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

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Operating Permit Types

• Class I (Title V)
• Class II
• Class II Permit-by-Rule
• Class II General
## Operating Permit Application Fees

### Class I and Class II Operating Permit Application Fees

<table>
<thead>
<tr>
<th></th>
<th>Class I</th>
<th>Class II</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial</strong></td>
<td>$1,000.00</td>
<td>$200.00</td>
</tr>
<tr>
<td><strong>Renewal</strong> *</td>
<td>$1,000.00</td>
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<tr>
<td><strong>Modification</strong></td>
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<td>$100.00</td>
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<tr>
<td><strong>Minor</strong></td>
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<td><strong>Significant</strong></td>
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</tr>
<tr>
<td><strong>General Application</strong></td>
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<td>$50.00</td>
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<tr>
<td><strong>Permit by Rule</strong></td>
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<tr>
<td><strong>Re-opening</strong></td>
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</tr>
<tr>
<td><strong>Administrative Amendment</strong></td>
<td>$0.00</td>
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</tr>
</tbody>
</table>

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

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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

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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

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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

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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

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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)

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When is a Class I Permit needed?

- **Major Source**
  - 100 tons/yr or more of regulated pollutant (NOx, SOx, 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))

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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

• Supplemental forms: http://www.kdheks.gov/air-permit/forms/Optional_Forms_Class_I_renewal.pdf

• Submit application six to 18 months prior to expiration of current permit.
Class I Application for Air Curtain Destructors and Incinerators

• Application:

• 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.
Class II Permit

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

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Types of Class II Permits

• Class II Regular Permits and Modifications

• Permit-By-Rule

• Class II General Permits

Rock Crushers

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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)

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Class II Applications

• [http://www.kdheks.gov/air-permit/download.html](http://www.kdheks.gov/air-permit/download.html)
Questions

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