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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

SEP 13 1978

OFFICE OF ENFORCEMENT

MEMORANDUM

SUBJECT: Conditional PSD Permits

FROM: Director
Division of Stationary Source Enforcement

TO: Darryl Tyler, Chief
Standards Implementation Branch
Control Programs Development Division

My staff has been in contact with a number of the Regional Offices regarding the issuance of conditional PSD permits and has found little consistency among the Regions on the amount and detail of information on control equipment which must be submitted by a source before a PSD permit can be issued. The purpose of this memorandum is to bring to your attention the need for guidance on whether and under what conditions, conditional permits may be issued.

DSSE became involved with this issue when Region V requested, in a memo dated June 1, 1978, (copy attached) a determination as to whether a new power generating unit could be issued a PSD permit conditioned on the submittal of design specifications for the scrubber which would be used to control SO₂ emissions. The permit application contained only a manufacturer's guarantee as to the control efficiency which would be achieved. Ninety-one percent efficiency, in this case, would be necessary in order to ensure protection of the applicable SO₂ increment and would reflect BACT. We responded to the Regional Office on June 22, 1978, (copy attached) stating that scrubber design specifications should be submitted by the source prior to issuance of any PSD approval.

Subsequent to the Region V determination, we were informed that the Region IV Office has, in the past, issued conditional permits to power generating units based solely on manufacturer's guarantees of control efficiency. On September 4, 1978, a conference call with Regions IV, V, and DSSE was held to discuss the approach each Regional Office has been taking with respect to issuance of conditional permits and to attempt to establish some uniformity in the type of control device specifications required until such time as headquarters guidance is issued. We found that the policy in Region IV has been to issue PSD permits based on manufacturer's guarantees of efficiency and a commitment by the source that BACT emission limitations will be met. The permits are conditioned on the submittal of more detailed information prior to commencement of construction of the control equipment. Region V generally has required more detailed information including such items as the type of system, manufacturer's guarantee of efficiency, gas flow, pressure drop, reliability and stoichiometry as a minimum before a permit can be issued.

This office is of the opinion that conditional permits may be appropriate in certain instances where final design specifications cannot be obtained by a source at the time of permit application but that enough information should be submitted to allow the reviewing authority and the public to determine that the proposed control equipment will adequately

reflect BACT. Such permits should be conditioned on submittal of detailed design specifications prior to commencement of construction. Allowing sources to obtain permits based solely on a manufacturer's guarantee of efficiency and a commitment to meet BACT levels would defeat the purpose of preconstruction review.

The New Source Review Task Force has prepared a paper discussing the merits of conditional permits and the detail of information upon which issuance of conditional permits should be based. We suggest that since this is a BACT related issue, OAQPS should take the lead in developing guidance with input from the Regional Offices on the NSR Task Force's suggestions. DSSE will be happy to assist in any way possible. I would like to stress the need for uniform guidance and the urgency of this need.

Please contact Libby Scopino (755-2564) of my staff if we can be of any assistance in expediting the development and issuance of this guidance.

Edward Reich

Attachments

cc:

Cheryl Wasserman, OPE
Bill Burch, OAQPS
Linda Murphy, Region I
Ken Eng, Region II
Glenn Hansen, Region III
Winston Smith, Region IV
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