

**The Term and Conditions document must be generated in STARS2.**

- a. Prior to generating the terms and conditions document, make sure that the list of emissions units on the "Permits" tab includes all active emissions units at the facility for both insignificant and non-insignificant emissions units. The insignificant emissions units will have the small gears. If the list is not accurate it will need to be adjusted and might require the facility to resubmit their application and also update their facility profile. When the term and condition document is generated, all of the insignificant emissions units should be grouped together in Part C (see Answer Place 1259 and Appendix J). Copy the list of insignificant emissions units and paste in Part B, then delete the grouped insignificant terms from Part C. The insignificant units will need to be split into two groups as needed: De Minimis and no applicable requirements are State only; and all other insignificant units are State/Federal. For the insignificant units that are State/Federal, the facility must include an EAC form for these units.
- b. Any previously identified "z" units must be changed to the correct identification (e.g., B001, K001, P001, etc.) in STARS2.
- c. If there are identical emissions units (i.e., identical type of unit, identical emission limits, identical terms and conditions) then these units can be grouped in STARS2 prior to generating the terms and conditions document. When grouped, the term and condition document will have just one set of terms for the list of grouped units. The established terms will apply to each emissions unit separately. To group emissions units in STARS2, do the following:
  - (i) open the permit detail page;
  - (ii) click on "create EU group" at the bottom of the page;
  - (iii) name the EU group;
  - (iv) move over applicable EUs from "available EUs" to "current EUs"; and
  - (v) save changes.
- d. In order to generate the terms and conditions document, go the Permits tab in STARS2 for the Title V permit action that is needed. On the menu on the left side of the screen, click on "Terms and Conditions". In the "Working Copies" section, click on the "edit" button and then click on the "generate" button. The term and condition document will be generated and populated

**Comment [MM1]:** Emissions units do not have to be identical to take advantage of grouping. Consideration should also be given to emissions units that are similar as long as grouping does not lead to overcrowding and complicating of the permit. For example, emissions units that have the same monitoring record keeping, reporting and testing requirements, but different limitations and/or operational restrictions (attach example) should be grouped.

with the facility name, facility number, and a new permit number will be automatically assigned. After the document has been generated click on the “save” button to save the skeleton document in STARS2 (it will later be deleted by the PRM). Open the skeleton document and then choose “Save As” and save the document at L:\Data\Facilities.

- e. Note that for renewal permits, it might be necessary to convert the previous legacy Title V permit from HTML to Word. If this is needed, follow the instructions in Appendix G. Insert the converted terms into the saved terms and conditions document at L:\Data\Facilities.
- f. For Title V renewal permits, make sure the correct superseded permit is chosen (i.e., the permit number for the previously issued Title V permit) under each emissions unit.

**The DO/LAA Permit Writer researches permit Terms and Conditions.**

- g. Optional, the DO/LAA Permit Writer can also begin to prepare the Statement of Basis at this time or wait until the complete permit recommendation is done. The SOB document must be generated in STARS2 and then save the document to L:\Data\Facilities.
- h. Research Terms and Conditions for non-insignificant emissions units (see recently issued Title V permits for examples).
- i. Permit writer must use Word to develop Terms and Conditions for submittal of the permit recommendation. The permit template should be generated through STARS2 as noted above and then saved to L:\Data\Facilities.
- j. Review the following sources of information to identify terms that need to be included in the permit:
  - (i) Accurately reference the PTI number(s) and issuance date for BOTH non-insignificant and insignificant unit(s);
  - (ii) Incorporate the terms from the PTI(s) into Title V permit Terms and Conditions;
  - (iii) Review issued Title V permits from similar sources – use as appropriate (with modifications where needed);
  - (iv) Check Library of Terms and Conditions (<http://www.epa.state.oh.us/dapc/terms/termsintro.aspx>) – use as appropriate;

**Comment [MM2]:** Care must be taken, as you begin to incorporate terms and conditions from the PTI into the TV permit, to make sure that all the terms and conditions are brought up to date with the latest guidance, OAC rule and SIP revisions. For example, OAC rules 3745-21-08(B) and 3745-23-06(B) are no longer part of the Ohio Administrative code and/or the SIP and, therefore, should not be incorporated into the TV permit from a PTI.

- (v) Identify possible Terms and Conditions from inspection report and/or site visit;
- (vi) The DO/LAA Permit Writer checks with CO for up-to-date information on previous permits prior to writing current Title V permit;
- (vii) Ascertain whether emission testing has been performed for the emissions unit (or an identical emissions unit) to verify compliance with applicable limit(s):
  - (A) Determine if the testing was witnessed by Agency personnel;
  - (B) Determine if acceptable test methods were employed; and
  - (C) Determine if the stack test demonstrated compliance with the allowable emission limits;
- (viii) Check recent fee emission reports:
  - (A) Use actual TPY emission rates and hours of operation to estimate short term pollutant emissions rates to determine whether source is likely to be in compliance with emission limits; and
  - (B) Where possible, emission estimation methodology in fee emissions report (FER) should match compliance method in permit;
- (ix) For each allowable emission rate or control requirement, determine if an adequate demonstration of compliance has been provided (must be clear, accurate, [consistent \(within the same permit and with other permits\)](#) and current);
- (x) Determine what type of monitoring, record keeping, and reporting program is necessary for the permit;
- (xi) Define any necessary operational restrictions (by PTI, rule, etc.);
- (xii) Determine the frequency of emission testing (required by PTI, Engineering Guide #16, etc.); and
- (xiii) Identify alternative operating scenarios – if requested by facility, this should have been included in the application.

**Assemble State/federal Terms and Conditions after rules and emission limitations**

have been determined.

k. Part B Facility-Wide Terms and Conditions.

- (i) This section of the permit provides for the placement of requirements that apply to the entire facility or to several emissions units at the facility.
- (ii) MACT, synthetic minor limits for HAPs, and insignificant emission units requirements are usually included in Part B.

**Part C Emissions Unit Terms and Conditions.**

(iii) Used to identify each individual emissions unit's specific requirements.

(iv) Main Header [section 1].

(A) Operations, Property, and/or Equipment.

- (i) Clearly describe the equipment and processes that comprise the emissions unit and the associated control equipment.

(B) Section a)(1) is used to identify terms that are State-only enforceable (e.g. air toxics, OAC rules that are not part of the federally approved SIP).

(C) **Applicable Rules/Requirements** [section b)(1)].

- (i) List the applicable rules identified above.

(D) Applicable Emission Limitations/Control Measures [section b)(1)].

- (i) List the applicable emission limitations/control measures identified above.

(v) Additional Terms and Conditions [section b)(2)].

(A) This section contains overflow from section b)(1) and provides the following:

(i) Clarification of emission limits/control measures;

(ii) Clarification language concerning applicability of OAC rules/MACT standards (for example, OAC rule 3745-18-06 not being applicable

**Comment [MM3]:** Please note that a Consent Decree/Order is not considered an applicable requirement (Mike A, please confirm), and; therefore, should not be listed here (from time to time, I see consent orders/decrees cited in permits).

**Formatted:** Indent: Left: 1.5", No bullets or numbering

**Formatted:** Tab stops: 1.75", Right + Not at 6"

to a natural gas-fired boiler because the permittee combusts only natural gas in the emissions unit):

(iii) Synthetic minor and any rolling, 12-month average summations of emissions;

Formatted: Tab stops: 1.81", Right + Not at 6"

(iv) Definitions of control requirements or control measures; and

Formatted: Tab stops: 1.81", Right + Not at 6"

(v) Negative declarations and/or rule exemptions that apply to the specific emissions unit may be included in this section.

Formatted: Indent: Left: 1.5", No bullets or numbering

(vi) Operational Restrictions [section c)].

(A) Specific operational restrictions necessary to ensure ongoing compliance with the applicable requirements/control measures including any operational restrictions necessary to satisfy OAC chapter 3745-77 "gap-filling" requirements.

Comment [MM4]: When establishing ORs, keep in mind the 2006 G.E. Lighting Vs. Koncelik ERAC decision.

(vii) Monitoring and Record keeping [section d)].

Formatted: Tab stops: 1.19", Right + Not at 6"

(A) Monitoring required for each operational restriction, control measure and emission limit as needed (unless otherwise specified in the permit T &C's).

(B) Permit needs to include sufficient M/Rk/Rp to demonstrate on-going compliance with applicable emissions limits and operating restrictions. A 2008 federal District Court decision upheld right to gap-fill if underlying monitoring is not sufficient to assure compliance

(C) Monitoring results are required to be recorded and maintained.

(i) Must specify frequency of monitoring.

(ii) Use Library of Terms appropriate language.

Comment [MM5]: In some cases, you may need to tweak the library terms to fit your specific situation.

(iii) Specify monitoring devices (e.g., pressure gauge, temperature monitor, CEMs, etc.).

(iv) Refer to Engineering Guide #52 for CEM systems.

(viii) Reporting Section [section e)].

Formatted: Tab stops: 1.19", Right + Not at 6"

(A) Specify what record keeping results need to be reported.

(B) Specify the frequency of reports (e.g., quarterly deviation-based, annual, "after the event," others).

(C) As appropriate, include requirements to submit reports of deviations from operational restrictions and/or emission limitations.

(ix) Testing [section f)].

(A) List each applicable emission limitation from section b)(1) and provide a method for determining compliance for each.

(B) Explain how the emission rate is calculated or why no emission testing is required in this section.

(C) Use Engineering Guide #16 to determine frequency for stack testing.

(D) Review past permits, stack test results, and inspection reports.

(E) Review stack tests required by applicable rule(s).

(F) Note that compliance may be based solely on monitoring, record keeping and reporting in some cases.

(G) Note that compliance may be based on emission factor(s) rather than testing in some cases.

(H) The selected compliance method should be representative of current operation and reflect worst-case conditions.

(I) The selected compliance method MUST be consistent with regulatory requirements.

(J) Testing methodologies include:

- (i) Emissions tests;
- (ii) Material balance calculations;
- (iii) AP-42 emission factor calculations;
- (iv) Method 24 analyses;
- (v) CEM data (refer to Engineering Guide 52);

**Comment [MM6]:** I think we need to clarify that worst case conditions should not always automatically translate into testing while the emissions unit is operation at or near maximum capacity, but rather as a condition that is most likely to challenge the emission control measures with regards to meeting the applicable emission standard (see 7/5/2077 IOC from Todd Brown).

Example language for consideration:

a. "The test(s) shall be conducted at a Maximum Source Operating Rate (MSOR), unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency. MSOR is defined as the condition that is most likely to challenge the emission control measures with regards to meeting the applicable emission standard(s). Although it generally consists of operating the emissions unit at its maximum material input/production rates and results in the highest emission rate of the tested pollutant, there may be circumstances where a lower emissions loading is deemed the most challenging control scenario. Failure to test at the MSOR is justification for not accepting the test results as a demonstration of compliance."

(vi) Record keeping program; and

(vii) VE readings/VE checks among other methodologies.

(K) If stack testing will be required, need to add the Library term in section f)(2) that specifies when the test should be done and what test methods will be used for each pollutant to be tested.

(x) Miscellaneous [section g)].

(A) Items that do not fit under any of the above categories. For example, identifying dates of installation; providing potential to emit calculations; clarifying why an emissions unit was permitted a certain way that might not be evident otherwise.

**Comment [MM7]:** Generally, the frequency of VE observations should default to daily, unless circumstances exist that may necessitate a different frequency (i.e., weekly). In some instances, you may use a tiered approach (i.e., daily checks for a month, then if no VEs are observed, go to weekly, then if VEs are observed, go back to daily). At some point in the future, there will be some sort of memo/guidance made available that will address the frequency of monitoring (mainly form paved and unpaved roadways and parking areas).

#### Identify State Terms and Conditions.

(xi) In section a)(1), identify the specific terms that are enforceable under state law only. Examples of state only requirements are:

(A) Air toxic modeling requirements, if applicable.

(B) Any requirements resulting from OAC rules that are not part of Ohio's federally approved SIP (check USEPA Region V web site for current SIP approval).

2. For all terms in the permit both in Part B and Part C, need to identify the authority for each term. See recently issued Title V permits for examples.
3. Include Section 112(r) Risk Management Plan Requirements (if needed) Central Office permit review staff must continue to identify Title V facilities that are required to file a 112(r) risk management plan. Notify Central Office contact when a facility is subject to 112(r) requirements so that the permit language can be properly reflected in Part B of the permit. (CHECK FLAG IN STARS2) Available Guidance: October 16, 2001 e-mail guidance from Tom Rigo.
4. Include Acid Rain Requirements (if needed) Central Office permit review staff must continue to identify Title V facilities that subject to 40CFR Part 72 (acid rain requirements). Notify Central Office contact when a facility is subject to acid rain requirements so that the permit language can be properly reflected in Part B of the permit. (CHECK FLAG IN STARS2) Available Guidance: October 16, 2001 e-mail guidance from Tom Rigo.

## Quality Indicators for Terms and Conditions.

- a. Terms and conditions developed for Title V permits should be:
    - (i) Accurate and comprehensive (from a regulatory standpoint);
    - (ii) Clearly written and understandable (put yourself in the place of the facility environmental contact or other reasonably competent technical person -- are compliance obligations clearly spelled out?);
    - (iii) Enforceable – terms should be relevant to what is being permitted, if a term is requesting information that has no connection to controlling emissions then the term most likely is not needed – must be practically enforceable by our inspectors;
    - (iv) Grammatically correct; and
    - (v) Reflective of a high level of quality and appear to be a professional-looking document.
  - b. Upon completion of the Draft permit recommendation, the DO/LAA Permit Writer reviews the Draft permit recommendation against the listed criteria to ensure that quality Terms and Conditions have been written.
5. If not already done, prepare or update the Statement of Basis (SOB) document using the Ohio EPA guidance (Appendix M), or the most recent/updated guidance. The SOB document must be generated in STARS2 and saved at L:\Data\Facilities. The SOB document can be prepared during the assembly of the permit recommendation.
6. CAM Plan Review.
- a. Determine if a Compliance Assurance Monitoring (CAM) plan is required for one or more emissions units at the facility using CAM guidance (Appendix L).
  - b. If a CAM plan is required, provide a discussion of the CAM plan as part of the Draft Title V permit recommendation.
  - c. Contact DAPC CO Reviewer to discuss progress, schedule, technical issues, etc. associated with the review of the submitted CAM plan.
  - d. In cases where a CAM plan is required but has not been submitted, the DO/LAA Permit Writer shall contact the facility contact to obtain a CAM plan. This might require the need to resubmit the Title V application.

- e. Additional CAM guidance from U.S. EPA can be found at:  
<http://www.epa.gov/ttn/emc/cam.html>
7. For Title V Permit Renewals, the DO/LAA Permit Writer shall follow the current Ohio EPA guidance concerning the preparation of Title V permit renewals (Appendix P).
- a. Upon submittal of the permit renewal recommendation to Central Office, DO/LAA PRM will attach a copy of the completed checklist in STARS2.
  - b. The DO/LAA Permit Writer and DO/LAA PRM shall contact DAPC CO Reviewer to discuss technical issues, progress, schedule, etc. for permit renewals.
  - c. Note that the old legacy permits were in a different format that contained two sections for the individual emissions units terms: State/Federal and State Only. The new STARS2 format contains only one section for the emissions unit terms. In this section, it will be necessary to include terms that were previously in the State Only section and identify them accordingly in term a)(1).
8. Whenever possible, the DO/LAA Permit Writer will allow "breathing space" after the first draft of Terms and Conditions before submitting the permit recommendation for review.
- a. This time (typically from 2 to 7 days) allows a cooling off period before the DO/LAA Permit Writer conducts a final review of the entire permit recommendation.
  - b. Print out hard copy of entire permit recommendation.
  - c. Review the entire permit recommendation, making corrections or seeking guidance from DO/LAA PRM or DAPC CO where appropriate.
9. The DO/LAA Permit Writer updates the Workflow in STARS2 and assigns the permit recommendation to DO/LAA PRM.
- a. Note that the old legacy permits were in a different format that contained two sections for the individual emissions units terms: State/Federal and State Only. The new STARS2 format contains only one section for the emissions unit terms. In this section, it will be necessary to include terms that were previously in the State Only section and identify them accordingly in term a)(1).

**Comment [MM8]:** As another source of information for evaluating CAM plans, there is an answer place topic (2269) that has a link to a document that lists all the TV permits issued with CAM plans (it should be up-to-date).

10. Whenever possible, the DO/LAA Permit Writer will allow "breathing space" after the first draft of Terms and Conditions before submitting the permit recommendation for review.
  - a. This time (typically from 2 to 7 days) allows a cooling off period before the DO/LAA Permit Writer conducts a final review of the entire permit recommendation.
  - b. Print out hard copy of entire permit recommendation.
  - c. Review the entire permit recommendation, making corrections or seeking guidance from DO/LAA PRM or DAPC CO where appropriate.
11. The DO/LAA Permit Writer updates the Workflow in STARS2 and assigns the permit recommendation to DO/LAA PRM.