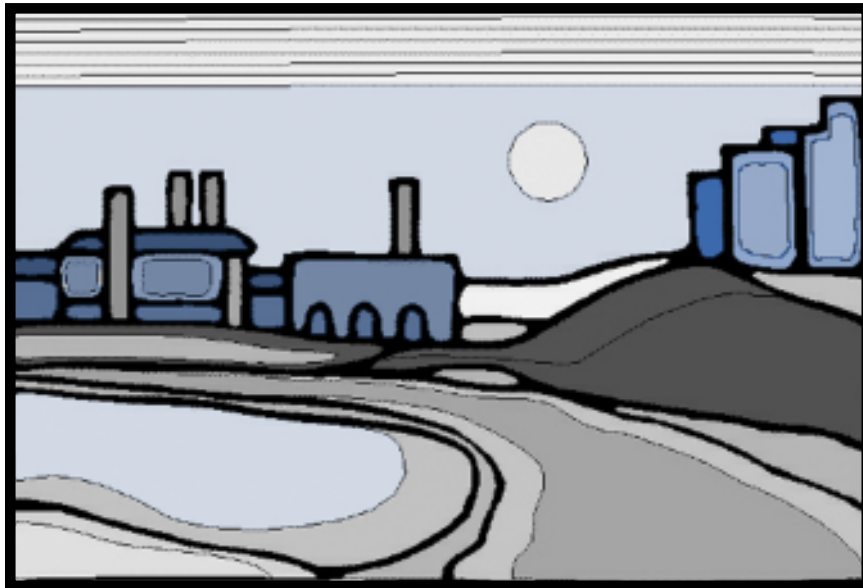

The Title V Permit Program in Your Community



What You Should Know



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Why should you be concerned about air pollution in your community?

Air pollution affects everyone. It can make breathing difficult, irritate our eyes and lungs, bring on asthma attacks, and even cause serious health problems like cancer. It also damages crops and property.

Where does air pollution come from?

In the Bay Area, about 50 percent of all air pollution comes from “mobile sources,” including cars, trucks, and buses. At least two-thirds of the cancer risk from air pollution in the Bay Area is due to these mobile sources.

Air pollution also comes from stationary (that is, non-mobile) industrial facilities. These range in size from small gas stations, auto body shops, and dry cleaners, to large oil refineries and power plants. These stationary sources of air pollution all must have air quality permits to operate in the Bay Area. We'll talk more about this later.

Some air pollution is also produced by each of us at home—for example, when we paint our houses, mow our lawns, burn wood in our fireplaces, and use aerosol hairsprays and deodorants.

What is the Bay Area Air Quality Management District?

The Bay Area Air Quality Management District (or “the Air District”) is the regional government agency that regulates the stationary sources of air pollution in your community. The Air District has jurisdiction over the nine counties surrounding the San Francisco Bay.

The Air District requires all local businesses that produce air pollution to apply for an air quality permit, a document that requires them to comply with air quality laws and regulations. The Air District can issue violation notices and collect penalties if businesses fail to comply with their permit conditions.

What kinds of things do permits require?

Permits might require, for example, that a facility install certain kinds of air pollution control devices. Or a permit might impose limits on a facility's operating times or total emissions. Permits usually require facilities to keep track of their emissions and make regular reports.

Permit requirements can come from federal, state, and local laws and regulations.

What is the “Title V” permit program?

The Clean Air Act is the most important air pollution law in the United States. In 1990, Congress passed amendments to the Clean Air Act, setting up the Title V program.

The Title V program requires large industrial facilities to apply for federal operating permits. These permits list all of the federal Clean Air Act and state and local air quality requirements that apply to the facility, and describe the monitoring and recordkeeping requirements that are needed to ensure compliance.

The United States Environmental Protection Agency (EPA) has authorized the Air District to issue Title V permits to facilities in the Bay Area.

The role of the Air District is to:

- Review each permit application
- Prepare a proposed permit for public review and comment
- Prepare a report that explains the factual and legal basis for the proposed permit
- Publish a notice that the proposed permit is available for review and comment

When the period for public comment closes, the Air District will consider comments received and decide whether there should be changes made to the permit before it becomes final. The final permit will be sent to the EPA. We'll tell you more about the public comment process later.

In the Bay Area, approximately 100 facilities require Title V permits.

Don't these facilities already have permits?

Yes. The Air District has required facilities in the Bay Area to have operating permits since 1972. This older permit system, which focuses on the permitting of new or modified pieces of equipment, continues to exist along with the newer Title V permit system. All previous permits are included in the new Title V permits, sometimes with changes—for instance, to make them clearer or easier to enforce.

The Air District's Title V permit program is also known as Major Facility Review, and you can find a lot of information about it on the internet, at www.baaqmd.gov. All facilities that produce a certain amount of air pollution must apply for a new Major Facility Review permit.

Do Title V permits have to be renewed?

Yes. Title V permits must be renewed every five years.

Facilities must also modify their Title V permits if they install new equipment or make significant changes to their operations.

Permit renewal can also be denied if a facility is found to be incapable of complying with its permit conditions.

The EPA can also reopen and revise a Title V permit if it finds that the permit itself is not in compliance with federal law.

Do Title V permits place new limits on a facility's air pollution emissions?

In general, no. The main purpose of the Title V permit is to identify in one place all the air quality requirements that apply to a facility. These are known as “applicable requirements” and can come from different places, such as other Air District permits or EPA regulations.

In issuing the Title V permit, the Air District can make these requirements more clear, where they were hard to understand, and it can also add new ways of ensuring that the requirements are complied with by the facility. For instance,

a Title V permit might add new monitoring, recordkeeping, or reporting requirements, so that it is easier to determine whether the facility is complying.

Can the public get involved in the permit process?

Yes. Public participation is one of the most important features of the Title V permit process. During the official public comment period, any member of the public may review a proposed Title V permit and comment on any part of it. Members of the public may also request that a public hearing be held for discussion of the permitting issues.

What steps should you follow to get involved in the Public Comment process?

1. *Read the proposed permit.* When a proposed Title V permit is prepared, it is placed in libraries, noted in local newspapers, and posted on the Air District's website at www.baaqmd.gov. Once a proposed permit is “published” at these locations, members of the public will have at least thirty days to make their comments.

2. *Make specific comments.* Comments should be made in writing or by e-mail to the Air District. If a public hearing is set, members of the public can attend and make their comments verbally.

Your comments should relate to the facility being permitted, and you should tell the Air District as specifically as possible how you think the permit should be changed. Comments are most effective when you explain how they relate to the requirements that apply to the facility. For instance, an effective comment might refer to a specific part of the Air District's Rule 2-6, which is the rule for issuing Major Facility Review permits, and explain how the proposed permit needs to be changed to be more like that rule.

If changes are made to the permit as a result of statements made during the comment period, these changes will be noted on the Air District website in a document called “Response to Comments” or in the issuance letters.

After a Title V permit is issued, can the public stay involved in the permit process?

Yes. Every facility is required to fill out an annual compliance certification and also every six months a monitoring summary report. Both are available to the public. Members of the public can read these and any other available documents to make sure that facilities obey their permit requirements.

If a member of the public feels that the Air District is not properly enforcing a facility's permit requirements, he or she can notify the Air District by letter or e-mail, or inform the EPA. Title V permits can be enforced by citizens in federal court.

What are the benefits of Title V permits?

These permits clearly lay out the air quality requirements that each facility must meet, and they require each facility to monitor emissions and keep good records to demonstrate that they are abiding by these requirements.

Title V makes it easier for facilities to keep track of the requirements that apply to them. Title V also ensures that these facilities are subject to consistent oversight by EPA.

Title V gives the public an opportunity to comment on all proposed permits. All public comments will be considered before the permit will be issued.

Are there other safeguards for the community?

Yes. All of the Air District's regulations are based upon the need to protect the health of the public. The Air District's Air Toxics New Source Review program ensures that new facilities will not add a significant health risk to any community in the Bay Area.

State Proposition 65 also requires existing facilities that might have a substantial impact on public health to notify the community in which they are located.

Since most of the pollution in any given community in the Bay Area comes from automobile traffic, the Air District has several programs that encourage people to drive less. The Air District also gives out grants to cities and counties that wish to change their diesel-fueled vehicles to cleaner, less toxic alternatives.

Summary

Air pollution can be a serious concern for people in any community. Although most of the air pollution in the Bay Area comes from vehicle traffic, some communities have special concerns about major facilities located near them.

The Title V permit program was created to help these larger facilities understand their air quality requirements, and to improve enforcement of these requirements. Title V permits are an important way to protect community health by ensuring that these facilities comply with federal, state, and local air quality regulations.

FOR MORE INFORMATION

WEBSITES

Bay Area Air Quality Management District (www.baaqmd.gov)

The Air District's Major Facility Review regulations are in Regulation 2, Rule 6 (www.baaqmd.gov/regs/rg0206.pdf) and in the Manual of Procedures, Volume 2, Chapter 3 (www.baaqmd.gov/mop/vol2/v2part3.pdf).

The federal Title V regulations are located in 40 Code of Federal Regulations Section 70.

(www.epa.gov/docs/epacfr40/chapt-1.info/subch-C.htm OR www.access.gpo.gov/nara/cfr/cfr-retrieve.html#page1)

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