

CHAPTER 3

THE PERMIT APPLICATION PROCESS FOR AN INITIAL TITLE V PERMIT

Introduction

Once a Title V permit is issued, the facility operator must follow specific Title V procedures for permit revisions. Title V permits must be renewed every five years.⁷

After the application package is received by the AQMD, it will be processed through AQMD evaluation, EPA reviews and public participation. Chapter 6 explains how the application package will be processed from application receipt by the AQMD to issuance of the final permit, including the timelines for issuance.

Initial Title V Permit Application

Deadline For Filing The Initial Title V Permit Application.

If the facility meets the applicability criteria for Title V, the facility must submit an application for an initial Title V permit. This requirement applies regardless of whether or not the facility has been notified by the AQMD to submit an application.

The deadline for submitting the initial Title V permit application depends on how the facility became subject to Title V and the Title V implementation schedule. See Chapter 2 for a full description of Phase One and Phase Two facilities. Table 3-1 provides the filing deadlines.

⁷ Solid waste incineration facilities must renew their Title V permits at least every twelve years. AQMD will review their permits at least every five years.

Table 3-1: Filing Deadlines For Initial Title V Permit Applications

How A Facility Becomes Subject to Title V	Deadline for Submitting Initial Title V Permit Application
Phase One facility placed in permit group A, B or C	Within 90 days of notice ⁸
Phase Two facility with determined PTE	Within 180 days after meeting applicability criteria based one Rule 3001 criteria ⁹
Phase Two facility with undetermined PTE	Within 180 days after meeting applicability criteria based one Rule 3008 criteria ⁹ (that is, 180 days after deadline for filing AER report, where report shows emissions over threshold)
Facility proposes to construct, modify, or relocate equipment, and the resulting <i>project</i> PTE will exceed applicability threshold	Must submit application and obtain initial Title V permit before construction begins
Facility proposes to construct, modify, or relocate equipment, and the <i>project</i> PTE will not exceed the applicability threshold but the resulting <i>facility</i> PTE will exceed the threshold	Must submit initial Title V permit application within 180 days after meeting applicability criteria based on Rule 3003

What Permit Application Forms Must Be Included In The Initial Title V Permit Application?

Table 3-2 summarizes the forms that are required for an initial Title V application and for requesting an exclusion or exemption from Title V. **At a minimum, each facility must complete and submit forms 400-A, 500-A2, 500-B, 500-C1, and 500-H.** Facilities that are not operating in full compliance with all applicable federal, state, and AQMD regulations must also complete and submit Form 500-C2.

Each Title V facility applying for the Title V Permit should review the existing AQMD permits, looking for inaccurate equipment descriptions, missing equipment, and equipment no longer in service. It is recommended that a written explanation of the inaccuracies and discrepancies accompany the Title V application package. If the discrepancy is due to the installation or modification of equipment that is subject to Rule 201 - *Permit to Construct*, but for which the facility did not obtain a permit to construct or operate, the facility must also submit the appropriate equipment-specific form, and the correct application fees for each installation or modification. AQMD Rule 301 lists fees associated with common Title V permitting actions.

⁸ The majority of the Title V permit applications for Group A facilities were due on July 28, 1997. Applications for facilities in Groups B and C were due on March 24, 1998.

⁹ AQMD may occasionally send a Notice To Apply to a facility that does not submit an initial Title V application within 180 days of exceeding applicability threshold. Regardless whether or not the facility was notified, failure to comply may result in penalties based on California Health and Safety Code § 42402.3.

Table 3-2: Initial Title V Application Forms

FORM DESCRIPTION	FORM NUMBER
Required for All Initial Title V Permit Applications	
Application for Permit to Construct and Permit to Operate	400-A
Application Certification	500-A2
List of Exempt Equipment	500-B
Compliance Status Report	500-C1
Non-Compliant Operations Report and Compliance Plan ^a	500-C2
Title IV - Acid Rain Phase II Information Summary ^b	500-F1
Title IV - Acid Rain Phase II Repowering Extension Plan ^b	500-F2
Title IV - Acid Rain Phase II New Unit Exemption Request ^b	500-F3
Title IV - Acid Rain Phase II Retired Unit Exemption Request ^b	500-F4
Compliance Assurance Monitoring Applicability Determination	500-H
In addition to the above basic Title V application forms you may need:	
Required for Exemption Request Based on PTE Below Threshold	
Application for Plan	400-P
Title V Exclusion/Exemption Request	500-E
Required for Exemption Request Based on Facility Cap	
Application for Plan	400-P
Title V Exemption/Exclusion Request	500-E
Application for Permit to Construct and Permit to Operate ^c	400-A
Equipment Specific Supplemental Form ^c	400-E-XX
Required for Exemption Request Based on AER	
Application for Plan	400-P
Title V Exemption/Exclusion Request	500-E
Required for Exemption Request Based on Actual Emissions Below Rule 3008 Threshold	
Application for Plan	400-P
Title V Exemption/Exclusion Request	500-E

^a Required for facilities NOT currently operating in compliance with an applicable requirement.

^b For use only by electrical power generating facilities with an output of 25 Megawatts or greater and subject to Title IV. These forms are to be used to revise or update previously submitted acid rain information at time of filing an initial application.

^c Separate form required for each permit subject to a Facility Cap.

The six AQMD permit application forms that are required for all Title V initial permit applications and the form required for non-compliant operations are described below:

Form 400-A Application For Permit To Construct And Permit To Operate

Form 400-A is required for all Title V and non-Title V permitting actions. This form collects general facility data, states the reason for submitting the application, and lists additional application forms submitted. On the back of the form is information specific to Title V.

Form 500-A2 Application Certification

Form 500-A2 is required with all submittals of Title V applications. It is used in conjunction with Form 500-C1 to certify that facility is operating in compliance with all applicable AQMD Rules and Regulations at the time of Title V application package submittal. Form 500-A2 must be signed by a responsible official, as defined in Rule 3000. For an Acid Rain facility, the designated representative must also sign the form.

Form 500-B List Of Exempt Equipment

Form 500-B is a list of all equipment located at the facility that are exempt from permit requirements under AQMD Rule 219 and are subject to rule specific requirements. For example, an internal combustion engine rated under 50 brake horsepower may be exempt per Rule 219(b)(1), but is subject to Rules 1110.1 and 1110.2. Although this form is required with all initial and permit renewal application submittals, it is optional for permit revision applications. List all exempt equipment by general category (e.g., boiler/space heater < 2,000,000 BTU/hr, ICE < 50 HP, etc.). Similar equipment maybe grouped within a category (e.g., three exempt boilers may be listed as "several boilers" subject to the same requirements). The permit applicant shall also state the specific Rule 219 exemption for each category or equipment. If the exempt equipment is vented to air pollution control equipment, the permit applicant shall list that exempt equipment separately and shall identify the APC device or equipment. Trivial activities listed in Appendix B do not have to be included in Form 500-B.

Note: RECLAIM facilities should not repeat any exempt equipment that is currently listed in Appendix A of their facility permit.

Form 500-C1 Compliance Status Report

Form 500-C1, in combination with Form 500-A2, satisfies the compliance certification required by Title V. Form 500-C1 is required with all initial and permit renewal application submittals. It is used to identify all requirements that apply to all equipment operating at the facility (including all applicable rules, test methods and monitoring, reporting and recordkeeping (MRR) requirements), and including equipment that is exempt from a permit per Rule 219. For example, a coating facility in compliance with the requirements of Regulation XI may still be required to show compliance with Rule 442. Section II of this form contains a listing of potentially applicable rules, test methods, and MRR requirements. Section II does not represent a complete list of all applicable requirements because of on-going promulgation's of future applicable requirements such as recently adopted NESHAP standards by EPA and recent amendments to AQMD rules. Therefore, Section III of this form is used to identify any additional applicable requirements that are not listed in Section II and to identify requirements that are listed but that do not apply to a specific piece of equipment

or process. Certain AQMD rules that are not part of the EPA-approved State Implementation Plan (SIP), and are not listed in Section II, do not have to be added into Section III, since Section V of Form 500-C1 already contains a list of these rules.

Section IV of the form is to identify older versions of current AQMD rules that are the EPA approved versions in the SIP, and are Title V applicable requirements, but are not the current versions of the AQMD rules. Facilities need not certify to compliance with the rules listed in Section IV.

Form 500-C1 is also required for permit revisions involving alternative operating scenarios, permit streamlining, permit shield, and equipment installation and modification. In these instances, the form need only address those requirements that apply to the equipment that will be affected by the permit revision.

Form 500-H Compliance Assurance Monitoring Applicability Determination Form

This form must be completed so the permit holder may determine if federal Compliance Assurance Monitoring (CAM) requirements apply to any air pollution control devices that are being operated at the facility. The term "control device" means equipment, other than inherent process equipment, that is used to destroy or remove air pollutants prior to discharge to the atmosphere. If, after completing the 500-H form, the permit applicant determines that federal CAM requirements apply to the control equipment, then a CAM plan to monitor the control equipment is required as a part of the Title V permit application. The applicant must then file a compliance plan outlining how compliance assurance will be met. Refer to Chapter 7 for a brief discussion of CAM Applicability.

Form 500-C2 Non-Compliant Operations Report And Compliance Plan

Form 500-C2 is required if the facility is not in compliance with all applicable requirements listed on Form 500-C1, or if it will not be able to comply with all applicable requirements by the expected date of issuance of the Title V permit. The form also requires the facility to propose a solution to the non-compliant situation and provide a schedule for returning the equipment or process to compliance. If the facility certifies on Form 500-A2 that it is operating in compliance with all applicable requirements, Form 500-C2 is not required.

Permit Application Requirements For Facilities With AQMD Permit History

The required forms for an initial Title V permit may vary depending on whether or not a facility has a permitting history with AQMD. Facilities may include applications for new or modified equipment, permit condition changes or requests for alternative operating scenarios, or permit shields, in the initial permit applications, as explained in Table 3-3. Table 3-3 also provides the checklist of forms and information, which must be included in the initial application.

**Table 3-3: Checklist For Initial Title V Application
For Facilities With AQMD Permit History**

<p>√ Required submittal for all facilities</p> <ul style="list-style-type: none">• Form 400-A - Application for Permit to Construct and Permit to Operate• Form 500-A2 - Application Certification• Form 500-B - List of Exempt Equipment• Form 500-C1 - Compliance Status Report• Form 500-H - Compliance Assurance Monitoring Applicability Determination• Equipment list Varies depending on type of facility and group assignment<ul style="list-style-type: none">- All RECLAIM facilities Current facility permit- Group A, non-RECLAIM facilities Equipment list in facility permit format- Other Permit Groups, non-RECLAIM facilities List of current permits and pending applications• Initial Permit Application Fee is calculated based on the number of permitted devices [see Rule 301 (p)(3)(A)] <p>√ If the facility wishes to add or modify equipment, change or streamline a permit condition or add an alternative operating scenario, include the following forms as appropriate</p> <ul style="list-style-type: none">• Form 400-E-Series Equipment Specific Forms¹¹• Form 400-A and applicable fee for each addition, modification, or change to a permit condition (from streamlining a permit condition or creating an alternative operating scenario) to be calculated using Rule 301(c) and (i) <p>√ If the facility wishes to request a permit shield</p> <ul style="list-style-type: none">• Form 500-D¹⁰ Permit Shield Request• Form 400-A and applicable fee for each change to a permit condition (for equipment to be covered by a permit shield) to be calculated using Rule 301 (c) and (i) <p>√ If the facility is subject to the Title IV federal acid rain program and wishes to change previously submitted information, include the following forms</p> <ul style="list-style-type: none">• Forms 500-F1, F2, F3, or F4 as appropriate <p>√ If the facility is not operating in full compliance with all federally enforceable, applicable requirements at the time of application filing</p> <ul style="list-style-type: none">• Form 500-C2 Non-Compliant Operations Report and Compliance Plan

¹¹ Each request (add/modify equipment, change conditions, permit shield, etc.) requires a separate application.

Permit Application Requirements For New Facilities With No AQMD Permit History

Table 3-4 provides a checklist for the initial application for new facilities, that is, facilities without an AQMD permitting history.

Table 3-4: Checklist For Initial Title V Application For New Facilities With No AQMD Permit History

<p>√ <i>All new facilities must submit</i></p> <ul style="list-style-type: none">• Form 400-A - Application for Permit to Construct and Permit to Operate• Form 500-A2 - Application Certification• Form 400-E-GI - General Equipment Information or Form 400-E-Series Equipment Specific Forms• Form 500-B - List of Exempt Equipment• Form 500-H - Compliance Assurance Applicability Determination• Fee for each piece of new equipment to be calculated using Rule 301 (c) and (i) <p>√ <i>If the facility wishes to request a permit shield, include</i></p> <ul style="list-style-type: none">• Form 500-D - Permit Shield Request

When Is The Application Deemed Complete?

The AQMD will promptly review each application for completeness and notify the applicant whether it is complete or incomplete. The initial application is automatically deemed complete on the 60th day after receipt, unless AQMD deems it incomplete or complete within the 60 days. It is important that each applicant submit a complete application.

If the applicant receives a notice that the application is incomplete and is required to submit additional information, the submittal of the additional information starts another 30-day review period for the AQMD to determine whether the application is complete or incomplete. An application shield protects any facility that is operating without a Title V permit from being in violation of Title V requirements. If AQMD had not yet issued the Title V permit, the facility with an application shield may be protected from enforcement action for not having a Title V permit issued on time. See the discussion under “What is an Application Shield?” for further details.

Even after an application is deemed complete, you must still provide any additional information requested by AQMD that is necessary to evaluate the application.

The Requirements For Submitting Additional Information

It is important to submit the additional information within the requested time, because the AQMD may deny your application if the requested information is not submitted. The facility could then be immediately subject to enforcement action for not submitting a complete application and subsequently for operating without a Title V permit. The AQMD may accommodate any reasonable written request for an extension of time to provide the information.

Anytime the applicant submits additional, corrected, or supplemental information to AQMD about an application, a responsible official at the facility must certify, in writing that, based on information and belief formed after reasonable inquiry the statements and information in the document are true, accurate, and complete. Form 500-A2 Application Certification may be used for this purpose.

Who Can Qualify As A Responsible Official?

In order to be deemed complete, a Title V application must be signed by a “responsible official” as defined in AQMD Rule 3000. The following describes the eligibility requirements for a responsible official.

For a Corporation

A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or a person who performs similar policy-making functions for the corporation, or a duly authorized representative of such person provided the representative is responsible for the overall operation of the facility (see examples below), and either:

- (i) The AQMD Executive Officer or designee has approved a petition from the original responsible official to delegate this authority; or,
- (ii) The facility employs more than 250 persons or has a gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars.

Table 3-5: Examples Of Persons, Besides Corporate Officers That Can And Cannot Be Authorized To Be Responsible Officials

Examples of persons that can be authorized to be responsible officials:	
Plant Manager/Superintendent	General Manager
Operations Manager/Superintendent	
Examples of persons that cannot be responsible officials:	
Manager/Director of Health, Safety and Environment	General Counsel
Manager/Director of Environmental Affairs	Industrial Engineer
Hazardous Waste Manager	Consultant
Manager/Director of Personnel	Chemist
Manager, Air Quality Programs	Purchasing Manager
Environmental Engineer/Coordinator	Controller
Assistant Plant Engineer	Materials Manager
Quality Control Manager	

For a Partnership

A general partner. For a partnership of corporations, or a partnership of partnerships, the responsible official may be a person with the same level of authority as described above for a corporation.

For a Sole Proprietorship

The proprietor.

For a Municipality, State, Federal, or Other Public Agency

A principal executive officer or ranking elected official. For a federal agency, a principal executive officer includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency. (See Table 3-6 below)

Table 3-6: Examples Of Principal Executive Officer, Responsible Officials For Governmental Facilities

Military Base: Base Commander	Prison: Warden
Hospital: Chief Administrator	College: Chancellor
Landfill: Department General Manager	Municipal Utility: Department General Manager
Sewer District: General Manager	

For Phase II Acid Rain Facilities That Are Not A Corporation, Municipality, State, Federal, Or Other Public Agency

The designated representative responsible pursuant to Title IV of the federal Clean Air Act.

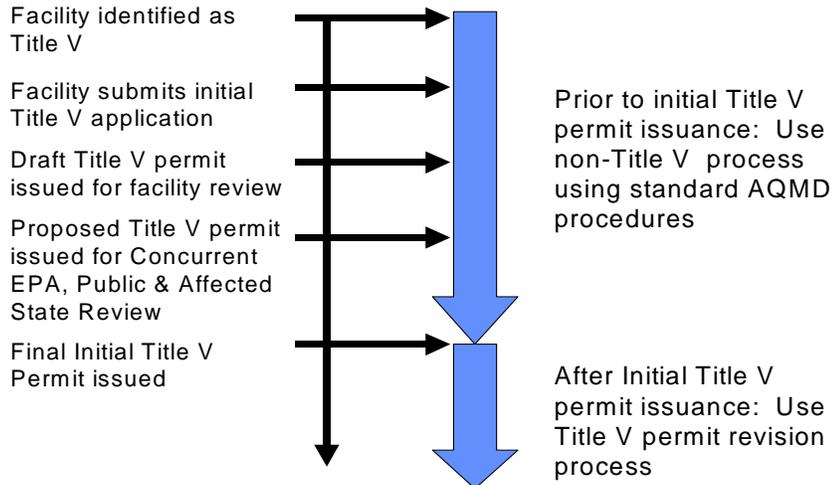
Submitting An Application To Modify Or Add Equipment While The Initial Title V Permit Application Is Pending

The facility may continue to submit applications for new and modified equipment, changes of conditions, and other permit modifications while the initial Title V application is being processed. The appropriate process to use will depend on the processing stage of the initial Title V application. As shown in Figure 3-1, facilities may continue to apply for non-Title V permits prior to the issuance of their initial Title V permit. After their initial Title V permit is issued, facilities may only apply for a Title V permit revision.

Non-Title V Permits to Construct (P/Cs) and Permits to Operate (P/Os) which are issued with enough time before the release of the proposed Title V permit for facility review can be submitted as addenda to the initial Title V application and may be incorporated into the proposed Title V permit. However, if the non-Title V P/Cs and P/Os are issued too late to be incorporated into the proposed Title V permit, the facility will need to be apply for a Title V permit revision within 90 days after the facility's Title V permit is issued. When processing applications for P/Cs and P/Os submitted before

the draft Title V permit is released for facility review, the AQMD will follow the standard 7-30-180 day issuance procedures to ensure that the need to resubmit these permits as Title V permit revisions is minimized.

Figure 3-1: Application Forms To Use For Different Phases Of Processing A Title V Permit



Until a final initial Title V permit is issued, a facility will continue to use the traditional, non-Title V permit application process and submit the necessary supplemental equipment-specific forms listed in Table 3-7.

The information requested on the *General Equipment Information Summary Form* (Form 400-E-GI) and the other supplemental forms is normally all that is needed to make an application complete. However, additional information may be required in unique cases such as when dispersion modeling must be done, or when a California Environmental Quality Act (CEQA) document must be prepared. This additional information is found in the "List and Criteria Identifying Information Required of Applicants Seeking a Permit to Construct from the AQMD, in Appendix G.

A Title V facility may also request an Alternative Operating Scenario (AOS), streamlined permit conditions or a permit shield. In addition, some facilities may have made changes to their listing of exempt equipment. Although it is not mandatory, the facility may want to update this list by also including Form 500-B in the permit revision application. Otherwise, the facility can wait to update the exempt equipment listing at the time of permit renewal.

Table 3-7: Supplemental Equipment-Specific Forms

FORM NAME	FORM NUMBER
General Equipment Information Summary	400-E-GI
Particulate Matter (PM) Control Equipment	400-E-1
Volatile Organic Compound (VOC) Control Equipment	400-E-2
Scrubber	400-E-3
Abrasive Blasting Equipment	400-E-4
Degreaser	400-E-6
Dry Cleaning Equipment	400-E-7
Ethylene Oxide Sterilizer	400-E-8
External Combustion Equipment	400-E-9
Food Broiler/Fryer	400-E-10
Fuel Dispensing and Storage Equipment	400-E-11
Gas Turbine	400-E-12
Internal Combustion Engine	400-E-13
Open Process Tank	400-E-14
Open Process Tank; Process Line	400-E-14a
Printing Equipment	400-E-15
Solid Materials Storage Equipment	400-E-16
Spray Booth/Open Spray	400-E-17
Powder Spray Booth	400-E-17a
Storage Tank (Liquid & Gaseous Material)	400-E-18
Wave Solder Machine	400-E-19
Asbestos Removal Equipment	400-E-20

What Is An Application Shield?

The Title V program includes an **application shield** provision that protects the applicant from being in violation of Title V for operating without a permit under certain circumstances. Application shields apply to initial permit and permit renewal applications. The application shield is addressed in Rule 3002 (b).

The application shield allows the applicant to operate without an approved initial or renewed Title V permit provided that compliance with all of the following requirements are met:

- File a timely and complete application;
- Provide all additional information requested by AQMD by the established deadline;
- Correct information as soon as errors are discovered; and
- Promptly provide supplemental information to determine compliance for requirements that come into effect after the application was filed but before a proposed permit is issued.

What Is An Alternative Operating Scenario?

An **alternative operating scenario** (AOS) is a set of provisions and conditions in a permit that allow a facility to switch back and forth between alternative modes of operation without submitting an application for a permit revision before each switch. Incorporating an AOS into a permit involves applying for a change of permit conditions. The application for a change of conditions can be filed with an initial Title V permit application, renewal application or a permit revision. A 400-E-Series form must be submitted for each equipment item operated under an AOS. Each AOS proposed must be evaluated for compliance with AQMD rules and regulations and applicable State and Federal requirements. The topic of AOS is addressed in Rule 3005 (j).

Provided that all forms have been filled out, all fees have been submitted, and the responsible official has signed the necessary certification, the application will be deemed complete, so as not to jeopardize the facility's application shield, even if some additional information is still required.

It is not required, but permit applicants are encouraged to submit the application forms early to allow time for AQMD to determine application completeness. The protection afforded by the application shield stops when the AQMD takes final action (that is, permit issuance or denial) on the application.

What Is A Permit Shield?

A **permit shield** is an optional part of a Title V permit that gives a facility explicit protection from requirements that do not apply to them¹². A permit shield is a provision in a permit, which states that compliance with the conditions of the permit shall be deemed compliance with all identified regulatory requirements. A permit shield can also identify specific regulatory requirements that do not apply

¹² All facilities are not subject to requirements that do not apply, with or without a permit shield.

to specific equipment or processes. Permit shields are addressed in Rule 3004 (c).

The applicant can apply to have a permit shield added to their permit using Form 500-D: *Permit Shield Request*. A permit shield request can be submitted with an initial Title V application or permit renewal application, or as a significant permit revision.

In the application for the permit shield, the following should be specified:

- The specific process units for which the permit shield is sought;
- The regulatory requirements for which a permit shield is sought;
- The reason that a permit shield is sought; and
- The proposed duration of the permit shield.

AQMD cannot give the facility a permit shield from requirements that already apply to the facility. The permit shield also does not protect the facility from requirements that apply to them, but were inadvertently left off the permit.

Applications That Contain Confidential Information

Some portions of the application may contain confidential information for proprietary, security or other reasons. To protect this information, the applicant may designate specific information in the application that is considered confidential. AQMD will treat such information as confidential pursuant to the California Public Records Act (commencing at Section 6250 of the Government Code). Please note, however, that claims of confidentiality may be subject to review and confirmation by AQMD legal staff.

To claim confidentiality, the applicant must:

- Include a concise statement of the basis for claiming confidentiality in the application; and
- Segregate each document that is subject to confidentiality from the rest of the application and conspicuously mark the top of each page with the word "CONFIDENTIAL."

AQMD will submit all information regarding all applications to EPA, including confidential information and the claim of confidentiality. The Executive Officer may require the applicant to submit a copy of confidential information directly to EPA, along with the concise statement of the basis of such claim of confidentiality.

Information In The Application Is Incorrect Or Incomplete

If after submitting the application, the applicant discovers that information provided in the application is incorrect or incomplete, the corrected or supplemental information must be promptly submitted to AQMD.

In addition, if the facility becomes subject to a new requirement before a draft or proposed permit is released for public or EPA review, and the rule was not included in your original compliance certification, the applicant must submit

supplemental Forms 500-A2 and 500-C1 regarding the new requirements to AQMD before the proposed permit is released.

Again, a responsible official at the facility must certify in writing to AQMD that the statements and corrected or supplemental information in the documents submitted with the application are true, accurate, and complete. Form 500-A2 - *Application Certification* must be used for this purpose.

The Applicant Can Request To Streamline The Application

A Title V permit applicant may request to streamline permit conditions when there are overlapping regulatory requirements. In addition to the regular Title V application package, the streamlining application must include the appropriate equipment-specific form (Form 400-E series are listed in Table 3-7) for a change of permit condition for each item of equipment affected by the streamlined conditions. All requests for application streamlining must include the correct permit fees required by Rule 301 for a change of permit conditions. The facility may file the streamlining application(s) with their application for an initial Title V permit or submit them as a significant permit revision (see Appendix D)

Forms Required From Acid Rain Facilities

For those facilities that are also subject to the acid rain program under Title IV, the appropriate application forms required to satisfy the acid rain portion of the initial Title V application should already have been completed and on file as of January 1, 1996. However, if the facility wishes to make any revisions to this part of the submittal at the time of filing an initial Title V application package, Form 500-F1 must be submitted alone or with either 500-F2, 500-F3, or 500-F4 as appropriate for the revision requested.

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