

New Reporting Requirements for Potential to Emit Limits

You may need to report on your emission levels to the Texas Commission on Environmental Quality (TCEQ) by February 3, 2003.

On November 20, 2002, the TCEQ changed the requirements for demonstrating that a site is not required to obtain a Federal Operating Permit.¹ Emission certifications must now be submitted to:

- the TCEQ Air Permits Division,
- the appropriate TCEQ regional office, and
- any applicable local air pollution control agencies.

These certifications were already required, however, previously they could be kept on site. Also, records demonstrating compliance with emission certifications must be kept for five years.

It is important to note that applicability for federal operating permits is determined by a site's *potential* to emit (PTE), regardless of its actual emissions.

A site's PTE determines if it is a "major source" and thus, if federal operating permit requirements apply. TCEQ rules define PTE as the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design or configuration. To determine if a site is a major source, the PTE of *all* stationary sources at a site must be calculated and summed. The calculation must be based on the *maximum* physical capacity of all equipment at the site operating 8760 hours per year. More information about PTE and major source thresholds is contained in the TCEQ Air Permits Division guidance document entitled, "Potential to Emit."

If a site's PTE is less than all major source thresholds, emission certifications are not required. However, a TCEQ investigator may ask for proof that the site is below the major source thresholds in an inspection.

If a site's PTE is greater than or equal to any major source thresholds, there are two options:

- obtain a federal operating permit; or
- establish a "federally-enforceable emission limit" to change the site's PTE.

Generally, sites with actual emissions above major source thresholds will have to obtain a federal operating permit. Sites where actual emissions are below major source thresholds, but for which the PTE is above the thresholds, must establish "federally-enforceable emission limits" to avoid the requirement for a federal operating permit. A federally-enforceable emission limit may be established:

- through the new source review (NSR) permitting process; or
- by submitting an emission certification.

Emission limits in NSR permits are federally-enforceable. If the limit in the NSR permit keeps the site's PTE below major source thresholds, an additional federally-enforceable emission limit is not needed. To lower an emission limit in an existing NSR permit, a permit alteration or amendment must be submitted.

Sites using standard permits and permits by rule (PBRs) may establish a federally-enforceable emission limit by submitting an emission certification.

¹ The rule amendments affect Title 30 Texas Administrative Code Chapter 122, Federal Operating Permits; Chapter 106, Permits by Rule; and Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

To make compliance easier, a new form, APD-CERT, has replaced Form PI-8, Form OP-CRE1, and Form OP-CRE2. In addition, Form P17-CERT is available to owners and operators who choose to submit a PBR registration and certify emission limits at the same time.

Those who have previously set a federally-enforceable limit are required to submit an emission certification by February 3, 2003. Since these certifications were already required to be kept on site, you can submit the appropriate form that is already in your records (if it is still valid). If you do not have an appropriate emission certification form on site, you may attach existing Form PI-7 to a certification form to make the emission limits in the Form PI-7 federally-enforceable. Your records should:

- demonstrate that the emission limits have not been exceeded; and
- document compliance with the emission certification. Records must be kept for five years for all emission certifications.

For new operations, the PTE emission certification must be submitted at start-up.

Emission certification forms should be submitted to:
Texas Commission on Environmental Quality
Office of Permitting, Remediation and Registration
Air Permits Division, MC-163
P.O. Box 13087, Austin, Texas 78711-3087

In addition, the forms must be submitted to the appropriate TCEQ regional office and all local air pollution control agencies having jurisdiction over the site.

Questions on PTE may be forwarded to Ms. Tara Capobianco of the Air Permits Division at (512) 239-1117. In addition, Air Permits Division staff members may be reached at (512) 239-1250 for assistance with other Title V inquiries. Local government operations and small businesses (with 100 or fewer employees) can also contact the TCEQ Small Business and Local Government Assistance (SBLGA) program at (800) 447-2827.

Below is a list of helpful websites:

PTE Guidance Document:

http://www.tceq.state.tx.us/permitting/air/guidance/titlev/tv_pte_guidance.html

Form APD-CERT:

http://www.tceq.state.tx.us/permitting/air/forms/apd_cert_forms.html

Form PI7-CERT:

http://www.tceq.state.tx.us/permitting/air/forms/permitbyrule/pbr_pi7cert_forms.html