

Title V Permit 502(b)(10) Change Notification

Instructions

In accordance with Rule 62-213.410, F.A.C., and consistent with Section 502(b)(10) of the federal Clean Air Act, as defined in 40 CFR Part 70.2, Title V permittees may make 502(b)(10) changes at the source without a Title V permit revision if the following four (4) conditions are met:

1. The changes are not a modification under Title I of the federal Clean Air Act. A Title I modification is a modification that meets any of the following criteria:

- (1)** The potential to emit from all new, modified, replacement, or relocated emission units at the stationary source covered by the Title V change notification would trigger Prevention of Significant Deterioration (PSD) review under Rule 62-212.400, F.A.C.;
- (2)** The potential to emit from all new, modified, replacement, or relocated emission units at the stationary source covered by the Title V change notification would trigger any MACT requirements under 40 CFR Part 63;
- (3)** Any modification of an existing source under 40 CFR Part 60, New Source Performance Standards (NSPS);
- (4)** Any construction or modification of a source covered by the Title V change notification that would make the source subject to a standard under 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAP).

NOTE: Determination of whether a change qualifies as a 502(b)(10) change is highly fact-specific and may be unique to the individual facility. DEP recommends that the permittee contact the Division of Air Resource Management (DARM) to discuss any prospective 502(b)(10) change prior to submitting any change notification.

2. The changes do not cause the emissions allowed under the permit to be exceeded.

3. The Permittee notifies the designated EPA Region 4 contact, DEP contact, Permitting Authority, and Compliance Authority with written notification at least seven (7) days prior to making the change. Consistent with Rule 62-213.410, F.A.C., the permittee may make the change after the expiration of the seven (7) day notice period. DEP will not provide written approval verifying that the change qualifies as a 502(b)(10) change during this seven (7) day notice period. DEP recommends that the permittee contact DARM to discuss any prospective 502(b)(10) change prior to submitting any change notification. If DEP subsequently determines that a change does not qualify as a 502(b)(10) change, and the permittee has already made the change, the facility may be subject to enforcement for having failed to obtain a required AC permit or Title V permit revision. The permittee may submit an applicability determination request to DEP to verify that the proposed change qualifies as a 502(b)(10) change. The permit shield does not extend to 502(b)(10) changes, and the permittee must certify compliance with the existing permit terms on the annual compliance certification.

Signed copies of the completed 502(b)(10) notification form and interim permit conditions should be sent via **e-mail** to:

Brad Akers
Air Permitting Section Chief, US EPA Region 4
Mail Code 9T25
61 Forsyth Street SW
Atlanta, Georgia 30303
Akers.Brad@EPA.gov

and

David Read
Chief, Permitting Section, Division of Air Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2600
David.Read@FloridaDEP.gov

and

the Permitting Authority for the facility's Title V permit.

and

the Compliance Authority for the facility.

NOTE: DEP recommends that the permittee submit each of these e-mail messages with a "read receipt" request to provide a contemporaneous record of each party's electronic receipt of the 502(b)(10) Change Notification Worksheet, interim permit conditions, and any other attachments.

AND

4. The permittee attaches the notice to the relevant Title V permit. The permittee is required to attach a copy of the signed 502(b)(10) notification form and interim permit conditions to the back of its Title V permit. The facility must follow each interim permit condition until the facility's permit is revised to include the change(s) during the next renewal or significant modification of the permit. At the next renewal or significant modification of the permit, DEP will require that all applicable application forms be submitted for each emission source associated with the requested 502(b)(10) change.

PLEASE NOTE THE FOLLOWING CONDITIONS:

- (1) The facility must be operating under an active Title V permit to qualify for the 502(b)(10) notification process;
- (2) Interim permit conditions should follow the format of existing permit conditions and include all applicable emission limits, and testing, monitoring, recordkeeping, and reporting requirements. When a specific control method or technology is needed to ensure compliance with an emissions limit, these conditions must specify the monitoring parameter(s), frequency, and recordkeeping requirements, and the required contents of semi-annual reports. Under the "Emissions Change" section of the form, in addition to any emission increases associated with the affected source, the permittee is required to include any actual emission increases from affected auxiliary sources (i.e., a boiler providing additional steam);

- (3) No application fee is required for the permittee to utilize the 502(b)(10) change notification process;
- (4) The facility assumes all financial risks associated with construction and operating without a Title V permit revision; and
- (5) The facility must address compliance with interim permit conditions for all 502(b)(10) changes in the facility's annual compliance certification.

PLEASE ALSO NOTE THE FOLLOWING:

If the 502(b)(10) change is to incorporate one or more engines, DEP recommends that the permittee complete and include with its submission the Engine Information Worksheet which may be accessed on the DARM website.