



PROCEDURES AND INSTRUCTIONS MODIFICATIONS TO PART 70 PERMITS

Introduction

In order to implement modifications to a Part 70 permit, the affected Title V facility must satisfy the modification requirements of Ventura County Air Pollution Control District Rule 33, Part 70 Permits. All Part 70 permit modification applications require, at a minimum, that a permit modification cover form (Form TV AF70) be submitted to the District, along with appropriate supplemental information, as referenced in Form TV AF70, and as described in these instructions. The applicant is encouraged to meet with the District prior to submitting a Part 70 permit modification application in order to ensure that the modification is being handled in an appropriate manner.

Applicability

Pursuant to Rule 33, modifications to a Part 70 permit that require the applicant to submit a Part 70 permit modification application to the District are divided into four categories:

- Administrative Part 70 Permit Amendments
- Non-Federal Minor Changes
- Minor Part 70 Permit Modifications
- Significant Part 70 Permit Modifications

Definitions and examples of the permit modification categories are discussed below along with a detailed description of the modification process. The following information is provided for each modification category:

- Definition and Examples
- Application Content
- Materials to be Submitted to the EPA
- Application Submittal
- Completeness Determination
- Implementation of the Change
- Public Notice
- EPA Review and Objection
- Final Action

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

Title I Modification

The key term used in determining the category of a proposed Part 70 permit modification is “Title I Modification”. Any modification that fits the definition of a Title I modification must be treated as a Significant Part 70 Permit Modification. A Title I modification is a modification to a Part 70 permit that meets any of the following criteria (Rule 33.1.22):

1. The potential to emit from all new, modified, replacement, or relocated emission units at the stationary source, which are covered by the application for such Part 70 permit modification are equal to or greater than 15 tons/year for PM₁₀, 40 tons/year for SO_x, or 100 tons/year for CO.
2. The potential to emit from all new, modified, replacement, or relocated emission units at the stationary source, which are covered by the application for such Part 70 permit modification, plus all other emission increases that occurred during the specified evaluation period are equal to or greater than 25 tons/year for ROC or 25 tons/year for NO_x.

The evaluation period is a period of five consecutive calendar years consisting of the calendar year in which the application for such Part 70 permit modification is submitted to the District and the four calendar years immediately prior to the calendar year in which the application for such Part 70 permit modification is submitted to the District.

3. The potential to emit any EPA hazardous air pollutant from all new, modified, replacement, or relocated emission units at the stationary source, which are covered by the application for such Part 70 permit modification would be greater than the de minimis level for such EPA hazardous air pollutant specified by EPA rulemaking pursuant to Section 112(g) of the federal Clean Air Act or District rulemaking.
4. Any modification to a source that would be defined as a modification under 40 CFR Part 60, Standards of Performance for New Stationary Sources.
5. Any modification to a source that would be defined as a modification under 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants.

Confidentiality

Please note that all information in a Part 70 permit modification application is public information except for information entitled to confidential treatment as a trade secret. The modified Part 70 permit will also be public information.

If you believe that any part of your modification application is a trade secret, please clearly label it as such. You must also submit written justification to support your claim of confidentiality. Please refer to District Regulation IX, Rules 200 - 204 and Section 114(c) of the Clean Air Act when preparing your justification.

In no case can emission data be considered trade secrets. In addition, the contents of the Part 70 permit are not entitled to protection as trade secrets.

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

If you label any part of your application as a trade secret, the District requires that you submit that part directly to EPA Region IX.

Authority to Construct Process

An application to modify a Part 70 permit does not replace the need to apply for, and receive, an Authority to Construct as required by Rule 10.A. Rather, the application to modify a Part 70 permit will act as the Permit to Operate application that is required by Rule 10.B prior to operating equipment authorized by an Authority to Construct. The District's current Authority to Construct process will not change. For a source with a Part 70 permit, the Authority to Construct process will be critical to the Part 70 permit modification process. Any significant deviations from equipment or changes authorized by an Authority to Construct will require a modification to the original Authority to Construct prior to submittal of an application for a Part 70 permit modification.

Administrative Part 70 Permit Amendment

1. Definition and Examples

An administrative amendment is a modification to a Part 70 permit that is being made solely for the purpose of accomplishing one or more of the following objectives (Rule 33.1.2):

- a. Corrects typographical errors.
- b. Makes an administrative change at the source such as the name, address, or phone number of a person named in the Part 70 permit.
- c. Requires more frequent monitoring or reporting by the permittee.
- d. Allows for the transfer of ownership or operational control of a stationary source provided that a written agreement containing a specific date for transfer of Part 70 permit responsibility, coverage and liability between the current and new permittee has been submitted to the District.

In addition to the changes described above, an example of an administrative modification includes: replacement of oil wells where the maximum number of wells does not change and only the oil well list changes.

2. Application Content

The application for an administrative Part 70 permit amendment shall consist of the Modification to Part 70 Permit form (Form TV AF70); any supplemental information that is necessary to define and explain the amendment; and certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Rule 33.2.D). Transfer of ownership applications shall include a written agreement transferring ownership as discussed above.

3. Materials to be Submitted to the EPA

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

The application for an administrative Part 70 permit amendment is not required to be submitted to the EPA by the applicant or by the District.

4. Application Submittal

The application for an administrative Part 70 permit amendment shall be submitted to the District prior to implementing the requested change. (Rule 33.5.B)

5. Completeness Determination

A completeness determination of an administrative Part 70 permit amendment application is not required.

6. Implementation of the Change

The administrative amendment addressed in the application can be implemented upon submitting the application to the District. (Rule 33.5.B)

7. Public Notice

The application for an administrative amendment does not require public notice. (Rule 33.7.B.1)

8. EPA Review and Objection

The District shall submit a copy of the revised Part 70 permit reflecting the administrative amendment to the EPA. The EPA is not required to review a proposed permit prior to final action and does not have the authority to object to a revised Part 70 permit reflecting the administrative amendment. (Rules 33.5.E and 33.7.C.1)

9. Final Action

The District shall take final action on the application for an administrative amendment within 60 calendar days after receipt of such request. (Rule 33.5.B)

Non-Federal Minor Change

1. Definition and Examples

A non-federal minor change is a modification to a Part 70 permit that meets all of the following criteria (Rule 33.1.13):

- a. The modification is not addressed or prohibited by the federally-enforceable portion of the Part 70 permit.
- b. The modification is not a Title I modification.
- c. The modification does not violate any federally-enforceable requirements.

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

- d. The modification is not subject to any requirement under Title IV (Acid Deposition Control) of the federal Clean Air Act.

Examples of non-federal minor modifications include: any physical modification in response to a local rule that is not federally enforceable; or an increase in the number of oil wells at an onshore oilfield.

2. Application Content

The application for a non-federal minor permit change shall consist of the Modification to Part 70 Permit Form (Form TV AF70); any supplemental information that is necessary to define and explain the change; calculations showing emissions resulting from the change; identification of any new applicable requirements that will apply; any new and/or revised pages to be inserted into the Part 70 permit; and certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Rule 33.2.D).

3. Materials to be Submitted to the EPA

An applicant for a non-federal minor permit change shall provide the District an additional copy of the application to be submitted to the EPA. (Rule 33.5.D.1)

4. Application Submittal

The application for a non-federal minor permit change shall be submitted to the District prior to implementing the requested change. (Rule 33.5.D.1)

5. Completeness Determination

A completeness determination of an application for a non-federal minor permit change is not required.

6. Implementation of the Change

The non-federal minor permit change addressed in the application can be implemented upon submitting the application to the District. (Rule 33.9.A.1)

7. Public Notice

The application for a non-federal minor permit change does not require public notice. (Rule 33.7.B.1)

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

8. EPA Review and Objection

The District shall submit a copy of the application for the non-federal minor permit change, as well as the revised Part 70 permit reflecting this change to the EPA. The EPA is not required to review a proposed permit prior to final action and does not have the authority to object to a revised Part 70 permit reflecting the non-federal minor permit change. (Rules 33.5.E and 33.7.C)

9. Final Action

The District shall take final action on the application for a non-federal minor permit change within 90 calendar days after receipt of such application. Under this final action, the District shall (Rule 33.5.D.2):

- a. Issue the permit modification as proposed;
- b. Deny the permit modification application; or
- c. Determine the proposed permit change does not meet the non-federal minor change criteria and should be reviewed under the significant Part 70 permit action procedures or minor Part 70 permit modification procedures.

Minor Part 70 Permit Modification

1. Definition and Examples

A minor Part 70 permit modification is a modification to a Part 70 permit that meets all of the following criteria (Rule 33.1.10):

- a. The modification is not a Title I modification.
- b. The modification does not violate any federally-enforceable requirements.
- c. The modification does not require or change a federally-enforceable case-by-case determination of an emission limitation or other standard.
- d. The modification does not involve any relaxation of any existing federally-enforceable monitoring, reporting, or recordkeeping requirements in the Part 70 permit.
- e. The modification does not seek to establish or change a Part 70 permit condition that established a federally-enforceable emissions cap assumed to avoid an otherwise federally-enforceable requirement.

Examples of minor Part 70 permit modifications include: any replacement or addition of equipment subject to a federally-enforceable requirement (e.g., an increase in the number of wells at an offshore oil platform, changing of tanks or other oilfield equipment at both onshore and offshore facilities), or an increase in a throughput limit that is federally-enforceable. In all cases, the net emission increase must be less than the threshold values for a Title I modification.

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

2. Application Content

The application for a minor Part 70 permit modification shall consist of the Modification to Part 70 Permit Form (Form TV AF70); any supplemental information that is necessary to define and explain the modification; calculations showing emissions resulting from the modification; identification of any new applicable requirements that will apply; and certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Rule 33.2.D). If new applicable requirements do apply, please complete all necessary Part 70 Permit Application forms (e.g., Compliance Plan and Compliance Certification Forms) to reflect this modification.

In addition, a suggested draft Part 70 permit is required to be submitted by the applicant to the District along with the minor Part 70 permit modification application (Rule 33.2.A.10.a). The District will accept any new and/or revised pages to be inserted into the Part 70 permit as sufficient for meeting this requirement. Rule 33.2.A.10.b requires certification by a responsible official which states that the modification satisfactorily meets the criteria of a minor Part 70 permit modification.

3. Materials to be Submitted to the EPA

An applicant for a minor Part 70 permit modification shall provide the District an additional copy of the application to be submitted to the EPA. The District will submit this copy of the application along with a copy of the proposed Part 70 permit, including all necessary supporting information, by no later than 5 working days after the District receives a complete minor Part 70 permit modification application. (Rule 33.7.C.2)

4. Application Submittal

The application for a minor Part 70 permit modification shall be submitted to the District prior to implementing the requested change. (Rule 33.5.C.1)

5. Completeness Determination

A completeness determination of an application for a minor Part 70 permit modification is not required.

6. Implementation of the Change

The minor Part 70 permit modification addressed in the application can be implemented upon submitting the application to the District. (Rule 33.9.A.1)

7. Public Notice

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

The application for a minor Part 70 permit modification does not require public notice. (Rule 33.7.B.1)

8. EPA Review and Objection

The District shall submit a copy of the application for the minor Part 70 permit modification, as well as a copy of the suggested draft Part 70 permit reflecting this modification to the EPA by no later than 5 working days after receipt of a complete application. The EPA may object to the issuance of the minor Part 70 permit modification in writing if done so within 45 days of receipt by the EPA of a copy of a complete application, proposed Part 70 permit, and necessary documentation. (Rule 33.5.E)

9. Final Action

The District shall take final action on the application for a minor Part 70 permit modification within 90 calendar days after receipt of such application, or within 15 calendar days after the EPA's 45 day review period, whichever is later. Under this final action, the District shall (Rule 33.5.C.2):

- a. Issue the permit modification as proposed;
- b. Deny the permit modification application; or
- c. Determine the proposed Part 70 permit modification does not meet the minor Part 70 permit modification criteria and should be reviewed under the significant Part 70 permit action procedures.
- d. Revise the proposed Part 70 permit and transmit the revised proposed Part 70 permit to EPA.

Once the District has made the final decision to grant or deny a minor Part 70 permit modification, the District will notify the EPA regarding this final decision and submit a copy of the final Part 70 permit to them. (Rule 33.7.C.2)

Significant Part 70 Permit Modification

1. Definition and Examples

A significant Part 70 permit modification is a modification to a Part 70 permit that is neither an administrative Part 70 permit amendment, a non-federal minor change, or a minor Part 70 permit modification. (Rule 33.1.21)

Examples of a significant Part 70 permit modification include: any request for a permit shield (Rule 33.9.F), or any modification that is a Title I modification.

2. Application Content

The application for a significant Part 70 permit modification shall consist of the Modification to Part 70 Permit Form (Form TV AF70); any supplemental information that is necessary to define and explain the change; calculations detailing

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

emissions resulting from the change; identification of any new applicable requirements that will apply; any new and/or revised pages to be inserted into the Part 70 permit; and certification by a responsible official which states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete (Rule 33.2.D). If new applicable requirements do apply, please complete all necessary Part 70 Permit Application forms (e.g., Compliance Plan and Compliance Certification Forms) to reflect this modification.

3. Materials to be Submitted to the EPA

An applicant for a significant Part 70 permit modification shall provide the District an additional copy of the application to be submitted to the EPA. The District will submit this copy of the application along with a copy of the proposed Part 70 permit, including all necessary supporting information, by no later than 10 days after the District makes a preliminary decision to grant a significant Part 70 permit modification. (Rule 33.7.C.3)

4. Application Submittal

The application for a significant Part 70 permit modification shall be submitted to the District prior to operating such source pursuant to the requested modification. (Rule 33.5.A.1.d)

5. Completeness Determination

A completeness determination of an application for a significant Part 70 permit modification shall be made by the District within 60 calendar days after receipt of such application by providing a written notice to the applicant regarding whether it is complete. If the District does not request additional information or otherwise notify the applicant that the application is incomplete within the 60 days, then the application shall be deemed complete. (Rule 33.5.A.2)

6. Implementation of the Change

The stationary source can operate such source pursuant to the significant Part 70 permit modification upon submitting the application for a Part 70 permit modification to the District. (Rule 33.5.A.1.d)

Please note that, although Rule 33 allows operation upon submittal of the application for a significant Part 70 permit modification, the federal regulations implementing Title V (40 CFR Part 70 and 40 CFR Part 71), as currently written, do not allow operation of a significant modification until the modified Part 70 permit has been issued. The District's Title V Operating Permit Program has, however, received interim EPA approval pending resolution of this issue among other issues.

PROCEDURES AND INSTRUCTIONS **MODIFICATIONS TO PART 70 PERMIT**

It may be prudent, therefore, for a stationary source operator to delay operation of the modified stationary source, if at all possible, until the modified Part 70 permit is issued.

7. Public Notice

The District shall publish a newspaper notice of any preliminary decision to grant a significant Part 70 permit modification by no later than 10 days after such decision. (Rule 33.7.B.1 and Rule 33.7.B.2.a)

8. EPA Review and Objection

The District shall submit a copy of the application for the significant Part 70 permit modification, as well as the revised Part 70 permit reflecting this modification to the EPA by no later than 10 days after the District makes a preliminary decision to grant a significant Part 70 permit modification. The EPA may object to the issuance of the significant Part 70 permit modification in writing if done so within 45 days of receipt by the EPA of a copy of a complete application, proposed Part 70 permit, and necessary documentation. (Rule 33.5.E)

9. Final Action

The District shall take final action on the application for a significant Part 70 permit modification by no later than 18 months after the receipt of such complete application. (Rule 33.5.A.3.d). Once the District has made the final decision to grant or deny a significant Part 70 permit modification, the District will notify the EPA regarding this final decision and submit a copy of the final Part 70 permit to them. (Rule 33.7.C.3)

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