

Title V Program Evaluation

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Permit Streamlining Task Force Subcommittee
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Title V Program Evaluation - Background

- 2002- Office of Inspector General recommended that EPA re-examine on how to improve Title V Operating Permitting Program and to expedite permit issuance
- 2003 – In response, EPA developed an action plan to review Title V Operating Programs
- 2016 - EPA Region IX conducted an evaluation of SCAQMD Title V program
(<https://www.epa.gov/caa-permitting/title-v-evaluation-reports-California>)

Title V Program Evaluation - Background

- SCAQMD's Title V Program
 - Interim Approval – August 29, 1996
 - Full Approval – November 30, 2001
 - Revision – January 1, 2004
 - Title V Program Applicability:
 - ✓ Major Stationary Source based on Potential to Emit
 - ✓ Title IV Acid Rain Program
 - ✓ NSPS
 - ✓ NESHAP
 - ✓ Solid waste Incineration pursuant to Section 129(e) of Federal Clean Air Act
 - Current number of facilities in the Program ~ 400

Title V Program Evaluation - Stages

Title V Program Evaluation was conducted in four stages:

1. EPA Region IX sent SCAQMD a questionnaire focusing on Title V program implementation in preparation of site visit at SCAQMD offices
2. EPA Region IX conducted internal review of EPA's own set of SCAQMD Title V permits
3. SCAQMD site visit (March 22-26, 2016)
4. Follow-up and clarification of issues

Title V Program Evaluation - Findings

EPA Region IX found that SCAQMD implements Title V program in an effective and efficient manner. However, the final report identifies the following opportunities for program improvement:

- ✓ Availability of Final Title V Permits on-line
- ✓ Title V Exclusion Guidelines
- ✓ Streamlining of overlapping permit conditions
- ✓ Submittal of all information to EPA prior to start of EPA 45-day review period
- ✓ Expanded Statement of Basis for Initial, Renewals and Revisions
- ✓ High Level Reference to federal regulations (NSPS, NESHAP, etc.)

Confidential Business Information

- Not part of EPA's Initial Findings
- Apparent conflict between CA and Federal definition of CBI
- Draft Confidentiality Claim Process
 1. Applicant files a claim of confidentiality with EPA
 2. EPA asks for substantiation of claim (may be filed with the claim) to be submitted within 15 days [40 CFR 2.203 (b)]
 3. EPA will initiate a formal determination pursuant to 40 CFR Part 2 and notify applicant of its determination
 4. SCAQMD submits proposed permit issuance/revision/renewal package for EPA's review pursuant to Title V Permit Program

Information Necessary to Substantiate a Claim

- Identification of specific information that is to be considered confidential
- Time period for keeping the information confidential (Temporary or Permanent)
- Measures previously taken to protect the release of such information
- Availability of the information to public through other avenues (e.g. internet, promotional publications, annual reports, etc.)
- Determination of confidentiality by any governmental agency
- Specific reasons for confidentiality and the harm if released
- Justification for trade secret
- If the information submitted was mandatory or voluntarily
- Demonstrate why the submitted information should not be considered emission data

Examples of Emission Data NOT considered Confidential by EPA

Any information that is necessary to determine compliance with an applicable standard or limitation may be considered emissions data. Any underlying information needed to calculate emissions or emissions factors may also be considered emissions data.

- **Emissions Factors** - including privately derived factors
- **Firing rates, heat input capacities, and other equipment data** used in calculations to determine emissions.
- **Equipment or Process Descriptions**
- **Tank or device capacity**
- **Product throughput or consumption**
- **Type and amount of fuel used**
- **Description of material stored or processed**
- **Chemical descriptions and properties** (e.g. boiling point, flash point, density, vapor pressure, or chemical composition) where such information is necessary to determine compliance with permit requirements
- **Device or component count**, where such information is used in either an enforceable limit or an emissions calculation (e.g. a limitation sets a maximum percentage of components that are allowed to leak)