

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 33.4 - PART 70 PERMITS - OPERATIONAL FLEXIBILITY

(Adopted 10/12/93, Revised 4/10/01)

A. General

Rule 33.4 contains the provisions by which a source could: operate under alternative operating scenarios, trade emissions under a federally-enforceable emissions cap, or contravene a Part 70 permit condition. Any actions taken solely pursuant to and in accordance with the provisions of this rule shall not be considered a significant Part 70 permit modification, minor Part 70 permit modification or administrative Part 70 permit amendment.

B. Alternative Operating Scenarios

The owner or operator of any stationary source required to obtain a Part 70 permit may submit a description of all reasonably anticipated operating scenarios for the stationary source as part of the Part 70 permit application. The operating scenario descriptions shall contain emission information for each scenario and sufficient information for the District to develop reasonable permit conditions defining each scenario.

The owner or operator of any stationary source which is permitted to operate under different operating scenarios will be allowed to change between operating scenarios without any notice to the District but shall be required to maintain a log at the stationary source recording all changes of operating scenarios. All changes of operating scenarios must be recorded in the log contemporaneously with the change.

(Reference: 40 CFR 70.5(c)(7); 70.6(a)(9))

C. Voluntary Emission Caps

The owner or operator of any stationary source required to obtain a Part 70 permit, as part of the Part 70 permit application, may request the District to establish a federally-enforceable emissions cap independent of any federally-enforceable requirement for any pollutant emitted by the stationary source. The emissions cap request shall contain proposed replicable procedures and permit terms that ensure the emissions trades will be quantifiable and enforceable. The District shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades.

The owner or operator of any stationary source which is permitted to operate under an emissions cap will be allowed to trade emissions within the emissions cap with 30 days written notification to the District unless the District objects in writing to the emissions trade within the 30 day notice period.

The written notice shall state when the emissions trade will occur and shall describe the changes in emissions that will occur. The written notice shall also demonstrate that the requested change meets all of the following criteria:

1. The emissions trade will not violate any applicable requirement, including Rule 26.
2. The emissions trade is not a Title I modification.
3. The emissions trade does not result in exceeding the emissions allowable under the Part 70 permit whether expressed as a rate of emissions or in terms of total emissions.
4. The emissions trade will comply with all Part 70 permit conditions.

The District shall object to the emissions trade only if one or more of these criteria are not satisfied.

(Reference: 70.4(b)(12)(iii); 70.5(c)(7); 70.6(a)(10))

D. Contravening Express Part 70 Permit Conditions

The owner or operator of any stationary source required to obtain a Part 70 permit will be allowed to contravene an express Part 70 permit condition with 30 days written notification to both EPA and the District unless the District objects in writing to the change within the 30 day notice period.

The written notice shall include a brief description of the change, the date on which the change will occur, any change in emissions, and any Part 70 permit condition that will no longer be applicable as a result of the change. The written notice shall also demonstrate that the requested change meets all of the following criteria:

1. The change will not violate any applicable requirement, including Rule 26.
2. The change is not a Title I modification.
3. The change does not result in exceeding the emissions allowable under the Part 70 permit whether expressed as a rate of emissions or in terms of total emissions.
4. The change will not contravene federally-enforceable Part 70 permit conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

The District shall object to the contravening of an express Part 70 permit condition only if one or more of these criteria are not satisfied.

(Reference: 40 CFR 70.2; 70.4(b)(12); CAA Section 502(b)(10))