

Subpart OOOO and Permitting Under the Oil & Gas Facilities General Permit and Area Source NESHAP Facilities and Small NSPS Facilities General Permit

As a result of the EPA finalizing Subpart OOOO under the New Source Performance Standards (NSPS), many questions have arisen regarding how to obtain coverage under the Oil & Gas General Permit (O&G GP) and the General Permit for Area Source NESHAP Facilities and Small NSPS Facilities (GP-ASNF/SNF). This guidance is intended to assist industry with the use of these GP's with regard to Subpart OOOO.

Since the O&G GP was last updated in December of 2008 and the GP-ASNF/SNF was issued in May of 2009 and Subpart OOOO has effective date of October 15, 2012, the current version of the GPs do not include the requirement to comply with this standard. However, the GPs were constructed to address the subsequent issuance of additional regulations by EPA and each GP provides process(es) in order for facilities to obtain coverage and continue to operate under a GP.

There are several situations that need to be addressed in order to provide useful guidance to industry. Several scenarios that may occur at a given facility with regard to Subpart OOOO and the appropriate permitting action needed to obtain coverage are described. Since there are some differences between the O&G GP and GP-ASNF/SNF, detailed guidance for each GP is provided.

O&G GP

Example 1

An existing facility currently operating under an O&G GP authorization to operate is not proposing to conduct any changes but may in the future. These future changes will include equipment subject to Subpart OOOO. Therefore, the facility may want to incorporate Subpart OOOO now in order to use the "Notice of Modification" when these changes occur.

Action Required

Since no physical change is being requested and the facility is just requesting to incorporate the requirements of Subpart OOOO, the facility can submit an application for a new authorization to operate that incorporates Subpart OOOO.

Example 2

An existing facility currently operating under an O&G GP authorization to operate is proposing to conduct changes that includes equipment subject to an emission, equipment, or work practice standard under Subpart OOOO.

Action Required

Since the current O&G GP does not provide for Subpart OOOO affected equipment, the facility must first submit an NOI to construct under the O&G GP and then apply for a modified O&G

GP authorization to operate within 180 days of commencement of operation to incorporate Subpart OOOO.

Example 3

An existing facility is currently operating under an O&G GP authorization to operate and the facility is proposing to install a flare in order to avoid the 6 TPY applicability threshold for VOC storage tanks.

Action Required

Since the facility is requesting a new federally enforceable tank limit, the notice of modification cannot be utilized. The facility can request a modified O&G GP authorization to operate to incorporate the new conditions. This request should include the fundamental elements needed to create a federally enforceable limit.

Example 4

An existing facility is currently operating under an O&G GP authorization to operate and the facility is proposing to take a throughput limit in order to avoid the 6 TPY applicability threshold for VOC storage tanks.

Action Required

Since the facility is requesting a new federally enforceable tank limit, the notice of modification cannot be utilized. The facility must request a modified O&G GP authorization to operate to incorporate the new conditions. This request should include the fundamental elements needed to create a federally enforceable limit.

Example 5

An existing facility is currently operating under an O&G GP authorization to operate and the facility is proposing to install a VRU which will result in potential tank emissions below the 6 TPY applicability threshold for VOC storage tanks.

Action Required

Since EPA does not consider VRU's as control devices no action is required.

Example 6

A new facility will be constructed with Subpart OOOO affected equipment.

Action Required

The facility can utilize the NOI to Construct. The Subpart OOOO applicability must be clarified in the NOI. This applicability will then be included in the authorization to operate.

Example 7

A new facility will be constructed and the applicant will be utilizing a flare to limit tank emissions below the 6 TPY applicability threshold.

Action Required

The facility can utilize the NOI to Construct. The facility must include the flare as part of the NOI to Construct application and include the proposed federally enforceable elements. The flare requirements will then be included in the authorization to operate, when issued.

GP-ASNF/SNF

Example 1

An existing facility currently operating under a GP-ASNF/SNF authorization to operate is not proposing to conduct any changes but may in the future. These future changes will include equipment subject to Subpart OOOO. Therefore, the facility may want to incorporate Subpart OOOO now in order to use the “Notice of Modification” when these changes occur.

Action Required

Since no physical change is being requested and the facility is just requesting to incorporate the requirements of Subpart OOOO, the facility can submit an application for a new authorization to operate that incorporates Subpart OOOO.

Example 2

An existing facility currently operating under a GP-ASNF/SNF authorization to operate is proposing to conduct changes that include equipment subject to an emission, equipment, or work practice standard under Subpart OOOO.

Action Required

Prior to commencement of construction, the facility can submit an application for a new authorization to operate that incorporates Subpart OOOO.

Example 3

An existing facility is currently operating under a GP-ASNF/SNF authorization to operate is proposing to install a flare in order to avoid the 6 TPY applicability threshold for VOC storage tanks.

Action Required

Since the facility is requesting a new federally enforceable tank limit and specific control device requirements, the notice of modification cannot be utilized. The facility must first obtain an individual construction permit with the specific limits and then submit an application for a new authorization to operate within 180 days of commencement of operation.

Example 4

An existing facility is currently operating under a GP-ASNF/SNF authorization to operate and the facility is proposing to take a throughput limit in order to avoid the 6 TPY applicability threshold for VOC storage tanks.

Action Required

Since the facility is requesting a new federally enforceable tank limit, the notice of modification cannot be utilized. The facility must first obtain an individual construction permit with the specific limits and then submit an application for a new authorization to operate within 180 days of commencement of operation.

Example 5

An existing facility is currently operating under a GP-ASNF/SNF authorization to operate and the facility is proposing to install a VRU which will result in potential tank emissions below the 6 TPY applicability threshold for VOC storage tanks.

Action Required

Since EPA does not consider VRU's as control devices no action is required.

Example 6

A new facility will be constructed with Subpart OOOO affected equipment.

Action Required

The facility can utilize the NOI to Construct. The Subpart OOOO applicability must be clarified in the NOI. This applicability will then be included in the authorization to operate.

Example 7

A new facility will be constructed and the applicant will be utilizing a flare to limit tank emissions below the 6 TPY applicability threshold.

Action Required

The facility cannot utilize the NOI to Construct. The facility must first obtain an individual construction permit. The facility can then apply for coverage under the ASNF/SNF authorization to operate with the site-specific requirements included.