Permitting Guidance and the Pending October 15, 2013 Tank Enforceability under NSPS Subpart OOOO

One of the emissions unit types regulated by NSPS Subpart OOOO are storage vessels. For a portion of these regulated storage vessels, Subpart OOOO allows facilities to voluntarily take a federally enforceable 6 TPY limit by October 15, 2013 to avoid being covered by the rule. AQD is issuing this guidance to assist facilities that desire to get a 6 TPY federally enforceable limit in place in order to avoid a storage vessel(s) being subject to NSPS Subpart OOOO.

Because of this quickly approaching deadline, the historically high permitting activity currently being handled by AQD, and the high probability of AQD receiving a large amount of applications needing to be issued by October 15, 2013, AQD has reviewed the permitting process limitations and permitting options. Based on this review, the following process limitations and permitting options are outlined following.

As stated, AQD is currently processing a record number of applications and anticipates a significant number of applications to address the October 15, 2013 deadline. After review of typical timeframes needed to process a newly received application, AQD cannot guarantee an Authorization to Operate under the Oil and Gas General Permit (OGF), that is being submitted to incorporate the 6 TPY federally enforceable limit, will be issued prior to the October 15, 2013 deadline if it was received after September 13, 2013. Facilities submitting an application after September 13, 2013 should follow the provided option in meeting the NSPS Subpart OOOO deadline.

As indicated in the current AQD website guidance titled, “Subpart OOOO and Permitting Under the Oil & Gas Facilities General Permit and Area Source NESHAP Facilities and Small NSPS Facilities General Permit,” the NOI to Construct process under the OGF allows facilities to request federally enforceable limits. AQD considers these limits to be effective upon submittal (as defined in the OGF) of the NOI to Construct application. It should be noted that this guidance clarifies that the facility should include in the application the appropriate conditions (i.e., monitoring and recordkeeping) to assure the limit is federally enforceable.

The option to utilize the NOI to Construct method is open to new facilities, facilities with an issued Authorization to Operate, and facilities with pending applications. For facilities that have pending applications or facilities that are operating under an issued Authorization to Operate, an update to the pending application or a new authorization to operate should be submitted within 180 days of submittal of the NOI to Construct, respectively.