



Ashworth Leininger Group Statement of Qualifications Title V Permitting & CAM Plans

Ashworth Leininger Group routinely assists major source facilities, including refineries, oil and gas operations, electrical power generating facilities, manufacturing facilities, and legal counsel on Title V operating permitting and compliance requirements. ALG is recognized as a leader in Title V permitting matters: our staff has authored papers with EPA senior staff on Title V implementation issues, provided expert testimony on Title V requirements, and prepared scores of Title V permit applications for complex source operations around the United States.

To understand the practical impact of Title V operating permits on our clients' operations, it is helpful to focus on the key elements of the Title V permitting program:

Applicability: If a facility has a potential to emit above local and/or federal major source thresholds, the facility is subject to Title V permitting and must submit an initial Title V application. Alternatively, the facility may elect to limit actual emissions below these major source thresholds to avoid the Title V operating permit program. Compliance with such "synthetic minor" limits will allow an operator to avoid the additional administrative requirements that are attendant to a Title V permit.

Operating Flexibility: Title V permits are not supposed to impose new emission limits or control requirements. Rather, the federal operating permit is designed to make explicit all such existing requirements, and prescribe the appropriate level of monitoring, recordkeeping and reporting to document and ensure compliance with each requirement. However, in practice, we have found that proposed Title V conditions typically do in fact propose new requirements on our client's operations, as agencies often impose new emission or operating limits. Further, EPA guidance offers a number of permitting options to limit the extent to which operating permits must be re-opened to address changes in production/operations. We therefore work closely with technical and legal staff to ensure that operational flexibility is optimized through careful documentation of permit histories and applicable requirements, a solid understanding of Title V regulations and interpretive guidelines, and negotiations with agency staff.

Responsibility: Unlike area sources, a major source (Title V) facility must designate a "responsible official" who must, after "reasonable inquiry",

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certify under penalty of perjury to compliance to all “applicable requirements.” Thus, while the Title V permits may impose no new emission limits, it imposes new obligations on the major source. ALG’s compliance analyses are designed to provide our clients with a solid and defensible basis for this reasonable inquiry demonstration to avoid enforcement exposure. ALG works closely with our client’s technical and legal staff to ensure that the timing, analysis, and disclosure of potential issues in a Title V certification properly considers and weights all source obligations. Finally, the Title V permitting and certification process is open to public review and comment. Therefore, ALG works with our clients and agency staff to ensure that permit conditions and reporting requirements are clear and appropriate.

Reporting: In addition to annual compliance certification, which must be submitted to both the local air agency and US EPA, many state and local programs require additional reporting including semi-annual monitoring reports as well as upset/breakdown reporting and excess emission reporting. These enhanced disclosure requirements underscore the importance of a solid understanding of all commitments and emission limits that are prescribed under Title V operating permits. ALG routinely assists our clients in the design and implementation of customized software programs that streamline and clarify Title V Operating Permit requirements. ALG is a Microsoft Partner, and can provide compliance databases utilizing Microsoft products. However, as directed by our clients, we also team with database programmers that specialize in environmental compliance database systems.

Right-to-Know: In addition to the reports indicated above, Title V facilities are subject to immediate reporting of violations upon discovery. Depending on the type of violation and whether excess emissions occurred, different notification timelines may apply. The Title V permit and/or local regulations should indicate appropriate timelines and contact information.

Title V Renewal Applications and Compliance Assurance Monitoring (CAM Plans): Under Part 64, Title V facilities are required to develop and implement CAM Plans where emissions control devices are used to abate emissions from selected major sources. Because Part 64 provides numerous exemptions from CAM, it is important for a Title V facility to clearly establish applicability. If required, a well-designed monitoring program will leverage existing process monitoring systems to ensure streamlined monitoring and recordkeeping. ALG routinely provides CAM applicability analyses, prepares CAM Plans for a broad spectrum of

industrial sources and their associated control systems, and audits Part 64 compliance programs.

Ashworth Leininger Group is a specialty air quality consulting firm, with three offices in California (Bay Area, South Coast, and San Diego), Colorado and North Carolina. For over 15 years, ALG staff has been actively working with clients to develop air permits for their operations and address any permitting issues that arise due to increasingly stringent regulations or changes in operations using cost effective and creative approaches. ALG has effectively worked with our clients' technical, management and legal staff to:

- Prepare initial Title V applications, including calculation of emissions inventories, identification of all applicable federal, state and local requirements, and documentation of compliance with these requirements; prepare air dispersion modeling and health risk analysis to support state-only requirements; craft permitting strategies to optimize operating flexibility, define appropriate monitoring, recordkeeping and reporting protocols; prepare all necessary application forms for submittal, and assist in the negotiations of permit terms and conditions.
- Provide necessary and sufficient reasonable inquiry processes to certify compliance and minimize potential enforcement exposure.
- Prepare Title V permit renewal applications, and associated CAM Plans. Professional services include performance of third-party compliance assessments, strategic permitting analyses to streamline permit conditions and minimize the overlap of multiple regulatory schemes, optimize permit flexibility, and assistance in negotiating new permit terms and conditions.
- Design and implement computer databases and other management tools to streamline Title V compliance certification reviews and Title V compliance activities.

While the Title V Operating Permit program may pose or expand compliance obligations, we have found that the successful programs are able to minimize and even streamline compliance activities. Moreover, it is increasingly clear that Title V compliance will be the focus of ongoing enforcement actions by agency and public advocacy groups, thus emphasizing the need for clever, resourceful, and practical Title V compliance programs. For more information regarding ALG's Title V permitting services, please contact Ev Ashworth at 805.764.6017 or email Ev at eashworth@algcorp.com