STAFF GUIDANCE ON STREAMLINED/SUBSUMED REQUIREMENTS IN ROPs

Overview

The following is guidance on how to streamline/subsume multiple applicable requirements into a single permit condition for an ROP. Before proceeding to streamline/subsume applicable requirements in the ROP, two things must have occurred:

- First, the streamlining of requirements should only occur upon request from the company in its ROP application. It is up to the source to request in its application that such streamlined requirements be contained in the ROP and demonstrate adequacy of the proposed streamlined requirements. The source must be in compliance with all the applicable requirements subsumed under the streamlined condition. A pre-application meeting should be held with the source to discuss the streamlining approach and requirements.
- Second, AQD staff must verify the proposed requirements can be correctly streamlined through the analysis discussed below. AQD staff should not propose to streamline/subsume requirements in an ROP if the company did not explicitly propose it in the application.

The overall objective of streamlining/subsuming requirments is to establish the most stringent permit condition that will assure compliance with all related applicable requirements for an emission unit or flexible group so as to eliminate redundant or conflicting requirements. Multiple emission limits may be streamlined into one limit. The streamlined emission limit must be documented to be more stringent than ALL emission limits that are subsumed within the streamlined limit. In no event can requirements which are specifically designed to address a particular health concern (including those with short-term averaging times) be subsumed into a requirement which is any less protective.

When the source complies with the streamlined emission limit, the source will be considered to be in compliance with the applicable requirement(s) subsumed under the streamlined emission limit. If a source violates a streamlined emission limitation in its ROP, it may be subject to enforcement action for violation of one (or more) of the subsumed applicable emission limits as well.

Definitions

Streamlined Requirement – the most stringent permit condition that will assure compliance with all related applicable requirements for an emission unit or flexible group.

Subsumed Requirements – those applicable requirements which remain in effect but are considered to be streamlined under a more stringent applicable requirement. Compliance with the subsumed requirement is assured through compliance with the over-riding ROP condition for the more stringent applicable requirement.

Procedure for Analysis

AQD staff shall only perform "simple" streamlining/subsuming where the pollutant, units of measurement, time period/operating scenario, equipment, monitoring, and recordkeeping are all in alignment. A detailed analysis should be conducted to prove the relative stringency of each applicable requirement and verify all parameters are in alignment. The AQD and the source should work together during the technical review stage to establish a basis for a streamlined limit prior to the issuance of the draft permit. An application meeting with the source is highly recommended to determine an acceptable streamlining approach.

AQD staff should perform the following analysis when evaluating streamlined/subsumed proposals:

1. Verify the proposed streamlined/subsumed conditions are by request of the source in the ROP application or from a PTI. The company should provide a set of conditions that include the most stringent standards, appropriate monitoring, recordkeeping, and reporting to assure compliance with all applicable requirements. If a streamlined/subsumed condition is from a PTI, verify the condition is correctly streamlined or the subsumed requirements will need to be added as separate conditions.

2. Verify the proposed streamlined/subsumed conditions are for the same pollutant and the streamlined requirement is the most stringent of the multiple applicable emission limitations. Distinguish between conditions which are for emission limits or work practice standards, and associated monitoring/recordkeeping for the proposed streamlined/subsumed analysis.

3. Check the units of measurement for each emission limit. Streamlining for emission limits should only be applied when the emission limits are all in the same units of measurement (i.e. lb/MMBTU, ppm, etc).

4. Check the time period/operating scenario for each emission limit. The averaging times and periods of operation need to be the same. If one applies only during normal operation and not during periods of startup and shutdown compared to the other, these emission limits should not be subsumed/streamlined. For example, if an emission limit is based on a 24-hour rolling average and the other is based on a 4-hour rolling average, these emission limits should not be streamlined/subsumed.

5. If in a flexible group, verify the emission limits apply to the same emission unit.

6. Work practice requirements which directly support an emission limit (i.e., applying to the same emission point(s) covered by the emission limit) are considered inseparable from the emission limit for the purposes of streamlining emission limits. Check that the associated work practice requirements of the proposed streamlined condition sufficiently address any work practice standards that are associated with the subsumed limit(s). A streamlined work practice requirement may be composed of provisions/elements from one or more similar work practice requirements. The resulting streamlined work practice requirement must have the same base elements/provisions as the subsumed work practice requirements (e.g. has a frequency of inspection or has recordkeeping if the subsumed work practice requirements have these elements/provisions). Multiple work practice requirements which apply to different emissions or emission points cannot be streamlined.

7. If an emission limit, operating condition, or other standard is streamlined, all testing, monitoring, recordkeeping and reporting requirements associated with all applicable requirements (streamlined and subsumed) must still be included in the permit. In all instances, the proposed permit conditions must be enforceable as a practical matter.

8. After evaluating the proposal and all supporting documentation, setup a meeting with the applicant to discuss the review and outcome.

9. Document the proposed streamlined analysis in the technical review notes.

Example
The following table provides an example of correct and incorrect streamlined/subsumed requirments.

	Emission Unit/ Flexible Group ID	Condition Number	Streamlined Limit/ Requirement	Subsumed Limit/Requirement	Stringency Analysis
✓	EUBLR	I.1.	10% opacity - six minute average except one six minute average per hour of not more than 20% opacity (R 336.1301(1)(c), R 336.2810, 40 CFR 52.21(j)).	20% opacity - six minute average except one six minute average per hour of not more than 27% opacity (40 CFR 60.43b(f)).	The visible emissions limit determined through NSR and PSD BACT review and listed in condition I.1. (10% opacity - six minute average except one six minute average per hour of not more than 20% opacity) is more stringent than the opacity limit in NSPS Subpart Db.
✗	EUBLR	I.3.	0.15 pound of NOx per MMBTU based on a 24-hour rolling average as determined each hour that the boiler operates, excluding periods of startup and shutdown (40 CFR 52.21(j), R 336.2810))	0.30 pound of NOx per MMBTU based on a 30-day rolling average calculated as the average of all of the hourly NOx emission data for the preceding 30 steam generating unit operating days (40 CFR 60.44b(d)).	The nitrogen oxides emission limit determined through NSR and PSD BACT review and listed in condition I.3. (0.15 pound NOx per MMBTU based on a 24-hour rolling average as determined each hour that the boiler operates, excluding periods of startup and shutdown) is more stringent in both the units as well as averaging time than the nitrogen oxides limit in NSPS Subpart Db.

In the above examples, the first condition is correctly streamlined/subsumed while the second condition is not. The first streamlined condition is made up of two conditions with the same requirement (opacity), units of measurement (percent), and time period/operating scenario (6-minute average). Since these parameters are all in alignment between the State and NSPS Db conditions, the more stringent State condition can be streamlined and the NSPS Db condition can be subsumed since it is considered a "simple" streamlined analysis.

The second streamlined condition contains two conditions with the same requirement (NOx) and units of measurement (lb/MMBTU), but different time period/operating scenarios (24-hour rolling average excluding periods of startup and shutdown and 30-day rolling average that applies at all times). While the 24-hour rolling average appears more stringent, it excludes startup and shutdown so a stringency determination would be complex. The AQD should refrain from streamlining them.

Incorporating the Streamlined/Subsumed Requirements into the ROP
A footnote to the streamlined condition must be created, identifying all of the applicable requirements that have been subsumed within the streamlined condition. The less stringent (subsumed) applicable requirements are listed only in the footnote. The most stringent (streamlined) applicable requirements are listed both in the footnote and also in the Underlying Applicable Requirements column of the table.

The footnote on a streamlined condition should read as follows:

In accordance with Rule 213(2) and Rule 213(6), compliance with this streamlined {pick one: opacity limit / emission limit / operational limit / work practice standard / monitoring requirement/recordkeeping requirement / reporting requirement} shall be considered compliance with the {opacity limit(s) / emission limit(s) / operational limit(s) / work practice standard(s) / monitoring requirement(s) / recordkeeping requirement(s) / reporting requirement(s)} in/established by {list **Streamlined UAR(s)**}; and also compliance with the {opacity limit(s) / emission limit(s) / operational limit(s) / work practice standard(s) / monitoring requirement(s) / recordkeeping requirement(s) / reporting requirement(s)} in/established by {list **Subsumed UAR(s)**}, (an) additional applicable requirement(s) that has/have been subsumed within this condition.

See examples below:

Example

I. <u>EMISSION LIMIT(S)</u>

Pollutant	Limit	Time Period/ Operating Scenario	Equipment	Monitoring/ Testing Method	Underlying Applicable Requirements
1. Visible Emissions	10% opacity except one six minute average per hour of not more than 20%[2, a]	Six-minute average	EUBLR	S.C. VI.1 S.C. VI.3	**R 336.1301(1)(c) R 336.2810 40 CFR 52.21(j)**

[a]   In accordance with Rule 213(2) and Rule 213(6), compliance with this streamlined opacity limit shall be considered compliance with the opacity limit established by **R 336.1301(1)(c), R 336.2810 and 40 CFR 52.21(j)**; and also compliance with the opacity limit in **40 CFR 60.43b(f)**, an additional applicable requirement that has been subsumed within this condition.

Documenting the Streamlined/Subsumed Requirements in the ROP Staff Report
A discussion of the details and the justification of the streamlined/subsumed conditions must be included in the Staff Report. See the instructions in the Staff Report Template and the example table below for more information.

<u>**Streamlined/Subsumed Requirements**</u>

STAFF REPORT EXAMPLE TABLE

The following table lists explanations of any streamlined/subsumed requirements included in the ROP pursuant to Rules 213(2) and 213(6). All subsumed requirements are enforceable under the streamlined requirement that subsumes them.

Emission Unit/ Flexible Group ID	Condition Number	Streamlined Limit/ Requirement	Subsumed Limit/Requirement	Stringency Analysis
EUBLR	I.1.	10% opacity - six minute average except one six minute average per hour of not more than 20% opacity (R 336.1301(1)(c), R 336.2810, 40 CFR 52.21(j)).	20% opacity - six minute average except one six minute average per hour of not more than 27% opacity (40 CFR 60.43b(f)).	The opacity limit determined through NSR and PSD BACT review and listed in condition I.1. (10% opacity - six minute average except one six minute average per hour of not more than 20% opacity) is more stringent than the opacity limit in NSPS Subpart Db.

Additional Resources

For questions or review of streamlined/subsumed proposals, please contact Julie Brunner (ROP Specialist) at (517-275-0415) or brunnerj1@michigan.gov.