

**RULE 1302. PART 70 OPERATING PERMITS -- PERMIT APPLICATION. (Adopted 11/09/1993)**

**A. Applicability**

The provisions of this Rule shall apply to applications for permit issuance, renewals, modifications or amendments from any Part 70 source.

**B. Exemptions**

No applications are required from Part 70 sources proposing operational, process or emission changes that occur under the following situations:

1. Reasonably anticipated operating scenarios (see Section E later), and,
2. CAA Section 502(b)(10) changes, that allow contravening express permit conditions, as discussed in Rule 1303.

**C. Definitions**

For purposes of this Rule, definitions listed in Rule 1301, Section C shall apply.

**D. Requirements**

Unless exempt under Section B of this Rule, each Part 70 source shall submit complete permit applications for all permit issuances, renewals, modifications and amendments in accordance with the requirements listed below. Except for administrative amendments, a copy of each application, including the compliance plan, any required compliance schedule and the compliance certification, shall also be forwarded to the USEPA, Region IX, by the applicant.

1. Required Permit Application Information

A complete application for a Part 70 permit shall contain all the information necessary for the Control Officer to determine compliance with all applicable requirements. The information shall, to the extent possible, be submitted on standard application forms available from the District. The following information shall be included, at a minimum:

- a. Information identifying the Part 70 source.
- b. A description of the source's processes and products by Standard Industrial Classification Code including those associated with any reasonably anticipated operating scenarios.
- c. Identification and descriptions of all points of emissions.
- d. All emission-related information, including all emission quantities and emissions parameters of pollutants for which the source is major, and all emissions data for regulated air pollutants, emission calculations and all assumptions used in the calculations including process rate, fuel use, production rate and operating schedules and any information that is necessary to determine which requirements apply to the source and should be included in the permit.

- e. Citation and description of all applicable requirements and description of or reference to any associated test methods.
- f. An explanation of any proposed exemptions from any applicable requirements;
- g. A complete description of any reasonable anticipated operating scenarios to be included in the permit.
- h. A compliance plan as required by Section D.2 of this Rule and, if required, a compliance attainment description, and a schedule of compliance (as specified under Section D.2 of this Rule) that has been approved by the Control Officer.
- i. Compliance certification for the Part 70 source as required by Section D.3 of this Rule.
- j. For acid rain sources, completed nationally-standardized forms as required by 40 CFR Part 70.
- k. For minor permit modification applications, the following information shall also be included:
  - i. A description of the proposed modification, any resultant emission changes and all applicable requirements for the proposed changes.
  - ii. A suggested draft permit for the source.
  - iii. Certification by a responsible official stating that the modification meets the criteria for use of minor permit modification procedures.
  - iv. Completed District forms to notify the USEPA and adjacent States.

Applications for permit revisions need supply only such information as are related to the proposed modification.

The information required for a complete application is explained in more detail in "Santa Barbara County Air Pollution Control District Guidelines for Part 70 Permit Applications," which is available from the District.

## 2. Compliance Plans

A compliance plan is required with any Part 70 permit application. The compliance plan shall contain all of the following information:

- a. A description of the compliance status of the source with respect to all federally enforceable requirements.
- b. For requirements with which the source complies, the plan must state that the source will continue to comply.
- c. For requirements that will become effective during the permit term, the plan must state that the source will comply with such requirements in a timely manner.

- d. For requirements with which the source does not comply, a description of how the source will achieve compliance, and a schedule of compliance approved by the Control Officer. The compliance schedule shall include:
  - i. For applicable requirements that will become effective during the permit term, a statement that the source will meet in a timely manner applicable requirements that become effective during the permit term.
  - ii. For applicable requirements that are not being met at the time of permit issuance, a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with the applicable requirements. The compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. The schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
  - iii. A requirement that the permittee shall submit certified progress reports on any schedule of compliance at least every 6 months or more frequently if ordered to do so by the Control Officer.

The compliance plan content requirements also apply to acid rain sources.

### 3. Compliance Certification

All permittees and applicants must submit certification of compliance with all applicable requirements and all permit conditions. A compliance certification shall be submitted with any permit application and annually, on the anniversary date of the permit, or on a more frequent schedule if required by an applicable requirement or permit condition.

Compliance certification shall identify each applicable requirement or condition of the permit, the compliance status of the Part 70 source, whether the compliance was continuous or intermittent since the last certification, and the method(s) used to determine compliance. In addition, the certification shall indicate the Part 70 source's compliance status with any applicable enhanced monitoring and compliance certification requirement of the CAA and its implementing regulations.

### 4. Confidentiality

If a Part 70 source submits an application for permit issuance, renewal or modification and includes information that is claimed to be confidential, a copy of the information shall be sent directly to the USEPA, Region IX, claiming confidentiality and requesting the handling of submitted information according to 40 CFR 2 stipulations. District Policy and Procedure Number 6100.020 (copy available from the District), based on California laws, covers the protocol for handling claims for the confidentiality of the information submitted to the District.

5. Document Certification

Any permit application and any document, including compliance plans and schedules, reports, schedule of compliance progress reports and compliance certifications, required by a Part 70 permit, shall be certified by a responsible official regarding its truth, accuracy and completeness. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

6. Additional Information After An Application is Complete

If the District determines that additional information is necessary to evaluate a permit application after the application has been deemed complete, the District may request such information in writing and set a reasonable deadline for a response. A copy of such request will also be forwarded to the USEPA, Region IX.

7. Supplementary and Correction Information

Any applicant who has failed to submit any relevant information or who has submitted incorrect information to the District shall, upon becoming aware of such failure or incorrect submittal, promptly submit such relevant or corrected information in writing. In addition, any applicant shall provide additional information as necessary to address any requirements that become applicable after a complete application has been submitted but before a draft permit is released.

8. Permit Application Shield

No Part 70 source required to obtain a Part 70 permit shall operate after the time it is required to submit a timely and complete permit application except in compliance with its Part 70 permit or under one of the following conditions:

- a. When a Part 70 source has submitted a timely and complete permit application for the initial Part 70 permit, the source may continue to operate until the Part 70 permit is either issued or denied. This provision does not allow the Part 70 source to operate in violation of any other applicable requirements.
- b. When a timely and complete application for renewal of a Part 70 permit has been submitted, the Part 70 source must continue to comply with its existing Part 70 permit until the District and the USEPA takes final action on the application for renewal. Also, if such a timely and complete application has been submitted, then the existing permit shall not expire, and all conditions of the permit shall remain in effect, until the applied for Part 70 permit has been reissued or denied.
- c. When a complete application for a minor modification of a Part 70 permit has been submitted, the Part 70 stationary source can be operated in compliance with either: all applicable conditions on its Part 70 permit and all applicable conditions on its Authority to Construct (ATC) for the modification; or, if appropriate, all applicable conditions on the ATC application as listed by the Part 70 source itself, until the Part 70 permit is revised or the request for modification is denied.
- d. When a complete application for a significant modification for a Part 70 permit has been submitted by an existing Part 70 source, the permit application shield described in Section D.8.b shall apply to that source for that modification.

- e. The protection granted by Sections D.8.a, D.8.b, D.8.c and D.8.d shall cease if, subsequent to the District's determination that an application is complete, the applicant fails to submit by the deadline specified in writing by the District any additional information identified as needed to process the application. The protection shall be restored to the applicant following a thirty (30) day period for processing and USEPA transmittal, starting with the date of receipt of the complete information requested by the District. The District will inform the applicant and the USEPA, in writing, of the date of permit application shield restoration.

For sources being constructed under a SIP-approved preconstruction review program, and which would qualify as Part 70 sources when operational, a complete application to obtain the Part 70 permit shall be submitted within 12 months after commencing operation. During these 12 months, operation of these sources without Part 70 operating permits or permit applications shall be allowed, unless such construction or change in operation is prohibited under the applicable requirements.

9. Compliance with New Source Review

The submittal of a complete Part 70 permit application or application for amendment, change or modification to the Part 70 permit shall not relieve any person, including a source owner or operator, of the federally enforceable requirement to apply for and obtain a preconstruction permit under Title I of the federal CAA and its implementing regulations or of the applicable requirement for a permit (including an Authority to Construct) under California Health and Safety Code, Section 42300.

**E. Compliance Schedule**

All Part 70 sources subject to this rule, except the outer continental shelf (OCS) sources, shall comply with this rule on the date they become subject to the federal operating permit program as approved by the USEPA for the District. All OCS sources shall comply with this rule either on the USEPA's approval date for this rule or on the date USEPA delegates the OCS program to the District, whichever is later. Specific dates for compliance are provided in relevant sections of this rule.

**F. Effective Date of Rule**

The requirements of this rule shall become effective on the date of approval of this rule by the USEPA.