

Operating Permits



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Our Mission: To protect and improve the health and environment of all Kansans.

Federal Clean Air Act

- Title I – Standards
 - National Ambient Air Quality Standards
 - State Implementation Plans
- Title II – Mobile Sources
- Title III – Air Toxics
 - Hazardous Air Pollutants
 - Maximum Achievable Control Technology (MACT)
- Title IV – Acid Rain
- Title V – Operating Permits
- Title VI – Stratospheric Ozone
 - CFC phase out

Operating Permit Types

- Class I (Title V)
- Class II
- Class II Permit-by-Rule
- Class II General



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Operating Permit Application Fees

Class I and Class II Operating Permit Application Fees

	Class I	Class II
Initial	\$1,000.00	\$200.00
Renewal *	\$1,000.00	
Modification		\$100.00
Minor	\$0.00	
Significant	\$500.00	
General Application		\$50.00
Permit by Rule		\$50.00
Re-opening	\$0.00	\$0.00
Administrative Amendment	\$0.00	\$0.00

* less the amount of any annual emission fee paid pursuant to K.A.R. 28-19-202

Title V Operating Permits

- By 1990, the air quality program, in its current form, had been around since 1970
- It was becoming difficult to determine the compliance status for many sources
- Also, old regulations and permits often contained no method for determining on-going compliance
- Congress addressed these issues in Title V of the 1990 Clean Air Act Amendments (CAAA)

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Title V Purpose

- Enable the source, States, EPA, and the public to understand the requirements for the source
- Aid in determining whether the source is meeting those requirements
- Increase source accountability
- Provide for better emission inventories
- Provide a vehicle for States to administer parts of the Federal air toxics program and the acid rain program
- Help ensure compliance with the acid rain regulations promulgated under Title IV of the Act

Title V Operating Permits

- The Title V permit is intended to be the document that everyone uses to determine the compliance status of a source
- Federal oversight authority:
 - Object to a permit and issue an EPA permit under 40 CFR Part 71
 - Revoke approval of the state's Title V program and institute a federal program for that state
 - Withhold highway funds

Title V Operating Permits

- Regulations specifying requirements for state Title V programs found at 40 CFR Part 70
- Who has to get a Title V permit?
 - Major sources of “regulated air pollutants”
 - Non-major, if the applicable regulation requires
 - Affected sources (acid rain)
 - Solid waste incinerators required to obtain a permit under Sec. 129 of the CAA
 - Air curtain destructors required to obtain a permit under Sec. 111 of the CAA
- All applicable requirements for all regulated air pollutants must be included in the Title V permit

What are Applicable Requirements?

- Federal air quality requirement (NSPS, NESHAP, Acid Rain, Stratospheric Ozone, etc.)
- SIP requirements
- Compliance Assurance Monitoring
- Permit requirement, if the permit is issued pursuant to the SIP or federal air quality program

Title V Operating Permits

- Each state must develop and use a standard application form
 - Affected sources must use the federal form for Acid Rain requirements
- One of the unique requirements of the Title V program was the emissions fee requirement
 - The state Title V program is required to be completely funded using emissions fees paid by the Title V sources
 - Ensure that States have resources necessary to develop and administer the program effectively
 - Create an incentive for sources to reduce emissions...maybe
 - Kansas currently at \$37/ton

Title V Program

- Title V is a very prescriptive program specifying:
 - What must be included in applications
 - Time limits within which actions must occur
 - Documents and information the source must submit
 - Who must sign the document
 - Compliance certifications and plans
 - Permit content
 - Permit renewal or modification procedures

Title V Concepts And Terms

- Application shield
- Permit shield
- Responsible official
- Affected states
- EPA objection
- Statement of Basis
- Federally Enforceable State Operating Permits (FESOPs)



When is a Class I Permit needed?

- Major Source
 - 100 tons/yr or more of regulated pollutant (NO_x, SO_x, PM₁₀, CO, VOC, Lead)
 - 10 tons/yr of any individual HAP
 - 25 tons/yr of any combination of HAPs
- Affected Source (Title IV- Acid Rain)
- Subject to a New Source Performance Standard (NSPS) (which requires a Part 70 permit (i.e. 40 CFR Part 60, Subpart WWW- Municipal Solid Waste Landfills))

When is a Class I Permit needed?

- Subject to an emission limitation under Section 112 of the Clean Air Act (HAPs)
- Solid Waste Incinerators

Class I Initial

- Application: http://www.kdheks.gov/air-permit/forms/Reg_Class_I_Application.pdf



Class I Renewals

- Renewal form: [http://www.kdheks.gov/air-permit/forms/Class I Renewal Application.pdf](http://www.kdheks.gov/air-permit/forms/Class%20I%20Renewal%20Application.pdf)
- Supplemental forms: [http://www.kdheks.gov/air-permit/forms/Optional Forms Class I renewal.pdf](http://www.kdheks.gov/air-permit/forms/Optional%20Forms%20Class%20I%20renewal.pdf)
- Submit application **six** to **18** months prior to expiration of current permit.

Class I Application for Air Curtain Destructors and Incinerators

- Application:

<http://www.kdheks.gov/air-permit/forms/class-I-operating-app-aircurtain-destructors-incinerators.pdf>

- Class I Operating Permit required by 40 CFR Part 60, Subpart EEEE (NSPS EEEE)

Class II Permit

Sources which would otherwise require a Class I Permit may apply for a Class II by requesting PTE limitation to be below major source threshold.



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Class II Permit

- Types of Limitations
 - Operational hours
 - Throughput limitations
 - Type of amount of materials combusted
 - Air Pollution Control Equipment
 - Combination of the above

Types of Class II Permits

- Class II Regular Permits and Modifications
- Permit-By-Rule
- Class II General Permits
Rock Crushers

Class II Permit-by-Rule

- Permit-by-rule
 - Reciprocating Engines (28-19-561)
 - Organic Solvent Evaporative Sources (28-19-562)
 - Hot-Mix Asphalt Facilities (28-19-563)
 - Sources with actual emission less than 50% of major source thresholds (28-19-564)

Class II Applications

- <http://www.kdheks.gov/air-permit/download.html>



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Questions

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