

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 33.7 - PART 70 PERMITS - NOTIFICATION

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

A. Applicability

This Rule specifies the cases in which notification shall be provided of the Air Pollution Control Officer's preliminary decision to grant a Part 70 permit. In addition, this Rule specifies the process by which such notification shall be made.

B. Public Notification

1. The Air Pollution Control Officer (APCO) shall publish a notice, as specified in subsection B.2, of any preliminary decision to grant a Part 70 permit, if such granting would constitute a significant Part 70 permit action.
2. Any notice of a preliminary decision required to be published pursuant to subsection B.1 shall:
 - a. Be published in at least one newspaper of general circulation in Ventura County, by no later than 10 days after such preliminary decision.
(Reference: 40 CFR 70.7(h)(1))
 - b. Be provided to all persons on the Part 70 permit action notification list. This list shall include any persons that request to be on such list.
(Reference: 40 CFR 70.7(h)(1))
 - c. Include the following:
 - 1). Information that identifies the source, and the name and address of the source.
 - 2). A brief description of the activity or activities involved in the Part 70 permit action.
 - 3). A brief description of any change in emissions involved in any significant Part 70 permit modification.
(Reference: 40 CFR 70.7(h)(2))
 - d. Include the location where the public may inspect the information required to be made available pursuant to subsection B.3.

- e. Provide at least 30 days from the date of publication for the public to submit written comments regarding such preliminary decision. (Reference: 40 CFR 70.7(h)(4))
 - f. Provide a brief description of comment procedures including procedures by which the public may request a public hearing, if a hearing has not been scheduled. The APCO shall provide notice of any public hearing scheduled pursuant to this subsection at least 30 days prior to such hearing. (Reference: 40 CFR 70.7(h)(2), 70.7(h)(4))
 - g. Be provided by other means if necessary to assure adequate notice to the affected public. (Reference: 40CFR 70.7(h)(1))
- 3. The APCO shall, by no later than the date of publication, make available for public inspection at the District office the information submitted by the applicant and the APCO's supporting analysis for any preliminary decision subject to the notification requirements of subsection B.1. Information which contains trade secrets shall be handled in accordance with Section 6254.7 of the Government Code.
 - 4. The APCO shall maintain records of the commenters and issues raised during the public participation process. (Reference: 40 CFR 70.7(h)(5))
 - 5. The APCO shall only consider comments regarding a preliminary decision to grant a Part 70 permit if the comments are germane to the applicable requirements implicated by the permit action in question. Comments shall be germane only if they address whether the permit action in question is consistent with applicable requirements, requirements of Rule 33 or requirements of 40 CFR Part 70. In addition, comments that address a portion of a Part 70 permit that would not be affected by the permit action in question would not be germane.

C. EPA and Affected State Notification

1. Administrative Part 70 Permit Amendments

The APCO shall submit a copy of the revised Part 70 permit to the U.S. Environmental Protection Agency (EPA). (Reference: 40 CFR 70.7.(d)(3)(ii))

2. Minor Part 70 Permit Modifications

The APCO shall, by no later than 5 working days after receipt of a complete application for a minor Part 70 permit modification, provide to the EPA and affected states a copy of such application, a copy of the proposed Part 70 permit and all necessary supporting information. If the proposed Part 70 permit is revised after the proposed Part 70 permit has been provided to EPA, the District shall provide EPA a copy of such revised proposed Part 70 permit and all

necessary supporting information pertaining to such revision to the proposed Part 70 permit. (Reference: 40 CFR 70.7(e)(2)(iii))

The APCO shall provide, to the EPA and any affected state, written notification of any refusal by the District to accept all recommendations that an affected state submitted for the Part 70 permit. The notice shall include the District's reasons for not accepting such recommendations. (Reference: 40 CFR 70.8(b)(2))

The APCO shall provide written notification of the final decision to grant or deny a minor Part 70 permit modification to EPA. Such notification shall include a copy of the final Part 70 permit. (Reference: 40 CFR 70.8(a)(1))

3. Significant Part 70 Permit Actions

The APCO shall, by no later than the date of publication specified pursuant to subsection B.2.a, provide to the EPA and affected states a copy of any notification made pursuant to subsection B.1, a copy of the application for the significant Part 70 permit action, a copy of the proposed Part 70 permit and all necessary supporting information. If the proposed Part 70 permit is revised after the proposed Part 70 permit has been provided to EPA, the District shall provide EPA a copy of such revised proposed Part 70 permit and all necessary supporting information pertaining to such revision to the proposed Part 70 permit. (Reference: 40 CFR 70.8(a)(1), 70.8(c)(1))

The APCO shall provide, to the EPA and any affected state, written notification of any refusal by the District to accept all recommendations that an affected state submitted for the Part 70 permit. The notice shall include the District's reasons for not accepting such recommendations. (Reference: 40 CFR 70.8(b)(2))

The APCO shall provide written notification of the final decision to grant or deny a Part 70 permit to EPA, and any person and/or agency which submitted comments during the comment period. Such notification shall include a copy of the final Part 70 permit. (Reference: 40 CFR 70.8(a)(1))

D. Public Petitions to EPA

If the EPA does not object in writing to the issuance of a Part 70 permit pursuant to Rule 33.5.E, any person may petition the EPA within 60 days after the expiration of EPA's 45 day comment period.

Such petition shall be based only on issues relating to the Part 70 permit that were raised during the public comment period specified pursuant to Rule 33.7.B.2.e, unless:

1. The petitioner demonstrates that it was impracticable to raise such issues during such public comment period, or

2. Grounds for such petition arose after the end of such public period.

If the EPA objects to the Part 70 permit as a result of a petition filed pursuant to this section, the District shall not issue the permit, until EPA's objection has been resolved. Notwithstanding the previous sentence, a petition does not stay the effectiveness of a Part 70 permit if the permit was issued after the end of the 45 day EPA comment period and prior to an EPA objection. (Reference: 40 CFR 70.8(d))