

SUBCHAPTER 7. PERMITS FOR MINOR FACILITIES

PART 1. GENERAL PROVISIONS

252:100-7-2. Requirement for permits for minor facilities

(a) **Permit required.** Except as provided in OAC 252:100-7-2, and 252:100-7-18(b), no person may commence construction or modification of any minor facility, may operate any new minor facility, or may relocate any minor portable source without obtaining a permit from the DEQ. For additional application and permitting procedures, see OAC 252:4, Subchapter 7 Environmental Permit Process.

(b) **Exceptions.**

(1) **De minimis facilities.** De minimis facilities are exempted from the permitting requirements of OAC 252:100-7. De minimis facilities remain subject only to the following air quality control rules:

(A) De minimis facilities must comply with OAC 252:100-13, Open Burning.

(B) With the exception of those de minimis cotton gin facilities or grain, feed or seed facilities that comply with the requirements of 252:100-23, Control of Emissions from Cotton Gins or 252:100-24, Particulate Matter Emissions from Grain, Feed or Seed Operations, de minimis facilities remain subject to OAC 252:100-25, Visible Emissions and Particulates.

(C) With the exception of those de minimis cotton gin facilities or grain, feed or seed facilities that comply with the requirements of 252:100-23, Control of Emissions from Cotton Gins or Subchapter 24 Particulate Matter Emissions from Grain, Feed or Seed Operations, de minimis facilities remain subject to OAC 252:100-29, Control of Fugitive Dust.

(D) De minimis facilities must comply with OAC ~~252:100-41~~ 252:100-42 Control of ~~Emission of Hazardous and Toxic~~ Air Contaminants.

(2) **Permit exempt facilities.** Permit exempt facilities are exempted from the permitting requirements of OAC 252:100-7, the requirement to submit an annual emission inventory as required by OAC 252:100-5-2.1, and the requirement to pay annual operating fees as required by OAC 252:100-5-2.2(b). Permit exempt facilities remain subject to all other applicable State and Federal air quality control rules and standards.

(c) **Permit application.**

(1) All applications shall be signed by the applicant.

(2) The signature on an application for a permit shall

constitute an implied agreement that the applicant shall be responsible for assuring construction or operation, as applicable, in accordance with the application and OAC 252:100.

(3) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit such supplementary facts or corrected information within 30 days unless the applicant's request for more time has been approved by the DEQ. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of the draft permit.

(d) **Applicability determination.** Upon written request along with the required fee and any relevant information needed, the DEQ will make a determination of whether a permit is required.

(e) **Change in permit status.** The owner or operator of a permitted facility may at any time notify the DEQ that the facility:

(1) Is de minimis, requesting termination of the permit, or

(2) Qualifies for either a permit by rule or a general permit, submitting the appropriate application for such permit, or

(3) Is permit exempt, requesting termination of the permit.

(f) **Transfer of permit.** The transfer of ownership of a stationary source or a facility is an administrative amendment that shall subject the new owner or operator to existing permit conditions and/or compliance schedules. A new permit is not required. The transferor shall notify the ~~AQD in writing~~ DEQ using a prescribed form no later than ~~10~~ 30 days following the change in ownership.

(g) **Emission calculation methods.**

(1) Except as allowed by OAC 252:100-7-2(g)(2) of this subsection, the methods in OAC 252:100-5-2.1(d) shall be used when calculating regulated air pollutant emission rates for purposes of determining if ~~an Air Quality Division~~ DEQ-issued air quality permit is required or what type of permit is required.

(2) In lieu of calculating regulated air pollutant emission rates to determine if emissions from a facility meet the emission limits in the definition of permit exempt facility, the owner or operator of an oil and gas exploration and production facility or a natural gas compressor facility may assume the facility is permit exempt without calculation if the equipment and throughput at the facility meet the following criteria.

(A) **Engines.** The facility's total maximum manufacturer's designed rated horsepower for all reciprocating internal combustion engines in compressor

service equals 240 or less.

(B) **Other equipment.**

(i) ~~For an oil and gas exploration and production facility facilities operating a liquid hydrocarbon storage vessel with the potential for flash emissions and/or a glycol dehydrator, the facility-wide actual annual average natural gas throughput is less than 0.650 MMSCFD (650,000 standard cubic feet per day) 0.096 MMSCFD (96,000 standard cubic feet per day) and the actual annual average hydrocarbon liquid throughput is less than 250 40 barrels per day.~~

(ii) ~~For a compressor facility that is a natural gas transmission and storage facility operating a glycol dehydrator that is the only HAP emission source at the facility other than reciprocating internal combustion engines, the facility-wide actual annual average natural gas throughput is less than 1.0 MMSCFD (1 million standard cubic feet per day).~~

PART 3. CONSTRUCTION PERMITS

252:100-7-15. Construction permit

(a) **Construction permit required.** ~~No person shall cause or allow the construction or installation of any new minor facility other than a de minimis facility or a permit exempt facility as defined in OAC 252:100-7-1.1 without first obtaining a DEQ-issued air quality construction permit. A construction permit is also required for any modification that would cause an existing facility to no longer qualify for de minimis status, permit exempt facility status, or its current permit category. In addition, a construction permit is required to add a piece of equipment or a process that is subject to NSPS or NESHAP or to add or physically modify a piece of equipment or a process that results in an increase in actual emissions of any one regulated air pollutant by more than 5 tpy at an existing facility covered by an individual permit. A construction permit is required before construction or installation of a new facility or the modification of an existing facility begins.~~

(1) **New Facility.** No person shall cause or allow the construction or installation of any new minor facility other than a de minimis facility or a permit exempt facility as defined in OAC 252:100-7-1.1 without first obtaining a DEQ-issued air quality construction permit.

(2) **Modification of an existing facility.**

(A) A construction permit is required for any modification that would cause an existing facility to no

longer qualify for de minimis status, permit exempt facility status, or its current permit category.

(B) A construction permit is required to:

(i) add a piece of equipment or a process that is subject to NSPS or NESHAP, or

(ii) add or physically modify a piece of equipment or a process that results in an increase in actual emissions of any one regulated air pollutant by more than 5 TPY at an existing facility covered by an individual permit.

(b) **Permit categories.** Three types of construction permits are available: permit by rule, general permit, and individual permit. A permit by rule may be adopted or a general permit may be issued for an industry if there are a sufficient number of facilities that have the same or substantially similar operations, emissions, and activities that are subject to the same standards, limitations, and operating and monitoring requirements.

(1) **Permit by rule.** An owner or operator of a minor facility may apply for registration under a permit by rule if the following criteria are met:

(A) The facility has actual emissions ~~less than 40 tons per year~~ of 40 TPY or less of each regulated air pollutant, except HAPs.

(B) The facility does not emit or have the potential to emit ~~10 tons per year~~ TPY or more of any single HAP or ~~25 tons per year~~ TPY or more of any combination of HAPs.

(C) The DEQ has established a permit by rule for the industry in Part 9 of this Subchapter.

(D) The owner or operator of the facility certifies that it will comply with the applicable permit by rule.

(E) The facility is not operated in conjunction with another facility or source that is subject to air quality permitting.

(2) **General permit.** Minor facilities may qualify for authorization under a general permit if the following criteria are met:

(A) The facility has actual emissions less than ~~100 tons per year~~ TPY of each regulated air pollutant, except for HAPs.

(B) The facility does not emit or have the potential to emit ~~10 tons per year~~ TPY or more of any single HAP or ~~25 tons per year~~ TPY or more of any combination of HAPs.

(C) The DEQ has issued a general permit for the industry.

(3) **Individual permit.** The owners or operators of Minor minor facilities requiring permits under this Subchapter which do not qualify for permit by rule or a general permit shall obtain individual permits. An owner or operator may apply for

an individual permit even if the facility qualifies for a permit by rule or a general permit.

(c) **Content of construction permit application.**

(1) **Individual permit.** An applicant for an individual construction permit shall provide data and information required by this Chapter on an application form available from the DEQ. Such data and information should include but not be limited to site information, process description, emission data, and when required, BACT determination, and modeling and sampling point data.

(2) **General permit.** An applicant for authorization under a general permit shall provide data and information required by that permit on a form available from the DEQ. For general permits that provide for application through the filing of a notice of intent (NOI), authorization under the general permit is effective upon receipt of the NOI.

(d) **Permit contents.** The construction permit:

(1) Shall require the permittee to comply with all applicable air pollution rules.

(2) Shall prohibit the exceedance of ambient air quality standards contained in OAC 252:100-3.

(3) May establish permit conditions and limitations as necessary to assure compliance with all rules.

(e) **Failure to comply with a construction permit.** A violation by ~~the owner or operator~~ a facility of the limitations or conditions contained in the construction permit shall subject the owner or operator of the facility to any or all enforcement penalties, including permit revocation, available under the Oklahoma Clean Air Act and Air Pollution Control Rules. No operating permit will be issued until the violation has been resolved to the satisfaction of the DEQ.

(f) **Cancellation of authority to construct or modify.** A duly issued permit to construct or modify will terminate and become null and void (unless extended as provided below) if the construction is not commenced within 18 months of the permit issuance date, or if work is suspended for more than 18 months after it has commenced.

(g) **Extension of authorization to construct or modify.**

(1) Prior to the permit expiration date, a permittee may apply for extension of the permit by written request of the DEQ stating the reasons for the delay/suspension and providing justification for the extension. The DEQ may grant:

(A) one extension of 18 months or less or

(B) one extension of up to 36 months where the applicant is proposing to expand an already existing facility to accommodate the proposed new construction or the applicant has expended a significant amount of money (1% of total project cost as identified in the original application, not including land cost) in preparation for

meeting the definition of "commence construction" at the proposed site.

(2) If construction has not commenced within three (3) years of the effective date of the original permit, the permittee must undertake and complete an appropriate available control technology review and an air quality analysis. This review must be approved by the DEQ before construction may commence.

PART 4. OPERATING PERMITS

252:100-7-18. Operating permit

(a) **Permit required.** An operating permit is required to operate a new facility or a modification to an existing facility.

(1) **New facility.** No person shall cause or authorize the operation of a new or modified minor facility for more than a 60-day period without applying for a ~~DEQ~~ DEQ-issued air quality operating permit to operate.

~~(2) No owner or operator shall cause or authorize the operation of a minor facility if the DEQ denies or revokes a permit to operate.~~

(2) **Modification of an existing facility.** No person shall cause or authorize the operation of a modified minor facility for more than a 60-day period without applying for a DEQ-issued air quality operating permit.

(b) **Administrative permit amendment.** An administrative permit amendment to an operating permit does not require a prior construction permit. Except for correction of typographical errors, application for an administrative permit amendment shall be made to the DEQ in writing within 30 days of the date the change occurred. Application for correction of typographical errors can be made at anytime. An administrative permit amendment can be made to:

(1) correct typographical errors;

(2) identify a change in name, address, or phone number of any person identified in the permit, or provide a similar minor administrative change at the source;

(3) require more frequent monitoring or reporting by the permittee;

(4) allow other permit amendments that are not physical or operational changes and that do not result in an increase in emissions.

(c) **Denial or revocation of a permit to operate.** No owner or operator shall cause or authorize the operation of a minor facility if the DEQ denies or revokes a permit to operate.

~~(b)~~(d) **Permit Categories.** Three types of operating permits are available. See OAC 252:100-7-15(b) for a complete description of the permit categories.

~~(c)~~(e) **Permit application requirements.** A permit application for a new or modified facility shall meet the requirements of OAC 252:100-7-18(e)(1) and an applications for a permit amendment must meet the requirements of OAC 252:100-7-18(e)(2).

(1) **New or modified facility.** An application for a new or modified facility must contain the following information.

~~(1)~~(A) **Application content.** Application shall be made on a form provided by the DEQ. An application shall contain:

~~(A)~~(i) The proposed operation start-up date, or phased dates when applicable.

~~(B)~~(ii) Revisions to the installation/construction, if any, that differed from the construction design and plan given in the permit application material, data and specifications.

~~(2)~~(B) **Emission tests.** Before a permit to operate a new or modified minor facility is granted, the applicant, if required by the DEQ, shall conduct emission tests in accordance with methods approved by the DEQ with the tests being made at the expense of the applicant. The DEQ shall be given advance notice of the tests, may monitor performance tests conducted by the applicant, and may also conduct emissions tests. The results of any required test must be provided to the DEQ along with supporting information as required.

(2) **Contents of an application for an administrative permit amendment.** The application may be made on the DEQ application form or it may be in letter form. The application shall:

(A) describe the change to be made to the permit;

(B) include the date the change occurred;

(C) identify the facility and source involved;

(D) be signed by the applicant.

~~(d)~~(f) **Operating permit conditions.**

(1) Emission limitations established and made a part of the construction permit are incorporated into and become enforceable limitations of the subsequently issued operating permit.

(2) Permit limitations in adjustment of, or in addition to, the facility's construction permit limitations may be made a condition of the facility's operating permit issuance.