

# Regulation V

## Procedures for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990



# Regulation V – Title V Permits To Operate

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# **Regulation V**

## **Rule 500**

The content of this Rule was first adopted as part of Regulation V in 2005.  
The current version was adopted by the Governing Board via Resolution 2015-2 on March 12, 2015.

THE RULE HAS BEEN RESERVED FOR FUTURE USE

# **Regulation V**

## **Rule 501 - Purpose and General Requirements**

The content of this Rule was first adopted as part of Regulation V in 1993.  
The current version was adopted by the Governing Board via Resolution 2015-2 on March 12, 2015.

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## RULE 501

### PURPOSE AND GENERAL REQUIREMENTS

A. **PURPOSE:** The purpose of Regulation V is to implement the requirements of Title V of the federal CAA, as amended in 1990, for permits to operate. Additionally, Regulation V is used to implement the Phase II acid deposition control provisions of Title IV of the CAA, including provisions for Acid Rain Permits.

B. **GENERAL REQUIREMENTS OF REGULATION V:** After the effective date of Regulation V, the District will implement an operating permit program pursuant to the requirements of this Regulation, as provided in Title V. Title V provides for the establishment of operating permit programs for sources which emit regulated air pollutants, including attainment and nonattainment pollutants. Sources subject to Regulation V include major sources, acid rain units subject to Title IV of the CAA, solid waste incinerators subject to section 111 or 129 of the CAA, and any other sources specifically designated by rule of the EPA. The District criteria for Title V insignificant activities are set forth in Rule 502(D)(18) and Attachment 1 of Regulation V. Sources subject to Regulation V shall obtain permits to operate pursuant to it. Each permit to operate issued pursuant to Regulation V will contain conditions and requirements adequate to ensure compliance with and the enforceability of the following:

1. All applicable provisions of Division 26 of the H&SC, commencing with section 39000;
2. All applicable orders, rules, and regulations of the District and the ARB;
3. All applicable provisions of the applicable state implementation plan required by the CAA;
4. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the CAA; and
5. The requirements of all preconstruction permits issued pursuant to Parts C and D of the CAA.

The operation of an emissions unit, to which Regulation V is applicable, without a permit or in violation of any applicable permit condition or requirement constitutes a violation of Regulation V. [Reference: 40 CFR 70.6(a)(6)(i) and 70.7(b)]

C. **PRECEDENCE OVER CONFLICTING REQUIREMENTS AND CONTINUATION OF EXISTING PROGRAM:** The requirements of Regulation V shall augment and take precedence over conflicting administrative requirements of other provisions of the District's rules and regulations, if any. Regulation V does not alter any applicable requirement that a source obtain preconstruction permits, or permits to operate pursuant to H&SC Section 42301. The District will continue to implement its existing program pertaining to prevention of significant deterioration, Regulation I, Rule 110, and permits required by Regulation I, Rule 102, including authorities to construct, or new source review, Rule 110. Nothing in Regulation V limits the authority of the District, including the hearing board, to deny, revoke or terminate a permit pursuant to provisions of state law, including H&SC Sections 40808 and 42301-42309, or to impose conditions on a permit pursuant to state law. [Reference 40 CFR 70.7(a)(6)]

#### D. APPLICABILITY:

1. **Sources Subject to Regulation V:** The sources listed below are subject to the requirements of Regulation V and are required to obtain and maintain permits to operate:
  - a. A major source;
  - b. A source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the CAA;
  - c. A solid waste incinerator subject to a performance standard promulgated pursuant to section 111 or 129 of the CAA;
  - d. Any other source in a source category designated by rule of the EPA, pursuant to 40 CFR Part 70.3;
  - e. Any source that is subject to a standard or other requirement promulgated pursuant to section 111 or 112 of the CAA, published after July 21, 1992, designated by the EPA pursuant to 40 CFR Part 70.3 at the time the new standard is promulgated; and
  - f. Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals. [Reference: 40 CFR 70.3(a)]
  
2. **Sources Exempt from Regulation V:** The sources listed below are not subject to the requirements of Regulation V:
  - a. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
  - b. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 61, Subpart M, section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and
  - c. Any other source in a source category deferred by EPA pursuant to 40 CFR Part 70.3 by EPA rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source). [Reference: 40 CFR 70.3(b)]
  
3. **Acid Rain Units Subject to Title IV Requirements:** The District hereby adopts and incorporates by reference the provisions of 40 CFR Part 72 for purposes of implementing an acid rain program that meets the requirements of Title IV of the CAA as of the date that the EPA approves the District Title V program (which is set forth in Regulation V, Rule 504(O)). The effective date of this rule shall be the date on which the District receives delegation from the EPA for the implementation of the Title V program.

For the purposes of this rule the term “permitting authority”, as that term is used in Part 72, shall mean the North Coast Unified Air Quality Management District, and the term “Administrator” shall mean the Administrator of the United States Environmental Protection Agency.

For those facilities which are subject to this rule, if the provisions or requirements of 40 CFR Part 72 are determined to conflict with Regulation 5, Rule 504(O), the provisions and requirements of Part 72 shall apply and take precedence. In the event that EPA makes any subsequent amendments to Part 72, all such amendments shall be deemed to be included as part of this Rule without further action by the District. [Reference: 40 CFR 72]

# **Regulation V**

## **Rule 502 - Application & Permit Requirements**

The content of this Rule was first adopted as part of Regulation V in 1993.  
The current version was adopted by the Governing Board via Resolution 2015-2 on March 12, 2015.

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## RULE 502

### ADMINISTRATIVE PROCEDURES FOR SOURCES

#### A. PERMIT REQUIREMENT AND APPLICATION SHIELD:

1. **Permit Requirement:** No person shall operate an emissions unit at a stationary source subject to the requirements of Regulation V except in compliance with permits to operate issued pursuant to Regulation V or under the protection of the application shield of subsection (A)(2). Except as provided in subsection (A)(2) and in Rule 502(B)(4), operation of an emissions unit at a source subject to Regulation V without a permit issued pursuant to Regulation V constitutes a violation of Regulation V. Operation of an emissions unit at a permitted source out of compliance with the terms of the permit also constitutes a violation of Regulation V.

Regulation V does not alter any applicable requirement that a source obtain preconstruction permits. [Reference 40 CFR 70.7(a)(6) and (b)]

2. **Application Shield:** If a responsible official submits, pursuant to Regulation V, a timely and complete application for a permit, a source shall not be deemed in violation of the requirement to have a permit to operate until the APCO takes final action on the application. [Reference: 40 CFR 70.7(b) and (e)(2)(v)]

This application shield does not apply to sources applying for permit modifications. For permit modifications, a source shall operate in accordance with the applicable federal requirements, the permit to operate issued pursuant to Regulation V and any temporary permit to operate issued pursuant to section 42301.1 of the H&SC. [Reference: 40 CFR 70.7(a)(6)(iii), 70.7(b) and (e)(2)(v)]

3. **Compliance with Other Permit Requirements:** If a responsible official submits a timely and complete application for an initial permit, the source shall operate in accordance with the requirements of any valid permit to operate issued pursuant to section 42301 of the H&SC until the APCO takes final action on the application. If a responsible official submits a timely and complete application for renewal of a permit to operate, the source shall operate in accordance with the permit to operate issued pursuant to Regulation V, notwithstanding expiration of this permit, until the APCO takes final action on the application.
4. **Termination of Application Shield:** The application shield of subsection (A)(2) shall cease to insulate a source from enforcement action if a responsible official of the source fails to submit any additional information requested by the APCO pursuant to Rule 502(E) in a timely manner as specified by the APCO. [Reference: 40 CFR 70.7(b)]

#### B. APPLICATION REQUIREMENTS:

1. **Initial Permit:** A permit is required for each of the following:
  - a. For a source that is subject to Regulation V by operation of Rule 501(D)(1)(e) on the effective date of Regulation V, a responsible official shall submit a complete standard application within 180 days after the effective date of Regulation V. [Reference: 40 CFR 70.5(a)(1) and (c)(10)]
  - b. For a source that is subject to Regulation V by operation of Rule 501(D)(1)(a) through (D)(1)(d) on the effective date of Regulation V, a responsible official shall submit a complete standard application within 12 months after the effective date of Regulation V. [Reference: 40 CFR 70.5(a)(1) and (c)(10)]



- c. For a source that becomes subject to Regulation V after the date the rule becomes effective, a responsible official shall submit a complete standard application for a permit pursuant to Regulation V within 12 months after commencing operation or of otherwise becoming subject to Regulation V.
  - d. For a source with an acid rain unit, a responsible official shall submit a standard application and acid rain permit applications to the District as provided in subsections (B)(1)(a) or (B)(1)(b) above. If the source is subject to Regulation V because of Rule 501(D)(1)(a), a responsible official shall submit a standard application and acid rain permit applications to the District by January 1, 1996 or, if applicable, by a later date established pursuant to 40 CFR Part 72. [Reference: 40 CFR 70.5(a) and (c)(10)]
2. **Permit Renewal:** For renewal of a permit, a responsible official shall submit a complete standard application no earlier than 18 months and no later than 6 months before the expiration date of the current permit to operate. A responsible official shall submit applications for renewal of permits to operate for all emissions units at a stationary source for simultaneous review. [Reference: 40 CFR 70.5(a)(1)(iii)]
  3. **Significant Permit Modification:** After obtaining any required preconstruction permits, a responsible official shall submit a standard application for each emissions unit affected by a proposed permit revision that qualifies as a significant permit modification. Upon request by the APCO, the responsible official shall submit copies of the latest preconstruction permit for each affected emissions unit. The emissions unit(s) shall not commence operation until the APCO takes final action to approve the permit revision. [Reference: 40 CFR 70.5(a)(1)(ii)]
  4. **Minor Permit Modification:** After obtaining any required preconstruction permits, a responsible official shall submit a standard application for each emissions unit affected by the proposed permit revision that qualifies as a minor permit modification. The emissions unit(s) affected by the proposed permit modification shall not commence operation until the APCO takes final action to approve the permit revision. In the application, the responsible official shall include the following:
    - a. A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements that will apply;
    - b. Proposed permit terms and conditions; and
    - c. A certification by a responsible official that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used. [Reference: 40 CFR 70.5(a)(ii) and 70.7(e)(2)(ii and v)]
  5. **Acid Rain Unit Permit Modification:** A permit modification of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the CAA. [Reference: 40 CFR 70.7(e)]
- C. STANDARD APPLICATION:** A responsible official filing an application for a permit pursuant to Regulation V must submit that application on standard application forms. Additional information which does not fit on the standard forms may be attached.

**D. APPLICATION CONTENT:** When submitting an application for a permit pursuant to Regulation V, the responsible official shall include the following information: [Reference: 40 CFR 70.5]

1. Information identifying the source. [Reference: 40 CFR 70.5(c)(1)]
2. A description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios; [Reference: 40 CFR 70.5(c)(2)]
3. A schematic diagram and plot plan of the stationary source, identifying each emissions unit and keyed to the listing of subsection (D)(4).
4. A listing and enumeration of all existing emissions units at the stationary source, keyed to the diagram and plot plan of subsection (D)(3), and identification and description of all points of emissions from the emissions units in sufficient detail to establish the applicable federal requirements and the basis for fees pursuant to Regulation IV, Fees. [Reference: 40 CFR 70.5(c)(3)(i)]
5. Citation and description of all applicable federal requirements, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements. [Reference: 40 CFR 70.5(c)(3)(vii)and (4)(i and ii)]
6. Calculation of all emissions, including fugitive emissions, in tons per year and in such terms as are necessary to establish compliance with the all applicable District, State, or federal requirements for the following:
  - a. All regulated air pollutants emitted from the source,
  - b. Any hazardous air pollutant that the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and
  - c. If the source has the potential to emit two or more hazardous air pollutants in quantities equal to or in excess of 25 tons per year, all hazardous air pollutants emitted by the source. [Reference: 40 CFR 70.5(c)(3)(i and viii)]
7. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices. [Reference: 40 CFR 70.5(c)(3)(iv and vi)]
8. An identification and description of air pollution control equipment and compliance monitoring devices or activities. [Reference: 40 CFR 70.5(c)(3)(v)]
9. Other information required by an applicable federal requirement. [Reference: 40 CFR 70.5(c)(3)(vii)and (5)]
10. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection Rule 503(J).[Reference: 40 CFR 70.5(c)(7)]

- 11.** A compliance plan and compliance schedule with the following:
  - a.** A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements;
  - b.** A statement that the source will continue to comply with such other applicable federal requirements that the source is already in compliance with;
  - c.** A statement that the source will comply, on a timely basis, with applicable federal requirements that will become effective during the permit term; and
  - d.** A description of how the source will achieve compliance with requirements for which the source is not in compliance. [Reference: 40 CFR 70.5(c)(8)]
- 12.** For a source not in compliance with an applicable federal requirement at the time of permit issuance, renewal, or modification (if the non-compliance is with units being modified), a schedule of compliance which resembles and is at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District Hearing Board if required by state law and which identifies remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, recordkeeping requirements, and a schedule for submission of certified progress reports to the EPA and the APCO at least every 6 months. [Reference: 40 CFR 70.5(c)(8)(iii)(C)]
- 13.** A certification by a responsible official of all reports and other documents submitted for permit application, compliance progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually which shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [Reference: 40 CFR 70.5(c)(9) and (d)]
- 14.** For a source with an acid rain unit, an application shall include the elements required by 40 CFR Part 72. [Reference: 40 CFR 70.5(c)(10)]
- 15.** For a source of hazardous air pollutants required to submit a risk management plan pursuant to section 112(r) of the CAA, the application shall include verification that such a plan has been submitted to the authorized implementing agency, or a compliance schedule for the submittal of the plan.
- 16.** For proposed portable sources, the application shall identify all locations of potential operation and how the source will comply with all applicable District, State, and federal requirements at each location; [Reference: 40 CFR 70.6(e)]
- 17.** Identification of fees specified in Regulation IV, Fees.
- 18.** Activities identified as insignificant in Attachment 1 of Regulation V based upon size and production rate shall be listed in the permit application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required pursuant to Regulation IV, Fees. [Reference: 40 CFR Part 70.5(c)] [Reference: 40 CFR 70.6(a)(7)]

**E. CORRECTNESS OF APPLICATIONS:**

1. A responsible official of a source shall submit an accurate and complete application in accordance with the requirements of the District.
2. Upon written request of the APCO, a responsible official shall supplement any complete application with additional information within the time frame specified by the APCO.
3. A responsible official shall promptly provide additional information in writing to the APCO upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.
4. Intentional or negligent submittal of inaccurate information constitutes sufficient reason for denial of an application. [Reference: 40 CFR 70.5(a)(2) and (b)]

**F. WRITTEN REQUESTS FOR ACTION:** A responsible official shall submit a written request to the APCO for the following permit actions:

1. **Administrative Permit Amendment:** A responsible official may implement an administrative permit amendment change upon submittal of the request to the District, except that transfer of ownership must be processed by the District. [Reference: 40 CFR 70.7(d)(3)]
2. **Permit Modification for a Condition that is not Federally Enforceable:** For a permit modification for a condition that is not federally enforceable, a responsible official shall submit a written request in accordance with the requirements of Regulation I, Rule 102.
3. **Permits to Operate for New Emissions Units:** For permits to operate for a new emissions unit at a stationary source, a responsible official shall submit a written request in accordance with the requirements of Regulation 1, Rule 103, except under the following circumstances:
  - a. The construction or operation of the emissions unit is a modification under EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, 63; [Reference: 40 CFR 70.7(e)(2)(i)(A)(5)]
  - b. The construction or operation of the emissions unit is addressed or prohibited by permits for other emissions units at the stationary source; or [Reference: 40 CFR 70.5(a)(ii)]
  - c. The emissions unit is an acid rain unit subject to Title IV of the CAA. [Reference: 40 CFR 70.7(e)]
  - d. In the circumstances specified in subsections (F)(3)(a), (F)(3)(b) or (F)(3)(c), a responsible official shall apply for a permit to operate for the new emissions unit pursuant to the requirements of Regulation V.

**G. RESPONSE TO PERMIT REOPENING FOR CAUSE:** Upon notification by the APCO of a reopening of a permit for cause for an applicable federal requirement, a responsible official shall respond to any written request for information by the APCO within the time frame specified by the APCO. [Reference: 40 CFR 70.6(a)(6)(v)]

**H. PORTABLE SOURCES:**

1. Any portable source which may operate at two or more locations shall meet all applicable District, State and applicable federal requirements at each location.
2. A responsible official shall notify the APCO not sooner than thirty days and not later than ten days before a change in location of a portable source which may operate at two or more locations. [Reference 40 CFR 70.6(e)]

**I. EMERGENCY EVENTS:**

1. The permittee shall comply with the emergency provisions contained in all applicable federal requirements.
2. Within two weeks of an emergency event, the responsible official shall submit to the District a signed contemporaneous log or other relevant evidence which demonstrates that:
  - a. An emergency occurred;
  - b. The permittee can identify the cause(s) of the emergency;
  - c. The facility was being properly operated at the time of the emergency;
  - d. All steps were taken to minimize the emissions resulting from the emergency; and
  - e. Within two working days of the emergency event, the permittee shall notify the District with a description of the emergency and any mitigating or corrective actions taken.
3. In any enforcement proceeding, the permittee has the burden of proof to establish that an emergency occurred. [Reference: 40 CFR 70.6(g)]

**J. RECORDKEEPING:**

1. A responsible official shall maintain records of all monitoring and support information associated with any applicable federal requirement , including:
  - a. Date, place, and time of sampling;
  - b. Operating conditions at the time of sampling;
  - c. Date, place, and method of analysis; and
  - d. Results of the analysis.
2. A responsible official shall retain records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application.
3. A responsible official shall maintain any other records deemed necessary by the APCO to ensure compliance with all applicable federal requirements.

**K. REPORTING REQUIREMENTS:**

1. A responsible official shall submit to the District a monitoring report at least every six months which shall identify any deviation from permit requirements, including that information previously reported to the APCO pursuant to subsection (K)(2).
2. A responsible official shall submit to the District a report of any deviation from permit requirements, including those attributable to emergency or breakdown conditions (as defined in the permit). This information shall be promptly reported to the APCO who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur.
3. Each report of a deviation from permit requirements shall describe the probable cause of the deviation and any preventative or corrective action taken.
4. Each monitoring report submitted pursuant to subsection (K)(1) or (K)(2) shall be accompanied by a written statement from the responsible official who certifies the truth, accuracy, and completeness of the report.
5. A responsible official shall submit to the District a progress report on a compliance schedule at least semi-annually and shall include the date when compliance will be achieved, an explanation of why compliance was not, or will not be, achieved by the scheduled date, and a log of any preventative or corrective action taken. [Reference: 40 CFR 70.6(a)(3)(ii)]

**L. VOLUNTARY EMISSIONS CAPS:** To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a responsible official may request, subject to approval by the APCO, to permit one or more emissions unit(s) under a voluntary emissions cap, subject to the following conditions:

1. The stationary source and each emissions unit must comply with all applicable federal requirements, including those authorizing emissions averaging;
2. Emissions from any individual emissions unit shall not exceed any emissions limitation, standard, or other requirement;
3. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
4. All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.

**M. DEFINITIONS:** The definitions in this section apply throughout Regulation V and are derived from related provisions of the EPA's Title V regulations in Part 70 of the Code of Federal Regulations, "State Operating Permit Programs." The terms defined in this section are italicized throughout Regulation V.

**ACID RAIN UNIT:** An "acid rain unit" is any fossil-fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the CAA.[Reference: 40 CFR 70.2 Affected Unit]

**ADMINISTRATIVE PERMIT AMENDMENT:** An "administrative permit amendment" is an amendment to a permit to operate which:

- a. Corrects a typographical error;
- b. Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit;
- c. Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
- d. Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the APCO receives a written agreement which:
  - i. Specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.
  - ii. A statement with the permit attached that states new owner has received, read and understands and agrees to comply with the each and every permit conditions. [Reference: 40 CFR 70.7(d)]

**AFFECTED STATE:** An "affected state" is any state that is contiguous with the District and whose air quality may be affected by a permit action, or is within 50 miles of the source for which a permit action is being proposed.[Reference: 40 CFR 70.2 Affected States]

**AIR POLLUTION CONTROL OFFICER (APCO):** "Air Pollution Control Officer" refers to the air pollution control officer of the North Coast Unified Air Quality Management District, appointed pursuant to H&SC Section 40750.

**APPLICABLE FEDERAL REQUIREMENT:** An "applicable federal requirement" is any requirement which is enforceable by the EPA and citizens pursuant to section 304 of the CAA and is set forth in, or authorized by, the CAA or a EPA regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:

- a. Title I requirements of the CAA, including:
  - i. New Source Review requirements in the State Implementation Plan approved by the EPA and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
  - ii. Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
  - iii. New Source Performance Standards (40 CFR Part 60);
  - iv. National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the CAA;
  - v. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
  - vi. Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
  - vii. Risk Management Plans, preparation and registration requirements (section 112(r) of the CAA);

- viii. Solid Waste Incineration requirements (sections 111 or 129 of the CAA);
- ix. Consumer and Commercial Product requirements (section 183 of the CAA);
  - x. Tank Vessel requirements (section 183 of the CAA);
  - xi. District prohibitory rules that are approved into the state implementation plan;
  - xii. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
  - xiii. Enhanced Monitoring and Compliance Certification requirements (section 114(a)(3) of the CAA).
- b. Title III, section 328 (Outer Continental Shelf) requirements of the CAA (40 CFR Part 55);
- c. Title IV (Acid Deposition Control) requirements of the CAA (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the CAA);
- d. Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82); and
- e. Monitoring and Analysis requirements (section 504(b) of the CAA).[Reference: 40 CFR 70.2 Applicable Requirements]

**CALIFORNIA AIR RESOURCES BOARD (ARB):** "California Air Resources Board" refers to the Air Resources Board of the State of California, created by Health and Safety Code Division 26, Part 2.

**CLEAN AIR ACT (CCA):** "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).

**CODE OF FEDERAL REGULATIONS (CFR):** "Code of Federal Regulations" refers to the United States Code of Federal Regulations.

**COMMENCE OPERATION:** "Commence operation" means to begin operation (q.v.) of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Health and Safety Code section 42301.1.

**DIRECT EMISSIONS:** "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

**DISTRICT:** "District" refers to the North Coast Unified Air Quality Management District.

**EFFECTIVE DATE OF REGULATION V:** The "effective date of Regulation V" is the date the EPA promulgates interim, partial, or final approval of the rule in the Federal Register.[Reference: 40 CFR 70.4(g)]

**EMERGENCY:** An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" does not include noncompliance as a result of improperly designed or installed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

**EMISSIONS UNIT:** An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or hazardous air pollutant.[Reference: 40 CFR 70.2 Emissions Unit]

**FEDERALLY-ENFORCEABLE CONDITION:** A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an applicable federal requirement or a voluntary emissions cap.



**FUGITIVE EMISSIONS:** "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. [Reference: 40 CFR 70.2 Fugitive Emissions]

**HAZARDOUS AIR POLLUTANT (HAP):** A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the CAA.

**HEALTH AND SAFETY CODE (H&SC):** "Health and Safety Code" refers to the California Health and Safety Code.

**INITIAL PERMIT:** An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Regulation V.

**MAJOR SOURCE:** A "major source" is a stationary source which has the potential to emit a regulated air pollutant or a hazardous air pollutant in quantities equal to or exceeding the lesser of any of the following thresholds:

- a. 100 tons per year (tpy) of any regulated air pollutant;
- b. 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
- c. 70 tpy of PM<sub>10</sub> (particulate matter of 10 microns or less) for a federal PM<sub>10</sub> nonattainment area classified as serious;
- d. 10 tpy of one hazardous air pollutant or 25 tpy of two or more hazardous air pollutants; or
- e. Any lesser quantity threshold promulgated by the EPA. [Reference: 40 CFR 70.2 Major Source]

**MINOR PERMIT MODIFICATION:** A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which is not a significant permit modification, and is not an administrative permit amendment.[Reference: 40 CFR 70.7(e)(2)]

**OPERATION:** "Operation" means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or the chemical or physical properties of a material, which results in or may result in the emission of a regulated air pollutant.

**PERMIT MODIFICATION:** A "permit modification" is any addition, deletion, or revision to a Part-70 permit to operate condition. [Reference: 40 CFR 70.2 Permit Modification and Permit Revisions]

**POTENTIAL TO EMIT:** For the purposes of Regulation V, "potential to emit" as it applies to an emissions unit and a stationary source is defined below.

- a. **Emissions Unit:** The "potential to emit" for an emissions unit is the maximum capacity of the unit to emit a regulated air pollutant or hazardous air pollutant considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by EPA and citizens or by the District. Physical and operational limitations include, but are not limited to the following: limits placed on emissions; and restrictions on operations such as hours of operation and type or amount of material combusted, stored, or processed.

- b. Stationary Source:** The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more hazardous air pollutants are emitted at a stationary source, the potential to emit for each of those hazardous air pollutants shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for sources as specified in 40 CFR Part 70.2 Major Source (2), and sources of hazardous air pollutant emissions. Notwithstanding the above, any hazardous air pollutant emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of hazardous air pollutants, whether or not such units are located in contiguous areas or are under common control. [Reference: 40 CFR 70.2 Potential to Emit and Major Source (2)]

**PRECONSTRUCTION PERMIT:** A "preconstruction permit" is a permit issued prior to construction which authorizes construction, including:

- a. An Authority To Construct issued pursuant to the District's program for the prevention of significant deterioration of air quality required by section 165 of the CAA or Regulation I, Rule 102 of the District; or
- b. An Authority to Construct issued pursuant to the District's new source review program required by sections 172 and 173 of the CAA, or Regulation I, Rule 110.

**REGULATED AIR POLLUTANT:** A "regulated air pollutant" is any pollutant which is emitted into or otherwise enters the ambient air, and for which the EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include the following:

- a. Oxides of nitrogen and volatile organic compounds.
- b. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to section 109 of the CAA;
- c. Any pollutant subject to a new source performance standard promulgated pursuant to section 111 of the CAA;
- d. Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the CAA; and
- e. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the CAA, including:
- f. Any pollutant listed pursuant to section 112(r) of the CAA (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
- g. Any hazardous air pollutant subject to a standard or other requirement promulgated by the EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) of the CAA shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the CAA.
- h. Any hazardous air pollutant subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the CAA. In case-by-case emissions limitation determinations, the hazardous air pollutant shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made. [Reference: 40 CFR 70.2 Regulated Air Pollutant]

**RESPONSIBLE OFFICIAL:** A "responsible official" is an individual with the authority to certify that a source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources in accordance with Regulation V. "Responsible official" means one of the following:

- a. For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - i. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - ii. The delegation of authority to such representative is approved in advance by the APCO;
- b. For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
- c. For a municipality, State, federal, or other public agency, either a principal executive officer or a ranking elected official; or
- d. For an acid rain unit subject to Title IV (Acid Deposition Control) of the CAA, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Regulation V. [Reference: 40 CFR 70.2 Responsible Official]

**SIGNIFICANT PERMIT MODIFICATION:** A "significant permit modification" is any modification to a federally-enforceable condition on a permit to operate which:

- a. Involves any modification under section 112(g) of Title I of the CAA or under EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, and 63;
- b. Significantly changes monitoring conditions;
- c. Provides for the relaxation of any reporting or recordkeeping conditions;
- d. Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including:
  - i. A federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the CAA, or
  - ii. An alternative hazardous air pollutant emission limit pursuant to section 112(i)(5) of the CAA;
- e. Involves a case-by-case determination of any emission standard or other requirement; or
- f. Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources. [Reference: 40 CFR 70.7(e)(2) and (4)]

**SOLID WASTE INCINERATOR:** A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the CAA. The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Regulation V:

- a. Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
- b. Any materials recovery facility which primarily recovers metals;
- c. Any qualifying small power production facility as defined in 16 U.S.C. section 796(17)(C);
- d. Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C. section 796(18)(B); or
- e. Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the EPA.

**STATIONARY SOURCE:** For the purposes of Regulation V, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:

- a. Emits, may emit, or results in the emissions of any regulated air pollutant or hazardous air pollutant;
- b. Is located on one or more contiguous or adjacent properties;
- c. Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
- d. Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual. [Reference: 40 CFR 70.2 Stationary Source]

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA):** "United States Environmental Protection Agency" refers to the Administrator or designated representative of the United States Environmental Protection Agency.

**VOLUNTARY EMISSIONS CAP:** A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.

# **Regulation V**

## **Rule 503 – District Administrative Procedures**

The content of this Rule was first adopted as part of Regulation V in 1993.  
The current version was adopted by the Governing Board via Resolution 2015-2 on March 12, 2015.

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## RULE 503

### DISTRICT ADMINISTRATIVE PROCEDURES

**A. COMPLETENESS REVIEW OF APPLICATIONS:** The APCO shall determine if an application is complete and shall notify the responsible official of the determination within the following time frames:

1. For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application; [Reference: 40 CFR 70.7(a)(4)]
2. For a minor permit modification, within 30 days of receiving the application.

The application shall be deemed complete unless the APCO requests additional information or otherwise notifies the responsible official that the application is incomplete within the time frames specified above. [Reference: 40 CFR 70.5(a) (2) and 70.7(a) (4)]

**B. NOTIFICATION OF COMPLETENESS DETERMINATION:** The APCO shall provide written notification of the completeness determination to the applicant, the EPA, the ARB and any affected state and shall submit a copy of the complete application to the EPA within five working days of the determination. The APCO needs not provide notification for applications from sources that are not major sources, except as determined by the EPA. [Reference: 40 CFR 70.7(2) (iii) and 70.8 (a) (1 and 2)]

**C. APPLICATION PROCESSING TIMEFRAMES:** The APCO shall act on a complete application in accordance with the procedures in this Rule (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the CAA), and take final action within the following time frames: [Reference: 40 CFR 70.7(a) (2)]

1. For an initial permit for a source subject to Regulation V on the date the rule becomes effective, no later than three years after the date the rule becomes effective; [Reference: 40 CFR 70.4(b) (11)]
2. For an initial permit for a source that becomes subject to Regulation V after the date the rule becomes effective, no later than 18 months after the application is received;
3. For a permit renewal, no later than 18 months after the application is received;
4. For a significant permit modification, no later than 18 months after the application is received;
5. For a minor permit modification, within 90 days after the application is received or 60 days after written notice to the EPA on the proposed decision, whichever is later; or [Reference: 40 CFR 70.7(e) (2) (iv)]
6. For any permit application with early reductions pursuant to section 112(i)(5) of the CAA, within 9 months from the date a complete application is received. [Reference: 40 CFR 70.4(b)(11)(iii)]
7. The District shall review permits to operate simultaneously for all emissions units at a stationary source for initial issuance or renewal.

**D. ANALYSIS OF PERMIT APPLICATION:** The analysis of any application for an operating permit under Regulation V, or for renewal of such a permit, shall set forth the legal and factual bases for the proposed decision to grant or deny the permit, including references to the applicable statutory and regulatory provisions. [Reference: 40 CFR 70.7(a)(5)]

**E. NOTIFICATION AND OPPORTUNITY FOR REVIEW OF PROPOSED DECISION:** Within the applicable time frame specified in Rule 503(C), the APCO shall provide official and public notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements of this Rule. [Reference: 40 CFR 70.7(h) and 70.8]

**1. Official Notice:** For initial permits, renewal of permits, significant permit modifications, and reopenings for cause, the APCO shall send official written notice of the proposed decision to the responsible official, the ARB, adjacent air pollution control Districts and any affected state. Official notice shall include the proposed permit and, upon request, copies of the District analysis. [Reference: 40 CFR 70.7(h)(3) and 70.8(b)(1)]

For minor permit modifications, the APCO shall provide official written notice of the proposed decision to the responsible official, the ARB and any affected state. [Reference: 40 CFR 70.7(e)(2)(iii) and 70.7(h)]

The APCO shall send Official Notice of proposed permit decisions by certified mail, return receipt requested.

**2. Public Notice:** For initial permits, renewal of permits, significant permit modifications, and re-openings for cause, the APCO shall provide public notice of the proposed decision by publication in at least one newspaper of general circulation in the District, by mail to persons who request such notification, and, if necessary, by other means to assure adequate notice to the affected public. [Reference: 40 CFR 70.7(h)(1)]

**3. Contents of Public Notice:** Public notice shall include the following information: [Reference: 40 CFR 70.7(h)(2 and 4)]

- a. The identification of the source, the name and address of the applicant, the activities and emissions and change in emissions involved in the permit action;
- b. The name and address of the District, the name and telephone number of District staff to contact for additional information;
- c. The availability, upon request, of the District analysis, setting forth the legal and factual basis for the proposed decision; [Reference: 40 CFR 70.7(a)(5)]
- d. The location where the public may inspect the complete application, the District's analysis, and the proposed permit;
- e. A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures; and
- f. The date, time and place of the public hearing on the proposed decision or a statement that members of the public may request that the District hold such a hearing to receive oral comments, if one has not already been scheduled. The APCO shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing.

**4. Notice to EPA:** After completion of the public notice and comment period pursuant to subsection (f), the APCO shall send written notice to the EPA of the proposed decision along with copies of the proposed

permit, the District analysis, the public notice submitted for publication, the District's response to written comments, and all necessary supporting information. [Reference: 40 CFR 70.7(h)(5) and 70.8]

For minor permit modifications, the APCO shall provide written notice of the proposed decision to the EPA, the ARB, and any affected state. Additionally, the District shall provide to the EPA (and, upon request, to the ARB or any affected state) copies of the proposed permit, the District analysis, and all necessary supporting information. [Reference: 40 CFR 70.7(a)(1)(iii and v) and (5)]

**5. Availability of Documents:** The APCO shall make available for public inspection during normal business hours copies of the following documents: [Reference: 40 CFR 70.(h)(2)]

- a. The complete application;
- b. The District analysis;
- c. The proposed permit;
- d. All submitted written comments which are postmarked by the close of the public notice and comment period of subsection (E)(6) and the District's written response to persons or agencies that submitted such comments.

**6. Opportunity for Comment and Public Hearing:** [Reference: 40 CFR 70.7(h)(2)]

- a. The District shall receive written comments regarding the proposed decision for 30 days from the date of publication of Public Notice pursuant to subsection (E)(2).
- b. At any time during the public comment period, members of the public may request that the District hold a public hearing to receive oral public comment. The APCO shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing.

**F. CHANGES TO THE PROPOSED DECISION:** A Changes to the proposed decision shall be governed by the following procedure:

1. The APCO may modify or change the proposed decision, the proposed permit, or the District analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to Rule 503 (E)(6), or due to further analysis of the APCO. Pursuant to Rule 503(E)(4), the APCO shall forward any such modified proposed decision, the proposed permit, any changes or additions to the District analysis, and all necessary supporting information to the EPA.[Reference: 40 CFR 70.7(g)(5) and 70.8(b)(2)]
2. If the EPA objects in writing to the proposed decision within 45 days of being notified of the proposed decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to Rule 503 (E)(4), the APCO shall not issue the permit until the written issues and objections raised by the EPA are resolved. The APCO shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the EPA objection within the following time frames: [Reference: 40 CFR 70.7(e)(2)(iv) and 70.8(c)]
  - a. For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the EPA objection; or
  - b. For minor permit modifications, within 90 days of receipt of the application or 60 days of the notice to EPA, whichever is later.
3. If the Administrator does not object in writing, any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. If the



Administrator objects to the permit as a result of a petition and the permit has not been issued, the permitting authority shall not issue the permit until the issues and objections raised in the public petition are resolved. Issues and objections which were not raised during the 30-day public comment period will not be considered in this process, unless it was impracticable to raise such objections within the public comment period, or unless the grounds for such objection arose after the public comment period.[Reference: 40 CFR 70.8(d)]

- G. PERMIT ISSUANCE OR DENIAL:** If the EPA does not object in writing within 45 days of the notice provided pursuant to Rule 503 (E)(4), or the APCO submits a revised permit pursuant to Rule 503(F), the APCO shall expeditiously issue the final permit to operate or deny the application. In any case, the APCO shall take final action on an application within the applicable time frame specified in Rule 503(C). Failure of the APCO to act on a permit application or permit renewal application in accordance to the time frames provided in Rule 503(C), shall constitute final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously. [Reference: 40 CFR 70.(b)(xi), 70.7(a)(1)(v) and (a)(2), and 70.8(c)]

The APCO shall send written notification of the final issuance or denial of a permit to the responsible official of the source, the EPA, the ARB and any person or affected state that submitted comments during the public comment period. Written notification of any refusal by the District to accept all recommendations for the proposed permit that an affected state submitted during the public comment period shall be sent to EPA and affected states. The APCO shall submit a copy of a permit to operate, as issued, to the EPA and provide a copy to any person or agency requesting a copy. If the application is denied, the APCO shall provide reasons for the denial in writing to the responsible official along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based. [Reference: 40 CFR 70.8(a)(1)]

- H. ACTION ON WRITTEN REQUESTS:** The APCO shall act on a written request of a responsible official for permit action using the applicable procedure specified in this Rule. [Reference: 40 CFR 70.7(d)(3)]

1. Administrative Permit Amendment: Any The APCO shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.
  - a. After designating the permit revisions as an administrative permit amendment, the APCO may revise the permit without providing notice to the public or any affected state.
  - b. The APCO shall provide a copy of the revised permit to the responsible official and the EPA.
  - c. While the APCO need not make a completeness determination on a written request, the APCO shall notify the responsible official if the APCO determines that the permit cannot be revised as an administrative permit amendment.
  
2. Permit Modification for a Condition that is not Federally Enforceable: The APCO shall take action on a written request for a permit modification for a condition that is not federally enforceable in accordance with the requirements of Regulation I, Rule 102 under the following circumstances: [Reference: 40 CFR 70.4(b)(14), 70.6(b)]
  - a. Any change at the stationary source allowed by the permit modification shall meet all applicable federal requirements and shall not violate any existing permit term or condition; and
  - b. The APCO provides to the EPA a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

3. **Permits to Operate for New Emissions Unit:** The APCO shall take action on a written request for a permit to operate a new emissions unit in accordance with the requirements for of Regulation I, Rule 102 under the circumstances specified in Rule 503 (H)(2). However, if Rule 502(F)(3) applies, the APCO shall require the submittal of a standard District application and take action on that application pursuant to the requirements of Regulation V.

**I. PERMIT REOPENING FOR CAUSE:**

1. The APCO shall reopen and revise a permit to operate during the annual review period required by H&SC Section 42301(c), or petition the District hearing board to do so pursuant to H&SC Section 42307, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the EPA, or within 18 months of promulgation of a new applicable federal requirement. The APCO shall act only on those parts of the permit for which cause to reopen exists. [Reference: 40 CFR 70.7(f)(2)]
2. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:
  - a. The need to correct a material mistake or inaccurate statement;
  - b. The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements;
  - c. The need to incorporate any new, revised, or additional applicable federal requirements, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the APCO shall incorporate these requirements into the permit to operate upon renewal); or
  - d. The need to reopen a permit issued to acid rain unit subject to Phase II of Title IV of the CAA to include: [Reference: 40 CFR 70.7(f)(1)]
    - i. Oxides of nitrogen requirements prior to January 1, 1999, and
    - ii. Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.
3. In processing a permit reopening, the APCO shall use the same procedures as for an initial permit and additionally: [Reference: 40 CFR 70.7(f)(2), (f)(3) and (g)(5)(i)]
  - a. Provide written notice to a responsible official and the EPA at least 30 days, or a shorter period in the case of an emergency, prior to reopening a permit; and
  - b. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the EPA pursuant to Rule 503(E)(4), if the EPA does not object, or after the APCO has responded to EPA objection pursuant to Rule 503(F)(2).

- J. **OPERATIONAL FLEXIBILITY:** The APCO shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The APCO shall not allow changes which constitute a modification under Title I of the CAA or Regulation I, Rules 101, 102, or 110, or that result in an exceedance of the emissions allowable under the facility's permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options: [Reference: 40 CFR 70.4(b)(12) and (d)(3)(viii)]

1. **Alternative Operating Scenarios:** The APCO shall allow the use of alternative operating scenarios provided that:
  - a. Terms and conditions applicable to each operating scenario are identified by the responsible official in the permit application; and
  - b. The terms and conditions are approved by the APCO; and
  - c. The terms and conditions are incorporated into the permit; and
  - d. The terms and conditions are in compliance with all applicable District, state, and federal requirements.

A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another. [Reference: 40 CFR 70.6(a)(9)]

2. **Voluntary Emissions Caps:** The APCO shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the stationary source solely for the purpose of complying with a voluntary emissions cap established in the permit independent of otherwise applicable federal requirements provided that:
  - a. The requirements of subsections (J)(1)(a), (J)(1)(c) and (J)(1)(d), above, are met;
  - b. The terms and conditions are approved by the APCO as quantifiable and enforceable; and
  - c. The terms and conditions are consistent with the applicable preconstruction permit.

A permit condition shall require that a responsible official provide written notice to the EPA and APCO 30 days in advance of a change by clearly requesting operational flexibility under this Rule. The written notice shall describe the change, identify the emissions unit which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not. [Reference: 40 CFR 70.4(b)(12)(iii) & 70.6(a),(a)(10) & (c)]

3. **Contravening an Express Permit Condition:** The APCO shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that the following conditions are met: [Reference: 40 CFR 70.4(b) (12)]
  - a. The change will not violate any applicable federal requirement;
  - b. The change will not contravene federally-enforceable conditions, including monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
  - c. The change is not a modification under Title I of the CAA or any provision of Regulation 1, Rule 110;
  - d. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
  - e. Written notice is given to the EPA and APCO 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this subsection, describes the change, identifies the emissions units which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and
  - f. The APCO has not provided a written denial to the responsible official within 30 days of receipt of the request for an operational change. Any written denial shall identify which of the requirements in Sections (J)(3)(a) through (J)(3)(e) above have not been satisfied.

# **Regulation V**

## **Rule 504 - Permit Content**

The content of this Rule was first adopted as part of Regulation V in 1993.  
The current version was adopted by the Governing Board via Resolution 2015-2 on March 12, 2015.

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## RULE 504 PERMIT CONTENT

- A. APPLICABLE FEDERAL REQUIREMENTS:** A permit A permit to operate issued pursuant to Regulation V shall contain permit conditions that will assure compliance with all applicable federal requirements. A permit to operate shall incorporate all applicable federal requirements as permit conditions. The following procedure shall be used to incorporate an applicable federal requirement as a permit condition:
1. A permit condition that addresses an applicable federal requirement shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not enforceable by the EPA;
  2. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit, both shall be incorporated as permit conditions, provided that they are not mutually exclusive; and
  3. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit and are mutually exclusive (e.g., require different air pollution control technology), the requirement specified in the preconstruction permit (or, in the case of sources without preconstruction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced. [Reference: 40 CFR 70.3(c)(1) and 70.6(a)(1) and(b)]
- B. GENERAL REQUIREMENTS:** A permit to operate issued pursuant to Regulation V shall contain conditions or terms consistent with 40 CFR Part 70.6, Permit Content, including: [Reference: 40 CFR 70.6(a)(1)]
1. **Equipment Identification:** The permit shall identify the equipment to which a permit condition applies.
  2. **Emission and Operational Limitations:** The permit shall contain conditions that require compliance with all applicable federal requirements, including any operational limitations or requirements.
  3. **Preconstruction Permit Requirements:** The permit shall include all of the preconstruction permit conditions for each emissions unit. The permit shall clearly identify those permit conditions which are federally enforceable and those which are not.
  4. **Origin and Authority for Permit Conditions:** The permit shall identify the origin and authority for each permit term or condition.[Reference: 40 CFR 70.6(a)(1)(i)]
  5. **Right of Entry:** The permit shall require that the source allow the entry of the AQMD, ARB, or EPA officials for the purpose of inspection and sampling, including: [Reference: 40 CFR 70.6(c)(2)]
    - a. Inspection of the stationary source, including equipment, work practices, operations, and emission-related activity;
    - b. Inspection and duplication of records required by the permit to operate; and
    - c. Source sampling or other monitoring activities.

- 6. Determination of Compliance:** The permit shall specify the monitoring methods or other methods (e.g. air quality modeling) approved by the APCO, that will be used to demonstrate compliance with each applicable AQMD, state and federal requirements. For portable sources, this must be done for each site at which the source will be permitted to operate.
- 7. Compliance with Permit Conditions:** The permit shall include the following provisions regarding compliance: [Reference: 40 CFR 70.6(a)(6)]
- a. The permittee shall comply with all permit conditions;
  - b. The permit does not convey property rights or exclusive privilege of any sort;
  - c. Violation of any permit condition is grounds for enforcement action by the AQMD, including monetary civil penalties, permit termination, revocation and re-issuance of the permit, permit modification, or denial of permit renewal;
  - d. The "need to halt or reduce a permitted activity in order to maintain compliance" shall not constitute a defense for non-compliance with any permit condition;
  - e. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
  - f. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining compliance with the permit, or whether or not cause exists for a permit action or enforcement.
- 8. Severability:** The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit. [Reference: 40 CFR 70.6(b)(5)]
- C. RECORDKEEPING:** A permit issued pursuant to Regulation V shall include conditions that require a responsible official to maintain and retain records in accordance with Rule 502 10.0. The permit shall state such requirements explicitly, and not by reference. [Reference: 40 CFR 70.6(a)(3)(ii)]
- D. MONITORING, TESTING, AND ANALYSIS:** A permit issued pursuant to Regulation V shall contain conditions that require monitoring, analytical methods, compliance certification, test methods, equipment management, and statistical procedures consistent with any applicable federal requirement, including those pursuant to sections 114(a)(3) and 504(b) of the CAA, and 40 CFR Part 64. The permit shall require periodic monitoring sufficient to yield reliable data which are representative of the source's compliance with permit conditions over the relevant time period. The permit shall state such requirements explicitly, and not by reference. [Reference: 40 CFR 70.6(a)(3)(i)]
- E. REPORTING:** The permit shall include reporting conditions that require a responsible official to report in accordance with the requirements of Rule 502 11.0. The permit shall state such requirements explicitly, and not by reference. The permit shall contain a condition or conditions specifying what constitutes "prompt" reporting of deviations from a permit requirement. [Reference: 40 CFR 70.6(a)(3)(iii)]

**F. COMPLIANCE PLAN:** A permit issued pursuant to Regulation V shall include a compliance plan that does the following:

1. Describes the compliance status of each emissions unit with respect to each applicable federal requirement;
2. Describes how compliance will be achieved if an emissions unit is not in compliance with an applicable federal requirement at the time of permit issuance;
3. Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and
4. Assures that an emissions unit will comply, on a timely basis with any applicable federal requirement that will become effective during the permit term. [Reference: 40 CFR 70.6(c)]

**G. COMPLIANCE SCHEDULE:** A permit issued pursuant to Regulation V shall include a compliance schedule for any emissions unit which is not in compliance with current applicable federal requirements at the time of permit issuance, renewal, and modification (if the non-compliance is with units being modified). The compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District Hearing Board if required by state law and shall include the following requirements:

1. A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;
2. A statement that the emissions unit will comply with any future applicable federal requirement on a timely basis;
3. For each condition with which the emissions unit is not in compliance which addresses an applicable federal requirement, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and
4. For each emissions unit that is not in compliance with an applicable federal requirement, a schedule of progress reports submitted no less frequently than semi-annually which include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective actions taken. [Reference: 40 CFR 70.5(c)(8) and 70.6(c)(3)]

**H. EMERGENCY PROVISIONS:** A permit issued pursuant to Regulation V shall include a condition requiring compliance with the provisions of Rule 502 9.0. The permit shall state that in any enforcement proceeding, the permittee has the burden of proof to establish that an emergency occurred. [Reference: 40 CFR 70.6(g)]

**I. PORTABLE SOURCES:** The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to meet the requirements of Rule 502 8.0 and Rule 504 2.6. [Reference 40 CFR 70.6(e)]

- J. COMPLIANCE CERTIFICATION:** Each permit shall contain conditions for compliance certification which include the following requirements:
1. The responsible official shall submit a compliance certification to the EPA and the APCO every 12 months or more frequently as specified in an applicable requirement or by the AQMD. All compliance reports and other documents required to be submitted to the AQMD by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
  2. The compliance certification shall identify the basis for each permit term or condition (e.g. specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;
  3. The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and
  4. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to sections 114(a) and 504(b) of the CAA. [Reference: 40 CFR 70.6(b)(5)]
- K. PERMIT LIFE:** A With the exception of acid rain units subject to Title IV of the CAA and solid waste incinerators subject to section 129(e) of the CAA, each permit issued pursuant to Regulation V to operate for any source shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit to operate for an acid rain unit shall have a fixed permit term of five years. A permit to operate for a solid waste incinerator shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.[Reference: 40 CFR 70.6(a)(2)]
- L. PAYMENT OF FEES:** A permit issued pursuant to Regulation V shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement action by the AQMD and the EPA pursuant to section 502(a) of the CAA.[Reference: 40 CFR 70.6(a)(7)]
- M. ALTERNATIVE OPERATING SCENARIOS:** Where a responsible official requests that an alternative operating scenario be included in the permit for an emissions unit, a permit issued pursuant to Regulation V shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must meet all applicable federal requirements and all of the requirements of this section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another. [Reference: 40 CFR 70.6(a)(9)]



**N. VOLUNTARY EMISSIONS CAPS:** The permit for each such emissions unit at a stationary source which is operating under a voluntary emissions cap shall include federally-enforceable conditions requiring that: [Reference: 40 CFR 70.6(a)(10)]

1. The stationary source and each emissions unit must comply with all applicable federal requirements, including those authorizing emissions averaging;
2. Emissions from any individual emissions unit shall not exceed any emissions limitation, standard, or other requirement;
3. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
4. All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.

**O. ACID RAIN UNITS SUBJECT TO TITLE IV:** The permit for an acid rain unit shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the CAA and any federal standard or requirement promulgated pursuant to Title V of the CAA, except as modified by Title IV. Acid rain unit permit conditions shall include the requirements of 40 CFR Part 72.9 and the following provisions: [Reference: 40 CFR 70.6(a)(4)]

1. The sulfur dioxide emissions from an acid rain unit shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the CAA or the regulations promulgated pursuant to Title IV;
2. Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the CAA shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other applicable federal requirement;
3. Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an acid rain unit shall not use these emissions allowances as a defense for noncompliance with any applicable federal requirement or AQMD requirement, including Regulation 1, Rule 110; and
4. An acid rain unit's sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.