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Title V Petition to Object Rule Revisions/Permit Application Impacts: Ben Holden (GBMc & Associates), Arkansas Environmental Federation Webinar Presentation

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Ben Holden, P.E., undertook a webinar presentation for the Arkansas Environmental Federation titled:

Title V Petition to Object Rule Revisions – Permit Application Impacts (“Presentation”)

Ben is the Air Services Manager for GBMc & Associates.

The other presenters included Stuart Spencer of Williams Mitchell Law Firm and William K. Montgomery, Associate Director of Air, Arkansas Department of Energy and Environment – Division of Environmental Quality.

The United States Environmental Protection Agency (“EPA”) issued a final rule earlier in the year that revised 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 Title V 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 permitting activities
- Description of emission units and pollution control devices
- Listing of applicable emission limits and standards
- Description of methods of monitoring
- Description of recordkeeping
- Identification of methods to be used for reporting and certifying compliance

States are required by Title V to submit each proposed operating 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 of 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.

Ben's *Presentation* described in regards to EPA's Title V rule revisions:

- Why It Really Matters?
- What Are the Impacts in Arkansas?
- What Can You do?

In terms of importance, the *Presentation* noted the issues associated with timing. Addressed were components such as:

- Preparing the Application
- Administrative Review
- Application Review
- Public Comment Period
- Final Permit

In discussing the impacts on Arkansas, he noted that this is a "one permit state," referencing:

- Regulation 18 – State Only
- Regulation 19 – State Implementation Plan/Prevention of Significant Deterioration
- Regulation 26 – Title V

The air permitting options in Arkansas are referenced, which include:

- Same Day
- Administrative Amendment
- 7 Days
- Changes resulting in no emission increases
- 10 Days
- Interim Construction Authority
- 15 Days
- Minor Modification
- 30 Days
- Temporary Authorization
- 3-12 Months
- Significant Modification
- PSD Construction

A chart was provided that illustrated that petitions to object in Arkansas to Title V permits were fairly rare.

As to "What Can You Do?", referenced were:

- Preparation of a strong application
- Addressing a predraft permit
- Addressing response to comments

Preparing a strong application was stated to include:

- Address any potential issues or concerns, don't wait for public comments
- Provide information for a strong permit docket
- Communicate project timeline early and often with Arkansas Department of Energy and Environment – Division of Environmental Quality

Predraft permit suggestions were stated to include:

- Request strong monitoring and related recordkeeping and reporting requirements

- Review the Statement of Basis closely
- Ensure that Title V provisions are accurately cited

In addressing Response to Comments, suggestions include:

- Nongovernmental organizations sometimes bring up valid concerns
- Provide supporting information to assist the agency's response to comments
- Keep on top of public notices

A copy of the slides from the Presentation can be downloaded [here](#).