

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

These questions and answers address the application of Best Available Technology (BAT) requirements to new source PTIs in light of the requirements of amended Senate Bill (SB) 265 specified in ORC 3704.03(T)(4). SB265 specifies that BAT does not apply to an air contaminant source that has the potential to emit (taking into account air pollution controls installed on the source) of less than ten tons per year of an air contaminant or precursor of an air contaminant for which a NAAQS has been adopted under the federal Clean Air Act.

- 1. When does this requirement go into effect and what sources does it apply to?**

The law becomes effective August 3, 2006. Therefore this requirement applies to new emissions units installed after that date and to OAC Chapter 31 modifications that occur after that date. Note that there are multiple other portions of SB 265 that become effective at later dates. Please see the "Senate Bill 265 Effective Dates chart for more details.

- 2. If I have already submitted my permit recommendation to DAPC, should I call to stop it from being issued?**

No. For a "Review PTI", the central office DO/LAA permit contacts will review them and make any necessary corrections. If the permit recommendation is a "No Review PTI", then the permit will get issued with the old BAT limits listed. If the company has a problem with the subsequent permit, then we can issue a modified permit later.

- 3. Can a company modify their permit for a previously permitted source?**

No, this change only applies to new sources installed after August 3, 2006 and to OAC Chapter 31 modifications that occur after that date.

- 4. Should I make these changes to any permit recommendations I submit?**

Yes, beginning August 3, 2006, please make any necessary changes to the less than 10 ton/yr no BAT sources before you submit your recommendation.

- 5. If the permit already went draft, should I make the changes before I process the final?**

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

Yes.

6. **How do you decide what kind of PTI emission limits are needed for an air contaminant source that might qualify for the 10 ton/yr BAT exemption threshold?**

Refer to the "BAT Decision Flowchart". If you are still not sure what PTI emission limits are needed you should discuss what limits are needed with your central office DO/LAA permit contact.

7. **What pollutants does the 10 ton/yr BAT exemption threshold apply to?**

The NAAQS pollutants PE/PM10/PM2.5, SO2, NOx, VOC, CO and Pb. BAT should still be applied to any air toxic using Ohio's current Air Toxics Policy.

8. **How do you determine if an air contaminant source has the potential to emit (taking into account air pollution controls installed on the source) of less than ten tons per year of a NAAQS pollutant?**

Potential to emit should be determined at 8760 hrs/yr or 365 days/yr for each NAAQS pollutant emitted by the air contaminant source. Next, the controlled potential to emit (for those sources installing control equipment) is determined by multiplying the potential to emit for each NAAQS pollutant controlled by the control device by the control efficiency for that pollutant. When a federally enforceable rule limit applies (e.g., from the SIP, MACT or NSPS) then the rule limit can be applied to calculate an annual emission rate to determine if the emissions are less than 10 tons/yr.

9. **Can an air contaminant source restrict it's potential to emit to avoid BAT or State modeling?**

Yes - the source can accept voluntary synthetic minor type restrictions (either by use of operating restrictions or optional add-on controls) per OAC rule 3745-31-02(A) to restrict the emissions to below the 10 ton/yr BAT threshold or applicable State modeling threshold.

10. **What about emissions units subject to BACT/LAER?**

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

BACT/LAER determinations should be made using current procedures. BAT would be equivalent to BACT/LAER for those criteria pollutants for which BACT/LAER limitations are established.

11. **Assume a PTI application is submitted for an air contaminant source that has the potential to emit (controlled or uncontrolled) for a NAAQS pollutant of greater than 10 tons/yr; therefore BAT would be established for that NAAQS pollutant. Does BAT still apply to that air contaminant source if the BAT determination in the PTI results in an emission limit under 10 tons/yr?**

Yes, BAT would apply unless the permittee accepts voluntary synthetic minor type restrictions as described above.

12. **Do you include both stack and fugitive emissions when determining whether the 10 ton/yr BAT exemption threshold applies?**

Yes - the stack and fugitive emission rates (per NAAQS pollutant) should be added together to determine whether the 10 ton/yr BAT exemption threshold applies for that pollutant. If BAT applies then separate stack and fugitive emission limitations can be established through BAT in the PTI.

13. **How will a company avoid OAC rule 3745-21-07(G)(2) requirements through OAC rule 3745-21-07(G)(9)(g) after August 3, 2006 since (G)(9)(g) determinations must be made through a BAT determination and BAT doesn't apply to a source with a potential to emit (taking into account air pollution controls installed on the source) of less than ten tons per year (e.g., 7.3 TPY will be the G2 sources PTE)?**

BAT applies if the post 21-07(G)(9)(g) determination results in emissions of 10 tons or more (i.e., if the BAT determination results in ten tons or more of OC then they can receive a (G)(9)(g) exemption). If the determination is less than ten tons then BAT does not apply and the company cannot receive a (G)(9)(g) exemption and the limits under OAC rule 3745-21-07(G)(2) would apply. This scenario only applies to new or OAC Chapter 31 modifications as described above.

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

14. **Our office has a BAT permitting issue not covered by these Q&A's. What is the next step?**

You should first discuss the issue with your central office DO/LAA permit contact. It would be helpful to other DO/LAA staff if you draft the issue as a Q&A and send it to your central office DO/LAA permit contact to be included in future updates of this guidance.

15. **Is there any sample permit language to address this requirement after August 3, 2006?**

Yes. DAPC has drafted several example permits under different permitting scenarios and has sent these to DO/LAA staff. Below is some suggested permit language:

1. Voluntary limits per OAC rule 3745-31-02(A) to restrict emissions to below the 10 ton/yr BAT threshold
Specify OAC rule 3745-31-02(A) as the applicable requirement and include the following as an Additional Term and Condition in the permit:

"Permit to Install XX-XXXXX for this air contaminant source takes into account the following voluntary restrictions (including the use of any applicable air pollution control equipment) as proposed by the permittee for the purpose of avoiding Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3):

- a. [list control equipment for pollutant XYZ];
- b. list other synthetic minor limits..."

2. Clarifying statement for sources with uncontrolled potential to emit criteria pollutant(s) below the 10 ton/yr BAT threshold
Cite ORC 3704.03(T)(4) as the applicable requirement and include the following as an Additional Term and Condition in the permit:

"The Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) do not apply to the [list applicable criteria pollutant(s)] from this air contaminant source since the uncontrolled potential to emit for [list applicable criteria pollutant(s)] is less than ten tons per year."

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

3. Clarifying statement for sources with a calculated annual emission rate below the 10 ton/yr BAT threshold due to a federally enforceable rule limit (e.g., SIP, MACT NSPS, etc.)
Cite ORC 3704.03(T)(4) as the applicable requirement and include the following as an Additional Term and Condition in the permit:

"The Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) do not apply to the [list applicable criteria pollutant(s)] from this air contaminant source since the calculated annual emission rate for [list applicable criteria pollutant(s)] is less than ten tons per year taking into account the federally enforceable rule limit of [list rule limit] under [list SIP, MACT, NSPS, etc. rule limit]."

16. **We are writing a PTI for a secondary aluminum processing facility with two Group 2 reverberatory furnaces. Previous stack tests for PE, NOx and CO conducted on similar furnaces gave emission factors that show calculated total emissions of each pollutant at less than 10 tons per year, therefore BAT would not apply. The PTI will require the company to do stack testing to get the most accurate emission factors. How should permit terms and conditions be crafted to account for stack test results that could affect BAT applicability?**

The clarifying statement for sources with uncontrolled potential to emit criteria pollutant(s) below the 10 tons/yr BAT threshold provided in the previous guidance should be used.

Clarifying statement for sources with uncontrolled potential to emit criteria pollutant(s) below the 10 ton/yr BAT threshold
Cite ORC 3704.03(T)(4) as the applicable requirement and include the following as an Additional Term and Condition in the permit:

"The Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) do not apply to the [list applicable criteria pollutant(s)] from this air contaminant source since the uncontrolled potential to emit for [list applicable criteria pollutant(s)] is less than ten tons per year."

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

The permit should also include the following Testing Term to provide for the possibility that the emission testing required in the PTI would result in emission factor(s) that result in the calculated total emissions of one or more pollutant(s) at greater than 10 tons per year:

Testing Term

"The results of the [list applicable criteria pollutant(s)] emission testing required in this permit to install shall be used to determine the potential to emit (PTE) on an annual basis (i.e., 8760 hrs/yr or 365 days/yr) for this air contaminant source. If the calculated PTE is less than 10 tons/yr the Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) will not apply to the [list applicable criteria pollutant(s)] from this air contaminant source. If the calculated PTE is greater than 10 tons/yr the BAT requirements under OAC rule 3745-31-05(A)(3) will apply to the [list applicable criteria pollutant(s)] from this air contaminant source and the permittee shall either submit a written request to the director (the appropriate Ohio EPA District Office or local air agency) to revoke and reissue this permit to install to include applicable BAT requirements or submit a revised permit to install application to propose voluntary limits per OAC rule 3745-31-02(A) to restrict [list applicable criteria pollutant(s)] emissions to below the 10 tons/yr BAT threshold."

17. **Does BAT apply if an air contaminant source only emits HCl or ammonia and the PTE (taking into account air pollution controls) for these pollutants is less than 10 tons/yr? Since HCl and ammonia are not NAAQS pollutants it does not appear that the 10 tons/yr BAT exemption threshold would apply. Do we set limits for these pollutants?**

Yes, BAT would be applicable for air toxics. The language of ORC 3704.03(T)(4) says that BAT requirements shall not apply to an air contaminant source that has the potential to emit (taking into account air pollution controls installed on the source) of less than ten tons per year of an air contaminant or precursor of an air contaminant for which a NAAQS has been adopted under the federal Clean Air Act. This addresses NAAQS, and does not apply for air toxics, therefore current program guidance and review procedures (e.g., Engineering Guides 69 and 70) are to be used. We should continue handling toxics per our current program, and only set allowables for a given air toxic compound when we believe necessary (past experience is that individual toxics limits are usually not needed, especially when VOCs are limited in the PTI). In response to the

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

specific question - yes, BAT allowables can be established for HCl or ammonia. Determining the need to set toxics allowables has been a case-by-case decision based on emission levels, modeled impacts, toxicity of the given compound and other factors. For the time being, this has not changed.

Changes to our air toxics program are coming soon, also due to SB265. Under ORC 3704.03(F), within 2 years Ohio EPA is to adopt a rule specifying that a PTI is required only for new or modified sources that emit the following: air contaminants (and pre-cursors) for which there is a NAAQS; air contaminants for which the source is regulated under the CAA; and air contaminants of "toxic" nature that are identified in the new rule. The ORC has taken the current "Option A" review guide and will require its use by law, as well as added some other requirements, for instance, record keeping and the establishment of a lbs/day limit when a toxic models at 80% of the MAGLC. When the rule becomes effective, this new procedure will replace BAT applicability for air toxics (and necessitate modifying Engineering Guides 69 and 70). We are moving forward to propose this new rule, and hope to finalize it by the end of the year.

18. **If a source accepts voluntary limits below 10 TPY to avoid BAT can the PTI be issued "direct final" if nothing else causes it to be issued draft? If a source accepts limits to avoid Title V or NSR does the permit need to be issued "draft" to make the synthetic minor limits federally enforceable?**

Yes to both questions.

19. **What VOC content should be used to calculate PTE for coating operations when proving BAT does not apply?**

The facilities worse case coating it has used in the last two years should be used unless the owner or operator can demonstrate why the coating cannot be used anymore or records show the intent to use a higher VOC content coating. If a source begins utilizing coatings with a higher VOC content then this change may be considered a Chapter 31 Modification per OAC rule 3745-31-01(PPP).

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

20. **Can applicable sources utilize the exemptions in OAC rule 3745-21-09(U) to limit potential to emit when evaluating whether BAT applies?**

Yes. As described in Q&A 15.C of the August 3, 2006 guidance you would cite ORC 3704.03(T)(4) as the applicable requirement and include the clarifying statement for sources with a calculated annual emission rate below the 10 tons/yr BAT threshold due to a federally enforceable rule limit (i.e., the OAC rule 3745-21-09(U) exemptions) as an Additional Term and Condition in the permit.

Clarifying statement for sources with a calculated annual emission rate below the 10 ton/yr BAT threshold due to a federally enforceable rule limit (e.g., SIP, MACT NSPS, etc.)

Cite ORC 3704.03(T)(4) as the applicable requirement and include the following as an Additional Term and Condition in the permit:

"The Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) do not apply to the [list applicable criteria pollutant(s)] from this air contaminant source since the calculated annual emission rate for [list applicable criteria pollutant(s)] is less than ten tons per year taking into account the federally enforceable rule limit of [list rule limit] under [list SIP, MACT, NSPS, etc. rule limit]."

If the source changes to coatings that are no longer exempt then the facility would need to evaluate whether the change triggers BAT to apply.

21. **How should cleanup operation emissions be included in the PTE for a source when evaluating whether BAT applies?**

If the cleanup does not occur within the coating operations coating operations spray booth or spray area then cleanup would be considered a separate emissions unit from the coating operation. However for those cleanup operations that occur in a coating operations spray booth or spray area, the PTE for cleanup should be based upon the highest historical solvent usage rate or highest predicted solvent usage.

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

- 22. Can we issue a General Permit (GP) if a company requests it even though it cites BAT for pollutants with a PTE of less than 10 tons/yr?**

At this time, there is no affect on model general permits. Prior to SB265, DAPC created numerous "model general permits (MGPs)," and after public comment, they were made "available" for application. When a facility applies for a "MGP" we then "issue" them the "general permit (GP)" for their specific source.

Although certain sources qualify for the 10 tons/year BAT exemption threshold, ORC 3704.03(F), exempts MGPs developed prior to January 1, 2006 from the new BAT provisions. At this time, all of DAPC's MGPs were developed prior to January 1, 2006. If an owner or operator would like to apply for an MGP, they would have to continue to agree with the terms and conditions in the MGP. If they do not want the terms and conditions of the MGP, such as BAT, because they are less than 10 tons/year, they can apply for an individual permit. Any future MGPs DAPC would develop would have to meet the new BAT provisions affected by SB265. This would also include any revisions to BAT terms and conditions in those MGPs developed prior to January 1, 2006. For example, in the future DAPC may find the BAT requirements for an existing (pre-January 1, 2006) MGP are no longer adequate. If we created a new BAT requirement in that MGP we would have to include an exemption for qualifying sources below 10 tons/year.

- 23. In the proposed PTIO rules sent out in January 2006, Ohio EPA proposed removing OAC rule 3745-31-02(A)(2). If the PTIO rules are implemented, what rule would you cite to allow companies to accept synthetic minor limits?**

The PTIO rules drafted for review in January 2006 did not remove OAC rule 3745-31-02(A)(2). That specific provision was relocated to OAC rule 3745-31-05(E). However, the PTIO rules are still under development.

- 24. As described in Q&A #8 of the August 3, 2006 guidance, the PTE (and therefore applicability of BAT) should be determined for each NAAQS pollutant emitted by the air contaminant source. For OAC Chapter 31 Modifications - if there is an increase in allowable emissions for one pollutant but not for any other pollutants listed in the existing PTI, does**

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

the OAC Chapter 31 Modification (and applicability of BAT) apply to all the pollutants or just for the pollutant experiencing the increase in allowable emissions?

In most cases, when a physical change or change in the method of operation occurs to an air contaminant source, most pollutants need to increase. However, in some cases, this may not be true. For instance, if one limit is based on an OAC rule limit that does not change due to the modification, but another permit limit does change, only the one limit needs to change. Since there is an increase in allowable for one pollutant for the air contaminant source, the change is defined as an OAC Chapter 31 Modification for that source.

However, since only one pollutant is changing, we believe that a new BAT determination should only be made for that one pollutant, not for the pollutants that are not changing.

This same approach holds true for the case of fuel switching or the addition of a new fuel where certain pollutants increase and others decrease. In these cases the BAT determination should only be made for the pollutant(s) that are changing.

25. Is it mandatory to remove BAT (where applicable) for all OAC Chapter 31 Modifications or just when requested by the applicant?

If it is determined that BAT no longer applies due to the less than 10 tons/yr BAT exemption threshold, then BAT should be removed for a modification. We no longer have the authority to "establish" BAT for less than 10 tons/yr pollutants. We do not need to have the applicant ask.

26. Based on the August 3, 2006 guidance, BAT applies to a source installed prior to Aug 3, 2006. We are running into sources installed prior to this date, and the permit will not be issued until after the date of Aug 3, 2006 - where do we go from here?

The BAT Decision Flowchart correctly indicates that BAT applies to sources installed prior to Aug 3, 2006. The PTI should be written to include the BAT

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

determination that applied to the source at the time of installation. DAPC is taking the position that it is the source installation date rather than the PTI issuance date that sets which BAT (i.e., "Pre-Aug 3, 2006 BAT" or "Post-Aug 3, 2006 No-BAT <10 TPY controlled PTE") applies. We are taking this position to avoid disparate treatment of companies that received their PTI prior to Aug 3, 2006 versus companies that installed a source prior to that date but did not apply for a PTI until after August 3, 2006. During this transition period it might be a good idea to indicate the source installation date for those sources that have already been installed in the Operations, Property and/or Equipment description of the PTI terms and conditions to help identify why "Pre-Aug 3, 2006 BAT" applies to the source.

27. **An emissions unit will be equipped with a control device (baghouse) and the applicant wants/needs to avoid PSD by taking a Synthetic Minor throughput limitation on the unit. The tons per rolling, 12-month period needs to be less than 10 tons/yr PE, in order for the project/facility to avoid major NSR/PSD/Title V levels. Does BAT apply? What emission limits and terms can/should be included? Would a lbs/hr limit be included? If there is not a lbs/hr limit in the above example is there still a need for monitoring to ensure ongoing compliance?**

Since the permitted emissions will be less than 10 tons/yr (after the synthetic minor permit restriction) BAT does not apply and OAC rule 3745-31-05(A)(3) would not be cited for that pollutant. Since BAT is not applicable, and USEPA requires just the "X tons per rolling, 12-months or 365-days" emission limit, we would not have a lbs/hr limit.

When a source is avoiding PSD/NSR, OAC rule 3745-31-05(C) is cited; OAC rule 3745-31-02(A) would not be applicable for a true Synthetic Minor. [OAC rule 3745-31-02(A)(2) rule is cited to avoid BAT through voluntary restrictions to restrict emission to less than 10 tons/yr.]

Periodic VE checks or baghouse pressure drop monitoring would be appropriate since the control device is taken into account in the calculation of the controlled PTE and such periodic monitoring terms are necessary to ensure the control effectiveness of the control device.

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

28. **Can emission testing be included in a Synthetic Minor PTI to ensure compliance with the annual emission limitation?**

Yes. The language in the Testing section can be written to require that emission testing be conducted to determine the short term emission rate from the source (e.g., lbs/hr, gr/dscf) and that this short term emission rate will be used in the compliance determination for the annual emission limitation.

29. **How should a case be handled where the uncontrolled emissions are less than 10 tons/yr but the SIP allowable is greater than 10 tons/yr?**

First, you would cite the applicable SIP rule and associated rule limit that would calculate to an allowable greater than 10 tons/yr (e.g., an OAC rule 3745-18-06(E)(2) source with an allowable of 31.4 lbs SO₂/hr). Next you would cite ORC 3704.03(T)(4) as the applicable requirement and use the language from the August 3, 2006 guidance to explain that BAT does not apply since the uncontrolled potential to emit is less than 10 tons/yr.

30. **How should OAC rule 3745- 21-07(G)(2) sources be addressed under SB 265? Should the use of Photochemically Reactive Materials (PRMs) be limited in PTIs considering SB265 and the new Rule 3745-21-07?**

Permit writers should continue to determine OAC rule 3745-21-07(G)(2) applicability considering whether the source employs or does not employ PRMs for PTIs until the new Rule 3745-21-07 is approved into the SIP. For newly issued PTIs, the amendment of Rule 3745-21-07 will not have any significant effect on organic compound (OC) emissions. Sources that have the potential to emit (taking into account air pollution controls installed on the source) greater than 10 tons/yr of OC would still be subject to BAT. Some BAT requirements for specific types of sources are specified in Engineering Guides of the Division of Air Pollution Control. Such BAT guidelines would generally remain. Also, BAT requirements, if applicable, and PTI requirements for non-BAT sources cannot be less stringent than what is otherwise required by any applicable Ohio air pollution rule and federal air pollution rule. For OC emissions, the applicable Ohio air pollution rule is Rule 3745-21-09, -12, -13, -14, -15, or -16 for VOC, and the applicable federal air pollution rules are the new source performance

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

standards under 40 CFR Part 60 and the national emission standards for hazardous air pollutants under 40 CFR Parts 61 and 63.

Three permitting scenarios are likely to be encountered:

1. *Source employs PRMs and is subject to OAC rule 3745-21-07(G)(2) limits of 8 lbs OC/hr and 40 lbs OC/day*

Under this scenario the source can take advantage of the SIP-approved rule limit of 40 lbs OC/day to limit the PTE of the source to 7.3 tons/yr of OC (i.e., 40 lbs OC/day multiplied by 365 days/yr) to avoid BAT. OAC rule 3745-21-07(G)(2) and the limits of 8 lbs OC/hr and 40 lbs OC/day would be cited in the permit. Note that under the new Rule 3745-21-07 the 40 lbs OC/day limitation will be discontinued, and therefore no longer available as a restricting factor on a source's PTE after the new Rule 3745-21-07 is approved into the SIP.

2. *Source does not employ PRMs and has the PTE (taking into account air pollution controls installed on the source) greater than 10 tons/yr of OC*

In this scenario BAT would apply unless the permittee wants to restrict their emissions to below the 10 tons/yr BAT threshold. Standard methods for BAT should be used to develop a short term limit (like a lb/hr) and an annual limit. However, we should NOT specify "no use of PRM" or "no emission of PRM" as BAT since such requirements on PRM would no longer be applicable under the new Rule 3745-21-07. Instead, we suggest citing the exemption in OAC rule 3745-21-07(G)(9) in the permit and including the following Additional Term and Condition and Reporting requirement in the permit:

Additional Term and Condition

"This emissions unit currently does not employ photochemically reactive materials as defined in OAC rule 3745-21-01(C)(5). It is, therefore, exempt from all emission limitations and control requirements contained in OAC 3745-21-07(G)."

Reporting

"Prior to employing any photochemically reactive material in this emissions unit, the permittee shall provide written notification to the

Senate Bill (SB) 265 Best Available Technology (BAT) Questions and Answers - 9/12/06 DRAFT

director (the appropriate Ohio EPA District Office or local air agency). Such notification shall include information sufficient to determine compliance with the emission limits and/or control requirements specified in OAC 3745-21-07(G)."

3. *Source does not employ PRMs and has the PTE (taking into account air pollution controls installed on the source) of less than 10 tons/yr of OC*

In this scenario BAT would not apply. However, since OAC rule 3745-21-07(G)(2) would apply if the company employed PRMs, we suggest citing the exemption in OAC rule 3745-21-07(G)(9) in the permit and including the following Additional Term and Condition and Reporting requirements given in the above example "B" in the permit.

31. **How do we complete the "SUMMARY (for informational purposes only) TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS" table in the PTI? What should be included in the table for pollutants that do not have tons/yr limits? Should the PTE or the actual emissions for a pollutant(s) be listed?**

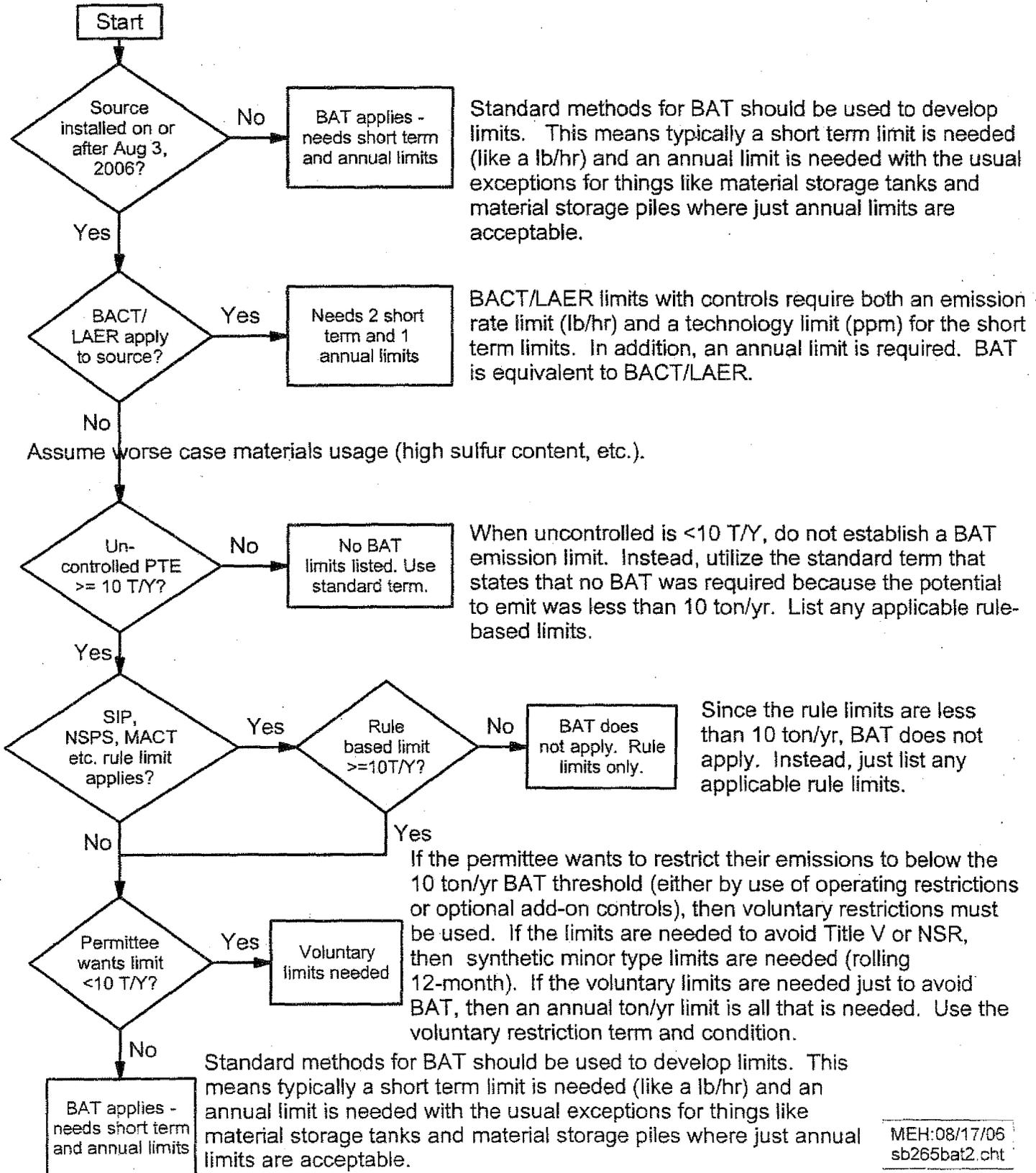
This table is intended to give a summary of all of the total potential emissions from all of the emissions units associated with the permit. We specifically say it is not enforceable. We use the information to determine the potential to emit for the sources for various permitting scenarios (Title V applicability, major NSR, etc.). Therefore, for those emissions units with a potential to emit of less than 10 ton/yr, you should put the actual value based on its potential to emit. If a rule restricts the potential to emit (like a OAC rule, or a synthetic minor restriction), then put the restricted potential to emit in the table.

32. **For emissions units that will not have a tons/yr allowable (i.e., BAT is not applicable for the pollutant, and there is no other allowable pollutant limitation), should we complete the Form B?**

Yes. The Form B has other useful information, including the column for source actual emissions. The BAT section of the form should be completed to state that BAT was not applicable due to listed pollutant emissions of less than 10 tons/yr.

BAT Decision Flowchart

The following flow chart is to be used to help decide what kind of PTI emission limits are needed for an air contaminant source that might qualify for the less than 10 ton/yr BAT exemption threshold. When using this flowchart, each criteria pollutant should be evaluated separately.



Senate Bill 265 Effective Dates

Main Paragraph	Sub Paragraph	Topic	Effective Date/Period
(E)	(1)	Director must consider evidence relating to the overall cost within this state of compliance with the air pollution rules	August 3, 2006
(F)	(2)	Installation permit not required for PAL modifications	August 3, 2006
	(3)	Director must adopt a rule saying permit is required only for new or modified sources of: (a) NAAQS or precursor, (b) air contaminant regulated under CAA, (c) toxic compounds identified in rule.	No later than 2 years (August 3, 2008)
	(4)(a)	Applications must have toxic data for "Option A"	August 3, 2006
		Director makes copies of "Option A" available free and post on web	August 3, 2006
		"Option A" inconsistent w/ (4)(a), (4)(a) wins	August 3, 2006
	(4)(b)	Use "Option A". Increase in emissions modeled. Max hourly rate of emissions w/controls, stack height, bldg etc. Director determines if activity causes concentration above MAGLC.	August 3, 2006
	(4)(c)	>=80% MAGLC, director may establish T&C to limit emissions to modeled level.	August 3, 2006
		Limit expressed in lb/day calc by hourly x operating schedule	August 3, 2006
		Terms are state-only enforceable	August 3, 2006
	(4)(d)	<80% MAGLC, annual report saying no changes.	August 3, 2006
		No limits, no limit T&Cs.	August 3, 2006
		Increase in emissions (ground level concentration?) may require a PTI	August 3, 2006
		Terms are state-only enforceable	
	(4)(e)	Division (F)(4) and "Option A" shall not go in SIP	August 3, 2006
		Division (F)(4) does not apply to MACT, residual risk, BACT, LAER.	August 3, 2006
	(4)(f)(i)	Division (F)(4) does not apply to parking lots, storage piles, storage tanks... solely from combustion of fossil fuels, wood dust, sand, glass dust, coal dust, silica, grain dust	August 3, 2006
	(4)(f)(ii)	(f)(i) does not apply if director believes MAGLC exceeded.	August 3, 2006
	(4)(f)(iii)	Director may add or delete to (F)(4)(f)(i) categories.	August 3, 2006
	(5)	Director must adopt start construction rules. Owner or operator's risk. Don't apply to precluded 111, 112, PSD, Nonattain activities.	Not later than 1 year (August 3, 2007)
(I)		Use rule based monitoring, record keeping, and reporting	August 3, 2006
		Can consolidate two rule monitoring etc.	August 3, 2006
		No operational restriction increasing the stringency	August 3, 2006
(T)		BAT equal to 112, BACT or LEAR if applicable	Beginning August 3, 2009
		For NAAQS or precursor, BAT is what is in rule.	Applications filed on or after August 3, 2009
		BAT in rules shall be expressed: (1) work practices;, (2) source design, (3) raw material 12-month rolling, 12-month rolling	Not stated when rules must be issued... assumed needed by August 3, 2009
		BAT does not apply <10 ton/yr controlled of precursor or NAAQS	August 3, 2006
		BAT does not apply to existing, new, modified source subject to PAL as defined in BAT rules	Not stated when rules must be issued... assumed needed by August 3, 2009
		BAT under new rules do not apply to GPs issued prior to January 1, 2006	Not stated when rules must be issued... assumed needed by August 3, 2009
		PTIs for source w/PTE >=10 ton VOC or NOx/yr w/control shall meet, at a minimum, January 1, 2006 RACT regardless of source	PTI issued on or after August 3, 2009