

PLEASE REMEMBER TO ADD YOUR INITIALS TO ADDITIONS--Thank you!

TABLE OF CONTENTS: PERMITTING GUIDANCE DOCUMENT

Items starting with pound sign/hashtag (#) are from the online Air FAQ list.

I. AR Permit System Overview

A. History, One vs Two System

1. Construction Permits vs. Operating Permits: what are the different processes and how do they work if only one permit is issued?
2. Which parts of a permit are Title V-derived requirements, and which parts are construction permit-based?
 - a) overlap of definitions

B. AR Regulations

1. Regulation 18
2. Regulation 19
3. Regulation 26
4. SIP
5. Regulations 8, 9, and AR Code

C. Relation to Federal Rules

1. Delegated, Approved, Implemented as an “Applicable Requirement”
2. Part 70 (Title V)
 - a) Arkansas “Approved” program
 - b) is there a “approval” letter or information
3. PSD
 - a) what/how is incorporated into AR PSD rules TR
 - b) how does AR differ from 52.21 if at all TR
4. NSPS, NESHAPS, etc.
 - a) Delegation memos
 - b) MACT delegation for Title sources (include memo)
 - c) once in always in

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5. Ones that ADEQ does not implement
6. Things we DO NOT do - some REGULATED but not PERMITTED

Programs ADEQ does not implement or permit, but that do have requirements by EPA or others:

- Emergency Response Planning (112 list) and Risk Management Plans
- Most mobile source requirements
- Vehicle emission standards, catalytic converter removals
- Indoor Air Pollutants (such as mold, radon, lead paint, etc.)/Indoor Air Quality
- OSHA/Occupational health
- Freon-associated certification programs
- Sewer vents on homes
- Trees/landscaping issues
- Radiation
- Medical waste/Prescription take-back programs

Regulated by ADEQ, but not permitted:

- Open burning - See Appendix G for details
- Accidental releases (of chemicals? And/or air pollutants?)

7. 112r, Ozone Depleting Chemicals, ??

D. Other Programs and AR aspects

1. Regional Haze
2. Nonattainment
3. Acid Rain
4. CSAPR
5. Asbestos -**PP**
6. lead
7. Other air related issues
 - a) mold - ADH
 - b) indoor air quality _ADH or OSHA

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c) radon

II. Arkansas-Specific

A. **#5. What type of air pollution is regulated? T.R.**

Arkansas regulates anything other than water vapor, oxygen, nitrogen, carbon dioxide (though it is regulated as a constituent of the Greenhouse Gasses in the list below), hydrogen, and inert gases. The following are regulated:

- 187 or so hazardous air pollutants (HAPs) as defined by EPA;
- The six criteria pollutants, as required by the Clean Air Act: particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, ozone and lead;
- Volatile organic compounds (VOCs);
- Greenhouse gasses (GHG) for larger sources; and
- Other contaminants that can cause air pollution. [List some, like acetone. PP](#)
- [H2S \(with A.C.A. citation and standards\) PP](#)

B. **#6. What is a VOC, and is there a list of VOCs? T.R.**

A Volatile Organic Compound (VOC) is a compound that contains carbon and participates in atmospheric photochemical reactions. If the compound contains carbon and is emitted into the air, it is by default considered a VOC unless it is on the exception list found in the definition in [Regulation 19](#). A VOC can be almost any solvent, such as gasoline, paint thinners, non-water based coatings, cleaners, etc. There is no list of VOCs.

In is inaccurate to use vapor pressure alone as a means to determine if a compound is a VOC

[If is safest to assume all compounds with carbon are VOCs, unless included in the exceptions list. There are EPA-approved test methods that can be done on compounds to determine VOC content.](#)

[Some Safety Data Sheets \(SDS\) will list “volatiles” but be aware that these may include water or omit some compounds. Also, SDS provide only ranges of content. Technical bulletins with detailed VOC content are sometimes available from the supplier/manufacturer of the compound.](#)

[How to determine if something is a VOC? If it contains carbon and you are in doubt, ask the product distributor or ADEQ.](#)

C. **#7. What is a HAP? T.R.**

This draft is a working document. All information contained herein is subject to change and may differ substantially from the final document. The information contained in this document should not be considered the position or views of ADEQ or the Governor. [From 5-15 Permitting Meeting](#)

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A HAP is a hazardous air pollutant as identified under §112 of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. There is a list of hazardous air pollutants in the [Instructions](#). (LINK BROKEN)

For specific compounds, go by the Chemical Abstracts Service (CAS) number. Chemicals can have several different names even though they are the same.

More guidance on categories of HAPs such as POMs, “containing” compounds, etc.

If “benzene” is in the chemical name, is it automatically a HAP?

For glycol ethers, see this searchable list provided by North Carolina Department of Environmental Quality:

<https://deq.nc.gov/about/divisions/air-quality/air-quality-data/glycol-ethers>

D. How are GHGs regulated?

- 111(d)
- NSPS
- PSD
- Tailoring Rule for GHGs

E. How is PM2.5 regulated?

“PM” (make this a broader topic):

- PM2.5 is the same as PM10 unless otherwise needed to be stated in the permit
- Permit Applicability versus Emissions Inventory (EI)
 - EI
 - PM includes filterable only, but EI requires both filterable and condensable

F. EPA and ADEQ regulatory authority (i.e., #34. What if I need an interpretation of a particular regulatory requirement?)

G. Dispersion Modeling

1. Modeling White Paper, 2012 (Pre-Act 1302) S.L

Link to supporting document: [2012 NAAQS Implementation White Paper](#)

2. When we WOULD model criteria pollutants for a facility (Lead, particulate, Nox, Sox etc) (either in Ark specific or Permit Questions) PP

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H. NCAPCS (i.e., #35. What is non-criteria strategy?) and notes about what standards we may evaluate HAPs against other than TLV PP

what do we use for PAH/POM TLV/comparisons? TR

III. Permitting

A. #8. Does my facility need a Regulation 18.315 (minor source) registration or a minor source air permit? T.R.

(Based on actual emissions; in the Reg. limits are expressed, making these activities subject to regulation)

Permit thresholds are based on facility-wide emissions

Applicable for new or an existing facilities going over a permit threshold

If you need a permit, a registration does not cover a permit.

“Am I excluded from a registration if I am just an NSPS”? If emissions trigger permit requirements, you need permit. Otherwise, even if subject to an NSPS that does not need a permit, you are not exempt from the registration requirement.

Not excluded from registration solely because of NSPS or other rule (MACT, etc); as long as that rule is not included in the list that needs a permit

These are based on actual emissions. They are (federally) enforceable, limiting PTE through regulations (if they are above, they would require a permit)

○ Reference (and/or link) to (VI)(A) – Timeframe for getting a permit.

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You need a Regulation 18.315 registration if your total facility actual emissions are one of the following:

- 40 tons per year or more but less than 75 tons per year of carbon monoxide
- 25 tons per year or more but less than 40 tons per year of nitrogen oxides
- 25 tons per year or more but less than 40 tons per year of sulfur dioxide;
- 25 tons per year or more but less than 40 tons per year of volatile organic compounds
- 15 tons per year or more but less than 25 tons per year of particulate matter
- 10 tons per year or more but less than 15 tons per year of PM₁₀
- 1 ton per year or more but less than 2 tons per year of any single hazardous air pollutant
- 3 tons per year or more but less than 5 tons per year of a combination of hazardous air pollutants

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You need a minor source air permit if your total facility actual emissions are one of the following: *(This really a non-part 70 permit. Minor source has lots of meanings in different regulations and sections.)*

- 75 tons per year or more but less than 100 tons per year of carbon monoxide
- 40 tons per year or more but less than 100 tons per year of nitrogen oxides
- 40 tons per year or more but less than 100 tons per year of sulfur dioxide
- 40 tons per year or more but less than 100 tons per year of volatile organic compounds
- 25 tons per year or more of particulate matter
- 15 tons per year or more but less than 100 tons per year of PM₁₀
- 10 tons per year or more of direct PM_{2.5} but less than 100 tons per year of direct PM_{2.5}
- 0.5 tons per year or more but less than 10 tons per year of lead
- 2 tons per year or more but less than 10 tons per year of any single hazardous air pollutant
- 5 tons per year or more but less than 25 tons per year of any combination of hazardous air pollutants
- 25 tons per year or more of any other air contaminant

You must obtain a minor source air permit, regardless of emission rates, if your facility is in one of the following categories:

- Medical waste incinerators
- Rendering plants
- Pathological waste incinerators, including crematories
- Chemical process plants - based on SIC code major group 28, or equivalent NAICS
- Hazardous waste treatment storage or disposal facilities
- Sour gas process plants
- Lead acid battery recycling facilities
- Charcoal plants
- Any facility for which ADEQ's director determines an air permit is required to protect the public health and welfare or to assist in the abatement or control of air pollution

You must obtain a minor source permit, regardless of emission rates, if your facility is subject to a regulation under 40 CFR Part 60, Part 61, or Part 63 as of June 27, 2008, except for: *This means that any standard after June 27, 2008 is not an automatic inclusion for a permit (it has not been evaluated for inclusion, and would require revision of the Regulations.)*

- 40 CFR Part 60, Subpart AAA (Wood Stoves)
- 40 CFR Part 60, Subpart JJJ (Petroleum Dry Cleaners)
- 40 CFR Part 63, Subpart M (Perchloroethylene Dry Cleaners)
- 40 CFR Part 63, Subpart Q (Industrial Cooling Towers)

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- Sources subject to 40 CFR Part 60, Subpart Dc (Steam Generating Units that burn only gas)
- 40 CFR Part 63, Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines) for non-Part 70 sources (minor sources)
- 40 CFR Part 63, Subpart WWWW (Hospital Ethylene Oxide Sterilizers)
- 40 CFR Part 63, Subpart CCCCC (Gasoline Dispensing Facilities)
- 40 CFR Part 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines) for engines with a displacement of less than 30 liters per cylinder
- 40 CFR Part 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines)
- 40 CFR Part 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources)

You must obtain a Title V permit if your total facility emissions are one of the following:

- 100 tons per year or more of carbon monoxide
- 100 tons per year or more of nitrogen oxides
- 100 tons per year or more of sulfur dioxide
- 100 tons per year or more of volatile organic compounds
- 100 tons per year or more of PM₁₀
- 100 tons per year or more of PM_{2.5}
- 10 tons per year or more of lead
- 10 tons per year or more of any single hazardous air pollutant
- 25 tons per year or more of any combination of hazardous air pollutants

You must obtain a Title V permit if you are subject to any federal regulation that specifically requires the facility to obtain a Title V permit.

B. Do I need a Title V permit? -

1. no “synthetic minor”, PTE categories in Arkansas

C. General Permits (i.e., #9. What is a general air permit and what can I do to convert a minor source permit to a general permit?)

D. #11. Do I need to submit an application to make a like-for-like replacement of equipment that is already in my permit? **T.R.**

There is no general exemption for replacement of equipment.

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You should send the Air Permits Branch a letter or email with your AFIN and permit number, describing what you plan to install, what it is replacing, and where to find the existing equipment in your current permit. Like-for-like replacement is not easily defined, so it's difficult to make general statements about exactly what would qualify. Also, some state or federal regulations may be triggered by the date of construction, reconstruction, manufacture, or modification of a piece of equipment, even one of the same kind as what was previously installed at a given facility. Because of this, it's not possible for the department to give a general authorization for this kind of activity without reviewing it case by case.

E. New Permit: Reg. 18, Reg. 19, or Title V?

IV. PSD Issues

- A. Class I areas T.R.**
[Link to supporting document: *Class I Map*](#)
- B. Baseline dates**
 - a. designations in CFR(when?)**
- C. AQCR (include map)**

V. Interim Authority and Variances

- A. #10. Can I operate without a permit? T.R.**

If you are required to have a permit and are operating equipment without a permit, you may be subject to legal action. You should contact the Office of Air Quality's Compliance Monitoring Branch, and you must submit an application and all information required for permit evaluation.

There are variances and interim authority that may allow temporary operation before a permit is issued. You should submit any such request to the department in accordance with the requirements of Ark. Code Ann. § 8-4-230.

[include Code?](#)

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VI. The Permit Process

A. Timeframe for getting permits (See “E. #20.” below) E.D.

B. Public Notices/draft permits

1. #24. What are the public notices? T.R.

The Act 163 Public Notice

This public notice concerns notification to the public that a facility has submitted an air permit application to modify its permit. This notice is sent to the facility, with instructions on publication and payment. The notice is printed for one day, and the public is afforded the opportunity to submit comments on the submittal.

Draft Permit Public Notice

This notice informs the public that a draft permit has been prepared for the facility and is available for public review and comment. A copy of this notice is mailed to the facility and is sent directly to the state and local newspapers with a request to publish and instructions on payment. ADEQ sends a copy of this notice to the facility; ADEQ also sends copies of the notice to state and local newspapers with instructions for publication and sends a copy of this communication to the facility. The latest date of publication, either the state newspaper publication date or the local newspaper publication date, begins the 30-day comment period.

2. #25. How can the public participate in this process? T.R.

Local newspapers publish public notices of proposed permitting actions. The public will have at least thirty days to review the permit and make written comments about the draft permit decision. The public can review current applications and permits at ADEQ headquarters in North Little Rock and the public library nearest the facility.

Public Hearing process

What is a hearing

hearing vs meeting

how are comments received, what happens next

3. #26. Will I have a chance to comment on a permit before the permit becomes final? T.R.

All modifications, Title V renewals, and initial permits have a public comment period of at least thirty days. The permittee and the public have a chance to comment on the conditions contained in the permit. The Office of Air Quality will

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respond to any comments made about the permit when the Office of Air Quality issues the permit. All commenters and the permittee have 30 days after the final issuance of the permit to appeal the permit to the Arkansas Department of Pollution Control Commission. [Regulation 8](#) contains the procedures for public notice and appeal of permits.

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C. #18. Where do I send the application? T.R.

Send the application to:
Arkansas Department of Environmental Quality

Attention: Office of Air Quality

5301 Northshore Drive

North Little Rock, AR 72118-5317

D. #19. What happens when an air permit application is submitted? T.R.

The air permit application goes through two processes of review, the administrative review and the technical review.

The **administrative review** determines that the permit application contains all required attachments and signatures. An applicant will be notified of what information is necessary for submission before a final decision can be reached on the application. If information missing is small, such as the plot plan is reduced too small, then a request is made by telephone to submit a clearer document, and then the application is determined complete. However, if the application contains only a minimal amount of information, then a letter is mailed to the applicant describing the deficiencies.

When a new application, a renewal, or a major modification and has been determined complete, a public notice, with instructions for publication, is mailed to the applicant. This notice simply informs the public that the facility has submitted a permit application.

The **technical review** begins when an engineer is assigned to perform a detailed technical review of the permit application. If the application is lacking additional information to further review the application, the engineer will mail a letter to the applicant describing the deficiencies. When all information has been received and the engineer is satisfied, a draft permit decision is prepared.

Some draft permits require a public notice and comment period. After the comment period, if required, the department will address any issues and make a final permit decision.

E. #20. How long does it take to get an air permit? T.R.

The Office of Air Quality's goal is to issue all permits within 180 days. **Add a timeline for new facilities and significant modifications.**

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Minor Modification Approval Letters: The approval for minor modification is given within 15 days receipt of application.

De Minimis Approval Letters: The approval for a de minimis modification is given within 30 days of receipt of application.

Registrations: By regulation, “a facility may construct, operate, or modify a source subject to registration under this section immediately upon submittal of the registration.” The facility may choose to await the ADEQ concurrence letter (usually issued within 30 days) in case any issue should arise over the facility’s eligibility.

General Permits: Unless a 10-day public notice is required, general permit authorizations are issued within two weeks of receipt of a Notice of Intent.

o Typical length of registration processing for minor, Title V:

New Permit/new facilities--

Major Mods for existing--

F. #21. What can I do to expedite the permit application review process? T.R.

A common cause for delay in the permit application review process is incomplete or missing forms and additional information (not requested in the application forms) necessary for permit evaluation. The following briefly identifies things you can do to expedite the permit application review process:

- Use ePortal to help ensure administrative completeness (and to check status--ED to clarify this point with TR)
- Be clear with your requested change.
- Make sure all requested information is provided and all of the required application pages are submitted.
- Don't forget to sign and date the signature pages of the application and submit the originals.
- Include any information such as emission calculations, Safety Data Sheets (SDS), modeling reports, stack test data, etc.
- Give prompt feedback if your assigned engineer has requested additional information.
- Include a suggested draft permit with proposed conditions.

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- Periodically call your assigned engineer and inquire about the status of your application.
- No provisions to pay for expedited permits
- Completeness and What happens to Admin Incomplete Apps...clock keeps running, etc.
- Don't leave something blank because you don't understand
- Info that isn't publicly available, some still needed
- If your calculations require something that is not publicly available ADEQ still needs to be able to review it somehow

G. #22. Are any fees required for obtaining a permit? T.R.

Yes, the permitted emission rate determines the fee. The fee calculation is the tons per year emission rate times a ton per year fee factor. **Regulation 9** contains the fee schedule. The applicant must pay all fees before ADEQ will issue a permit.

General permits and registrations are a fixed fee of \$200.

Reference fee memo (?)

Fees are based on permit emissions not inventories

Do not over-permit, increases fee

Fee due at time of application

Annual fee same as initial permit fee

Invoice timing based on initial permit from ADEQ (any media)

Paying online

EFT payments

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VII. Permit Questions

A. #12. Can I operate a temporary source, conduct testing, or do other things not listed in my permit? T.R.

Permit conditions and regulations allow for some temporary emission, testing, or alternative monitoring if a request is submitted and approved in advance. A request must contain the information listed in the general conditions of the permit and/or the regulation section on permit flexibility.

B. #13. What's in an air permit? T.R.

Air permits contain requirements for all emitting sources at the facility.

Air quality permits are legally binding documents that include enforceable conditions with which the source owner/operator must comply. Some permit conditions are general to all types of emission units, and some permit conditions are specific to the source. Overall, the permit conditions establish limits on the types and amounts of air pollution allowed, operating requirements for pollution control devices or pollution prevention activities, and monitoring and record keeping requirements.

C. #14. When do I need to apply for an air permit? T.R.

You need to apply for an air permit before you begin construction of the facility that requires a permit or any addition, in the case of an existing facility.

Link to supporting document: NEEDS UPDATED [Permitting/Modeling Flow Chart-Post SB 796](#) D.T.

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D. #15. What documents do I submit to begin the process? T.R.

The documents required for new, renewals, and modifications of permits are listed in the checklist provided in the application forms and instructions, available on the [Permit Applications Forms & Instructions](#) page of our website. All permit changes require application forms.

E. #16. Can I submit confidential information in the permit? T.R.

Applicants can submit confidential information. The presumption is that all material submitted to the Office of Air Quality is available for public review unless specific procedures are followed to claim confidentiality. The requirements for confidential information are found in [APC&EC Regulation 19](#), Section 19.413 Confidentiality and in Arkansas Code Annotated § 8-4-308, [APC&EC Regulation 18](#), Chapter 14: Public Information and Confidentiality. Applications and other material claiming confidentiality will be returned to the applicant unprocessed if these requirements are not met.

Do not email confidential information.

Include link for presentation from AEF Air Seminar 2019 -- Tracy R. (ADEQ)

Must snail-mail confidential applications at this time -- Do not submit via email or ePortal

Confidential statements mean nothing if not in compliance with statute

NOTE: Incorrectly submitted applications might get deleted or be made public if not done right.

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F. #17. Are there instructions to assist in completing an air permit application? T.R.

Instructions are located with the air application forms, which are available on the [Permit Applications Forms & Instructions page](#) of our website.

G. #23. How are fees calculated? T.R.

Fees are calculated in accordance with Chapter 5 of [Regulation 9](#).

How to transfer a permit, Name changes

Partnerships, LLC etc. who needs to be registered, foreign vs domestic etc

H. #27. What is a Responsible Official? T.R.

A Responsible Official (RO) is a person of authority at the facility who certifies permit applications and other documents. Not everyone qualifies as an RO; an RO is defined in the regulations and on application forms.

- If you supplement an application that is already-in-progress with new or revised forms, you need an RO signature
- Would an RO signature for another media (i.e., Water or Land) work? No. It doesn't work as a blanket rule. NPDES (Water) and Air are not the same
- One name change/ownership change form as a Department? Have to go with what CAA/our Air regs require.

Clarifications:

- Clarification on who can be an RO?
- Is a plant manager automatically an RO?
- Need an RO or can it be informal?
- Delegations of RO? See definitions – not anyone can be delegated. Include delegation issues for an RO.
- Submission of specs?
- Flesh out what documents/forms need to be certified by an RO. Helps with timelines for regulated community

I. #28. What documents must an RO sign? T.R.

Most reports and any permit application forms must be submitted or certified by an RO. This includes additional forms submitted for a permit application already in progress...“nuances” Include more detail on certifying additional information after initial submittal of documents

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J. #29. How long will my permit last? Do I need to renew my permit? T.R.

Air permits for minor sources do not expire. Generally, the permit will remain valid if the equipment and operations do not change and the facility is current on any fees.

Title V permits are for a term of five years. The permittee must submit a complete renewal application at least six months before the Title V permit expiration date.

General air permits are for a term of five years. A facility must apply for a renewed permit before the old permit expires. Notices are sent to facilities when renewal is necessary. ADEQ may choose to renew the permit or not. If the permit is not renewed, the facility will need to obtain a standard minor or Title V permit to continue operations.

K. #30. How do I get air emission data (for modeling or other purposes)? T.R.

The Office of Air Quality collects emissions and stack parameter data from certain permitted stationary sources in the state in the form of an emission inventory report. Specific facility inventory data can be requested by contacting the SLEIS contacts listed on the [Office of Air Quality Policy & Planning Branch webpage](#).

The actual permits for facilities, available online, have permitted emission data but lack any stack information.

The Office of Air Quality does not maintain an inventory of increment consuming sources.

For emission/stack information beyond these two sources, you will need to consult the actual permit application files. Please contact the [Records Management Section](#) of ADEQ.

L. #31. Where can I find emission factors? T.R.

Emission factors may be found from a number of sources. The US Environmental Protection Agency maintains an extensive emission factor database, known as [AP-42 emission factors](#). *E.D. changed link to updated EPA webpage for this document.*

Other potential sources of emission factors are data from previous stack emission tests performed for a particular source, or information provided by an equipment

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manufacturer. Most emission control device vendors have access to emission factors for the products that they sell.

M. #32. Can I change a permit after the permit is effective? T.R.

The permittee can request changes to the permit through a permit modification. The type of modification depends on the type of modification and the amount of increase of the emission of the pollutants. See [Regulation 18](#), [Regulation 19](#), or [Regulation 26](#) for additional information about modifications.

N. #33. What happens if a source violates its permit? T.R. A source that violates one or more enforceable permit condition(s) is subject to an enforcement action including, but not limited to, penalties and corrective action. ADEQ or, in some cases, citizens may initiate an enforcement action.

O. What types of changes does ADEQ want to know about?

1. Relocation of emission units?
2. Changes in stack parameters?
3. Equipment shutdown/removal from service?
4. Emissions test for engineering purposes?
5. Addition of a Group B, Insignificant Activity?
6. Does adding an insignificant activity ever require a preconstruction permit or other authorization? **D.T.** No. Per 19.408(A) of Regulation 19 and 26.304 of Regulation 26, Insignificant Activities are exempt from permitting requirements. For Regulation 19 sources, Insignificant Activities are not required to be listed in a source's air permit. For Regulation 26 sources, 26.402(A) requires that each air permit application include a list of Insignificant Activities which are exempted from permitting requirements because of their size or production rate. This would include insignificant sources in insignificant categories A-1, A-2, A-3, A-6, A-7, A-8, A-9, A-10, A-11, and A-13, as listed in Appendix A to Regulation 19. If a Regulation 26 source adds an insignificant activity in one of these categories, then the addition of this Insignificant Activity should be included in the next renewal or significant modification application submitted for that source.

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- P. What changes do NOT necessitate notifying ADEQ (that we often receive notification of)?**
- Q. When is less-than-a-permit proper, and what would be the proper documentation for these instances?**

[emissions less than permit thresholds - submittals](#)

- R. How should permittee request an alternative stack testing or monitoring method?**

[on test protocol form](#)

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S. For a change at a source decreasing emissions, is any permit needed? D.T.

For a change at a Regulation 19 source or a change involving only existing emission units at a Regulation 26 source, no permit is needed to accommodate a decrease in emissions. See the definition of Modification in Chapter 2 of Regulation 19. **[DT Note:** I suggest that this definition should be incorporated into Regulation 26, or its equivalent, through the EASE regulatory workstream] If the change involves a new emission unit(s) at a Regulation 26 source, then a permit is necessary, even if emissions are decreasing. See 26. 301(C) of Regulation 26, which requires a modified Part 70 permit be obtained prior to construction of a new emissions unit.

T. Is a minor source ever required to reopen a permit for a new applicable requirement? [DT Note: No such requirement appears to exist in Regulation 19]

U. What mechanism should a regulated entity use to obtain ADEQ concurrence that no permit is required?

V. When is a permit re-opener required for a new applicable requirement for a Title V source? D.T. For a Regulation 26 (Title V) Source, a permit re-opener is required under the following circumstances. No re-opener is required until the source is provided by ADEQ with notice of intent to re-open the permit at least 30 days in advance of the date that the permit is to be re-opened, except in emergency situations. See 26.1011

1. Additional applicable requirements become applicable to a source with a remaining permit term of three or more years.
2. Additional requirements become applicable to an acid rain source under the acid rain program.
3. The Department or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing permit limitations or conditions.
4. The Administrator or Department determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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- W. Is any permit required for a change in stack parameters? If so, why?**
- X. What qualifies as a De Minimis?**
- Y. What qualifies as a Minor Modification? S.L.**
- 1. Title I modification vs Part 70 modification** - “not the same thing but worthwhile to address” Link to supporting document: [Title I v Part 70 Modification](#)
- Z. What qualifies as an Administrative Amendment? D.T.** The following are the most common situations which qualify as an administrative amendment.
1. Correction of typographical errors
 2. identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change.
 3. Requires more frequent monitoring or reporting.
 4. Allows for a change in ownership or operational control of a source.
 5. Incorporates a change to the permit solely involving the retirement of equipment or an emissions unit.
 6. Incorporates a change to the insignificant activities list.
- See 19.407(A) of Regulation 19 and 26.901 of Regulation 26.
- AA. What type(s) of activities can I conduct prior to permit issuance? S.L.** Link to supporting document: [2007 ADEQ Letter: Allowable Pre-Permit Activities](#)

VIII. Compliance Section? PP

Operating under a permit

what to expect in an inspection

Complying with specific conditions

12 month rolling totals

what do the GCs mean - which ones need some compliance

PLEASE REMEMBER TO ADD YOUR INITIALS TO ADDITIONS--Thank you!

Recordkeeping

VIV. Resources

- A. #1. Where can I access information concerning air permit applications and/or permits?
Access to a [list of air permit applications](#), [permitted facilities](#), and some permits may be obtained by following the links on our website under the Databases section for [Air Permit Applications Processing Data](#) and [ADEQ Facility and Permit Summary \(PDS\)](#).
- B. #2. Where can I obtain a copy of the Office of Air Quality's permits?
Electronic copies of most of Air Quality's permits may be downloaded from the ADEQ website. All the permit files are in Adobe Acrobat format and can be accessed on the [ADEQ Facility and Permit Summary \(PDS\)](#) search page. Use the search criteria and select the entry for the "Active" air permit to obtain the current permit for the facility.
- C. #3. Is there a list of draft air permits?
Yes. A list of draft air permits is updated daily and can be found on the ADEQ website on the [Draft Air Permits Listing](#) page.

Calculation example?

PLEASE REMEMBER TO ADD YOUR INITIALS TO ADDITIONS--Thank you!

- D. #4. Where can I obtain a copy of ADEQ's air regulations?

Electronic copies of all ADEQ air regulations (18, 19, and 26) are available for downloading on the ADEQ website [Regulations Page](#). They are available in PDF File format.

X. Appendices

- A. Permit Application instructions

1. ePortal
2. Paper instructions

- B. Permit Guidance Manual

- C. Modeling Instructions

- D. NCAPCS

E. Incorporation by Reference Appendix: using footnotes within Reg, and Appendix to show actual language of the Regulation "as of" a date certain (if not tied to an FR). Include note of deliberate IBR dates, why we chose to avoid the most recent. Include a copy of the language as it is, as of the IBR "as of" date, and a copy of CFR as it exists as of date of IBR.

- F. Flow-chart for permitting scenarios

- G. Open burning not addressed here

1. Air curtain is not open burning. It is permitted.