

PROPOSED AMENDED RULE 3005. PERMIT REVISIONS

(a) General Requirements

(1) Procedures

Applications for permit revisions shall be submitted and processed in accordance with Rule 3003, Rule 3006, and the additional requirements of this rule.

(2) Ability of Facilities to Make Changes

Only changes that qualify as an administrative permit revision may be implemented immediately by the facility.

(3) Application Shield

The application shield under subdivision (b) of Rule 3002 shall not apply to permit revisions.

(4) Permit Shield

The permit shield under subdivision (c) of Rule 3004 shall be processed as a significant permit revision.

(b) Administrative Permit Revisions

(1) Applicability

Administrative permit revision procedures may be used only for those permit revisions described in paragraph (b)(1) of Rule 3000.

(2) Procedures

Administrative permit revisions shall be processed in accordance with Rule 3003 and shall include the following:

(A) A description of the change; and,

(B) Certification by a responsible official, consistent with paragraph (c)(7) of Rule 3003, that the requested revision meets the criteria for use of administrative permit revision procedures and a request that such procedures be used.

(c) Minor Permit Revisions

(1) Applicability

Minor permit revision procedures may be used only for those permit revisions described in paragraph (b)(~~12~~15) of Rule 3000.

(2) Procedures

(A) An application requesting the use of minor permit revision procedures shall meet the requirements of, and be processed in accordance with Rule 3003 and shall include the following:

- (i) A description of the change, the emissions resulting from the change, and any new regulatory requirements that will apply if the change occurs; and
- (ii) Certification by a responsible official, consistent with paragraph (c)(7) of Rule 3003, that the requested revision meets the criteria for use of minor permit revision procedures and a request that such procedures be used.

(B) Within 45 days of receipt of a complete application under minor permit revision procedures, the Executive Officer shall:

- (i) determine that the requested revision does not meet the minor permit revision criteria and should be reviewed under another revision procedure; or,
- (ii) submit a copy of the proposed permit to the EPA Administrator for a 45-day review and submit a notice of the proposed permit to any affected State.

(d) Group Processing Procedures for Multiple Minor Permit Revisions

(1) An applicant may request group processing procedures for multiple, minor permit revision applications provided that the requested revisions meet the following criteria:

- (A) All such requested permit revisions qualify as a minor permit revision pursuant to paragraph (c)(1) of this rule;
- (B) Emissions resulting from all such requested revisions are collectively below 5 tons per year (tpy) of VOC, 5 tpy of NO_x, 5 tpy of SO_x, 5 tpy of CO, and 5 tpy of PM₁₀; and,
- (C) Within 90 days of receipt of the first complete application, all remaining complete applications in the group are also submitted.

(2) Each application requesting group processing shall meet the requirements of, and be processed in accordance with, Rule 3003 and subparagraph (c)(2)(A) of Rule 3005 and shall also include the following:

- (A) Certification by a responsible official, consistent with paragraph (c)(7) of Rule 3003, demonstrating the following:
 - (i) The proposed revision meets the criteria for use of group processing procedures and a request that such procedures be used; and,
 - (ii) The applicant has notified EPA of the requested revision. Such notification need only contain a brief description of the requested revision.
 - (B) A list of the facility's other pending applications awaiting group processing, and a determination of whether the requested revisions, equals or exceeds the applicable threshold pursuant to subparagraph (d)(1)(B) of this rule and whether these emissions when aggregated with the emissions from the other applications, equals or exceeds the applicable threshold pursuant to paragraph (b)(~~67~~) of Rule 3000; and,
- (3) Within 135 days of receipt of the first complete application in a group of applications requesting that group processing procedures be used, the Executive Officer shall:
 - (A) submit a copy of the proposed permit for all of the applications in the group to the EPA Administrator for a 45-day review period and submit a notice of the proposed permit to any affected State; or
 - (B) determine that the requested revisions do not meet the criteria for group processing and should be reviewed under another revision procedure.
- (e) De Minimis Significant Permit Revisions
 - (1) Applicability

De minimis significant permit revision procedures may be used only for those permit revisions described in paragraph (b)(~~67~~) of Rule 3000.
 - (2) Procedures
 - (A) An application requesting the use of de minimis significant permit revision procedures shall meet the requirements of, and be processed in accordance with, Rule 3003 and shall include the following:

- (i) A description of the change, the emissions resulting from the change, and any new regulatory requirements that will apply if the change occurs; and,
 - (ii) Certification by a responsible official, consistent with paragraph (c)(7) of Rule 3003, that the requested revision meets the criteria for use of de minimis significant permit revision procedures and a request that such procedures be used.
- (B) Within 135 days of receipt of a complete application under de minimis significant permit revision procedures, the Executive Officer shall determine if the requested revision does not meet the de minimis significant permit revision criteria and should be reviewed under another revision procedure.

(f) Significant Permit Revisions

(1) Applicability

Significant permit revision procedures shall be used for applications requesting permit revisions as described in paragraph (b)(~~2831~~) of Rule 3000 and that do not otherwise qualify as de minimis significant permit revisions under paragraph (b)(~~67~~) of Rule 3000, minor permit revisions under paragraph (b)(~~4215~~) of Rule 3000 or as administrative permit revisions under paragraph (b)(1) of Rule 3000.

(2) Procedures

Significant permit revisions shall meet all the requirements of this regulation, including those requirements pursuant to Rule 3003 and Rule 3006, as they apply to initial permit issuance and permit renewal.

(g) Reopening for Cause

- (1) The Executive Officer shall reopen and revise a permit if any of the following circumstances occur:

(A) Additional regulatory requirements become applicable to a Title V facility with a remaining permit term of three or more years. However, no reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to paragraph (f)(4) of Rule 3004;

- (B) The Executive Officer or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or,
 - (C) The Executive Officer or EPA determines that the permit shall be revised or revoked to assure compliance with the applicable requirements.
 - (2) Permit reopening and reissuance shall follow the same procedures as apply to initial permit issuance, shall affect only those parts of the permit for which cause to reopen exists and shall be made as soon as possible.
 - (3) Nothing in this rule limits the authority of the Executive Officer to seek revocation and termination of a permit pursuant to the Health and Safety Code Sections 42307 - 42309 and Health and Safety Code Section 40800 et seq.
 - (4) Proceedings to reopen a permit shall not be initiated, unless the holder of the Title V permit, the public, and EPA have been notified of the Executive Officer's intent to reopen such permit, at least 30 days in advance of the date the permit is to be reopened.
 - (5) Notwithstanding paragraph (g)(4) of this rule, the Executive Officer may specify a shorter period of notice upon making a written finding that immediate reopening and revision is necessary to prevent the occurrence of a public nuisance or violation of National Ambient Air Quality Standards due to emissions from the Title V facility, in which case the reopening and revision is effective immediately upon service of the revised permit on the holder of the Title V permit, subject to the permit holder's right to appeal to the Hearing Board pursuant to Health and Safety Code Section 42302.
 - (6) Permit revocation shall be governed by the procedures set forth in the Health and Safety Code Sections 42307 - 42309 and Health and Safety Code Section 40800 et seq.
- (h) Reopenings for Cause by EPA
- (1) Within 90 days of receipt of written notice from EPA to reopen a permit for cause, the Executive Officer shall submit a proposed determination, including any proposed new permit, to EPA to terminate, revise, or revoke and reissue a permit, for a 90-day EPA review period. The Executive

Officer may request a 90 day extension of this limit if it is necessary to request a new or revised permit application or additional information from the applicant for, or holder of, a Title V permit.

- (2) The Executive Officer shall terminate, revise, or revoke and reissue the permit within 15 days of either the end of EPA's 90-day review period without receiving an EPA objection, or the date EPA notifies the District of agreement with the proposed determination, whichever is sooner.
- (3) If the EPA objects to the proposed determination, the Executive Officer shall, within 90 days of receipt of the objection from EPA, attempt to resolve any EPA objection to the proposed determination and terminate, revise or revoke and reissue the permit in accordance with EPA's objection.

(i) **Operational Flexibility**

An owner/operator of a Title V facility may make certain changes within a permitted facility without a permit revision. This subdivision shall apply to:

- (1) Changes that violate an express permit term or condition, provided all of the following conditions are met:
 - (A) The District and EPA have received a written notice from the owner/operator of the Title V facility at least 7 calendar days before making such change;
 - (B) The written notice is clearly marked as a request for operational flexibility under this subdivision and includes the following information:
 - (i) a description of each change within the permitted facility;
 - (ii) the date on which the change will occur;
 - (iii) any change in emissions; and
 - (iv) any permit term or condition that is no longer applicable as a result of the change;
 - (C) The change is not:
 - (i) a violation of regulatory requirements or federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
 - (ii) construction, modification, or relocation under Regulation XIII - New Source Review, Rule 1401 - New Source

- Review of Carcinogenic Air Contaminants, or Regulation XVII - Prevention of Significant Deterioration;
- (iii) preconstruction or modification under Rule 2005 - RECLAIM New Source Review;
 - (iv) subject to decision by the Hearing Board;
 - (v) resulting in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
 - (vi) an installation of new equipment, or a modification or reconstruction of existing equipment, subject to a New Source Performance Standard (NSPS) pursuant to 40 CFR Part 60, or a National Emission Standard for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 61 or 40 CFR Part 63; or,
 - (vii) subject to any requirement under Title IV of the federal Clean Air Act.
- (D) The District and the facility have attached the written notice to their copy of the relevant permit.
- (2) Trading of emission increases and decreases within the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements, if all of the following conditions are met:
- (A) The facility complies with all regulatory requirements;
 - (B) For non-RECLAIM pollutants, trading of emissions within the facility shall comply with all of the following requirements:
 - (i) Prior to the initiation of trading, the facility permit includes, or has been revised to include, terms and conditions authorizing the trading, including all terms required under Rule 3004(a)(4) and (a)(10) to determine compliance, and replicable procedures and permit terms that ensure that the emissions trades are quantifiable and enforceable;
 - (ii) The trading includes only equipment for which emissions are quantifiable and for which there are replicable procedures to enforce such trading;

- (iii) The District and EPA have received written notice from the holder of the Title V permit at least 30 days before trading is initiated;
- (iv) The written notice is clearly marked as a request to initiate trading under this subdivision and includes the date the trading will begin, and a description of the changes in emissions that will result and how these changes will comply with the terms and conditions of the permit; and
- (v) The District does not provide the owner or operator a written denial of the request for authorization of trading within 30 days of receipt of the request.

(j) **Alternative Operating Scenario**

The Executive Officer shall allow the owner/operator of a Title V facility to change from one alternative operating scenario to another without requiring a permit revision, provided that the terms and use of the alternative operating scenario are:

- (1) identified by the owner/operator in the permit application
- (2) approved by the District;
- (3) specified in the permit conditions pursuant to paragraph (a)(8) of Rule 3004; and
- (4) in compliance with all regulatory requirements.

(k) **Prohibition on Changes Not Specifically Allowed by Permit**

A Title V facility shall not, without a permit revision, make any change that is not addressed or prohibited by the Title V permit, if such change is subject to minor permit revision, de minimis significant permit revision, or significant permit revision procedures, except in accordance with subdivision (i) of this rule.