

Site Operating Permit (SOP) Technical Review Fact Sheet

For applicants with Title V SOP Initial Issuance, Renewal, Minor or Significant Revision projects:

Technical Review

- Applicants are not required to update SOP applications until notified by the Texas Commission on Environmental Quality (TCEQ) that technical review has started. Usually, an introductory e-mail message sent by the permit reviewer is notice that this review has begun. (Any updates submitted before this notice will be considered to be part of the original application.)
- Update contact information (names, phone numbers, mailing addresses, e-mail addresses, etc.) as soon as possible. This is particularly important for revision and renewal applications where contact information may have changed since the previous permitting action. (It is strongly recommended that all contact information for all Technical Contacts, including e-mail addresses, be included in the cover letter of the revision or renewal application.)
- The TCEQ may determine that additional information is required, and set a deadline for a response. Please respond quickly and completely by the requested deadline. If any difficulty meeting the deadline is anticipated, the applicant should contact the reviewer prior to the deadline. Otherwise, failure to submit all of the information necessary to process the application by the specified deadline can result in the voidance of the application. For details, see the policy memo dated January 6, 2006 at

<http://www.tceq.state.tx.us/assets/public/permitting/air/memos/voidguide06.pdf>

- Careful consideration should be taken when updating a revision project, since changes not addressed in the original revision application will typically result in a separate revision project.
- While an application is under review, it is not necessary to include a Form OP-CRO1 (Certification by Responsible Official) with each application update submittal. The reviewer will request certification prior to public notice or public announcement. Please maintain records of all submittals, including faxes and e-mails, for certification purposes.

Application Update Guidelines

Visually Indicating Changes to the Application: Any application data that has been changed or updated from previous submittals must be visually indicated on the new submittal. Changes that are not visually indicated may not be incorporated.

- Unless otherwise agreed upon with the permit reviewer, please submit only new or updated data rather than complete replacements of forms. In other words, previously submitted data that is not being updated should not be resubmitted. You may submit partial forms showing only the units for which data is changed. The exception is Form OP-REQ1 (see below).
- Clearly indicate data that has been changed since the previous submittal in a manner easily recognizable by the reader/reviewer, such as underlining, italics, boldface, circling, etc. Colored fonts are not recommended.
- Deletions must be clearly indicated either by strikeout of text on the appropriate form, or by a detailed supplemental description. Data omitted from application updates will not be interpreted as deletions. Omitted data will remain in the application and may affect permit content.
- When data is being replaced, it is recommended that the old value be shown as deleted and the new value be shown as highlighted. Update only the changing data values. Please avoid deleting a unit then replacing it as a means of updating unit data. This can cause critical associated data to be lost.
- Only changes being made in the current submittal should be marked. If there are multiple updates, please remove previous change markings before resubmittal.
- Certain forms, such as Form OP-SUMR (Individual Unit Summary for Revisions) include change codes that may be used in lieu of mark-up for some types of changes (e.g., additions and deletions). Other data changes on these forms should be marked as described above.
- When updating Form OP-REQ1 with a Minor or Significant Revision, if any responses in the Area-wide Applicability Determinations and General Information portion of the form (all items other than preconstruction authorizations) are changed, then the entire form must be resubmitted. For details, see the policy memo dated February 16, 2006 at

http://www.tceq.state.tx.us/assets/public/permitting/air/memos/tv_sop_revmemo2_06.pdf

Copies of Application and Updates

Provide a copy of the application and updates to the TCEQ Regional Office having jurisdiction over the site for which the permit action is being reviewed. Unless otherwise directed later in the review, it is not necessary to send a copy of Initial Issuance, Renewal, Minor Revision, or Significant Revision applications to the EPA.

Working Draft Permit Review Fact Sheet

For applicants with Title V SOP Initial Issuance, Renewal, Minor or Significant Revision projects:

Working Draft Permit Review

WDP Content: A working draft permit (WDP) contains the TCEQ determination of applicable requirements and other information based on the information submitted in the application to date.

- Most Terms and Conditions result from responses provided on Form OP-REQ1 (Application Area-Wide Applicability Determinations and General Information)
- Information in the Unit Summary is based on data provided on Form OP-SUM (Individual Unit Summary) and the corresponding Unit Attribute forms
- Citations in the Applicable Requirements Summary are derived primarily from submitted unit attribute forms
- Information found on the permit shield table, if any, is taken from data submitted on Form OP-REQ2 (Negative Applicable Requirement Determinations)
- Periodic Monitoring (PM) and/or Compliance Assurance Monitoring (CAM) requirements, if any, are taken from data submitted on Form OP-MON (Monitoring Requirements). To expedite the review, tentative PM and/or CAM may have been suggested by the permit reviewer and added to the WDP. If so, the applicant must respond in the WDP comments by either accepting the tentative PM/CAM requirements or proposing alternative requirements on Form OP-MON. Deviation limits must always be provided by the applicant in the WDP Comments.
- Compliance Plans and Schedules, if any, are taken from the latest data provided on Form OP-ACPS entitled, "Application Compliance Plan and Schedule."

WDP Deficiencies: Please respond fully to all of the deficiencies noted in the WDP transmittal message on or before the comment due date.

WDP Comments: It is important that the applicant perform a thorough review of the WDP, and submit any issues or comments to the reviewer at this time.

- Please submit comments on the WDP no later than the deadline stated in the WDP transmittal message. If any difficulty meeting the deadline is anticipated, the applicant should contact the reviewer prior to the deadline. Otherwise, failure to submit all of the information necessary to process the application by the specified

deadline can result in the voidance of the application. For details, see the policy memo dated 1/6/2006 at

<http://www.tceq.state.tx.us/assets/public/permitting/air/memos/voidguide06.pdf>

- Since permit content based primarily on submitted application data, any request for changes will typically require some form of application update. Changes to the permit cannot be made unless the appropriate underlying application data is properly updated. (Refer to “WDP Content”, above, for the underlying sources of most permit content. If further assistance is needed, contact the permit reviewer.) Submit application updates in support of any requested permit content changes with the WDP comments by the comment deadline. Please follow the application update guidelines described in the SOP Technical Review Fact Sheet.
- If the applicant has no comments on the WDP, and no application updates are being submitted, a written statement to this effect is required by the deadline. (Also see “Other Required Materials”, below)

Other Required Materials: The following items must be submitted with the WDP comments (or the statement indicating that no comments are being made) by the comment deadline.

- Certification by Responsible Official: Submit a completed and signed Form OP-CRO1 certifying all submittals containing application-related data (including submittals by fax, e-mail, etc.) with your WDP response. Be sure to include the submittal date of the WDP response in this certification.
- Form OP-ACPS (Initial Issue and Renewals only): If there has been a change in the site's compliance status since the most recent submittal of Form OP-ACPS, an updated form must be submitted by the WDP comment deadline. If any previously reported “non-compliance situations” (Form OP-ACPS, Part 2) have been completed and brought into compliance, this must also be communicated to the permit reviewer in writing.

Authorization of Public Notice

Depending on the complexity of the comments received, the WDP will be updated and issues resolved. This will be followed shortly with a letter to the applicant authorizing notice to be published in a local paper.

Changes to the permit after public notice is authorized are extremely limited, and generally require TCEQ/APD management approval. Therefore, it is extremely important that all issues be addressed and properly updated in the WDP comments.