

# **PART 70 OPERATING PERMIT INITIAL APPLICATION**

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## **I. Introduction**

### **A. Part 70 Permit**

A Part 70 Permit is required by Title V of the 1990 Clean Air Act Amendments. Part 70 is a federally enforceable permit program administered by the Maryland Department of the Environment (MDE) for certain stationary sources

Facilities are encouraged to submit applications before the required date, as described in COMAR 26.11.03.02B, to allow ample time for MDE to act on all applications.

A facility's Part 70 permit application must include specific emissions information, a description of a facility's processes and products, a description of all applicable regulations and requirements, a compliance plan for all emissions units which are out of compliance with any applicable regulation or requirement, and a compliance certification. All testing, monitoring, reporting, and record keeping requirements must also be identified in the application. For standards that have no specific periodic testing and monitoring requirements or guidance, the facility may submit a proposal for consideration by MDE.

In addition, the permit applicant is required to submit information pertaining to requirements that are enforceable only by MDE. This information on State-only enforceable requirements is separate from the federally enforceable Part 70 permit application information. Examples of such State-only enforceable requirements include information necessary to determine compliance with State regulations on air toxics, nuisances, odors, and continuous emission monitoring telemetry.

MDE will make a completeness determination within 60 days after receiving a Part 70 permit application using the completeness checklist included in this application package.

If a timely application is found to be complete, the facility receives an "application shield" as defined in COMAR 26.11.03.01D. If additional information is requested in order to process the application, MDE will establish reasonable deadlines for the facility to submit the required information. The facility will retain the "application shield" provided that it complies with these deadlines.

### **B. Facilities Subject to the Part 70 Permit Requirements**

The following facilities are required, by federal regulation, to obtain a Part 70 permit:

- (1) A major source (as defined in COMAR 26.11.02.01C);
- (2) A facility subject to a standard, limitation, or other requirement under Section 111 (New Source Performance Standards (NSPS) Requirements) of the Clean Air Act;
- (3) A facility, including an area source, subject to a standard or other requirement under Section 112 (Hazardous Air Pollutants (HAPS) Requirements) of the Clean Air Act, except that a source is not required to obtain a Part 70 permit solely because it is subject to regulations or requirements under Section 112(r) (Accidental Release Program Requirements) of the Clean Air Act;
- (4) An affected source as defined in Title IV (Acid Rain Program Requirements); and

- (5) A facility in a source category designated by the EPA pursuant to 40 CFR Section 70.3. (Part 70 Permits Applicability Requirements).

Please note that non-major facilities subject to either Section 111 or 112 of the Clean Air Act are deferred from applying for a Part 70 Permit at this time. Whenever the EPA takes action to end the deferral, affected facilities will be required to submit an application within twelve months after the deferral expiration.

In order for a facility not to be considered a major source, it may choose to limit its potential-to-emit to below the thresholds that trigger the requirement to obtain a Part 70 permit. This action would classify the facility as a "synthetic minor". A source may become a synthetic minor source by accepting a limitation in a permit to construct or State permit to operate that restricts potential emissions to below major source thresholds. The mechanism to obtain a synthetic minor status is subject to change. The EPA is considering adopting regulations that may affect how a facility can obtain a synthetic minor status. An applicant interested in becoming a synthetic minor source should contact the Department to learn about the current rules.

#### **C. Emissions Units and Activities Exempted from the Application**

COMAR 26.11.03.02G requires a facility to submit a list of emissions units and activities located at the facility that are exempt from the Part 70 permit application due to size, production rate, and/or emission rate. A checkoff list of such exempted emissions units and activities at the facility shall be submitted with the Part 70 application. This list requires the applicant, for certain categories of activities (e.g., unheated storage of VOC with an initial boiling point of 300°F (149°C) or greater), to indicate the number of such units located at the facility. The Department may request additional information regarding such activities. The List of Exempted Units will be attached to the application when the docket is prepared for the public participation process. The general public and interested groups have the opportunity to review the list and request additional information. The List of Exempted Units will be included in the Part 70 permit, along with any applicable Clean Air Act requirements.

#### **D. Emissions Units Subject to CAM**

“Compliance Assurance Monitoring” or CAM (40CFR part 64) is intended to provide a reasonable assurance of compliance with applicable requirements under the Clean Air Act (CAA) for large units that rely on pollution control device equipment to achieve compliance. For facilities subject to CAM requirements, the applicant must submit a CAM plan as an attachment to the Part 70 application.

For an emissions unit to be subject to 40 CFR Part 64, the unit must: be located at a major source for which a Part 70 or 71 permit is required; be subject to an emission limitation or standard; use a control device to achieve compliance; have potential precontrol emissions of at least 100% of the major source amount, and must not otherwise be exempt from CAM. If a unit does not meet all of these requirements, the unit is not subject to CAM.

For additional guidance on the requirements of CAM and what is required as part of the CAM plan, the EPA has prepared a technical support document. It can be accessed at the following website: [www.epa.gov/ttn/emc/cam.html](http://www.epa.gov/ttn/emc/cam.html).

#### **E. Facilities Subject to State Permits to Operate**

For a facility for which a State permit to operate is required, as provided in COMAR 26.11.02.13, a Part 70 permit for that facility also constitutes a State permit to operate for that source. A facility's State permit to operate is superseded by the issuance of a Part 70 permit covering that facility.

The applicant of a facility for which a Part 70 permit is required shall submit additional information based upon applicable requirements of the State air pollution control law in addition to the federally enforceable requirements in the Part 70 application form. Attached to the end of the Part 70 application are the forms to complete for state-only enforceable requirements.

## **II. Instructions: Part 70 Operating Permit Application Form**

### **A. Overview**

These instructions are meant to assist facilities in completing the Part 70 Permit Applications.

#### **Note on General Organization of the Application Form**

The applicant may be required to replicate certain portions of this Part 70 form (e.g. Sections 3A, 3B, 4, etc.) in order, for example to describe each emissions unit or applicable requirement at the facility. Consequently, certain large or complex facilities may have an application with many pages. A numbering scheme for the completed application, especially multiple copies of sections of this form (e.g., 3A-1, 3A-2, etc.), is therefore requested. Pagination, even for smaller sources, will not only facilitate review and discussion of the application, but may prevent the inadvertent omission or loss of pages that could jeopardize a timely completeness determination.

#### **Number of Copies of the Application to Submit**

Submit three copies of the application along with each attachment. One copy remains with the public docket at the Department's offices in Baltimore. A second copy is placed in a docket that is sent to the local public library near the facility during the public participation phase of the issuance process. A third copy is sent to the EPA upon request.

If the application contains confidential information, the applicant shall submit one application with the confidential information clearly marked. In addition, submit two copies of the application with the confidential information deleted. On the front of the application forms mark the copies as confidential or non-confidential.

### **B. Federally-Enforceable Requirements**

#### **Cover Page**

1. Include the name and address of the owner or operator, including a telephone number and fax number.
2. Include the name and address of the facility, including the plant manager's name, telephone number, fax number, and an e-mail address.
3. Include a 24-hour emergency telephone number for air pollution matters.
4. If there is more than one owner, operator, facility manager, or contact, attach their name(s) and address(es) along with their telephone number(s) fax number(s), and e-mail address(es).

#### **Section 1. Certification Statements**

Please read this page carefully. A responsible official must sign to the truth and

accuracy of the four statements. The application will be considered incomplete without the signature of a responsible official. A responsible official is defined in COMAR 26.11.02.01B(47) and, in general, is:

1. For a corporation, a partnership, or a sole proprietorship, a president, secretary, treasurer, or vice-president in charge of a principal business function, or another person who performs similar policy or decision-making functions for the corporation, partnership, or sole proprietorship or a duly authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit; or
2. For a municipal, State, federal, or other public agency, either a principal executive officer or ranking elected official.

## **Section 2. Facility Description Summary**

1. Describe the major activities at the facility, including the applicable SIC code(s) and end product(s).
2. Indicate whether the facility is a major source based on actual emissions of air pollutants, or major based on potential emissions, or whether the source is a solid waste incineration unit required to obtain a part 70 permit under § 129(e) of the CAAA. (For example, a hospital, medical, infectious waste incinerator, HMIWI, is required to obtain a Part 70 permit.)
3. Flow diagrams indicating all emissions units, emission points, and control device(s) must be submitted. An emissions unit is an incinerator, a piece of fuel-burning equipment, or a process line. An emission point is an identifiable point or source within an emissions unit where a criteria pollutant or a hazardous air pollutant is discharged either from a stack or as fugitive emissions. The facility must assign a specific number to each emissions unit and each emissions point. These assigned numbers must be indicated on the flow diagrams.

A plot plan of the entire facility must be submitted. The plot plan should show the entire property, the layout of the buildings on the property, and the location of the emissions units. This drawing does not have to be to scale.

The applicant shall submit a copy of the most recent annual emissions certification report that was submitted to the Department. If the applicant has never filed an annual emissions certification report, the applicant should contact the Department to request a blank certification form. An annual emissions certification report must be submitted to the Department by April 1 of each calendar year by affected facilities.

## **Section. 3A. Emissions Unit Descriptions**

*This section must be completed for each non-exempt emissions unit within a facility including short-term activities. Make copies of the blank form as needed. The numbering of multiple copies (e.g., 3A-1, 3A-2, etc.) of this form as well as all*

*pages of the completed application is strongly recommended not only to facilitate review and discussion of the application, but also to prevent the inadvertent omission or loss of pages that could jeopardize a timely completeness determination.<sup>1</sup>*

1. Indicate the emission unit number, assigned by the facility, that identifies this unit from all others within the facility. If there is more than one emissions unit at the facility, attach a separate form (Section 3A) for each emissions unit. Include the date (month/year) the installation of the emissions unit was completed.
2. Include any registration number (if applicable), assigned by MDE, that is associated with this emissions unit.
3. Provide a detailed description of the emissions unit, including the emissions point(s) and their assigned number(s), associated with the unit.
4. Indicate any operating schedule limitations that are federally enforceable. Also, cite the references of the applicable federally enforceable requirements, (regulations, permit conditions, consent orders) which require the limitation.
5. Where applicable, specify type(s) of fuel, percent sulfur, and the annual usage of fuel. Be sure to specify the unit(s) of measure for the annual fuel usage.
6. Check off whether the emissions unit is an actual major or potential major source. Enter the actual emissions from the emissions unit.

Note that emissions units that have actual or potential before control emissions above major source thresholds, that are subject to an emissions standard, and require the use of an air pollution control device to meet the emissions standard are subject to the requirement to submit a CAM plan. Review the discussion of CAM plans

### **Section 3B. Citation and Description of Applicable Federally Enforceable Requirements**

*This section must be completed for each applicable federally enforceable emissions standard/ limit or operational limitation for each emissions unit.<sup>2</sup> Make*

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<sup>1</sup>Where a facility has maintained a summary table, based upon an existing database report or spreadsheet, that contains **the same information required by this section**, the applicant may refer to that document in this section and include it as part of the application. Applicants choosing this option should, however, check with the Department to determine if proposed substitute format is acceptable.

<sup>2</sup>Where a facility has maintained a summary table, based upon an existing database report or spreadsheet, that contains **the same information required by this section**, the applicant may refer to that document in this section and include it as part of the application. Applicants choosing this option should, however,

*copies of the blank form as needed. As with form 3A, the numbering of multiple pages (e.g., 3B-1, 3B-2, etc.) of this form is strongly recommended to facilitate review and the application completeness determination.*

**For each emissions unit:**

1. Indicate the assigned emissions unit number. Where some or all of the emission units at a facility are subject to the same applicable emissions standard or operational limitation and will use the same methodology of compliance demonstration, the applicant may choose to group the emission unit numbers (e.g., "EU1 - EU4" or "Facility-wide"). The grouped emissions units must share the identical standards/limitations and the identical method of compliance demonstration. In addition, if an emissions unit consists of emissions points that have different applicable standards/limits or operational limitations, a separate Section 3B must be submitted for each emissions point for each different standard/limitation.
2. In the "General Reference" space, cite the federally enforceable basis for the emissions standard/limit or operational limitation. This will be either a federal regulation, a state regulation that is included in Maryland's approved State Implementation Plan (SIP), a condition based on a Clean Air Act requirement and is found in a permit to construct, or a condition from a consent order that is part of Maryland's SIP.
3. Briefly summarize the emissions standard/ limit or operational limitation.. If there is more than one standard/limitation associated with the emissions unit(s)/point(s), attach a separate form Section 3B for each standard/limitation.
4. For each federally enforceable emissions standard/limit or operational limitation, describe how each emissions unit (emissions point) is monitored and/or tested to demonstrate compliance and indicate any record keeping or reporting activities. Indicate the reference (federally enforceable basis) for the monitoring, record keeping, reporting, and testing requirements. If the basis is not a federal regulation, a state regulation that is included in Maryland's approved SIP, a federally enforceable permit to construct condition, or a condition in a consent order that is in Maryland's approved SIP, indicate the reference as "COMAR 26.11.03.06C, proposed periodic monitoring".

The applicant is required to propose periodic monitoring when the basis for a federally enforceable emissions standard/limit or operational limitation does not have associated testing, monitoring, record keeping or reporting requirements sufficient for the applicant to demonstrate compliance with the emissions standard/limit or operational limitation. Periodic monitoring is not required for emissions units subject to New Source Performance Standards under 40 CFR Part 60 that were promulgated after August 1990, or subject to any Maximum Achievable Control Technology (MACT) Standards promulgated under 40 CFR Part 63.

5. Indicate the frequency of submittal of the compliance certification. Check off the reports that are required to be submitted. Every facility is required to submit

a semi-annual monitoring report and an annual compliance certification. See COMAR 26.11.03.06C(7) and G(6). Many sources that require the use of continuous emissions monitors (CEMs) to demonstrate compliance with an emissions standard/limit are required to submit quarterly reports.

### **Section 3C. Obsolete, Extraneous, or Insignificant Permit Conditions**

This form is used to list permit to construct conditions which should be considered to be obsolete, extraneous, or environmentally insignificant. For example, conditions relating to the construction activity during the building or modification of the source should be listed here. State-only enforceable permit to construct conditions should be listed on the forms provided in Part V.

*Make copies of the blank form as needed. Pagination (e.g., 3C-1, 3C-2) is recommended.*

1. Indicate the emissions unit number.
2. Indicate the permit to construct number.
3. Indicate the emissions point number.
4. Indicate the date the permit to construct was issued.
5. Identify the condition number as indicated on the permit to construct.
6. Briefly describe the permit condition and the reason why it is believed to be obsolete, extraneous, or insignificant.

*If the Department determines that any condition listed in this section should be retained as a federally enforceable requirement, the facility will be required to re-certify its application with respect to those permit to construct conditions.*

### **Section 3D. Alternate Operating Scenarios**

Briefly describe any alternate operating scenarios that apply to an emissions unit and assign a number to each scenario for identification purposes. For each scenario, provide the following information:

1. The emissions unit number; and
2. The operating parameters for the emissions unit (i.e. operating hours, materials and fuels consumed, etc.) and other information which describes the how the operation of the unit will change under the scenario.

### **Section 3E. Citation to and Description of Applicable Federally Enforceable Requirements for an Alternate Operating Scenario**

Make copies of the blank form as needed. Pagination (e.g., 3E-1, 3E-2) is recommended.

This section must be completed for any applicable federally enforceable requirement that is triggered by an alternate operating scenario that has been described in Section 3D. See the instructions for Section 3B for completing this form.

#### **Section 4. Control Equipment**

*This form is to be used to describe, where applicable, each piece of control equipment associated with each emissions point. If more than one piece of equipment is used in series to control the emissions from an emissions point, complete a separate Section 4 form for each. Make copies of the blank form as needed. Pagination (e.g., 4-1, 4-2) is recommended.*

1. Describe the type of control equipment.
2. Indicate the associated emissions unit number.
3. Indicate the associated emissions point number.
4. List the pollutant(s) that is (are) being controlled and the applicable control efficiency for each pollutant.
5. Specify the capture efficiency of the equipment if it is less than 100%.

#### **Section 5. Summary Sheet of Potential Emissions**

*This form should only be used by facilities in order to:*

- 1) *claim an exemption based on an emissions level cutoff in a standard that has been issued for the category to which the emissions unit potentially belongs (i.e. MACT standard); and*
- 2) *resolve a dispute over whether a particular requirement is applicable or whether a source is major for a particular pollutant (NO<sub>x</sub> RACT or VOC RACT).*

*Make copies of the blank form as needed. Pagination (e.g. 5-1, 5-2) is recommended.*

1. List each emissions unit by its number corresponding to those identified in Section 3.
2. For each emissions unit, quantify all applicable pollutants in tons per year.
3. In the last row of the table, quantify the fugitive emissions of each pollutant emitted from the entire facility.
4. Attach a copy of all calculations.

#### **Section 6. An Explanation of Proposed Exemptions from Otherwise Applicable Federally Enforceable Requirements.**

*Complete this section as indicated to describe and justify the exemption of an emission unit from a federally enforceable requirement, e.g., an exemption under the Early Reductions Program established in Section 112(i) of the Clean Air Act. This section can also be used to clarify that a given emissions unit is not subject to a particular requirement (e.g., a unit that is grandfathered or that has potential emissions below a major source threshold).*

*Make copies of the blank form as needed. Pagination (e.g., 6-1, 6-2) is recommended.*

1. Identify the applicable requirement.
2. Briefly describe how the applicable requirement relates to the facility.
3. Specify the reasons for the proposed exemption or claim of non-applicability. If relevant, include (or refer to previously submitted) emissions calculations that demonstrate non-applicability.

### **Section 7. Compliance Schedule for Noncomplying Emissions Units**

If an approved MDE administrative order or judicial consent decree is in effect, attach a copy of it and complete only block #1. For any other plan for compliance, complete blocks 1 through 3 as follows:

1. Identify each emissions unit, the requirement that is being violated, and the date on which the unit is expected to be in compliance;
2. Describe in detail the proposed plan to be used to achieve compliance; and
3. Indicate the schedule of remedial measures which includes an enforceable sequence of actions with milestone dates. Certified progress reports for noncomplying facilities shall be submitted at least quarterly.

### **C. CAM Plan**

When applicable, the applicant must submit a CAM plan along with the Part 70 permit application. The application will not be considered complete if a required CAM plan is not submitted.

The monitoring design criteria for a CAM plan is spelled out in 40 CFR Part 64.3. The CAM plan submittal requirements are specified in §64.4.

The following outline summarizes the contents of a CAM plan.

- I. Background
  - A. Emissions unit identification
  - B. Applicable regulation, emissions limits, and monitoring requirements
  - C. Control technology description
- II. Monitoring Approach
  - A. General Criteria
    1. Performance indicator(s)

2. Indicator range(s) or designated condition(s)  
For COMS, range(s) used to assure compliance with PM standards

B. Performance Criteria

1. Data representativeness
2. Verification of operational status (new or modified equipment)
3. QA/QC practices
4. Monitoring frequency and data collection procedures

For monitoring approaches using CEMS, COMS, and PEMS, performance criteria includes exceedance reporting required by regulation and exceedance period to be used for CAM

III. Justification

A. Monitoring approach and indicator

B. Indicator range(s)

1. Compliance test data and indicator data supporting range, or
2. Compliance test plan and schedule, or
3. Rationale and documentation for indicating that the ranges can be established without the need for compliance test data  
For CEMS and PEMS: reference the most recent certification test for the monitor.

For guidance and examples of monitoring strategies, access EPA documents found at the following website:

[www.epa.gov/ttn/emc/cam.html](http://www.epa.gov/ttn/emc/cam.html)

**D State-Only Enforceable Requirements**

**Cover Page**

Provide the information as indicated.

**Section 1. Citation to and Description of Applicable State-Only Enforceable Requirements**

For each emissions unit which has State-only requirements, regulations, and/or permit conditions subject to the Maryland regulations:

1. Indicate the assigned registration and emissions unit numbers.
2. In the "General Reference" space, cite the basis for the State-only enforceable requirement: regulation, permit condition, or consent order. If there is more than one associated with the emissions unit, attach a separate form (Section 1) for each.
3. Briefly summarize the requirement, including any emission limit.

4. For each State-only enforceable requirement, describe how each emissions point within the emissions unit is monitored and/or tested to demonstrate compliance and indicate any record keeping or reporting activities.