



ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION

WASHINGTON, D.C. 20460

April 16, 2026

MEMORANDUM

SUBJECT: Guidance on Streamlining Clean Air Act Title V Operating Permit Renewals

FROM: Aaron Szabo
Assistant Administrator

TO: Regional Administrators, Regions 1-10

I. Introduction and Purpose

Title V of the Clean Air Act (CAA) establishes an operating permit program that is primarily administered by State, local, and Tribal air agencies (“permitting authorities”). This memorandum is intended to ensure that permitting authorities and U.S. Environmental Protection Agency (EPA) Regional Offices are aware of and encouraged to take advantage of opportunities to streamline the operating permit review and renewal process by clarifying the minimum information required in a title V renewal permit for which permit terms or underlying applicable requirements are unchanging. The EPA has long encouraged streamlining title V renewal permit applications, and this memorandum affirms relevant portions of prior guidance.¹

This memorandum is not a rule or regulation, and the guidance it contains may not apply to a particular situation based upon the individual facts and circumstances. The memorandum does not change or substitute for any law, regulation, or any other legally binding requirement and is not legally binding or enforceable.

II. Background

The CAA’s title V permit program, implemented through the EPA’s operating permit program regulations found at 40 CFR parts 70 and 71, requires that every major stationary source (and certain other sources) of air pollution apply for and operate pursuant to an operating permit. A title V operating permit is not intended to be a source of new substantive requirements and, therefore, title V permit applications should be used to define existing compliance obligations rather than impose new

¹ 57 FR 32250 at 32254; *EPA White Paper for Streamlined Development of Part 70 Permit Applications* (Jul. 10, 1995) (*White Paper Number 1*); *White Paper Number 2 for Improved Implementation of The Part 70 Operating Permits Program* (Mar. 5, 1996) (*White Paper Number 2*).

requirements. The majority of title V operating permits are issued by permitting authorities with approved programs under 40 CFR part 70. Consistent with CAA section 502(b)(5), permitting authorities issue operating permits to sources (“applicants”) for a fixed term generally not to exceed five years.² Applicants must apply to renew their title V operating permit at least six months prior to its expiration date.³ These permit renewals are subject to the same procedural requirements as those for initial permit issuance.⁴

The EPA’s regulations governing title V initial and renewal operating permit applications include a number of minimum elements, which include provisions to ensure that the permitting authority has sufficient information to deem an application complete and assure compliance with any applicable requirements.⁵ The flexibilities identified in this memorandum do not impact permitting authorities’ ability and discretion to request that applicants provide supplemental information necessary to implement and ensure compliance with other applicable requirements, or to determine applicability of such requirements.⁶

III. Title V Operating Permit Renewal Streamlining

In an effort to streamline the development and submission of renewal permit applications, the EPA is now reaffirming the Agency’s position that if there are no changes to permit terms or underlying applicable requirements since the last permit application, permitting authorities may allow applicants to essentially resubmit the prior application with a current date. For permit terms that are not changing in a renewal permit, permitting authorities may allow applicants to satisfy their regulatory obligations by cross-referencing or incorporating by reference material submitted in previous applications.⁷ For example, if a source is seeking to update its title V operating permit based on the same information used to obtain a New Source Review (NSR) preconstruction permit, the permitting authority may allow applicants to cross-reference or incorporate by reference that information. Any cross-referenced documents must be made available for public review.

Additionally, the EPA’s regulations governing the “Statement of Basis” that must accompany a draft permit are intended to provide flexibility to permitting authorities in setting forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions).⁸ Permitting authorities do not need to proactively explain the legal and technical basis of every permit term—especially unchanged permit terms during permit renewals.⁹ The EPA encourages permitting authorities to focus on explaining permit requirements that are new or different. Although permitting authorities are not expected to proactively justify unchanged permit terms, that does not mean these terms are entirely shielded from review. During a title V operating permit renewal proceeding, all

² 40 CFR 70.4(b)(3)(iii) and (iv).

³ 40 CFR 70.5(a)(1)(iii).

⁴ 40 CFR 70.7(c)(1)(i).

⁵ Minimum elements include, but are not limited to, emissions of pollutants for which the source is major, emissions of regulated air pollutants, identification and description of points of emissions, emissions rates in such terms as are necessary to establish compliance, and emission limits. 40 CFR 70.5(c). *See also* 57 FR 32250 at 32254.

⁶ 40 CFR 70.5(a)(2).

⁷ 57 FR 32250 at 32254; *More Questions, More Answers*, The Permitting Authority, Vol 2(1), 12-13 (Jan. 1993), <https://www.epa.gov/sites/default/files/2015-08/documents/pav2n1.pdf>; *See White Paper Number 1 at 22; White Paper Number 2 at 36-37.*

⁸ 40 CFR 70.7(a)(5).

⁹ *In the Matter of Suncor (U.S.A.) Energy, Inc., Commerce City Refinery, Plant 2 (East)*, Order on Petition Nos. VIII-2022-13 and VIII-2022-14 at 30-32 (Jul. 31, 2023).

aspects of the permit may be subject to EPA and public review.¹⁰ Notably, if public comments raise specific challenges concerning the terms of a renewal permit—even if the permit terms at issue are unchanged—permitting authorities have an obligation to respond to those significant comments.¹¹ Therefore, for a title V operating permit renewal, the EPA encourages permitting authorities to either use the prior Statement of Basis, editing only the portions addressing any changed or new requirements, or, to justify any unchanged permit terms, make the prior Statement of Basis available for public review. Nothing in this memorandum is intended to alter the authority and discretion afforded to permitting authorities to request necessary information from permit applicants to evaluate completeness or take final action on a permit application, consistent with CAA requirements.¹²

This memorandum facilitates the statutory direction for a “streamlined” and “expeditious” permit review process¹³ by ensuring permitting authorities and EPA Regional Offices are aware of streamlining opportunities that may reduce the burden on developing and processing CAA title V operating permit renewal applications.

Please share this memorandum with the title V permitting authorities in your EPA Region. This memorandum can also be found in the Title V Operating Permit Policy and Guidance Document Index (<https://www.epa.gov/title-v-operating-permits/title-v-operating-permit-policy-and-guidance-document-index>). If you have any questions regarding the memorandum, please contact Laura Bunte in the Permitting and Program Support Division of the Office of State Air Partnerships at Bunte.Laura@epa.gov.

¹⁰ Except for modifications qualifying for minor permit modification procedures, all permit proceedings, including initial permit issuance, significant modifications, and renewals, shall provide adequate procedures for public notice. 40 CFR 70.7(h).

¹¹ 40 CFR 70.7(h)(6).

¹² 40 CFR 70.5(a)(2).

¹³ 42 U.S.C. 7661a(b)(6).