

Air Quality Standard Permit for Pollution Control Projects
Effective Date: February 9, 2011

This air quality standard permit authorizes pollution control projects that meet all of the conditions listed in sections (1) – (6) of this standard permit.

(1) Scope and applicability.

- (A) This standard permit applies to pollution control projects undertaken voluntarily or as required by any federal or state air quality requirement, which reduce or maintain currently authorized emission rates for existing facilities authorized by a permit, standard permit, or permits by rule (PBR). Pollution control projects do not qualify for authorization under this standard permit if the project constitutes a
 - (i) new major stationary source or major modification of an existing major source as defined in 30 Texas Administrative Code (30 TAC) § 116.12, Nonattainment and Prevention of Significant Deterioration Review Definitions; or
 - (ii) reconstruction of a major source under 30 TAC § 116.400(a)(2), Applicability.
- (B) The project may include:
 - (i) the installation or replacement of emission control equipment;
 - (ii) the implementation or change to the control technique; or
 - (iii) the direct substitution of compounds used in manufacturing or related processes that are a direct substitution for compounds used in a process in the original authorization. The direct substitution of compounds must not result in process reconfiguration, new emission point sources, changes to the process conditions, or increased health impacts.
- (C) This standard permit shall not be used to authorize the installation or replacement of emission control equipment, the implementation or change to a control technique, or the direct substitution of compounds used in manufacturing or related processes:
 - (i) that constitutes the complete replacement of an existing production facility or reconstruction of a production facility as defined in 40 Code of Federal Regulations §60.15(b)(1) and (c);

- (ii) that causes an exceedance of a National Ambient Air Quality Standards (NAAQS), or is expected to adversely affect human health and the environment due to an increase or change in the nature of any air contaminant until those concerns are addressed by the owner or operator to the satisfaction of the executive director;
 - (iii) that returns a facility or group of facilities to compliance with an existing authorization or permit unless authorized by the executive director; or
 - (iv) that makes changes to scrubbers used to control odor or that allows substitution of compounds used in scrubbers.
- (D) Only new or modified pollution control projects shall meet the conditions of this standard permit.
- (i) All standard permit registrations under previous versions of the State Pollution Control Project Standard Permit shall remain authorized under the original authorization's version until the ten-year anniversary and renewal of the current authorization, or when the registration is voided.
 - (ii) All standard permit registrations that were authorized under previous versions of the State Pollution Control Project Standard Permit shall include the increases and decreases in emissions resulting from those projects in any future netting calculation.
 - (iii) All conditions of this standard permit shall be met upon the ten-year anniversary and renewal of the original registration, or when the registration is authorized by the facilities' permit and the registration is voided.

(2) General requirements.

- (A) Any claim under this standard permit shall comply with:
 - (i) 30 TAC § 116.604(1) and (2) (Duration and Renewal of Registrations to Use Standard Permits);
 - (ii) 30 TAC § 116.605(d)(1) and (2) (Standard Permit Amendment and Revocation);
 - (iii) 30 TAC § 116.610 (Applicability);

- (iv) 30 TAC § 116.611 (Registration to Use a Standard Permit);
 - (v) 30 TAC § 116.614 (Standard Permit Fees) except as provided otherwise in this standard permit; and
 - (vi) 30 TAC § 116.615 (General Conditions).
- (B) Construction or implementation of the pollution control project shall begin within 18 months of receiving written acceptance of the registration from the executive director, with one 18-month extension available, and shall comply with 30 TAC § 116.115(b)(2) and 30 TAC § 116.120 (General and Special Conditions and Voiding of Permits). Any changes to allowable emission rates authorized by this section become effective when the project is complete and operation or implementation begins.
- (C) The emissions limitations of 30 TAC § 116.610(a)(1) do not apply to this standard permit.
- (D) Planned maintenance, startup, and shutdown emissions directly associated with the pollution control projects shall be included in the representations of the registration.
- (E) Initial performance testing, monitoring, recordkeeping, and reporting shall be proposed that demonstrates initial and continuous compliance with the representations made in the registration.
- (F) Any increases in actual or allowable emission rates or any increase in production capacity authorized by this section, including increases associated with recovering lost production capacity, shall occur solely as a result of the project as represented in the registration. Any increases of production associated with a pollution control project shall not be utilized until an additional authorization is obtained. This paragraph is not intended to limit the owner or operator's ability to recover lost capacity caused by a derate that may be recovered and used without any additional authorization.
- (G) Any collateral increases in actual or allowable emission rates shall be demonstrated to be protective of the NAAQS, public health and welfare, and physical property. The owner or operator shall demonstrate protectiveness in accordance with THSC, § 382.0518(b)(2) and 30 TAC § 116.610. Projects that result in decreases of emission rates of all air pollutants are deemed to be adequately protective.
- (H) Any direct compound substitution shall be demonstrated not to cause

additional health impacts. The commission's Effects Screening Level (ESL) for any substituted compound, including resulting emissions of new products and byproducts, which result from the direct compound substitution shall not be less than the ESL value for the currently authorized compound and the emission rate for the substituted compound, including resulting emissions of new products and byproducts, which result from the direct compound substitution shall not be greater than the emission rate for the currently authorized compound.

- (I) The facility is required to operate in accordance with all requirements and conditions of the original authorization, except for those conditions identified as being affected in the pollution control standard permit approval, including all representations made in the standard permit registration.

(3) Replacement projects.

- (A) The replacement of emissions control equipment or control technique under this standard permit is not limited to the method of control currently in place, provided that the control or control technique is at least as effective as the currently authorized control equipment or control technique and all other requirements of this standard permit are met. The replacement control equipment or control technique shall have the demonstrated ability to meet or exceed the performance level of the equipment or control technique that is being replaced.
- (B) The maintenance, startup, and shutdown emissions may be increased above currently authorized emission limits if the increase is necessary to implement the replacement project and maintenance, startup, and shutdown emissions were authorized by permit, PBR, or standard permit for the existing control equipment or technique and the emissions increases meet the NAAQS and are protective of public health, as required by this standard permit.
- (C) Equipment installed under this section is subject to the following:
 - (i) testing, monitoring, recordkeeping, and reporting requirements of the original control authorization shall transmit to all in-kind replacement of emissions control equipment; or
 - (ii) testing, monitoring, recordkeeping, and reporting shall be proposed by the owner or operator for all replacement of emissions control equipment that is different than those in the original authorization sufficient to demonstrate compliance with this permit. Proposed testing, monitoring, recordkeeping, and

reporting for replacement emissions control equipment must meet industry or technology-specific standards.

(4) Registration requirements.

(A) A registration shall be submitted in accordance with the following.

(i) Notification is required for the following changes no later than 30 days after construction or implementation begins.

(a) In-kind replacement of emissions control equipment that results in no increase in emissions of any air contaminant. The registration fee shall be accompanied by a \$900 fee. No response will be sent from the executive director.

(b) Changes in representations to a previously authorized State Pollution Control Project Standard Permit for which there are no increases in authorized emissions of any air contaminant. No fee applies and no response will be sent from the executive director.

(ii) Notification is required for the following changes no later than 45 days prior to construction or implementation begins. Construction or implementation may begin only after written acceptance of the pollution control project has been issued by the executive director.

(a) Implementation or change to control technique with a demonstrated and established performance level. The registration shall be accompanied by a \$900 fee.

(b) Replacement of existing emissions control equipment with a different type of control equipment or in-kind replacement of emissions control equipment that results in an increase in emissions of any contaminant. The registration shall be accompanied by a \$900 fee.

(c) Compound substitution. The registration shall be accompanied by a \$900 fee.

(d) Changes in representations to a previously authorized State Pollution Control Project Standard Permit that increase authorized emissions of an authorized air contaminant or cause the emission of an air contaminant not previously authorized. The registration shall be

accompanied by a \$450 fee unless received within 180 days of the original registration approval.

- (B) The registration shall include the following:
- (i) a description of process units affected by the project;
 - (ii) a description of the project;
 - (iii) identification of existing permits or registrations affected by the project, including any conditions that will be changed or removed as a result of this authorization;
 - (iv) quantification and basis of increases and/or decreases associated with the project, including identification of affected existing or proposed emission points, all air contaminants, and hourly and annual emissions rates;
 - (v) a description of proposed initial testing, monitoring, recordkeeping, and reporting that will demonstrate that the project operates as represented;
 - (vi) a description of how the standard permit will be administratively incorporated into the existing permit(s); and
 - (vii) a demonstration that the proposed changes will not cause or contribute to an exceedance of the NAAQS or the commission's ESL and that the resulting emissions are protective of human health and the environment.

(5) Operational requirements. Upon installation of the pollution control project, the owner or operator shall comply with the requirements of subsections (A) and (B) of this section.

- (A) General duty. The owner or operator shall operate the pollution control project in a manner consistent with good industry and engineering practices and in such a way as to minimize emissions of collateral pollutants, within the physical configuration and operational standards usually associated with the emissions control device, strategy, or control technique.
- (B) Recordkeeping. The owner or operator shall maintain copies on site of testing, monitoring, or other emission records sufficient to demonstrate that the pollution control project complies with all of the requirements of this standard permit and final application representations relied upon to register for this standard permit.

- (6) Incorporation of the standard permit into the facility authorization.
- (A) Any new facilities or changes in method of control or control technique authorized by this standard permit at a previously permitted or standard permitted facility shall be administratively incorporated into the permit for that facility when the permit is amended or renewed.
 - (B) All increases in previously authorized emissions, new facilities, or changes in method of control or control technique authorized by this standard permit for facilities previously authorized by a PBR shall comply with 30 TAC § 106.4 (Requirements for Permitting by Rule), except 30 TAC § 106.4(a)(1) and 30 TAC § 106.8 (relating to Recordkeeping).