



# Types of Operating Permit Projects

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# Operating Permit Projects

- Part 70 (Initial/Renewal)
- Intermediate (Initial/Renewal)
- Administrative Amendments
- Modifications:
  - Significant/Minor
- Off-Permit Change
- Re-open for Cause
- Applicability Determinations

## Part 70/Title V Operating Permit

- Must obtain and renew every 5 years if:
  - The installation PTE is greater than or equal to major source thresholds for any criteria pollutant
  - The installation PTE for HAPs >10/25 tons
  - The installation is subject to a standard under Section 111 (NSPS) or 112 (MACT) of CAA that specifically requires a Part 70 permit

Example:        Hazardous Waste Combustors  
                     Portland Cement Manufacturers  
                     Secondary Lead Smelters, etc.

# Intermediate Operating Permit

- Also required when PTE > major source thresholds
- Can be obtained when the facility has accepted voluntary, federally enforceable conditions that limit PTE to below major level. This can include:
  - Limits on emissions
  - Limits on production - > resulting in reduced emissions
  - Operational limits such as type of materials combusted or processed
  - Limits on hours of operation
- Limits can be taken in a construction permit or the operating permit.

# Intermediate vs. Part 70

- Intermediate OP:
  - EIQ – full every 3 years, EZ in other years
  - Compliance reporting – ACC, although MACT and NSPS may require other
  - Additional record keeping for compliance with voluntary limits
- Part 70 OP:
  - EIQ – full every year
  - Compliance Reporting – Semiannual Compliance Report and ACC, MACT and NSPS may require other reporting

# Example One:

- An installation with uncontrolled PTE for PM10 >100 tons/year uses baghouses on several emission units to control PM10 emissions.
- There is no federally enforceable requirement to do so, however...
- The installation does have an NSR permit that limits plant-wide PM10 emissions to less than 100 tons/year
- The installation is minor source of all other pollutants

## INTERMEDIATE OPERATING PERMIT

## Example Two:

- An installation has uncontrolled PTE for PM10 > 100 tons/year
- They have an NSR permit with conditions requiring use of baghouses on two large units
- These conditions result in PTE < 100 tons per year and they are minor source of all other criteria pollutants

**NO OPERATING PERMIT REQUIRED**

## Example Three:

- An installation is minor source for all criteria pollutant except for HAPs
- The facility wants to avoid MACT applicability and a 70 operating permit so they take a limit in an NSR permit limiting HAP emissions to below 10/25 tons per year
- Intermediate, right?
- No, because the major and de minimis levels for HAPs are the same

**NO OPERATING PERMIT REQUIRED**

## Example Four:

- An installation is major source for VOC emissions and minor source of all other criteria pollutants.
- They wish to avoid having an Operating Permit altogether, so they take a 40 ton/year limit in an NSR permit (also means no modeling)

**NO OPERATING PERMIT REQUIRED**

# Example Five

- The same installation as before receives another NSR permit with another 40 ton/year NO<sub>x</sub> limit on the new equipment
- Results in total NO<sub>x</sub> limit of 80 tons/year

**STILL NO OPERATING PERMIT REQUIRED**

## Example 5 continued

- If the facility receives another NSR permit with a 40 ton/year limit they will need to obtain an Intermediate Operating Permit (PTE VOC = 120 ton/year)

\*\*A facility will be able to obtain two construction permits with limits to below the de minimis level of an individual pollutant before an Intermediate (or Part 70) operating permit is required.

# Administrative Amendment

- A permit revision that:
  - Corrects typos
  - Identifies changes in name, address, Responsible Official, etc.
  - Requires MORE FREQUENT monitoring
  - Allows for change in ownership of installation where no other changes are necessary

# Minor Modification

- Any changes to the permit that are not an administrative amendment or a significant modification that do not:
  - Violate any applicable requirement
  - Involve significant changes to monitoring, recordkeeping or reporting requirements
  - Constitute a Tile I modification
- Do not require public notice
- You can made the proposed change immediately after filing application (you don't have to wait on us)

# Minor Modification Examples:

- An installation received construction permit for a new process or equipment.
- A minor modification is needed to update the OP to include the new permit conditions.
- The facility can proceed with the changes before the OP modification is issued.

# Significant Modification

- A permit revision that is not minor modification or administrative amendment...
- Includes:
  - Significant changes in monitoring, reporting or recordkeeping terms or change in method of measuring compliance.
  - You must submit the operating permit application forms
  - Must go through public notice
  - Cannot make the change until you receive approval through an issued permit modification

# Significant Modification Example:

- An installation received a Construction Permit
- The CP reduced testing requirements and lowered a NO<sub>x</sub> emission rate that was already in place on a turbine.
- The permit was modified, and new record keeping attachments were created to replace the previous forms.
- Issued Significant Modification included:
  - cover letter with a description of the changes
  - Cover page for the permit with new operating permit # and description of the project
  - Page to replace in the operating permit and SOB

# Off Permit Change

- A Part 70 or Intermediate permitted installation may make any change in operations, activities or emissions that is not addressed in, constrained by, or prohibited by the permit without obtaining a permit revision.
- Must meet all applicable requirements;
- Except for insignificant activities, the permittee must provide contemporaneous written notice of the change
- Permit shield not applicable

# Example Off-Permit Change

- A facility installs a new small emergency generator that does not require a construction permit (NPR)

(Note: facility does not have a plant-wide cap on emissions that would be affected by the new generator)

- The facility can notify us of the change and proceed

# Re-open For Cause

- It's determined that the permit contains a material mistake or inaccuracy in establishing emission limitations or other terms of the permit
- Or an additional applicable requirement under the CCA becomes applicable (not if permit term is less than 3 years remaining; the effective date of the new requirement is after the expiration date)
- Or if the permitting authority determines that it needs to be reopened and revised to assure compliance with the applicable requirements

# Applicability Determination/Termination

- If you are unsure what type of permit you need or if you need a permit  
(A recent CP should specify this)
- You wish to terminate the operating permit

# Questions???

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