



Title V Petition Updates

AAPCA Fall Business Meeting | August 2024

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US EPA | Office of Air Quality Planning and Standards

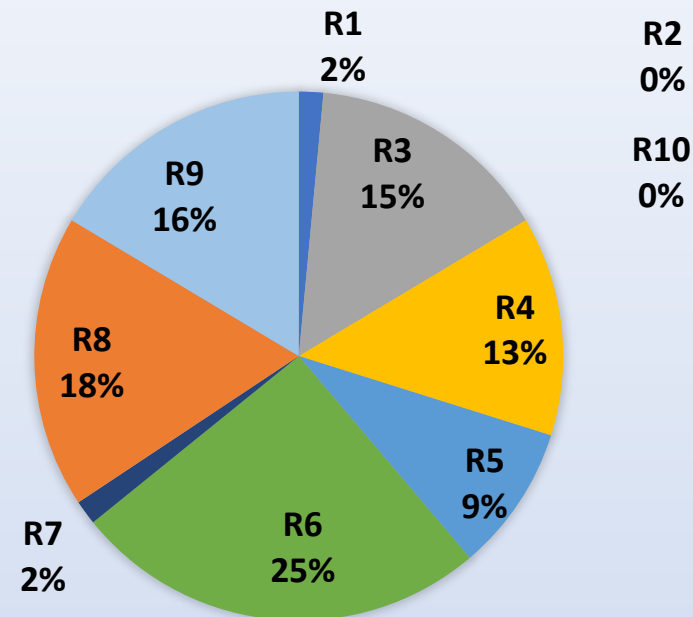
Title V Applicable Requirements Rule

- Proposed Title V Applicable Requirements Rule published January 9, 2024 (89 FR 1150)
 - Proposal to codify EPA's existing (2017-present) position on the limited situations in which unique title V oversight tools (e.g., objections, petitions) can be used to address NSR permitting issues.
 - Also addresses "General Duty Clause" under CAA 112(r)(1) concerning accidental releases of hazardous substances (not implemented through title V).
- Comment period closed April 10. EPA considering next steps.
- Preliminary feedback:
 - Concern from environmental groups, who want title V to be used for oversight.
 - States and industry support not using title V to address NSR issues.
 - States and industry concerned with provisions addressing notice on NSR permits.



Title V Petition Trends

PETITIONS RECEIVED FY 2021-2024 YTD



- **National docket: steady**

- 15-20 petitions received and resolved each year
- FY2024 (through 8/20/24): 19 received, 17 resolved

- **Geographic focus: subject to fluctuation**

- EPA Regions 3 (PA), 4 (AL), 6 (LA, TX), 8 (CO), 9 (AZ, CA)

- **Industry focus:**

- Half of all petitions associated with oil and gas
- Remainder split between manufacturing, power plants, and other industries

- **Frequent petitioners:**

- Sierra Club, Environmental Integrity Project, Southern Environmental Law Center, Center for Biological Diversity, WildEarth Guardians



Title V Petition Issues & Responses

- **Common Issues (FY23-24 ytd)**
 - Most common issue: monitoring/compliance assurance: 1/2 of all claims
 - NSR issues
 - Include (or IBR) all applicable requirements
 - Public participation/procedural requirements; environmental justice
- **Responses (FY23-24 ytd)**
 - EPA granted 1/3 of petition claims
 - Monitoring issues: EPA granted 1/2 of petition claims
 - 2/3 of EPA objections were because state permit *record* was insufficient



Title V Petition Prevention Recommendations

- **Permit record**
 - Petitioner gets last word, but state has opportunity to defend its position during the permitting process: Statement of Basis & Response to Comments
 - Issue spotting: address all key issues in public comments
 - Match level of detail between comments and responses
- **Consider level of public interest**
- **Pay close attention to procedural rules**
- **Minor modifications can be petitioned**
 - No notice/comment/RTC: less opportunity for state to explain its position



Questions?

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