

RULE 1414. APPLICATIONS (Adopted 1/18/94: Revised 3/7/95)

(a) GENERAL

Every application for a permit required under Rule 1410 shall be filed in the manner and form prescribed by the Air Pollution Control Officer and Section (f) of this rule. Each application must include the appropriate District supplemental standard forms for the equipment covered by the permit, or must reference applicable forms previously provided to the District. Upon request by the Air Pollution Control Officer an applicant shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Rules 1420 and 1421 of this regulation. Submittal of a complete application does not relieve the source from obtaining an authority to construct pursuant to Rule 10 of these Rules and Regulations.

Every application for a permit required under Rule 1410 shall be accompanied by permit fees as specified by Rule 40 of these Rules and Regulations. Upon request by the applicant, the Air Pollution Control Officer will consider alternative payment arrangements in connection with applications for initial permit to operate, where processing of such applications is expected to be significantly delayed.

(b) INITIAL PERMIT TO OPERATE FOR EXISTING SOURCES

The first application for a permit to operate for a source that is in operation at the time this regulation becomes effective, and which source is subject to this regulation, shall be submitted no later than 12 months after the effective date of this regulation. Within 30 days of the effective date of this regulation, the Air Pollution Control Officer may direct up to one third of the sources expected to be required to apply for initial permits to submit their applications no later than six months after the effective date of this regulation. The Air Pollution Control Officer shall endeavor to limit this call for accelerated application submissions to sources that are expected to submit relatively simple permit applications, and that are expected to receive permits to operate that carry over existing permit to operate terms and conditions with little change (other than the addition of new terms and conditions that are mandatory for all permits to operate). In selecting sources for accelerated application submission, the Air Pollution Control Officer shall take into account any information provided by a potential applicant that indicates that applicant's permit application will not be relatively simple.

(c) INITIAL PERMIT TO OPERATE FOR NEW AND MODIFIED SOURCES

A complete application for a permit to operate for a source constructed or modified after the effective date of this regulation and required to comply with Section 112 (g) of the federal Clean Air Act or to have an Authority to Construct under a program approved into the State Implementation Plan pursuant to Parts C or D, Title I of the federal Clean Air Act must be submitted not later than 12 months after the source has commenced operation. Where an existing permit to operate would prohibit such construction or modification, the owner or operator of such source must obtain a permit revision before commencing operation.

(d) INITIAL PERMIT TO OPERATE FOR NEWLY REGULATED SOURCES

The owner or operator of any source that will become subject to the applicability of this regulation as a result of equipment modification or a change to equipment operation, shall apply for a permit to operate within 12 months after the source becomes subject to this regulation.

Where an authority to construct is not required for an existing emission unit, the owner or operator of a stationary source that becomes subject to this regulation due to an increase in emissions at the stationary source, a change in the applicability of this regulation made by the Administrator of the federal EPA, or for any other reason, shall apply for a permit under this regulation not later than 12 months after becoming subject to this regulation.

(e) PHASE II ACID RAIN PERMITS

Applications for approval of initial Phase II acid rain permits, required pursuant to Section 408, Title IV of the federal Clean Air Act, as a part of the permit to operate issued pursuant to this regulation shall be submitted to the Air Pollution Control Officer by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.

(f) COMPLETE APPLICATION

A complete application for a permit to operate shall contain all of the following:

(1) Information sufficient to determine all applicable requirements and to evaluate the subject source for compliance with all applicable requirements. This information shall include emissions of insignificant units if determined necessary by the Air Pollution Control Officer for determining the applicability of this regulation or any applicable requirement to a source.

(2) A certification by a responsible official of the source stating that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete.

(3) Information as described below for each source, except for insignificant units, covered by the application:

(i) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact;

(ii) A description of the source's processes and products including any associated with each alternative operating scenario identified by the source;

(iii) The following emissions-related information:

(A) all emissions of pollutants for which the source is a major stationary source, and all emissions of regulated air pollutants. A permit application shall

describe all emissions of federally regulated air pollutants emitted from any emission unit. The applicant is required to submit additional information related to the emissions of air pollutants sufficient to allow the Air Pollution Control Officer to verify which requirements are applicable to the source, and other information necessary to determine any fees pursuant to Rule 40;

(B) identification and description of all points of emissions described in paragraph (A) above in sufficient detail to establish the basis for fees and applicability of requirements of these Rules and Regulations, state and federal law;

(C) emissions rate in tons per year (tpy) and in such terms and conditions as are necessary to establish compliance consistent with the applicable standard reference test method;

(D) the following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;

(E) identification and description of air pollution control equipment and compliance monitoring devices or activities;

(F) limitations on source operation affecting emissions or any work practice standards, where applicable, for all federally regulated air pollutants at the source;

(G) other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Section 123 of the federal Clean Air Act); and

(H) calculations on which the information in paragraphs (A) through (G) above is based.

(iv) The following air pollution control information:

(A) citation and description of all applicable requirements, all other terms and conditions of existing permits to operate proposed to be carried over in the permit to operate, and any additional terms and conditions proposed for that permit. Where a proposed new term or condition is intended to substitute for an existing term or condition that the applicant proposes not be carried over, the relationship between old and new terms and conditions shall be set forth;

(B) the applicant may, but need not, submit a statement of the permit applicant's understanding or proposal as to which proposed terms and conditions of the permit to operate are or should become federally enforceable; and

(C) description of or reference to any applicable test method for determining compliance with each applicable requirement.

(v) Other specific information that may be necessary to implement and enforce other applicable requirements of these Rules and Regulations or state and federal law or to determine the applicability of such requirements.

(vi) An explanation of any proposed exemptions from otherwise applicable requirements.

(vii) Additional information as determined to be necessary by the Air Pollution Control Officer to define alternative operating scenarios identified by the source or to define permit terms and conditions for emissions trading.

(viii) A compliance plan that contains all of the following:

(A) a description of the compliance status of the source with respect to all applicable requirements;

(B) for applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(C) for applicable requirements that will become effective during the permit term (five years), a statement that the source will meet such requirements on a timely basis and a proposed schedule of increments of progress towards compliance;

(D) for requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements, together with a copy of any applicable variance order issued by the Hearing Board. A variance order issued by the Hearing Board may be used as information for consideration in developing a compliance plan or schedule but does not constitute a compliance plan or schedule under this rule;

(E) a schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. For applicable requirements with which the source is in compliance, the schedule of compliance shall include a statement that the source will continue to comply with such requirements. For applicable requirements that will become effective during the permit term, the schedule of compliance shall include a statement that the source will meet such requirements on a timely basis. This compliance schedule shall resemble and be at least as stringent as that contained in any Hearing Board order, judicial consent decree or administrative order to which the source is subject. Any such

schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;

(F) a schedule for submission of certified progress reports no less frequently than every six months for sources required to have a schedule of compliance to remedy a violation; and

(G) the compliance plan content requirements specified in this subsection shall apply and be included in the acid rain portion of a compliance plan for an affected source (Acid Rain), except as specifically superseded by regulations promulgated under Title IV of the federal Clean Air Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(ix) A compliance certification, including the following:

(A) a certification of compliance with all applicable requirements signed by a responsible official consistent with Subsection (f)(2) of this rule and Section 114(a)(3) of the Act;

(B) a statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(C) a schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the applicable requirement or by the Air Pollution Control Officer; and

(D) a statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the federal Clean Air Act.

(x) Nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated by the federal EPA under Title IV of the federal Clean Air Act.

(xi) For any source seeking to trade emissions under a federally enforceable emissions cap for which the existence or federal enforceability was established in the permit independent of otherwise applicable requirements, the source must specify replicable procedures that ensure that trades are enforceable, accountable, and quantifiable. (See Rule 1420 for a discussion of the standards the Air Pollution Control Officer will apply to determine whether this requirement has been met.)

(4) A list of insignificant units which are exempt from the requirement to have a permit based on size or production rate.

(g) OPTIONAL INFORMATION ON FEDERAL HAZARDOUS AIR POLLUTANTS

Any source may use the permit application process as an occasion for identifying and resolving issues related to the control of federal hazardous air pollutants at the source over the life of the permit. Any source seeking permit terms and conditions that will define applicable requirements over the life of the permit shall provide the information set forth in Subsection (f)(3) of this rule for any federal hazardous air pollutant or toxic air contaminant that is likely to be regulated at that source under federal or state law or local regulations over the life of the permit.

Nothing in this section shall be construed to limit the applicability and effect of requirements that become applicable to a source during the life of the permit.

(h) ADDITIONAL INFORMATION

Additional information necessary for determining compliance with any applicable requirements may be requested by the Air Pollution Control Officer after an application has been determined to be or deemed to be complete. The applicant must provide such information within a reasonable time as specified by the Air Pollution Control Officer, but in no case later than six months from the date requested.

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.