



THE PART 70 GENERAL OPERATING PERMIT CRUDE PETROLEUM & NATURAL GAS INDUSTRY COMMONLY ASKED QUESTIONS

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This compendium of commonly asked questions and answers concerning the Title V General Operating Permit for the Crude Petroleum & Natural Gas Industry is designed to assist you in answering questions about the permit. The answers given here are based on the latest information available and represent our best understanding of how the Title V program will be implemented in Oklahoma. However, be aware that they may be subject to change at a later time, and are not final until established by rule, or as a final determination in issuance of a permit. If you have any questions concerning this document please feel free to contact staff of the Air Quality Division, at (405) 702-4100.

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THE PROGRAM

Why is Oklahoma using a General Operating Permit for the Crude Petroleum & Natural Gas Industry?

Issuance of this General Operating Permit (GOP) meets the requirement for building a flexible approach to permitting for both the agency and the regulated community. This goal is consistent with the Simplified Uniform Process for Environmental Regulation (SUPER) program. The SUPER program is an ODEQ-wide initiative to guide the agency to be more responsive to customer concerns. One of the SUPER principles involves building flexible approaches to compliance, permitting, waste minimization, pollution prevention and inspection. About 40% of the sources we regulate are compressor stations and related activities. These sources consist of similar emissions units, pollutants, and applicable requirements. Because of the large number of potential Title V sources in this category, it makes sense to streamline the process for issuance of these permits to lessen the burden on both the regulated community and ODEQ.

How does the General Operating Permit work?

The GOP is the broad-based document that will include all applicable requirements for every type of source at an eligible facility. It will be issued with a five-year term and is required to meet Tier II process requirements. The Authorization to Operate under the General Permit (Authorization) will be a shorter, 2-3 page document that will address the actual facility that is eligible for coverage under the GOP. Any requirements specific to that particular facility and any conditions more stringent than those in the GOP will be included in the Authorization. The Authorization will be issued to every facility eligible under the GOP and its term will be shorter than five years, extending from the date of issuance of the Authorization to the expiration date of the GOP. The Authorization will only be required to meet Tier I process requirements if certain conditions are met, e.g., no site specific limitations that have not already received public notice are included in the Authorization. In addition, a list of eligible facilities that have applied will be published once a month. If a compliance schedule is included in the Authorization, it must undergo separate public notice consistent with Tier II requirements.

What benefits are there to applying under the General Operating Permit?

One benefit is that the application and issuance process for this permit is very simplified and streamlined. The applicable requirements for these sources have already been identified for the applicant in both the application and the GOP. A simplified application is used only to indicate which requirements apply specifically to a particular facility. The applicant knows before he applies what conditions his permit will contain. The only conditions included in the Authorization that are different from the permit are those specifically tailored for a particular facility, e.g., specific emissions unit information, permit shield conditions, etc. Another benefit is the simplified public review. The GOP undergoes public review once every five years. During this public review period all conditions and requirements of the GOP are subject to comment. Those sources that wish to be covered under the GOP apply for an Authorization, which is good from the date of issuance of the Authorization to the expiration date of the GOP (typically a term less than five years). Once a month ODEQ publishes a list of facilities that have applied for coverage under the GOP. During this public review period only the issue of whether a facility is eligible for coverage under the GOP is subject to review.

What sources are currently approved for inclusion under the General Operating Permit?

There are four industry groups eligible to be covered by the GOP. These groups are defined by the following SIC codes: 1311 (Petroleum & Natural Gas); 1321 (Natural Gas Liquids); 4922 (Natural Gas Transmission), and 4923 (Natural Gas Transmission & Distribution). If your facility falls under one of these SIC codes, then it is most likely eligible for the GOP.

What is the cost associated with a General Operating Permit?

The costs associated with a GOP are the same as with an individual Part 70 permit. The one-time application cost is \$2,000. The annual operating fee is based on either actual or permitted emissions, whichever the applicant chooses, and for calendar 1996 the fee is the sum of all regulated pollutants (except CO) times \$16.39 per ton of pollutant.

Are any crude petroleum and natural gas industry activities exempt from having to apply for a General or Part 70 Permit?

Those sources that cannot possibly reach major status emission levels for any air pollutant, or are not subject to standards or regulations under NSPS or NESHAP rules do not have to apply for a GOP or Part 70 permit. If the source could exceed the above mentioned limits, but has operational constraints or control equipment that keep emissions below major status, then a "synthetic minor" permit may be sought.

Are multiple oil and gas sources within 1/4 mile aggregate to become a Title V source, even if regulated by the Corporation Commission?

Yes. Under OAC 252:100-8-2, major source definition, activities with the same industrial grouping (2-digit SIC) located within a contiguous area and under common ownership are required to aggregate. We are currently interpreting "within a contiguous area" as any source located within 1/4 mile of another commonly-owned source. Current rules allow a specific exemption to this aggregation requirement in that emissions from any oil or gas exploration or production well, and emissions from any pipeline compressor or pump station are not aggregated with emissions from other similar units. However, this will not be allowed under federal Title V regulations and proposals have been made to drop this exemption. If you are unsure whether Title V requirements apply to a particular facility, then an Applicability Determination may be requested upon submittal of all relevant (same as for a regular Title V application) information and a fee of \$100 (which may be applied to any subsequently required permit).

Do oil and gas exploration and production facilities need a Part 70 permit?

Yes, if they exceed Title V major source thresholds, are subject to NSPS, or are subject to standards or regulations for hazardous air pollutants (HAPs). Applicability to the Title V program is the same for all industries. If, after aggregating emission units and summing the emissions, the facility emits over 100 TPY of any pollutant, then you must file a Title V application regardless of any other jurisdictional issues.

How are "Grandfathered" sources handled under the General Operating Permit?

By definition, a "Grandfathered" source is an emissions unit which was in existence prior to the effective date of any applicable regulation which would have created specific quantifiable and enforceable emissions rate limits. "Grandfathered" emissions sources must be identified as such in

the application and emissions inventory but will retain only the equipment descriptions, and operation and maintenance records to verify their status, as permit conditions. They may be moved within the same facility without a permit modification, but if they are modified or replaced, they are subject to permit review and may lose their “Grandfathered” status.

If I have a Grandfathered source that hasn’t been run in several years that will take a major modification to put into service do I need to apply for a Part 70 permit?

Not necessarily. A permit is not required until you decide to operate the source. If a unit is not currently in service, but there is a possibility that it will be put into service during the term of the permit, then it should be addressed in the application. In the required narrative, include information that relates the work needed to put the unit into service.

How are sources that were previously exempted handled under Title V?

Those activities previously exempted by regulation or policy from obtaining a permit must apply for a Part 70 permit if they are Part 70 sources. If a source was exempted by policy from complying with an otherwise applicable emission limitation, that emission limitation will now be included in the Part 70 permit for that source. Note that this does not necessarily require that emissions limitations will be included in a permit for all pollutants associated with an activity. Emissions limitations are not typically required unless they are “rolled over” from an existing permit, a specific requirement is applicable, or the source assumes a limitation to avoid an applicable requirement. If this limitation was omitted in a previous permit for whatever reason, e.g., error by the drafter, incorrect or lack of information, an agency policy which has now changed, etc., it will be included in a current permit. For example, OAC 252:100-37-36, Fuel-burning and refuse-burning equipment, promulgated 2/14/72, applies to engines constructed or modified after that date. Thus, emissions limitations for both CO and NO_x are necessary to assure compliance with this regulation and will be included in permits for these sources.

Isn’t placing an emissions limitation on formerly exempt sources contrary to the Title V policy of “not adding any new limits?”

Title V regulations require that all sources at a facility be addressed in the permit. If an emissions limitation is appropriate, i.e., there was a specific applicable requirement that applied at the time, it will be included in the current permit. If this limitation was omitted in a previous permit for whatever reason, e.g., error by the drafter, incorrect or lack of information, an agency policy which has now changed, etc., it is not a “new” requirement.

If I already have a state operating permit do I need to apply for a General Operating Permit?

The GOP has been developed to meet the requirements of the Part 70 operating permit program. If your facility is required to obtain a Part 70 permit, you may either apply under the GOP, if eligible, or apply for an individual Part 70 permit. Title V regulations do allow a source that would normally be required to obtain a Part 70 permit to accept operational or control equipment limitations so that its potential to emit does not exceed major source levels. Thus, it is exempt from obtaining a Part 70 permit. This minor source permit is typically called a “synthetic minor” permit. “Synthetic minor” permits, with source-accepted limitations on Title V applicable Potential to Emit (PTE) levels, may be submitted until the regular Oklahoma application due date.

If your facility already has a “synthetic minor” permit then you are not required to reapply for an individual Part 70 permit or GOP.

Is air dispersion modeling required for a General Operating Permit?

Ambient air modeling is not a specific requirement for the purposes of Title V. However, modeling may be an economical and practical means to demonstrate compliance with a requirement or limit, and would be acceptable for that purpose. In addition, if during review of activities at a facility in conjunction with development of a Part 70 permit, it is determined that there is a potential to violate an air quality criterion, the AQD may require a source to do modeling. Previous modeling runs can be used if they were used to show compliance for existing permits as long as the modeled parameters have not changed.

How are HAPs and air toxics handled under the General Operating Permit?

Facilities subject to Title III of the Clean Air Act Amendments of 1990 must meet the following requirements: provide a list of HAPs emitted from the source if it is a major source for HAPs; demonstrate compliance with established MACT standards; provide a risk management plan to the designated agency if any listed chemical is present on site or stored in an amount equal to or greater than the threshold limit; and provide a list of future MACT standards to which the facility will be subject and comply with other applicable requirements of Section 112 by the appropriate compliance date. Oklahoma Air Toxics requirements include the following: evaluate emissions for the potential to violate MAAC levels for air toxics; demonstrate compliance with the MAAC; or conduct certain specific activities (see OAC 252:100-41) to achieve compliance which must be included in a compliance plan submitted with the application. In general, toxics (if present) are covered in the following sections of the GOP application: B, (IC engines); D, (Air Toxics); and E (Turbines). In B and E, formaldehyde may be emitted in quantities high enough to have applicable requirements. In section D, glycol dehydrators will have BTEX emissions that need to be addressed.

If my facility is not in compliance but I have prepared a compliance plan, how do I submit it to public notice?

Those Authorizations including a compliance plan must be submitted to public review and meet the same public participation requirements as an individual Part 70 permit (Tier II process). Note that this requires the applicant to meet certain public notice requirements at the time the application is submitted. In addition, public notice of the draft Authorization, as well as opportunity for a public meeting must be provided.

Can the General Operating Permit be used for construction projects?

The GOP application form was not specifically developed to cover applications for a construction permit. However, it most likely provides the information necessary to do so. Thus, it will be acceptable to provide information for a construction permit, using the GOP application form, for that construction associated with obtaining an Authorization for a particular site. This request should be specifically addressed in a cover letter included with the application. Note that making application for a construction permit is an action entirely separate from obtaining an Authorization (or operating permit). It may require submission of additional information, meeting public notice

requirements, and payment of fees different and separate from obtaining the Authorization (or operating permit).

Has the General Operating Permit been approved by EPA for use in meeting Title V requirements?

Not yet. The GOP went out to public notice on May 14, 1996, with the 30-day comment period ending on June 13. We received comments, revised the GOP, and made it available for public review on Sept. 16. The comment period ended Oct. 16, and the GOP has been submitted to EPA for final approval.

What if I make application under a General Operating Permit but later it is determined that I don't qualify?

You then would have to submit a Title V application for an individual permit, which means you should make every effort to submit your GOP application as early as possible to allow us to do an administrative completeness review. This review will determine, among other things, whether you are eligible for coverage under the GOP. In either case, we will inform you as soon as possible (within 60 days) what further action you may need to take.

Who can I contact at ODEQ for information or assistance on GOP requirements?

Applicants needing general assistance should contact our Customer Service Division, toll free at 1-800-869-1400, or for specific assistance contact the Air Quality Division at (405) 290-8247. The Air Quality Newsletter that is currently distributed to those on the mailing list for Air Quality Council announcements will also contain updated regulatory and policy information on Title V and other programs. ODEQ is also in the process of establishing a web page on the Internet.

THE APPLICATION

When are applications due for the GOP?

The submittal schedule for facilities which are eligible for the GOP is the same as the regular Title V submittal schedule. It is based on the effective date of the Title V program which was March 6, 1996. Those companies with SIC codes 1311, 1321, 4922, or 4923, must submit at least one-third of their facilities' applications by September 5, 1996, and the remaining two-thirds by March 5, 1997.

What information is required in a General Operating Permit application?

The General Operating Permit application requires basic facility information, information needed to determine eligibility, emissions information, insignificant activities information, and information on any noncompliance activity. Enough information needs to be provided to demonstrate that the source can be covered under the GOP and that all the applicable requirements have been addressed. The data forms in the package should be sufficient to do that. The monitoring and recordkeeping requirements and compliance plans should be placed in appendices behind each emission units data form.

Do I have to fill out all the data forms in the package?

No, only those appropriate to your site. For example, if there are no turbines or flares at your site then you would not fill out those data forms.

If I have already submitted a regular permit application, do I have to resubmit on General Operating Permit forms?

No, not necessarily. However, you do need to notify us, in writing, that you would like to be covered under the GOP and that your previous submittal should be considered an application for an Authorization. If not, your application will continue to be processed as an individual Part 70 permit.

What pollutants must I include in the application?

All pollutants with applicable requirements must be included. These would be the criteria pollutants (NO_x, CO, SO₂, VOC, PM₁₀, Lead), section 112 hazardous air pollutants, and any pollutants regulated by OAC 252:100.

Do I need to include all emissions sources in the application?

Not necessarily. Information should be provided in the application sufficient to (1) identify and describe all points of emissions for which the source is major; (2) all emissions of regulated air pollutants sufficient to verify which requirements are applicable to the source; and (3) calculate fees. This does not include those trivial activities listed in the Appendix of the application guide. In addition, insignificant activities listed in Section A only need to be identified but not quantified (except to the extent necessary to demonstrate their insignificance).

How should emissions information be submitted with the application?

Usually, emissions are quantified by source and provided on the individual forms in the application. However, the Annual Emissions Inventory "Turn-Around Document" may be used to submit emissions information if the detailed information and computations required to develop this report are also provided. This detailed information and computations should be readily available to the facility since it is already required to be kept on site for inspection. Note that if you wish your permitted emission limits to be based on a current permit, be sure and mention that in your cover letter.

Is it necessary to estimate emissions from Grandfathered units?

Yes. Emissions estimates are needed on Grandfathered units in order to calculate fees and make determinations as to PSD status at a facility. These estimates are specifically addressed in OAC 252:100-08-5(d)(3) as one of the elements of information required to be included on the application form, and thus necessary for the application to be considered administratively complete.

How do I ensure my application will be complete?

The forms were developed to reflect all requirements for a "complete" application. To assure that your application will be complete, only use official ODEQ forms, fill in all blanks (use NA if not applicable), and provide sufficient detail so that the application is also "technically" complete. In general, an application is "technically" complete if all assertions are fully documented so that ODEQ can duplicate calculations and confirm compliance and emissions claims. For example, to

state that a piece of fuel burning equipment emits 0.15 lb/MMBTU of SO₂ is not technically complete unless the applicant provides a straightforward justification (i.e., test results, manufacturer's information, calculations, computer data, etc.), to substantiate the 0.15 lb/MMBTU claim.

What is the benefit of the “application shield”?

If an applicant has submitted a timely and administratively complete application, he is protected from enforcement action resulting from not having a permit while the application is being processed. If additional information is identified as needed to complete the application and this additional information is not timely submitted during the review period, the application will be determined to be administratively incomplete and the applicant loses the benefit of the shield.

How do I determine under which activity (SIC code) my facility is engaged?

The activity in which a facility is primarily engaged determines what SIC code is assigned to that facility. To determine the activity in which a facility is primarily engaged, the SIC Manual recommends using a value of receipts or revenues approach. For example, if a facility manufactures both metal and plastic products, the facility would total receipts for each operation and the operation that generated the most revenue for the facility is the operation in which the facility is primarily engaged. If revenues and receipts are not available for a particular facility, the number of employees or production rate may be compared. If a facility performs more than two types of operations, whichever operation generates the most (not necessarily the majority) revenue or employs the most personnel is the operation in which the facility is primarily engaged. For example, a natural gas liquids extraction plant might have the extraction equipment and compressor engines at the same location. The SIC code for this facility would be 1321; whereas, if the engines were not on site, their SIC code would be 4922 for natural gas transmission. In some instances, we may have to do a case-by-case SIC code determination.

How is information on existing permits provided so that current limits are “rolled over” into the GOP?

Question 8 in Section A of the application form requires that information should be provided on any process limitations currently specified in existing permits. If these limitations are more stringent than those specified in the GOP, they will most likely be “rolled over” into the GOP. If for some reason these limitations are no longer applicable, that should be stated in the application and documentation provided to justify that assertion.

How are non-applicable requirements identified in the application for inclusion in the “permit shield”?

Section A includes a subsection for a “Narrative Description of Permit Application Action.” This subsection provides for listing and describing other attached permits and documentation. This is probably the best place to note any non-applicable requirements or any limitations and conditions in existing permits that are no longer applicable and should not be “rolled over” into the Authorization.

Do I need to provide information on formaldehyde on lean burn engines?

ODEQ has just been advised that new information is available which indicates that formaldehyde emissions at some sources may potentially violate a MAAC. At this time we do not have any specific information on the cause of the problem, e.g., types of sources, types of fuels, types of fuel sources, controls in use, etc. We feel that a certain minimum level of information is necessary to decide a course of action on this issue and are in the process of collecting that information. We will coordinate as much as possible with EPA in gathering reliable, technically defensible information on which to base a decision. However, our state toxic air contaminants regulations require that, if we have reason to suspect that a pollutant is being emitted at a level that may cause or contribute to a violation of a MAAC, we will include emissions limitations in a permit for that source, as necessary. We will keep you advised of this issue and our course of action to address this potential problem.

Will an emission estimate for CO be required for engines that were previously permitted for NOx with no emission limit for CO?

Yes. Emissions estimates must be provided for all emissions of pollutants for which a source is major, and all emissions of regulated air pollutants. (OAC 252:100-8-5(d)(3)). Note that this does not necessarily require that emissions limitations will be included in a permit for these pollutants. Emissions limitations are not typically required unless they are “rolled over” from an existing permit, a specific requirement is applicable, or the source assumes a limitation to avoid an applicable requirement. If an emissions limitation is appropriate, i.e., from an applicable requirement, it is not a “new requirement” if it should have been applied previously. If this limitation was omitted in a previous permit for whatever reason, e.g., error by the drafter, incorrect or lack of information, an agency policy which has now changed, etc., it will be included in the current permit. In particular, OAC 252:100-37-36, Fuel-burning and refuse-burning equipment, promulgated 2/14/72, applies to engines installed or modified after that date. Thus, emissions limitations for both CO and NOx are necessary to assure compliance with this regulation.

Will quantitative emissions estimates need to be provided for SO2 and particulates for combustion sources?

Yes, emissions estimates must be provided for all pollutants for which a source is major, and all emissions of regulated air pollutants. (OAC 252:100-8-5(d)(3)). We agree that emissions of these pollutants will most likely be low at most facilities eligible for coverage under the GOP. However, some quantifiable estimate of them should be provided in the application. This can be done by use of a general statement to the effect that they are less than a certain amount. Note that this does not necessarily require that emissions limitations will be included in a permit for these pollutants. Emissions limitations are not typically required unless they are “rolled over” from an existing permit, a specific requirement is applicable, or the source assumes a limitation to avoid an applicable requirement.

How will non-emergency releases during maintenance be authorized?

This is probably best handled as an insignificant activity. The insignificant activities list includes “Activities having the potential to emit no more than 1 lb/hr or 4.38 TPY (actual) of any criteria pollutant.” Note that appropriate records of hours, quantity, or capacity must be kept on such activities to verify their insignificance.

Do condensate tanks need to be addressed on the application form since they are already addressed on the insignificant activities list?

Yes, there are specific requirements that are applicable to condensate tanks, e.g., OAC 252:100-37-15. These specific requirements override any exception noted on the insignificant activity list, so this activity will most likely be removed from the list.

What information is required to demonstrate compliance with applicable requirements?

The application must include information needed to determine the applicability/non-applicability of any requirement for each emissions unit at the source to be permitted. After excluding trivial and insignificant activities, each emissions unit must be evaluated for compliance with each applicable requirement. Initially, compliance with each requirement must be demonstrated according to any prescribed method within the requirement or, if not stipulated, by a method chosen by the applicant with full justifications and calculations to be expressed in the same units as in the rule. Future compliance assurance methodology shall demonstrate compliance with applicable requirements similarly.

What information is required for a Compliance Plan?

The compliance plan must include the following: 1) a description of the compliance status of the source with respect to all applicable requirements; 2) for applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements; 3) for requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis; 4) for requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements. This narrative will include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance; and 5) a schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

THE PERMIT

What is the benefit of the “permit shield”?

The benefit of the permit shield is that compliance with the terms and conditions of the permit is deemed compliance with the applicable requirements identified and included in the permit. The shield, upon request of the applicant, may also be used to identify those specific requirements that do not apply to the source. This means that a facility cannot be penalized for noncompliance with a regulation specifically determined to be inapplicable to the facility. This protection does NOT apply to new requirements that may be promulgated in the future (e.g., a new MACT under 40 CFR 63).

Is BACT review required for a General Operating Permit?

BACT, RACT, MACT or other control technology review is not a specific requirement of Title V. However, if compliance with an applicable requirement requires installation of control equipment, then a control equipment analysis must be made part of the application. This information should be included as an appendix or attachment to an appendix which demonstrates compliance to a requirement in Section A - H of the forms. It may also be included as part of a compliance plan.

How long is the term of the authorization under the General Operating Permit?

The General Operating Permit is issued for a term of five years. An Authorization is effective from the date of issuance of the Authorization to the expiration date of the GOP. Pursuant to OAC 252:100-10-5, a source covered under the GOP may continue to operate under the terms and conditions of the GOP until such time as the permit is either renewed or denied.

What happens if I'm covered by a General Operating Permit and the area in which my facility is located is designated as non-attainment?

Pursuant to OAC 252:100-10-5, facilities located in areas that are federally designated as non-attainment are not eligible for coverage under a general operating permit. In that case, you would have to submit an application for an individual Part 70 permit within 180 days. The subsequently issued individual permit would include all conditions previously included in the GOP, plus all applicable requirements for a non-attainment area.

Are all provisions of the permit enforceable by EPA?

No. State-only requirements are not enforceable by EPA. State-only requirements are defined as those requirements contained in OAC 252:100 that have not been incorporated into Oklahoma's federally approved SIP.

What are "State-Only Requirements"?

State-only requirements may be defined as those requirements contained in OAC 252:100 that have not been incorporated into Oklahoma's federally approved SIP. An example is the MAAC requirement in OAC 252:100-41. The applicant is not required to delineate the state-only requirements at the time of the application submittal and should assume that all Oklahoma regulations are federally enforceable. However, the ODEQ must designate state-only requirements in a Part 70 permit and has done so in the GOP.

Can additional conditions be included in Authorizations that are more stringent than the General Operating Permit?

Yes, in some cases. While the GOP clearly specifies all applicable requirements and emissions limitations for each source located at these facilities, other conditions or limitations could be included in the Authorization. For example, a condition or limitation may be "rolled over" from an existing permit, a source may assume a limitation to avoid an applicable requirement, or a source may also just "accept" a limitation, i.e., a limit is incorporated into a permit by an environmentally proactive company. In most cases, more stringent requirements will be included in the Authorization as a result of "rolling over" limitations from construction permits previously issued to these sources.

Why can't I use manufacturer's information, stack testing data, or other data to justify a less stringent NOx or CO limitation for an engine at a site covered under the GOP?

The GOP is designed to incorporate all applicable requirements and associated limitations or work practice requirements in a single permit that applies to all facilities of a particular type. In order to do that, limitations had to be established at some level that would meet all applicable requirements, yet still provide coverage for most facilities. The conditions (limitations and work practices) in the GOP are then subject to public review during issuance of the permit. Since the permit has been through public review (to justify that permit conditions are appropriate and protective of the environment at any site at which they are applied), then public review of the Authorization is not necessary. Establishing a different or less stringent limitation on a case-by-case basis would require a site-specific determination. This type of determination is subject to public review and thus not eligible for an Authorization. If this type of flexibility is needed at a particular facility, then application should be made for an individual permit for that site.

Will emission limits be assigned to those engines installed during the 1972-1988 time period which were exempt under certain horsepower limits?

Yes. Those activities exempted by regulation or policy from getting a permit are not exempted from meeting applicable requirements. In particular, OAC 252:100-37-36, Fuel-burning and refuse-burning equipment, promulgated 2/14/72, applies to these engines. Thus, emissions limitations for CO and NOx are necessary to assure compliance with this regulation.

Do the requirements at OAC 252:100-37-16--Loading of Volatile Organic Compounds apply to loading of condensate at compressor stations?

These requirements are intended to apply only to those loading facilities at bulk terminals. For the purposes of the GOP, the term "loading facility" is defined as those permanent loading racks at distribution terminals constructed solely for the filling or emptying of tank trucks. Typical loading/unloading operations of condensate or other storage tanks at compressor stations would not be required to meet these requirements.

Is quarterly testing for NOx and CO required for all engines at a site--even those operated intermittently?

Not necessarily. The GOP provides some flexibility in this area. Those engines or turbines that operate intermittently, e.g., emergency or standby units, are only required to test for NOx and CO if they operate for more than 220 hours in a quarter. In addition, the frequency of monitoring and testing for those engines or turbines that operate continuously is contingent on maintaining compliance with limitations. Initially, quarterly testing is required for the first year. If compliance with permit limitations is maintained for all quarterly tests, then the frequency of testing is reduced to semi-annually for the next year. If no semi-annual test exceeds limitations, then the frequency of testing is further reduced to once a year for the remainder of the term of the Authorization. However, if any test shows non-compliance with permit limitations, then the testing reverts to quarterly.

Why is recordkeeping of operation and maintenance activities now required for “Grandfathered” sources?

“Grandfathered” sources are not exempt from obtaining a permit, nor from any applicable requirements. The Title V program now requires some assurance, through monitoring or recordkeeping, that a source is in compliance with those requirements. In particular, “Grandfathered” sources must verify and document that changes made are not modifications that would cause them to lose their “Grandfathered” status. Thus records are now required to be kept by the facility on O&M activities performed on these sources.

Can a General Operating Permit be modified to include changes in equipment or operations at a facility during the term of the permit?

Yes, the source is allowed to make minor or significant modifications consistent with the requirements of OAC 252:100-8-7. Some changes, e.g., engine replacement, can be done without a permit modification, and are specifically addressed in the permit.

If my facility is not in compliance but I have prepared a compliance plan, how do I submit it to public notice?

Those Authorizations including a compliance plan will be required to be submitted to public review and meet the same public participation requirements as an individual Part 70 permit (Tier II action). Note that this requires the applicant to meet certain public notice requirements at the time the application is submitted, i.e., filing notice. In addition, public notice of the draft Authorization, as well as opportunity for a public meeting must be provided.

How long will I have to correct a non-compliance problem addressed in a compliance schedule in an Authorization under the GOP?

Milestones in a compliance schedule are typically established on a case-by-case basis, depending upon the type and magnitude of a problem, and a reasonable estimate of the time necessary to correct the problem. Since the types of units are fairly well defined and limited at those facilities to be covered under the GOP (e.g., compressor stations), it is not expected that it will take longer than one year to correct any problems. Thus, in most cases, no compliance schedule will be allowed that takes longer than one year.

If I’m applying for an amendment to a permit, when can I start modifying the facility?

If it is an administrative amendment or a minor modification, you may start modifying your facility as soon as you have submitted the application for a permit revision. During the time the AQD is reviewing the revision, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. Significant modifications cannot be made until the process of public participation, review by affected states, and review by EPA has been completed.

What happens if a date in a compliance schedule is not met?

The facility is subject to enforcement action with respect to that portion of the compliance plan which has not been met. Those segments of the compliance schedule which are still in good standing are not affected by the enforcement action.

THE PERMIT ISSUANCE PROCESS

How long will the process take?

According to provisions of OAC 252:100-8-6, ODEQ has 90 days after notifying you of an administratively complete application to issue or deny an Authorization. ODEQ has 60 days to determine completeness. Thus, it will typically take no longer than 150 days to issue an Authorization. However, if you receive a notice indicating that the application is incomplete, you have 180 days to submit the requested information or ODEQ will withdraw the application. To expedite the process, an applicant can request a pre-application conference by contacting Customer Service or Air Quality. At the conference, we will assist you in identifying all information needed to complete the application. The process can further be expedited by submitting a magnetic disc (3.5 inch, Word Perfect 5.1 or Microsoft Word for Windows 6.0) with as much information as possible on it. Another way to speed up the process is to identify and return requested information as soon as you are notified.

What steps are involved in the issuance of an authorization to operate under a GOP?

The steps involved typically include: the source submits its application to be covered by the GOP; ODEQ lists the source on the monthly published list of applicants; ODEQ reviews the application during the 30 day public comment period; after 30 days, ODEQ will compile the public comments (if any), incorporate any reasonable changes, and submit a draft Authorization to EPA for approval; and ODEQ makes any changes per EPA and issues or denies the Authorization. However, note that those Authorizations including a compliance plan will be required to be submitted to public review and meet the same public participation requirements as an individual Part 70 permit (Tier II action). This requires the applicant to meet certain public notice requirements at the time the application is submitted, i.e., filing notice. In addition, public notice of the draft Authorization, as well as opportunity for a public meeting, must be provided.

What public notice requirements must be met for issuance of an authorization to operate under a General Operating Permit?

Typically, the only public notice provided before issuance of an Authorization is by ODEQ publishing a list, once a month, of facilities which have applied for coverage under the GOP. Public notice requirements include publishing the name of the company, the facility name, and the location of the facility in a newspaper of general circulation in the county where the facility is located. During this public review period the only issue subject to review is whether a facility is eligible for coverage under the GOP. Those Authorizations including a compliance plan will be required to be submitted to public review and meet the same public participation requirements as an individual Part 70 permit (Tier II action). Note that Tier II requires the applicant to publish notice of the filing when the application is submitted. In addition, public notice of the draft Authorization, as well as opportunity for a public meeting must be provided.