



Lane Regional Air Protection Agency

## Form Series MD900

### Overview and Instructions

Permit Modification/Operational  
Flexibility/Construction Approval

Form Series MD900 provides the necessary forms for requesting Oregon Title V Operating Permit (Permit) modifications and construction approvals from LRAPA and for notifying LRAPA under the operational flexibility requirements. The process for determining the type of notification, modification, or approval to seek is a complex one. Not all changes at a facility require a permit modification. Some changes only require the owner/operator to notify LRAPA (off-permit changes and section 502(b)(10) changes) under the provision of operational flexibility. Other changes require separate construction approval that is done outside the Permit and must later be incorporated into the Permit (Notice of Approval).

This Overview provides general guidance on selecting the appropriate form to complete. The owner/operator should review this Overview and the introductory instructions on each of the forms to attempt to select the appropriate form. After having done so, discuss the form choice with the LRAPA permit writer to confirm the appropriate type of form has been selected. The forms are as follows:

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### Guidance on selecting the appropriate form

The Federal Clean Air Act (FCAA) rules regarding Permit modifications, construction approval, and operational flexibility notifications are very complex. As a result, while this Overview provides cursory guidance on selecting the appropriate modification/approval/ notification form to complete and submit to LRAPA, the owner/operator is advised to consult with the LRAPA permit writer before actually proceeding to complete and submit the required materials. Because each facility and Permit is unique, the permit writer best can determine the type of modification/approval/notification most appropriate to the Permit. A flow chart on pages 4 and 5 may help clarify the decision process in most situations.

Notice of Approval--required prior to construction or physical changes in the method of operation of:

- any stationary source having emissions to the atmosphere; and/or
- any air pollution control device used to comply with an applicable requirement.

Off-Permit Notification--required to be filed concurrently for changes that:

- are neither expressly addressed nor prohibited by the Permit;
- do not violate any existing Permit terms or conditions or applicable requirements;
- do not constitute Federal Clean Air Act (FCAA) Title I modifications (OAR 340-200-0020 and LRAPA Title 12); and
- are not subject to any FCAA Title IV (Acid Rain) provision.

Section 502(b)(10) Change Notification--required to be filed seven (7) days before changes that contravene (contradict) a Permit term or condition but:

- do not violate any applicable requirements;
- do not contravene a federally-enforceable monitoring, recordkeeping, reporting, or compliance certification requirement; and
- are not a Title I modification.

Administrative Amendment--may be used to revise or incorporate into the Permit a number of types of changes, such as:

- Corrects typographical errors;
- Identifies a change in the name, address, or phone number of the responsible official identified in the permit, or provides a similar minor administrative change at the source;
- Allows for a change in the name of the permittee;
- Allows for a change in ownership or operational control of a source where LRAPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to LRAPA;
- Requires more frequent monitoring or reporting by the permittee;
- Allows for a change in the date for reporting or source testing requirements for a source or emissions unit that is temporarily shut down or would otherwise have to be operated solely for the purposes of conducting the source test, except when required by a compliance schedule;
- Relaxes monitoring, reporting or recordkeeping due to a permanent source shutdown for only the emissions unit being shut down; or
- Incorporates into the Oregon Title V Operating Permit the requirements from preconstruction review permits authorized under LRAPA Title 38 or LRAPA Title 34, provided that the procedural requirements followed in the preconstruction review are substantially equivalent to the requirements of OAR 340-218-0120 through 340-218-0210 and 340-218-0230 that would be applicable to the change if it were subject to review as a permit modification, compliance requirements are substantially equivalent to those contained in 340-218-0050 through 340-218-0110, and no changes in the construction or operation of the facility that would require a permit modification under 340-218-0160 through 340-218-0180 have taken place.

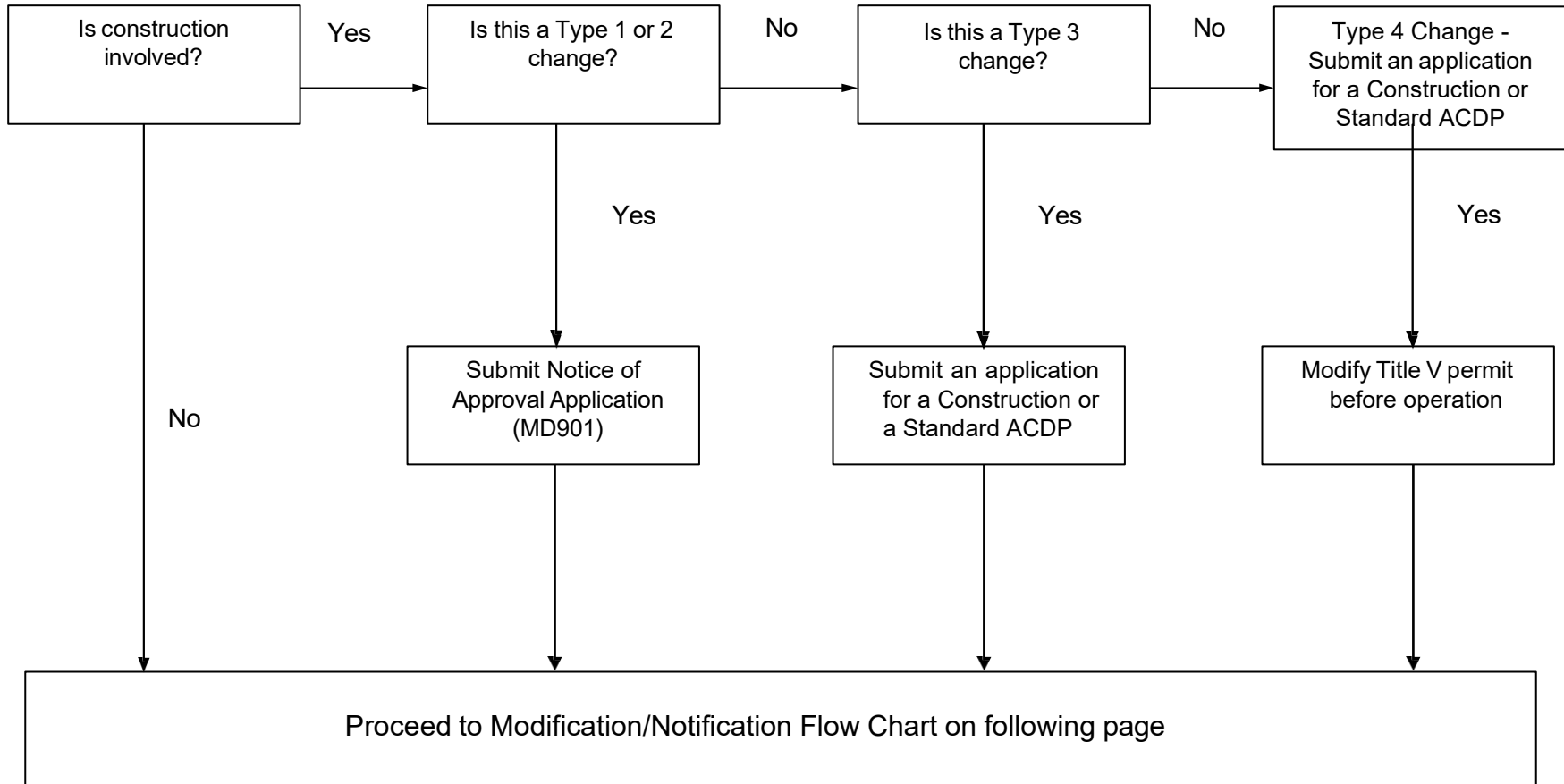
Minor Permit Modification--may be used to request modifications that do not:

- violate any applicable requirement;
- involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include but are not limited to:
  - a federally enforceable emissions cap assumed to avoid classification as a Title I modification (e.g., a PSEL assumed to avoid triggering New Source Review); and
  - an alternative emissions limit approved pursuant to LRAPA 44-040 through 44-130;
- increase emissions over the PSEL;
- constitute Title I modifications; and
- require processing under OAR 340-218-0180 as a significant modification.

Significant Permit Modification--covers modifications including:

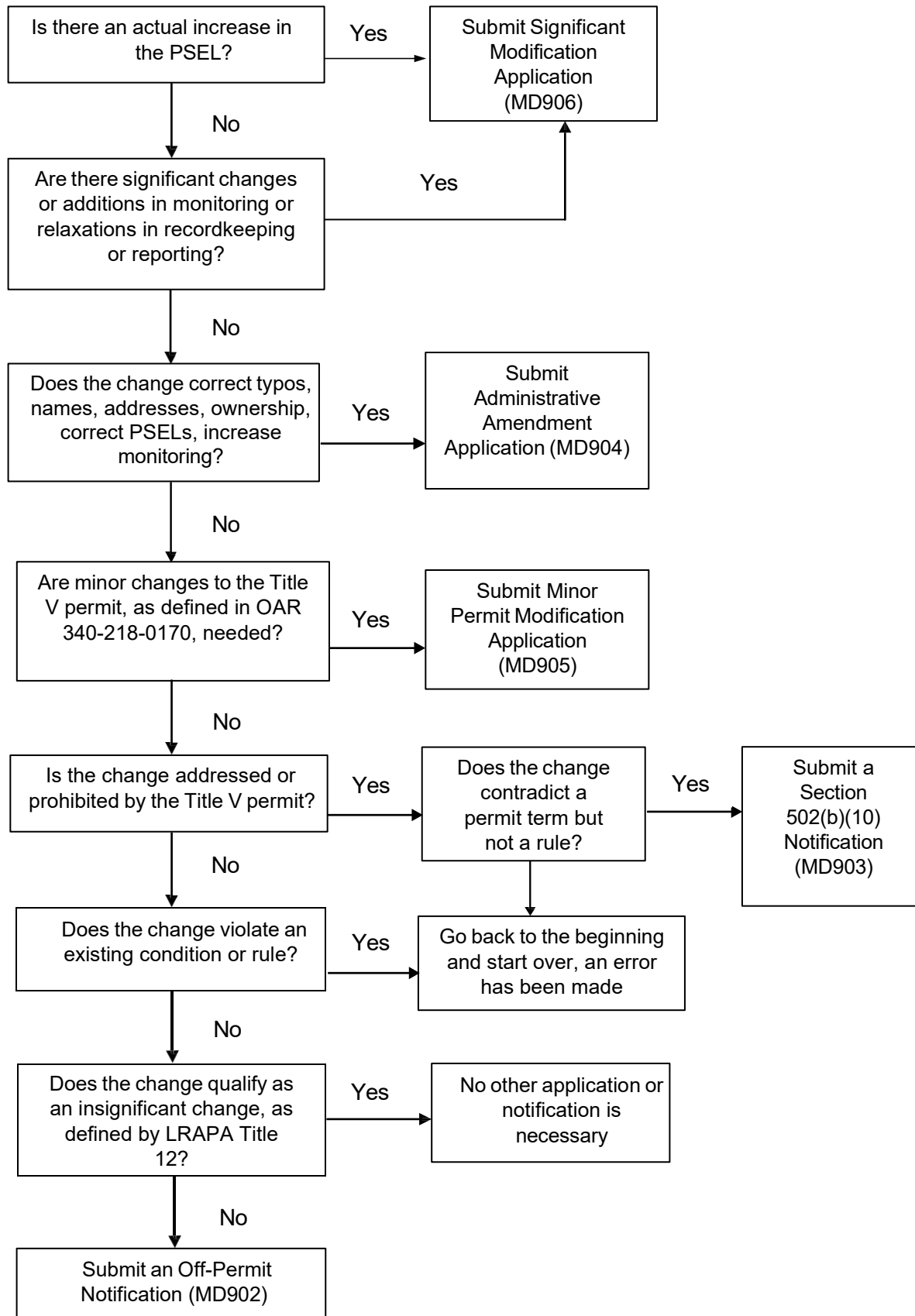
- increases in PSEs (e.g., due to increases in production or hours of operation that can already be physically accommodated) except those increases subject to:
  - New Source Review [LRAPA Title 38];
  - corrections when more accurate data are obtained but does not increase actual emissions [OAR 340- 218-0150(1)(i)]; or
  - construction/operation modifications [OAR 340-218-0190];
- significant changes in existing monitoring permit terms or conditions;
- relaxations of reporting or recordkeeping permit terms or conditions;
- incorporation into the Permit of requirements from preconstruction review permits authorized under LRAPA Title 38, unless the incorporation qualifies as an administrative amendment;
- incorporation into the Permit of requirements from preconstruction review permits authorized under OAR 340-218-0190, unless otherwise specified in OAR 340-218-0190(2); and
- changes consistent with OAR 340, Division 218 that may render existing permit compliance terms and conditions irrelevant.

## Title V Permit Construction Approval<sup>1</sup> and Modifications/Notifications



<sup>1</sup> In accordance with OAR 340-218-0190(1), the Notice of Approval procedures also include a requirement for the permittee to submit a Notice of Completion within 30 days after the construction is completed. Refer to the rules and Form R1004 for additional information and instructions regarding this requirement.

## Title V Permit Modification/Notification



## Form MD901 and MD901A – Notice of Approval

The owner/operator is required to submit this form to request LRAPA approval prior to:

- Construction or modification that will cause an increase, on an hourly basis at full production, in any regulated air pollutant emissions;
- Replacement of a device or activity that emits any regulated air pollutants; or
- Construction, modification, or replacement of any air pollution control device.

This Notice of Approval Application Form (for Construction/Operation Modifications [[OAR 340-218-0190](#)]) is required for Type 1 or 2 changes [[LRAPA 34-035](#)]. A Construction ACDP is required for Type 3 changes and a Standard ACDP is required for Type 4 changes. Approval is not required for changes to categorically insignificant activities defined in LRAPA Title 12 unless the activity is subject to NESHAP or NSPS requirements. The types of construction/modification changes are defined as follows:

### Type 1

Type 1 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under LRAPA Title 37, and where the changes meet the criteria in either subsection (a) or (b):

- (a) The construction or modification would:
  - (A) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than or equal to the de minimis levels defined in LRAPA Title 12;
  - (B) Not result in an increase of emissions from the source above any PSEL;
  - (C) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;
  - (D) Not be used to establish a federally enforceable limit on the potential to emit; and
  - (E) Not require a TACT determination under LRAPA 32-008 or a MACT determination under LRAPA 44-140; or
- (b) The construction or modification is on the list of equipment in LRAPA 34-035(1)(b).

Businesses may request that LRAPA review emissions calculations for Type 1 NCs to ensure that emissions are below de minimis levels. This equipment should be submitted on form MD901. LRAPA has 30 days to do this review. If the business does not request review of emissions calculations, the business can proceed with the construction immediately after notifying LRAPA. Equipment that is on the list of equipment in LRAPA 34-035(1)(b) requires only the Notice and Go List of Equipment form. Businesses just need to check the box for the applicable equipment and submit that to LRAPA. No approval is necessary to begin construction on the Notice and Go equipment. Permittees may not use an NC application in any instance if the construction or change requires a permit modification under Cleaner Air Oregon.

### Type 2

Type 2 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under LRAPA Title 37, and where the construction or modification would:

- (a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than the SER defined in LRAPA Title 12;
- (b) Not result in an increase of emissions from the source above any PSEL;
- (c) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;
- (d) Not be used to establish a federally enforceable limit on the potential to emit;
- (e) Be used to establish a state-only enforceable limit on the potential to emit;
- (f) Not require a TACT determination under LRAPA 32-008 or a MACT determination under LRAPA 44-140; and
- (g) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under LRAPA Title 50 for a new or replaced device or activity.

The business may proceed with construction after receiving written approval or within 60 days after LRAPA receives the complete notice application and fees, whichever is sooner. If LRAPA requests more information in order to complete the review, the 60 day review clock restarts after receipt of all information.

### Type 3

- (3) Type 3 changes include construction or modification where the construction or modification would:
- (a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of more than or equal to the SER defined in LRAPA Title 12;
  - (b) Result in an increase of emissions from the source above any PSEL before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source;
  - (c) Be used to establish a federally enforceable limit on the potential to emit;
  - (d) Require a TACT determination under LRAPA 32-008 or a MACT determination under LRAPA 44-140; or
  - (e) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under LRAPA Title 50 for a new or replaced device or activity.

### Type 4

Type 4 changes include construction or modification subject to New Source Review under LRAPA Title 38.

The owner/operator must submit this form to LRAPA as soon as they decide to undertake an action that is subject to these requirements. Type 1 changes are approved by default after submitting the MD901A form, unless the owner/operator requests LRAPA review of the de minimis emissions calculation. Type 2 changes are approved 60 days after submitting the MD901 form, unless otherwise notified by LRAPA that additional information is needed. Approval to construct does not necessarily provide approval to operate the new or modified equipment. Refer to the flow chart provided above to determine whether the proposed change will require a notification or permit revision before operating the new or modified equipment.

Note: Will there be an increase in the PSEL by more than the de minimis levels? The answer to this question should be no for the proposed construction/modification project to be considered a Type 1 or 2 change. If the PSEL will increase, submit an application for either a Construction or Standard ACDP. Application forms for the Construction and Standard ACDP are available on the LRAPA web page.

### Form MD901 – Type 1 and Type 2 NOA

1-6.	Enter the permit or source number, company name, facility location, number of employees, name, title, phone number, fax number, and email address of the contact person for the proposed construction/modification project. Enter facility information, SIC code(s), and NAICS code(s).
7.	Type of construction/modification change: Enter the type of change (1 or 2) as described above. Check the box (Request review of emissions calculations) if you want LRAPA to review the de minimis emission calculations.
8.	<b>Statement of Certification</b> Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.
9.	If the application is for a Type 2 NC, a modeling analysis must be submitted with the application. Check the box on whether all emissions are less than the SET, or whether screening modeling or refined modeling is attached to the application.

Cleaner Air Oregon and Toxic Air Contaminant (TAC) Requirements.	
10.	<p>Indicate whether the facility has completed a Cleaner Air Oregon Risk Assessment and whether a revised Risk Assessment is required. Attach the CAO confirmation that a revised risk assessment has been received by LRAPA or that a revised risk assessment is not required.</p> <p>If the facility has not completed a Cleaner Air Oregon Risk Assessment, they must submit a copy of AQ104B Toxics Reporting.</p> <p>For questions about TAC requirements, contact <a href="mailto:permitting@lrapa-or.gov">permitting@lrapa-or.gov</a></p>
11.	Check the applicable box if the AQ104B Toxics Reporting Form is not required.
Construction Information.	
12.	Description of proposed construction: Provide a text description of the facility. In describing the facility, and in preparing the notice, the owner/operator should always remember that the notice should be written to cover the facility, as it will operate after the construction. The owner/operator should provide a description of the current processes that emit air pollutants, and the fuels used and products produced in these processes. To determine the level of detail required, the owner/operator should check with his/her permit writer, or the LRAPA Environmental Coordinator if no permit writer has yet been assigned.
13.	Description of production process: Provide a text description of any production processes affected by the proposed construction. If there is a change in the flow of production of the facility processes, include a chart or diagram depicting this change.
14.	<p>Include or attach a plot plan, map, or other map-related image that clearly shows or describes at least the following:</p> <ul style="list-style-type: none"> <li>• Attach a city map or drawing showing the facility location, property lines and its relation to nearby (i.e., within 1 mile) sensitive receptors such as residential areas, hospitals, schools, etc. If the facility is located in a rural area, the owner/operator should note distances on approaching roads and mark the location of landmarks.</li> <li>• The location of the nearest zoned residential property or the nearest zoned commercial property (whichever is closer).</li> <li>• The height of the proposed constructed or modified source and emissions point(s);</li> <li>• A table or scale for distance.</li> </ul>
15.	Indicate (yes or no) whether this project will result in increased production capacity or throughput. If the owner/ operator indicates yes, then this construction/operational change may require a new permit or modification of an existing permit. The owner/operator should understand the emissions associated with this increase and consider talking to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.
16.	Indicate (yes or no) whether there are any applicable requirements associated with the construction/operational change. For example, if new equipment is being installed subject to a specific LRAPA title or federal standard (NESHAP or NSPS); or if the proposed construction includes modifications to existing equipment that was subject to permit conditions or a federal standard that will need to change. If new or changed requirements exist, a new permit or modification of an existing permit may be required. The owner/operator should understand the requirements associated with this change and consider talking to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.
17.	Indicate (yes or no) whether this project will result in increased facility size, footprint or land area. If the owner/ operator indicates yes, then this construction/operational change requires an approved Land Use Compatibility Statement (LUCS). Note that increasing the physical footprint exclusively for the installation of a control device, however, does not require a new LUCS. Increasing the physical footprint on the property requires a new LUCS specific to the proposed changes, not the entire facility or site. The owner/operator should talk to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.



18.	<p>If the proposed construction meets any of the following four criteria, the owner/operator is required to complete and submit an updated Land Use Compatibility Statement:</p> <ul style="list-style-type: none"> <li>• The construction is for a new facility or for an emissions unit at a location without an existing permit;</li> <li>• The construction is a facility expansion that either increases the physical footprint of the facility on the property or utilizes additional property (note that this criteria does not apply for the installation or construction of pollution control equipment);</li> <li>• A current Land Use Compatibility Statement is not on file with LRAPA; or</li> <li>• A Land Use Compatibility Statement (LUCS) form is requested by LRAPA.</li> <li>• (If an approved LUCS includes conditions of approval or additional findings, these must be submitted with the LUCS)</li> </ul>
19.	Indicate (yes or no) whether this project will relocate or otherwise move any emissions point(s) at the facility. If yes, a graphic of some kind will be required to sufficiently show the new location. This may be a map or detailed drawing.
20.	Indicate (yes or no) whether the final completed project will end up utilizing any new types of fuels, or increasing existing fuel use. If the owner/operator indicates yes, include an identification of each expected fuel and quantities anticipated to be used.
21.	<p>Indicate (yes or no) whether the project has any impacts or association with underground storage tanks or underground piping associated with storage tanks. If the owner/operator indicates yes, then this construction/operational change may require approval or coordination with DEQ's Underground Storage Tank program. It is the applicant's responsibility to discuss this project with the UST program to determine if there are additional applicable requirements.</p> <p>UST Email: <a href="mailto:tanks.info@deg.state.or.us">tanks.info@deg.state.or.us</a> UST Phone: 503-229-6652 or 800-742-7878</p>
22.	Indicate (yes or no) whether the project will result in any new or additional refuse generation once completed. If the owner/operator indicates "yes," include the expected types and quantities of waste or refuse to be generated and describe the methods of disposal.
23.	The owner/operator should include any information deemed pertinent regarding other pollution prevention measures or cross-media impacts that they would like LRAPA to consider when reviewing the application to determine necessary requirements and compliance methods.
Timing of construction.	
24.	The owner/operator should indicate the date (or approximate date if unknown) that the project or construction is 'committed' to taking place. This would be when contracts are signed, equipment is ordered, or the facility is otherwise committed to proceeding with the project.
25.	Indicate the approximate date that physical construction or commencement of construction activities are expected to begin.
26.	Indicate the approximate date that construction or modification is expected to be completed.
Equipment specific forms and other information to attach:	
27.	Indicate (yes or no) whether a new, replaced, or modified emissions unit, device or activity be installed? If yes, review the specific device and activity forms in the <a href="#">Form Series EU500 and DV200</a> , Emissions Unit and Device/Process Forms. Attach relevant forms to this notification (including DV201 if there are no specific forms for your proposed activity or construction). For a new emissions unit, device or activity, include or otherwise attach a map, plot plan, or drawing that clearly shows the new emissions point. Manufacturer documentation should be submitted with the form(s) as available.
28.	Indicate (yes or no) whether this project will include air pollution control devices or equipment, including control equipment as a part of new or modified process equipment. If yes, review the specific pollution control equipment forms in the <a href="#">CD300 form(s)</a> series. Attach relevant forms to this notification. Manufacturer documentation should be submitted with the form(s) as available.
29.	Indicate (yes or no) whether this project will result in overall decreased emissions at the facility. Describe how or why the decrease will occur and include which pollutants will decrease

30.	If the construction includes pollution control devices or equipment that has the ability to vary in operation from highest reasonable efficiency or effectiveness, the owner/operator must also submit information about the device and its proposed operation that will allow LRAPA to establish operation and maintenance requirements.
Emissions data.	
31.	Indicate (yes or no) whether the construction or activity is proposed at a location or facility that has already been issued an air permit. If a permit has been issued to a facility at the location, LRAPA will likely only need to assess the changes in emissions from the proposed construction or activity. If the proposed construction or activity is not associated with a facility that has an existing air permit, LRAPA will need to assess emissions and the potential to emit from everything on site.
32.	Indicate (yes or no) whether this project will result in an increase in emissions of any regulated air pollutant(s). If the owner/operator indicates yes, this change may require a new permit or modification of an existing permit. The owner/operator should understand the emissions associated with this increase and consider talking to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA. Regulated air pollutants include all listings under LRAPA Title 12.
33.	Indicate (yes or no) whether this project will result in the emission of regulated air pollutants that previously had not been emitted. If the owner/operator indicates yes, then this construction/operational change may require a new permit or modification of an existing permit. The owner/operator should understand the types and quantities of emissions associated with this change and consider talking to the LRAPA permit writer about regulatory requirements in this area before submitting this form to LRAPA.
34.	<p>The owner/operator should provide a summary of pre-construction and post-construction emissions data in the table provided on the answer sheet. A spreadsheet can be used to submit emissions data but should be formatted similarly to the emissions data table. Before completing the table, first review all of the information requested in subparts 'a' through 'd' on the table, below.</p> <p>The owner/operator should include a description of the activity or process, fuels used, process parameters, applicable sizes or ratings of equipment, and any other details necessary to estimate emissions. For unpermitted facilities, LRAPA will require information to calculate emissions based on a full year of production/activity (8,760 hours of operation). For permitted facilities, LRAPA will require information to calculate emissions based on 'potential to emit' which accounts for operational or physical limitations as well as control devices.</p> <p>Column 'a' should include all relevant emissions points at the facility. For each emissions point identified under column 'a', list the regulated air pollutant(s) emitted in column 'b'. This includes a separate row for each regulated air pollutant emitted by that emissions point. Attach or include additional pages as necessary.</p> <p>Provide the short-term and annual emissions that were present before this construction project or activity (pre-construction) and the emissions after the project is completed and operating. Short-term emissions should be provided in units of pounds per hour, or other alternate basis such as pounds per day. The owner/operator should specify the unit used for the short-term emissions. Annual emissions should be provided in units of tons per year.</p>

**Example pre and post-construction emissions table**

a. Emissions Point	b. Pollutant	c. Pre-Construction Emissions		d. Post-Construction Emissions	
		short-term (specify unit)	Annual (tons/year)	short-term (specify unit)	Annual (tons/year)
Boiler #2 Stack (distillate #2 oil)	NOx	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	CO	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	VOC	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	PM	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (distillate #2 oil)	SO2	X lbs/ 1,000 gallons	XX tons/year	Y lbs/ 1,000 gallons	YY tons/year
Boiler #2 Stack (natural gas)	NOx	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	CO	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	VOC	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	PM	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Boiler #2 Stack (natural gas)	SO2	X lbs/ million cubic feet	XX tons/year	Y lbs/ million cubic feet	YY tons/year
Gasoline Storage Tank #2	VOC	X lbs/ 1,000 gallons throughput	XX tons/year	Y lbs/ 1,000 gallons throughput	YY tons/year
Drying Oven #1	VOC	X lbs/ hour	XX tons/year	Y lbs/ hour	YY tons/year

Note: This is provided as an example that includes criteria pollutants; submissions must include all regulated air pollutants.

### Form AQ104A & MD901A – Type 1 NOA Notice and Go Equipment

1-6.	Enter the source number, tax lot, company and facility information, number of employees, facility contact information for proposed construction/modification project. Enter facility information, SIC code(s), and NAICS code(s).
7.	Enter the agency approving the LUCS, if required.
8.	<b>Statement of Certification</b> Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.
9.	Check the box of the type of equipment being installed.

## Form MD902 – Off-Permit Change Notification

This form is for Off-Permit changes to the owner/operator's Oregon Title V Operating Permit (Permit), as described by OAR 340-218-0140(2). Changes that qualify for this Notification are as follows:

- changes that are neither expressly addressed nor prohibited by the Permit;
- changes that do not violate any existing Permit terms or conditions or applicable requirements;
- changes that do not constitute Federal Clean Air Act (FCAA) Title I modifications (LRAPA Title 12); and
- changes that are not subject to any FCAA Title IV (Acid Rain) provision.

The owner/operator is not required to obtain LRAPA approval prior to proceeding with a qualifying change. Rather, the owner/operator must submit this Notification contemporaneously. LRAPA will attach any such notification to the Permit, and any permit terms or conditions that result from the change will be incorporated into the Permit, if applicable, at the time of renewal.

The answer sheet for this form is divided into two sections--Part A and Part B. Some owners/operators may not need to complete Part B, depending on their response to question A-4.

### Part A

1. Enter the name, title, phone number, fax number, and email address of the contact person for the facility.
2. Describe the off-permit change.
3. Enter the date the change will take effect.
4. Will there be a change in emissions within the PSEL? If yes, complete Part B and attach documentation showing how the emissions are estimated.
5. List the pollutants emitted as a result of the change.
6. Describe any applicable requirements that will apply, or that will no longer apply, as a result of the change. This should include any existing permit terms and conditions that the owner/operator believes should no longer apply.
7. Verify that the change is not addressed or prohibited by the permit.
8. Verify that the change is not a Title I modification, such as an explanation that the change does not meet any of the Title I modification criteria.
9. Verify that the change is not subject to any requirements under Title IV of the Clean Air Act (Acid Rain program).
10. Verify that the change does not violate any existing permit term or condition.

Statement of Certification: Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.

### Part B

Show how the emissions within the PSEL will change as a result of the off-permit change. Provide details below the table or as an attachment to the MD902 form.

## Form MD903 - Section 502 (B)(10) Change Notification

This type of change, as described under OAR 340-218-0140(3), is one that may contravene (contradict) a permit term or condition but may not violate any applicable requirements; may not contravene any federally enforceable monitoring, recordkeeping, reporting, or compliance certification requirements; and may not be a Title I modification.

The owner/operator is not required to obtain a permit modification but must notify LRAPA at least seven days in advance of the change using this form. LRAPA will attach any such notification to the Oregon Title V Operating Permit (Permit), and any permit terms or conditions that result from the change will be

incorporated into the Permit, if applicable, at the time of renewal.

The answer sheet for this form is divided into two sections--Part A and Part B. Some owners/operators may not need to complete Part B, depending on their response to question A-4.

### **Part A**

1. Enter the name, title, phone number, fax number, and email address of the contact person for the facility.
2. Describe the change and provide a reason for the change.
3. Enter the date the change will take effect.
4. Will there be a change in emissions within the PSEL? If yes, complete Part B and attach documentation showing how the emissions are estimated.
5. List any permit terms or conditions that will no longer be applicable as a result of the change
6. List any permit terms or conditions that will be applicable to the change.
7. Verify that the change does not cause or contribute to a violation of any applicable requirements, such as an explanation that the permit term or condition that is being contravened is not based on an applicable requirement.
8. Verify that the change will not cause or contribute to a violation of the PSELs, such as calculation of emissions resulting from the change in relation to the PSEL.
9. Verify that the change is not a Title I modification, such as an explanation that the change does not meet any of the Title I modification criteria.

Statement of Certification: Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.

### **Part B**

Show how the emissions within the PSEL will change as a result of the section 502(b)(10) change. Provide details below the table or as an attachment to the MD903 form.

### **Form MD904 – Administrative Amendment**

Administrative amendments, per OAR 340-218-0150, are revisions to the Oregon Title V Operating Permit such as:

- corrections of typographical errors;
- incorporation of requirements established under the state New Source Review permitting program, provided that they meet procedural requirements that are applicable and substantially equivalent to those contained in OAR 340-218-0120 (permit issuance), 340-218-0210 (public participation), OAR 340-218-0230 (Affected state and EPA review) and the compliance requirements contained in OAR 340-218-0050 (e.g., monitoring, recordkeeping, reporting, and compliance certification) of the federal regulations, and provided that the facility was constructed and would be operated as specified in the New Source Review approval;
- identification of a change in the name, address, or phone number of the responsible official identified in the permit, or provides a similar minor administrative change at the facility;
- changes in the name of the permittee;
- changes in ownership or operational control of a facility where LRAPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to LRAPA;
- requirements for more frequent monitoring or reporting by the permittee;
- changes in the date for reporting or source testing requirements as a result of extenuating circumstances, such as plant shutdown due to economic reasons;

- easing monitoring, reporting, or recordkeeping due to a permanent source shutdown or shutdown of certain emissions unit(s); and
- corrections to the baseline emission rate or PSELs when more accurate emissions data are obtained but does not increase actual emissions.

LRAPA will allow for changes in the persons identified for various purposes in the permit application, except for the responsible official, to be done by a letter, rather than requiring an administrative permit amendment.

Upon becoming aware of the need for an Administrative Permit Amendment, the owner/operator must promptly submit an application for one on Form MD904, along with a copy of the draft amendment. LRAPA will take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request. LRAPA will not initiate public or EPA review. LRAPA will issue the administrative permit amendment in the form of a permit addendum for only those conditions that will change. LRAPA will submit a copy of the permit addendum to EPA.

The owner/operator may implement the changes addressed in the administrative amendment application immediately upon submittal of the request. If the owner/operator fails to comply with the draft permit terms and conditions upon submittal of the application and until LRAPA takes final action, the existing permit terms and conditions that it is seeking to modify may be enforced against it.

### Instructions

1. Enter the name, title, phone number, fax number, and email address of the contact person for the facility.
2. Describe the change.
3. Enter the date the change will take effect.
4. Indicate (yes or no) whether this amendment concerns a change in ownership or operational control of the facility. If "yes," attach a copy of the written agreement. The agreement should include a specific date for the transfer of permit liability, insurance coverage, and liability between the current and the new permittee.
5. Indicate (yes or no) whether this amendment provides more accurate data to correct baseline or Plant Site Emission Limit (PSEL) calculations. If "yes," attach Permit application forms ED603 or ED605, with supporting data, to portray the more accurate emissions information and calculations that demonstrate that actual emissions are not increased. The attached forms should specify, by identification number or label, the emissions units affected by the corrected data.
6. Indicate (yes or no) whether this application is being used to incorporate into the Permit the requirements of New Source Review/Prevention of Significant Deterioration or a Notice of Approval. If "no," proceed to question 7. If "yes," provide the following information.
  - a. Indicate (yes or no) whether the enhanced permitting procedures (OAR 340-218-0190(2)(b)(B)) were followed in the construction approval. If "no," then the owner/operator may not use an Administrative Amendment to incorporate the construction approval requirements into the Permit.
  - b. Briefly describe the construction, including its specific purpose.
  - c. If the facility's operating conditions vary from those proposed in the construction approval, describe the variations and how they meet the definition of an administrative amendment. If there are no variations, enter "NA."
7. Provide suggested permit language for those permit terms and conditions that will be revised as a result of the amendment.

Statement of Certification: Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.

## Form MD905 - Minor Permit Modification

Minor modifications (OAR 340-218-0170) must meet the following criteria:

- do not violate any applicable requirement;
- do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
  - a federally enforceable emissions cap assumed to avoid classification as a Title I modification (e.g., a PSEL assumed to avoid triggering New Source Review); and
  - an alternative emissions limit approved pursuant to LRAPA 44-040 through 44-130;
- do not increase emissions over the PSEL;
- are not Title I modifications; and
- are not required by OAR 340-218-0180 to be processed as a significant modification.

The owner/operator is required to submit this application to LRAPA prior to making the change addressed herein. The owner/operator may make the change, however, immediately after submitting the application. LRAPA is required to take action on the application within 90 days of its receipt.

The answer sheet for this form is divided into two sections--Part A and Part B. Some owners/operators may not need to complete Part B, depending on their response to question A-5.

### Part A

1. Enter the name, title, phone number, fax number, and email address of the contact person for the facility.
2. Describe the change and provide a reason for the change. Explain why the change qualifies as a minor modification under OAR 340-218-0170.
3. Enter the date the change will take effect.
4. Describe any applicable requirements that will apply, or that will no longer apply, as a result of the modification. This should include any existing permit terms and conditions that the owner/operator believes should no longer apply. To support this discussion, the owner/operator may want to attach the following materials:
  - Form AR401, Applicable Requirements Checklist, of the Permit application, if appropriate. Submit only those sections of the form that change based on the modification.
  - Form AR402, Non-Applicable Requirements, of the Permit application, if appropriate. If the revised sections of Form AR401 require the owner/operator to explain the non-applicability of certain rules, then the owner/operator should revise, and/or complete anew, and submit Form AR402.
  - Form AR403, Facility-Wide Applicable Requirements, of the Permit application, if appropriate. If the revised sections of Form AR401 identify requirements newly applicable to the facility as a whole, then the owner/operator should revise, and/or complete anew, and submit Form AR403.
  - Emissions Unit Summary Form(s), Form Series EU500, of the Permit application, if appropriate, supported by the appropriate forms from Form Series DV200, Device/Process Forms. If the revised sections of Form AR401 identify requirements newly applicable to any of the facility's emissions units, then the owner/operator should revise, and/or complete anew, and submit the applicable requirements section of the relevant Emissions Unit Summary Form. (If, per question A-4, above, the owner/operator has already revised or completed anew the relevant Emissions Unit Summary form(s), then the applicable requirements sections would not also need to be completed here.)

- Compliance Demonstration Forms, Form Series CD700, of the Permit application, if appropriate. If the revised sections of Form AR401 identify, or result in, new compliance demonstration requirements for the facility as a whole or for any of the facility's emissions units specifically, the owner/operator should revise, and/or complete anew, and submit the appropriate form from Form Series CD700.
  - proposed permit language for those permit terms and conditions that would be revised as a result of the modification. To that end, if the owner/operator believes that certain existing permit terms and conditions should be deleted from the permit as a result of the modification, indicate this in the proposed permit language.
5. Indicate (yes or no) whether this change results in a decrease in emissions of any regulated air pollutant.
- If "no," proceed to question A-6 and only complete Part A of this form.  
If "yes," complete the remaining questions on this form, including Part B of this form. The owner/operator should provide a revised Form ED605, as appropriate, illustrating the new emissions levels from the emissions unit(s) affected by the modification.
6. Indicate (yes or no) whether this application is being used to incorporate the requirements of a construction approval (OAR 340-218-0190) into the Permit.
- If "no," proceed to question A-7.  
If "yes," provide the following information.
- Enter the Type of change from LRAPA 34-035
  - If the construction approval involved a Type 3 or 4 change, indicate (yes or no) whether the enhanced permitting procedures (OAR 340-218-0190(2)(b)(B)) were followed in the construction approval. If "no," then the owner/operator may not use a minor permit modification to incorporate the requirements of the construction/approval into the Permit.
  - Briefly describe the construction, including its specific purpose.
  - If the facility's operating conditions vary from those proposed in the construction approval, describe the variations and how they meet the definition of a minor permit modification. If there are no variations, enter "NA."
7. If the change affects any of the facility's emissions units, revise and submit the relevant form(s) from Form Series EU500, Emissions Unit Summary, of the Permit application, including any relevant device/process forms from Form Series DV200, Devices/Processes. If the change affects any of the facility's control devices, then the owner/operator should revise and submit Form CD301, Control Device Description, of the Permit application. If the change involves new applicable requirements, then the owner/operator should submit the appropriate Form Series CP700 to describe the monitoring that will be used for assuring compliance.

Statement of Certification: Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.

## Part B

Provide the following information to summarize the change in emissions of the regulated air pollutants affected by this minor permit modification.

- Identify each regulated air pollutant affected by this modification.
- Enter the decrease in emissions due to the modification. This number should be the sum of emissions change from all emissions units affected by the modification. The owner/operator may calculate this difference by comparing the information in the original and revised Emissions Data forms.



- Enter the PSEL before the modification, if applicable, from the facility's current operating permit. If the facility does not currently have a PSEL for the pollutant, enter "NA."
- Enter the PSEL for the facility as a whole after the modification.

## Form MD906 – Significant Permit Modification

This form is for significant modifications (OAR 340-218-0180) to an owner/operator's Oregon Title V Operating Permit (Permit). This form may be used for a variety of modifications, including:

- increases in PSELs, except those increases subject to:
  - New Source Review [LRAPA Title 38];
  - corrections when more accurate data are obtained but does not increase actual emissions [OAR 340- 218-0150(1)(i)]; or
  - construction/operation modifications [OAR 340-218-0190];
- significant changes in existing monitoring permit terms or conditions;
- relaxations of reporting or recordkeeping permit terms or conditions;
- incorporation into the Permit of requirements from Construction ACDPs authorized under OAR 340-218-0190 and 34-037(1)(c), unless otherwise specified in OAR 340-218-0190(2);
- incorporation into the Permit of requirements from preconstruction review permits authorized under LRAPA Title 38, unless the incorporation qualifies as an administrative amendment; and
- changes consistent with OAR 340, Division 218 that may render existing permit compliance terms and conditions irrelevant.

LRAPA recognizes that certain of the examples above may appear vague. For example, the determination of whether a change in "existing monitoring permit terms or conditions" is "significant" or not will depend on LRAPA's consideration of the nature of the owner/operator's current Permit and the conditions therein. The owner/operator is advised to discuss the nature of any proposed changes with a LRAPA permit engineer prior to proceeding with a particular permit modification application.

The owner/operator must receive LRAPA approval before initiating the change described in this application. LRAPA has up to 18 months to review and take action on the application, which should include all requirements in OAR 340, Division 218 for public participation and EPA and affected state review.

The answer sheet for this form is divided into two sections--Part A and Part B. Some owners/operators may not need to complete Part B, depending on their response to question 5.

### Part A

Before proceeding, the owner/operator should revise and attach Form AP101, Administrative Information, from the Permit application.

1. Enter the name, title, phone number, fax number, and email address of the contact person for the facility.
2. Describe the change and provide a reason for the change. Explain why the change qualifies as a significant modification under OAR 340-218-0180.

Example: The proposed change is to switch fuels from distillate to residual oil in the boiler. The boiler does not have to be physically modified to accommodate this change. The fuel switch will result in an increase of emissions, which necessitates this significant modification. [The owner/operator would proceed to describe why the fuel switch is necessary. Describe the quantity and type of fuel to be used and any operational changes that will result from the fuel switch.]

3. Enter the date the change will take effect.
4. Describe any applicable requirements that will apply, or that will no longer apply, as a result of the modification. To support this discussion, the owner/operator may attach the following materials:

- Form AR401, Applicable Requirements Checklist, of the Permit application, if appropriate. Submit only those sections of the form that change based on the modification.
  - Form AR402, Non-Applicable Requirements, of the Permit application, if appropriate. If the revised sections of Form AR401 require the owner/operator to explain the non-applicability of certain applicable requirements, then the owner/operator should revise, and/or complete anew, and submit Form AR402.
  - Form AR403, Facility-Wide Applicable Requirements, of the Permit application, if appropriate. If the revised sections of Form AR401 identify requirements newly applicable to the facility as a whole, then the owner/operator should revise, and/or complete anew, and submit Form AR403.
  - Form Series EU500, Emissions Unit Summary Forms, of the Permit application, if appropriate, supported by the appropriate forms from Form Series DV200, Device/Process Forms. If the revised sections of Form AR401 identify requirements newly applicable to the facility's emissions units, then the owner/operator should revise, and/or complete anew, and submit the applicable requirements section of the relevant Emissions Unit Summary Form. (If, per question A-4, above, the owner/operator has already revised or completed anew the relevant Emissions Unit Summary form(s), then the applicable
  - Form Series CD700, Compliance Demonstration Forms, of the Permit application, if appropriate. If the revised section of Form AR401 identify, or result in, new compliance demonstration requirements for the facility as a whole or for any of the facility's emissions units specifically, the owner/operator should revise, and/or complete anew, and submit the appropriate form from Form Series CD700.
  - proposed permit language for those permit terms and conditions that would be revised as a result of the modification. If the owner/operator believes that certain existing permit terms and conditions should be deleted from the permit as a result of the modification, indicate this in the proposed permit language.
  - revised plot plan and process flow diagram, if appropriate.
5. Indicate (yes or no) whether the modification results in a change (either an increase or a decrease) in emissions of any regulated air pollutant.

If "no," skip to question A-6 and only complete Part A of this form.

If "yes," complete the remaining questions on this form, including Part B of this form. The owner/operator should provide a revised Form ED605, illustrating the new emissions levels from the emissions unit(s) affected by the modification.

6. Demonstrate that the modification does not trigger the construction/operation modification requirements under OAR 340-218-0190.
7. Indicate (yes or no) whether this application is being used to incorporate the requirements of a construction permit (LRAPA 37-0052 or LRAPA Title 38) into the Permit.

If "no," proceed to question A-8.

If "yes," provide the following information.

- Briefly describe the construction/modification, including its specific purpose.
  - If the facility's operating conditions vary from those proposed in the construction permit, describe the variations and how they meet the definition of a significant permit modification. If there are no variations, enter "NA."
8. If the change affects any of the facility's existing emissions units, or creates a new emissions unit, then the owner/operator should revise, or complete new forms, and attach the relevant form(s) from Form Series EU500, Emissions Unit Summary, and any relevant device/process forms from Form Series DV200, Devices/Processes, of the Permit application. If the change affects the performance or operation of any pollution control equipment, then revise and attach Form CD301, Control Device Description, of the Permit application.

Statement of Certification: Per OAR 340-218-0040(5) and 340-218-0080(3)(c)(D), owners/operators are required to certify this application. Carefully read the Statement of Certification on the answer sheet. The certification should be signed by the official at the source responsible for the source's compliance with state and federal air quality regulations and knowledgeable of the truth, accuracy, and completeness of the contents of this application.

## **Part B**

Provide the following information to summarize the change in emissions of the regulated air pollutants affected by this minor permit modification.

- Identify each regulated air pollutant affected by this modification.
- Enter the increase or decrease in emissions due to the modification. This number should be the sum of emissions change from all emissions units affected by the modification. Calculate this difference by comparing the information in the original and revised Emissions Data forms.
- Enter the PSEL before the modification, if applicable, from the facility's current operating permit. If the facility does not currently have a PSEL for the pollutant, enter "NA."
- Enter the PSEL for the facility as a whole after the modification.

## **Non-discrimination statement**

LRAPA does not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities. Visit [LRAPA's Non-discrimination Policy page](#).