment: IDEQ should submit to EPA a plan outlining measures to be taken to ensure consistency in all future title V permits (including initial, renewal, modified and amended permits).

2023 IDEQ Update: *See attached application forms, templates, and guidance documents. Also see additional forms and guidance on DEQ Air Quality Permitting web page.*

Round 3 Evaluation: IDEQ submitted to Region 10 numerous guidance documents as well as templates informing all of IDEQ's permitting staff of how permits should be processed in response to this concern. Region 10 considers this concern resolved.

III. Compliance Assurance Monitoring

This section of the third-round program review report presents Region 10's evaluation of IDEQ's implementation of the CAM program. CAM, found in 40 CFR Part 64 and incorporated by reference in IDAPA 58.01.01.107.03, remains an important focus for Region 10's oversight work for several reasons. CAM is required to be applied in the initial permit for sources with "large" pollutant-specific emission units and in the first renewal for all other emission units. Large units are those with the (post-control) potential to emit the applicable pollutant at least 100 percent of the major source amount. Most pollutant-specific emission units are not large, so CAM has been primarily implemented during the renewal phase of the title V program. Region 10 had a rigorous permit oversight program in the early years of title V. By the time state and local agencies were issuing renewal permits, Region 10 had scaled back its oversight program substantially and, in fact, reviewed very few permits that addressed CAM. Beginning in fiscal year 2013, Region 10 began to review a small percentage of state/local renewal permits to see how CAM was being addressed. A consistent lack of documentation regarding CAM applicability and monitoring decisions in statements of basis was discovered. Logically, Region 10 has been specifically reviewing how CAM is addressed in permits as part of the Part 70 program reviews.

Background: In the 2004 program review, Region 10 reviewed seven permits for CAM applicability and their analysis for a determination. Some of the SoB lacked a discussion about CAM applicability. Most of the SoB lacked explanations regarding the monitoring (including CAM) decisions in the permits. See Attachment 6 for details. Region 10 reiterated similar comments after reviewing 3 permits during the 2007 program review. See Attachment 7 for details.

2007 IDEQ Response: See 2007 IDEQ response noted above for Concern C-4. IDEQ intended that response to apply to several Region 10 concerns including CAM associated with permit and SoB writing.

2023 IDEQ Update: See 2007 IDEQ response noted above for Concern AC-1. IDEQ intended that response to apply to several Region 10 concerns including CAM associated with permit and SoB writing.

Round 3 Evaluation: In addition to the all-around review of the four permits listed in Section I, EPA reviewed the following nine permits primarily for CAM:

Permit No.	**Company Name & Location**	**Date Issued**
T1-2021.0050	Gas Transmission Northwest, LLC – Compressor Station 5, Athol	04/13/2022
T1-2021.0015	Northwest Pipeline LLC - Soda Springs	10/08/2021
T1-2021.0037	Idaho Power Co. – Bennett Mountain	11/10/2022
T1-2019.0020	Amalgamated Sugar Company - Paul	11/05/2021
T1-2018-0010	Blackfoot Facility of Basic American Foods	06/21/2021
T1-2021.0009	Busch Ag Resources Inc – Malt Plant	09/12/2022
T1-2021.0045	Bennett Lumber Products	09/22/2022
T1-2020.0023	Clearwater Paper Corp – Consumer Products, Lewiston	11/26/2021
T1-2020.0024	Clearwater Paper Corp – Pulp and Paper, Lewiston	11/26/2021

CAM-1 Applicability – Minimum Analysis for all Permitting Actions

Of the thirteen permits that were reviewed, all permits had a varying level of analysis within the SoB with some containing more information about the facilities' applicability than others. In those cases where IDEQ simply referred to the analysis performed by the permittee, IDEQ failed to include the analysis to the SoB. In general, it would be good to see all permits address applicability whether or not the rule applies. A short general CAM introductory section followed by the facility-specific applicability analysis would be ideal.

CAM-2 Applicability – Summary Table

Of the thirteen permits that were reviewed, nine regulated at least one emission unit that used a control device to comply with an emission limitation or standard. Of the nine permits, only one of the statements of basis provided a succinct summary of applicability in tabular format similar to the following:

Pollutant	Applicable Emission Limitation or Standard	ELOS Reference	Use Control Device to Comply with ELOS?	Potential Pre-Control Device Emissions (tpy)	Major Source Threshold	CAM Applicable to ELOS?	CAM Exemption: Post-11/15/90 NSPS or NESAP	CAM Exemption: Continuous Compliance Determination Method	CAM Required for ELOS?

IDEQ should consider crafting such a table in the SoB when at least one emission unit is using a control device to achieve compliance. Each row is dedicated to an emission limitation or standard for a pollutant (or surrogate thereof) whereby compliance is achieved through use of the control device.

CAM-3 Applicability – Making Emission Inventories Readily Accessible

For all thirteen permits reviewed, only one statement of basis provided both the pre- and post-control PTE emission inventories to support the CAM applicability analysis, although all thirteen of them did include the PTE inventory. Attaching to the SoB both the pre- and post-control PTE inventories (drafted either by the permittee or IDEQ) is a best practice that enables the public to more meaningfully review the basis for applicability (based upon pre-control PTE) and the basis for permit monitoring conditions specifying minimum data collection frequency (based upon

post-control PTE). All calculations used to assess CAM applicability should be readily available to the public.

CAM-4 Applicability – Visible Emission Limitations being surrogates for PM limits

In three of the thirteen permits reviewed, IDEQ was presented with the challenge of correctly determining that an emission unit is subject to CAM for at least one visible emissions limit. Pursuant to 40 CFR 64.2(a)(1), CAM applies to emission limits for the applicable regulated pollutant or a surrogate thereof. A limitation on visible emissions through an opacity standard is a limitation on PM/PM10/PM2.5 emissions. In each of the three permits, IDEQ erroneously did not apply CAM to the visible emissions limits.

CAM-5 Monitoring Approval – Making CAM Plan Part of Statement of Basis

In two of the thirteen permits reviewed, IDEQ determined that CAM applied to at least one emission unit. In each case, IDEQ relied heavily upon material in the permittee's CAM plan to support its approval of the proposed monitoring. IDEQ's CAM analysis presented in the statement of basis lacked the detail provided in the permittee's CAM plan. IDEQ did not attach a copy of the permittee's CAM plan to either of the two statements of basis. It would be helpful to see the permittee's CAM plan if IDEQ refers to it in explaining its CAM determination.

CAM-6 Monitoring Approval – Permit Content

In two of the thirteen permits reviewed, IDEQ determined that CAM applied to at least one emission unit. In the permitting action, IDEQ erroneously did not include the core CAM citation for the approval of monitoring 64.6(c).

IV. Additional Review

This section of the third-round program review report presents Region 10's evaluation of IDEQ's financials and other concerns identified during the individual permit reviews. This section also offers a few suggestions for improvement and highlights several concerns not previously identified in 2004 or 2007.

Financials

In addition to reviewing concerns identified in the second review, Region 10 requested an update about program resources and permit issuance progress. In reviewing the agency's permit issuance progress and resources, including their fee program and staffing, we learn how the title V program is being managed. Permit issuance problems, namely large backlogs of unissued permits, are often linked to a lack of resources. IDEQ reports their permit issuance progress semiannually. Region 10 generally considers agencies with a backlog of greater than 20 percent concerning that would trigger additional actions by EPA. That data indicates IDEQ's backlog has no outstanding initial permit applications and four extended permits that had outstanding renewal applications.

IDEQ provided Region 10 with recent budget data. IDEQ uses generally accepted accounting principles (GAAP) to document the accruing of revenues and expenditures to the period in which it was incurred or earned. All of the transactions are processed into a fund accounting system which tracks each source of funds and their respective approved expenses separately. The Agency's fiscal year runs from July until June. IDEQ charges fees to each source based on a three-part formula involving the amount of emissions generated by the source, a fee for service capped at a maximum amount for each source, and lastly a fixed annual fee that is based on a

tiered price depending on the amount of emissions generated by the source for the year. The agency did have an issue with their revenue stream when they lost the funding from one their largest fee contributors, Idaho National Laboratory, in 2018, however despite this exception, this system seems to be working in allowing the agency a lot of flexibility of determining their fees and expenses.

IDEQ is staffed with a range of experienced and new staff. Engineers from IDEQ are assigned to processing permit applications from a variety of sources. Staff retention seems adequate at the agency.

IDEQ appears to manage their fees and expenses adequately. Even with the agency losing one of their biggest sources of fees, INL, and having to re-adjust the amount of fees collected from the remaining sources to balance out the revenue stream. They were able to re-adjust for this and balance out the appropriate accounts. Region 10 has no concerns about IDEQ's management of their resources.

New Concern

After reviewing the 4 permits noted in Section I of this report, Region 10 has the following new concern about IDEQ's title V permit writing practices:

1. In a few of the permits that were reviewed, a statement was included that required the submission of reports to Region 10. Region 10 recommends that IDEQ require these reports to be submitted by electronic means via CEDRI.
2. Upon review of the IDEQ's public comment period process, a concern was identified where IDEQ is not notifying individuals who submit comments of the final permitting action. Region 10 believes that it is important for the agency to formally notify in writing of IDEQ's final permitting decision.
3. Many of IDEQ's permits include the General Provisions from part 60 and/or part 63 in the facility-wide section of the permit. The General Provisions of part 60 and part 63 only apply to those emission units subject to subparts in part 60 or part 63, respectively. Furthermore, different requirements in the general provisions may apply (or apply differently) to different emission units. The General Provisions in part 61 were generally ignored. IDEQ should develop standard practices for incorporating the General Provisions in parts 60, 61, and 63 so they can be incorporated into Tier I permits as practicably enforceable permit conditions associated with the appropriate emission units.
4. Region 10 appreciates that IDEQ regularly updates its delegations of NSPS and NESHAP standards in parts 60, 61, and 63. Moving forward, we recommend that IDEQ consider either preparing State Plans incorporating the Emission Guidelines in part 60 or take delegation of the Federal Plans in part 62. This will prevent double reporting to EPA and IDEQ and will allow IDEQ to act as the Administrator under certain circumstances when administering Tier I permits for existing municipal solid waste landfills, incineration units, and other sources subject to regulation under section 111(d) or 129 of the Clean Air Act.

Positive Findings

Region 10 has the following positive comments to share after its review of IDEQ's title V permitting program:

1. Since the previous program review in 2007, IDEQ issues most of it title V permits in a timely manner and has virtually no backlog anymore.
2. IDEQ utilizes EPA's Electronic Permitting System (EPS) to submit their Tier I (title V) and Tier II (synthetic minor) permits which allows Region 10 to easily track, review and provide feedback on these permitting actions as needed.
3. IDEQ created and maintains a searchable database of its permitting decisions.
4. For the Tier I permits that it issues, IDEQ generally identifies all applicable requirements correctly.
5. IDEQ uses consistent language in their facility-wide and general permit requirements sections indicating a good use of their template documents.
6. IDEQ provides an updated searchable database of all of their state issued permits.
7. IDEQ's administrative staff assure consistent public noticing procedures.

V. Summary of Concerns

This is IDEQ's third round review. 14 of the 30 concerns and 16 of the 18 additional concerns identified in the 2007 second-round program review have been resolved to Region 10's satisfaction. For 3 of the 30 previous concerns, Region 10 did not review permits containing this concern and it is therefore uncertain if this concern has been resolved. There are 15 issues remaining from the 2007 program review. Region 10 has also identified 10 new issues (6 CAM concerns and 4 new concern). The ongoing concerns are A-3, A-4, A-8, A-9, A-10, A-11, A-12, A-13, A-14, C-1, C-4, C-5, C-6, AC-1, AC-5, CAM-1, CAM-2, CAM-3, CAM-4, CAM-5, CAM-6, NC-1, NC-2, NC-3, and NC-4. Region 10 thinks all of these 25 issues should be addressed in IDEQ's response to Region 10.