



July 19, 1999

JAMES B. HUNT JR.
GOVERNOR

MEMORANDUM

WAYNE McDEVITT
SECRETARY

TO: Alan Klimek
Keith Overcash
Regional Supervisors
Chiefs
Local Programs
Permit Engineers

ALAN W. KLIMEK, P.E.
DIRECTOR

FROM: Lesley Biller *EB 7/19/99*
THROUGH: Donald R. van der Vaart *N 7/19/99*

SUBJECT: Procedures for Modifying Title V Permits

We are currently processing modifications to Title V Permits under three different regulations: administrative amendments (2Q .0514), 502(b)(10) modifications (2Q .0523), and significant modifications as defined in 2Q .0516 and processed under the procedures set forth under 2Q .0501. The procedures for minor modifications are not being used at this time. This document provides guidance on modifying the existing Title V permit under these three scenarios.

1. Administrative Amendments

A modification can follow the administrative amendment track for changes such as correcting typographical errors, requiring more frequent monitoring or reporting, and other administrative-type changes that would not require a .0300 modification. A complete listing is found in 2Q .0514(a)(1-8). Administrative amendments to Title V permits are performed similarly to those for .0300 permits. A short review is written to describe the change(s). Depending on the significance of the modification, an email or phone call to the regional contact should suffice in lieu of a regional review. The cover letter should be modified to state that this permit is being issued pursuant to a request for an administrative amendment. As with a .0300 amendment, references to the permit number and the date should be changed. The expiration and renewal dates should not be changed. The general conditions should be updated with the latest version. Administrative amendments must be completed within 60

PERMITS SECTION

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days. The permit does not go through public notice or EPA review. However EPA should be sent a hard copy of the permit and review.

2. **Significant Modifications**

2Q .0516 defines “significant” modifications to include those which involve a significant change in or relaxing of monitoring requirements, and any modifications under Title I or Title III, i.e. modifications under PSD, NSPS, NESHAP, or MACT regulations. Depending on the nature of the “significant modification” it can be processed in either of two ways. First, pursuant to 2Q .0501(c), significant modifications that contravene with an existing permit condition must be processed under the one step procedure. Generally, these would be modifications to emission sources already covered in the existing Title V permit.

Alternatively, pursuant to 2Q .0501(d) significant modifications that do not contravene with an existing permit condition can be processed either under the one step procedure or they may opt to have the application processed under a two step process which will be described below. Generally, significant modifications that do not contravene an existing permit term involve the installation of new emission sources. It is expected that applicants who qualify under 2Q .0501(d), that is they are proposing to install a new emissions source to the facility, will take advantage of the two step process because this procedure allows the facility to construct and operate the new source more expeditiously than the one step process.

One Step Process Under 2Q .0501(c)

Under the one step procedure a complete Title V application must be submitted and the permit must be modified under the Title V procedures prior to construction and operation. That is, the permit must go through public notice and EPA review prior to issuance. A full Title V review is required by the region and the permit engineer. In addition to modifying Part I (Title V operating section of the permit), Part II will be modified to specifically allow for construction of the proposed emissions unit (see below for instructions on modifying Part II).

The regulations require that the permit must go to notice within 270 days after receiving a complete application. Once issued under this process, because the permit has gone through all required public and EPA review, the permit shield will apply.

Two Step Process Under 2Q .0501(d)

Under the two step process, two distinct actions are required to take place. Under this procedure two applications are submitted (either simultaneously or sequentially) and two separate and unique ATS application numbers should be generated. The first permit application should be processed as normal 2Q .0300 permit modification and the regional contact and the permit engineer should write reviews accordingly. Part II is modified to

include the modified equipment in the table and specific conditions for construction and operation from the 2Q .0500 permit shell (see below for instructions on modifying Part II). Part II was designed for just this purpose. The modification does not go through public notice or EPA review at this time. The permit shield does not apply since the modification does not go through public notice. The 2Q .0300 procedures should be used and the permit issued within 90 days.

If not already submitted, within 12 months of commencing operation of the newly permitted emission source, a second application should be submitted which should look identical to the first application with the exception of the "E" forms. The Division will review and process this application in accordance with all 2Q .0500 procedures including EPA and public review. As part of the Title V process the permit will be revised by placing the emission units previously permitted under Part II into Part I of the permit (e.g. the Title V section) and removing Part II (e.g. State section) of the permit. The monitoring, testing, record keeping and reporting requirements are modified as necessary to meet the Title V requirements. The regional contact and the permit engineer should write full Title V reviews. In many cases the review performed in step one should suffice for this review, however in the event additional record keeping or monitoring is warranted, the regional office should provide comments to that effect. The permit is sent to public notice and EPA review. At this step the permit shield extends to the modification.

Additional changes to the permit for both processes of a significant modification:

- modify the cover letter to show that this permit is being issued in accordance with a request for a significant modification.
- for step one of the two-step process, add the following the Table of Contents at the beginning of the permit:

**PART II - AIR QUALITY CONSTRUCTION AND
OPERATION
PERMIT**

SECTION 1: PERMITTED EMISSION SOURCE(S) AND ASSOCIATED
AIR POLLUTION CONTROL DEVICE(S)

SECTION 2: SPECIFIC LIMITATIONS AND CONDITIONS

SECTION 3: GENERAL PERMIT CONDITIONS

- modify references to the permit number and the issuance date (the expiration and renewal dates should not be changed.)
- update the general conditions with the latest version
- send hard copies and e-mail copies to EPA (after step two only)

3. 502(b)(10) Modification Procedures

502(b)(10) modifications are our most common type of modification to Title V permits. They encompass any modifications that do not fall into either of the previous two types. They will typically be processed by adding the new operating requirements to Part I (Title V) of the permit and the construction requirements to Part II of the permit (see below for instructions on modifying Part II). The review follows the format of a .0300 permit review for both the region and the permit engineer. The modification must be processed in 90 days and it is not sent to public notice or EPA. The permit shield does not extend to the modification. Do not send any hard copies or e-mail copies to EPA. The following changes, which are in the shell, should be made to the cover letter and permit.

- add following sentence to the end of the first paragraph of the cover letter: **Per 15A NCAC 2Q .0523(a)(1)(C), you are required to "notify the Director and EPA with written notification at least seven days before the change is made."**
- add the following the Table of Contents:
PART II - AIR QUALITY CONSTRUCTION AND OPERATION PERMIT

SECTION 1: PERMITTED EMISSION SOURCE(S) AND ASSOCIATED AIR POLLUTION CONTROL DEVICE(S)

SECTION 2: SPECIFIC LIMITATIONS AND CONDITIONS

SECTION 3: GENERAL PERMIT CONDITIONS

- Add an * before the description of the new or modified proposed equipment in the summary table. At the end of the table add the following: *"* This emission source/control device (ID No. X) is permitted under Part II Construction Permit as a 502(b)(10) change per NCAC 2Q .0523. The permit shield described in General Condition R does not apply."*
- Under Section 2.1, specific limitations and conditions, add an * before the equipment listing with the following at the end of the table *"* This emission source/control device (ID No. X) is permitted under Part II Construction Permit as a 502(b)(10) change per NCAC 2Q .0523. The permit shield described in General Condition R does not apply."*
- modify the cover letter to state that this permit is being issued pursuant to a request for a 502(b)(10) modification
- change references to the permit number and the issuance date (the expiration and renewal dates should not be changed)
- update the general conditions with the latest version.

Modifying Part II

The following are instructions for modifying Part II under any scenario. There are two versions of Part II in the permit shell. One is titled "Air Quality Construction and Operation Permit" and is used for situations in which operation of the sources is not covered under Part I. This includes

significant modifications under the two step process. The other version of Part II is titled "Air Quality Construction Permit" and is used for situations in which the operation of the sources is covered under Part I, including significant modifications under the one step process and 502(b)(10)s.

- List the new or modified equipment in the table under Section 1.
- Using version one, list any requirements pertaining to construction and operation using the Title V shell. Using version two, list any requirements pertaining to construction only (eg. NSPS) under condition 1 of Section 1. If there are none, end that condition with "The Permittee shall comply with applicable Environmental Management Commission Regulations."
- For 502(b)(10)s, unless you are certain that the facility has already provided notice to EPA, include the condition, which is in the shell as No. 2:
 2. **NOTIFICATION REQUIREMENT** - In accordance with 15A NCAC 2Q .0523(a)(1)(C), the **Permittee** shall notify the EPA (Air and EPCRA Enforcement Branch, EPA, Region 4, 61 Forsyth Street, Atlanta, GA 30303) **in writing** at least seven days before the change is made. The written notification shall include:
 - a. a description of the change at the facility;
 - b. the date on which the change will occur;
 - c. any change in emissions; and
 - d. any permit term or condition that is no longer applicable as a result of the change.
- For 502(b)(10)s, if the application did not contain an E5 page signed by the responsible official, include the following condition, which is No. 3 in the shell:
 3. **NOTIFICATION REQUIREMENT** - With the next significant modification or Air Quality Permit renewal, the Permittee shall submit a page "E5" of the application forms signed by the responsible official verifying that the application for the 502(b)(10) change/modification, submitted on [enter received date], is true, accurate, and complete.