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GUIDELINES

TO: Permitting Branch Staff

FROM: Marty Gray, Permitting Branch Manager 

DATE: June 30, 2018

SUBJECT: Enforceability of Synthetic Minor Permits

Purpose

This guideline outlines the enforceability of synthetic minor permits

Implementation and Analysis

A source regulated by a federally enforceable permit (e.g., our Approval Orders (AO)) may require little or no buffer between the maximum permitted emission levels (“allowable emissions”) and Part 70 major source thresholds. Synthetic minor AO’s must have enforceable emission limits.

In general, enforceability for a *source-specific permit* means that the permit’s provisions must specify:

1. technically accurate emission limits for all emission units;
2. time period for the limitation that protects the standard and limits annual emissions (hourly, daily, monthly, or annual limits such as rolling annual limits); and
3. a method to determine compliance, including appropriate monitoring, recordkeeping, and reporting.

Since source applicability thresholds are based on annual emissions, the longest period for an emission limit is one year.

The monitoring required for enforceable emission limits includes: CEM’s, stack tests, AP-42 emission factors, manufacture guarantees, etc. Typically a standard method (e.g., stack test) is preferred for monitoring since they are enforceable, but these may not be appropriate for smaller sources since they are so costly. When emissions estimates are not based on standard test methods or accepted emission factors, other means may be employed to ensure a credible limit is set. Whenever possible, allow sources to use an operational parameter they already monitor as a surrogate for measuring actual emissions provided the parameter can be correlated to the missions.

Production limits and mass balance limits are common examples.

Recordkeeping and reporting of the monitoring must also be required by the AO. Many monitoring schemes may consist largely of recordkeeping. Minimum reporting requirements should be to submit a report to the Director when the limit is exceeded.

There are other factors that should be considered when determining the appropriate monitoring, recordkeeping, and reporting conditions. For example, liberal terms might be acceptable for a source with a history of actual emissions below the proposed limit since this is a strong indicator that the source will operate as a synthetic minor with PTE limited by an AO. On the other hand, a source that has a history of noncompliance may not be expected to do so for synthetic minor limits. Therefore, it is reasonable to require that noncompliant sources monitor more frequently, use more accurate methods, report more frequently or some other measure depending on the situation.

The primary purpose of this type of AO is to establish federally enforceable emission limits. Monitoring, recordkeeping and reporting should be relative to the likelihood of exceeding the threshold.

Authority

UAC R307-415-4(6)

This Guideline shall be audited every five years by the Major NSR Section Manager to determine the current status and relevance of the information.