

**NACAA Recommended Priorities for Responding to the CAAAC Title V
Task Force Recommendations**
Submitted to EPA July 2011

Following up on discussions regarding options for moving forward with the CAAAC Title V Task Force Recommendations,¹ NACAA recommends the following priorities for developing guidance, rulemaking, and approach.

1. Develop Guidance Document Covering Six Recommendations

A. Priorities for Title V guidance

- i. Affirm White Paper 2 generic treatment of insignificant emissions units (IEUs) until rulemaking can be completed.²
- ii. Clarify expected content of Statement of Basis. This should not be a “wish list” of what EPA would like to see, but the absolute “bare bones” content in the Statement of Basis (SOB). NACAA will gather example Statements of Basis for consideration in developing minimum SOB requirements.³
- iii. Reiterate that citation based incorporation of applicable requirements is ok and citations can be general or specific. However, agencies should not try to paraphrase MACT, NSPS or NESHAPS.⁴
- iv. Provide for use of “short form” compliance certification.⁵
- v. Encourage public notices to include minimum amount of information on Title V facility. (This becomes more feasible if implementing 2 (A)(ii) and utilizing alternatives to newspaper ads).⁶
- vi. EPA's procedures for determining if two operations are "contiguous" and under "common control" (and must be permitted within a single Title V Operating Permit) need to be clarified and streamlined.⁷

¹ “Final Report to the Clean Air Act Advisory Committee: Title V Implementation Experience” (Title V Task Force Report), Title V Task Force (April 2006). To view the final report and access information regarding the Title V Task Force, see <http://www.epa.gov/oaqps001/permits/taskforce.html>.

² See discussion in Title V Task Force Report section 4.2.

³ See discussion in Title V Task Force Report section 5.5.

⁴ See discussion in Title V Task Force Report section 4.1.

⁵ See discussion in Title V Task Force Report section 4.7.

⁶ See discussion in Title V Task Force Report section 5.4.

⁷ For example, one area of concern is landfills and energy companies that use the landfill gas for fuel.

2. Develop Rulemaking Covering the Following Items

A. Priorities for Rulemaking

- i. Allow alternate forms of public notice to reflect the new means of communication that would be more effective and less costly than the traditional forms of public notice. Note the need to reach those without internet access.⁸ Review example practices from states/locals.
- ii. Expand the allowed list of administrative and minor permit revisions.⁹
- iii. Allow permitting authorities the ability to exclude IEUs from Title V permits.¹⁰

3. Approach to Accomplish Guidance and Rulemaking

Process

EPA should provide opportunity for state and local agencies to review the draft guidance and rules. There should be a representative group of willing volunteers to review materials, as they are developed and prior to external review, and provide feedback to EPA.

⁸ See discussion in Title V Task Force Report section 5.4.

⁹ See discussion in Title V Task Force Report section 5.7.

¹⁰ See discussion in Title V Task Force report section 4.2.