

IOWA DEPARTMENT OF
NATURAL RESOURCES

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Air Quality Bureau



**Response to Comments for the
Construction Permit Format LEAN Event**

Introduction

Starting today issued construction permits will be on the new permit format except for permits that had already been drafted on the old format.

In December 2015 the Air Quality Construction Permit Section hosted a dual LEAN event which included both permit applicants and DNR staff. During the event the construction permit format was reviewed and updated. The format is the basis for the final construction permits issued by the Air Quality Bureau. The LEAN event group proposed changes to the format which were sent out for comment on December 11, 2015. Thank you for those who submitted comments.

After receiving and reviewing all comments the Air Quality Construction Permit Section has made final changes to the permit format. The permit format has been rearranged and reformatted to conform to current practices and to highlight important requirements. Some sections were removed and others rewritten to improve readability for the permit holder.

A summary of the proposed changes include:

- Move general conditions to the back of the permit.
- Adding a table to the NSPS and NESHAP section.
- Combining the Operating Limits and Operating Condition Monitoring and Recordkeeping sections.
- Added contact person email address to the permit cover page.
- Removed the list of acronyms from the permit which will now be attached to the permit package cover letter.

A copy of the final permit format along with a Response to Comments document are available on <http://www.iowadnr.gov/Environmental-Protection/Air-Quality/Stakeholder-Involvement>.

Please contact Chris Roling, Construction Permit Senior Engineer at (515) 725-9557 or chris.roling@dnr.iowa.gov with any questions or comments regarding the format.

Response to Comments

The comments are grouped by the section of the permit with the comment in black under the heading “**Comment.**” The DNR’s reply will follow in blue under the heading “**Response:**”

Section I – Cover Page

Comment: It is better to have the permit number in the table with Project Number instead of at the top of the page.

Response: The LEAN Event Group felt it was better to have the permit number towards the top of the page as it an important part piece of information.

Comment: Will multiple emission units be listed in the table on the cover page or will the engineer have to create a table and insert it with the Emission Point Characteristics Section?

Response: There is enough space to list 5 and in some cases 6 emission units depending on the length of the emission unit description. If it is a lengthy list of emission units/control equipment the engineer will need move the table to Condition 3 (Emission Point Characteristics) like is currently being done.

Section II – Combined Emission Limit & Compliance Demonstration Table

Comment: The combination of three (3) tables into one (1) table along with the landscaped format could lead to longer permits instead of shorter permits and more “white space.”

Response: Several existing permits were converted over to the proposed format. After reviewing those examples an alternative format was designed. The alternative proposal was to keep separate Emission Limits and Compliance sections, but combine the two (2) Compliance tables into one (1) table. Both sets of examples were presented to the LEAN Event Group.

The LEAN Event Group decided the alternative was a better approach since it would take less time for the engineers to fill out especially when modifying an existing permit. In addition, it utilized less space.

Comment: Will engineers be removing rows from the table for the pollutants that don’t apply to an emission source? The table has the potential to become very unruly with multiple emission limits for some pollutants and many other pollutants left blank.

Response: The engineers will delete the rows for those pollutants where there is no emission limit and/or compliance requirement.

Comment: If there is no limit and the pollutant is not listed does that mean it is not emitted by the source or that they do not have to report those emissions?

Response: No. If there is no limit for an individual pollutant it means there was no basis for the Department to set a limit. The facility is still required to report emissions of pollutants emitted even if there is no limit listed in the construction permit. The following language has been added to the Emission Limits Section:

“The owner or operator is required to report all emissions as required by law, regardless of whether a specific emission limit has been established in this permit.”

Comment: It is better to have the “Test Run Time” consistent with the emission limit averaging time.

Response: The “Test Run Time” will be adjusted based on the individual situation. The times listed currently are the minimum run times and also the most common used in permits.

Comment: Are the “lbs/hr” and “tons/yr” in the draft template an example only? Any pollutant has the ability to have multiple emission limits associated with it. There would be few times where a ton/yr limit would apply to a Federal PM limit.

Response: The table has been reformatted so this comment no longer applies as “lbs/hr” and “tons/yr” are now headers in the table.

Comment: Will the limits like 40% opacity be pre-filled in the template? A pre-filled template can lead to unintentionally leaving limits in that don’t apply. Title V uses a cut/paste page with commonly used limits and rule citations to bring into the template instead of having to delete non-applicable limits from the template.

Response: Only the opacity is pre-filled as it is one of the most common limits in construction permits. While there can be mistakes, it is unlikely with opacity since this limit is common and the permits are reviewed by the engineer, the facility, a senior engineer, and in some cases a Title V permit writer. In addition, if opacity does not apply to a specific emission point the opacity row will be deleted.

Comment: Are the engineers supposed to answer “yes” or “no” in the “Compliance Demonstration” column?

Response: No. The engineers will now either list “No” or list the actual compliance demonstration such as “Stack test,” “Recordkeeping,” or “CEMS.”

Section III – Compliance language

Comment: Please address the compliance language for the following situations:

- ⇒ when is stack testing required after my permit amendment when there is frequent (i.e. quarterly, annual, etc.) testing required and
- ⇒ when is testing required if there is no construction and the unit is already at its maximum capacity.

Response: The language in the Compliance Section has been updated to address these situations. In the first situation, the standard language now states testing is to be completed

within 60/180 days if there is a physical modification and 90 days if there is no physical modification.

In the second situation, the compliance language has been updated to state any testing beyond an initial test is to be completed per the Compliance Demonstration Table.

Comment: The template states the deadline for a required test is either 60/180 days if there are no physical modifications involved or 90 days if there are physical modifications. This option of choice would not be easy to be sure later when we incorporate it into Title V permits, but I assume it is relatively easy for the permit engineer to know at the time of issuing the permits. If possible, I suggest to make it a definite deadline at the time when the construction permits are issued based on if physical modifications are involved or not with the construction project.

Response: Currently the engineers are required to change the standard permit format language from 60/180 days to 90 days when there is no physical change. Unfortunately this change is often overlooked which causes confusion for the DNR compliance section and owners of equipment. The new language will address this situation.

There are several places for Air Quality Bureau staff to look to determine whether a physical modification is involved and which timeframe the testing is to be done. The first place to look is the first page of the permit under "Description" as this provides a brief description of the project. The Engineering Evaluation and the construction permit application will also explain whether or not construction is involved. Finally, the engineers are required to complete information in the Stack Test Database which includes detailing whether the testing requirement is 60/180 days or 90 days. This information is also available to all Air Quality Bureau staff.

Comment: Leave the recordkeeping out of the compliance demonstration section of the permit. This seems redundant since it is well spelled out in the recordkeeping section of the permit. It is also confusing when mixed with the testing cells in the new template.

Response: The Compliance Demonstration section of the permit was changed in a previous version construction permit format to represent all compliance demonstrations and not just stack testing. Listing "recordkeeping" in the Compliance Demonstration section is not a change from the previous version of the permit format. It was not considered redundant because the purpose of Compliance Demonstration section is tell the reader whether or not there is a compliance demonstration requirement and the type. Other parts of the permit detail the actual demonstration. Combining the two (2) compliance tables into one (1) did lead to some questions by staff, but a procedure was developed to address any confusion.

Section IV – NSPS & NESHAP

Comment: Why are the tables pre-filled? What if none of the units are subject to an NSPS or NESHAP?

Response: Only the General Conditions was listed in the tables. This was done both as an example and because the General Conditions almost always apply if another NSPS/NESHAP applies.

If the unit, process, and/or facility are not subject to an NSPS or NESHAP the engineer will need to delete the table(s) and replace it with wording explaining why the source is not subject.

Comment: Will the engineers be allowed to write around or under the tables? I use this section to make statements about why an emission unit is not subject to a federal rule. The tables are okay for listing rules, but not good for adding text or explanations. I just hope we are allowed to write in this section.

Response: Yes on a limited basis. As stated above there might be situations where the table(s) is deleted and replaced with language. There could also be situations where some units are listed in the table and others need more explanation as to why they are not subject to any standards. The Construction Permit Section wants to ensure consistency in how its permits are issued so all readers will have a better understanding of what is in the permit and what to expect.

Comment: What is meant by "Classification" in respect to NSPS or NESHAP?

Response: This has been changed to "Type." The LEAN Event Group thought it would be a good idea to provide more detail when a unit fits into a specific category such as "limited use boiler" or "Group 1 process vent." This column was created in an effort to address that comment. If there is no specific category then the engineer will just list "NA" or possibly delete that column.

Section V – Combined Operating Limits, Recordkeeping, and Monitoring

Comment: Don't think combining the operating limits and recordkeeping requirements will be effective as the physical division of the two (2) helps a facility to easily gauge their recordkeeping requirements.

Response: The business members on the LEAN Event Group prefer to have the operating limit and recordkeeping all in one place rather than two (2) different sections in the permit.

Comment: It appears like the order should be: 1.) All the operating limits, 2.) All the recordkeeping. No breaks. I don't understand why this has to be. I think there could be some blending together that could lead to confusion or making things harder to find. I find this to be an unnecessary consolidation.

Response: As stated above, the business members on the LEAN Event Group prefer to have the operating limit and recordkeeping all in one place rather than two (2) different sections in the permit.

Comment: More tables please. As long as the operating limits and associated recordkeeping are being combined I would like to see them put into table format.

Response: The LEAN Event Group evaluated the use of tables for operating limits and recordkeeping, but felt it was unwieldy. One of the staff engineers prepared a couple of examples based on actual permits. Due to the amount of text and other problems such as some limits not having recordkeeping or recordkeeping with no operating limit a table doesn't make sense. However, this doesn't mean the engineers will not use tables in some case-by-case situations.

Section VI – Formatting, Rule References, and Cross-References

Comment: Several comments noting minor formatting issues, incorrect cross-references within the permit, and a question regarding the wording the permit compared to the rule:

Response: All of the formatting, rule references, and cross-references have been addressed.

Comment: I would use the numbering function in Word for the footnotes in the permit instead of the superscripted numbers we have traditionally used, it makes it them easier to modify. For example:

1) Footnote one

instead of

¹Foonote 2

Response: Footnotes have been traditionally used because the information contained within is additional and/or clarifying information. A way was needed to distinguish this information from the important requirements within the permit. That is also why the footnotes have traditionally been a smaller font. After discussing with the Legal Section they prefer we continue with our use of footnotes.

Comment: The addresses are hard to read in the proposed template with them embedded in the paragraph in one line (horizontal) rather than spelled out vertically.

Response: The addresses have been changed to a vertical format in the final version.

Comment: Please change “Department” in the permit format to “DNR.”

Response: The Iowa air quality regulations refer to the DNR as “department.” Since a permit is a legal document it is required to use the same terminology.
