OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
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THE TITLE V PROGRAM - GUIDANCE

This guidance is a compendium of frequently asked questions and answers concerning the Title V program in Oklahoma designed to assist you in completing your permit application. The answers given here are based on the latest information available and represent our best understanding of the program. However, be aware that they may be subject to change at a later time. If you have any questions concerning this document please feel free to contact staff of the Air Quality Division at (405) 702-4100.

THE PROGRAM

1. Why does Oklahoma implement the Title V program?
DEQ has as one of its primary goals to "Encourage common sense approaches to environmental regulation by obtaining authority to operate all federal programs duplicating state authority." The Clean Air Act Amendments (CAAA) of 1990 mandated a nationwide system of operating permits for major sources similar to the air program that Oklahoma had in place for some years. Thus, obtaining authority to operate the Title V program is consistent with our public policy philosophy that, "The best government is that government closest to and therefore most responsive to the people."; "The best government is that government that is least intrusive of private resources," and "The best government is that government that is least stressful on its constituencies."

2. How do Part 70 permits fit into the permit program?
Oklahoma operates a dual permitting system. In general, a construction permit is required for construction of a new source, and for modification to an existing source, provided certain criteria are met. An operating permit application is required to be submitted within 180 days after each emission unit in the permit becomes fully operational. Permits are classified as either minor or major, depending upon the levels of emissions and the particular pollutant emitted. A major operating (Part 70) permit is required of those facilities with the potential to emit (PTE) 100 tons per year (TPY) or more of any criteria pollutant, or 10 TPY or more of any one hazardous air pollutant (HAP), or 25 TPY or more of any combination of HAPs. A definition of "major stationary source" is found in OAC 252:100-8-31. Listed major stationary sources with PTE of 100 TPY or more of any pollutant subject to regulation, and those unlisted sources with PTE of 250 TPY or more must also meet Prevention of Significant Deterioration (PSD) requirements. If a source can demonstrate by either operational constraints or control equipment that the facility would never realize its potential to emit major amounts then it qualifies as a minor source, which is typically called a "synthetic minor." A general operating permit (and Authorization to Operate) is also available for certain Title V facilities. For a fee of $250 and appropriate documentation the DEQ will provide an "Applicability Determination" as to which type of permit is required.

3. What is the cost associated with getting a Part 70 permit?
Per OAC 252:100-8-1.7, fees for processing various Title V applications are as follows.

(1) **Applicability determination.** $500, to be credited against the construction or operating permit application fee, if a permit is required. If no permit is required, the fee will be retained to cover the cost of making the determination.
(2) **Construction permit application.**
(A) New Part 70 source - $7,500.
(B) Modification of a Part 70 source - $5,000.
(C) Authorization under a general permit - $900.
(3) **Operating permit application.**
(A) Initial Part 70 permit - $7,500.
(B) Authorization under a general permit - $900

(C) Renewal Part 70 permit - $7,500.
(D) Significant modification of Part 70 permit - $6,000.
(E) Minor modification of Part 70 permit - $3,000.
(F) Part 70 Temporary Source Relocation - $500.

The Department of Environmental Quality is delaying implementation of the above permit application fee increases adopted in 2011. The Oklahoma Used Tire Recycling Act 27A, O.S. §2-11-401 et seq. was also adopted in 2011 and is designed to supplement the permit application fee program. Therefore, until further notice, DEQ will continue to assess the permit application fees below.

(1) **Applicability determination.** $250, to be credited against the construction or operating permit application fee, if a permit is required. If no permit is required, the fee will be retained to cover the cost of making the determination.
(2) **Construction permit application.**
(A) New Part 70 source - $2,000.
(B) Modification of a Part 70 source - $1,500.
(C) Authorization under a general permit - $900.
(3) **Operating permit application.**
(A) Initial Part 70 permit - $2,000.
(B) Authorization under a general permit - $900
(C) Renewal Part 70 permit - $1,000.
(D) Significant modification of Part 70 permit - $1,000.
(E) Minor modification of Part 70 permit - $500.
(F) Part 70 Temporary Source Relocation - $500.

These permit processing fees are payable at the time of application and are non-refundable. An annual operating fee, based on emissions information submitted with the Annual Emissions Inventory, adjusted yearly, is also assessed according to either (owner/operator choice) actual emissions (from test or monitoring data) or allowable emissions (permitted) submitted for the year on the Turn-Around Document. The 2009 major source fee was $34.04 per ton (except for CO, which does not have a fee). The fee is adjusted annually based on the Consumer Price Index. Incidentally, the minor source fee for 2009 was $25.12 per ton.

4. Who can I contact at DEQ for information/assistance on Title V requirements?
Applicants needing general assistance should contact our Customer Service Division, toll free at 1-800-869-1400, or for specific assistance contact the Air Quality Division at (405) 702-4100. The Air Quality Newsletter that is currently distributed to those on the mailing list for Air Quality Council announcements will also contain updated regulatory and policy information on Title V and other programs. The agency also has a website at //http:/***www.deq.state.ok.us/***

5. How do I know if I need to submit a Title V application?
In general, a Part 70 permit is required of those facilities with PTE of 100 TPY or more of any criteria pollutant, or 10 TPY or more of any one HAP, 25 TPY or more of any combination of HAPs, or 100,000 TPY of greenhouse gasses (GHGs). If a source can demonstrate by either operational constraints or control equipment that the facility will never realize its potential to

emit in major amounts, then it qualifies as a minor source (a "synthetic minor") and a Part 70 permit is not required. Certain other sources, such as any affected source subject to the Acid Rain Rules, any solid waste incinerator subject to Section 129(e) of the CAA, or landfills, may be required to obtain a Part 70 permit regardless of their PTE.

6. What is a "synthetic minor" permit?

Title V regulations allow a source that would normally be required to obtain a Part 70 permit to accept operational or control equipment limitations so that its PTE does not exceed major source levels. Thus, it is exempt from obtaining a Part 70 permit. This minor source permit is typically called a synthetic minor permit. The traditional DEQ Permit Application Guide, containing DEQ Form 884, is used for these sources. There are both advantages and disadvantages to electing the synthetic minor option. Advantages include not having to collect and submit facility-wide information required for a Title V application, not having to prepare a detailed emissions inventory for the facility, not having to meet Title V annual reporting and recordkeeping requirements, and possibly being exempt from additional permitting and emissions fees. Disadvantages include being required to limit potential emissions, and not having a Part 70 permit shield.

7. What is an Applicability Determination?

An Applicability Determination (AD) is a service provided to industry to determine whether a particular source or operation is subject to the requirements of a rule. The AD fee is $250, which may be applied to any subsequently required permit. Generally, the application must contain the same information as a regular permit application.

8. Are emissions levels for insignificant activities included in the determination of whether you are subject to Title V?

A list of those units that meet the definition of insignificant (OAC 252:100-8.2) must be provided in the application. However, quantification of emissions levels for Title V are required only to the extent needed to determine major source status, to verify the applicability of a specific requirement, or as necessary to compute a permit fee. If emissions levels for insignificant activities are not needed to determine major source status, then they need not be included in the permit application.

9. If PTE has already been evaluated through issuance of a previous permit, must it be re-evaluated for this application?

Generally, yes. Applications should contain information to the extent needed to determine major source status, to verify the applicability of various requirements, to verify compliance with applicable requirements, and to determine the correct permit fee. A description of all regulated air pollutants for each emissions unit should be provided. This requires at least a qualitative description of all significant emissions units, including those not regulated by applicable requirements. However, if the information that was included in a previous application and permit evaluation is still correct and accurate, then all that is required is a statement confirming the accuracy of the previous permit.

10. In a multiple owner situation, who should apply for a Part 70 permit?
Either the owner or operator of a facility may apply for a permit. In those cases where there are multiple owners it may be more convenient to obtain the permit in the name of the operator, rather than list all of the owner's names. The operator is determined by who has day-to-day supervision and control of activities at a site. In some cases the operator may be the owner, at other sites the operator may be the general contractor.

11. How are HAPs and air toxics handled under Title V?
Facilities subject to Title III of the CAAA90 must provide a list of HAPs emitted from the source if it is a major source for HAPs; demonstrate compliance with established NESHAP standards; provide a risk management plan to the designated agency if any listed chemical is present on site or stored in an amount equal to or greater than the threshold limit; provide a list of future NESHAP standards to which the facility will be subject; and comply with other applicable requirements of Section 112 by the appropriate compliance date(s).

12. Is any permit (minor or Part 70) required if emissions of pollutants at a facility are below *de minimis* levels?
Unless affected by an area source NESHAP, a facility is not generally required to get a permit if it has no emissions of any criteria pollutant that exceed five TPY. A facility may elect to have Air Quality perform an Applicability Determination to determine if a permit is required.

13. Do oil and gas exploration and production facilities need a Part 70 permit?
Yes, applicability to the Title V program is the same for all industries. If, after aggregating emission units and summing the emissions, including fugitives and fugitive dust (see Question 25), the facility emits over 100 TPY of any criteria pollutant, then you must file a Title V application regardless of any other jurisdictional issues.

14. Will oil & gas activities affect my Part 70 permit? What about adjacent facilities?
Under OAC 252:100-8-2, major source definition, activities with the same industrial Major Grouping (2-digit SIC) located within a contiguous area and under common ownership are required to aggregate. We are currently interpreting "within a contiguous area" as any source located within 1/4 mile of another commonly-owned source. So, unless your facility has the same two-digit SIC as the oil and gas activity, it will not affect your Part 70 permit. Note that the Major Grouping of an establishment is determined by the primary activity performed at that facility. Activities performed in conjunction with the primary activity are classified the same as the primary activity, e.g., a compressor station that compresses gas to or from a natural gas plant would be classified SIC 1321, where a compressor station on a transmission pipeline would typically be classified as SIC 4922. If you are unsure whether Title V requirements apply to a particular facility or group of facilities, then an Applicability Determination may be requested upon submittal of all relevant information that would be required for a Title V permit and a fee of $250. A specific exemption to the aggregation requirement states that emissions from any oil or gas exploration or production well, and emissions from any pipeline compressor or pump station, are not aggregated with emissions from other similar units.

15. How are "grandfathered" sources handled under Title V?
By definition, a "grandfathered" source is an emission unit that was in existence prior to the effective date of any applicable regulation that would have created specific quantifiable and enforceable emission rate limits. Grandfathered emission sources must be identified as such in the application and emissions inventory but will retain only the equipment descriptions as permit conditions. They may be moved within the same facility without a permit modification, but if they are modified, reconstructed, or replaced, they are subject to permit review and may lose their grandfathered status.

16. a) If I have a minor source permit for a facility that contains an inactive source that would make my facility major if it were returned to service, do I need to apply for a Part 70 permit?
A Part 70 permit is not required until you decide to operate the inactive source.

b) What if I require a Part 70 permit for other equipment?
If a unit is not currently in service, but there is a possibility that it will be put into service during the five-year term of the permit, then PART 3 and PART 5 forms must be completed. In the required narrative, include information that describes the work needed to put the unit into service.

17. a) How are sources that were previously exempted handled under Title V?
Those activities previously exempted by regulation or policy from obtaining a permit must apply for a Part 70 permit if they are Part 70 sources. If a source was exempted by policy from complying with an otherwise applicable emission limitation, that emission limitation will now be included in the Part 70 permit for that source. Note that this does not necessarily require that emissions limitations will be included in a permit for all pollutants associated with an activity. Emissions limitations are not typically required unless they are "rolled over" from an existing permit, a specific requirement is applicable, or the source assumes a limitation to avoid an applicable requirement. If this limitation was omitted in a previous permit for whatever reason, e.g., error by the drafter, incorrect or lack of information, an agency policy that has now changed, etc., it will be included in a current permit. For example, OAC 252:100-19-4, allowable particulate emission rates from fuel-burning units, applies to all fuel-burning units. Thus, emissions limitations for particulates are necessary to assure compliance with this regulation and will be included in permits for these sources.

b) Isn't placing an emissions limitation on formerly exempt sources contrary to the Title V policy of "not adding any new limits?"
Title V regulations require that all sources at a facility be addressed in the permit. If an emissions limitation is appropriate, i.e., from an applicable requirement, it is not a "new requirement" in that there was a specific requirement that applied at the time. If this limitation was omitted in a previous permit for reasons suggested in (a), it will be included in the current permit.

18. Does submitting an application or requesting a permit shield protect a facility from enforcement action for noncompliance events that occurred prior to either submittal of the Title V application or issuance of the Part 70 permit?
No, there is no retroactive application or permit shield. If a facility is out of compliance at the time the application is made, the facility is required to submit a compliance schedule for approval by the DEQ. Noncompliance before the permit is issued may result in Enforcement action.

19. Will a state-issued consent agreement, consent order, or administrative penalty order, prevent EPA enforcement for the same violation?
No. Section 113(a)(3) of the Clean Air Act authorizes the Administrator (EPA) to directly enforce Title V and any permit issued thereunder. EPA may issue an administrative penalty order or an order requiring compliance with the law or permit. EPA may also step in at the request of the DEQ. However it is not likely that EPA would over-file if the State has taken proper action against the facility and has assessed adequate fines in its consent agreement, consent order, or administrative penalty order.

20. If an area is designated as nonattainment, how will this affect existing and new permits?
Several steps must be completed in designation of a nonattainment area before new requirements are implemented in permits. This process usually begins at the time EPA notifies the governor of a state, based on air quality data, planning and control considerations, that the designation of any area or portion of an area within the State or inter-state area should be revised. Within 120 days of this notification the governor must submit to EPA a re-designation of the appropriate area. Within 120 days of the submittal, EPA proposes the re-designation as a rule, with whatever changes it deems applicable. The re-designation becomes final after 60 days unless the governor submits changes. As an alternative to EPA initiation of this process, the governor may, on his own, submit a revised designation to EPA. EPA must then approve or deny such re-designation within 18 months.

Promulgation of the nonattainment area designation will include and identify a date by which the nonattainment area must reach attainment. Typically, this date will be no later than five years from the date the area was designated as nonattainment. Promulgation will also include a schedule (typically not exceeding three years) by which the state must submit a nonattainment area revision to its state implementation plan (SIP). This plan, or plan revision, must address those implementation measures needed to bring an area back into attainment. These measures typically include requirements that new and existing sources apply reasonably available control technology measures (RACT), that permits be issued for new and modified major sources that requires the source to meet the lowest achievable emission rate (LAER), and requires that reasonable further progress (RFP) be made in reaching attainment.

Section 502 (b)(9) of the Clean Air Act requires that major source permits with a remaining term of three or more years be revised to incorporate new applicable standards and regulations within 18 months of promulgation. Thus, some existing permits would require revisions to incorporate RACT fairly soon after final approval of a SIP revision. Others would not be changed to incorporate RACT requirements until their regular renewal date.

Some areas of Oklahoma have been previously designated as nonattainment for ozone. Thus, our rules already contain nonattainment requirements for emission of VOC in Subchapter 39 and a SIP revision may not be necessary if nonattainment recurs. These requirements have been, and continue to be, incorporated into permits for facilities located in Tulsa and Oklahoma counties. If these previously approved requirements continue to meet EPA nonattainment requirements, then existing permits for facilities in Tulsa and Oklahoma counties will not need revision. However, permits for facilities in other counties designated as nonattainment would have to be revised to include requirements for VOC and possibly for other precursors of ozone.

THE APPLICATION PROCESS

21. What pollutants must I include in the application?
The application shall include all regulated air pollutants, including GHGs. OAC 252:100 Appendix P lists regulated air pollutants, with the current exception of GHGs.

22. What information is required in a Title V application?
A Title V application includes information needed to determine the applicability of any federal or state only requirement, and to determine a permit fee. Information is required to be submitted for each emission unit at the facility. A list of any insignificant activities that are exempted because of size or production rate must also be provided. OAC 252:100 Appendix I lists numerous activities that qualify as insignificant. The following table illustrates the PART to be used in supplying information required by the specific paragraph of subsection OAC 252:100-8-5(e).

Paragraph	**Required Information**	**Form**
(1)	Identifying Information, including company name and address	PART 1
(2)	Description of the source's processes and products (by SIC Code)	PART 1, 3
(3)	Emissions related information (to be retrieved from inventories)	PART 1a
(4)	Air pollution control requirements	PART 5
(5)	Other specific information required under the Agency's rules	PART 5
(6)	An explanation of any proposed exemptions from requirements	PART 5
(7)	Additional information to define alternate operating scenarios	PART 3
(8)	A compliance plan	PART 5, 5a
(9)	Compliance Certification	PART 5
(10)	Acid Rain forms	PART 5

23. Do we need to provide information about formaldehyde for lean burn engines?
Yes. Manufacturers' data will be used in most evaluations, although stack testing may be required for facilities with many engines. AP-42 factors will not be accepted except for small facilities with engines whose data are no longer available. These situations will be evaluated by DEQ on a case-by-case basis.

24. Do I need to include all emissions sources in the application?
Information should be provided in the application sufficient to identify and describe all points of emissions for which the source is major; and all emissions of regulated air pollutants from any emissions unit sufficient to verify which requirements are applicable to the source; and to calculate fees. This does not include those trivial activities listed in Part D of the Part 70 Permit

Application Guide. In addition, insignificant activities listed in Part 1b need only be identified but not quantified, except to the extent necessary to demonstrate their insignificance.

25. Do fugitives need to be addressed in the application if they don't exceed five TPY?
Yes. While fugitives are not included in the determination of major source status unless the facility is one of the industries named in the definition of major stationary source (B) under OAC 252:100-8-2, they must be included to determine rule applicability. Therefore, they must be addressed in the Title V Permit Application as stated in OAC 252:100-8-5 (e). However, they may be an insignificant activity.

26. Is it possible that a Part 70 permit would be required for a facility that has only insignificant activities?
Yes, it is possible, but not likely. A facility could have 20 or more insignificant activities, each of which emit 5 TPY or more of a regulated pollutant, so that collectively they emit 100 TPY or more of that pollutant.

27. Are emissions from fugitive sources (i.e., road dust) considered in determining major source status?
Yes, in some cases. As stated in the definition of "major source" in OAC 252:100-8-2, the fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302 (j) of the Act, unless the source belongs to one of the categories of stationary sources listed in the definition or is subject to an NSPS or NESHAP that directly addresses fugitive emissions. In particular, for road dust, EPA has issued guidance that clarifies its interpretation of the term "regulated air pollutant" for particulate matter for Title V purposes (Lydia Wegman memo, October 16, 1995). This guidance states that the definition of regulated air pollutant under Title V applies to emissions of PM_{10}. (Note that this guidance affects only Title V applicability and fee determinations. It does not affect any existing state or federal requirements for particulate matter.)

28. Are boilers, furnaces, and water heaters for on-base housing and dormitories trivial sources according to the definition under "Residential"?
Yes, the units described meet this definition since on-base housing and dormitories are considered comfort heating for non-commercial purposes.

29. Are base wood hobby shop and civil engineering wood shop (maintenance of grounds and buildings) at a military base trivial sources according to the definition under "Woodworking"?
Yes, these clearly meet the criteria of "woodworking utilized for hobby purposes or maintenance of grounds or buildings."

30. Do emissions from offloading of jet fuel and diesel fuel from a bulk storage tank to a tanker truck for distribution to aircraft or generator storage tanks and emissions from vapor displacement from fueling aircraft on the flight-line and ground fleet vehicles at a service station meet the definition of trivial sources according to the definition under "Storage Tanks/Distribution"?

Part 1: Yes, unless the jet fuel is JP-3 or JP-4. The vapor pressure of diesel, JP-5 and JP-8 are below the Subchapters 37 & 39 threshold value of 1.5 psia under actual storage conditions. JP-3 and JP-4 are above that value at approximately 68 degrees F.
Part 2: Emissions from aircraft fueling on the flight-line are considered trivial because both the tanker and the plane are mobile sources and therefore exempt from SC 37 regulation. Service stations have historically not required a permit anywhere in the state except for Tulsa and Oklahoma Counties during their time of non-attainment for VOCs in the 1980's. Oklahoma City-County Health Department permitted new gas stations in the early 1990's but stopped around 1994. Tulsa still permits vapor recovery equipment at new stations under city-county regulations.

31. Are emissions from jet engines removed from an aircraft, put on a stand and tested trivial sources under "Mobile Sources"?
No, the test cells are stationary sources. The intent of the vehicle exhaust item is for airplanes to taxi to take-off position, run-up engines, take-off, land, and taxi back to hangar.

32. What sources are subject to the Compliance Assurance Monitoring (CAM) Rule?
The CAM Rule in 40 CFR Part 64.2 requires that certain Title V sources submit a monitoring plan for certain emission units using control devices (those that emit greater than major source thresholds not considering the control device) with their Title V applications. Part 64 specifically exempts: sources affected by an NSPS or NESHAP proposed after November 15, 1990; stratospheric ozone requirements; Acid Rain requirements; emission limitations developed through an emissions trading program; an emissions cap; a continuous compliance determination method, as defined in §64.1; and certain municipal peaking utility units. Specifically, the CAM rule applies to emissions units at a major source if the unit satisfies all of the following criteria: the unit is subject to an emission limitation or standard; the unit uses a control device to achieve compliance; and the unit has potential pre-control device emissions equal to or greater than 100 percent of the amount required for a source to be classified as a major source. Facilities with "large emissions units" (those that are major sources by themselves even with controls) are required to submit a CAM plan with applications for initial permits. They are also required to submit a CAM plan with applications for significant modifications or renewals of Part 70 permits for sources with large emission units.

33. If a source submits a compliance schedule to meet CAM Rule requirements is the application considered complete?
Yes, assuming the compliance schedule is acceptable to DEQ and EPA. The CAM rule, at 40 CFR §64.4(d), recognizes that required data on operating parameters may not be available by the application submittal date. In such a case, the applicant must submit a test plan and schedule for obtaining this data. The schedule would then be placed in the Part 70 permit as a compliance schedule.

34. What information is required to demonstrate compliance?
The application must include information needed to determine the applicability/non-applicability of any requirement for each emissions unit at the source to be permitted. After excluding trivial and insignificant activities, each emissions unit must be evaluated for compliance with each applicable requirement. Initially, compliance with each requirement must be demonstrated

according to any prescribed method within the requirement or, if not stipulated, by a method chosen by the applicant with full justifications and calculations to be expressed in the same units as in the rule. Future compliance assurance methodology shall demonstrate compliance with applicable requirements similarly.

35. Do we have any Class I areas in Oklahoma?
The only Class 1 area in Oklahoma is the Wichita Mountains Wildlife Refuge. However, there are some Class 1 areas within the surrounding states.

36. How do we determine if we are within 50 miles of Indian country?
There is no current map of Indian country for Oklahoma. An applicant may be able to obtain the information from The Bureau of Indian Affairs, but action by the applicant is probably unnecessary, because AQD notifies the tribes of all actions.

37. How do I ensure my application will be complete?
The forms were developed to reflect all requirements for a complete application. To assure that your application will be complete, use only official DEQ forms, fill in all blanks (use NA if not applicable), and provide sufficient detail so that the application is also "technically" complete. In general, an application is technically complete if all assertions are fully documented so that the DEQ can duplicate calculations and confirm compliance and emissions claims. In other words, the applicant has justified, proven, and supplied all relevant information. For example, to state that a piece of fuel-burning equipment emits 0.15 lb/MMBtu of SO_2 is not technically complete unless the applicant provides a straightforward justification (i.e., test results, manufacturer's information, calculations, computer data, etc.), that the DEQ can recognize to verify the 0.15 lb/MMBtu claim.

38. Can I get help to make sure I have included everything in the Title V application submittal?
Contact the Customer Service or Air Quality Division and request a pre-application submittal conference. Staff will meet with you to identify any areas needing further work. The easiest way to expedite issuance of your Part 70 permit is to ensure that the application is administratively and technically complete.

39. What is the benefit of the "application shield" and how does it work?
An applicant who has submitted a timely and administratively complete application is protected from enforcement action resulting from not having a permit while the application is being processed. If additional information is identified as needed to complete the application and this additional information is not timely submitted during the review period, the application will be determined to be administratively incomplete and the applicant loses the benefit of the shield.

40. Does the application shield allow one to increase emissions levels over the previous permit?
Possibly, in some limited instances. The application shield protects the applicant from enforcement action for not having a permit until the agency takes final action on the application (issuance or denial). In some cases, e.g., administrative permit amendment or a minor permit modification, a source is authorized to make administrative or minor changes at the facility and

to comply with any applicable requirements governing the change and with any proposed permit terms and conditions requested by the applicant. However, if the source fails to comply with its proposed permit terms and conditions during the time it takes for DEQ to act on the application, the existing permit terms and conditions it seeks to modify may be enforced against it.

THE APPLICATION FORM

41. How should the application be organized?
The application submittal should start with a table of contents listing the location of all forms and documentation. The following material should then include facility information, emissions unit group (EUG) information, and justification documentation. Facility information should include one PART 1, one PART 1a, one PART 1b, one PART 1c, one Facility-Wide PART 3, and one Facility-Wide PART 5 (with any associated PART 5a, 5b, and/or 5c). EUG information will include duplications of PARTs 3 and 5 (with any associated PART 5a, 5b, and/or 5c) for each EUG and for each operating scenario under each EUG. Justification documentation should contain information referenced in the various PARTs, including all detailed narrative descriptions, flow diagrams, monitoring, recordkeeping, reporting, test methods, compliance demonstration and certification methods, and calculations required by the regulations, as well as any alternate methods, justifications, or explanations desired by the applicant. Any appendix or attachment must be referenced on the associated PART. Tabs to identify the different EUGs and sections are very helpful. Disks should include a paper table of contents that identifies each form, narrative, or justification with a unique file name.

42. How should the application be submitted?
Each application should be submitted in triplicate paper copies. Additionally, at least two readable electronic copies should be submitted. Each electronic copy should mimic the organization of the paper copies as described above.

43. Can information be standardized for similar units at different facilities?
Certainly. In such a format, PART 5s might be identical and only the justification documentation will change from facility to facility. Worksheets could even be developed to reduce the application burden on industry. However, remember that the applicant always has the option to choose another method for compliance demonstrations and emissions claims, and this may vary from unit to unit, with sufficient justification.

44. Why should I use the "Optional Forms"?
Optional PARTs (PARTs 1c, 5b, 5c) are not required for administrate completeness, but are crucial for technical completeness. They require information that the permit writer will need when drafting the permit. PART 1c enables the applicant to ensure that key elements of the program and the permit are not omitted. PART 5b allows the applicant to include non-applicable requirements in the permit and in the permit shield. PART 5c allows the applicant to request Specific Condition changes from any current permit limitations and requirements. This is important since the permit drafter may incorporate, unchanged, conditions from all current operating permits and consolidate them into the Part 70 permit. If any of these conditions are no longer appropriate they should be changed at this time.

45. Are worksheets required to be submitted with the application?
No, but their inclusion with the application could be helpful to the permitting engineer during review as he/she would have your reasoning for deciding if a rule or requirement was or was not applicable.

PART 1

46. What information can I claim as confidential?
Trade secrets may be claimed as confidential but must be submitted to the DEQ if requested. Trade secrets are defined as information that 1) derives value from not being generally known by others who could obtain economic value from its disclosure and 2) is the subject of reasonable efforts to maintain its secrecy. Trade secrets do not include emissions data or the identification of any air pollutant emitted by the facility (27A O.S. 2-5-104.17). The DEQ will hold such information confidential provided that it is plainly labeled as such and in a form where it can be easily removed without disturbing the continuity of any remaining documents. The remaining documents should contain notations where appropriate indicating that confidential information has been removed. A facility may also submit complete copies of both public and confidential versions of the application.

47. How do I determine under which activity (SIC or NAICS) my facility is engaged?
The activity in which a facility is primarily engaged determines what SIC/NAICS code is assigned to that facility. A value of receipts or revenues approach is recommended to determine the activity in which a facility is primarily engaged. For example, if a facility manufactures both metal and plastic products, the facility would total receipts for each operation and the operation that generated the most revenue for the facility is the operation in which the facility is primarily engaged. If revenues and receipts are not available for a particular facility, the number of employees or production rate may be compared. If a facility performs more than two types of operations, whichever operation generates the most (not necessarily the majority) revenue or employs the most personnel is the operation in which the facility is primarily engaged. For example, a natural gas liquids extraction plant might have extraction equipment and compressor engines at the same location. The SIC code for this facility would be 1321 (NAICS 211112); but if the engines were not on site, their SIC/NAICS code would be 4922/486210 for natural gas transmission. In some instances, a case-by-case code determination may be necessary.

48. Are adjacent facilities with different Major Group SIC/NAICS codes considered separate for Title V purposes, e.g., 4612 and 4212?
No, not necessarily. See Item 14 for a preliminary discussion. One source classification could encompass both primary and support facilities, even if they include units with different two digit codes. Support facilities are typically those that convey, store, or otherwise assist in the production of the principal product or group of products produced or distributed, or services rendered. For example, a natural gas gathering company (i.e., processes gas from wells prior to custody transfer) could be considered a support facility to a transmission company (i.e., distributes the natural gas through a pipeline system) if conveyance of the natural gas through the transmission company is the only means of introducing the product into commerce. Likewise, a crude pipeline facility (SIC 4612/NAICS 486110) could be considered a support facility to a bulk terminal (SIC 5171 NAICS 424710) if that is the only means of introducing the product into

commerce. For HAPs, the second and third conditions listed in Item 14 need to be satisfied to determine if aggregation is appropriate, and the primary SIC code is not used in making the determination.

49. Would emissions from a contractor-operated gasoline service station for refueling of military person vehicles fall under the same SIC code for military base and Title V permitting requirements?
Yes, all of the emission sources on a military base will fall under one SIC/NAICS code, 9711/928110.

50. PART 1 asks that I list all current air quality permits. Should I also list any compliance or enforcement actions, e.g., NOVs, orders, etc.?
Yes, any relevant information, including current permits, NOVs, and compliance orders, that set limits or may place additional requirements on work practices at the facility, should be included. These limits or work practice requirements are typically "rolled-over" into the Part 70 permit.

PART 1a

51. If I use an alternate method to inventory emissions (Box 3 on PART 1a) do I still need to submit a "Turn-Around" document?
Not with your application. However, recognize that the requirement for submitting emissions inventory information according to OAC 252:100-5 is a separate requirement from the Title V application requirement. The Turn-Around document must be submitted annually to meet the Subchapter 5 requirement. For purposes of the Title V application, the applicant must provide emissions-related information pursuant to OAC 252:100-8-5(e)(3). The Turn-Around Document by itself does not provide the required information to meet this requirement. It can be used to submit emissions information if the detailed information and computations required to develop it are also provided. This detailed information and computations should be readily available to the facility since it is already required to be kept on site for inspection. Any alternate method must also relate this detailed information and supporting computations

52. Are we required to use the latest AP-42 factors to estimate emissions?
No, there are no requirements in the regulations as to any particular method to be used to estimate emissions. A facility should use the best available method, because it is subject to verification. More detailed information is available in OAC 252:100-5-2.1(d), with Title V-specific information found in the "baseline actual emissions" PSD discussion of OAC 252:100-8-31.

53. Can you check box 2, denoting use of emissions inventory information, and box 3, denoting use of an alternate emissions method, on PART 1a?
Yes, it is conceivable that an applicant may wish to use different methods to quantify different emissions, perhaps depending on choices of compliance demonstrations for different emission units or groups. However, the application should clearly state that the alternate method should be used for a particular emission unit or group since emissions information for that unit may be duplicated in the emissions inventory also provided.

54. Is it necessary to estimate emissions from grandfathered units?
Emissions estimates for grandfathered units are needed in order to calculate fees and make determinations as to PSD status at a facility. These estimates are specifically addressed in OAC 252:100-8-5(e)(3) as one of the elements of information required to be included on the application form, and thus necessary for the application to be considered administratively complete.

55. Do quantitative emissions estimates need to be provided for SO_2 and particulates for combustion sources?
Emissions estimates must be provided for all emissions of pollutants for which a source is major, and all emissions of regulated air pollutants. (OAC 252:100-8-5(e)(3)). We agree that emissions of these pollutants will most likely be low for some facilities. However, some quantifiable estimate of them should be provided in the application. This can be done by use of a general statement to the effect that they are less than a certain amount. Note that this does not necessarily imply that emissions limitations will be included in a permit for these pollutants. Emissions limitations are not typically required unless they are rolled over from an existing permit, a specific requirement is applicable, or the source assumes a limitation to avoid an applicable requirement.

PART 1b

56. Does the insignificant activity list apply to Subchapter 7?
No, trivial and insignificant activities are defined in the context of Title V and apply to activities only at a facility that is required to obtain a Part 70 permit.

57. What will be required if the "insignificant activities" list changes as a result of later review?
Changes to the list do not require a facility to modify its Part 70 permit. However, if a new insignificant activity is added to this list, and a facility desires to recognize the presence of the activity at its facility, then the applicant must submit a modification to its Title V application. If a current activity on the list is later "delisted", the facility will be offered an opportunity to delete the activity during the review period for any subsequent permit application.

58. What information is required to be submitted with the application for those "insignificant activities" marked with an asterisk (*)?
Marked activities require that appropriate records of hours, quantity, or capacity must be kept on the activity to verify its insignificance. In most cases, the appropriate record for a particular activity is self explanatory and specific to that activity. For example, the first item on the list concerning emergency generators that don't exceed 500 hours per year\ will require a record of total hours operated. A manual log that provides details on dates and times during which the generators were run is sufficient. Information should be provided in the application showing the format in which the information will be kept for a particular activity.

59. What if an activity on the "insignificant activities" list is already subject to a specific regulation?
If a listed activity is also subject to an applicable requirement, then it is not insignificant. It must be specifically addressed in the application, and a compliance demonstration for the requirement is required.

60. Why is it necessary to maintain records of an emergency generator's hours of operation if it is identified as an insignificant activity?
A facility has two options for addressing an emergency generator. The first is to note it on Part 1b as an insignificant activity. Item 1 under "Combustion equipment" requires that the hours of operation be limited to less than 500 per year, and appropriate records shall be kept to verify its insignificance. Alternately, the emergency generator may be addressed as another emissions unit group on a Part 5, listing compliance demonstrations with all applicable requirements. This will result in conditions to assure compliance with applicable regulations. Regardless of the option chosen, recordkeeping is required by 40 CFR Part 70.3(c)(1) and 70.5(c) and by Section 504(b) of the CAAA of 1990.

61. Are several identical emissions units at a Title V facility, each of which is less than 5 TPY, considered insignificant, even if their total cumulative emissions are greater than 5 TPY?
Yes, provided they meet the definition of "insignificant activities" in OAC 252:100-8-2. The number of such activities has no bearing on whether they are considered insignificant, even if the facility is required to obtain a Part 70 permit only because of insignificant activities.

62. Should maintenance operations be included as alternate scenarios and how will non-emergency releases during maintenance be authorized?
Startup, shutdown, and maintenance activities may be handled in various ways. For instance, if it can be shown that emissions from any of these activities will be less than 5 TPY, it may be possible to include the activity on the insignificant list. Such listing requires documentation of appropriate records of hours, quantity, or capacity to be kept on the activity to verify its insignificance. Excess emissions should be reported under the provisions of OAC 252:100-9. It may also be possible to identify some activities, such as startup and shutdown, as alternate scenarios requiring their own emission limits. A third possibility is to simply treat them as episodes resulting in excess emissions that require reporting under Subchapter 9.

63. It appears that two items in the Storage Tanks/Distribution list (storage tank with less than or equal to 10,000 gallons capacity ...) and (emissions from condensate storage tank with capacity...) contradict each other.
The first item addresses any volatile organic liquid (VOL) as long as the vapor pressure of the VOL is less than 1 psia. The second item applies solely to condensate, which most likely has a vapor pressure greater than 1 psia. If a tank stores only condensate, a facility may wish to check the first item to lessen the recordkeeping requirements.

64. Should we include information on certain trivial activities to document they are trivial?
This is not necessary. According to OAC 252:100-8-5(c), trivial activities need not be identified in the application.

PART 1c

65. Aren't the items listed in PART 1c automatically included in the permit?
Not necessarily. In some cases, regulations require that the applicant specifically request coverage for certain provisions. PART 1c was developed to assure the applicant that key provisions of the Oklahoma Title V Operating Permit Program are included in the permit and to ensure that the applicant is aware of these key provisions.

PART 3

66. What do "Emissions Unit" and "Emissions Unit Group (EUG)" mean?
Emissions unit means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. Fugitive emissions from valves, flanges, etc., associated with a specific unit process shall be identified with that specific emission unit. An Emissions Unit Group is a combination of emissions units that: emit the same regulated air pollutant, trigger the same applicable requirements, share the same compliance demonstration method, and share the same proposed compliance assurance certification.

67. How are multiple sources handled under Title V?
Multiple sources may be grouped together in an emissions unit group (EUG) if they emit the same pollutants, trigger the same applicable requirements, and have the same initial and future compliance demonstration method. If there is any doubt whether any unit in the group meets all these criteria, it should probably be in its own EUG.

68. What if we don't know the exact construction or modification date of a particular emissions unit?
Dates are required to assess applicable requirements. The applicant is responsible for documenting exact construction and/or modification dates for emissions units. In those rare instances where this is not possible, for instance, because of lost or destroyed records, the applicant should use whatever means available to reconstruct and verify these records. This may involve documenting events through other means, such as statements from plant personnel, manufacturers' serial numbers, purchase orders, etc.

69. Should we include a range of operating conditions as different operating scenarios?
Yes, if necessary. However, the base scenario should be defined as broadly as possible (i.e., worst case), and the compliance demonstrations should reflect compliance at this extreme. If additional flexibility is necessary to address different operating conditions, e.g., atypical conditions, then other scenarios should also be defined.

70. Is a separate PART 3 required if emissions don't change between scenarios?
Yes, if different requirements or compliance demonstration methods apply. For example, a boiler using either natural gas or diesel fuel would not emit different pollutants, and would have identical applicable requirements (although they might have different limits). The same compliance demonstration method (e.g., using a fuel analysis showing sulfur content) could be used for compliance with Subchapter 31 (Sulfur). However, a different compliance method

would be required to demonstrate compliance with Subchapter 25 (particulates). For example, the fact that natural gas is used as fuel demonstrates compliance with Subchapter 25, but AP-42 and calculations may be necessary to demonstrate compliance with Subchapter 25 for the use of fuel oil. Thus, a different operating scenario has been established.

71. How should a PART 3 form be completed for a Facility-Wide EUG?
The "Facility Wide" PART 3 should include a list of EUGs that will be addressed in the rest of the application. In column (a), designate a unique number (or letter) for each EUG, leave column (b) blank, and put a name or description for the EUG in column (c). A date in column (d) is not necessary.

PART 5

72. Is DEQ asking for emissions rates on PART 5?
No. PART 5 was designed specifically for compliance demonstrations. It gives the applicant considerable flexibility in presenting this demonstration. If you can use emission rate calculations to demonstrate compliance, then reference the appendix, page number, and section where the calculations can be found. This information could be in a supplement to PART 1a or in a separate appendix. If it is easier for you to present the information within the boxes given, then do so. The preferred method is to give a short answer in the boxes and then reference an appendix where more details can be found.

73. Where do we show compliance with existing permits in the application?
A compliance demonstration with existing permits is not specifically required for Title V because the Part 70 permit replaces existing permits. The approach taken for Title V is to provide sufficient information in the application to determine the applicability of any specific requirement, and to then demonstrate compliance with that requirement.

74. How should compliance with regulations such as OAC 252:100 Subchapters 9, 13, or 29 be demonstrated?
In some cases the compliance demonstration may be limited to a statement by the applicant stating that no action by the owner or operator is needed to control emissions from a particular unit. For example, for a generic requirement such as "Fugitive Dust" with respect to units without significant particulate matter emissions, the owner or operator may state that under normal operating conditions, this facility has negligible potential to violate this requirement; therefore it is not necessary to require specific precautions be taken.

75. Does the Title V application require submittal of more specific detail on individual emissions units than was required in the past?
Information on emission units needs to be sufficient to quantify emissions per OAC 252:100-8-5(e)(3) and to delineate applicable requirements per OAC 252:100-8-5(e). This is probably more information than was previously required.

76. Can manufacturer's data be used in lieu of stack tests to verify emissions?
Federal rules generally identify the method to be used to verify compliance, but most state rules do not. If the applicable requirement does not specify a method, then the applicant must outline

a method that the DEQ can then approve. Manufacturer's information can be utilized for calculations demonstrating compliance. However, stack tests generally give more accurate results. Be aware that emissions limits established in a permit may be subject to periodic testing to verify compliance.

77. What frequency of monitoring will be required for a compliance assurance demonstration?

Monitoring frequency depends on the emissions unit, the pollutant(s) being monitored, and the applicable requirement. For a compliance assurance demonstration, the applicant must submit a monitoring plan as the requirement specifies, or if unspecified, submit a protocol (for monitoring, recordkeeping, etc.) to be approved by the DEQ. According to OAC 252:100-8-6(a)(3)(C)(i), monitoring reports are required every six months and should coincide with other required reporting.

78. Is there a *de minimis* level defined for HAPs under Section 112?

There are no *de minimis* levels for the listed HAPs. However, a facility is not subject to the emission standards promulgated for a listed specific HAP unless it is an affected source under a subpart of 40 CFR 61 or 63 and meets other criteria established in the subpart.

79. How is compliance with proposed NESHAPs handled in the permit?

For proposed standards, the applicant need only list the proposed standards that will or could become applicable to the facility in the future and provide a statement that the facility shall comply with the requirements when they are promulgated.

80. What is required for compliance assurance monitoring - is guidance available?

Compliance assurance requirements must be determined from the applicable requirement. The program is not susceptible to generalization and the only guidance available through DEQ concerns engines, such as might be present at large compressor stations. Note that any proposed method must be federally enforceable and approved by the DEQ.

81. What if I don't know if/when a requirement will be applicable to my facility in the future?

The term of a Part 70 permit is five years. You should attempt to anticipate any future growth or changes in production at the time you make application. If you expect the facility to commence any operations in the next five years that will subject the facility to additional requirements, it is in your best interest to address those requirements in the application now. The alternative is to later obtain a modification to the permit that could cost up to $1,000, or wait to perform the upgrade when the permit renewal is due.

PART 5a

82. Is a PART 5a required for those facilities already in compliance?

No, PART 5a is required only when a status other than "in compliance" is claimed on a PART 5. If all emission units are in compliance, there is no need to complete a PART 5a. To save review time, any unit that is not in compliance should be separated into its own EUG, unless more than

one unit has the same non-compliance issue. They then may be grouped together if they meet all other requirements for an EUG.

83. What if I can't determine the compliance status of an emissions unit?
If you cannot determine the compliance status of an emissions unit because of lack of knowledge of methodology or because you do not understand a rule, contact the DEQ for assistance. If, because of dynamic facility operations, the rule might be applicable someday, address it as if it is applicable, complete a PART 5a, and outline the steps you will take to assure you will be in compliance if/when you do become subject to the rule. Note that the applicant is ultimately responsible for this determination.

84. Will enforcement action be taken against me if my facility is not in compliance with an existing requirement and I submit that information on PART 5a?
At a minimum, any noncompliance must be addressed in the Part 70 permit. This is usually done through development of a compliance schedule to be included in the permit. Other enforcement action will be considered on a case-by-case basis.

85. Is a compliance schedule required to be included in a Title V application even if the source will be in compliance prior to permit issuance?
No, the applicant need only mention that the facility is in full compliance with the applicable rules and regulations in Part 5a.

86. If a construction or operating permit was previously required for a facility, or a source at a facility, and never obtained, how should this be addressed in the compliance plan submitted in the application?
Resolution of past issues is determined on a case-by-case basis. If the applicant believes that the facility is not in compliance, he should contact the AQD in writing and disclose this prior to the submittal of the Title V application. If this disclosure results in the signing of a consent order, whatever action is required by the consent order should be described in the compliance plan submitted with the Title V application.

87. Does the completion and submittal of Part 5a of the permit application guarantee that no enforcement action will be initiated by DEQ or EPA?
No. Any issues of noncompliance, whether addressed in the application or not, may result in an enforcement action being taken by either DEQ or EPA. However, in most cases, EPA will not "overfile" an enforcement action on something that DEQ has adequately addressed.

PART 5b

88. To what extent should "applicable or non-applicable requirements" be identified in the application?
A PART 5b should accompany each PART 3 & 5. The "Facility Wide" PART 5b should list all requirements that could potentially apply to the facility as a whole, but for some reason do not. Some applicants have proposed to include ALL non-applicable requirements, which would be laborious but acceptable. Each EUG PART 5b should address only those requirements that

could potentially apply to the EUG, but for some reason do not. The non-applicable requirements can be included in the permit shield.

89. What if only a part of a regulation is applicable?
Generally, if the facility or unit is subject to part of a rule, it is actually subject to the whole rule but not to all of the provisions. But, if it would make you more comfortable, cite only the parts to which it is subject on PART 5, Box 3, and cite the rule minus the part of the rule to which it is not subject on PART 5b.

90. Do rule citations need to be provided in the non-applicable requirements section of the application?
No, this is not specifically required by the rules. However, it would be helpful in evaluating and processing the permit application.

PART 5c

91. Is PART 5c used to identify proposed NESHAP requirements?
No, this form is used to identify existing permit limitations and requirements that the applicant desires to change. Since all previous permit limits and conditions may be rolled over into the Part 70 permit, PART 5c allows the applicant to revise those permit specific conditions that are vague, inaccurate, or unnecessary. Each revision must be fully justified.

92. Can I request a change in monitoring or recordkeeping conditions in a current permit?
Yes, if appropriate and justified. The DEQ has set specific conditions in current permits based on rules, policy, and/or experience. The DEQ also realizes that the person most familiar with the facility is the person who operates it every day. When revising a condition, make sure the proposed substitute is federally enforceable, i.e., practical, logical, and verifiable. Remember that the rules state that monitoring reports must be submitted every six months and that compliance assurance reports are due annually.

THE PERMIT

93. What will my Part 70 permit look like?
In general, the Part 70 permit will include a summary of emissions limitations for each unit, a set of specific conditions for each unit, and a set of standard conditions. The permit will also incorporate all existing limits of any current permit. The permit evaluation memorandum that accompanies the permit will include a table of emissions estimates for all permitted sources, including grandfathered sources. Copies of current draft Part 70 permits that are open to public comment are available on DEQ's website: //http:/www.deq.state.ok.us/

94. What information in the application is actually used to develop a permit limit?
Establishing limits in a Part 70 permit is a multi-step process. In general, the first step involves "rolling over" any existing permit limits and conditions from current permits. The second step involves establishing limits on sources that, for whatever reason, were not previously permitted. These limits are established directly from applicable regulations or assumed by the source to avoid an applicable requirement. Typically, actual emissions levels provided in the application

are used to establish permit limitations for those sources to which a requirement is applicable. In some cases, if appropriate and necessary to provide operational flexibility, a maximum potential to emit may be used to establish an emissions limitation. Likewise, a source may restrict emissions levels by the use of operational constraints, or installation of control equipment, to avoid an otherwise applicable requirement. In some cases, interim limits may be established in association with a compliance plan needed to address those units not in compliance.

95. What is the basis for placing an emissions limit in a permit?

The basis for an emissions limitation in a permit is primarily the result of one of four different actions. The limitation is "rolled over" from an existing permit, a specific requirement is applicable, or the source assumes a limitation to avoid an applicable requirement. A source may also just "accept" a limitation, e.g., a limit is incorporated into a permit by an environmentally proactive company to appease public concern and streamline the issuance process. OAC 252:100-43 gives DEQ the authority to require monitoring to assure compliance with emissions limitations.

96. What is DEQ's statutory and regulatory authority for placing an emissions limitation in a permit?

Authority to establish permit limitations is given in O.S. 27A 2-5-112 B.4., which states "...Such authority shall include but shall not be limited to the authority to: Establish and enforce reasonable permit conditions that may include, but not be limited to: a. emission limitations for regulated air contaminants..." Authority to establish permit limitations is also given in OAC 252:100-8-6(a)(1).

97. Do all operational/production parameters associated with emissions need to be limited in a permit?

Not necessarily. A permit must place limit(s) on operational/production parameters as necessary to assure compliance with an established emissions limitation or standard. A limit may or may not be needed on a particular associated parameter in order to accomplish this. For example, a limit may not be needed for both hours of operation and annual production.

98. Can emissions limits different from those in a construction permit be established in the operating permit, following construction and testing?

Yes. Emissions limits established in a construction permit are normally carried over unchanged into the corresponding Title V permit. If necessary, the operating permit limits may be modified from the construction permit requirements without additional notice, unless the change itself would represent a modification under OAC 252:100-8-7.2(b). Such a change would require another construction permit under DEQ rules.

99. Is a modification to a permit required if emission factors used to determine an emission limitation have been revised?

Not necessarily. If emissions monitoring (e.g., engine testing) independently shows that the facility can meet the limits as established, no permit modification would be required. The permittee may request a modification to utilize the new factors, if desired. Such a change would be considered a significant modification, and would be processed accordingly. If no such monitoring is practical (e.g., tank emissions), and therefore the emission factors are relied upon

to calculate emission estimates, the permit should be modified if more than three years remain on the term of the permit. If a changed emission factor decreases predicted emissions, it is generally the permittee's responsibility to initiate a permit modification. If a changed emission factor increases predicted emissions, it is generally the DEQ's responsibility to initiate a permit modification. Upon renewal of the permit, DEQ would consider all pertinent data in setting limits.

100. Is it necessary to establish emissions limitations on those control devices that are inherent to the operation of an emissions unit, such as a cyclone used for material transfer?
Yes, in some cases. Generally, a control device that is inherent to the operation is not treated as a control device for the purposes of determining the facility's PTE, but may be considered as part of an emission unit. As such, limits may be placed on associated operational parameters if necessary to meet an established emissions limitation or standard.

101. Is air dispersion modeling required for a Part 70 permit?
Ambient air modeling is not a specific requirement for the purposes of Title V. However, modeling may be an economical and practical means to demonstrate compliance with a requirement or limit, and would be acceptable for that purpose. In addition, if during review of activities at a facility in conjunction with development of a Part 70 permit, it is determined that there is a potential to violate an air quality criterion, the DEQ may require a source to perform modeling.

102. Is BACT review required for a Part 70 permit?
BACT, RACT, MACT (Best Available Control Technology, Reasonably ACT, Maximum Achievable CT) or other control technology review is not a specific requirement of Title V. However, if compliance with an applicable requirement requires installation of control equipment, then a control equipment analysis must be made part of the application. This information should be included as an appendix or attachment that demonstrates compliance with a requirement on PART 5 of the forms. It may also be included as part of the compliance plan on PART 5a of the forms.

103. If an existing minor source adds an emissions unit, which by itself emits less than 100 TPY of a criteria pollutant, yet overall facility emissions exceed 100 TPY, then would all emissions units at the facility be required to meet BACT pursuant to SC7?
No. Subchapter 7 does not require minor sources emitting only criteria pollutants to meet BACT. Because adding the new emissions unit causes the facility to be defined as a major source, the construction permit and subsequent operating permit would be processed under Subchapter 8. The applicant would be required to demonstrate that BACT would be met for each pollutant that would cause the facility to be defined as a major source. Again, this requirement would not apply to existing sources at the facility, but would apply to any new units that emit the pollutant.

104. What is the benefit of the "permit shield"?
The benefit of the permit shield is that compliance with the terms and conditions of the permit is deemed compliance with the applicable requirements identified and included in the permit. The shield, upon request of the applicant, may also be used to identify those specific requirements

that do not apply to the source. This means that a facility cannot be penalized for noncompliance with a regulation specifically determined to be inapplicable to the facility. This protection does not apply to new requirements that may be promulgated in the future.

105. Must notification be given to the state before going to a different scenario?
No notification to the state is required if the scenario is covered in the permit. Certain other changes may also be made at the facility even though they are not covered by an operating scenario. Changes are allowed if they are not modifications under any provision of Title I of the CAAA; do not cause any hourly or annual permitted emission rate of any existing emission unit to be exceeded; and there is no net increase in emissions. Seven day advance notification to both EPA and DEQ is required for such changes.

106. Is a separate approval required to conduct open burning at a Title V facility?
Yes. Approval to conduct open burning is handled as a matter separate from a Title V permit, since it is not considered a routine activity for which DEQ would issue a permit.

107. What are "State-Only Requirements"?
State-only requirements may be defined as those requirements contained in OAC 252:100 that have not been incorporated into Oklahoma's federally approved SIP, such as the toxic air requirements of OAC 252:100-42. The applicant is not required to delineate the state-only requirements at the time of the application submittal and should assume that all Oklahoma regulations are federally enforceable. However, the DEQ must designate state-only requirements in the Part 70 permit.

108. If the policy on which a limit was established in a previous permit has changed, will the limit be updated when it is incorporated into my Part 70 permit?
Yes, if needed. The DEQ may review any permit at any time and require the applicant to submit any relevant information necessary to demonstrate compliance with applicable regulations. If the DEQ finds that a previously issued permit contains language or limits that are inconsistent with current Air Quality rules, those limits will be updated accordingly.

109. If a previous permit limit was based on AP-42 factors and a later stack test confirms that the facility is actually subject to PSD, will a PSD review be required for the Part 70 permit?
Yes, a determination as to which regulation is applicable and what permit limit is appropriate is based on the best information available at the time of permit issuance. If updated information becomes available to the applicant after permit issuance, he is obligated to report this to the DEQ and the permit may be modified, if necessary. In some cases, a retroactive PSD permit may be necessary.

110. Are all provisions of the Part 70 permit enforceable by EPA?
All provisions of the Part 70 permit will be federally enforceable except for those provisions that are designated "state-only requirements".

111. How will the agency follow-up on compliance schedule requirements placed in the permit?
Initially, the DEQ will consider a reasonable compliance plan identified in PART 5a as compliance with 40 CFR 70 requirements. Any non-compliance issues will be forwarded to the Compliance Unit for tracking. Should the facility fail to adhere to its compliance plan or to provide a report that outlines problems and submit a revised compliance plan to the DEQ, the matter will be referred to the Enforcement Section.

112. How long is the term of the Part 70 permit?
The term of a Part 70 permit in Oklahoma is 5 years, except for solid waste incineration units subject to Section 129(e), which have a term of 12 years.

113. Is your previous permit at a site void after submittal of a Title V application?
The Part 70 permit rolls all requirements from previous permits into one operating permit. The Part 70 permit incorporates language revoking those previous permits and this revocation takes effect upon issuance of the Part 70 permit.

PERMIT ISSUANCE

114. How are Part 70 permits handled under the Uniform Permitting Tier system?
Initial and renewal Part 70 permits fall into Tier II of the system and shall meet all requirements for permit issuance and public review set forth in OAC 252:4-7-33.

115. Does a new Title V facility have to meet Tier II requirements for issuance of both the construction and operating permit?
Not necessarily. A construction permit for a new Title V facility must meet Tier II requirements for issuance. The operating permit for that facility may be issued under Tier I requirements if there are no changes from the construction permit that would be considered significant under OAC 252:100-8-7.2(b). Note that issuance of an Authorization to Construct/Operate under an existing General Permit is processed under Tier I requirements.

116. What public notice requirements must be met for issuance of a Part 70 permit?
Pursuant to OAC 252:004-7, the requirements for public participation begin when the applicant makes application for a permit. The applicant is to publish notice of filing in a newspaper of general circulation local to the facility. The landowner of the land upon which the facility is located is also to be notified and a copy of the landowner affidavit provided to DEQ. A copy of the application is also to be placed for review at a location in the county where the facility is located. The next public participation step begins after development of a draft permit. At that time, the applicant is to publish a notice of the draft permit in at least one newspaper of general circulation local to the facility. For 30 calendar days after the notice is published, the applicant shall make a copy of the draft permit and the application available at a location in the county where the source is located. A request for a public meeting may be made in writing (providing a basis for the request, name and address) by any person who may be adversely affected by the facility within 30 days from the date of the initial publication. Upon proof of a valid basis, the DEQ will notify the person(s) who requested the meeting and shall publish a notice in the manner provided for above of the date, time, and location for the meeting. At the meeting,

persons may submit written or oral statements to the DEQ representative, who will answer the questions and inform the public concerning the permit and operation of the source. The representative may close, extend, or reopen the comment period as necessary. The DEQ shall then consider all substantive comments, prepare a response to comments, and issue or deny the permit.

117. How long will it take to get my permit issued?

According to regulations in OAC 252:4-7-31, the Agency has 540 days to issue a major source operating permit once it has been deemed administratively complete. The DEQ has 60 days to determine completeness. If you receive a notice indicating that the application is incomplete, you have 180 days to submit the requested information or the DEQ will withdraw the application. Public notice requirements require a minimum of 30 days. EPA review of the draft, incorporating responses to any public comments, requires a minimum of 45 days. EPA may, at its discretion, perform its review concurrently with the 30-day public comment review. The applicant can request a pre-application conference by contacting Customer Service or Air Quality. One way to speed up the process is to identify and return requested information as soon as you are notified.

118. What information is required to modify an existing Part 70 permit?

According to the rules, permit modifications fall into three categories: administrative permit amendments (e.g., correcting typographical errors) OAC 252:100-8-7.2(a), minor permit modification (e.g., does not involve significant changes in requirements in the permit) OAC 252:100-8-7.2(b)(1), and significant modification procedures (e.g., changing a condition to an underlying requirement) OAC 252:100-8-7.2(b)(2). In most cases, the same information for a modification request will be required as in an original application submittal.

119. Are "Acid Rain" permits required to meet the same issuance requirements as a Part 70 permit?

Yes. Such sources are required to obtain a Part 70 permit, and are therefore subject to Subchapter 8 requirements and Tier II processing requirements. Acid rain permit requirements are included in the facility's regular Part 70 permit.