


Operating Permit Program



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Outline

- ▶ Background
- ▶ Types of Operating Permits
- ▶ Classifications
- ▶ Operating Permit Information



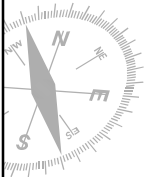
The Purpose of Operating Permits

- "One stop shopping" permit
 - ▶ Compiles regulatory requirements, reporting, testing and monitoring requirements.
- Maintain Compliance
 - ▶ All requirements are in one permit to help the facility comply



Federal Operating Permit Program

- ▶ Known as the Title V operating permit program
- ▶ Regulates major sources of air pollutants



Nebraska Operating Permit Program

- ▶ Nebraska regulates major and minor sources of air pollution
- ▶ Major source regulations come from the Federal Title V program.

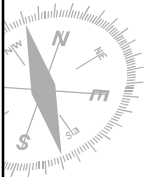


Who is Required to get an Operating Permit?



Operating Permit Classifications

- Permit Classifications
 - ▶ Class I Permits
 - ▶ Class II Permits (2 types)
 - Synthetic Minor
 - Minor
 - ▶ Low Emitter
 - ▶ No Permit Required



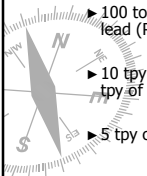
Pollutant Definitions

- ▶ Criteria Pollutants: PM₁₀, NO_x, SO_x, CO, VOC_S, and Pb
- ▶ Hazardous Air Pollutants: (HAPs) 187 pollutants identified by the EPA.
 - Appendix II and III of Nebraska Air Regulations Title 129-NDEQ website: www.deq.state.ne.us




Operating Permit Program

- ▶ Class I Permit
 - A.K.A. Major Source or Title V
 - Sources that have a Potential-to-Emit (PTE), or actual emissions, that exceed:
 - ▶ 100 tons per year (tpy) for any criteria air pollutant except lead (Pb)
 - ▶ 10 tpy of any single hazardous air pollutant (HAP) or 25 tpy of combined HAPs
 - ▶ 5 tpy of Lead




Class I Operating Permits

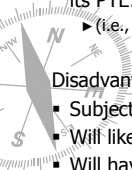
► Advantage: 

Flexibility allowed in facility operation because the potential to emit (PTE) is not limited

- Exception: if the facility has a construction permit limiting its PTE.
- (i.e., to keep the source out of another program)


Disadvantage: 

- Subject to paying fees based on actual emissions
- Will likely have more stringent monitoring requirements
- Will have more stringent reporting




Operating Permit Program


- Class II (2 Types):
- Synthetic Minor
 - PTE > Class I
 - Take federally enforceable limits to limit PTE and actual emissions below Class I
- Natural Minor
 - PTE < Class I
 - Actual emissions greater than 50% of Class I



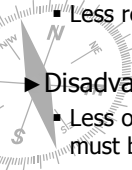
Class II Operating Permits

► Benefits of Becoming a Class II source: 

- No requirements to pay emission fees
- Possibility of less stringent monitoring requirements
- Less reporting and recordkeeping

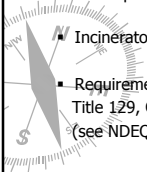
Disadvantage: 

- Less operational flexibility because emissions must be below Class I threshold.



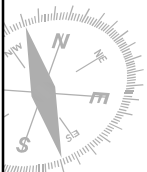
Incinerators

- ▶ All incinerators must obtain an operating permit
 - Incinerators in Nebraska typically have emissions that fall into the Class II program.
 - All incinerators **must** obtain a Class II permit if a Class I permit is not required, regardless of actual emission levels.
 - Incinerators include: bake off ovens, small animal incinerators, ect.
 - Requirement is from Nebraska Air Regulations Title 129, Chapter 5, 001.02B (see NDEQ Website: deq.state.ne.us)



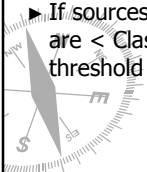
Low Emitter

- ▶ Low Emitter Program
 - PTE above Class I uncontrolled
 - Actual emissions below 50% of Class I



The Low Emitter Rule

- ▶ In 1997 the Department implemented provisions that reduced the regulatory burden for low emitting sources.
- ▶ If sources can demonstrate their actual emissions are < Class II threshold, and PTE > Class I threshold then they don't have to have a permit.



Low Emitter Pros and Cons



Pro:

- A source that qualifies for the low emitter program is *only* required to submit an emission inventory upon request.
- A low emitter does not need an air operating permit, which would have to be renewed at least every five years. The source would also not have reporting and compliance certification requirements.



Con:

- Low emitters may *not* let their actual emissions go above Class II thresholds or it is a violation.
- If a low emitter wants to expand its operation, and its emissions may go above Class II thresholds, the low emitter will have to apply for a Class II operating permit.

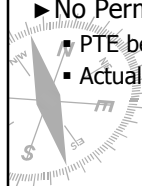
No Permit Required



- ▶ Facilities below Class I, Class II, and Low Emitter levels

- ▶ No Permit Required from the Department

- PTE below Class I
- Actual emissions below 50% of Class I



No Permit Required Determination

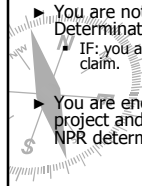
- ▶ If you determine your facility does not require an operating permit:

- You should be able to provide PTE calculations and any supporting documentation used in the determination
- Also document the emission unit(s) design and process limits (ex. Permit limits or bottlenecks)

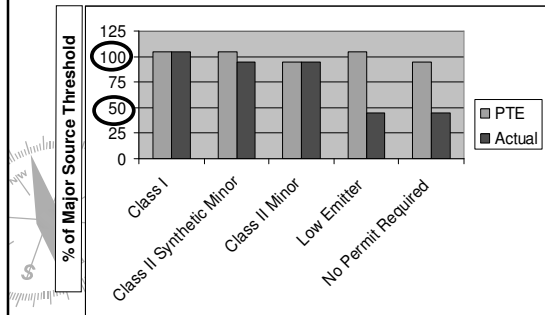
- ▶ You are not required to have a No Permit Required Determination from the Department

- IF you are able to document and provide information supporting this claim.

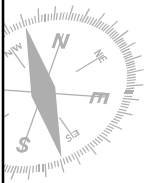
- ▶ You are encouraged to send a letter to NDEQ explaining your project and providing your PTE calculations that support your NPR determination.



Operating Permit Thresholds



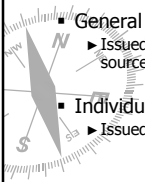
Types of Operating Permits



Types of Operating Permits

► 3 Types:

- **Permit-By-Rule (PBR)**
 - A set of conditions found in Title 129, Ch. 5 and 42 that have been established for a specific industry or unit in order to control emission.
- **General Permit**
 - Issued on a statewide basis that covers specific categories of sources
- **Individual Permit**
 - Issued to a specific source at a specific location



Permits-by-Rule (PbR)

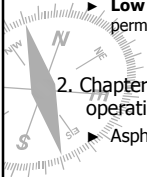
▶ Two types:

1. Chapter 5 PbR (Low Emitter Program): satisfies only the operating permit requirements

▶ **Low Emitter**-The facility is still subject to construction permit requirements.

2. Chapter 42 PbR: satisfies both the construction & operating permit requirements

▶ Asphalt plants and Small animal incinerators



Permits-By-Rule (PbR)

▶ Chapter 42 PbRs:

▪ Satisfies construction and operating permit requirements

▶ Current categories

▪ Asphalt plants

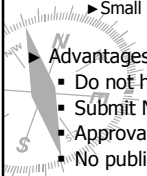
▪ Small animal incinerators

▶ Small refers to the size of the unit (<200 lbs/hr), not animal!



▶ Advantages:

- Do not have to renew the permit
- Submit Notice of Intent-briefer form to complete
- Approval or request for information within 30 days
- No public notice



General Operating Permits

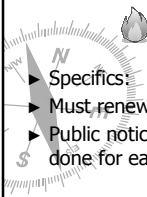
▶ There are currently 2 source types covered:

▶ Volatile organic compound (VOC) and hazardous air pollutant (HAP) evaporative loss sources

▶ Incinerators

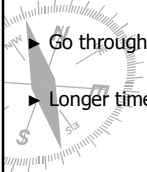
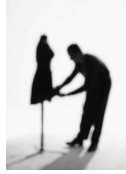
▶ Specifics:

- ▶ Must renew permit every 5 years
- ▶ Public notice is only done once for the permit-not done for each source being covered

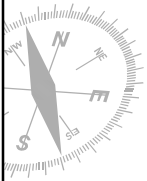


Individual Operating Permits

- ▶ "Tailor made" for the source-address the particular needs and issues at the source
- ▶ Labor intensive involves development and administrative costs
- ▶ Go through a 30-day public notice period
- ▶ Longer timeframe to issue

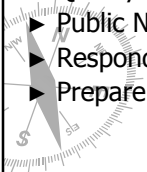


Operating Permit Information



Permit Process

- ▶ Pre-application meeting
- ▶ Application reviewed for completeness
- ▶ Technical review & permit prepared
- ▶ Quality control & facility review
- ▶ Public Notice – 30 days
- ▶ Respond to comments
- ▶ Prepare & issue permit



Deadlines



- ▶ For new source or existing sources receiving a construction permit for new equipment:
 - Submit application 12 months after beginning operation
- ▶ Permit valid up to 5 years
- ▶ Renewal application
 - Must be submitted between 6 and 18 months prior to permit expiration
- ▶ Certification of Compliance due March 31st
- ▶ Annual emission inventory due March 31st
- ▶ Deviation Reports due March 31st and September 30th

Keys to Compliance

- ▶ Read & understand your permit & permit fact sheet
- ▶ Reread your permit often
- ▶ Make sure everyone has read it
 - Share a copy of the permit with
 - ▶ All employees that are key in assuring compliance
 - ▶ Give specific permit sections to staff responsible for compliance in those specific areas



Questions

