

# Permit Procedures Update: Title V Permit Renewal Application Considerations

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November 19, 2020

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# **GOAL: Continuity of Permit Coverage**

- \*Timing of application submission**
- \*Sufficiency of information submitted**
- \*Communication with permit writer**
- \*Build in additional time for consideration of confidential materials**

# Timely and Complete

Pollution Control and Ecology Commission # 014.00-026

## ARKANSAS POLLUTION CONTROL and ECOLOGY COMMISSION

### REGULATION NO. 26 REGULATIONS OF THE ARKANSAS OPERATING AIR PERMIT PROGRAM



**FILED**

MAR 04 2016

Arkansas  
Secretary of State

Approved by Arkansas Pollution Control and Ecology Commission  
February 26, 2016

## CHAPTER 4: APPLICATIONS FOR PERMITS

### Reg. 26.401 Duty to apply

For each source subject to 40 C.F.R. Part 70, as promulgated June 3, 2010 (75 FR 31607), the owner or operator shall submit a timely and complete permit application (on forms supplied by the Department) in accordance with this section.

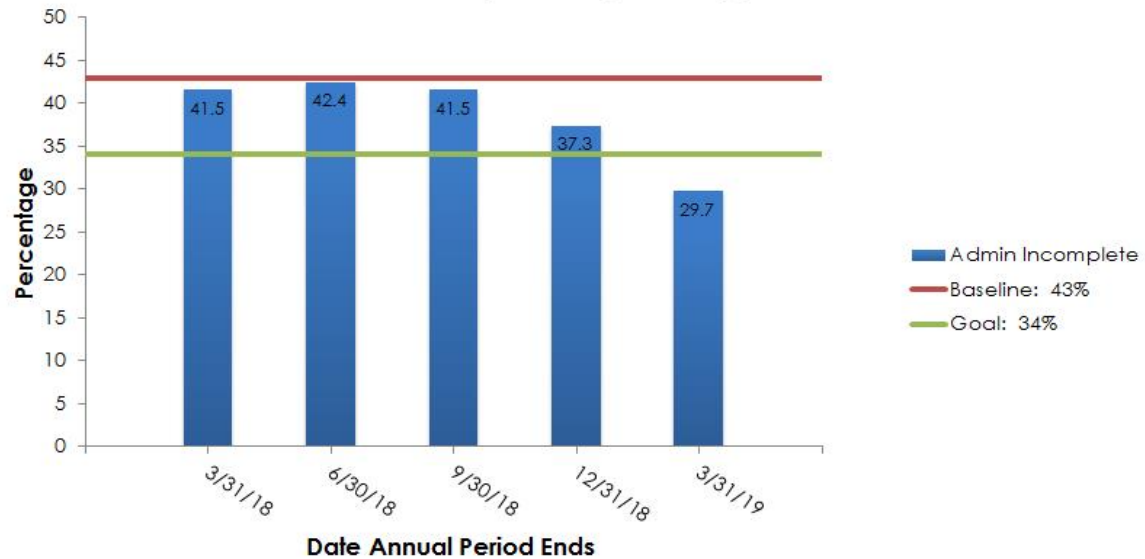
## Renewal Permit Application Shield: Must be Submitted 6 Months Prior to Expiration

### **Reg. 26.406 Permit renewal applications**

For purposes of permit renewal, a timely application is one that is received by the Department at least six (6) months prior to the date of permit expiration or such other longer time as may be approved by the Administrator that ensures that the term of the permit will not expire before the permit is renewed. In no event shall this time be greater than eighteen (18) months. Renewal permits are subject to the same procedural requirements that apply to initial permit issuance. Permit expiration terminates a part 70 source's right to operate unless a timely and complete renewal application has been received by the Department, in which case the existing permit shall remain in effect until the Department takes final action on the renewal application. If the Department fails to act in a timely way on a permit renewal, EPA may invoke its authority under section 505(e) of the Act to terminate or revoke and reissue the permit.

Please continue to help us meet our administrative completeness goal. [Click here to watch a video regarding administrative completeness.](#)

### Administratively Incomplete Applications



Begin Form Entry



Download Mail-in Form

# Permit Shield vs. Permit Application Shield



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# Permit Shield

## **Reg. 26.704 Permit shield**

- (A) Except as provided in this regulation, the Department shall, if requested by the applicant, expressly include in a part 70 permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

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- (1) Such applicable requirements are included and are specifically identified in the permit; or
- (2) The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

# Permit Application Shield

Permit expiration terminates a part 70 source's right to operate unless a timely and complete renewal application has been received by the Department, in which case the existing permit shall remain in effect until the Department takes final action on the renewal application. If the



# Completeness Determination

## **Reg. 26.407 Complete application**

To be deemed complete, an application must provide all information required by Reg. 26.402, except that applications for permit revision need supply only that information related to the proposed change. Unless the Department determines that an application is not complete within sixty (60) days of receipt of the application, such application shall be deemed to be complete. If, while processing an application that has been determined or deemed to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response.

## Additional Obligations of the Applicant

### **Reg. 26.409 Applicant's duty to supplement or correct application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

## Confidentiality Considerations

### **Reg. 26.408 Confidential information**

In the case where a source has submitted information to the State under a claim of confidentiality, the Department may also require the source to submit a copy of such information directly to the Administrator.



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FAQs

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Air Permits

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Related Links & Documents

- DEQ Facility and Permit Data
Air Quality Control Regions in Arkansas
Minor Source Baseline Dates
Background Values for Criteria Pollutants
Air Permit Fee Factor

Email List Information

Sign up for free, automatic delivery of news releases, regulatory notices, program updates, and other postings to our website

ePortal

The DEQ ePortal system is an online service that allows the public to submit electronic permit applications, registrations, reports, and other forms to DEQ in a secure, online environment.

Air Permits

The Permits Branch issues new permits and permit modifications to existing facilities after reviewing and evaluating permit applications for administrative and technical completeness and ensuring that each application meets regulatory adequacy.

+ General Air Permits
Standardized permits for specific types of facilities

- Requirements for Confidential Information

Applicants can submit confidential information. The presumption is that all material submitted to the Air Office is available for public review unless specific procedures are followed to claim confidentiality.



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Questions or Comments?

### **Rule 19.413 Confidentiality**

Information which constitutes a trade secret shall be held confidential and segregated from the public files of the Division if requested in writing by the permit applicant in accordance with this subsection.

- (A) For purposes of this subsection, “Trade Secret” means any information, including formula, pattern, compilation, program, device, method, technique, process, or rate of production that:
- (1) Derives independent economic value (actual or potential) from not being generally known to, and not being readily ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use, and
  - (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

# **DEQ**

**Arkansas Division of Environmental Quality**

## **Air Application Instructions**

**for**

**Registrations,**

**Minor Source Permits,**

**or Title V Permits**

**Last Revised February 4, 2020**

# DEQ Discretion

## **Reg. 26.402 Standard application form and required information**

The Department shall provide a standard application form or forms and shall provide them to part 70 sources upon request. Information as described below for each emissions unit at a part 70 source shall be required by the application form and included by the applicant in the application.

- (A) Insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application.
- (B) An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required by the Arkansas Pollution Control and Ecology Commission's Regulation Number 9, Fee Regulation (Regulation No. 9). The Department may use discretion in developing application forms that best meet program needs and administrative efficiency. The forms and attachments chosen, however, shall include the elements specified below:

## *What Type Of Permit Application Do I Need To Submit?*

Except for General Permits, all permit application forms are contained in the same single package. There are no separate application forms for initial permits or modifications to an existing permit. Complete only the sections necessary as indicated in the forms, instructions and checklists based on permit and application type.

**Initial applications** must contain information on all emission sources at the facility.

**Registration Applications** always contain facility wide information. An approved Registration is valid unless operations change at the facility so that the initial application is no longer representative of operations. In that case, submit a complete new registration to the Division of Environmental Quality.

**Modifications** are to add or change emission sources listed in the permit. Generally, only information regarding the change is needed.

**Minor Modifications and De Minimis** applications are small modifications to a permit that allow for expedited review and approval by the Division of Environmental Quality. Refer to the definitions in Regulation 26 and 19 for details on qualifying changes and the attached checklist used by the Division of Environmental Quality.

**Administrative Amendments** are limited to typographical errors, insignificant sources and other such changes. Refer to the definitions of Administrative Amendment in Regulation 19 and 26.

**Renewals** are required for major source/Title V permits only. These permits are valid for 5 years, after which the facility must apply for renewal. Application for renewal must be received at least 6 months, but no more than 18 months before the date of permit expiration. Permit expiration terminates a source's right to operate unless a timely and complete renewal application has been submitted, in which case the existing permit shall remain in effect until the Division of Environmental Quality takes final action on the renewal application. Renewal permits are subject to the same application and procedural requirements that apply to initial permit issuance, that is, all information on all sources needs to be included.

**General Permits** are standardized permits for specific categories of facilities. General permits are an option to a traditional permit application. A facility can apply for coverage under a general permit by submitting the appropriate Notice of Intent (NOI). The general permit is a pre-written permit containing terms and conditions and does not change based on the facility. Refer to the DEQ, Air Permits Branch website for a current listing of general permits and application forms (NOIs).



pollutants (HAPs). Section 112(g) requires MACT-level control of air toxics when a new major source of HAP is constructed or reconstructed.

The application requirements for a case-by-case MACT determination are outlined in 40 C.F.R. § 63.43(e). If a source is subject to 112(g) review, the following information will be required:

- A brief description of the major source to be constructed or reconstructed and identification of any listed source category or categories in which it is included.
- Any federally enforceable emission limitations applicable to the constructed or reconstructed major source.
- DEQ may ask for the maximum and expected utilization of capacity of the constructed or reconstructed major source, and the associated uncontrolled emission rates for that source, to the extent DEQ needs this information to determine MACT.
- DEQ may ask for the controlled emissions for the constructed or reconstructed major source in tons/yr at expected and maximum utilization of capacity, to the extent DEQ needs this information to determine MACT.
- A recommended emission limitation for the constructed or reconstructed major source consistent with the principles set forth in 40 C.F.R. § 63.43(d).

**Confidential information:** All construction, emission, and operating information contained in the permit application and any changes, modifications, or alterations in the permit application submitted to the Division of Environmental Quality in writing will become part of the Division of Environmental Quality's permanent files and will be available for public inspection unless clearly marked confidential. The applicant must submit the confidential applications separately from publicly available information, and accompanied by a notarized affidavit of confidentiality. In addition, submit a complete public (non-confidential) application to DEQ. At this time, confidential information should not be submitted through ePortal.

**Permit Fees:** Minor Source and Title V permit fees are based on the permitted volume of air pollutants emitted from the facility. The applicant must pay the initial permit issuance fees and permit modification fees before the final permit issuance. The applicant must pay the annual permit fees to keep the permit active. The Division of Environmental Quality will calculate the permit fees (in accordance with Chapter 5 of Regulation #9) and send an invoice to the facility. A copy of Chapter 5 of Regulation #9 can be found on our website.

**Electronic Application Submittal:** ePortal should be used to electronically submit applications.

**Permit Processing:** DEQ will not consider an application complete until the applicant submits all information required to consider the application. An application consists of completed permit application forms along with the enclosures and attachments referred to in these instructions and any additional information required for Prevention of Significant Deterioration (PSD) applications or MACT determinations. Upon declaring the permit application administratively complete, other than minor modifications, de minimis or administrative amendments, the Division of Environmental Quality will provide a public notice to the permittee to publish in the local paper. A 10-day comment period for the receipt of application will begin on the date of publication of the notice. DEQ cannot issue a draft permit before the close of the 10-day period, pursuant to Act 163 of 1993.

The project engineer will review each application for technical completeness of information submitted. During the review, DEQ may contact the applicant for clarification or additional information. When the applicant submits all pertinent information, the project engineer will draft a permit and forward the draft permit to the Office of Air Quality staff for in-house review.





## Office of Air Quality

### Air Permits

[Databases](#)

[Draft Notices](#)

[Forms and Instructions](#)

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## Related Links & Documents

### [OAQ On-Track Assistance Program](#)

Find out about the On-Track Assistance Program where OAQ Inspectors and engineers can meet with facilities to discuss newly issued or pending permits.

## Permit Application Forms & Instructions

### General Information

Application forms and instruction for air permits can be found below.

All Registration, Minor and Major (Title V) application forms are consolidated into one package. Follow the directions in the forms and instructions for specific elements that need to be completed.

General Permits need only complete the Notice of Intent (NOI) form and a disclosure form, if necessary. You are advised to read the actual General Permit first to determine applicability and if your facility can comply with all the conditions of the permit.

Air Application for Name Changes and Transfer of Ownership of permits or registrations should complete the form of the same name.

Motor Vehicle Racing Facility initial permit applicants must contact DEQ for instructions and guidance. For current permit holders annual renewal applications are available below.

Delays in permitting may occur if incomplete applications are received. [Click here to watch a video regarding administrative completeness.](#) If you have questions or need clarification prior to submitting your permit application, you can request a pre-application meeting with DEQ's Air Permitting team.

Contact DEQ's Enterprise Services group to arrange the meeting at [Enterprise Services](#) or call (501) 682-0015.

[+ Do Your Permitting Online](#)

### Air Permits Contacts

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[Questions or Comments?](#)

# Questions?

For any follow-up questions or clarifications,  
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