

## **Proposed Revisions to the Petition Provisions of the Title V Permitting Program**

### **FACT SHEET**

#### **PROPOSED ACTION**

- On August 15, 2016, the U.S. Environmental Protection Agency (EPA) proposed revisions to the title V permitting regulations to streamline and clarify processes related to the submittal and review of title V petitions.
- After 20 years of experience in implementing the title V petition process, the EPA has identified some general trends in petition content and aspects of the petition review process that pose challenges for potential petitioners in preparing petitions and for the EPA in providing an efficient response to petitions. To address these challenges, the EPA proposes revisions in three key areas:
  - Providing direction as to how petitions should be submitted to the EPA.
  - Assisting petitioners with preparing their title V petitions by specifying the content and format needed for an efficient review and response by the EPA.
  - Ensuring permitting authorities prepare complete permit records that are consistent with the requirements of the Clean Air Act (CAA) by requiring them to respond in writing to significant comments received during the public comment period for draft title V permits, and to provide that response with the proposed title V permit to the EPA for the agency's 45-day review period. This change is expected to provide more access to and better understanding of permitting decisions.
- Additional revisions are proposed to ensure that the title V regulations are consistent with the language contained in the CAA.
- While not part of the proposed regulatory changes, to increase the transparency of the title V petition process, the preamble to the proposed rule also:
  - Provides guidance on "recommended practices" for permitting authorities and sources to help ensure title V permits have complete administrative records and are consistent with the requirements of the CAA. If followed, these practices may reduce the likelihood that a petition will be submitted on a title V permit.
  - For increased transparency and better understanding for stakeholders, repeats the EPA's interpretations of certain title V provisions of the CAA and its implementing regulations that have been previously articulated in title V orders, including an interpretation regarding the steps following an EPA objection in response to a title V petition, often referred to as the post-petition process.

- The changes proposed and information provided in this action would benefit permitting authorities, permitted sources, and potential petitioners. Some of the anticipated benefits include:
  - Permitting authorities and permitted sources would benefit from proposed actions that would minimize permit deficiencies. This may reduce the likelihood that petitions will be submitted on their permits.
  - Potential petitioners would benefit through a better understanding of the process as well as increased access to permit-related information.
  - All stakeholders would benefit from increased transparency in the title V petition submittal, review, and response processes.

## **BACKGROUND**

- The title V operating permit program, established under the 1990 CAA Amendments, is a vehicle for ensuring that air quality control requirements are appropriately applied to facility emission units and for assuring compliance with such requirements, but it does not generally impose new pollution control requirements.
- Most states, certain local agencies, and one tribe have federally-approved operating permit programs. As part of an approved program, title V of the CAA requires every major source and certain other sources to apply for and operate according to the specifications in an operating permit. It further requires that such permit contain conditions that assure compliance with all of a source's applicable requirements under the Act, including the requirements of the applicable implementation plan.
- The CAA requires permitting authorities to submit a proposed title V permit, including initial permits, permit renewals, or permit modifications/revisions, to the EPA Administrator for a 45-day review period before issuing the permit as final. During that review, if the Administrator determines that the permit contains provisions that are not in compliance with the applicable requirements under the Act, the Administrator must object. If the Administrator does not object to the permit during the 45-day EPA review period, any person may submit a title V petition to the Administrator within 60 days after the expiration of the 45-day review period seeking such an objection.

## **FOR MORE INFORMATION**

- To download a copy of this proposed rule, go to the EPA's Title V Operating Permits website at: <https://www.epa.gov/title-v-operating-permits>.
- Today's Proposed Rule and other associated information are available either electronically at [www.regulations.gov](http://www.regulations.gov), the EPA's electronic public docket and comment system, or in

hardcopy at the EPA Docket Center's Public Reading Room. (Docket ID No. is EPA-HQ-OAR-2016-0194.)

- The Public Reading Room is located in the EPA Headquarters, Room Number 3334 in the William Jefferson Clinton West Building, located at 1301 Constitution Avenue, NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
- Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.

## HOW TO COMMENT

- EPA will accept written comments on the proposed rule for 60 days after it is published in the *Federal Register*.
- Comments on the proposed rule (identified by Docket ID Number EPA-HQ-OAR-2016-0194) may be submitted by one of the following methods:
  - [www.regulations.gov](http://www.regulations.gov): follow the on-line instructions for submitting comments.
  - Email: Comments may be sent by electronic mail (email) to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov). Include Docket ID No. EPA-HQ-OAR-2016-0194 in the subject line of the message.
  - Fax: Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2016-0194.
  - Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Attention Docket ID No. EPA-HQ-OAR-2016-0194, Mail Code 28221T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
  - Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2016-0194. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- Special considerations apply for submissions which contain information considered to be Confidential Business Information or other information the disclosure of which is restricted by statute. For more information on this, as well as for the full EPA public comment policy, information about multimedia submissions, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/commenting-epa-dockets>.