TITLE V
Frequently Asked Questions on Title V

Overview

This document contains questions and answers to commonly asked questions regarding Title V.

Title V

1.Is it necessary for a Title V applicant to list every applicable requirement for the facility including general rules which have been approved by USEPA as part of the SIP? One example of a general rule is OAC rule 3745-15-04 (A) which states that: "The director may require any persons responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source whenever the director has reason to believe that an emission in excess of that allowed by these regulations is occurring...."

It is not necessary for an applicant to list nonspecific applicable requirements such as OAC rule 3745-15-04 (A) in the Title V application. However, applicable requirements related to emissions limitations, operational restrictions, malfunction reporting, work practice standards, or any other activities which the applicant is required by rule to perform should be included in the application.

2. A fuel oil tank at a Title V facility is regulated under 40 CFR Part 60, Subpart Kb. The TANKS2 program shows very small actual emissions. Can this emissions unit be listed as insignificant in the Title V application or is it necessary to list it as non-insignificant due to the fact that it is regulated under a NSPS?

An emission unit may be listed in the Title V application as insignificant even though there is an applicable federal requirement. The applicant must maintain and document compliance with the federal requirement and may be requested to demonstrate that emissions are below the insignificant thresholds. It is also possible that Ohio EPA may include terms and conditions for insignificant activities on the State-only portion of the permit.

3. OAC rule 3745-77-01 (U)(3) defines "insignificant activities and emissions levels" as:

"Any emission unit with the potential to emit five tons or less per year of any regulated air pollutant other than a hazardous air pollutant and not more than twenty per cent of an applicable major source threshold under the Act."

For HAPS it would therefore appear that insignificant emissions levels would be either: 2 tons per year (0.2 x 10 tpy) for any single HAP or 5 tons per year (0.2 x 25 tpy) for combinations of 2 or more HAPs. Ohio EPA guidance indicates that the insignificant emission level for HAPs is 1 ton per year. What is the reason for this apparent discrepancy?

OAC rule 3745-77-01(U) gives several criteria for classification of an emissions unit as an insignificant activity. OAC rule 3745-77-01(U)(3) allows emissions units to be classified as insignificant if the potential emissions are less than 5 tons per year. However, this exemption was not intended to apply to emissions units which emit HAPs. Therefore, this rule states that this exemption does not apply to HAP emitting units. The Ohio EPA, however, believed that there should be some deminimis level of HAP emissions

below which an emissions unit could still be classified as insignificant. The Ohio EPA decided to consider emissions units with a potential to emit less than one ton per year of HAPs as deminimis regarding HAP emissions.

4. On the Title V Application: "Will this facility comply on a timely basis with all future applicable requirements for this emission unit which will become effective during the permit term?" How can we guarantee compliance with future regulations/requirements?

This question requires the applicant to recognize that they have an obligation to comply with new regulations (MACT standards, etc...) not specifically identified in the current permit application. For example, the facility knows that they will be subject to a MACT standard during their permit time frame (5 years for Title V), but is not subject to that regulation at the time of the application. The facility will not list the MACT standard as an applicable requirement now, but by answering yes in question 14, the facility is certifying that they will comply with that MACT standard in the future.

5. Is it acceptable to group similar "insignificant" emissions units under one emissions unit ID, for the purpose of completing a Title V application, as was previously allowed for registration sources under OAC chapter 3745-35? This question pertains to a policy issued in 1984 that was written for applicability of OAC chapter 3745-35. Does this policy apply to Title V?

Ohio EPA does not have a policy for grouping insignificant emissions units for Title V purposes and the 1984 policy does not apply to Title V. The intent of the Title V rule is to define those insignificant emissions units and list them, not to require more information about those emissions units. Therefore, you would need to list all insignificant emissions units separately and list their exemption rule. However, if you believe that certain activities can be grouped together as an emissions unit and still meet the insignificant definition, then it would be feasible to do it.

When grouping insignificant emissions units, you should be aware that the number of emissions units you can group will be limited by the insignificant emissions unit threshold limit defined in the rules (OAC rule 3745-77-03). If the grouping of insignificant emissions units is desired, the best approach is to contact the Ohio EPA District Office or Local Air Agency that works with your permit for assistance on defining emissions units and creating the group or groups.

One example would be space heaters. In some cases you would be able to group some of them, but trying to stay under the 5 tons per year threshold limit. If for example you have 2 space heaters that have the maximum uncontrolled emissions rate [Potential to Emit (PTE)] of 2 tons per year, then you would be able to group two together. The reasoning behind this approach is of trying to stay close to the insignificant threshold is that you may want to group a significant number of emissions units under one emissions unit ID and when grouped together, the PTE may exceed the threshold by a large amount of emissions. If your group PTE is 25 tons per year, since they are under one emissions unit ID, the U.S. EPA may look at them as one emissions unit and say that the emissions unit is not insignificant and may require a Title V permit for it.

6. Some emissions units will be modified as part of a PSD permit. These emissions units have not been modified as of this time. They will be modified sometime shortly after the Title V application has been submitted. Should these modifications be included in the Title V application even though the modifications would not have occurred at the time of application submission? If these modifications are not included in the original Title V application, what are the company's obligations, with regards to modifying the Title V permit?

The company is not obligated to include these modifications in their original Title V application. The company is required to submit a Title V modification within one year of when the emission units begin to operate in the modified manner. These emissions units will then be operating under the Title V application shield. This modification will cause a reopening of the Title V permit and another public comment period.

[NOTE: The reopening of the Title V permit for a major modification (e.g. PSD) will require another comment period for both the existing units that are being modified or new units that are to be installed as part of this major modification.]

The USEPA is considering a change in the Title V rules, which would allow for the comment period for the major modification PTI (e.g. PSD) to suffice for the Title V permit modification comment period. However, most likely this change will not be promulgated in time to help facilities during this first year of Title V permits.

7.There are some cases where the PTO has terms and conditions more stringent than the PTI. This situation may occur when the PTI application stated emissions based on the equipment operating at or near maximum capacity. However, once the company began to operate the emissions units, the company realized that for their process(s), the equipment would not operate above sixty percent capacity. Because of this, the PTO emissions limits were actually based on sixty percent (+10%) capacity, thus resulting in PTO emission limits more restrictive than the PTI. Should the more stringent PTO limits be included as the applicable requirements?

The PTO limits should NOT be included as applicable requirements. The applicable requirement is still the limit contained in the PTI. The PTI limit is the federally enforceable potential emissions upon which things like PSD are based, not the limits in the PTO. Also, only terms and conditions of a federally enforceable PTI would be considered applicable requirements. To be federally enforceable, a PTI must have been issued draft and had a public comment period.

8. Are modifications to federally enforceable PTIs also considered federally enforceable, even if the modification was not issued as a draft? (could be to either increase or decrease allowable emissions, record-keeping, etc.)

Modifications to federally enforceable PTIs are considered federally enforceable only if the modification was issued as a draft.

9.My facility is major because of the combination of HAPs (Potential to Emit more than 25 TPY). Should I list all the HAPs that combined makes the facility major?

No. You are only required to list each individual HAP that either:

Has a potential to emit greater than 10 TPY or;
Is subject to a federally enforceable applicable requirement (e.g. MACT).

10. Should Title V applicants list all federally applicable requirements or just those with emissions limitations, control requirements, operational restrictions, etc.?

Title V applicants should identify all federally applicable requirements including those that contain emissions limitations, control requirements, operational restrictions, etc.

11. In the Title V application, in the Emissions Unit level form under the emissions tab, the estimated maximum emissions rate is requested. What number should we enter?

You can enter your allowable limit here if you don't have maximum emissions calculations (this emissions rate should be below your allowable limit)

12. How do I certify compliance in the Title V application?

In the Title V you certify compliance when you answer yes to the compliance. Your PINned submission via Air Services *is your official submission and certification of compliance. at the time of submittal.*

13. How can I apply for an application shield?

In Ohio, the application shield is automatic upon submittal, unless your Title V application is deemed incomplete. The Title V application shield is explained in OAC rule 3745-77-06.