

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 33.5 - PART 70 PERMITS - TIMEFRAMES FOR APPLICATIONS, REVIEW
AND ISSUANCE**

(Adopted 10/12/93)

A. Significant Part 70 Permit Actions

1. Timely Submission of Applications

Any stationary source required to obtain a Part 70 permit pursuant to Rule 33.B shall submit an application for such permit in the following manner:

a. For any stationary source that is required to obtain a Part 70 permit pursuant to Rule 33.B on the effective date of such rule, an application for a Part 70 permit shall be submitted to the District as follows:

- 1) For any stationary source with a two-digit Standard Industrial Classification code of 13, by no later than 6 months after the effective date of EPA approval of Rule 33.
- 2) For any stationary source with a two-digit Standard Industrial Classification code of other than 13, by no later than 12 months after the effective date of EPA approval of Rule 33.

(Reference: 40 CFR 70.5(a)(1)(i))

b. For any stationary source that becomes subject to the requirement to obtain a Part 70 permit, pursuant to Rules 33.B.3.c or 33.B.4 after the effective date of Rule 33, and provided the source was being operated within Ventura County prior to the date on which such source becomes subject to the requirement to obtain a Part 70 permit, an application for a Part 70 permit shall be submitted to the District by no later than 12 months after such source becomes subject to such requirement.

c. For any stationary source that becomes subject to the requirement to obtain a Part 70 permit after the effective date of Rule 33, except a source subject to subsection A.1.b, an application for a Part 70 permit shall be submitted to the District prior to commencing operation of those portions of the source that caused the source to become subject to the requirement to obtain a Part 70 permit. (Reference: 40 CFR 70.5(a)(1)(ii))

d. For any stationary source that is requesting a significant Part 70 permit modification, an application for a Part 70 permit shall be submitted to the District prior to operating such source pursuant to the modification. (Reference: 40 CFR 70.5(a)(1)(ii))

- e. For any stationary source that is applying for reissuance of a Part 70 permit, an application for a Part 70 permit shall be submitted to the District no more than 18 months prior to the expiration date and no less than 6 months prior to the expiration date on the Part 70 permit. (Reference: 40 CFR 70.5(a)(1)(iii))
- f. Applications for initial phase II acid rain permits shall be submitted to the APCD by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides. (Reference: 40 CFR 70.5(a)(1)(iv))

2. Completeness Determinations

The Air Pollution Control Officer (APCO) shall provide written notice to an applicant regarding whether or not a Part 70 permit application is complete. Unless the APCO requests additional information or otherwise notifies the applicant that the application is incomplete within 60 calendar days after receipt of such application, the application shall be deemed complete. (Reference: 40 CFR 70.5.(a)(2))

3. Action on Applications

The APCO shall take final action on each complete Part 70 permit application as follows:

- a. For applications for a Part 70 permit that are listed pursuant to subsection A.1.a the APCO shall take final action:
 - 1). On at least one third of all such applications by no later than 1 year after the effective date of EPA approval of Rule 33;
 - 2). On at least two thirds of all such applications by no later than 2 years after the effective date of EPA approval of Rule 33; and
 - 3). On all such applications by no later than 3 years after the effective date of EPA approval of Rule 33.

(Reference: 40 CFR 70.4(b)(11)(ii))

- b. For any complete application for a Part 70 permit that contains an early reduction demonstration pursuant to Section 112(i)(5) of the federal CAA, the APCO shall take final action by no later than nine months after receipt of such complete application. (Reference: 40 CFR 70.4(b)(11)(iii))
- c. For any applications for a Part 70 permit for a phase II acid rain source, the APCO shall take final action in accordance with the deadlines in Title

IV of the federal CAA and regulations promulgated thereunder.
(Reference: 40 CFR 70.4(b)(11)(iv))

- d. Except for applications listed pursuant to subsections A.3.a, A.3.b and A.3.c, the APCO shall take final action on an application by no later than 18 months after the receipt of such complete application. (Reference: 40 CFR 70.7(a)(2))

B. Administrative Part 70 Permit Amendment Procedures

An applicant shall submit an application for an administrative Part 70 permit amendment prior to implementing the requested change. An applicant may implement the changes addressed in an application for an administrative Part 70 permit amendment upon submission of such application to the District. (Reference: 40 CFR 70.7(d)(3)(iii))

The APCO shall take final action on any request for an administrative Part 70 permit amendment within 60 calendar days after receipt of such request. (Reference: 40 CFR 70.7(d)(3)(i)).

Administrative Part 70 permit amendments for purposes of the acid rain portion of a Part 70 permit shall be governed by regulations promulgated under Title IV of the federal Clean Air Act. (Reference: 40 CFR 70.7(d)(2))

C. Minor Part 70 Permit Modifications

1. Timely Submission of Applications

An applicant for a minor Part 70 permit modification shall submit an application for such modification prior to implementing such change. (Reference: 40 CFR 70.7(e)(2)(ii))

2. Action on Applications

The APCO shall take final action on an application for a minor Part 70 permit modification within 90 calendar days of receipt of such application or within 15 calendar days after EPA's 45 day review period, whichever is later. Under this final action the APCO shall:

- a. Issue the Part 70 permit modification as proposed;
- b. Deny the Part 70 permit modification application;
- c. Determine the proposed Part 70 permit modification does not meet the minor Part 70 permit modification criteria and should be reviewed under the significant Part 70 permit action procedures; or

- d. Revise the proposed Part 70 permit and transmit the revised proposed Part 70 permit to EPA.

(Reference: 40 CFR 70.7(e)(2)(iv))

D. Non-Federal Minor Changes

1. Timely Submission of Applications

An applicant for a non-federal minor change shall submit an application for such change prior to implementing such change. An applicant shall submit such application to the District and shall provide a copy of the application to the EPA. (Reference: 40 CFR 70.4.(b)(14)(ii))

2. Action on Applications

The APCO shall take final action on an application for a non-federal minor change within 90 calendar days of receipt of such application. Under this final action the APCO shall:

- a. Issue the permit modification as proposed;
- b. Deny the permit modification application; or
- c. Determine the proposed permit change does not meet the non-federal minor change criteria and should be reviewed under the significant Part 70 permit action procedures or minor Part 70 permit modification procedures.

E. EPA Objection

The APCO shall not issue a Part 70 permit if the EPA objects to the issuance of the Part 70 permit in writing within 45 days of receipt by EPA of a copy of a complete application for a significant Part 70 permit action or minor Part 70 permit modification, the proposed Part 70 permit and all necessary supporting information or until EPA has notified the District that EPA will not object to such permit action, whichever occurs first.

In any case where a proposed Part 70 permit has been revised after the proposed Part 70 permit was provided to EPA, the APCO shall not issue a Part 70 permit if the EPA objects to the issuance of the Part 70 permit in writing within 45 days of receipt by EPA of the revised proposed Part 70 permit and all necessary supporting information pertaining to such revision to the proposed Part 70 permit or until EPA has notified the District that EPA will not object to such permit action, whichever occurs first.

(Reference: 40 CFR 70.8(c))