

Minnesota Pollution Control Agency

November 15, 2001

Mr. Bharat Mathur
Director, Air and Radiation Division
EPA Region 5 (5A-18J)
77 W. Jackson Boulevard
Chicago, IL 60604

RE: Making a Change to Minnesota's Title V Program in Response to a Comment
From the National Wildlife Federation

Dear Mr. Mathur:

Ms. Rachel Rineheart and Mr. Steve Rothblatt of United States Environmental Protection Agency (U.S. EPA) Region 5 recently contacted the Minnesota Pollution Control Agency (MPCA) to discuss the status of the MPCA's Title V (Part 70) operating permit program. They informed us that the MPCA must respond to an issue raised by the National Wildlife Federation (NWF) in its March 14, 2001, letter to U.S. EPA.

In one of its six comments, NWF highlighted the public notice and comment provisions of 40 CFR 70.7(h) which are replicated in the MPCA's own rules (Minn. R. 7007.0850, subp. 2). The NWF asserted that the MPCA's practices allow certain conditions in an Operation and Maintenance Plan to be made enforceable without this required public review. Ms. Rineheart and Mr. Rothblatt agreed with this assertion (as it pertains to applicable requirements only), and indicated that the MPCA must change its practices or the U.S. EPA will issue a Notice of Deficiency to the MPCA for its Title V program.

Currently, in a small number of circumstances, the MPCA requires a facility receiving a permit for construction or modification to perform testing prior to establishing or revising setting specific types of limits. The facility performs the required testing. A testing report is sent to the MPCA for its review.

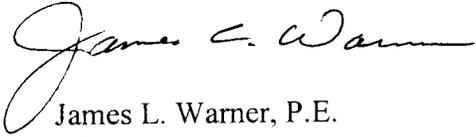
A testing report received by the MPCA may be approved or disapproved. If approved, the MPCA issues the facility a letter in which appropriate limits are set. A copy of the letter is sent to the permit file. Currently, however, there is no public comment period to incorporate the new limits into a Title V permit for a Title V source.

To address this issue, the MPCA will implement the following plan:

- Beginning with activities for the period starting December 1, 2001, and ending March 31, 2002, and continuing each succeeding quarter, the MPCA will public notice the establishment of limits required to be part of a federal Title V permit. These limits may affect emissions directly, or they may apply to parameters indicative of proper operation.
- The MPCA will address any changes made without an opportunity for public review prior to December 1, 2001, as permits for the facility are amended or reissued.

To make the best use of its resources, the MPCA will accumulate the letters sent to facilities in a quarter. The Title V permits for the facilities receiving the letters will be reopened; the permits will then be reissued with a public comment period. Currently, the MPCA plans to allow public review of all quarterly actions of this type (i.e., incorporation of previously undefined conditions into Title V permits) through one quarterly public notice. This easily meets the requirements of 40 CFR 70.5(a)(1)(ii) which lays out the timing needed for incorporating conditions into Title V permits that were initially established in construction (New Source Review, or NSR) permits.

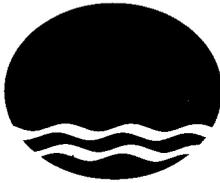
Sincerely,



James L. Warner, P.E.
Director
Majors and Remediation Division

JLW:ls

cc: Robert Miller, U.S. EPA, Region 5
Rachel Rineheart, U.S. EPA, Region 5
Dick Cordes, MPCA
Ann Foss, MPCA
Andy Ronchak, MPCA
Carolina Schutt, MPCA
John Seltz, MPCA



Minnesota Pollution Control Agency

Office of the Commissioner

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U.S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

Mr. Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection Agency Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

RE: Minnesota's Title V Permit Issuance Commitment

Dear Mr. Skinner:

Tom,

You have informed us that citizens submitted comments to the U.S. Environmental Protection Agency (EPA) regarding our operating permit program. These citizen comments were received in response to a December 11, 2001 Federal Register Notice of Comment Period (65 FR 77376). This notice invited the public to identify perceived deficiencies in the state and local agency operating permit programs required by Title V of the Clean Air Act.

To respond to comments regarding permit issuance rates, the EPA has requested a schedule for our issuance of the remaining Title V permits. We have 345 Title V sources requiring permits. This number reflects our initially identified number of sources, adjusted to remove initial Title V sources that either have permanently shut down or have received valid synthetic minor permits, and to add sources that were not on the initial list but have subsequently been identified as being "initial Title V sources." As of December 1, 2001, we will have issued final permits to 212 of these initial Title V sources, which leaves 133 permits that we need to issue to complete the initial group of Title V operating permits.

Previously, we had estimated that it would take until the end of 2004 to issue permits to all Title V sources. You have asked us to accelerate that schedule so that all permits would be issued by the end of 2003. Over the past 15 months, we have made changes that have improved our rate of permit issuance significantly. We will continue looking for ways to further improve our performance with the goal of meeting this schedule.

This is a very aggressive schedule. Nevertheless, the Minnesota Pollution Control Agency (MPCA) commits to try its best to issue the remaining 133 initial Title V permits, according to the following schedule:

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| <u>Milestone Dates</u> | <u>Number of Remaining Permits to be Issued</u> |
|------------------------|---|
| 6/1/02 | 113 |
| 12/1/02 | 67 |
| 6/1/03 | 35 |
| 12/1/03 | 0 |

All milestones are intended to show the progress of the permit program. I understand that failure to meet this schedule, including any of the three interim milestones, may result in EPA issuing a Notice of Deficiency regarding our Title V operating permits program.

If you have questions or concerns, please call David Thornton of my staff at (651) 296-7265.

Sincerely,



Karen A. Studders
Commissioner

KAS:jae

cc: Bharat Mathur, Director, EPA Region 5, Air and Radiation - A-i8j