

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 1206 - REOPENING, REISSUANCE AND TERMINATION OF FEDERAL OPERATING PERMITS

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

(A) Reopening for Cause.

- (1) All FOPs may be reopened, in whole or in part, for cause by the District. Cause includes but is not limited to:
 - (a) Additional requirements under the Federal Clean Air Act which are promulgated and become Applicable Requirements as to a Facility when the remaining permit term is three (3) years or greater.
 - (i) No reopening is required if the effective date of an additional requirement is later than the expiration date on the FOP unless the FOP or any of its terms have been extended pursuant to the provisions of District Rule 1202(E)(2). Such additional requirements shall be added to the FOP upon permit renewal.
 - (b) Additional requirements, including requirements regarding excess emissions, become applicable to a Facility under the Title IV of the Federal Clean Air Act or regulations promulgated thereunder.
 - (c) The District or USEPA determines that:
 - (i) The permit contains a material mistake.
 - (ii) Inaccurate statements were made which were used to establish emissions standards or other terms and conditions of the permit.
 - (iii) The permit must be revised to assure compliance with any Applicable Requirement.

(B) Procedure for Reopening.

- (1) Reopenings shall be commenced by the District giving the permit holder written notice. This notice shall:
 - (a) Be sent to the permit holder at least thirty (30) days in advance of the reopening; and
 - (b) Indicate which part or parts of the permit are to be reopened.

(C) Termination.

- (1) FOPs may be terminated for cause in accordance with the following procedures, including but not limited to:

- (a) Non-payment of fees pursuant to District Rule 312.
- (b) After suspension of the FOP by the APCO pursuant to Health & Safety Code §42304 and upon order of the District Hearing Board after hearing pursuant to Health & Safety Code §§42306 and 42308.
- (c) After a request for revocation by the APCO pursuant to Health & Safety Code §42307, and upon order of the District Hearing Board pursuant to Health & Safety Code §42308.
- (d) If an applicant for the renewal of a permit fails to meet a deadline for submission of additional material pursuant to District Rule 1202(E)(2)(c).
- (e) After notification by USEPA that a determination has been made that cause exists to terminate the permit in compliance with the provisions of 40 CFR 70.7(g).

(D) Reissuance.

- (1) A FOP which has been reopened shall be reissued in accordance with the provisions of District Rule 1203. The permit expiration date shall remain the same and any notice required pursuant to District Rule 1207 shall only refer to the portion of the FOP which was modified or changed as a result of the reopening.
- (2) A FOP which has been terminated may not be reissued. The Facility may reapply for a FOP as if it were a new facility with the exception that the provisions of District Rules 1202(B)(3)(c) and 1202(E) shall not apply and such facility may not operate until after a Preliminary Determination pursuant to District Rule 1203(B)(1)(a) has been issued.

[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]