

Permitting Modifications and Renewals: A Practical Guide – Industry Perspective

Carolinas Air Pollution Control Association

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Presentation Outline

- Preparation Strategies
- Modification Examples and Scenarios
- Projects with Short Timelines
- Lessons Learned
- Questions

Preparation Strategies

- **Understand the Project**
 - Gather all available data
 - Project Details
 - List of new/modified equipment and control devices, vendor guarantees, equipment location, and release point characteristics
 - Information for forms
 - Possible vendor assistance
 - Applicable Regulations
 - Dictates controls or monitoring equipment
 - Additional cost information NSPS, NESHAP, and/or BACT
 - When is construction planned to start?

Preparation Strategies

- **Is a permit modification required?**
 - Consider permitting exemptions
 - 502(b)(10) Notification
 - Routine Maintenance, Repair, and Replacement (RMRR)
- **Determine Permit Modification Type**
 - Construction or operating permit request
 - Minor modification
 - Major modification
 - Renewal Application
- **Consider Pros and Cons**
 - Timing, cost, modeling, technical review

Scenario 1: No Permit Modification

- **502(b)(10) Notification (NC)**
 - Use when site wishes to replace a process unit with an identical unit and/or change does not cause emissions increase over permitted levels
 - Change does not alter any existing permit requirement
 - Submit cover letter, appropriate form, emissions increase calculations as needed, and any interim permit conditions.
 - Change can be made 7 days after notification is received
 - Attach notification to permit
 - Request incorporation into permit with next significant modification or renewal

Scenario 2: No Permit Modification

- **Request for Exemption from Construction Permitting (SC)**
 - Use When:
 - Source is on SC exemption list and site is requesting concurrence
 - Potential emissions are below listed exemption thresholds
 - If higher emissions, demonstrate there are no applicable limits
 - Sources with only fugitive emissions
 - Submit letter request
 - Requires operating permit modification

Scenario 3: No Permit Modification

- **Routine Maintenance, Repair, and Replacement (RMRR) PSD Exemption**
 - Used for PSD major sources
 - Request determination that routine activity is excluded from definition of change under PSD rules
 - Requires evaluation of nature and extent, purpose, frequency, and the cost of the work
 - In kind replacement can be made upon concurrence that activity is RMRR
 - Subjective review – includes risk if change is made and agency disagrees with analysis

Scenario 4: Minor Permitting

- **Project requires permit modification but project increases are below PSD Thresholds**
- **Permit Application Elements**
 - Project Description
 - Emissions increase calculations
 - Potential emissions calculations as needed
 - Modeling evaluation
 - Application Forms
 - Regulatory Review
 - Consider providing permit markup
 - Application Fee (NC always or SC for expedited)
 - PE Seal (SC always or NC as required)

Scenario 5: PSD Permitting

- PSD is triggered for 1 or more compounds
- Pre-application meeting with the permitting agency
- Permit Application Elements
 - Same as Minor NSR Application Plus:
 - BACT analysis for modified sources
 - PSD Modeling Analysis (if PM/PM₁₀/PM_{2.5}, CO, NO_x, or SO₂ is triggered)
 - Ozone impact analysis (if VOC and/or NO_x is triggered)
 - Additional impacts analysis

Scenario 6: Renewals

- **Request Permit Modifications**
 - Request incorporation of 502(b)(10) notifications
 - Request for Operating Permit (NC Part II)
 - Summarize pending modifications
 - Remember to include appropriate forms
- **Updates to Regulations**
 - Submit CAM Analysis if not included in Permit
- **Request Permit Clean-Up Items**
 - Can any permit conditions be removed?
 - Typos

Projects with a Short Timeline

- **Two-Step Permitting**
 - SC - apply for construction permit then operating permit within 15 days of start-up or as stated in construction permit
 - NC (Title V) – apply for construction permit then operating permit within 12 months of start-up
 - Public/EPA review
 - Be aware of what permitting actions require public and EPA review
 - Talk to Agency if unclear
- **PSD Avoidance Condition**
 - PSD is triggered upon future relaxation of PSD avoidance limit

Projects with a Short Timeline

- **Notice of Intent to Construct (NC)**
 - May begin construction without permit if certain criteria are met
 - Submit to DAQ for approval 15 days prior to starting construction
 - Modified sources cannot operate until air permit is received
- **Expedited Permitting Program (SC)**
 - Application Fee varies by permit type
 - Must be accepted into the program
 - Clock will stop on agency's application review if requested additional information is not provided in a timely manner

Lessons Learned

- **Submit an applicability determination if unsure of permitting route or request a meeting**
 - Agency's recommendation may differ from your interpretation
- **Plan each step of your application**
 - Allows collection of needed data early
 - May realize an exemption applies
- **Submit supporting documentation with application**
 - Will reduce the need for follow-up from the agency

Questions?

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