

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 33.8 - PART 70 PERMITS - REOPENING OF PERMITS

(Adopted 10/12/93)

A. Reopening of Part 70 Permits for Cause

Each issued Part 70 permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A Part 70 permit shall be reopened and revised under any of the following circumstances:

1. A source, which has a remaining Part 70 permit term of three years or more and which is required to obtain a Part 70 permit pursuant to Sections B.1, B.2, or B.3 of Rule 33, becomes subject to additional federally-enforceable requirements. No such reopening is required if the effective date of the requirement is later than the date on which the Part 70 permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Rule 33.6.D. (Reference: 40 CFR 70.7(f)(1)(i))
2. Additional requirements become applicable to an acid rain source under the acid rain program. Upon approval by the U.S. Environmental Protection Agency (EPA), excess emissions offset plans shall be deemed to be incorporated into the Part 70 permit. (Reference: 40 CFR 70.7(f)(1)(ii))
3. The District or the EPA determine that the Part 70 permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit. (Reference: 40 CFR 70.7(f)(1)(iii))
4. The District determines that the Part 70 permit must be revised or revoked to assure compliance with any applicable requirement, or EPA determines that the permit must be revised or revoked to assure compliance with any federally-enforceable requirement. (Reference: 40 CFR 70.7(f)(1)(iv))

Administrative requirements to reopen and issue a Part 70 permit shall follow the same procedures as apply to initial Part 70 permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings made under subsection A.1 shall be completed no later than 18 months after promulgation of the applicable requirement. (Reference: 40 CFR 70.7(f)(1)(i) and (f)(2))

Reopenings under this Section shall not be initiated before a notice of such intent is provided to the permittee by the APCO at least 30 days in advance of the date that the Part 70 permit is to be reopened, except that the APCO may provide a shorter time period in the case of an emergency. (Reference: 40 CFR 70.7(f)(3))

Reopenings under Sections A.2, A.3, or A.4 shall be made as expeditiously as practicable. (Reference: 40 CFR 70.7(f)(2))

B. Reopenings for Cause by EPA

If the EPA finds that cause exists to terminate, modify, or revoke and reissue a Part 70 permit pursuant to Sections A.1, A.2, A.3 or A.4, the EPA will notify the District and the permittee of such finding in writing. (Reference: 40 CFR 70.7(g)(1))

The District shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The EPA may extend this 90-day period for an additional 90 days if it finds that a new or revised Part 70 permit application is necessary or that the District must require the permittee to submit additional information. (Reference: 40 CFR 70.7(g)(2))

The District shall, within 90 days after receipt of an EPA objection, resolve any such EPA objection and terminate, modify, or revoke and reissue the Part 70 permit in accordance with such EPA objection. (Reference: 40 CFR 70.7(g)(4))