

Overview of Recent Changes to Air Quality Permitting Rules

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Introduction

A quick update. Topics:

- ❖ Why did we make these particular changes?
- ❖ Which permitting actions will need to undergo public review on the web?
- ❖ Other changes to our rules.
- ❖ Implementation.

SIP Backlog and EPA Collaboration



The screenshot shows the EPA website's navigation bar with links for Environmental Topics, Laws & Regulations, and About EPA. The main heading is "Approved Air Quality Implementation Plans in Oklahoma". Below the heading is a paragraph explaining that the site contains information about air quality regulations called State Implementation Plans (SIPs), Federal Implementation Plans (FIPs), and Tribal Implementation Plans (TIPs) approved by EPA within Oklahoma. It also includes a link to "SIP status reports".

Approved SIPs

- [EPA Approved Regulations in the Oklahoma SIP](#)
- [EPA Approved Source-Specific Requirements](#)
- [EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures](#)
- [About SIPs](#)

Approved TIPs

- EPA has not issued any TIPs in Oklahoma
- [About TIPs](#)



Backlog – A State Implementation Plan (SIP) is considered to be in backlog if it has been with EPA > 18 months.

EPA has committed to eliminating the backlog.

During the review of our backlogged SIPs, our SIPs have received active review.

Our **collaboration** with EPA has been productive and fruitful. They have worked with us every step of the way and we expect this will expedite approval of our updated SIP.

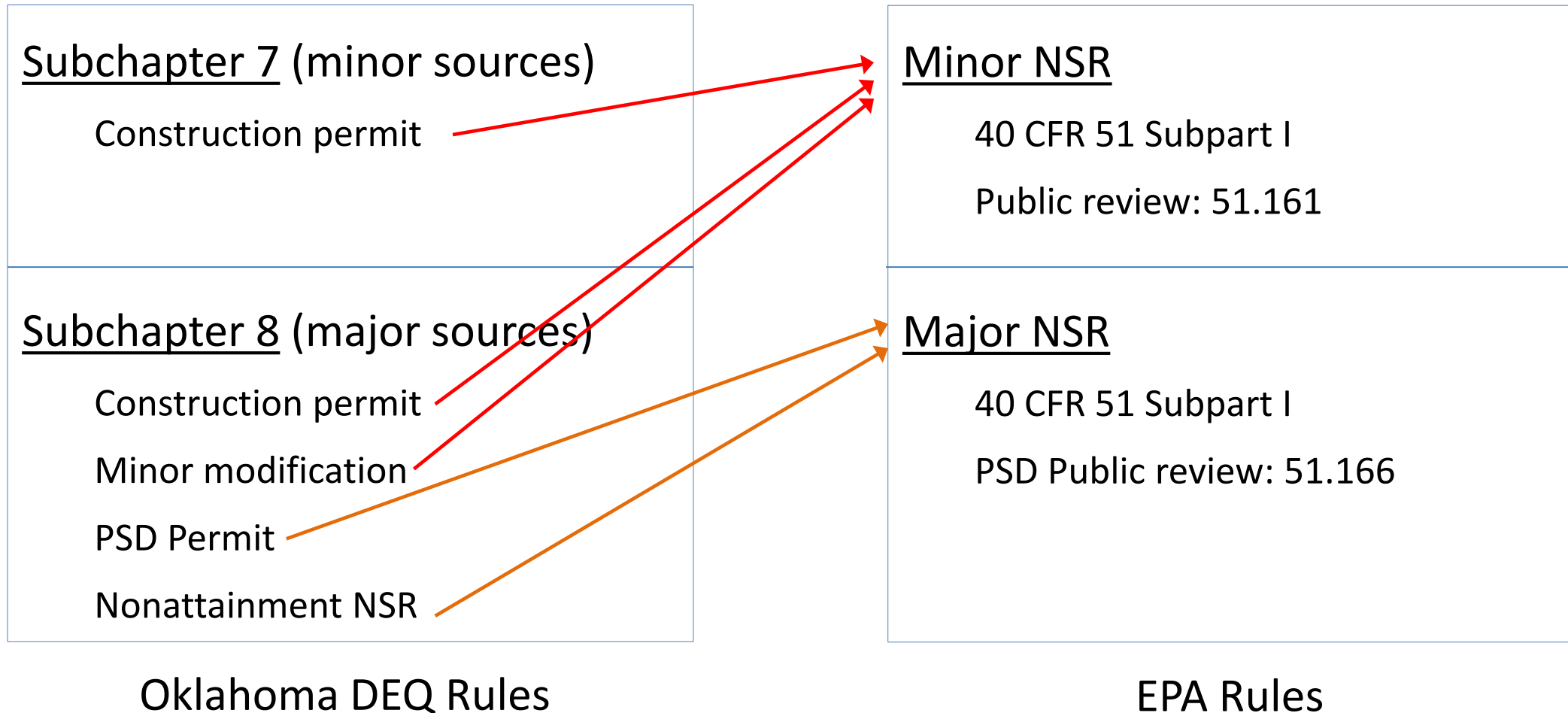
Summary of Issues We Needed to Address

Our Prevention of Significant Deterioration (PSD) construction permitting program has been approved and incorporated into our SIP.

Issues addressed in our recent rule changes:

- Public review of the initial Title V permit
- Public review of minor New Source Review (NSR) permits – with **new exemption thresholds** for minor modifications to Title V permits and exemptions for **replacement units** in our minor source permitting program
- Public review of minor source operating permits

Oklahoma DEQ vs EPA View of NSR



New Requirements for Public Review

A number of permits previously exempt from public review will now receive public review.

- An initial Title V operating permit will follow the Tier II process.
- The permit that is issued to move a facility from a Title V permit to a minor source permit will also be Tier II.

Other permitting actions newly required to undergo public review will do so through a Tier I web-based process authorized by EPA.

- Individual facility minor source construction permits.
- Individual facility minor source operating permits.
- Major source construction permits needed to authorize minor modifications to Title V operating permits.

Federally Enforceable State Operating Permits

An addition to our definitions: **FESOP**

This term describes the minor source operating permits we issue in Subchapter 7. Components of this program are already in the SIP. However, we need formal adoption.

The initial FESOP will require 30-day public review.

Modifications to FESOPs will proceed two different ways: enhanced NSR or traditional NSR.

Enhanced NSR or Traditional NSR

When facilities submit applications for construction permits, they will be asked to choose which public review process they choose to follow:

Enhanced NSR – The public review and EPA review will occur only during the issuance of the construction permit. The operating permit will be modified using the administrative amendment process for Title V permits or minor modifications will be issued without public or EPA review for Subchapter 7 operating permits (FESOPS).

Traditional NSR – The 30-day public review period will occur before the construction permit is issued. EPA will have an opportunity to comment as well, during this period. When it is time to issue the operating permit, there will be another 30-day public review period and, for Title V operating permits, a 45-day EPA review period.

Thresholds for Minor Modifications

New **10 TPY exemption threshold** from the requirement for a minor NSR permit for minor modifications to Title V operating permits.

- Our past practice has been to exempt all minor modifications (minor mods) to Title V operation permits from the requirement to obtain a minor NSR permit.
- This practice was never formally incorporated into the SIP.
- The SIP does include an old exemption for facilities and/or projects with emissions and/or emission increases less than 5 TPY (originally 1 lb/hr).
- Our proposed rule text will provide for an exemption from minor NSR for any project with a **potential emissions** increase of less than or equal to 10 TPY of any regulated air pollutant.
- The calculation method will be adapted from the approach used in the Tribal NSR rule (40 CFR Part 49.153(b)).

Replacement Units in Subchapter 7

Newly proposed rule text will exempt installation of replacement units from the requirement to obtain a construction permit.

- This exemption is only allowed if the replacement unit does not require a change in any emission limit in the existing permit.
- The owner or operator will be required to notify the DEQ in writing within fifteen (15) days of the startup of the replacement unit.
- This exemption includes units subject to emission limits, equipment standards, and/or work practice standards under NSPS and NESHAP.

Our Path Forward

- ❖ The new rules will go into effect on **September 15, 2021**.
 - We are developing new guidance and new forms.
 - Please try to get your applications in as early as practicable.
 - Please plan, in advance, for the extra time needed for the 30-day public review on the web for these categories of Tier I permits.

- ❖ **Lee Warden** (Air Quality Permitting and Engineering Group Manager) and **Phillip Fielder** (Air Quality Chief Engineer) are happy to answer your **implementation questions**.

Q&A Session

QUESTION Time