

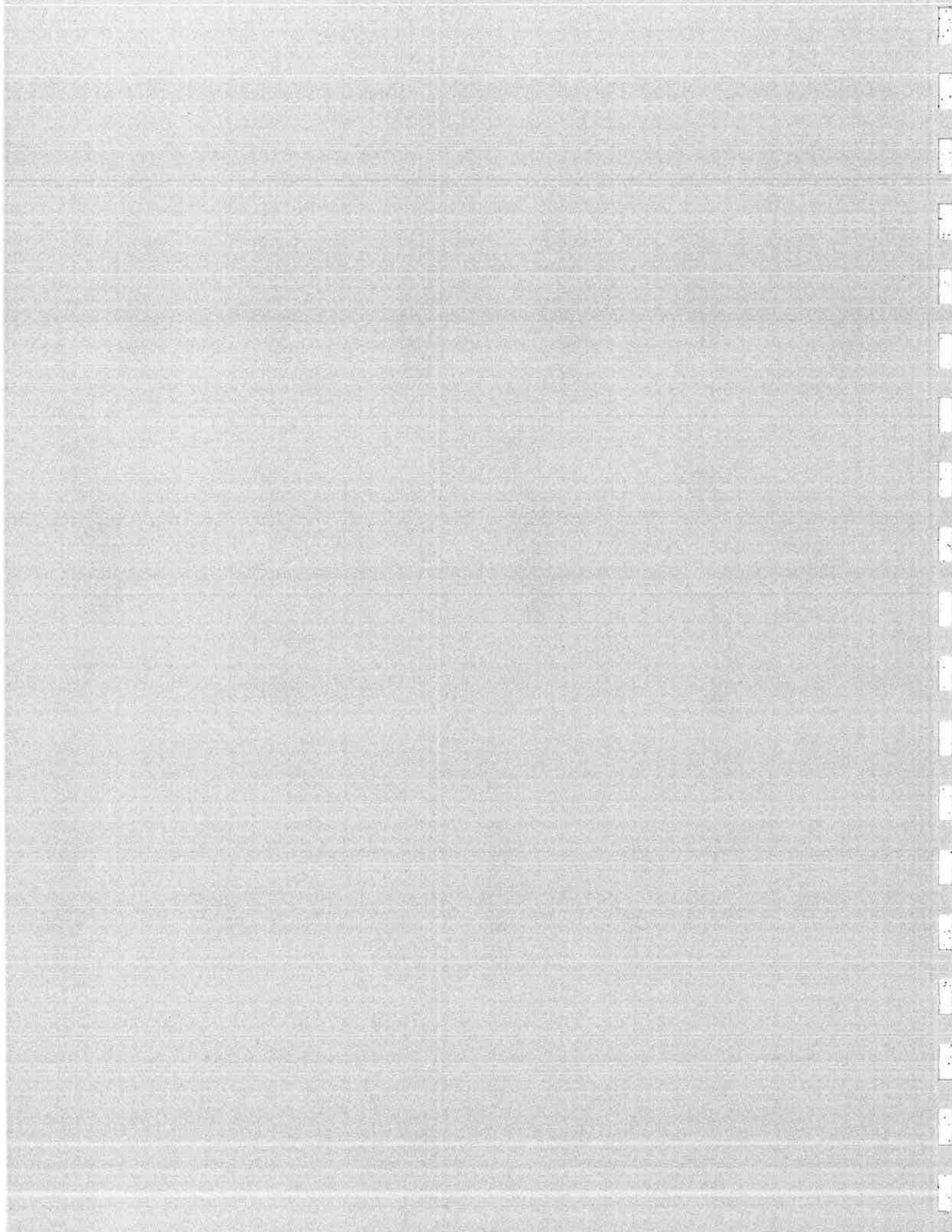
**U.S. Environmental Protection Agency  
Region III  
Air Protection Division**

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**Title V Program Evaluation  
Final Report**

**Virginia  
Department of Environmental Quality**

**June 2013**



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## INTRODUCTION

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### Background

Region III is evaluating the Virginia Department of Environmental Quality (VADEQ) title V Operating Permit Program that was fully approved by EPA on December 14, 2001. The purpose of this review is to evaluate the effectiveness of VADEQ's Title V Program, identify areas of strength, areas for improvement, and areas where EPA's oversight may be improved.

The Department of Environmental Quality is divided geographically into six autonomous regional offices with one administrative central office. Consequently, EPA has conducted its title V program evaluations on a regional, rather than a state-wide basis and has determined that an evaluation of two regional offices at one time is a sufficient indicator for the effectiveness of the state's title V program generally. Region III first evaluated VADEQ's title V Program in 2006 at the Piedmont and Northern Virginia Regional Offices. This current program evaluation was conducted at the Valley and Blue Ridge Regional Offices. On September 11 and 12, 2012, an EPA team comprised of Kathleen Cox and Gerallyn Duke met with Janardan Pandey, Air Permits Manager, VRO, David "Jed" Brown, Air Permits Manager, BRO and Tamera Thompson, Air Permitting Director, VADEQ Central Office at the VRO and BRO offices respectively.

Region III develops a set of questions to be discussed during the title V program evaluations that are specific to each agency being reviewed. The questions for this program evaluation were developed based on the findings of the previous title V program evaluation as well as information collected through routine permit reviews in Virginia. Topics covered include:

- (1) organization, resources and internal management support
- (2) permit issuance and renewals
- (3) permit revisions
- (4) title V permit preparation and content
- (5) general permits
- (6) monitoring
- (7) public participation and review by EPA and affected states.

Individual permit files were not reviewed, as Region III continually reviews a substantial number of VADEQ's proposed title V permits. The list of questions used in the title V program evaluation meetings is included as Appendix A.

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## I. ORGANIZATION, RESOURCES, AND INTERNAL MANAGEMENT SUPPORT

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### Organization and Resources

VADEQ operates under the Secretary of Natural Resources. VADEQ is one of six state agencies or departments under the Secretary. VADEQ's Central Office is located in Richmond, Virginia. The Department is divided into six (formerly seven) Regional Offices corresponding to six geographic areas of the State: the Southwest, Valley, Blue Ridge, Northern, Piedmont, and Tidewater Offices. The Directors of each Regional Office report to the Deputy Director for Operations of VADEQ in the Central Office.

The Department's six regional offices are located in Abington (Southwest), Harrisonburg (Valley), Roanoke and Lynchburg (Blue Ridge), Woodbridge (Northern), Glen Allen (Piedmont), and Virginia Beach (Tidewater). Blue Ridge Region is the only region with two offices, i.e., Roanoke and Lynchburg. Each regional office is directly responsible for the permits they issue; Central Office acts in an advisory role to the regional offices.

The Director of the VRO is Amy Owens. The Air Permitting Program is headed by Janardan Pandey. Currently there are eight permit writer positions in VRO, of which three were vacant at the time of this review. Appendix B of this report is an organizational chart for the VRO. Of the three vacancies, two have existed for over two years and one since last July.

The Director of the BRO is Robert Weld, and the Air Permitting Manager is Jed Brown. At the time of this review there were eleven permit writer positions in BRO, of which four are in Roanoke and the rest are in Lynchburg. One position has been vacant for several years. Another permit writer position, which was recently filled, had remained vacant for two years. Appendix C of this report is an organizational chart for the BRO.

In both VRO and BRO, administrative positions are located in units other than the Air Permits unit. Title V fees support the title V work performed by administrative personnel in both regional offices. VRO and BRO managers reported that they are served with well-qualified administrative staff and information technology personnel from Central Office. The latter maintain the central computer systems used to support the title V and other permitting programs.

Staffing across VADEQ is down to "the low 700s" from approximately 850 employees in years past. Although funding is available through title V fees to fill the title V permitting vacancies at VRO and BRO, VADEQ is only filling a small number of vacancies across the state, which must be approved through the Governor's Office. Approximately 42 air permit writers are employed at all VADEQ offices compared to 55 permit writers at the time of the last title V evaluation.

The manager interviewed from Central Office said that staff retention is a problem in the Northern and Piedmont Regional Offices due to competition in those areas from industry, consulting firms, and the federal government where salaries are higher than at VADEQ.



However, VRO and BRO managers said staff retention has not been a problem in their offices in recent years. Permit writers at VRO are relatively inexperienced; most permit writers at BRO have 10 to 15 years of experience.

VADEQ has initiated a number of actions to increase workplace satisfaction and staff retention. VADEQ offers an extensive amount of training and strongly encourages each employee, along with their supervisor, to plan for their training needs. A mapped career track is offered to enable engineers to move from level 1 through level 3 within their same position. Flexible schedules also are offered, including compressed work weeks and 10-hour or 9-hour work days.

Approximately 60 percent of VADEQ employees telework including managers. Staff may telework up to two days per week and managers one day per week. Connectivity to computer systems (described below) is seamless and there is complete access from off-site to all electronic records and tracking systems. Telephone calls roll over to the off-site location as needed. Teleworking is a particularly strong incentive in the Northern Regional Office and around Richmond, where traffic is significant.

## **Internal Management Support**

### *Computer Resources*

VADEQ has developed extensive computer systems to support their permitting programs. These systems include:

- Comprehensive Environmental Data System (CEDS) which tracks emissions inventories, inspections, and permit data for all environmental programs;
- Enterprise Content Management System (ECM) which houses, in a searchable format, all final permits and related correspondence; and
- DEQ NET, VADEQ's intranet, which provides templates, model permits for specific industries, state guidance, and a venue for VADEQ personnel to correspond electronically with one another.

CEDS tracks permit application due dates, regulatory deadlines (e.g., 60-day letters), and permit actions completed for each emissions source throughout the state. CEDS produces numerous useful summary reports and enables users to run their own queries. IT support is available from Central Office, but Regional users rarely need to request IT support to retrieve information from CEDS.

Administrative personnel in each Regional Office scan all incoming permit-related documents and correspondence and upload these to ECM. In VRO, this is accomplished by a full-time administrative specialist dedicated to direct support of the title V program. Because BRO is comprised of two offices, different on-site administrative specialists support each office in a more shared arrangement. A document that arrives in one of the two BRO offices is administratively processed in that office and then made available electronically to both BRO offices.

Data and files in these internal systems are available to permit writers and managers off-site as well as in each regional office. VADEQ's long-term goal is to become completely paperless. At this time, however, VRO keeps files of all incoming documents. New documents in BRO are electronic, and they are in the process of scanning old documents into electronic format. Once this scanning project is completed, they expect to be paperless except that certain signatures must still be submitted in hard copy.

Permitting staff may access permit documents and permit tracking data generated in their respective regional offices as well as the other regional offices. Central Office on an on-going basis uploads appropriate data, such as active draft and final title V permits, from these systems to VADEQ's public website.

An extensive amount of information must be quality assured and entered into the computer systems. Administrative staff, permit writers and managers are responsible for entering specific types of information into the different systems. Staff encountered technical difficulties when these systems were new but most technical problems now have been resolved. The IT team is available to troubleshoot problems and those interviewed expressed great pride in their modern computer systems. Indeed, those interviewed said that these systems make their work more efficient, provide useful reports, and help to improve the quality of their work.

#### *Central Office Role*

Central Office serves as a clearinghouse for legislation, regulation, and policy and has developed, with input from the regions, a myriad of guidance documents, boilerplate language, and training classes for permitting staff and managers. They also respond to correspondence and requests for information from industry, local governments, the scientific and academic communities, and the general public, and serve as an advisor for the regional offices. Central Office maintains the Air Program website which includes a link to all title V permits.

Central Office and the regional offices rotate hosting biweekly calls with all air permit program managers. Once a quarter, regional air program managers and managers from Central Office meet face-to-face. Both regional managers reported that they communicate regularly and frequently with Central Office managers.

#### **Findings**

- Unfilled vacancies in the regional offices have strained their ability to issue title V actions in a timely manner. Although staff retention has not posed a significant problem in the two regions that were evaluated, staff retention continues to be a problem in the Piedmont and Northern Virginia Regions.
- VADEQ provides initiatives to increase work place satisfaction which can positively impact staff retention rates.
- Virginia has developed an impressive information technology infrastructure that improves the effectiveness of their permitting programs, enables seamless teleworking, and supports their goal to go paperless.

- The two regional offices provide good administrative support, which is critical to supporting the data systems used to draft and track permitting actions. Effort is made to avoid duplication in the two offices that comprise BRO.
- Communication is strong between Central Office and VRO and BRO and there appears to be a team approach to resolving issues.

### **Recommendations**

Vacancies should be filled as soon as possible since this is significantly impacting VADEQ's ability to issue timely permits.

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## II. PERMIT ISSUANCE/ RENEWALS/REVISIONS

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Permit writers in both regions are assigned a variety of permits, i.e., major and minor permits, preconstruction and operating permits. Senior permit writers are relied upon for technical assistance on a sectors basis. However, no individual permit writer in either office is assigned all or most permits in a particular sector. Managers stated that this is necessary to ensure that the workload is evenly distributed.

Permit writers in VRO work on permits from a variety of sectors. However, writers are assigned to specific facilities, so each becomes knowledgeable about his/her assigned facilities. In contrast, a permit writer at BRO typically is not assigned to work on all actions related to a particular facility. The BRO manager said this is important in order to further ensure that the work load is evenly distributed. Nonetheless, if a particular permit writer in BRO has experience with a particularly complex facility the permit writer is likely to be assigned permit actions related to that facility.

Virginia's *Title V Air Permits Guidance Manual* (hereinafter called the "*Guidance Manual*")<sup>1</sup> describes and instructs the permit writer on almost all aspects of title V permitting, including the steps involved in processing a title V permit. Appendix T of the manual is a checklist of the steps for those who wish to use it. Some regions have developed their own checklists for this purpose.

### Permit Issuance and Renewal Rates

Statistics related to air permitting at VADEQ, VRO and BRO are summarized in Table 1. Please note that the time frames for data presented in Table 1 vary by a few months based on the data available at the time.

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<sup>1</sup> Virginia Department of Environmental Quality Division of Air Programs Coordination, Office of Air Permit Programs, December 19, 2005



**Table 1**  
**Snapshot of Air Permits Issued, Expired and Renewed**  
**Across Virginia and in VRO and BRO**

	Six Regional Offices	VRO	BRO
Universe of title V sources	271 <sup>2</sup>	31 <sup>3</sup>	63 <sup>3</sup>
# title V sources without initial title V permits	20 <sup>2</sup>	0 <sup>4</sup>	5 <sup>5</sup>
TV renewals currently extended beyond 5-yr expiration date	105 <sup>6</sup>	5 <sup>7</sup>	26 <sup>8</sup>
Expired permits for active part 70 sources <sup>9</sup>	0	0	0
# TV synthetic minor sources <sup>10</sup>	1620	239	255
# major + SM + natural minor sources <sup>10</sup>	4086	429	641

The number of title V sources changes continually, due to shut downs, sources switching to or from synthetic minor classification, expansion of natural minor sources, and construction of new sources. Between 2007 and 2012, the universe of active title V sources in Virginia decreased from 326 to 271.<sup>11</sup> A sizable number of shut down sources were tobacco processing plants located in Blue Ridge Region.

#### *Initial TV Permits*

Statewide, 251 of the 271 title V sources had received their initial permits as of July 2012. Two of the remaining 20 sources had not yet submitted applications (both in BRO), and four had just become title V sources in 2012.

At the time of this evaluation, all title V facilities in Valley Region had received their initial title V permits and these had all been issued years ago. Five new title V sources in BRO had not received title V permits at the time of this review. Applications had not been received

<sup>2</sup> *Semiannual Title V Permit Data Report*, [TOPS] July 25, 2012, provided by VADEQ to EPA

<sup>3</sup> *Active Air Facility Population as of September 6, 2012*, provided by VADEQ to EPA September 9, 2012. Does not include new facilities that are not yet permitted

<sup>4</sup> VRO response to question 7 to Appendix A, provided by VADEQ to EPA on 9/12/12.

<sup>5</sup> BRO response to question 7 to Appendix A, provided by VADEQ to EPA on 9/12/12. Generated August 29, 2012.

<sup>6</sup> *Semiannual Title V Permit Data Report*, [TOPS] July 25, 2012, provided by VADEQ to EPA

<sup>7</sup> VRO handout *VRO-Title V Sources= Expired* in response to question 5 to Appendix A during interview

<sup>8</sup> BRO response to question 7 to Appendix A, provided by VADEQ to EPA on 9/12/12. Generated August 29, 2012.

<sup>9</sup> *Semiannual Title V Permit Data Report*, [TOPS] July 25, 2012, provided by VADEQ to EPA

<sup>10</sup> *Active Air Facility Population as of September 6, 2012*, provided by VADEQ to EPA September 9, 2012

<sup>11</sup> VA TOPs reports, 2007 through 2012

for two of these sources; of the remaining three unissued title V permits, one application was received in June, 2012 and two applications were received before 2012.

#### *Title V Permit Expirations and Renewals*

As of July 2012, there were no expired permits in Virginia and approximately 40 percent of issued permits had been administratively extended (i.e., sources submitted timely applications). Twelve percent of the active title V permits in VRO had been extended as had approximately 41 percent in BRO.

Applicants are entitled to an application shield if their renewal applications are received in a timely and complete manner. A renewal application is considered timely if it is received at VADEQ at least six months before the term expires. VADEQ must determine whether an application is complete within 60 days of receipt. The completeness letter issued by VADEQ will indicate that the application shield is in effect and that the permit terms are administratively extended. All VADEQ regions send out renewal notices well before renewal applications are due and communicate with applicants about what is needed for an application to be considered complete.

The main obstacle to timely renewal of title V permits appears to be competition with non-title V permits. As required by state regulations, new source review (NSR) applications are assigned priority over title V permit renewals. A facility may continue operating under the title V application shield, minimizing any urgency on the part of the permittee or the regional office to issue the renewal, whereas a pending NSR permit can directly impact a facility's business operations. NSR permit actions -- for major actions at major sources as well as minor NSR actions at major, synthetic minor, and natural minor sources -- may be simple or complex and require resources that are commensurate with complexity.

Permitting resources that are not assigned to NSR work are then allotted to the remaining permitting burden, which includes, but is not limited to, title V renewals. Examples of other permit actions include acid rain permits and modifications and amendments to state operating permits for major, synthetic minor, and certain natural minor sources.

It is important to note that the number of title V sources up for renewal each year varies and reflects the issuance rates from the prior five- year period. Table 2 shows the number of renewals issued over the last five years.

**Table 2**  
**Title V Renewal and Initial<sup>12</sup> Permits Issued at VRO and BRO**  
**In Last Five Years**

	VRO <sup>13</sup>					BRO <sup>14</sup>				
<b>Number of permitted major sources<sup>15</sup></b>	31					63				
<b>Year</b>	2007	2008	2009	2010	2011	2007	2008	2009	2010	2011
<b>Number of sources up for renewal</b>	1	1	12	7	5	13	17	3	2	1

This table shows that the greatest number of Valley Region title V permits (12) was issued/renewed in 2009. In contrast, the greatest number of title V permits (17) issued/renewed by BRO was in 2008, which followed a significant amount of title V activity in 2007.

VRO renewed all but one of the 2009 title V permits before they expired (i.e. they did not have to be administratively extended). At the time of the evaluation, BRO was still working to renew the backlog of 2011 – 2012 renewal applications. VRO anticipates that there will be a substantial increase in the number of renewal applications for 2014; BRO expects 16 renewal applications in the next 12 months (9/12 – 8/13) which may exacerbate their backlog. The next few years after that will bring a much lower number of scheduled title V renewals in BRO.

Neither of the regional managers identified a prescribed approach to assigning priority to certain extended title V permits over others. Both managers said they pay much attention to workload, as the most complex renewal permits involve considerable resources to complete and can get significantly backlogged due to NSR workload issues.

Both managers reported that incomplete permit applications rarely delay the issuance of title V permits. Few applications received are considered 100 percent complete but usually there is enough information in the application for permit writers to begin to draft the permit. When regional offices request additional information, applicants usually respond in a timely manner. Other problems mentioned that impede timeliness of renewals, on very limited occasions, include:

- ongoing changes at a facility during the renewal application process
- compliance and enforcement issues
- complications due to the boiler MACT

<sup>12</sup> One permit in this list was an initial permit

<sup>13</sup> VRO handout *VRO-Title V Sources= Expired*

<sup>14</sup> BRO Title V tracking spreadsheet provided on 9/13/12

<sup>15</sup> *Active Air Facility Population as of September 6, 2012*, provided by VADEQ to EPA September 9, 2012. This number does not include facilities that have not yet obtained Part 70 permits

- incomplete information related to the RICE MACT
- issues with EPA related to interpretation of underlying applicable requirements, and
- administrative functions such as typing a long statement of basis and formatting the permit document.

The VRO manager said that assigning individual permit writers over the long term to specific facilities has helped expedite title V renewals. The BRO manager said that training and filling long-standing vacancies would be key to reducing its backlog of title V renewals and they have made progress in both areas.

### *Discussion*

VRO currently has a proportionally smaller renewal backlog than other regions. This was not always the case; twelve title V permits in VRO were extended before they were renewed<sup>16</sup>, and some went well beyond their expiration dates. To catch up, VRO initiated the following practices:

- Permit writers started working on the title V renewals – those with pending, as well as past due, renewal dates -- while they worked on NSR permits and significant modifications for their assigned facilities. This practice enabled the terms and conditions from the active NSR permits to be incorporated into the draft title V renewals before permit writers started working full time on assigned title V renewals.
- Summer interns drafted facility-specific templates for extended title V renewals. This provided permit writers with a formatted draft permit, including relevant boilerplate language. The summer interns also minimized other administrative work involved in permit issuance.

For BRO, the recent workload has been particularly heavy. A number of title V permits came up for renewal in 2012 on top of backlogs already occurring in 2011 and five initial title V applications were pending at the time of this review. Of the latter, one initial application was beyond the 18-month deadline for issuance, and a second was about to become overdue. In addition, BRO received two PSD applications in the last year (both involving fuel switches, one ultimately withdrawn).

Fuel switches are emerging as a trend in Virginia due to the increased availability of natural gas and an improved regulatory environment for biofuels. This has caused an increase in NSR permitting actions, and an associated increase in title V modifications. EPA did not examine whether the economy is affecting different industries and/or different parts of Virginia in different ways. We understand that some permits are much more complex than others, consume a significant amount of time, and are difficult to balance with other permitting responsibilities. EPA is concerned, however, that the backlog in BRO will increase and/or create a situation where the distribution of permits coming up for renewal in the future becomes distributed in a way that will only exacerbate the backlog.

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<sup>16</sup> VRO handout *VRO-title V Sources= Expired*



## Management of Change

Changes may be incorporated into a title V permit via significant modification, minor modification, administrative amendment, renewal or reopening, depending on the specific change at hand. Virginia also has adopted procedures to expedite incorporation of changes into a title V permit through a "merged" permit. In a merged permit process, NSR permits issued to sources with existing title V permits would undergo the procedural requirements of an initial title V permit, including EPA and affected state review and the availability of the petition process. Once the change authorized by the NSR permit becomes operational, it can be incorporated in the title V permit through an administrative amendment<sup>17</sup>. Although the authority exists to issue merged permits, this is rarely done in Virginia.

### *Preconstruction Permitting*

As required under the Clean Air Act (CAA), Virginia has SIP-approved major and minor NSR permit regulations. NSR permits do not expire<sup>18</sup> and serve as the underlying authority for many of the applicable requirements in title V operating permits. However, the process for revising a title V permit for changes authorized in an NSR permit varies. When the NSR permit authorizes a change to an existing unit or process at the facility, the facility must also submit an application for a significant modification to its title V permit because the change will, by its nature, not qualify as a minor modification. Minor modifications cannot be used when the change will violate an existing applicable requirement. In the case of existing equipment, it is presumed that if an NSR permit is required to implement a change, then the existing applicable requirements must also be changed. In Virginia, it is often also true that the significant modification must be issued by the time the change becomes operational, or the facility will be in violation of its title V permit.

This is not the case for new units, for which there are no existing applicable requirements in the title V permit. After the NSR permit is issued and the unit is operating, a new unit may be brought onto the title V permit using either a minor or significant modification, depending on the specifics of the unit(s) being added. There is not the same incentive to issue the revision to the title V permit since the NSR permit authorizes both construction and operation, and operation will not cause the facility to violate any applicable requirement in its existing title V permit.

### *Off-Permit Changes and Insignificant Units*

Certain changes are allowed to occur without requiring a change to the title V permit and are the basis for the title V operational flexibility provisions in 9 VAC5-80-280 and Section 502(b)(10) of the CAA. A facility that is planning to make an "off-permit change" must provide written notice to VADEQ and EPA at least seven days in advance of the proposed change. Examples of off-permit changes for title V facilities in Virginia include<sup>19</sup>:

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<sup>17</sup> 9 VAC5-80-200 A.5

<sup>18</sup> NSR permits only expire if construction has not commenced within 18 months or (except phased construction permits) is not completed within a reasonable period of time.

<sup>19</sup> Chapter 10 of the *Guidance Manual*

- addition or removal of an insignificant emission unit
- removal of an emissions unit that has been shut down in accordance with VADEQ rules
- installation or removal of an emissions unit that exceeds the insignificant emission unit thresholds but does not require an NSR permit
- removal of an emission unit that was never constructed
- changes related to emission trading as allowed in the regulations and permits.

Off-permit changes are incorporated into title V permits usually at renewal time; applications for title V renewals must include off-permit changes. Alternatively, off-permit changes may be included when another change is made that requires a title V permit revision application, i.e., prior to the next renewal.

Insignificant changes are listed in 9 VAC5-80-720 and are described in 9 VAC5-80-710. There are 101 named insignificant activities in Section 720A<sup>20</sup>, and these do not have to be included in the title V permit unless emissions units from the application would interfere with the determination of the applicability of a federal operating permit or acid rain permit, the determination or imposition of any applicable requirement, or the calculation of permit fees<sup>21</sup>. Other insignificant changes include those producing emissions below the thresholds listed in Section 720B or those emission units whose size or production rate are below the fuel use and capacity levels listed in Section 720C. These must be included in the title V permit.

#### *Operating Permits*

One purpose of the title V Program is to include all applicable requirements in one document. Title V permits generally do not add new requirements. In Virginia, the underlying requirements are established in NSR permits or state operating permits. However, Virginia's NSR permits are operating permits as well as preconstruction permits, so the NSR permit and title V permit may appear to be (but are not) somewhat duplicative.

Article 1 of Chapter 80 of Virginia's rules, "Federal Operating Permits for Stationary Sources," establishes the requirement for all sources that are subject to title V requirements to submit a complete and timely application for a permit to operate. In addition to title V, Virginia's Federal Operating Permit Program includes a separate set of rules for title V sources subject to its Acid Rain Operating Permit Program under Article 3 of Chapter 80. EPA approved Virginia's Acid Rain Operating Permit Program as part of its approval of Virginia's title V program, i.e., EPA determined that Virginia's Acid Rain Permit requirements under Article 3 meet the title V program regulations under 40 CFR 70. Thus, a "federal operating permit" in Virginia may be either a title V permit or an acid rain permit, or both.

Article 5 of Chapter 80 of Virginia's rules, "State Operating Permits," authorizes VADEQ to, among other things, limit the potential to emit for a facility below title V applicability thresholds. EPA approved Article 5 as part of Virginia's State Implementation Plan on June 27, 2003, thereby making these "synthetic minor" limits federally enforceable. Article 5 is primarily used in Virginia to implement its Federally Enforceable State Operating Permits

<sup>20</sup> These include such activities as emergency road flares, fire suppression systems, and blacksmith forges.

<sup>21</sup> 9VAC5-80-710

Program. State operating permits also are used to permit activities that are discretionary on the part of VADEQ but not otherwise included in an NSR permit. For example, Plant-wide Applicability Limits (PALs) are established through Virginia's state operating permits. As other examples, state operating permits are used to establish RACT requirements and to establish requirements that result from enforcement actions but don't involve installing new equipment. Some other requirements in state operating permits for major sources are not federally enforceable and may be listed in title V permits as "state enforceable only."

Appendix D, *Title V Summary Table*, outlines the key requirements that apply to various changes to Virginia's title V permits. VADEQ's regulations for making changes to title V permits track the title V major source provisions in 40 CFR Part 70, but require more to be submitted to EPA than federal rules require (see Chapter VI). Once an NSR permit is issued to a title V source<sup>22</sup>, the requirements of the NSR permit are incorporated into a title V permit via minor permit modification under 9 VAC 5-80-210 or a significant permit modification under 9 VAC 5-80-230.

#### *Expediting Incorporation of Changes into Title V Permits<sup>23</sup>*

Virginia's title V regulations require the state to go through the procedures of either a minor or significant modification to incorporate changes that are authorized by an NSR permit into a title V permit. Timing is critical when the terms of the NSR permit contravene the title V permit terms. Minor modifications may not be used in these instances; modification to the title V permit must involve full public participation, affected state review, and EPA review. Two options are available in Virginia for expediting such changes to title V permits.

The first, and most widely used option, involves simultaneous or parallel processing of the NSR permit and the title V modification. In parallel processing, the applicant submits applications for construction and title V modification at the same time and requests simultaneous processing of both permits. Both permits are drafted and submitted for public comment at the same time (a public comment period and hearing are required for major modification NSR permits and may be required for other NSR permits with public interest. See Appendix D). For the significant modification, EPA's 45-day review would run concurrent with the title V significant modification public comment period (See discussion of concurrent review in Chapter VI). The NSR permit is approved<sup>24</sup> while EPA and affected state review for the title V permit is underway. Construction may commence when the NSR permit is issued. The operating permit is modified a few weeks later when EPA's review period has ended, after which the source may operate in compliance with its new title V permit terms.

Alternatively, where the title V permit term is scheduled to expire soon, VADEQ may issue the title V modification as part of the title V permit renewal<sup>25</sup>.

#### *Discussion*

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<sup>22</sup> except for merged permits, but these are rarely, if ever, used

<sup>23</sup> This discussion does not address reopenings

<sup>24</sup> 9 VAC 5-80-1120 D

<sup>25</sup> 9 VAC 5-80-110 L

As part of our review, we asked VADEQ to provide tracking reports that show how Virginia's procedures for changes were actually being implemented. Table 3 lists the number of title V permit modifications and amendments in the last year in VRO and BRO:

**Table 3**  
**Title V Revisions at VRO and BRO**  
**8/1/11 – 7/31/12**

	<u>VRO<sup>26</sup></u>	<u>BRO<sup>27</sup></u>
Title V Significant Modifications	3	3
Title V Minor Modifications	1	1
Title V Administrative Amendments	3	1

VRO reported that no significant modifications to title V permits were backlogged<sup>28</sup> at the time of this evaluation. BRO reported that two significant modifications to title V permits listed in Table 3 had been backlogged; one was issued 22 months after it was received and one was issued 30 months after it was received (Information was not provided regarding when these permits were deemed complete). Statewide, there were five active significant title V modification applications pending longer than 18 months as of June 30, 2012<sup>29</sup>.

Although there were not many significant modifications to title V permits pending at the time of this review, these can and do get backlogged too. Regions are challenged to act on the significant modifications that are needed at the same time that high priority preconstruction permitting is pending.

The public comment period for NSR permits typically is shorter than the EPA review period for title V modifications. So, unless the modification contravenes the title V permit, companies usually request issuance of the NSR permit prior to the title V modification. Since an already-issued NSR permit allows operation of the permitted equipment in Virginia, there is little incentive to subsequently incorporate the approved modification into the title V permit with much urgency.

VADEQ does assign priority to title V significant modifications that introduce new limits or other requirements that conflict with the current title V permit. In that instance the facility may not operate until the title V permit is modified. Where such conditions exist, permittees often request that the significant modification be processed simultaneously with the NSR permit, as described above; these significant modifications can be a resource burden. Minor modifications and administrative amendments are not resource intensive and generally are completed in a timely manner.

<sup>26</sup> CEDS, reported for calendar year 2011

<sup>27</sup> CEDS, reported between August 1, 2011 and July 31, 2012

<sup>28</sup> "Backlogged" means issued more than 270 days after VADEQ deems the application is complete

<sup>29</sup> VADEQ Semiannual Title V Permit Data Report (TOPs), July 25, 2012



The manager from VRO said that approximately 75 percent of the permitting work in Valley Region is related to minor NSR, 15 percent is related to title V permits, and 10 percent is related to natural minor facilities. This is considered representative of air permitting activity in other VADEQ regions as well.

Specific state operating permit and NSR permit issuance rates from August 1, 2011 through July 31, 2012 are shown in Table 4.

**Table 4**  
**State Operating Permit and NSR Permit Activity at VRO and BRO**  
**8/1/11 – 7/31/12**

	<u>SOPs</u>		<u>NSR Permits</u>	
	<u>VRO<sup>30</sup></u>	<u>BRO<sup>31</sup></u>	<u>VRO<sup>32</sup></u>	<u>BRO<sup>33</sup></u>
PSD or Major NSR	-	-	0	1
New Minor NSR	-	-	34	22
Significant Amendments	6	5	5	8
Minor Amendments	3	7	7	5
Administrative Amendments	1	2	5	4

As shown in Table 4, the volume of state operating permits and new source review permits is much greater than the number of title V actions. The greatest volume of permit actions at VRO and BRO are new minor NSR permits. One major PSD permit also is included in the above table; a PSD action entails an extensive amount of permitting and modeling resources.

Those interviewed said that off-permit changes under Section 502(b)(10) of the CAA typically occur with no involvement from VADEQ. VADEQ often learns about new equipment installed off-permit through inspections. On occasion a company that is concerned about possibly triggering minor NSR requirements will submit information on insignificant units in order to ascertain, through VADEQ, that the unit or change meets the criteria under 9 VAC5-80-720A is so trivial that no permit is needed. Those interviewed confirmed that they do require off-permit changes, as well as insignificant units under Section 720B and C, to be included in title V renewal applications.

For initial title V permits, renewals, and significant modifications, the permit writer sends the draft permit and statement of basis to the company for review at least ten days before the notice is published. A courtesy copy also is provided to EPA. Changes requested by the facility

<sup>30</sup> *Permit Status Report*, Program type: All, Permit type: All, Permit Status: Inactive, From 8/1/11 to 7/31/12, Region Code VRO

<sup>31</sup> *Permit Status Report*, Program type: All, Permit type: All, Permit Status: Inactive, From 8/1/11 to 7/31/12, Region Code WCRO

<sup>32</sup> *Permit Status Report*, Program type: All, Permit type: All, Permit Status: Inactive, From 8/1/11 to 7/31/12, Region Code VRO

<sup>33</sup> *Permit Status Report*, Program type: All, Permit type: All, Permit Status: Inactive, From 8/1/11 to 7/31/12, Region Code WCRO

to which the regional office agrees are incorporated into the draft permit before the public comment period. Procedures used to implement public participation and EPA and Affected State Review are discussed in Chapter VI.

#### *New Applicable Requirements*

Title V permits are updated to include new rules at renewal if the rule takes effect during the last three years of the permit term. Those interviewed said if a new rule takes effect during the first two years of a title V permit term but is not included in the permit, they reopen the permit to include the new rule. This is consistent with both state and federal regulation. Neither VRO nor BRO reopened any title V permits in the last year.

#### *Permit Tracking*

As discussed in Chapter I, all NSR permits, state operating permits, initial title V permits, renewals and revisions are tracked in CEDS. Thus, CEDS contains a complete history of all air permitting activity across the state. Users of CEDS may easily obtain a complete permit history for a single facility, as well as standardized reports on general, region- or state-wide permit statistics.

Managers use their own internal tracking systems to track permit expirations and other information that is not entered in CEDS. Data may be entered in CEDS only when certain major milestones are completed, but the Air Program Manager often possesses information about an upcoming permit action that may not be ready for entry into CEDS. VRO and BRO managers said that they spend minimal amount of time entering data into their own tracking systems and they feel that organizing the most current information in the way they want it makes it worth their time.

Extensive quality assurance functions are built into CEDS. Policy memos which are available on DEQ NET include specific instructions on how to enter data in CEDS. For example, a memo on Title V expiration and renewal dates defines relevant dates to be entered in CEDS and explains how CEDS calculates future dates. Once the "date received" of a permit is entered, CEDS automatically populates the subsequent milestones associated with issuing each permit.

Each region has its own standard operating procedures to ensure that the data entered into CEDS is high quality. In BRO, the Air Permit Manager enters data for each new permit activity record. The permit writer checks specified data elements, such as the air programs, SIC code, whether government owned or not, date signed, date of notice, date sent to facility, date sent to EPA, and date EPA comments were received. The Air Permit Manager double-checks data which is entered by the permit writer. Respective administrative staff responsibilities for the Lynchburg and Roanoke offices are delineated in BRO. See Appendix F for an example of standard operating procedures related to permit tracking in BRO. VRO divides up this work differently. For example, a staff person double-checks CEDS data in VRO instead of the Air Permit Manager. As another example, the same administrative responsibilities are assigned to one staff person in VRO.

## **Findings**

- Most but not all title V sources in Virginia have received initial permits. One-fourth of the title V sources in Virginia without initial permits are located in BRO. These are new title V sources located in the Blue Ridge Region. All title V sources in VRO received their initial permits years ago.
- Backlog of title V renewals is significant for some regions.
- Backlog of title V significant modifications is a problem in some regions, but not to the same extent as title V renewals.
- The volume of title V permit renewals varies extensively from year to year, creating an unevenly distributed permitting workload.
- VRO has developed work practices that may have helped reduce their title V renewal backlog. These work practices may help minimize backlogs in 2014, when a surge of renewal applications is expected.
- BRO has been confronting a surge of title V renewals for the last several years and expects another surge of expired title V permits for at least the next year. Recent training imparted to permitting staff as well as a reduction in vacancies may enable BRO to reduce its backlog and process upcoming renewals in a more timely manner.
- The processes employed in VRO and BRO to incorporate changes into title V permits and to allow off-permit changes are consistent with Virginia's rules as well as federal rules.
- VRO and BRO track permits effectively and efficiently due to a high level of functionality in CEDS, flexibility afforded to each region regarding CEDS data entry procedures, and priority assigned within each region to enter CEDS data in a timely manner and to quality assure that data.

## **Recommendations**

- As recommended in Chapter I, vacancies should be filled as soon as possible.
- BRO and other regions with title V renewal backlogs should develop plans for reducing these backlogs.

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### III. TITLE V PREPARATION AND CONTENT

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#### Background

The administrative requirements for applications (e.g. permit content, statements of basis, and public participation) are the same for all title V actions. This is true in both Virginia and in the federal title V program. Virginia's *Guidance Manual* describes and instructs the permit writer on almost all aspects of title V permitting. Topics covered include title V applicability, technical review, drafting a title V permit and statement of basis, public participation, final permit processing and EPA review, monitoring guidance, modifications and amendments, and renewals. Appendices to the manual include templates for every step of the title V permit process; these templates are available as *Word* files on DEQ NET.

Appendix D to this report summarizes the timing associated with processing title V actions. Additionally, it summarizes public participation requirements, whether application and permit shields apply, and where final copies of permits must be sent.

#### Applications for Title V Permits

The title V application form is available on VADEQ's public website<sup>34</sup> but must be submitted in hard copy. Once a title V permit application is received in the region, administrative personnel scan the applications into ECM after which all VADEQ personnel in all programs have access to the application. A paper copy of the application is maintained in the regional offices at present. The long-term goal is for VADEQ's files to be completely paperless, however state legislation would be needed to allow electronic signatures on a program-by-program basis.

Once the application is received and scanned into ECM, the air permit manager assigns the application to a permit writer. VADEQ has 60 days to determine if an application is administratively complete. Chapter 2 of the *Guidance Manual* delineates the information that is needed for an application to be considered complete. If VADEQ does not issue a completeness determination or an application deficiency letter within 60 days, the application is deemed complete.

#### Discussion

VADEQ's permit application website is user-friendly; forms are easy to access and the directions for completion of the title V application appear to be very clear. Although the application is not yet completely electronic, those interviewed reported that maintaining permit files in ECM speeds up the time spent in processing applications. Those interviewed said that easy access of electronic application files is useful not only to those who review the application

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<sup>34</sup> One form is used for initial title V permits as well as renewals, modifications and administrative amendments.



but also to VADEQ personnel who work on other facilities with similar issues. Given that state legislation would be needed to allow electronic signatures for title V submissions, it appears that VADEQ has developed the "next best thing" to complete electronic processing.

Virginia's *Guidance Manual* is exemplary in the comprehensiveness, clarity and level of detail provided for processing title V permit applications. Electronic templates that are available on DEQ NET ensure that processes and correspondence related to processing a title V application are followed consistently and also provide a streamlined process for doing so.

### **The Statement of Basis (SOB) and Permit**

9VAC5-80-150 B requires VADEQ to take final action within 18 months of receipt of a complete application for an initial title V permit or renewal. Significant modifications, must be processed within nine months and minor modifications within 90 days<sup>35</sup>. To facilitate issuance of title V permits and revisions on schedule, checklists and templates are available to permit writers, as well as access to electronic files, via ECM, for similar plants located elsewhere in Virginia.

The *Guidance Manual* includes a full chapter on how to write a statement of basis. Appendix W to the manual includes a link to the most recent template. The template is comprehensive and includes all of the elements required in a statement of basis. Brief instructions and reminders are included throughout the template and simple examples are also provided in certain sections. The *Guidance Manual* emphasizes that the statement of basis must be made available to the public with the draft title V permit.

### *Drafting the Permit*

The *Guidance Manual* includes a chapter covering all aspects of how to draft a title V permit and a permit template is available on DEQ NET. The template provides a consistent format for title V permits and includes standard language that may be used, as applicable, for such elements as fuel burning equipment requirements, process equipment requirements, facility-wide conditions, general conditions, etc. A specific template for wood furniture sources also is available.

These templates are useful tools but each permit requires an understanding of the facility, its emissions, controls, and regulatory requirements. In VRO and BRO, each draft title V permit undergoes a review from peers, compliance personnel, and the Air Program Manager. In VRO, the Air Permit Manager meets weekly with staff to discuss the problematic permit issues. In BRO, a checklist accompanies the concurrence process (See Appendix F).

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<sup>35</sup> Or 15 days after EPA review. VADEQ may approve the minor modification prior to that time but may not issue a final permit modification and the applicant may make the minor modification immediately upon filing the application. No permit shield is afforded for minor modifications. 9 VAC5-80-210.E.2.

### *Applicable Requirements and Citations in the Permit*

Consistent with federal rules, 9 VAC 5-80-110 B requires each permit to specify and reference the origin of and authority for each term or condition in the permit, and identify any variations from the applicable requirement upon which the term or condition is based. VRO and BRO managers reported that all applicable requirements under state and federal regulations are included in each permit along with appropriate citations. If the applicable requirement is established in an existing permit such as a minor NSR permit, the citation in the title V permit identifies the underlying permit, including the permit condition number and the date. If the permit term also stems from another underlying applicable requirement, such as SIP or NSPS rules, the underlying requirement also is cited. Chapters 2 and 3 to the *Guidance Manual* and several memorandums and guidance documents issued by VADEQ provide extensive directions on how to properly identify and cite applicable requirements.

9 VAC 5-80-140 allows a permit shield to be provided for applicable requirements that are specifically identified in the title V permit. The permit shield concept also covers permit conditions specifying that requirements do not apply; those interviewed said that occasionally they will determine that a particular MACT does not apply and will state this in the title V permit. The *Guidance Manual*<sup>36</sup> suggests that applicants provide a written rationale for each requirement that is identified as not applicable for purposes of the permit shield.

For an initial title V permit, conditions from underlying permits, such as NSR permits, are electronically cut and pasted into the draft title V permit. Similar permits may be searched in CEDs. The next permit writer with a similar affected unit or facility may cut VAC citations from the first permit with the new conditions, available in ECM, and paste them onto the draft/revised title V permit. Permit writers also communicate directly with one another to find language that has already been used in similar permits. For title V renewals, new permit terms from NSR or operating permits issued since the last title V permit are added to the current title V permit.

The emissions guidelines in 40 CFR part 60 establish emissions limits and other requirements that a state must adopt pursuant to CAA section 111(d) or 129 (111(d)/129 plan). The guidelines do not by themselves impose any directly enforceable conditions on a facility. The actual 111(d)/129 plan is approved as a federal rule in 40 CFR part 62, whether it is the state's own plan or a federal implementation plan (FIP) where the state has not adopted its own regulations. Therefore, all citations for facilities subject to an emission guideline should reference the relevant section in part 62, and not the guidelines in part 60. Both managers interviewed indicated that they do not cite the emission guidelines in part 60 as the applicable requirement but instead cite relevant state rules or the FIP.

### *Level of Detail to Include in Applicable Requirements*

As discussed earlier, applicable requirements are frequently established in an underlying permit. Those interviewed said that underlying NSR permits sometimes only include general language requiring compliance with a specific MACT, i.e., they incorporate by reference those

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<sup>36</sup> Page 3-7

requirements. In that case, the general language from the NSR permit usually is included in the title V permit along with other permit terms that are created to identify specific applicable requirements under the MACT. The inclusion of general language regarding compliance is advantageous in the case where a MACT subsequently changes, because any new applicable requirements would be covered.

Both VRO and BRO responded that many early title V permits incorporated by reference entire MACT or NSPS requirements for two reasons: 1) teasing out specific requirements is time-intensive, and 2) sometimes a facility prefers to maintain, in the permit, all the options that an applicable rule allows. VADEQ has revised this position, and the current approach is to be as precise as possible when listing applicable MACT and/or NSPS requirements in a title V permit. Indeed, sometimes a facility prefers a specific option for clarity. Nonetheless, the level of detail will vary depending on the complexity and length of an applicable rule and at times, it may be possible only to incorporate the rule by reference. Sometimes all options are spelled out and this may create a very long permit.

Chapter 3 of the *Guidance Manual* provides guidance and resources for streamlining multiple applicable requirements in a title V permit. Streamlining is implemented by listing the most stringent requirement and adding a statement which identifies all streamlined requirements.

#### *Alternate Operating Scenarios*

The federal title V permitting program<sup>37</sup> allows title V permits to contain terms and conditions for “reasonably anticipated” operating scenarios. Virginia’s rules<sup>38</sup> allow for reasonably anticipated operating scenarios when identified by the source in its application and approved by VADEQ. Similarly, the pharmaceutical MACT and the NSPS for Stationary Spark Ignition Engines specifically allow for alternate operating scenarios/alternative work practices (alternative fuels) and detail how compliance may be assured under each scenario.

A source with an approved alternative operating scenario may, as part of normal operations, make changes in operations in a way that triggers a different set of applicable requirements. If a title V permit properly includes these scenarios, the permit will be a more complete representation of the source and will allow the source the operational flexibility to account for the previously approved operating scenarios and their different applicable requirements without obtaining a permit revision. Those interviewed said that alternate operating scenarios could be useful with certain coatings operations, where processes need to change regularly. However, in most instances, the permittee must design and request approval of alternate operating scenarios, if this flexibility is sought, along with associated alternate compliance monitoring.

Both VRO and BRO responded that alternate operating scenarios are included in very few title V permits in their respective regions. BRO added that some title V permits include specific requirements that apply depending on which alternate fuel is used, but acknowledged that these are not “alternate operating scenarios” as defined in the rules.

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<sup>37</sup> 40 CFR §70.6(a)(9)

<sup>38</sup> 9 VAC 5-80-110 J

### *Permit Appeals*

Pursuant to 9VAC5-170-200, a permittee may appeal a permit decision within 30 days of issuance of the final permit. Title V Permit appeals are very rare in Virginia.

### *Discussion*

EPA reviewers have noted that Virginia's statements of basis and title V permits are almost always comprehensive, clear, and high quality. Applicable requirements typically are clearly cited for each permit term. EPA reviewers have noted a high level of competency among permit writers. This high quality may be due to:

- use of templates for permits and statements of basis,
- review from peers, Compliance, and the Air Permit Program Manager as standard operating procedure,
- access to electronic permit files for a complete history of the facility being permitted as well as access to permits for similar facilities elsewhere in Virginia,
- use of checklists throughout the permitting process,
- clear guidance in the *Guidance Manual*,
- VADEQ's training program<sup>39</sup>,
- strong communication across VADEQ,
- strong leadership, organizational, and communication skills of VADEQ's managers
- motivation and dedication of each permit writer.

VADEQ permit writers commented in the previous title V permit program review that much of the statement of basis appears to be redundant with the permit itself. Inclusion of duplicative and extraneous information may create an unnecessary administrative burden,

Easy access, through ECM, of electronic permit files appears to be very useful to VADEQ personnel who work on other facilities with similar issues. Communication appears to be very strong, not only within the individual regions but also among the permit writers in different regions. As a result, permit writers don't have to "reinvent the wheel" each time they draft or modify a permit, but instead can build upon the experience of other permit writers who have worked on similar permits.

As previously noted, VADEQ's *Guidance Manual* includes extensive directions on how to properly identify and cite applicable requirements. Those interviewed indicated that VADEQ tries to draft permits with citations for MACT and NSPS requirements that are as precise as possible, which is consistent with EPA's white paper. We understand that it is not always possible or appropriate to delineate specific portions of a MACT or NSPS that applies to an affected source.

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<sup>39</sup> VADEQ's training program is not covered in this evaluation but was reviewed in the previous title V evaluation.

**Findings:**

- Easy access, through ECM, of electronic application files is useful not only to those who review the application but also to VADEQ personnel who work on other facilities with similar issues.
- Although applications are not received electronically and permits are not signed electronically, VADEQ has developed what appears to be a very efficient system for processing permit applications.
- Virginia's *Guidance Manual* is exemplary in the comprehensiveness, clarity and level of detail provided on almost all aspects of title V permit processing.
- The title V permits and statements of basis are comprehensive, clear, and high quality.
- The statement of basis often reiterates the title V permit itself. This was a finding in a previous title V evaluation.
- VADEQ appears to be properly citing the origin of and authority for each term or condition that is included in title V permits.

**Recommendations:**

- The statement of basis should be streamlined so that it does not include extraneous information or information that is required to be included.

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#### IV. GENERAL PERMITS

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A general permit is a pre-written construction and operating permit for a specific source category. Individual sources that meet the applicability criteria and wish to construct and/or operate under a general permit must still obtain prior authorization from VADEQ. However, individual authorizations granted under general permits are not subject to public review because the general permit itself has already undergone public review. General permits set forth all performance, monitoring, recordkeeping and reporting requirements that apply to covered sources. VADEQ has developed general permits for the following source categories:

- Non-metallic mineral processing
- Biomass pilot test facilities
- Voluntary demand response generators
- Emergency generators.

The application process for a general permit is straightforward: a facility applies for an authorization to use a general permit, the Regional Office reviews the application, and a response to each application for coverage under the general permit is provided within 30 days. The general permit does not expire.

Three of these general permits were developed after VADEQ issued an internal study entitled, *Permit Efficiency Implementation Plan*, which concluded that use of general permits could effectively reduce permit issuance and maintenance time considerably in the title V permit program. Where a title V source is involved a general permit may not be used in Virginia. Therefore, development and use of general permits does not directly affect title V permit actions. However, we expect that the use of general permits does reduce minor NSR permit issuance and maintenance time and thereby frees up permit writers for title V work. VRO issued 12 general permit authorizations<sup>40</sup> and BRO issued five<sup>41</sup> in the last year.

In addition to general permits, permit templates are available in Virginia for certain sectors e.g., hot mix asphalt plants. Those interviewed said that these templates save time in developing NSR permits, which impact overall resources. Furthermore, these templates are much easier to change, as needed, than general permits which must go through a two-year regulatory process.

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<sup>40</sup> *Permit Status Report*, Program type: All, Permit type: All, Permit Status: Inactive, From 8/1/11 to 7/31/12, Region Code VRO

<sup>41</sup> *Permit Status Report*, Program type: All, Permit type: All, Permit Status: Inactive, From 8/1/11 to 7/31/12, Region Code WCRO



**Findings:**

- General permits are not used in title V actions in Virginia.
- Those interviewed from both VRO and BRO demonstrated a solid understanding of the appropriate use of general permits for minor facilities.
- VADEQ's use of permit templates appears to be a time-saving practice. In addition, changes may easily be made to permit templates .

**Recommendations:**

- We encourage the continued use of general permits for similar units, when practical, as general permits appear to save time in processing NSR permits and this impacts resources available to process title V actions.
- We encourage continued use of existing templates and development of new ones.

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## V. MONITORING

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### Background

In August 2008, the United States Court of Appeals for the District of Columbia Circuit held that CAA section 504(c) requires that all title V permits contain monitoring requirements adequate to assure compliance with permit terms and conditions.<sup>42</sup> This decision overturned EPA's interpretative rule, signed December 15, 2006, which had taken the position that permitting authorities were prohibited from adding monitoring requirements to title V permits where the applicable requirements contained some periodic monitoring, even if that periodic monitoring was not sufficient to assure compliance with permit terms and conditions.

As a result of the above decision and subsequent title V petitions which addressed adequacy of monitoring, EPA interprets its rules, in short, as follows. Title V permits should, among other things, include conditions that meet the following three criteria:

- Applicable monitoring requirements should be properly incorporated into the permit [40 CFR 70.6(a)(3)(i)(A)];
- Periodic monitoring or recordkeeping, sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, should be added if none exists for an applicable requirement [40 CFR 70.6(a)(3)(i)(B)];
- Monitoring/recordkeeping must be supplemented if there is monitoring or recordkeeping in an applicable requirement, but that monitoring/recordkeeping is not sufficient to assure compliance [40 CFR 70(c)(1)]. In particular, when one emissions limit is streamlined, monitoring and reporting that is associated with the streamlined emissions limit may not be streamlined in all instances. For example, it is not appropriate to eliminate the requirement for acid rain or NSPS CEMS and replace it with less stringent parametric monitoring or annual stack testing. In such a case, it is more appropriate to use a partial streamlining approach that preserves both the most stringent monitoring method as well as the tightest emission limitation.

Permitting agencies must provide a rationale for monitoring that is clear, documented, and in the permit record. When the public comments on a permit's monitoring requirements, permitting agencies must respond to those significant comments.

### Title V Source Monitoring In Virginia

9VAC5-80-110 E.2 specifies that each permit must contain the following monitoring requirements:

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<sup>42</sup> *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008)

*Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subsection F 1 a of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.*

This is virtually the same language as in 40 CFR 70.6(a)(3)(B) which requires title V permits to fill gaps where applicable requirements do not require periodic testing or monitoring or are otherwise insufficient.

Virginia's *Guidance Manual* includes a full, updated chapter on periodic monitoring. Topics covered include monitoring adequacy, use of parametric monitoring, CEMs, record-keeping requirements and enforceability. Additionally, the chapter provides links to EPA websites on periodic monitoring.

VADEQ managers stated that they are aware of the 2008 *Sierra Club* decision and the repercussions it had on title V permits. Both VRO and BRO managers said that permit writers now re-review monitoring requirements in permits to ensure they meet sufficiency requirements. However, both also responded that the newer NSPS and MACT rules upon review are usually found to be for the most part, "sufficient," i.e., they do not look to fill gaps when NSPS or MACT rules are deemed sufficient. In addition, the VRO manager stated that where controls are required under certain NSPS or MACT standards promulgated after November 15, 1990, CAM requirements are not applicable in permits consistent with 40 CFR §64.2(b)(i).

According to the BRO manager, BACT used to be considered a technology requirement only, so they now are revising a good number of permits with old BACT limits to add sufficient monitoring. Companies have challenged BRO when new monitoring requirements are proposed for old permit requirements. The BRO manager said that the *Sierra Club* decision has yet to change ingrained thinking within industry about compliance monitoring. BRO has resolved conflicts about monitoring before issuing the revised title V permit. Similar conflicts regarding sufficient monitoring have arisen in one other VADEQ region as well.

## **Findings**

- Both VRO and BRO managers indicated that they issue title V permits that incorporate applicable monitoring requirements.
- VADEQ managers believe their permits meet the requirements of the *Sierra Club* decision. However, VADEQ may not be adding additional monitoring to supplement federal rules such as NSPS or MACT, in cases where the existing monitoring is inadequate to assure compliance.

- Addition of new monitoring requirements has met some resistance from the regulated community in some VADEQ regions. Controversial monitoring conditions are resolved before the permit is issued. VADEQ managers believe this approach decreases chances that the permit would be appealed.

### **Recommendations**

- Permit writers should keep up- to- date on EPA's responses to title V petitions that refer to the *Sierra Club* decision and/or gap-filling for federal standards.

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## VI. PUBLIC PARTICIPATION AND REVIEW BY EPA AND AFFECTED STATES

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### Public Participation

Draft title V permits must undergo the following procedures for public participation and affected state review in Virginia<sup>43</sup>:

- Notice must be provided, in a newspaper of general circulation in the area where the source is located and to persons on a mailing list, of a 30-day public comment period for new and renewed permits and significant modifications;
- The notice must provide procedures for requesting a public hearing or the time and place of the public hearing if VADEQ decides to hold a hearing;
- Information on the permit application, as well as the draft permit or permit modification, must be available for public inspection;
- Written notification must be provided to affected states on or before, with certain exceptions, the beginning of the public comment period;
- VADEQ must keep a record of the commenters and of the issues raised during the public comment period so that the Administrator of the EPA may determine whether a citizen petition should be granted (The *Guidance Manual* recommends that the record also should include VADEQ's responses to comments);
- VADEQ must submit a proposed permit for 45-day EPA review. The proposed permit must include any revisions made as a result of the public comment period. Any comments received must also be submitted, along with VADEQ's response.

Consistent with federal rules, minor operating permit modifications and administrative amendments in Virginia are not required to go through public comment.

### *Public Notice*

Appendix E includes a public notice template for title V permits in Virginia as well as examples of such notices that were processed through VRO and BRO. Each notice states:

- purpose of the notice
- beginning and end dates of the public comment period
- identification of the applicant
- copies of the application and draft permit are available for review in the regional office listed
- comments on the draft permit shall be filed during the comment period
- instructions on how to request a hearing.

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<sup>43</sup> 9VAC5-80-270 and 290

All notices in Appendix E state that those wishing to receive a copy of the draft permit shall indicate interests to the regional office. One notice from VRO states that the draft permit is available on the VADEQ website as well. Those notices in Appendix E for permits that were undergoing concurrent review by EPA (See *EPA Review*, below) state this clearly. None of the notices in Appendix E provide a schedule for the public to file a petition. However, we note that neither federal nor Virginia rules require such information be included in title V notices.

During the public comment period, all permitting related documents, including the draft statement of basis, are available to the public. Managers from VRO and BRO said that they reissue the public notice if requirements in the revised permit are less stringent than those in the draft. This is consistent with guidance provided in the *Guidance Manual*.

#### *Mailing List*

Those interviewed said that interested citizens may sign up on VADEQ's website to receive notices of all public notices (not facility-specific ones.) Once a person is on the mailing list, he/she receives notices for all permitting activities. However, we tested out the sign-up process on VADEQ's website and found a broken link to the "form PPN" for signing up on the Public Notification Mailing List web page.

The Central Office maintains the list of interested citizens who have asked to be on the mailing list. Permit writers may access this list via DEQ NET. Central Office maintains the list for as long as necessary and updates it when someone requests to be added to the list. Each region sends a copy of the public notice for the permit under development to individuals on the list. The notice may be sent via e-mail, fax, or regular mail but usually is sent via e-mail. A public notice transmittal letter template is included in Appendix I to the *Guidance Manual*. The template identifies the beginning of the 30-day public comment period and provides a point of contact for additional information.

#### *Response to Comments*

The *Guidance Manual* instructs the permit writer to prepare a written response to comments received during the public notice period and attach it to the final statement of basis. Public comments and requests for hearings are not common for title V actions in Virginia. (BRO managers reported that community members rarely participate in hearings that VADEQ is required to set up for NSR permits either, although the applicant usually does attend.)

Both regional managers said they strongly encourage pre-application meetings with applicants to resolve potential controversies, where they exist, early in the process. Typical controversial issues relate to new monitoring requirements. VADEQ permitting personnel work to resolve all controversies about a permit before the final permit is issued.

#### *Discussion*

VADEQ appears to be following proper procedures for public participation. Public notices reviewed included all of the required information. When permits are processed



concurrently (See *EPA Review* below), the public notice states this. The public notice does not mention the opportunity for the public to petition EPA on title V permits. Although not required in federal or state rules, this information may be useful to the public. Additionally, regions may be doing more than is required by federal rules if they reissue public notices when the proposed permit contains less stringent monitoring requirements than the draft permit.

### **Adjacent State Notification**

The *Guidance Manual* includes a short discussion of affected state review. The manual instructs permit writers to mail a draft permit package to all affected states (those within 50 miles of the source) before the notice is published in the newspaper. A template of the letter to be sent to each affected state is included in Appendix J to the manual. The letter identifies the public comment period, provides instructions on how to comment on the draft permit, and provides the name of the permit writer for more information.

The manual includes instructions on how the permit writer should respond to comments from affected states. Appendix L to the manual is a sample letter to serve as a response to comments from an affected state which includes optional language to be used, depending on VADEQ's determination in response to affected state comments.

### *Discussion*

Processes appear to be in place to ensure that VADEQ meets its requirements to notify affected states regarding title V permit actions. VADEQ's templates are likely to ensure consistency and maximize efficiency each time this task is performed.

### **EPA Review**

The federal title V regulations require states to hold a public comment period for each draft title V permit for a minimum of 30 days. The draft permit is revised, as appropriate, in response to public comment and then submitted to EPA, along with the permitting agency's response to comments that were received, if any, as a proposed permit for a 45-day review period. During this 45 day review, EPA may object to the proposed permit. The public has 60 days after the end of the 45-day EPA review period to petition the administrator concerning their objections.

Some states have streamlined this process by having the draft and proposed permit review periods run concurrently rather than sequentially. In a "concurrent" review process, day one of EPA's review would begin no earlier than the first day of the public comment period or the first day EPA receives a copy of the draft/proposed permit so long as that occurs after the comment period begins. If the permitting agency receives significant comments from the public, the applicant, or EPA, the review must switch back to sequential review. This means the draft/proposed permit is changed to a draft permit, and the permitting authority must resubmit a proposed permit to EPA for its 45- day review, and include the state's response to comment.

All regions in Virginia now follow the concurrent review process. Prior to the interviews for this evaluation, BRO processed title V permits sequentially as a result of discussions with EPA Region III managers years ago.

VRO managers said that "day one" of the EPA 45-day review period begins, in a concurrent review, the day the public notice is published because EPA always gets the proposed permit on or before the public notice date. BRO considers day one to be the day after the proposed permit is sent electronically to EPA.

For practical reasons, EPA Region III publishes the dates for each public petition period on the Region III website. These dates are usually based on when the Region receives the e-mail with the proposed permit, assuming a concurrent review. However, the Virginia public notice usually is posted some days after EPA receives the proposed permit, in which case the public comment period starts when the notice is published in the newspaper. VADEQ includes, with its transmittal, the anticipated date of the public notice to ensure that "day one" of the 45-day review period is clear for EPA's website posting. In sequential review this is not a problem, as the 45-day review period would always begin, in those instances, when EPA receives the proposed permit package.

Both regional managers affirmed that a concurrent review by EPA, if used, would switch to sequential review if significant comments are received. At VADEQ's request, EPA now identifies when its comments are significant and would warrant switching to sequential review. The manager from VRO mentioned that they will consult EPA if it is not clear whether a particular comment is significant. EPA permit reviewers have noticed that switching to sequential review is rare because it is uncommon for significant comments from the public to be received and EPA's comments are typically minor in nature.

When EPA comments on proposed initial title V permits, VADEQ staff work with the EPA reviewer to resolve concerns that are raised by EPA. EPA comments are included in a revised Response to Comments.

#### *Documents Sent to EPA*

The *Guidance Manual* describes the contents of the draft/proposed permit package that is sent to EPA for review. 9VAC5-80-290 A.2 requires VADEQ to:

*"...[s]ubmit to the administrator such information as the administrator may reasonably require to ascertain whether the Virginia program complies with the requirements of the federal Clean Air Act or of 40 CFR Part 70."*

Federal rules<sup>44</sup> allow the permitting authority to submit to EPA a summary of the permit application, instead of the entire application, if EPA agrees. Region III has requested informally that, unless otherwise requested, a summary of the permit application should be sent to EPA instead of the application. Virginia's rules<sup>45</sup> require all title V applications to be sent to EPA and

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<sup>44</sup> 40 CFR 70.8(a)

<sup>45</sup> 9VAC5-80-290 A.1

do not provide for a summary of the application to be provided instead. Nevertheless, VADEQ has recently begun accommodating Region III's request that title V applications not be included as part of the draft permit package that is sent to EPA and that a summary of the permit be sent instead.

### *Discussion*

EPA contact information in the *Guidance Manual* is outdated. Nonetheless, EPA reviewers have had no problem receiving proposed title V permits in a timely manner. The proposed permit package received is usually comprehensive.

Although VRO requests concurrent EPA review and, until this evaluation, BRO had requested sequential review for most title V permit actions, both managers appeared to have a sound understanding of the sequential and concurrent title V review processes.

There is no formal agreement between EPA and VADEQ that sets forth the specific procedures for concurrent or sequential review. No information is included in the *Guidance Manual* on the concurrent review process. Both VRO and BRO managers correctly responded that significant public comments, if received, should lead to a switch to sequential review. However, the criteria for determining the kinds of comments that are considered "significant" have not always been clear. This occasionally has resulted in VADEQ switching to sequential review when EPA did not expect this was necessary. EPA now indicates, in transmission of its comments, whether it believes its comments are significant so that unnecessary switching to sequential review may be avoided.

Transmittal to EPA of the draft application involves expenditure of much-needed administrative resources, jams up the internet, and consumes valuable computer disc space. The Statement of Basis and permit itself, along with the permit application summary, should provide sufficient information for EPA's review.

### **Findings**

- VADEQ appears to be following proper procedures for public participation. The public notices reviewed include all the required information, including, where EPA was reviewing the permit concurrently, as statement to this effect. VRO and BRO appear to be following required procedures for responding to comments.
- At the time of the review VADEQ's website contained a broken link for signing up for press releases that pertain to air permits. This link, since then, has been fixed.
- As discussed in Chapter V, VADEQ managers believe their practice of resolving controversies before issuing title V permits may account for the low number of permit appeals in Virginia.
- VADEQ's templates for affected state notification are likely to ensure consistency and maximize efficiency each time this task is performed. Nonetheless, procedures in place to notify affected states may be resource-intensive.

- Proposed permit packages received at EPA are timely and comprehensive. VADEQ informs EPA about the anticipated date of public notice for title V permitting actions so that EPA may post accurate petition dates on its website.
- VADEQ managers appear to fully understand the EPA review process. Every effort is made to follow informally agreed-upon procedures to switch from concurrent to sequential review when significant comments are received on a draft permit.

### **Recommendations**

- EPA encourages VADEQ to amend its public notice to clarify the petition process. This is not required, but would promote transparency in VADEQ's permit process.
- EPA contact information in the *Guidance Manual* should be updated.
- EPA and VADEQ should establish a new implementation agreement establishing how and when information can be exchanged and how concurrent review procedures should operate.

## Appendix A Questionnaire

**Virginia Title V Program Evaluation – FY 2012**  
**Discussion Questions (Answer for Specific Region)**

**Organization, Resources & Internal Management Support**

1. Please provide organizational charts for your Region. Please show vacancies on those charts where they exist.
2. How do you ensure that permits are issued and renewed in a timely manner?
3. How is Central Office involved in title V permitting? Does Central Office review any individual permits? Please provide copies of (or links to) any standard operating procedures used in permitting.
4. Is staff retention a problem in your region? If so, what activities are underway/planned to increase retention? Has staff retention improved or gotten worse in recent years and why?
5. If permit writers have been hired in the last couple years, describe processes as well as any recent initiatives to bring new hires up to speed.
6. Please describe any administrative support problems that affect permitting but are not already discussed.

**Permit Issuance and Renewals**

7. Please provide current (as of the date of this Evaluation) data on:
  - a. number of title V sources located in your region;
  - b. number of synthetic minor sources;
  - c. number of natural minor sources;
  - d. number of title V sources that have not received initial permits. For each of these, list date that application was received;
  - e. number of permits in the last five years that have been extended beyond their original five-year expiration date;
  - f. number of title V permits that have expired (i.e., no extension).
8. Have any facilities in the last five years failed to submit timely renewal applications? If so, what was your response? Was this referred to enforcement?
9. Are internal deadlines established for issuance of title V permits and modifications? If so, how is this communicated to permit writers and those reviewing draft permits?
10. How are backlogged permits prioritized for renewals? What priority are title V permit renewals assigned compared to NSR permits at title V facilities? How about title V renewals vs NSR permits at synthetic minor sources?
11. Describe how and when title V sources are notified that a renewal application is due.
12. Approximately what percentage of initial/ renewal applications received in the last year contained sufficient information so the permit could be drafted without seeking additional information? Is this an improvement?
13. Do any of the following affect your ability to issue timely renewed title V permits:
  - a. Untimely applications
  - b. Incomplete applications
  - c. Changes in applications during the application process
  - d. Compliance and enforcement issues



- e. EPA rule promulgation awaited (MACT, NSPS, etc)
  - f. Issues with EPA on interpretation of underlying applicable requirements
  - g. Need for a public hearing
  - h. Requests for information received during public comment period
  - i. Administrative functions
  - j. VADEQ staff turnover
  - k. Internal review of draft permits
  - l. Other (please describe).
14. Describe any particularly useful tools available to permit writers to produce timely, permits, of high quality, and that are consistent across the Commonwealth. Specifically, are all title V permits now in the *Keyfile* system and is this useful? Identify any other information that is centralized in a repository for use by all permit writers.

#### Permit Revisions

15. How many title V permit modifications were processed from July 1, 2011 through July 1, 2012 (or some other recent 12-month period for which data is available at time of interview)?
- a. Of those modifications, how many were significant modifications?
  - b. Of those modifications, how many were minor modifications?
  - c. Of those modifications, how many were administrative amendments?
  - d. Have any permits have been appealed? If so, discuss.
16. How are changes from preconstruction and FESOP permits brought into title V permits?
17. If a rule is scheduled to become effective during the pending title V permit term, how is this addressed in a renewal?
18. At the last title V Program Evaluation, VADEQ personnel commented that NSR permits were duplicative with title V permits. Has this situation improved or worsened? Why?
19. Please identify the average number of days it takes to process each of the following permit revisions (use last 12 months or other time period for which data is available at time of interviews):
- a. Significant modification
  - b. Minor modification
  - c. Administrative amendment?
- Is this longer or shorter than the time it took to process these revisions in the past?

#### Off-Permit Changes

20. Please explain what types of changes can be made off-permit.
21. How is VADEQ involved in determining that a change may be made off-permit?
22. How does one decide that a change is "insignificant" per Chapter 80 Article 4?
23. Please describe any other changes which may be made off-permit at title V sources.
24. What off-permit changes are brought into a title V permit and how is this done?
25. When do title V permits cite 9VAC5-80-680, which provides for operational flexibility?

### Permit Tracking

26. Please describe how CEDs is used to schedule and track permit revisions.
27. Provide samples of CEDs permit tracking reports that are available to permit writers and/or VADEQ managers. Can custom reports be easily developed from CEDs?
28. Describe how title V permits are organized electronically and in hard copy. Discuss amenities/weaknesses of permit file organization.
29. Describe what permitting data is entered into CEDs by:
  - a. Permit writer
  - b. Manager
  - c. Administrative staff.

### Title V Permit Preparation and Content

30. How do you implement 40 CFR 70.6(a)(1)(i) which requires *each permit to specify and reference the origin of an authority for each term or condition...*?
31. How do you decide the level of detail to include in a citation?
32. How is streamlining in a permit accomplished and how cited?
33. Do you believe it is necessary to cite, in a title V permit, Emissions Guidelines such as 40 CFR Part 60 Subpart Cc for Municipal Solid Waste Landfills?
34. How do you determine whether to incorporate by reference MACT and/or NSPS regulations or to include only the applicable portions of these requirements in a permit?
35. At the last title V Evaluation, VADEQ said that the length of title V permits was a weakness. Describe any initiatives undertaken, if any, to shorten permits.
36. Do you like the organization of title V permits in Virginia? What would you change?
37. At the last title V Evaluation, VADEQ personnel interviewed said redundancy between the permit and Statement of Basis was problematic. Please describe any activities or initiatives undertaken to minimize this redundancy.
38. Has the Statement of Basis ever been an issue in permit appeal or litigation?
39. Describe any standard operating procedures ("SOPs") for handling permit elements such as CAM, Incorporation by Reference, etc.
40. What is the concurrence process for title V permits and modifications? Address the involvement of Compliance personnel as well as any peer review processes in permit issuance.
41. Please describe how VADEQ's SOPs for permit writing are updated, if they are updated.
42. Describe any "good practices," not addressed in your previous responses, which improve the quality of permits or other aspects of the title V Program.

### General Permits

43. We understand that VADEQ has developed four general permits. Discuss how these general permits have impacted the Region's permitting program. How many facilities in your Region have received general permits?
44. How are general permits incorporated into title V permits?
45. When, if ever, would a general permit be used across all units at a facility?
46. Describe any other general permits that are under development.

### Monitoring

47. How has the 2008 *Sierra Club* decision on periodic monitoring changed your approach to addressing monitoring in permits? Has VADEQ issued any guidance in response to the *Sierra Club* decision? If so, please provide.
48. Has your Region ever added monitoring to supplement a federal rule such as MACT?
49. Do you ever get comments on monitoring?

### Public Participation and Affected State Review

50. Public Notice:
  - a. Please identify the information that typically is included in a title V permit public notice (for renewals as well as modifications). For significant modifications, is the reason for the modification included in the notice? Provide sample copies of notices.
  - b. Does the public notice for title V source renewals and modifications include a schedule for when the public may file a petition?
  - c. Who prepares the public notice (permit writer, administrative staff, etc.)?
51. Does your Region maintain a record of all public comments received during the public comment period for a draft title V permit?
52. Have you ever received public comment on a Statement of Basis? If so, what types of comment have you received?
53. In what instances do you prepare a Response to Public Comments for title V sources?
54. In what instances do you notify adjacent states of title V permitting activities?
55. When do you use concurrent review in processing TV permits? If you don't always use concurrent review, how do you determine when to use it? What criteria necessitate switching from concurrent review to sequential review?
56. How would you handle a switch to sequential review based on comment from EPA or the public? Does it matter whether EPA comments within 30 or 45 days?
57. What do you consider Day 1 to be in EPA's 45-day review process?
58. In what instances do you provide a draft (vs proposed) permit to EPA?
59. What permits and permit-related documents (e.g., state operating permits, significant amendments to state operating permits, draft and issued administrative amendments to PSD permits, etc.) do you provide to EPA?
60. In what instances do you forward public comment on a draft permit to EPA?
61. In what instances do you forward your Responses to Public Comment to EPA?

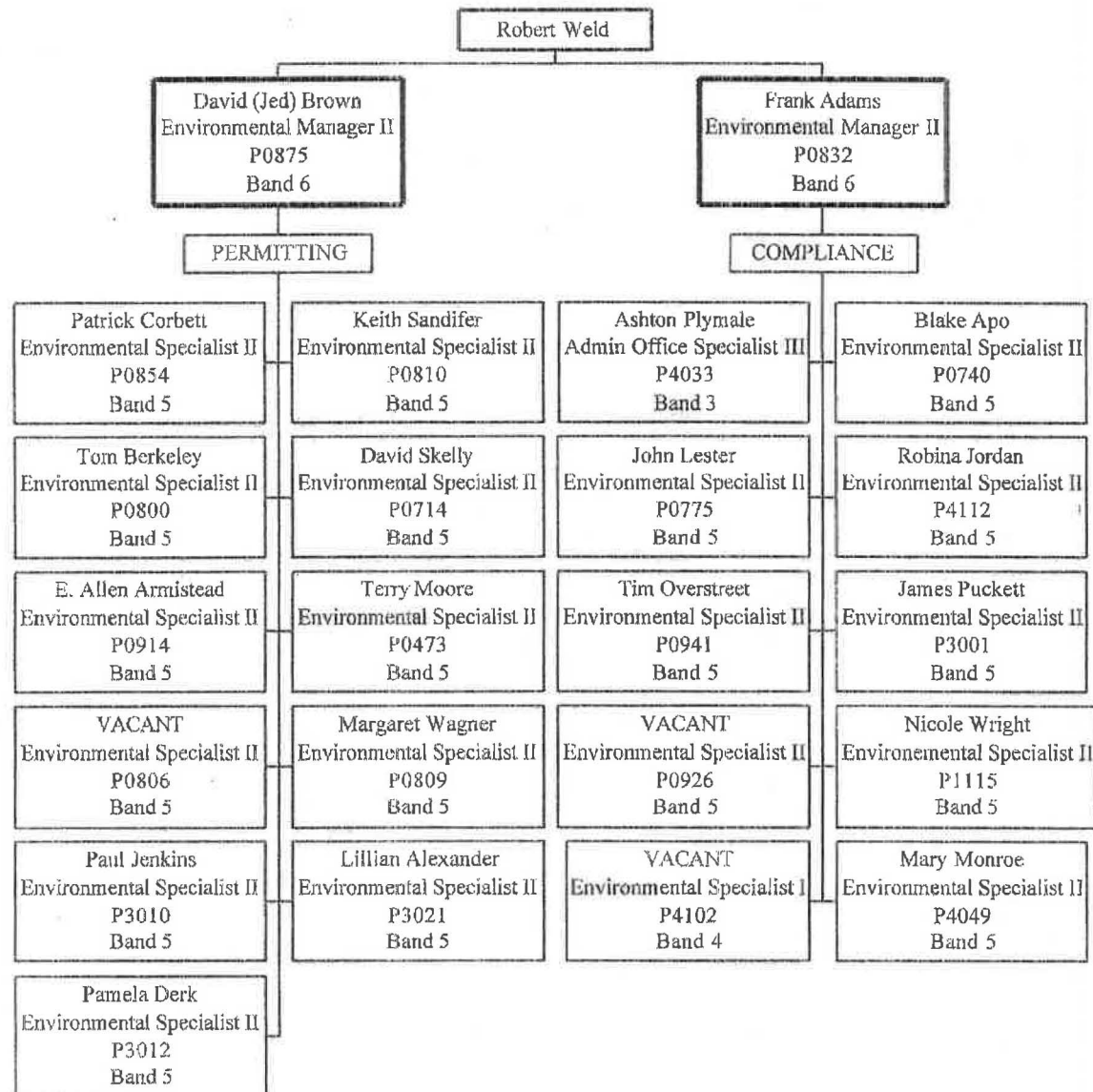


**Appendix B**  
**VRO Air Programs Organizational Chart**

# BLUE RIDGE REGIONAL OFFICE

AIR

PAGE 13 B



NUMBER OF POSITIONS: 23

FILLED: 20

VACANT: 3

August 25, 2012



## Appendix D

### Title V Summary Table



## Appendix ZD – Title V Summary Table(Landscape Legal Format)

	App Submission Timing	60 Day Letter	Public Comment	Public Hearing	Affect State mailing list	Processing Timeline	App Shield	Permit Shield	EPA Review or Notice	Final Distribution Requirements
<b>State Only Changes</b>	At Change Initiation	Does not apply	Does Not Apply	Not Required	Not Required	Included at time of application or renewal as requested by applicant	Does not apply	Does Not Apply	Does Not Apply	If the T5 facility chooses to update their permit prior to renewal then e-mail copies must be sent to the following: Kotur and Monica (The notification should be included in the permit to insure that the changes are included in the renewed permit.)
<b>Off Permit Changes</b>	At change initiation DEQ and EPA must be notified (Not required for insignificant emission units)	Does not apply	Does Not Apply	Not Required	Not Required	Included at renewal or when another change is made	Does not apply	Does Not Apply	Does Not Apply	If the T5 facility chooses to update their permit prior to renewal then copies must be sent to the following: Kotur and Monica. The notification is required to be attached to the permit to insure that the changes are included in the renewed permit.)
<b>Admin</b>	At Change Initiation	Not Required	Not Required	Not Required	Not Required	60-days	Does not specify	Applies	Does not apply	Electronic copies to EPA, Kotur and Monica. EPA also needs a signed hard copy of the permit only. EPA does not need a paper copy of any other document including the SOB.
<b>Minor Mod</b>	At Change Initiation	Not Required	Not Required	Not Required	Within 5-days of application receipt	90-day from receipt or 15 days after EPA review	Applies	Does Not Apply	Within 5-days of application receipt	Final signed paper copy of the permit must be sent to EPA. EPA also gets an electronic copy of the SOB and final permit.  Electronic copy of permit to Kotur. Electronic copy of permit and SOB and permit to Monica.
<b>Significant Mod</b>	Within 12 months of change initiation unless change conflicts with standing permit.	Required	Required (electronic copies of proposed permit, public notice and SOB to EPA and Monica)	Qualified base upon public comment	Required (Shortly before public notice)	9-months from complete application	Does not apply	Applies	Required	Final signed paper copy of the permit must be sent to EPA.  EPA gets an electronic copy of the SOB, public notice and final permit.  Electronic copy of permit to Kotur. Electronic copy of permit and SOB and permit to Monica.
<b>Initial App</b>	12 months from T5 applicability	Required	Required (electronic	Qualified base	Required (Shortly	18 months after	Applies	Applies	Required	Final signed paper copy of the permit must be sent to EPA.



## Appendix G. Draft Permit Public Notice

### **PUBLIC NOTICE ISSUANCE OF AN OPERATING PERMIT UNDER THE STATE AIR POLLUTION CONTROL LAW**

**Public Notice Date: {date}**

The Department of Environmental Quality (DEQ) - \_\_\_\_\_ Regional Office has received an application for a Federal Operating Permit pursuant to 9 VAC 5 Chapter 80, Article 1, of the VA Regulations for the Control and Abatement of Air Pollution for the following source:

Source Name: {enter source name}  
Registration No.: {enter source registration number}  
Mailing Address: {enter source address}  
Location: {enter specific location}, {road}, {county/city}

*This federal operating permit will be issued to the following permit holder: {IF DIFFERENT}*

*{enter name of permit holder}  
{enter address of permit holder}*

This draft permit will allow the above source to operate the following equipment:

{enter description of the source's activities}

The DEQ will hold a public hearing if response is significant. Any comments received that request a public hearing must include the following: (1) The name, mailing address and telephone number of the requester. (2) If appropriate the names and addresses of all persons for whom the requester is acting as a representative. (3) The reason why a hearing is requested, including the air quality concern or concerns that forms the basis for the request. (4) A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including information on how the operation of the facility under consideration affects the requester. Information on the proposed permit action and assistance with requesting a hearing may be obtained by contacting {Mr./Ms. permit writer}, {phone number}, {street address}, {mailing address}, {city, state, zip code} on any business day between the hours of 8:30 a.m. and 4:30 p.m. or by e-mail at {permit writer@deq.state.va.us.}

{Name}  
Regional Director

**PUBLIC NOTICE  
ISSUANCE OF AN OPERATING PERMIT  
UNDER THE STATE AIR POLLUTION CONTROL LAW**

**Public Notice Date:** {date}

The Department of Environmental Quality (DEQ) - \_\_\_\_\_ Regional Office has received an application for a Federal Operating Permit pursuant to 9 VAC 5 Chapter 80, Article 1, of the VA Regulations for the Control and Abatement of Air Pollution for the following source:

Source Name: {enter source name}  
Registration No.: {enter source registration number}  
Mailing Address: {enter source address}  
Location: {enter specific location}, {road}, {county/city}

*This federal operating permit will be issued to the following permit holder: {IF DIFFERENT}*

{enter name of permit holder}  
{enter address of permit holder}

This draft permit will allow the above source to operate the following equipment:

{enter description of the source=s activities}

The DEQ will hold a public hearing if response is significant. Any comments received that request a public hearing must include the following: (1) The name, mailing address and telephone number of the requester. (2) If appropriate the names and addresses of all persons for whom the requester is acting as a representative. (3) The reason why a hearing is requested, including the air quality concern or concerns that forms the basis for the request. (4) A brief, informal statement setting forth the factual nature and the extent of the interest of the requester or of the persons for whom the requester is acting as representative, including information on how the operation of the facility under consideration affects the requester. Information on the proposed permit action and assistance with requesting a hearing may be obtained by contacting {Mr./Ms. permit writer}, {phone number}, {street address}, {mailing address}, {city, state, zip code} on any business day between the hours of 8:30 a.m. and 4:30 p.m. or by e-mail at {permit writer@deg.state.va.us.}

{Name}  
Regional Director



Public Notice – Environmental Permit

PURPOSE OF NOTICE: To seek public comment on a draft permit from the Department of Environmental Quality to limit air pollution emitted by a facility in CITY/COUNTY, Virginia.

PUBLIC COMMENT PERIOD: MONTH DAY, YEAR to MONTH DAY, YEAR

PERMIT NAME: Federal Operating Permit {- Acid Rain Sources} issued by DEQ, under the authority of the Air Pollution Control Board

APPLICANT NAME AND ADDRESS: NAME OF APPLICANT; ADDRESS

FACILITY NAME, ADDRESS AND REGISTRATION NUMBER: NAME; ADDRESS; REGISTRATION NUMBER

{This facility is an {Environmental Enterprise}{Exemplary Environmental Enterprise}{Extraordinary Environmental Enterprise} participant in Virginia's Environmental Excellence Program.}

PROJECT DESCRIPTION: NAME OF APPLICANT has applied for {a new}{an amendment to the}{renewal of the} permit for NAME OF FACILITY. {The facility {will be constructed and operated}{is located} GIVE DESCRIPTION OF SPECIFIC LOCATION.} The facility {is} {will be} classified as a major source of air pollution. The proposed change in emissions would be DESCRIPTION. The permit {amendment} would allow the source to operate {TYPE OF EQUIPMENT}{DESCRIBE CHANGE, ETC.}.

HOW TO COMMENT AND/OR REQUEST A PUBLIC HEARING: DEQ accepts comments and requests for public hearing by e-mail, fax or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. Submittals must include the names, mailing addresses and telephone numbers of the commenter/requester and of all persons represented by the commenter/requester. A request for public hearing must also include: 1) The reason why a public hearing is requested. 2) A brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requester, including how and to what extent such interest would be directly and adversely affected by the permit. 3) Specific references, where possible, to terms and conditions of the permit with suggested revisions. A public hearing may be held, including another comment period, if public response is significant, based on individual requests for a public hearing, and there are substantial, disputed issues relevant to the permit.

Contact for public comments, document requests and additional information: NAME; NAME OF REGIONAL OFFICE, STREET, {POSTAL ADDRESS IF DIFFERENT FROM STREET ADDRESS}, CITY, VA ZIP CODE; Phone: PHONE NUMBER; E-mail: E-MAIL ADDRESS; Fax: FAX NUMBER. The public may review the draft permit and application at the DEQ office named above {by appointment} or may request copies of the documents from the contact person listed above.

Public Notice – Environmental Permit

**PURPOSE OF NOTICE:** To seek public comment on a draft permit from the Department of Environmental Quality (DEQ) for a pollution source in Charlottesville, Virginia.

**PUBLIC COMMENT PERIOD:** July 28, 2011 to August 26, 2011

**PERMIT NAME:** Federal Operating Permit issued by DEQ, under the authority of the Air Pollution Control Board

**APPLICANT AND FACILITY NAME AND ADDRESS:** University of Virginia, P. O. Box 400228, Charlottesville, VA 22904

**REGISTRATION NUMBER:** 40200

**PROJECT DESCRIPTION:** University of Virginia has applied for the renewal of its Title V operating permit for the extensive university campus in Charlottesville, VA. The facility is classified as a major source of air pollution. The permit would allow the source to operate the Main Heating Plant (MHP), two smaller heating plants, a coal and ash handling system, other fuel burning equipment, electrical generators and fire pumps, woodworking equipment, medical equipment and insignificant emission units also indentified in the permit.

**HOW TO COMMENT AND/OR REQUEST A PUBLIC HEARING:** DEQ accepts comments and requests for public hearing by e-mail, fax or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. Submittals must include the names, mailing addresses and telephone numbers of the commenter/requester and of all persons represented by the commenter/requester. A request for public hearing must also include: 1) The reason why a public hearing is requested. 2) A brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requestor, including how and to what extent such interest would be directly and adversely affected by the permit. 3) Specific references, where possible, to terms and conditions of the permit with suggested revisions. DEQ may hold a public hearing, including another comment period, if public response is significant and there are substantial, disputed issues relevant to the permit.

**CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS AND ADDITIONAL INFORMATION:** Jeremy W. Funkhouser, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801; Phone: (540) 574-7820; Fax: (540) 574-7878; E-mail: [jeremy.funkhouser@deq.virginia.gov](mailto:jeremy.funkhouser@deq.virginia.gov)

This draft permit is being concurrently reviewed as a proposed permit by the Environmental Protection Agency. The public may review the draft permit and application at the DEQ office named above. The draft permit is also available on the DEQ website at [www.deq.virginia.gov](http://www.deq.virginia.gov).

**Public Notice – Environmental Permit**

**PURPOSE OF NOTICE:** To seek public comment on a draft permit from the Department of Environmental Quality to limit air pollution emitted by a facility in Harrisonburg, Virginia.

**PUBLIC COMMENT PERIOD:** June 23, 2012 to July 22, 2012

**PERMIT NAME:** Federal Operating Permit issued by DEQ, under the authority of the Air Pollution Control Board.

**APPLICANT NAME AND ADDRESS:** James Madison University, 800 South Main Street, MSC 7007, Harrisonburg, Virginia 22807.

**FACILITY NAME, ADDRESS AND REGISTRATION NUMBER:** James Madison University, 181 Patterson Street, MSC 0501, Harrisonburg, Virginia 22807, Registration Number 80117.

**PROJECT DESCRIPTION:** James Madison University has applied for a new Title V operating permit. The facility and its support facility are classified as a major source of air pollution. The permit will allow the source to operate six boilers in its Power Plant and North Campus Facility, along with numerous other fuel burning equipment located across the campus, in order to provide heat and steam to campus buildings.

**HOW TO COMMENT AND/OR REQUEST A PUBLIC HEARING:** DEQ accepts comments and requests for public hearing by e-mail, fax or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. This draft permit is being concurrently reviewed as a proposed permit by the Environmental Protection Agency. Submittals must include the names, mailing addresses and telephone numbers of the commenter/requester and of all persons represented by the commenter/requester. A request for public hearing must also include: 1) The reason why a public hearing is requested. 2) A brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requestor, including how and to what extent such interest would be directly and adversely affected by the permit. 3) Specific references, where possible, to terms and conditions of the permit with suggested revisions. DEQ may hold a public hearing, including another comment period, if public response is significant and there are substantial, disputed issues relevant to the permit. This draft permit is being concurrently reviewed as a proposed permit by the Environmental Protection Agency.

Contact for public comments, document requests and additional information: Debbie D. Medlin, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801; Phone: (540)574-7809; E-mail: [Debbie.Medlin@deq.virginia.gov](mailto:Debbie.Medlin@deq.virginia.gov); Fax: (540)574-7878. The public may review the draft permit and application at the DEQ office named above.

Date Complete		Initials	Action	Additional Information/Instructions
Date To	Date From			
			Admin – Final permit distribution	Kotur Narasimhan (DEQ ADA) in Word
			Admin – Final permit distribution	Inspector – Permit and Analysis in Word
			Admin – Final permit distribution	All additional people from public notice checklist (complete checklist as needed)
			PW – File Cleanup	Documents added to ECM per help file, paper file clean; remove documents from paper file that are in ECM.
			PW - CEDS Air Programs Screen	add or delete programs as necessary
			PW - CEDS Air Facility Screen	Enter/update SIC and Govt facility indicator
			PW - CEDS Air Permits General Screen	enter/update: supersedes, permit type, classification, all units, avoidance, & process type.
			PW - CEDS Air Permits Events Screen	ensure appropriate dates entered (except FINPAC)
			PW - CEDS Air Permits Regulatory Review	enter/update: BACT, modeling, toxics, testing, CEMs & air programs
			APM - file review	
			APM - Date Entered into Access	
			APM - FINPAC	
			LYH sources - PW; RKE sources - RFJordan	Emissions Inventory (Print Road Maps)
			LYH sources - RCBrooks; RKE sources - Inspector	Applicable Requirements
			LYH sources - RCBrooks; RKE sources - RFJordan	Annual Update/Permit Fee Contact
			LYH sources - RCBrooks; RKE sources - Inspector	Compliance Events
			LYH sources - NWWright; RKE sources - RFJordan	CMS Status
			LYH sources - NWWright; RKE sources - RFJordan	Allowables
			LYH sources - NWWright; RKE sources - RFJordan	Targeting Data
			LYH sources - NWWright; RKE sources - RFJordan	Assigned Inspector

Date Complete		Initials	Action	Additional Information/Instructions
Date To	Date From			
			LYH sources - NWWright; RKE sources - RFJordan	Billing Type
			LYH sources - NWWright; RKE sources - RFJordan	Add/Verify Core GIS Data
			Admin - Scan (QA) file	Do not scan this tracking sheet or documents marked with "SCANNED" or "ADDED ECM".
			Admin - QC ECM file	Final Tracking Sheet Complete Check – return to person responsible if blank

Describe CEDS Data Changes/Additions:

