

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 1202 - APPLICATIONS

(Adopted: 12/21/94; Amended 09/26/05)

(A) Application Forms.

- (1) The APCO shall designate official application forms as necessary to be used under this regulation. The APCO shall also require the use of nationally standardized application forms required by the Acid Rain Program.

(B) Submission of Applications.

- (1) All applications for a FOP, or the Renewal of a FOP, must be submitted on the official application form.
- (2) An application will not be accepted by the District unless the application form includes enough information for the District to make a determination of the application's completeness.
- (3) Applications for FOPs and the renewal of such permits shall be submitted in a timely manner as follows:
 - (a) Initial Permits.
 - (i) Any Facility subject to the provisions of this Regulation and in existence prior to the effective date of this regulation shall submit an application for a FOP no later than 12 months after the effective date of this regulation.
 - (ii) Any Facility which becomes subject to the provisions of this regulation at any time after the effective date shall submit an application for a FOP no later than 12 months after becoming subject to this regulation.
 - (b) Renewal Permits.
 - (i) Any permit holder of a FOP issued pursuant to this regulation shall submit an application for renewal at least six (6) months, but no earlier than eighteen (18) months, prior to the expiration date of that permit.
 - (c) New Facilities.
 - (i) Any new Facility which becomes operational after the Effective Date and is subject to this regulation shall submit an application for a FOP no later than 12 months after commencing operations.

- (d) Acid Rain provisions of Federal Operating Permits.
 - (i) Any Acid Rain Facility shall submit an application for the Acid Rain provisions of its FOP pursuant to the provisions of District Rule 1210.
- (4) All applications shall be certified in accordance with the provisions of District Rule 1208.
- (5) The applicant shall update and correct its application when it becomes aware of incomplete or incorrect information contained in the application. The applicant shall submit additional information as necessary to address Applicable Requirements which become effective after an application has been determined complete but before a preliminary determination has been issued pursuant to District Rule 1203(B)(1).

(C) Complete Applications.

- (1) The APCO shall determine whether an application is complete or incomplete within 60 days of receipt of the application.
 - (a) The APCO shall notify the applicant by mail at the address indicated on the application of the completeness determination.
 - (b) If the APCO fails to notify an applicant of the determination, then the application is deemed complete 60 days after receipt of the application.
 - (c) If the APCO determines that the application is incomplete, he/she shall include in the notification of incompleteness:
 - (i) A statement specifying which parts of the application are incomplete and requesting the applicant to submit additional information.
 - (d) The applicant shall have thirty (30) days from the date of the completeness determination to submit the additional information. The APCO may designate, in writing, a different time period in which the applicant shall submit the additional information.
- (2) If the District determines that additional information is necessary to evaluate or take final action on an application which has been determined or deemed complete, the District may request, and the applicant shall provide, such additional information.
 - (a) The APCO shall request such additional information from the applicant in writing and shall include a time period in which the applicant shall submit the additional information.

- (b) The APCO may, for good cause shown, extend or modify a time period for the submission of additional information. Such extension shall be in writing and shall indicate the reason for such extension.

(D) Completeness Criteria.

- (1) An application is incomplete when it does not contain enough information to enable the permit to be processed by the District. To be determined complete an application must contain:
 - (a) Identifying information as required on the official application form designated by the APCO.
 - (b) A description of the Facility's processes and/or products by Standard Industrial Classification Code. A separate description is required for each alternate operating scenario proposed by the applicant.
 - (c) Information sufficient to evaluate the emissions of the Facility, including but not limited to:
 - (i) The amount and type of emissions which render the Facility a Major Facility as defined in District Rule 1201 and the amount and type of emissions for any other Regulated Air Pollutant.
 - (ii) The amount and type of emissions, in tons per year and in such terms as are necessary to establish compliance with an applicable standard reference test method of any Regulated Air Pollutant.
 - (iii) Identification and description of all Permit Units and other points of emission within the Facility.
 - (iv) Identification and description of all air pollution control equipment and monitoring devices within the Facility.
 - (v) Information regarding fuels, fuel use, raw materials, process weight, production rates and operating schedules to the extent such information is used to determine or regulate emissions.
 - (vi) Any limitations on Facility operations, or common practices within the facility which affect the emissions of Air Pollutants.
 - (vii) Any other information specifically required by an Applicable Requirement.
 - (viii) Any calculations upon which the above information is based.
 - (ix) Fugitive emissions shall be included in the application in the same manner as any other emissions.
 - (d) Information regarding Applicable Requirements including but not limited to:
 - (i) Citation and description of all Applicable Requirements including a description or reference to test methods used to determine compliance.

- (ii) Any other specific information necessary to implement and enforce other Applicable Requirements or to determine if a requirement is an Applicable Requirement.
 - (iii) An explanation of any proposed exemptions from Applicable Requirements.
- (e) Any additional information determined to be necessary to define alternative operating scenarios or to define permit terms and conditions necessary to implement operational flexibility under District Rule 1203(E).
- (f) A Compliance Plan and a Certification of Compliance.
- (g) A list of all activities claimed to be insignificant pursuant to District Rule 219.

(E) Effect of a Complete Application.

(1) Initial Applications.

- (a) A Facility may operate without a FOP if:
- (i) The Facility has submitted a timely application and that application has been determined to be complete; and
 - (ii) The District has not taken final action on the permit; and
 - (iii) The applicant has met all deadlines for the submittal of additional material and agrees to continue to meet such deadlines; and
 - (iv) The Facility holds the appropriate permits issued under District Rules 201, 202 and 203 and/or Regulation XIII for its permit units.
- (b) If the applicant fails to meet a deadline for the submission of additional material imposed pursuant to District Rule 1202(C)(2), the ability to operate without a FOP under this section is automatically terminated.

(2) Renewal Applications.

- (a) A Facility may continue operating under a previously issued FOP which has expired so long as:
- (i) The Facility has, in a timely manner, submitted a renewal application and that renewal application has been determined to be complete; and
 - (ii) The District has not taken final action to issue or deny the FOP; and
 - (iii) The applicant has met all deadlines for the submittal of additional material and agrees to continue to meet such deadlines.

- (b) All terms and conditions contained in the previously issued FOP shall remain in effect until the renewal has been issued, denied or the FOP has been terminated for cause.
- (c) If the applicant fails to meet a deadline for the submission of additional material imposed pursuant to District Rule 1202(C)(2), the ability to operate under the previously issued FOP is automatically terminated.

(F) Confidential Information.

- (1) No information contained in an application for a Federal operating Permit shall be considered confidential unless:
 - (a) The information is a trade secret under the provisions of California Government Code §6254.7(d); or
 - (b) The information is otherwise entitled to confidential treatment pursuant to 18 U.S.C. §1905; and
 - (c) The information is marked or otherwise identified as confidential in the application.

[SIP: Not SIP. Final Title V Program Approval 11/21/03 68 FR 65637; Partial Withdrawal of approval 10/15/02 67 FR 63551; Notice of Deficiency 05/22/02 67 FR 35990; Approval 12/17/01 66 FR 63503; Interim Approval 02/05/96 61 FR 4217]

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