

Title V Off-Permit Change Notification

Instructions

In accordance with Rule 62-213.410, F.A.C., and consistent with Section 502(b)(12) of the federal Clean Air Act, as defined in 40 CFR Part 70.4, Title V permittees may make off-permit 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 which 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 an off-permit 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 off-permit 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 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 an off-permit change during this seven (7) day notice period. DEP recommends that the permittee contact DARM to discuss any prospective off-permit change prior to submitting any change notification. If DEP subsequently determines that a change does not qualify as an off-permit 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 an off-permit change. The permit shield does not extend to off-permit changes, and the permittee must certify compliance with the existing permit terms on the annual compliance certification.

Signed copies of the completed off-permit change notification form and change description should be sent via e-mail to:

David Read
Chief, Permitting Section, Division of Air
Resource Management 2600 Blair Stone Road
Tallahassee, Florida 32399-2600
David.Read@dep.state.fl.us

and

Division of Air Resource Management, Permitting Section
DARM_Permitting@dep.state.fl.us

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 Off-Permit Change Notification Worksheet and any 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 off-permit change notification form to the back of its Title V 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 change.

PLEASE NOTE THE FOLLOWING CONDITIONS:

- (1) The facility must be operating under an active Title V permit to qualify for the off-permit change notification process;
- (2) 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 off-permit change process;
- (4) The facility assumes all financial risks associated with construction and operating without a Title V permit revision; and
- (5) In the facility's annual compliance certification, the facility must address compliance with all applicable requirements and standards applicable to any unit that may have been affected by the off-permit change.