

SUBPART 231-11**PERMIT AND REASONABLE POSSIBILITY REQUIREMENTS**

Sec.

- 231-11.1 Permit requirements for new major facilities, NSR major modifications, and netting.
- 231-11.2 Reasonable possibility requirements for insignificant modifications.

Historical Note

Subpart (§§ 231-11.1—231-11.2) filed Jan. 20, 2009 eff. 30 days after filing.

§ 231-11.1 Permit requirements for new major facilities, NSR major modifications, and netting.

(a) *Permit application requirements.* In addition to the application requirements under Part 201 of this Title the following information must be included in the permit application for any new major facility, NSR major modification, or facility netting out of applicability, required to obtain a permit pursuant to this Part:

- (1) project description, location, design capacity, and typical operating schedule, including specifications and drawings showing its design and the plant layout, as applicable;
- (2) a detailed schedule for construction, as applicable;
- (3) applicable calculations and supporting documentation of potential-to-emit for a new facility, and baseline actual emissions, projected actual emissions or potential-to-emit as applicable, project emission potential and net emissions increase determination for a modified facility. The information submitted must be sufficiently detailed to allow the department to verify the emissions calculation(s) and to determine the applicability status of the source with respect to this Part. If the calculation of projected actual emissions excludes emissions which an existing emission source could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, detailed documentation of the calculation of the excluded emissions must be provided at the time of permit application in order for the exclusion of those emissions to be allowed in determining future compliance; and
- (4) proposed emission monitoring, recordkeeping and reporting provisions to establish compliance with the applicable requirements of this Part.

(b) *General permit conditions and terms of issuance.* Any new major facility, NSR major modification or facility netting out of applicability subject to this Part must comply with the requirements of section 201-6.5(a) of this Title and the following:

- (1) within 30 days of commencement of construction, the applicant must notify the department in writing that construction has begun; and
- (2) the filing of a request by the permittee for a permit modification or renewal, or of a notification by the permittee of planned changes or anticipated noncompliance does not authorize the permittee to undertake any action without department approval. The permittee shall not begin actual construction or operate a new or modified facility without department approval in accordance with this Chapter. Operation in a manner other than authorized by a permit shall be grounds for enforcement.

(c) *Permit conditions for monitoring.* Any permit issued in accordance with this Part must include the monitoring provisions required in section 201-6.5(b) of this Title.

(d) *Permit conditions for recordkeeping and reporting of compliance monitoring.* Any permit issued in accordance with this Part must include the recordkeeping and reporting of compliance monitoring provisions required in section 201-6.5(c) of this Title.

(e) *Compliance certification.* Any permit issued in accordance with this Part must include the compliance certification provisions required in section 201-6.5(e) of this Title and, if applicable, submission of documentation that the actual measured emissions less those attributed to

independent factors such as demand growth are below the permitted projected actual emissions limit.

Historical Note

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§ 231-11.2 Reasonable possibility requirements for insignificant modifications.

(a) The requirements of this section do not apply if potential-to-emit is used in lieu of projected actual emissions in determining the project emission potential for a proposed modification.

(b) For a modification with a project emission potential that does not utilize the emissions exclusion allowed under section 231-4.1(b)(41)(i)(c) of this Part and which is less than 50 percent of the applicable significant project threshold in table 3, table 4 or table 6 of Subpart 231-13 of this Part, or for a modification with a project emission potential which when added to emissions excluded in accordance with section 231-4.1(b)(41)(i)(c) of this Part is less than 50 percent of the applicable significant project threshold in table 3, table 4 or table 6 of Subpart 231-13 of this Part, the facility owner or operator, in addition to complying with any requirements under Part 201 of this Title, must maintain the following information for a minimum of five years:

- (1) a description of the modification;
- (2) an identification of each new or modified emission source(s) including the associated processes and emission unit;
- (3) the calculation of the project emission potential for each modified emission source(s) including supporting documentation; and
- (4) the date the modification commenced operation.

These recordkeeping requirements apply to exempt and trivial activities but do not affect their exempt or trivial permitting status under Subpart 201-3 of this Title.

(c) For a modification with a project emission potential which is less than 50 percent of the applicable significant project threshold in table 3, table 4 or table 6 of Subpart 231-13 of this Part, but equals or exceeds 50 percent of the applicable significant project threshold when emissions excluded in accordance with section 231-4.1(b)(41)(i)(c) of this Part are added and is less than the applicable significant project threshold, or for a modification with a project emission potential which equals or exceeds 50 percent of the applicable significant project threshold in table 3, table 4 or table 6 of Subpart 231-13 of this Part and is less than the applicable significant project threshold, the facility owner or operator must submit an application to modify the facility permit under the minor permit provisions of Subpart 201-6 of this Title or obtain a preconstruction permit under the provisions of Subpart 201-6 of this Title, and must:

- (1) maintain the following information for a minimum of five years:
 - (i) a description of the modification;
 - (ii) an identification of each new or modified emission source(s) including the associated processes and emission unit;
 - (iii) the calculation of the project emission potential for each modified emission source(s) including supporting documentation; and
 - (iv) the date the modification commenced operation;
- (2) monitor the emissions of each regulated NSR contaminant from the emission source(s) that will increase as a result of the modification, and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the modification, or for a period of 10 years following resumption of regular operations after the change if the modification increases the design capacity of or potential to emit the regulated NSR contaminant at such emission source(s); and
- (3) submit a report to the department within 30 days after the end of each year during which records must be generated in accordance with paragraph (2) of this subdivision. The report must contain:
 - (i) the name, address, and telephone number of the major facility;

- (ii) the annual emissions as calculated pursuant to paragraph (2) of this subdivision; and
- (iii) a comparison of actual annual emissions to the projected actual emissions and, if applicable, an explanation as to why the actual annual emissions exceeded the projected actual emissions.

Historical Note

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