

**MEMO #:** PS94-004

**To:** Permit Section Staff  
**From:** Dennis M. Myers  
**Date:** February 9, 1994  
**Subject:** Synthetic minor permits for HAP's

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The Attorney General's office has determined that a synthetic minor permit can be issued for HAP's if the following conditions are all met:

1. The HAP's that are being limited are also VOC's or PM, and the permit conditions limiting VOC or PM emissions to a minor source level are federally enforceable (see discussion of federal enforceability below) and would also therefore practically limit HAP emissions to a minor source level.
2. Such compounds as methylene chloride, Freons, 1,1,1 TCE and other compounds listed in Reg.3, Part A, I.B.36.h. which are listed as compounds that are not counted as VOC's, but are still a HAP can not be issued a synthetic minor permit for HAP emissions, since these specific HAP's are not counted as a VOC.

In order for a permit condition to be federally enforceable, it must be enforceable as a legal and practical manner. What this means is that in addition to a permit condition that limits pollutant emissions on a pounds per hour and tons per year basis, there must be some method of practical enforceability such as a limit on hours of operation, fuel consumption, or amount of final product. Practical enforceability means that the permit must contain some type of process monitoring which can be easily reviewed by an inspector to demonstrate compliance. All permits must contain a production or operational limit in addition to an emission limit in cases where the emission limit does not reflect the maximum potential to emit emissions of the source operating at full design capacity without control equipment.

When permits contain production or operational limits, they should also contain recordkeeping requirements so that verification of a source's compliance with those limits can be made. Such operating or production logs must be made readily available for inspectors. Permits must also require that a compliance demonstration reporting format be approved by the Division prior to final approval.

When permits require add-on controls operated at a specified efficiency level, a permit condition should include those operating parameters and assumptions that were depended on to determine that the control equipment would have a given efficiency. If certain assumptions were made about the operation of the source itself (such as compressor engines), then those assumptions should also be included in a separate permit condition. Source tests should be required.

Limits on production and operation should also contain a short-term limit in addition to a long term (annual) limit. This limit should be as short as possible (i.e. hourly or daily), but generally should not exceed one month. In a few cases, a longer short term limit may be necessary due to the nature of the source, but in any case it should not exceed an annual limit based on a rolling 12 month average.

Please review the EPA memo dated June 13, 1989 titled "Guidance on Limiting Potential to Emit in New Source Permitting" if you have any questions regarding this memo.