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What is Title V?

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What is Title V?

Title V is a federal program designed to standardize air quality permits and the permitting process for major sources of emissions across the country.

Title V is a federal program designed to standardize air quality permits and the permitting process for major sources of emissions across the country. The name "Title V" comes from Title V of the 1990 federal Clean Air Act Amendments 

(<http://www.epa.gov/air/caa/title5.html>) which requires the Environmental Protection Agency (EPA) to establish a national, operating permit program. Accordingly, EPA adopted regulations [Title 40 of the Code of Federal Regulations, Chapter 1, Part 70 (Part 70)], which require

states and local permitting authorities to develop and submit a federally enforceable operating permit programs for EPA approval. The South Coast Air Quality Management District (AQMD) adopted Regulation XXX – Title V Permits (/home/rules-compliance/rules/scaqmd-rule-book/regulation-xxx) in 1993 to interface the federal permitting requirements with the submitted Title V permit program. On March 31, 1997, EPA granted interim approval to SCAQMD's Title V program. The program submittal was finally approved on November 30, 2001.

Title V applies only to facilities that meet specific criteria. This section provides general information on the following:

- Who is Subject to Title V?
- Title V Exemption

Who is Subject to Title V?

Title V Emission Thresholds

Title V only applies to "major sources." EPA defines a major source as a facility that emits, or has the potential to emit (PTE) any criteria pollutant or hazardous air pollutant (HAP) at levels equal to or greater than the Major Source Thresholds (MST). The MST for criteria pollutants may vary

depending on the attainment status (e.g. marginal, serious, extreme) of the geographic area and the Criteria Pollutant or HAP in which the facility is located. There are three air basins within the jurisdiction of the SCAQMD. The following table shows how a facility may determine if it is a Title V major source based on MST for the three air basins (click here (</home/permits/title-v/area-map-mst-for-title-v>) for map of the air basins).

Major Source Potential to Emit Emission Thresholds

(tons per year)

| Pollutant | South Coast Air Basin | Riverside County Portion of Salton Sea Air Basin | Riverside County Portion of Mojave Desert Air Basin |
|------------------|------------------------------|---|--|
| VOC | 10 | 25 | 100 |

| | | | |
|---------------------|-----|-----|-----|
| NOx | 10 | 25 | 100 |
| SOx | 100 | 100 | 100 |
| CO | 50 | 100 | 100 |
| PM-10 | 70 | 70 | 100 |
| Single HAP | 10 | 10 | 10 |
| Combination of HAPS | 25 | 25 | 25 |

Phase One and Phase Two Title V Permits

The Title V permitting program in the SCAQMD is implemented in two phases. In Phase One (March 1997 to March 2000), facilities were subject to the Title V permitting program if their total actual emissions (both for permitted and non-permitted equipment stated in their 1992 or later Annual Emissions Report) exceeded 80 percent of the MST. Facilities identified in Phase One were eligible for a three-year deferral from complying with the

Title V permitting requirements if they demonstrated that the most recent, validated, reported emissions were less than the MST and a permanent change has occurred to explain the reduction in reported emissions. After three years, SCAQMD re-evaluates Title V applicability for these facilities for inclusion in Phase Two.

In Phase Two, all facilities whose PTE is at least equal to the MST must comply with the Title V permitting requirements. Facilities that have not demonstrated their PTE are evaluated for Title V applicability based on their total reported actual emissions exceeding 50 percent of the MST. Additional information pertaining to Title V applicability and PTE limitations is found in SCAQMD Rules 3001 (</docs/default-source/rule-book/reg-xxx/rule-3001-applicability.pdf?sfvrsn=4>) (PDF) and 3008 (</docs/default-source/rule-book/reg-xxx/rule-3008-potential-to-emit-limitations.pdf?sfvrsn=4>) (PDF).

AQMD Title V permits were earlier issued in a format developed for the NO_x and SO_x Regional Clean Air Incentives Market (RECLAIM (</home/programs/business/about-reclaim>)) program. In March 1999, the SCAQMD Governing Board approved an alternative approach recommended by the Permit Streamlining Task Force to issue future Title V permits by

compiling the existing equipment-based permit with Title V requirements. Reception to the alternative format was positive since it did not significantly deviate from the layout of the command and control permit, which is familiar to all permitted facilities.

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Title V Exemption

Rule 301(p)(13) (</docs/default-source/rule-book/reg-iii/rule-301.pdf?sfvrsn=60>) (PDF) and Rule 306 (</docs/default-source/rule-book/reg-iii/rule-306.pdf?sfvrsn=47>) (PDF) provide a mechanism for a facility to request for an exemption from the Title V permitting program. The following options are available to the facility:

1. Demonstrate the Facility-wide PTE is below MST

A facility that demonstrates they are not a major source is not subject to the Title V permitting requirements except as provided in Rule 3001(c) (</docs/default-source/rule-book/reg-xxx/rule-3001-applicability.pdf?sfvrsn=4>) (PDF). This option requires submittal of Form 500-E (</docs/default-source/aqmd-forms/Permit/500-e-form.pdf?sfvrsn=4>) (PDF), Form 400-A ([\[www.aqmd.gov/home/permits/title-v/what-is-title-v-\]\(http://www.aqmd.gov/home/permits/title-v/what-is-title-v-\)](/docs/default-</p></div><div data-bbox=)

source/aqmd-forms/Permit/400-a-form.pdf?sfvrsn=10) (PDF) and applicable fees along with documentation to support that the facility-wide PTE is below the MST. Required documentation may include but not limited to emissions calculations, historical throughput records, basis for emission factors and source test results.

2. Limiting the Facility PTE below the MST

A facility may also be exempted from the Title V program by limiting their facility's PTE below the MST. This scheme however requires that the new PTE be permanent and verifiably enforceable, typically done through enforceable permit change. The matrix below illustrates various scenarios under this option:

| Condition 1 If PTE is | Condition 2 And Actual Emissions are | Then |
|----------------------------------|---|---|
| < MST | < MST | Facility is exempt provided. Conditions 1 and 2 are met. |

| | | |
|---------------------------|-------|---|
| < MST by Permit Condition | < MST | Facility is exempt provided. Conditions 1 and 2 are met. |
|---------------------------|-------|---|

This option generally requires applying for a change of condition to existing permit by the addition of a facility emission cap below the MST. Submittal of Form 500-E (</docs/default-source/grants/500-e-form.pdf?sfvrsn=2>) (PDF), Form 400-A (</docs/default-source/aqmd-forms/Permit/400-a-form.pdf?sfvrsn=10>) (PDF) and Supplemental Form 400-E-XX (</docs/default-source/aqmd-forms/Permit/400-supplemental-forms.zip?sfvrsn=6>) (PDF) for each affected permit unit, and applicable fees must accompany this exemption request.

3. Correcting the AER to reflect below 50 percent of MST

In submitting the AER, a facility may have incorrectly reported their actual emissions, which made them subject to Title V permitting program. A facility that has not demonstrated their PTE and whose actual emissions are below 50 percent of the MST may be exempted from the Title V program. Rule 3008 (</docs/default-source/rule->

book/reg-xxx/rule-3008-potential-to-emit-limitations.pdf?sfvrsn=4) (PDF) allows this option and is illustrated in the following scenarios:

| Condition 1 If PTE is | Condition 2 And Actual Emissions are: | Then |
|--------------------------|---|--|
| Undetermined | $\leq 1/2$ MST | Facility exempt provided condition 2 is met. |
| Undetermined | $> 1/2$ MST | Facility requires Title V permit unless PTE is demonstrated below the MST. |
| $> \text{MST}$ | $\leq 1/2 \text{ MST}$ | Facility exempt provided condition 2 is met. |
| $\geq \text{MST}$ | $> 1/2 \text{ MST}$ | Title V permit required. |

This option requires a plan application if the previous AER is to be corrected to reflect less than 50 percent of the MST. Form 500-E (</docs/default-source/grants/500-e-form.pdf?sfvrsn=2>) (PDF), Form 400-A (</docs/default-source/aqmd-forms/Permit/400-a-form.pdf?sfvrsn=10>) (PDF) and applicable fees must be submitted if the request uses this option. Please note that it takes about six to eight months for the SCAQMD to validate the original AERs. A separate request to amend the AER must be submitted to the Emissions Reporting Group in accordance with Rule 301(e)(8)(E) (</docs/default-source/rule-book/reg-iii/rule-301.pdf?sfvrsn=60>) (PDF).

In some instances, a facility may be requesting for exemption based on the most recent submitted AER that has not yet been validated. In this case, Form 500-E (</docs/default-source/grants/500-e-form.pdf?sfvrsn=2>) (PDF) is sufficient for exemption request that accompanies a copy of the most recent AER provided that the AER requires no correction.

All annual reported emissions occurring in 2001 and thereafter must be less than 50 percent of the MST in order for the facility to demonstrate that they are not a major source.

This option is not available for facilities that were brought into Phase 1 of the Title V permitting program .

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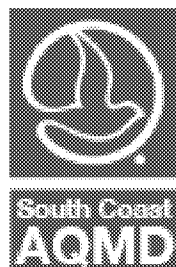
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