

# Clean Air Act Title V Petitions to Object: U.S. Environmental Protection Agency Finalizes Rule Revisions



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The United States Environmental Protection Agency ("EPA") in a February 5th Federal Register Notice issued a final rule that states it:

. . . revises its regulations to streamline and clarify processes related to submission and review of Title V petitions.

The 1990 amendments to the Clean Air Act provide a process by which the EPA Administrator can object to a Title V permit issued by a delegated state.

Title V requires certain stationary sources of air pollution to obtain Operating Permits. The Clean Air Act requires that states administer Title V through adopted implementation plans. These plans are submitted to and approved by EPA. The intent of a Title V permit is to organize in a single document all the air requirements which apply to the permit holder. Components of a Title V permit include:

- Listing of permitted activities
- Description of emission units and pollution control devices
- Listing of applicable emission limits and standards
- Description of methods of monitoring
- Description of recordkeeping
- Identifications of methods to be used for reporting and certifying compliance

42 U.S.C. § 7661 requires that states submit each proposed Title V permit to EPA for review. Section 505(v)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V permit in writing within 45 days of the receipt of the proposed permit (and all necessary supporting information) if the federal agency determines that it is not in compliance with the applicable requirements under the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

The final rule implements changes in three areas:

- Method of Petition Submittal to the Agency (Establishment of an electronic submittal system as preferred method of submittal)
- Required Content and Format of Petitions (Incorporating certain content and format requirements into the regulations, and codifying practices that EPA has described in prior orders responding to petitions)

- Administrative Record Requirements for Permits (Requiring permitting authorities to prepare a written response to comments [RTC] documenting significant comments received during the public participation process on a draft permit)

A copy of the Federal Register Notice can be downloaded [here](#).