VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 35 - ELECTIVE EMISSION LIMITS
(Adopted 11/12/96, 4/12/11)

A. Applicability

This rule applies to any stationary source for which the owner or operator voluntarily requests, and would be able to comply with, federally-enforceable conditions that limit the potential to emit of the stationary source.

B. Request For Elective Emission Limits

A voluntary request for federally-enforceable elective emission limits shall take the form of a permit application and shall be subject to fees according to Rule 42, Sections A and E. The application shall include:

1. The identification and description of all existing emission units at the stationary source for which federally-enforceable elective emission limits are being requested. Existing emission units may include units permitted pursuant to Rule 10 (Permits Required), units exempt from permit pursuant to Rule 23 (Exemptions from Permit), and other sources of both hazardous air pollutant emissions and other regulated air pollutant emissions;

2. The identification of all criteria, hazardous, and greenhouse gas air pollutants for each existing emission unit identified in Subsection B.1 for which federally-enforceable elective emission limits are being requested;

3. Information sufficient to calculate an annual emission rate for each pollutant identified in Subsection B.2 for each existing emissions unit identified in Subsection B.1;

4. Draft federally-enforceable permit conditions that result in specific emission limits. Draft conditions shall also specify monitoring, recordkeeping and reporting requirements sufficient to determine compliance;

5. Certification by a responsible official that the contents of the request are true, accurate, and complete.

C. Procedures

1. The District shall respond to requests for federally-enforceable elective emission limits as specified in Rule 14 (Action on Applications for Permit to Operate) and Rule 15 (Standards for Permit Issuance).

2. Permit conditions which establish federally-enforceable elective emission limits shall be identified as federally enforceable and included in a Permit to Operate

issued by the District pursuant to Rule 10.B (Permits Required) and Subsections C.3 through C.5 of this rule, and shall be;

a. Permanent, quantifiable, practically enforceable, and include any operational or throughput limitations which limit the source's potential to emit.

1) As permanent conditions, elective emission limits shall supersede permitted emissions imposed pursuant to Rule 29 (Conditions on Permits) where applicable.

2) As quantifiable and practically enforceable conditions, elective emission limits shall include monitoring, recordkeeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits; and

b. Subject to public notice and U.S. EPA review pursuant to Subsections C.3 and C.4 of this rule.

3. Public Notification and Review

After a voluntary request for federally-enforceable elective emission limits is determined to be complete, and coincident with Subsection C.4 of this rule, the APCO shall:

a. Publish a notice of the request in one or more major newspapers in the area where the source is located. The public notice shall state that the conditions identified as federally-enforceable in the source's permit will establish emission limits in accordance with Rule 35 (Elective Emission Limits), and shall describe how the public may obtain copies of the proposed permit, including the federally-enforceable conditions addressing the emission limit; and

b. Provide 30 days for public review of the proposed permit prior to final permit action.

4. U.S. EPA Review

After a voluntary request for federally-enforceable elective emission limits is determined to be complete, and coincident with Subsection C.3 of this rule, the APCO shall:

a. Provide the U.S. EPA with copies of the proposed permit, including the conditions identified as federally enforceable;

b. Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and

c. Provide the U.S. EPA with copies of the final permit.

5. After fulfillment of the requirements of Subsections C.1 through C.4 of this rule, the APCO shall:

   a. Consider any written comments received from both the public and U.S. EPA during the review periods specified in Subsections C.3 and C.4; and

   b. Either issue or deny the subject Permit to Operate within 90 days.

6. The APCD shall maintain a public record of all pertinent documents regarding a request for federally-enforceable elective emission limits, including: the request application, proposed permit, all written comments and responses, and the final permit.

7. Any revision to federally-enforceable elective emission limits shall require a request as specified in Section B of this rule. Revisions to permits with federally-enforceable elective emission limits that fall under the requirements of Rule 26 (New Source Review) shall be made in accordance with the provisions of both Rule 26 and this rule; the provisions of Rule 26.7 (New Source Review - Notification), Subsection B.3, shall supersede the requirements of Subsection C.3 of this rule. Other revisions to federally-enforceable elective emission limits are subject to the provisions of Subsections C.1 through C.6 of this rule.

8. Renewal of permits with federally-enforceable elective emission limits shall be made in accordance with Rule 30 (Permit Renewal). Any revision of conditions identified as federally enforceable shall be subject to the provisions of Subsection C.7 of this rule.

D. Compliance

1. Until the APCO issues a Permit to Operate pursuant to this rule, an owner or operator requesting federally-enforceable elective emission limits in order to avoid the applicability of Rule 33 (Part 70 Permits) shall not be relieved of the responsibility to comply with the application or other requirements of Rule 33 within the specified timeframe.

2. The owner or operator of a source with federally-enforceable elective emission limits that is not in compliance with any condition identified as federally-enforceable, or with any requirement set forth in this rule, or that files false information with the District to obtain elective emission limits, is in violation of the federal Clean Air Act and District rules and regulations.

E. Definitions

All definitions in Rule 33.1 (Part 70 Permits - Definitions) shall apply to this rule.