

## 1.06 PART 70 (TITLE V) OPERATING PERMIT

- *Question: Does my facility produce air emissions (actual or potential) of more than 10 tons per year?*

### Why do I need this approval?

Title V of the 1990 Clean Air Act (CAA) introduced an operating permit program whose purpose is to combine, into a single document, all the State and federal air quality requirements applicable to a company. Title V does not impose new substantive requirements above and beyond the State requirements. Companies subject to Title V operating permits include the following:

- A. Facilities subject to acid rain requirements under Title IV of the CAA.
- B. Facilities (major sources) with a potential to emit:
  - 100 tons per year or more of any regulated pollutant; or
  - 10 tons per year or more of a single hazardous air pollutant (HAP) or 25 tons per year of any combination of HAPs; or
  - More than any applicable non-attainment major source threshold specified in COMAR 26.11.02.01.C.
- C. Medical waste incinerators
- D. Municipal solid waste landfills with a capacity of 2.75 million tons or greater
- E. Facilities subject to CAA §111 (federal New Source Performance Standards) or §112 (HAPs). At this time, facilities not listed under C or D that do not fall in the major source categories defined under B are deferred from Part 70 requirements.

### What laws or regulations give MDE the legal authority to issue this approval?

FEDERAL: Clean Air Act, Title V (42 USC § 7401 et seq) ; 40 CFR Part 70.

STATE: Environment Article, Title 2, Annotated Code of Maryland; COMAR 26.11.02 and .03.

### What is the process to get this approval?

- 1) Facilities newly subject to Title V must submit a Title V application within 12 months from date of initial operation.
- 2) Within 60 days of receipt of an application, the Department makes a completeness determination. Once a company’s application is deemed administratively complete, it is shielded from any enforcement action for failure to have a Title V operating permit. This “application shield” does not exempt the facility from complying with any applicable federal or state requirements.
- 3) If the Department, in the course of reviewing the complete permit application, determines that additional information is necessary to take final action on the application, the applicant must respond to the Department’s written request in order to maintain the application shield.

4) A facility that has been issued a Part 70 Permit must submit a permit to construct application for any physical or operational change that is subject to the Air Quality Permit to Construct requirements. Many of these changes qualify to be processed as “On-permit” or “Off-permit” changes to the Part 70 permit. “On permit” or “Off permit” changes are rolled into the Part 70 permit upon permit renewal or reopening of the permit. For changes that do not qualify as “On permit” or “Off permit” changes, the Part 70 permit must be revised. There are three types of revisions: administrative amendments, minor modifications, and significant modifications. Each of the three types of revisions has a unique application form. These are available at

[https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/part70\\_applications.aspx](https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/part70_applications.aspx)

### Is this approval directly related or contingent on other approvals?

Neighboring states and the federal EPA have the opportunity to review draft permits. The EPA also has the authority to object to a Title V operating permit. A citizen may also petition the EPA to make an objection.

### Are there any other requirements?

PRE-APPROVAL: In addition to describing and quantifying pollution sources, a complete application must identify all federally-enforceable requirements. After the Department deems an application complete, the Department will issue a draft permit, which is then subject to review by the public, affected states, and EPA (see “Is this approval directly related or contingent on other approvals?” above).

POST-APPROVAL: Companies must annually submit a certified emission report and certification of compliance.

### How long should I expect it to take to get this approval once I submit a complete application?

Type of Approval	Turnaround Time
New permits	18 months
Renewals	12 months

### Once I get this approval, how long will it last?

Maximum of five years

**How much will this approval cost?**

Companies subject to Title V operating permits are required to pay an annual fee consisting of \$5000 plus an emissions-based fee for each ton of regulated air pollutants, excluding carbon monoxide.

The emissions-based fee is calculated by multiplying the total weight of annual emissions, in tons, of regulated pollutants times a dollar amount as follows:

\$62.01 per ton as of January 1, 2020, adjusted yearly according to the consumer price index.

**Do I need to know any additional information?**

A Title V facility that is also subject to state permit to operate requirements would not be covered under two

separate permits. The facility's Title V operating permit would incorporate state-specific requirements and conditions into a "State-Only" section of the permit.

**Who do I contact with additional questions?**

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