

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 33.3 - PART 70 PERMITS - PERMIT CONTENT

(Adopted 10/12/93, Revised 4/10/00, 9/12/06)

A. Each Part 70 permit shall include the following elements:

1. Conditions that will assure compliance with all applicable requirements, including conditions establishing emission limitations and standards for all applicable requirements. (Reference: 40 CFR 70.6(a)(1))
2. The term of the Part 70 permit. (Reference: 40 CFR 70.6(a)(2))
3. Conditions establishing all applicable emissions monitoring and analysis procedures, emissions test methods or continuous monitoring equipment required under all applicable requirements; and related recordkeeping and reporting requirements. As necessary, conditions concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods. Where the applicable requirement does not require periodic testing or monitoring, conditions establishing periodic monitoring sufficient to assure compliance with the applicable requirement.

The permit shall incorporate all applicable recordkeeping requirements, and require where applicable, the following monitoring information:

- a. The date, place as defined in the permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of such analyses; and
- f. The operating conditions as existing at the time of sampling or measurements.

All applicable records, monitoring data, and support information shall be maintained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Part 70 permit. All applicable reports shall be submitted to the District every 6 months and shall be certified by a responsible official. Such reports shall identify any deviations from Part 70 permit conditions. In addition,

prompt reporting to the District of any deviations from Part 70 permit conditions is required, including deviations attributable to upset conditions as defined in the Part 70 permit, the probable cause of the deviations, and any corrective actions or preventative measures taken. Prompt reporting to the District is defined as no later than four (4) hours after detection by the owner or operator, or his agents or employees. (Reference: 40 CFR 70.6(a)(3))

4. If applicable, a Part 70 permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder. (Reference: 40 CFR 70.6(a)(4))
5. Applicable conditions for all reasonably anticipated operating scenarios identified by the source in its Part 70 permit application. Such conditions shall meet all applicable requirements. (Reference: 40 CFR 70.6(a)(9))
6. Applicable conditions for allowing trading under a voluntary emission cap accepted by the permittee, and for allowing trading under applicable requirements to the extent that such requirements provide for trading emissions without a case by case approval of each trade. Such conditions shall include all terms required under Section A of this rule to determine compliance and shall meet all applicable requirements. (Reference: 40 CFR 70.6(a)(10))
7. For any condition based on a federally-enforceable requirement, references that specify the origin and authority for each condition, and identify any difference in form as compared to such federally-enforceable requirement. (Reference: 40 CFR 70.6(a)(1)(i))
8. If the stationary source is not in compliance with any federally-enforceable requirement, a schedule of compliance that is approved by the District hearing board, meets all requirements of Rule 33.2.A.7, and includes a condition that requires submittal of a progress report on the schedule of compliance at least semiannually. (Reference: 40 CFR 70.6(c)(3), 70.6(c)(4))
9. A requirement that the permittee shall submit compliance certifications pursuant to Rule 33.9.B. (Reference: 40 CFR 70.6(c)(5))
10. A requirement that the following elements must be included in the compliance certifications submitted pursuant to Rule 33.9.B:
 - a. The method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under subsection A.3 of this rule.

- b. The status of compliance with the terms and conditions of the permit, including whether compliance during the period was continuous or intermittent.
- c. Identification of each deviation from compliance.
- d. Identification of every possible exception to compliance including any periods during which compliance is required and in which an excursion or exceedance occurred.
- e. Identification of any other material information that must be included in the certification to comply with section 113(c)(2) of the federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information.

(Reference: 40 CFR 70.6(c)(5)(iii))

B. Each Part 70 permit shall include the following conditions:

- 1. The permittee shall comply with all federally-enforceable conditions of the Part 70 permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of an application for reissuance of the permit. (Reference: 40 CFR 70.6(a)(6)(i))
- 2. The need to halt or reduce activity is not a defense. It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Part 70 permit. (Reference: 40 CFR 70.6(a)(6)(ii))
- 3. The Part 70 permit may be modified, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. (Reference: 40 CFR 70.6(a)(6)(iii))
- 4. The Part 70 permit does not convey any property rights of any sort, or any exclusive privilege. (Reference: 40 CFR 70.6(a)(6)(iv))
- 5. The permittee shall furnish to the District, within a reasonable time, any information that the District may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 permit or to determine compliance with the Part 70 permit. Upon request, the permittee shall also furnish to the District copies of records required to be kept by the Part 70 permit or for information claimed

to be confidential, the permittee may furnish such records directly to the Administrator of the EPA along with a claim of confidentiality. (Reference: 40 CFR 70.6(a)(6)(v))

6. All fees required by District Regulation III, Fees, shall be paid on a timely basis as requested by the District. Notwithstanding the term of the Part 70 permit, if the permittee fails to pay the annual renewal fees required pursuant to APCD Rule 42.H within the time period specified in APCD Rule 30, the Part 70 permit will be void. (Reference: 40 CFR 70.6(a)(7))
7. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the District or an authorized representative to perform the following:
 - a. Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the Part 70 permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the Part 70 permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the Part 70 permit; and
 - d. As authorized by the federal Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the Part 70 permit or applicable requirements.

(Reference: 40 CFR 70.6(c)(2), APCD Rule 8)

8. The provisions of this Part 70 permit shall be severable, and in the event of any challenge to any portion of the permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force. (40 CFR 70.6(a)(5))

C. Federally-enforceable requirements

All conditions of the Part 70 permit shall be enforceable by the EPA and citizens under the Clean Air Act unless the conditions are specifically designated as not being federally-enforceable. The APCO shall specifically designate as not being federally-enforceable under the federal Clean Air Act any terms and conditions of the Part 70 permit that are not required under the federal Clean Air Act or under any federally-enforceable requirement. (Reference: 40 CFR 70.6(b))