

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 1205 - MODIFICATIONS OF FEDERAL OPERATING PERMITS

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

(A) Administrative Permit Amendments.

(1) Applications.

- (a)** A facility may request an Administrative Permit Amendment at any time prior to the date of the change. The request shall be in writing but need not be on an official application form. The Facility may implement any proposed changes immediately upon submittal of the request, however, if such request is denied the Facility may be subject to an enforcement action based upon that change.

(2) Final Determination.

- (a)** The APCO shall designate the application as appropriate for an Administrative Permit Amendment and then make a final determination to grant or deny the Administrative Permit Amendment within sixty (60) days of the receipt of the request. Such determination and subsequent incorporation of the change into the FOP need not comply with the notice and comment provisions of District Rule 1207.

(3) Submission to USEPA.

- (a)** The APCO shall submit the revised FOP to USEPA within ten (10) working days after the date of final determination.

(B) Minor Permit Modification.

(1) Application.

- (a)** Any Facility holding a FOP issued pursuant to this regulation shall submit an application for a Minor Permit Modification.
- (b)** An application for a Minor Permit Modification shall be submitted on the official application form as designated by the APCO
- (c)** An application for a Minor Permit Modification will not be accepted by the District unless the application is complete. A complete application shall, at a minimum, contain:
 - (i)** A description of the proposed change, the emissions resulting from the change, and any new Applicable Requirements which will apply if the change occurs; and

- (ii) Suggested language for the proposed change , including but not limited to terms and conditions necessary to regulate the proposed change; and
 - (iii) Certification pursuant to the provisions of District Rule 1208 that the proposed change meets the criteria for a Minor Permit Modification; and
 - (iv) Completed forms to be used to notify USEPA and any Affected State(s) of the submission of an application for a Minor Permit Modification.
 - (d) Within five (5) working days of receipt of the complete application for minor permit modification the District shall submit to USEPA and the Affected State(s) a copy of the application for a Minor Permit Modification.
 - (e) The Facility may implement any proposed changes immediately if the Facility:
 - (i) Applies for and receives any necessary permits or approvals required pursuant to District Regulations II and XIII; and
 - (ii) Complies with all Applicable Requirements governing and related to the change in lieu of compliance with the existing terms and conditions of the FOP; and
 - (iii) Complies with any terms and conditions that were proposed in the application for a Minor Permit Modification in lieu of compliance with the existing terms and conditions of the FOP.
 - (f) If the Facility chooses to implement any proposed changes prior to the final determination, failure to comply with any Applicable Requirements governing and related to the change and any permit terms and conditions as proposed in the application for a Minor Permit Midification may subject the Facility to an enforcement action.
- (2) Preliminary Determination.
- (a) Within forty-five (45) days of receipt of the complete application for minor permit modification the District shall make a preliminary determination to issue the permit as modified, deny the permit as modified, determine that the modification does not meet the requirements for a minor permit modification and that a significant permit modification is necessary, and/or revise the draft permit modification as submitted by the applicant.
 - (b) After the preliminary determination has been made the District shall submit the preliminary determination to the USEPA for review.

(3) Final Determination.

- (a) Within ninety (90) days of receipt of the complete application for minor permit modification or within fifteen (15) days after the expiration of the USEPA forty-five (45) day review period, whichever is later, the District shall take final action on the application for minor permit modification.
- (b) The District may make a final determination prior to the expiration of this period if USEPA has notified the District that USEPA will not object to the change in the FOP made by the District as expressed in the preliminary determination.

(C) Significant Permit Modification.

(1) Application.

- (a) Any Facility holding a FOP issued pursuant to this regulation shall submit any application for a significant permit modification to the District prior to implementing the proposed modification. The Facility may not implement the requested modification prior to the completion of the significant modification procedure and inclusion of such modification on the FOP.
- (b) An application for a significant permit modification shall be submitted on the official application form as designated by the APCO.

(2) Procedure.

- (a) Any Significant Permit Modifications shall be issued in accordance with the provisions of District Rule 1203.

(D) Modifications for Acid Rain Provisions of a Federal Operating Permit.

- (1) Any modification of the Acid Rain provisions of a FOP shall be issued in accordance with the provisions of District Rule 1210.

(E) Prohibitions.

- (1) No Facility shall make a change in its operations without complying with the procedures contained in this rule unless:
 - (a) Such change qualifies as an Administrative Permit Amendment; or
 - (b) Such change qualifies as a Minor Permit Modification and the Facility has chosen to implement the change prior to a final determination pursuant to the provisions of (B)(1)(e); or
 - (c) Such change is included in the provisions of the FOP; or
 - (d) Such change is made pursuant to and in compliance with the provisions of District Rule 1203(E)(1)(c).

[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]