

## **EPA ISSUES FINAL RULE ON FLEXIBLE AIR PERMITTING RULE**

EPA has revised the regulations governing State and Federal operating permit programs, required by Title V of the Clean Air Act (CAA), to promote flexible air permitting (FAP) approaches that provide greater operational flexibility and, at the same time, ensure environmental protection and compliance with applicable laws. The revisions to the Title V regulations consist of adding definitions for alternative operating scenario (AOS) and approved replicable methodology (ARM), and codifying some clarifications to existing provisions. The purpose of this rulemaking is to clarify and reaffirm opportunities within the existing regulatory framework to encourage the wider use of the FAP approaches.

A FAP is a Title V permit that facilitates flexible operations at a source, allowing it to be market-responsive while ensuring equal or greater environmental protection than that achieved by conventional permits. In particular, a FAP contains one or more approaches that allow the source, under protection of the permit shield, to make certain types or categories of physical and/or operational changes without further review or approval of the individual changes by the permitting authority as they subsequently occur.

This rule does not finalize any revisions to existing minor or major New Source Review (NSR) regulations. Instead, States and sources are encouraged to investigate in more depth the flexibilities currently available under the major NSR regulations. The final rule is effective on November 5, 2009.