



# Operating Permit Terms and Concepts That Cause Confusion

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# Fugitive Emissions, Named Installations, and Potential to Emit

- Fugitive emissions are defined as those emissions which according to good engineering practice could not pass through a stack, chimney, vent, or other functionally equivalent opening.
- The concept of fugitives and possible exclusion in potential to emit does not apply to HAPs.

# Fugitive Emissions, Named Installations, and Potential to Emit

Fugitives are included:

- Portland Cement Plant (Item #3)
- Asphalt Plants subject to NSPS Subpart I (Item #27)
- Grain Elevators subject to NSPS DD (Item #27)

Fugitives are not included:

- Rock Crushing Plants
- Fabricated Trailer Manufacturing

Question:

- Solvent Cleaning with HAP emissions that occur outdoors in a 3 sided structure. Are these HAPs included in PTE?

# Insignificant Units: emission units that do not have emission unit specific limitations

## Not Insignificant

- Haul roads
- Natural gas combustion units
- Small boilers that emit less than de minimis
- Emergency generators that we only use sometimes

## Might be Insignificant

- 10,000 gallon diesel storage tank (not in St. Louis Metro area)
- Gasoline storage tank (at major HAP sources)

# Grandfathered or Exempt from Permitting

- Why is my grandfathered boiler included in my operating permit? It's exempt from construction permits.
- Why is my emergency generator included in my operating permit? It's exempt from construction permitting.
- Why is my 9 MMBtu/hr, natural gas fired boiler included in the operating permit? It meets an exemption in the operating permit rule.

# Compliance Assurance Monitoring (CAM)

- CAM only applies to Title V, not Intermediates
- Applicability: on a pollutant specific basis, does the emission unit meet all of the following:
  - Is the emission unit subject to an emission limitation or standard? **and**
  - Does the emission unit use a control device to comply with the limit or standard? **and**
  - Does the emission unit have uncontrolled potential to emit greater than operating permit major source thresholds?
- If yes to all three questions, then the unit is subject to CAM.

# EPA's Once In Always In Policy

- Why can I now accept limits to become an area HAP source? That is a different approach than my previous operating permit.
- What if I'm currently subject to a major source MACT and would like to accept limits to become an area source and no longer be subject to the major source MACT?
- What if I currently have voluntary limits in my operating permit to be an area source of HAPs and I need to remove those limits and become a major source? How does that affect MACT applicability?

# State Implementation Plan (SIP) vs. Code of State Regulations (CSR)

- Missouri creates, modifies, and removes rules in the CSR, and submits those to EPA for approval into the SIP. EPA must approve any change to the SIP.
- Why does my permit contain two permit conditions that apply 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants*?
- Why does my permit contain 10 CSR 10-6.260, *Restriction of Sulfur Compounds*?

# Exemption vs Exception

- Exemption: the rule does not apply.
- Exception: the rule contains limited requirements.
- Why does my permit apply 10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions*, to natural gas combustion sources?
- Why does my permit apply 10 CSR 10-6.261, *Control of Sulfur Dioxide Emissions*, to units combusting ultra low sulfur diesel?
- If my natural gas combustion unit is exempt from 10 CSR 10-6.260, why is it not exempt from 10 CSR 10-6.261?

# Gap Filling

- Why does my permit contain monitoring when the rule does not require any?
- My permit contains the monitoring specified in the rule, but I prefer to monitor different parameters. Why can't the permit contain the monitoring I prefer?
- Why does my permit require that I keep records showing my natural gas usage when my combustion unit can only burn natural gas, to comply with 10 CSR 10-6.261?

# Practically Enforceable and Federally Enforceable

- Why does my operating permit require operating my control device within manufacturer's specifications and keeping those documents on site? My construction permit only requires that I use the control device.
- Why does my operating permit contain detailed recordkeeping attachments with emission factors and control efficiencies?
- Why does my operating permit require including all actual emissions, and SSM emissions, in the compliance calculations?

# Electronic vs. Hardcopy Submissions

- Why does my permit state that hardcopies and electronic copies must be submitted? Why can't I submit everything electronically?
- EPA may require electronic submissions in a MACT or other regulation. Submit electronically to EPA as required.
- For Missouri, hardcopy submissions of any kind of compliance certification are required. Electronic submissions do not substitute for the hardcopy requirement; even if already submitted to EPA electronically.

# Visible Emissions vs. Opacity

- Why does my operating permit require a Method 22 for visible emissions to demonstrate compliance with 10 CSR 10-6.220, which contains opacity limitations?
- Why does my new operating permit apply 6.220 to individual emission units when my previous operating permit applied it plant wide?

# New vs. Existing

- Why does my operating permit say my boiler is new when applying the emission limit in 6.220? It was installed in 1996.
- Why does my operating permit say my emergency generator is a new unit for state rules but is an existing unit for MACT ZZZZ? It was installed in 2001.
- How is this different than the concept of new and existing in construction permitting?

# Equipment and Process Changes

- I want to remove 2 boilers and install 1 new boiler. It's a net emissions decrease, and I'm still under my Intermediate limits. I can just make this change in the operating permit, right?
- I'm changing paint suppliers. My old paint contained benzene, my new paint contains xylene. Overall, it's a net emissions decrease for HAPs and I'm still under my Intermediate limits. I can just make that change in the operating permit, right?
- My permit states my tank contains hexane. I want the operational flexibility to store a new liquid that contains toluene. I'm still under my Intermediate limits. I can just make that change in the operating permit, right?

Probably not, these changes may require obtaining or modifying construction permits. That must be evaluated first.

# What if?

- My natural gas supplier may shutdown. My boiler is permitted to only burn natural gas. We may need to construct piping and combust fuel oil to maintain operations.
- I'm approaching my plant wide limit in my Intermediate operating permit and may need to switch to a Part 70.
- My operating permit renewal window closes in a week. I lost track of time and haven't started my renewal application yet.
- I don't understand a requirement in my permit.

Anytime you have questions or concerns, please contact us.

- Any Questions?

- Thank you for your time and attention!

# Where do I find more information?

## Part 1

- Operating permit fee worksheet  
<https://dnr.mo.gov/document-search/air-operating-permit-fees>
- Operating permit forms:  
<https://dnr.mo.gov/document-search/application-authority-operate-mo-780-1519>
- Code of State Regulations (CSR):  
<https://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-10>
- Code of Federal Regulations (CFR)  
<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C>

# Where do I find more information?

## Part 2

- Operating permit projects under review:  
<https://dnrservices.mo.gov/env/apcp/pending-projects-search.php>
- Draft operating permits on public notice:  
<https://dnr.mo.gov/air/what-were-doing/public-notices-comments>
- Issued operating permits:  
<https://dnr.mo.gov/air/business-industry/permits/issued-pending>

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