

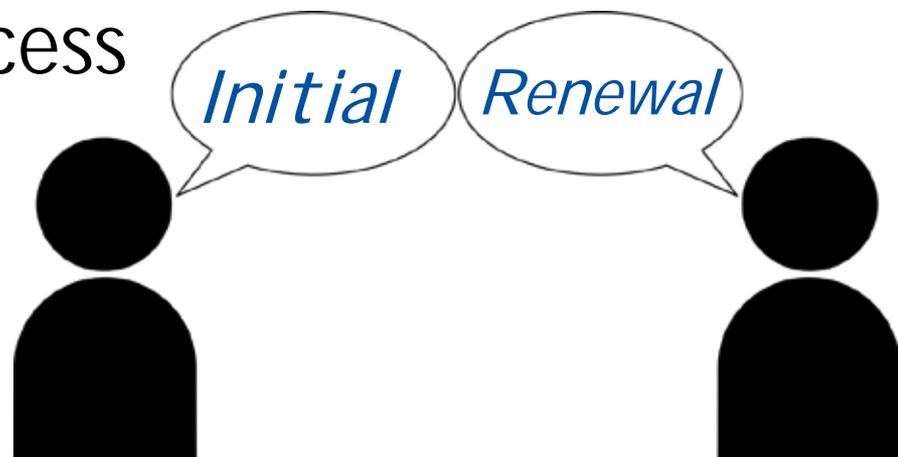
What You Need to Know About the Renewable Operating Permit Process

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What Will We Discuss?

- What prompts getting a Renewable Operating Permit (ROP)
- Different types of ROP applications (Initial and Renewal)
- Application process
- Public Participation Process
- Resources



What Regulations Establish the ROP program?

Renewable Operating Permit Program Authority

- Title V of the 1990 Clean Air Act (CAA) Amendments
- 40 CFR Part 70 federal regulations
- Michigan Act 451, Part 55, Section 5506



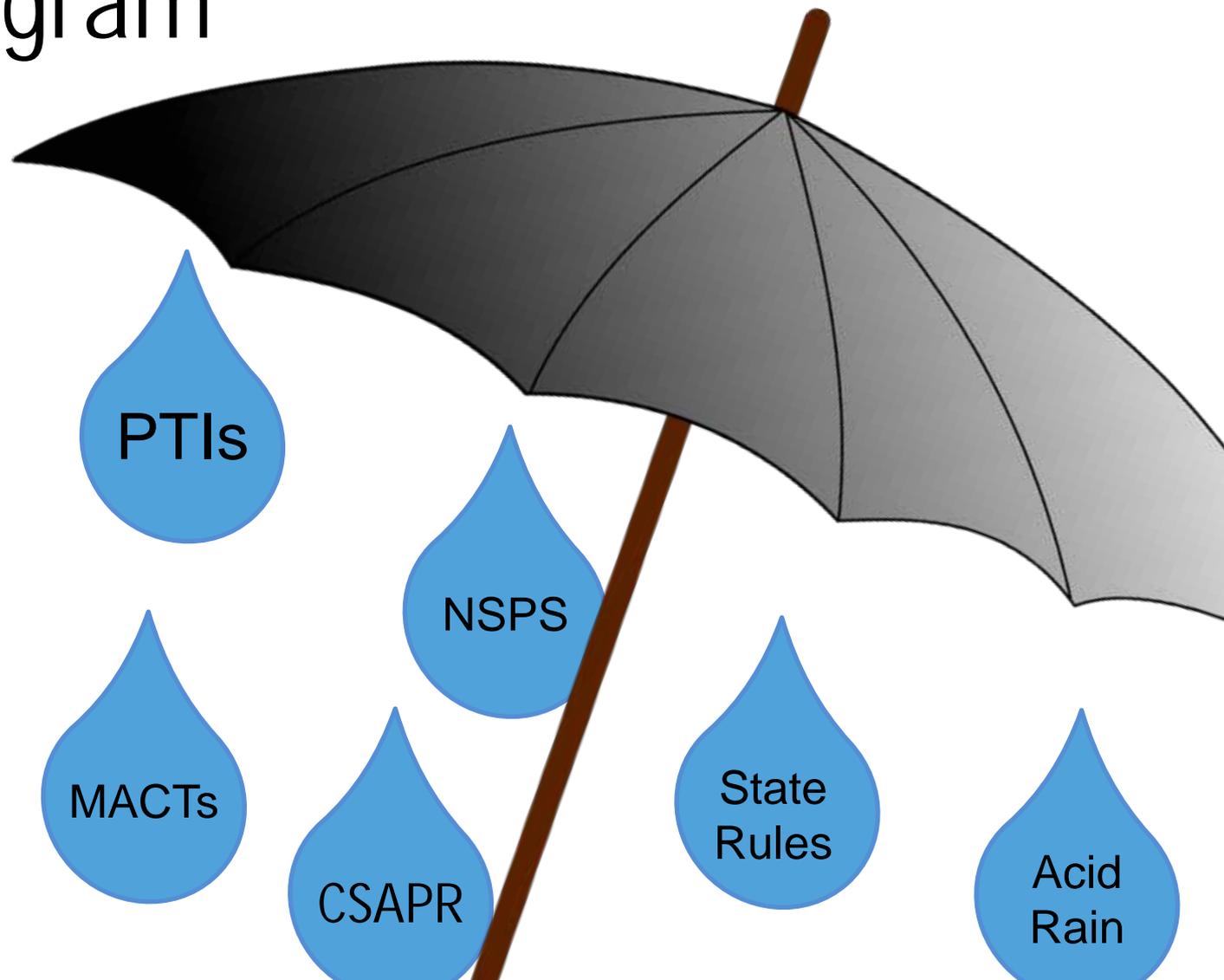
ROP-subject facilities must pay annual emission fees

- Michigan Rules 210 – 218



Applicability, application requirements, processes for ROP issuance, renewal, revisions, and reopenings

ROP Program



Who is Subject?

- Major sources of regulated air pollutants
- Sources subject to the Acid Rain Provisions of the CAA
- Any other sources designated by the EPA Administrator
- 386 sources are currently subject in Michigan

What is a “Major Source”?

‘A stationary source’...

... with ‘potential to emit’ (PTE)...

... greater than 100 tons/year...

... of any pollutant regulated by the CAA

- Criteria Pollutants – NO_x, SO₂, PM-10, VOC, CO, Pb
- New Source Performance Standard (NSPS)
Regulated Pollutant

.... *OR*

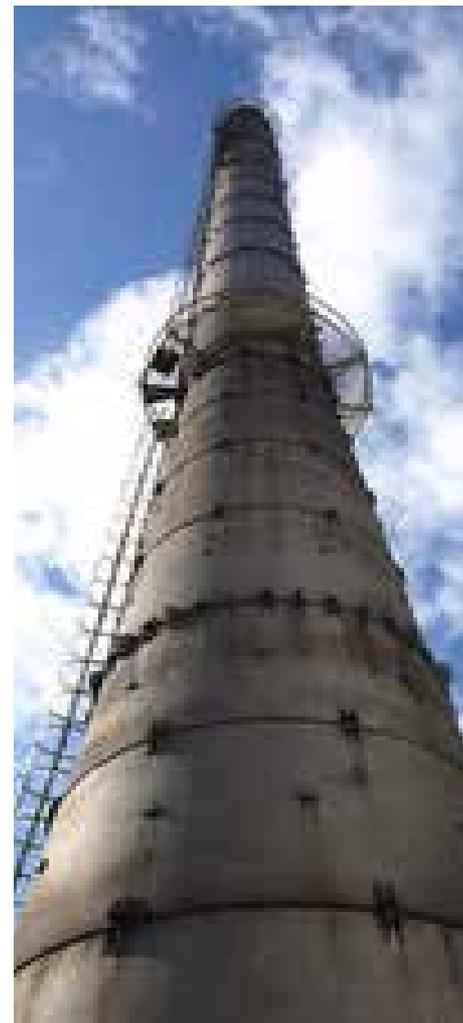
What is a “Major Source”?

Hazardous Air Pollutants (HAPs)

PTE is greater than

- 10 tpy of any single HAP or
- 25 tpy of any combination of HAPs

189 HAPs were originally listed per
Section 112 of the CAA



Other ROP-subject categories

Some regulations do not rely on the “major source” definition but specify that subject sources must get an ROP

- Certain “area source” Maximum Achievable Control Technology (MACT) Standards
- Specific NSPS (i.e., landfills)
- Sources subject to Acid Rain requirements

There are two application processes for ROPs

Initial

Within 12 months after becoming Major

Renewal

Every 5 years after Initial issuance

Initial ROP

- There are three ways an Initial ROP begins...
 - Existing Company adds equipment that puts their Potential to Emit (PTE) over major source thresholds
 - A new company is constructed and the PTE is greater than major source thresholds (identified during PTI discussions)
 - A company exceeds the emission limits in a PTI that opted them out of the ROP program

Initial ROP

Application Process

- Initial ROP Applications need to be submitted within 12-months of when the source commences operation as a major source
- Commencing operation as a major source occurs upon commencement of trial operation of the newly permitted source or change that makes the existing source major, OR when the opt out permit limits are exceeded.

ROP Renewal

Application Process

- AQD Contacts the Company approximately **18 months prior to the ROP Expiration**
- Done through a reminder letter sent to the Responsible Official
- Application must be submitted at least 6 months prior to the expiration date of the ROP

Pre-Application Meeting

For both Initial and ROP Renewal Applications

- Who should attend?
 - District Staff
 - District Supervisor
 - Environmental Contacts at the Company
 - Company Consultants (If applicable)

Note: Get this scheduled as soon as possible, to get the ball rolling well ahead of the application due date

Pre-Application Meeting

What will be discussed?

- The current compliance status of the facility
 - Unresolved violations
 - Plans to correct
- Any changes proposed or implemented
 - equipment, process, location, and/or contacts
- Any ROP modifications planned or submitted
- Any new Permits to Install (PTIs)
- Any new applicable requirements or new regulations
 - federal or state requirements

Pre-Application Meeting

Timeline

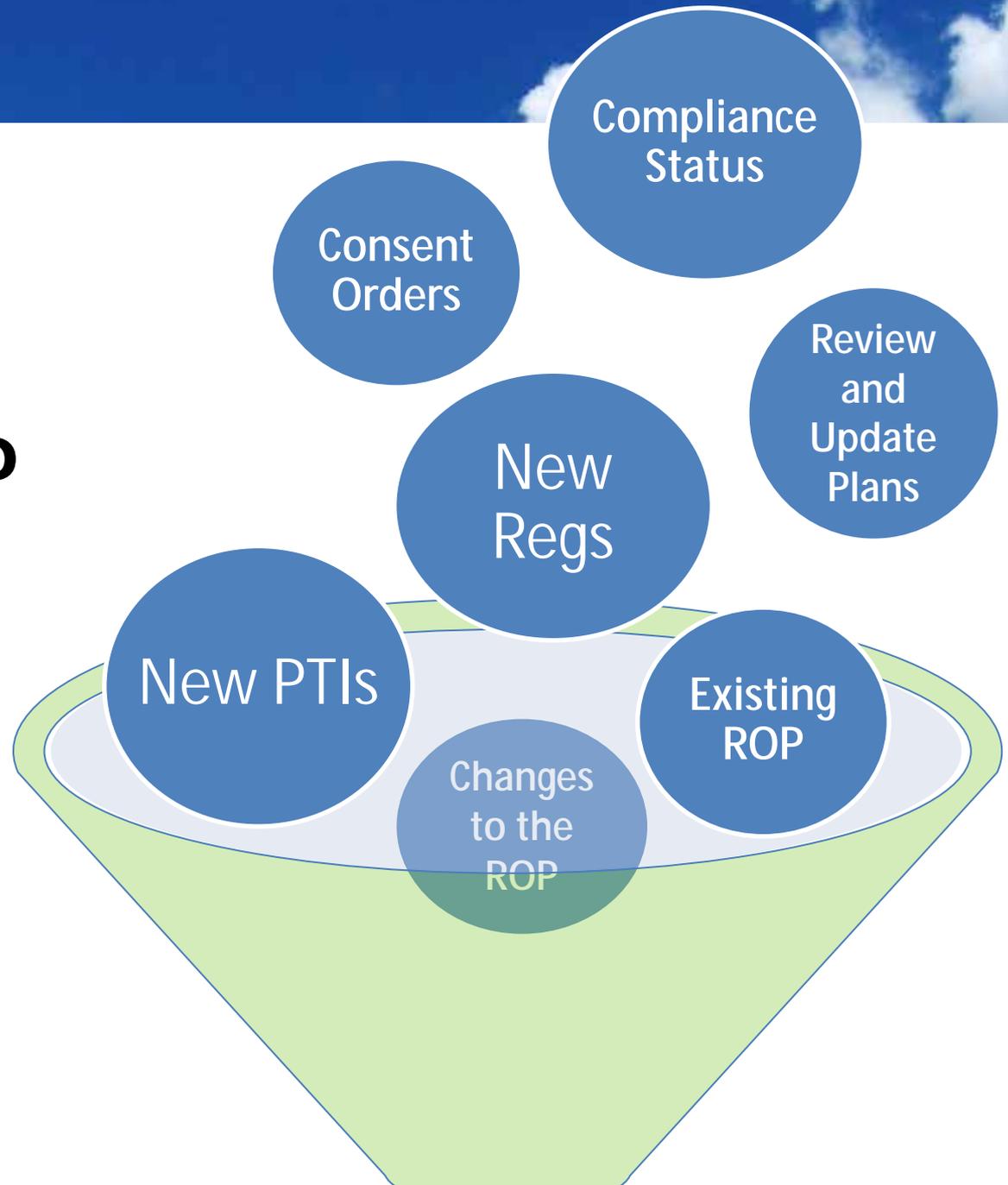
<http://www.deq.state.mi.us/aps/downloads/rop/ROP-Manual/1A-ROP-Ren-Preapp-Mtg-&-Timeline.pdf>

ROP Renewal Application Processing Timeline				
Facility Name:		SRN:	Pre-Application Meeting Date:	
Task	Timeline Recommendation	Due Date	Date Completed	Comments
Application to be submitted	9 months prior to expiration			
Administrative Completeness Check	15 days			
Technical Review Complete – Including all additional information requests and completion of draft staff report and working draft ROP	4 months (80 working days)			
Company Review Working Draft ROP	30 calendar days (7-30 day review)			
Address Company Comments Convert Working Draft ROP to Draft ROP, Finalize Staff Report	2 weeks			
Post Public Notice/DNRE Calendar Notice	2 weeks			
Public Comment/Affected States Review (Draft Permit)	30 calendar days			
Public Hearing if requested	45 calendar days			
Revisions/Company Review (if				

Information Gathering – Initial ROP

- Existing Permits to Install
- Applicable State & Federal Regulations
- NSPS, MACTs (NESHAPs), etc.
- Any necessary plans
- Current Compliance Status (if necessary)
- Any Consent Orders (if applicable)

Information Gathering – Renewal ROP



Plans...

- Compliance Assurance Monitoring (CAM),
- Preventative Maintenance Plan (PMP)
- Malfunction Abatement Plan (MAP)
- Fugitive dust plans
- Any other plans described in a PTI



Filling out the Forms

- PASS-ROP still available for initial or renewal applications
- New streamlined initial application forms
- Streamlined renewal application forms
- Hard copy vs email
- Where to send the application

Mark-up ROP - Renewal

- Current ROP
 - is located where?
http://www.deq.state.mi.us/aps/downloads/rop/ROPlist/APS_ROP_Sources_by_Name.pdf
- Your ROP is password protected
- Use “track changes” function to show desired alterations to the renewal

AQD's Role

Administrative Completeness

- Once received, AQD has 15 days to review the electronic application (60 for hard copy submittal only) to determine completeness
- An Application Shield is obtained when a timely and administratively complete application is submitted



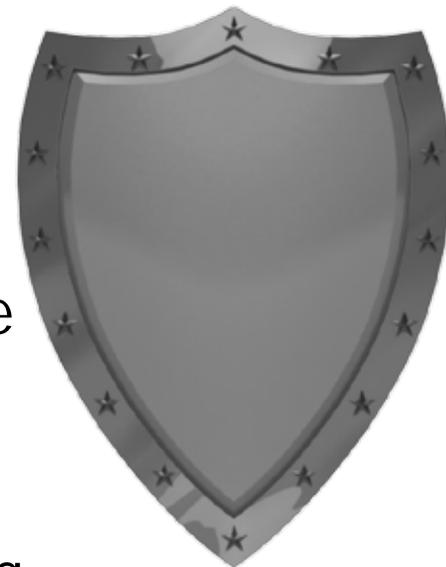
Administratively Complete!!

AQD's Role

AQD sends a letter after reviewing the application for administrative completeness stating whether an application shield was obtained



Application Shield



- An application shield is “the ability to operate the process and process equipment at a stationary source while a timely and administratively complete application is being reviewed and acted upon by the department”
- Failure by the company to provide a timely response to information requests may result in loss of the application shield

Working Draft

- Created by the inspector from your application
- Once finished you will have the opportunity to review and comment
- After your comment period, AQD will evaluate comments and incorporate them as necessary

WORKING DRAFT

Public Participation Process



- 30 day Public Comment
 - Posted on the DEQ Calendar
 - Interested parties notified
 - Comments may be submitted in writing
 - EPA may also comment during this time
 - A hearing may be held if requested
 - Company receives letter documenting any changes

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WORKING DRAFT



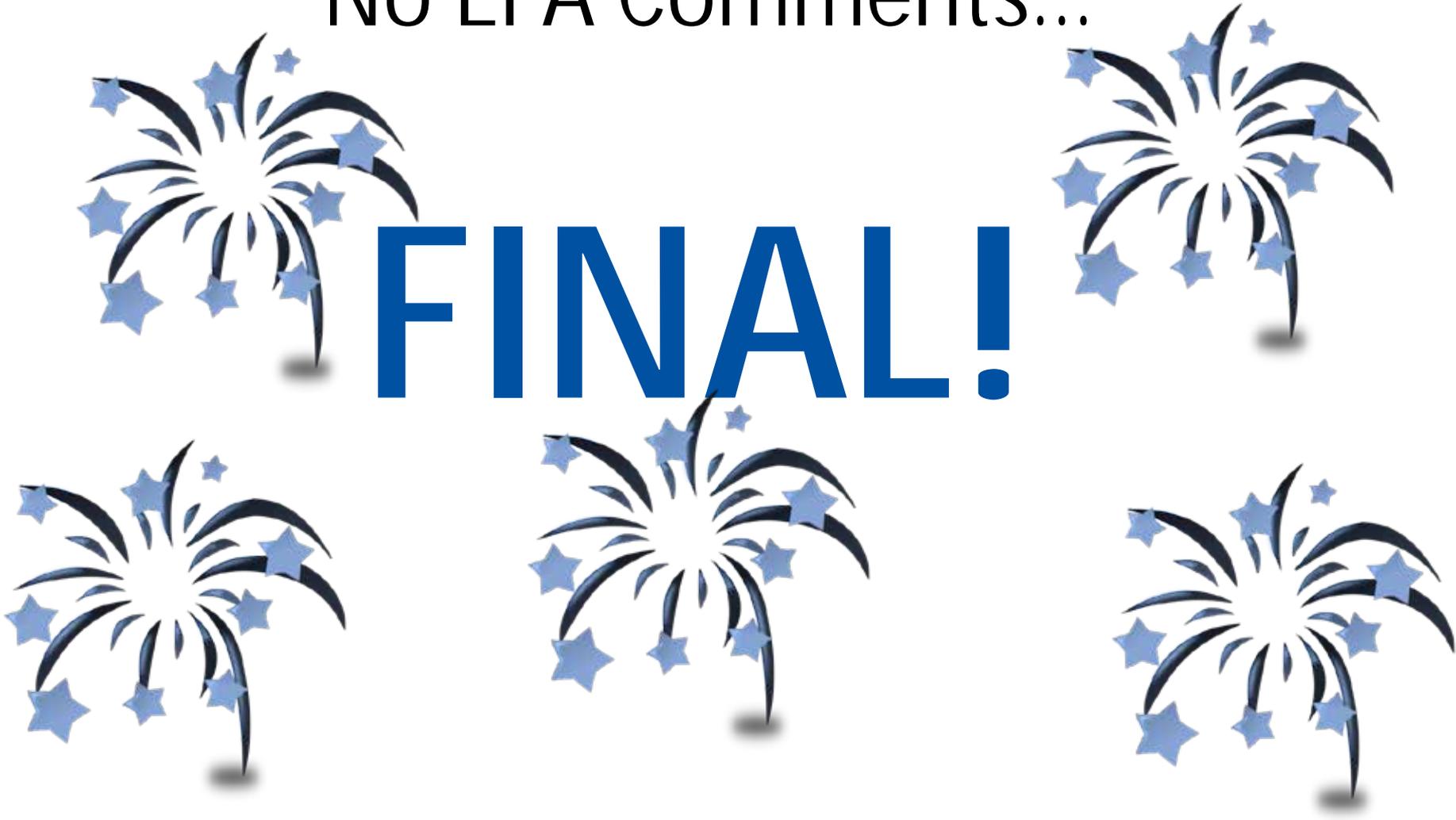
45 Day EPA Review

- EPA, interested parties, and hearing attendees (if a hearing was held) are notified about the proposed ROP
- If comments are received from EPA, AQD will review
- Company will be notified via letter regarding the start of the EPA review period

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PROPOSED

No EPA Comments...

FINAL!



What if EPA or the Public Objects?

- EPA's Region 5 will initiate process established in 40 CFR 70.8(c)
- The public may petition EPA to make an objection if petitioner provided comment



Resources

- New Initial Application and instructions are now posted on the AQD website
- Initial and Renewal Applications and instructions
 - http://www.deq.state.mi.us/aps/downloads/rop/ROPforms/rop_forms.shtml
- ROP Manual
 - <http://www.deq.state.mi.us/aps/downloads/rop/ROPbackground/ROP-Manual.shtml>
- Life after ROP
 - http://www.michigan.gov/documents/deq/deq-ead-caap-rop-LifeAfterROPWorkbook_312634_7.pdf

Wrap-up

You should know:

- What prompts getting an ROP
- Application process for Initial and Renewal ROPs
- Application process
- Public Participation Process
- Resources

Thank you!

