

Title V Permit Review Protocol Agreement
San Joaquin Valley Unified APCD
United States Environmental Protection Agency, Region IX.
October 1998

This agreement establishes a protocol for the EPA's review of Title V permits issued by the San Joaquin Valley Unified Air Pollution Control District. It applies to all initial Title V permits sent to EPA for review by the District after the agreement date.

EPA 45 day Review Period

EPA will contact the District as soon as possible after receiving the proposed permit to discuss comments and possible objections. The purpose of these discussions will be to ensure that EPA has all necessary facts, and to attempt to resolve issues. EPA will discuss its concerns with the District prior to objecting to a permit.

If the District and EPA can agree upon changes to the proposed permit prior to the end of the EPA review period, the District will send a letter committing to rectify the situation, which includes specific language that will be incorporated into the permit. If the District and EPA agree that more data or information is needed to show that the permit is adequate as proposed, the District will commit to supplying this information in a letter that also identifies the nature of the additional data.

No objections will be necessary if, during the initial 45-day review period, EPA reviews and concurs with proposed language or data demonstrating adequacy of the permit. Under these circumstances, EPA will confirm the agreements in writing.

Any EPA objection will include a statement of the reasons for the objection and a specific description of the conditions that the permit must include.

Resolving Objections After the Initial 45-day Period

In an attempt to resolve objection issues, the District will contact EPA as soon as possible but no later than 45 days after receiving any written objections. The District will forward to the EPA: 1) specific changes in permit language that will resolve EPA objections; or 2) a written justification and/or data supporting the original proposal. (If the District cannot accomplish either of the above within the required timeframe, the District may withdraw its preliminary decision.) At the same time, the District will forward to EPA any other changes that have been made, or will be made, to the permit before its issuance, outside of those made to address EPA's objections. The process described in the following section, "Additional 45-day review by EPA," will be followed for the review of these changes. For the changes made in response to EPA's

objections, EPA commits to a 15-day review period whenever possible but may use an additional 15 days if necessary upon notifying the District. During this period, the EPA

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may approve the District's proposal either in writing, or by choosing not to provide written comments. If the EPA is not satisfied with the proposed changes or additional data, then EPA will communicate the basis for its continued objection in writing, and identify the specific shortcomings in the District's proposal. Within 6 months from the date of this agreement, EPA will review the use of the additional 15 day period to ensure that the additional time is only being taken when absolutely necessary.

If the District fails, within 90 days after receiving an objection, to submit a revised proposal or justification that satisfies EPA's objection, the EPA may issue or deny the permit.

Additional 45 day review by EPA

EPA shall have another 45-day period to review revisions to permits made subsequent to the initial 45-day review period, unless the revisions are:

- 1) Changes that are consistent with the definition of administrative amendments in 40 CFR part 70, or
- 2) Specific changes in permit language that EPA Staff have concurred with, either in writing or by choosing not to comment on the District's proposal as described in the previous sections of this agreement.

In its transmittal of the revised permit to EPA, the District will note all changes made to the permit since EPA's previous review. If EPA objects to the revised permit, the 90-day period for District response to EPA objections begins on the date that the EPA objects to the revised proposal.

Scope of EPA Review Beyond Initial Review Period

The purpose of additional EPA review beyond the initial 45 day period is to allow for the review of changes made subsequent to the initial EPA review. After the initial 45 day comment period, EPA review will generally be limited to unresolved issues addressed in the original EPA comment/objection letter, issues brought up in public comments on the permit, and any changes made to the permit since the preliminary notice.

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Date: _____

Date: _____

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