

INTER-OFFICE COMMUNICATION

TO: Stationary Sources Program and Local Agencies

FROM: Dave Ouimette

DATE: April 23, 1998

RE: **PS-Memo 98-3** Short Term Limits Policy

Background

The following is a permit processing policy regarding “short term limits” contained in state-issued permits. For purposes of this document, short term limit refers to emissions, fuel, raw materials and/or production quantities that are summed and averaged over a period of time of less than one month duration; longer averaging times are not considered to be short term.

The policy is intended to provide broad guidance to Division staff realizing that a certain amount of discretion must be provided to permit writers so that they have the flexibility to draft permits that make sense given the many different types of sources in Colorado. In that regard, the Division will develop a procedural document, using this policy as a guide, to provide staff with further information on how to draft permits. This procedure will address the issue of flexibility.

Proposed Policy

1. Any existing state or federal short term limits contained in or required by existing regulations will be placed in permits. This applies to all source types--minors, synthetic minors or majors. For example, if a federal New Source Performance Standard contains an hourly emissions limit, that limit would be placed in state-issued permits. See Attachment A for a more complete listing of required short term limits.
2. Minor sources--for sources that do not have the potential to be major even if operated at full capacity, annual limits will be placed in permits. Short term limits may be added if air quality modeling indicates a potential exceedance of the National Ambient Air Quality Standards. Appropriate record keeping will be required.
3. “Synthetic” minors--facilities that wish to avoid more onerous requirements, such as those pertaining to major sources, may become synthetic minors by accepting annual as well as monthly limits on their permits. Twelve month rolling totals may be used for demonstrating compliance with the annual limit. Short term limits may also be required if air quality modeling indicates a potential exceedance of the NAAQS. Compliance plans, operational parameters of control equipment and appropriate monitoring/recordkeeping will be required.
4. Major sources--those facilities that have the potential to emit more than 100 tons per year of criteria pollutants, or 10/25 tons per year of hazardous air pollutants are major sources. All major sources will be issued operating permits and must meet periodic monitoring, recordkeeping, and compliance certification requirements. Permits issued to major sources will

contain annual and monthly limits, or, as appropriate, a twelve month rolling total in lieu of the annual and monthly limits. Sources subject to Prevention of Significant Deterioration (PSD) and non-attainment area major new source review permitting will usually require short term limits to protect a NAAQS or PSD increment, and to ensure required control equipment is functioning properly.

Air quality control programs focusing on major sources often cover small emission points as well. Under this policy, permit writers are provided flexibility to identify small quantity emissions points and activities within major sources which may not require short term limits.

5. Short term limits not required by federal law or the SIP will be noted as “state-only” conditions.

6. Short term limits may be imposed where needed to address potential adverse impacts on public health, welfare, or the environment in the surrounding community.

Enforcement of Permit Limits

Permit limits will be enforced by the Division in the usual manner, i.e., by direct observations, calculations using emissions factors, continuous emissions monitoring, portable monitoring or stack testing.

In the case of permits issued under the new policy, monitoring results, such as those from stack testing, will be projected out for comparison to the emissions limits in the permit. If the reference test method lasts one hour and there are monthly and annual limits in the permit with no restriction on hours of operation, the test data will be multiplied by the number of hours in a month or hours in a year to determine compliance.

Implementation Issues

Implementing this new short term limits policy will be a challenge in that it will likely cause a significant increase in permit amendment requests received by the Division. This comes at a time when we are still working towards elimination of a construction permit processing backlog. Given this, the Division will give a lower priority to requests to change short term limits in existing permits.

Attachment A Short Term Permit Limitations

The following is a list of various state and federal regulations which contain short term limit requirements; the limits derived from them will be placed in state permits. Note that, strictly speaking, some are only indirectly short term because they are only indirectly limited by time. For example, Regulation No. 6 limits should be included as permit conditions, in grains of pollutants per dry standard cubic foot. If stack testing is deemed necessary, the averaging time is the three hours it takes to run a test (three one-hour runs). Therefore, the combination of the NSPS standard in gpdscf, and the test method establishes a short term limit. Other requirements listed below are directly time-limited such as the 3-hour average for SO₂ emissions in Regulation No. 1.

Also listed below are the averaging times for the National Ambient Air Quality Standards which are used in modeling air quality impacts during permitting. If, under the conditions the source chooses to operate (which may need to be a permit term) the NAAQS is not violated, a short term limit is not required. If a NAAQS is violated, a short term limit may be needed in the permit.

1. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) determinations under PSD and major source non-attainment permitting rules, respectively, will usually require short term limits.
2. Regulation No. 7 requirements, e.g., pounds per gallon of coating, in combination with the appropriate averaging time will establish a short term limit.
3. Regulation No. 6, Part A, federal New Source performance standard, e.g., grains per dry standard cubic foot, in combination with the appropriate test method will establish a short term limit.
4. Regulation No. 6, Part B, state new source performance standards (same as 3, above).
5. Federal Maximum Achievable Control Technology (MACT) and National Emission Standards For Hazardous Air Pollutants (NESHAPS) will require short term limits, as listed in the specific rule.
6. To assure compliance with the NAAQS:
 - PM₁₀--24 hour
 - Sulfur Dioxide--3 hour and 24 hour
 - Carbon Monoxide--1 hour and 8 hour
7. Source subject to any case-by-case Reasonably Available Control Technology (RACT) requirements.
8. Regulation No. 1, e.g., fuel burning, process weight rate and SO₂, will require short term limits.