

8-22-97

FACT SHEET

EXTENSION OF INTERIM APPROVALS UNDER THE OPERATING PERMITS PROGRAM

TODAY'S ACTION

- The Environmental Protection Agency is extending the period that interim approval of certain State and local operating permits programs will remain valid. EPA will extend all existing interim approvals that expire before October 1, 1998 until October 1, 1998. Because EPA is currently in the process of revising its regulations that govern the content of State and local operating permits programs, EPA considers this action to be appropriate.
- A number of State and local permitting authorities expressed concern about two upcoming required revisions to their permits program. They will be required to prepare and submit revisions to their programs to address the deficiencies that prevented the programs from receiving full approval. Then, they will have to revise their programs again within 1 or 2 years to address the revisions that EPA is currently making to its operating permits regulations.
- EPA has previously indicated that it will allow State and local permitting authorities the opportunity to combine both program revisions into one submittal. This will reduce the resources required to prepare program revisions and allow States to use these resources in the early stages of implementing the program where resource demands are generally highest. However, this opportunity will not be available if a State or local agency's interim approval expires before EPA completes the revisions to its operating permits regulations.
- EPA projects the upcoming revisions to its operating permits regulations to occur mid-summer 1998. A number of interim approvals will expire before that date. In this action, those interim approvals will be extended until after EPA revises its operating permits regulations.

BACKGROUND

- The Clean Air Act Amendments of 1990 require all States to develop operating permits programs that meet certain Federal criteria. The primary purpose of the operating permits program is to improve compliance by issuing each source (facilities subject to the program) a permit that consolidates all of the Clean Air Act requirements into a federally-

enforceable document. This document is known as an "operating permit."

- The Clean Air Act includes provisions (Title V) that describe the requirements of permit programs, permit applications, as well as permit requirements and conditions. These provisions also address other aspects of the permits program such as compliance, enforcement, submission of applications, and approval of permits.
- Operating permits provide facility owners, State inspectors, and the public with specific information about the air pollution regulations that apply to each facility. The operating permits program will improve compliance with existing regulatory requirements and ensure that desired emission reductions actually occur and are maintained.
- On July 21, 1992, EPA issued regulations outlining the specific minimum requirements that States must meet in their operating permits programs. The Clean Air Act required State and local agencies to submit programs to EPA by November 15, 1993. The Clean Air Act requires EPA to approve or disapprove submitted programs within 1 year of their submittal.
- EPA can and did grant interim approval to State programs that did not fully meet, but that "substantially met", the requirements of EPA's operating permits regulations. State and local permitting authorities receiving interim approval are to correct deficiencies in their programs and submit the corrections to EPA at least 6 months prior to expiration of the interim approval.
- EPA's operating permits regulations require States to develop comprehensive operating permit programs that cover "major" sources of air pollution. Major sources include (1) those that emit 100 tons/year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or particulate matter (PM-10) [note: cut-off levels are lower for more seriously polluted areas]; and (2) those that emit 10 tons/year or more of any single hazardous air pollutant (specifically listed under section 112(b) of the Clean Air Act), or those that emit 25 tons/year or more of a combination of hazardous air pollutants. Other "non-major" sources could be subject to the program if they are subject to Clean Air Act program requirements related to "new source performance standards" or hazardous air pollutants.
- Facilities must submit permit applications to the State or local permitting authority within 1 year after EPA's approval of the program, whether it is a full or interim approval. Initially, the agencies have 3 years after program approval in which to issue all permits.
- EPA proposed revisions to its operating permits regulations on August 29, 1994 and again on August 31, 1995. These proposed revisions would result in a number of changes including the establishment of a more flexible system for revising operating permits. To

address these upcoming revisions, permitting authorities will have to make regulatory, and possibly legislative, changes to their operating permits programs and submit these changes to EPA.

- EPA has already granted interim approval to 40 States and 52 local agencies.
- This is the second time that EPA has extended the interim approval period. The first extension occurred on October 31, 1996.

WHAT ARE THE ENVIRONMENTAL EFFECTS OF THIS ACTION?

- Because interim approval allows a program to proceed in the same way a program with full approval would proceed, extending the interim approval period will not adversely affect the environment. It is possible that an interim approval program deficiency could affect the content of the operating permit. However, EPA encourages permitting authorities with interim approval to correct any program deficiencies before EPA issues the revisions to its operating permits regulations.

NEXT STEPS

- EPA will work with State and local agencies to ensure their programs make the necessary adjustments to achieve “full approval”. In the meantime, EPA will move forward with its revisions to its operating permits regulations. EPA expects to promulgate the revisions to its operating permits regulations in mid-summer 1998.

FOR FURTHER INFORMATION

- Interested parties can download the rule from EPA's web site on the Internet under recently signed rules at the following address: (<http://www.epa.gov/ttn/oarpg/rules.html>). For further information about the rule, contact Mr. Roger Powell of EPA's Office of Air Quality Planning and Standards at (919) 541-5331.
- EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The Office of Air and Radiation's home page address is: (<http://www.epa.gov/oar/>).