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State of Indiana
Department of Environmental Management
Office of Air Quality

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Protocol for Incorporating Federally-Approved Permits into Title V Operating Permits

I. Scope

This protocol describes the procedures to be used by the Indiana Department of Environmental Management (IDEM) when incorporating the provisions of previously issued permits into Title V Operating Permits and for combining new source review permits with Title V Operating Permits. These permits include all those approved under 40 CFR 51 or 40 CFR 70 and those issued under 40 CFR 52 or Title V of the Clean Air Act, and the corresponding Indiana rules. Individual provisions of previously issued permits may be incorporated as originally stated, revised, or deleted as described by these procedures. Indiana may supercede previously issued permits in whole or in part under these procedures, if the terms and conditions of the previously issued permits are carried over in to the combined permit and identified, as required under II.A.2 of this protocol.

II. Terms

In the situations covered in the Scope section, above, IDEM will issue Title V permits in accordance with the following:

A. **Permit Language Requirements** the following are permit language requirements which will indicate a combined permit, show the authority for such conditions, identify non-applicable conditions, and supersede previous permits.

1. Combined New Source Review (NSR)/Title V permits shall state that the combined permit serves as both a Title V and a NSR permit (specifying minor NSR, major nonattainment area NSR, or PSD as appropriate).

2. For each NSR permit term or condition, IDEM will indicate the permit number and the specific NSR program under which it was issued in the permit condition and the Technical Support Document (TSD) for the Title V permit. This citation is not necessary for applicable requirements that are established outside of a NSR permit program, except as otherwise required by Title V.

3. IDEM will identify, in the TSD for the combined NSR/ TV permit, any previously established applicable requirements that will be revised or deleted and the basis for the revisions or deletions.

4. Pursuant to 326 IAC 2-1.1-9.5 permits will indicate:

   a. that except as provided in IC 13-15-3-6(a), permits are effective for a term not to exceed five (5) years.

   b. that any condition established in a permit issued pursuant to a permitting program approved into the Indiana SIP shall remain in effect until:

(1) the condition is modified in a subsequent permit action[1]; or

(2) the emission unit to which the condition pertains permanently ceases operation.

Process Requirements the following process steps will be taken with every combined permit.

5. The issuance, renewal or revision of terms and conditions in combined NSR/Title V permits must satisfy the substantive and procedural requirements of 40 CFR Part 52, Title V, and the Indiana SIP, as applicable.

6. The public notice shall state that both a Title V and a NSR action are occurring simultaneously. A TSD will accompany the NSR/Title V permit at public notice. The TSD will state that the permit serves as the Title V and the NSR permit. It also will identify new or revised conditions from previous permits issued pursuant to a permitting program approved into the Indiana-SIP.

3. IDEM's use of a combined permit shall not affect the ability of any person to appeal a PSD permit to EPA's Environmental Appeals Board (EAB) in accordance with 40 C.F.R. Part 124. Appeal to the EAB of a PSD permitting action may result in a stay of the effectiveness of the permit for purposes of Title I. Appeal of the permit, for purposes of Title I, and review and objection of the permit for purposes of Title V, shall follow the procedures at 40 C.F.R. Part 124, IC 13-15-6 appeal of agency issue or deny permit, and 40 C.F.R. Part 70, respectively.

III. Approval

Region V of the USEPA and IDEM hereby agree to the terms of this protocol.

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January 16, 2002

[1] The Title V permit will not revise the old construction permit. When the condition is carried over from the NSR permit to the TV, it can then be revised following the appropriate modification procedures.