

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

Not applicable.

5. Briefly describe the type of business and processes at your facility.

The Canyon Power Plant located at 3071 E. Miraloma Avenue supplies electric power to the City of Anaheim community to meet their electrical needs. The facility has four (4) LM6000 gas turbines that drive four (4) 50 Mega-Watt (MW) generators. The turbines are fueled by natural gas with CO and VOC emissions controlled by CO oxidation catalysts and NOx controlled by ammonia injected SCR catalysts.

Gas Turbine No. 1 is the subject of this petition.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach only the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Gas Turbine No.1		D1	N/A
CO Oxidation Catalyst, No. 1		C3	N/A

*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

Gas Turbine No. 1 is one of four (4) gas turbines located at the Canyon Power Plant. The turbines are used to generate electricity for the City of Anaheim. CO oxidation catalysts are used to reduce CO and VOC emissions from the turbines.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes No

If yes, how often: Semi-Annual; Date of last maintenance and/or inspection January 8, 2024. Describe the maintenance and/or inspection that was performed.

- The last inspection following a repair was performed at the General Electric (GE) Turbine repair facility in Houston, Texas.
- Routine Semi-Annual Inspections and Maintenance consist of a borescope inspection, oil and air filter changes, and instrumentation calibrations.
- Another maintenance requirement is a GE Service Bulletin requiring replacement of turbine compressor, blades rows (stages) 3 through 5. Replacements for blades in rows 3-5 are required when a turbine reaches 1,500 starts. By June 21, 2024, the date of the incident necessitating this petition, the turbine had 1,087 starts and 49.4 hours of operation since the turbine was returned to service, from a previous repair, on May 14, 2024.
- In addition to the regular maintenance and inspections, a borescope inspection was conducted following a triggered alarm and audible boom (compressor stall) caused by a broken stage 3 blade.

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
Permit Condition D29.3	SOx, VOC, and PM testing must be conducted once every three years. This testing is used to demonstrate compliance with BACT requirements. The facility is unable to meet testing requirements while the turbine is out for repair, and therefore cannot meet Permit Condition D29.3.
Rule 203(b)	Equipment cannot be operated contrary to permit conditions. The facility is unable to meet testing requirements while the turbine is out for repair, and therefore cannot be fully in compliance with Rule 203.
Rule 2001(j)	Facilities in the RECLAIM program must comply with all provisions of District rules and regulations. The facility is unable to meet testing requirements while the turbine is out for repair, and therefore cannot be fully in compliance with Rule 2001.
Rule 3002(c)(1)	All equipment at a Title V facility must be in compliance with all terms, requirements, and conditions of the Title V permit. The facility is unable to meet testing requirements while the turbine is out for repair, and therefore cannot be fully in compliance with Rule 3002.

10. Are the equipment or activities subject to this request currently under variance coverage? Yes No

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes No

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes No

If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes No

If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

- July 2020 – Triennial testing was last conducted July 2020. The next test would have been due July 2023.
- April 11, 2023 – Due to damage in the high-pressure turbine (the hot section), Gas Turbine No. 1 was removed from service.
- April 21, 2023 – Gas Turbine No. 1 was transported to the GE repair depot in Houston, Texas for repair.
- July 2023 – Triennial testing was not possible in the absence of Gas Turbine No. 1, which was sent to Texas for repair.
- February 14, 2024 – Gas Turbine No. 1 was transported back to Canyon Power Plant, reinstalled and started for test. Gas Turbine No. 1 was unable to operate due to generator high vibrations and a failed automatic voltage regulator.
- May 14, 2024 – After the issues discovered on February 14, 2024, were resolved, Gas Turbine No. 1 was successfully started and placed in operation. Triennial testing was scheduled for August 2024.
- May 15, 2024, through and including May 20, 2024 Gas Turbine No. 1 was **not** operated.
- May 21, 2024 – Linearity testing was completed.
- May 23, 2024 – RATA and ammonia slip testing were completed.
- May 27, May 28, May 31, June 3, June 4, June 6, June 12 and June 21, 2024 – Gas Turbine No. 1

operated for only 49.4 hours.

- June 21, 2024, at 10:25 PM – One of the blades from Gas Turbine No. 1 broke off from the rotor shaft and traveled through the compressor, combustor, and the hot section, damaging components along the way. The liberated blade caused air flow turbulence that resulted in extreme high-pressure air travelling in opposing directions, triggering a compressor fault alarm and a compressor stall event which caused an emergency turbine trip (shutdown). It is estimated that 50% of all compressor blades and vanes will have to be replaced, and that damage to the combustor, fuel nozzles, and hot section blades will need to be repaired.
- July 12, 2024 – A request for bids for the repair of these components was sent out. At the time of the submittal of this petition, it is not known when repairs will be completed. Petitioner estimates the turbine could be returned to service by May 2025. August 2024 – In May 2024, when Gas Turbine No. 1 was returned to service, triennial testing was scheduled for August 2024 (the earliest available triennial testing opportunity).
- August 2024 – May 2025 – During the time the turbine is being repaired, it will not be possible to comply with testing requirements on the turbine.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

- July 2023 - Turbine No. 1 Triennial testing due. The Triennial test date was missed due to the duration of Gas Turbine No. 1 repairs while at GE, Houston Texas.
- April 12, 2023 - Turbine No. 1 transported to GE Houston Texas to repair/replace fractured and damaged turbine blades, nozzles and shrouds.
- February 12, 2024 - Turbine No. 1 returned and reinstalled. Turbine No. 1 was out of service up to May 14, 2024, due to automatic voltage regulator and generator high vibration issues.
- May 14, 2024 - Turbine No. 1 was returned to service.
- May 2024 – Canyon Power Plant conducted various required testing in May, including the annual RATA and ammonia slip testing on May 23, 2024, and linearity testing on May 21, 2024.
- June 21, 2024 - The turbine incident occurred on the evening of June 21, 2024, before the August 2024 triennial compliance testing could be conducted. The turbine had operated for 49.4 hours since the annual RATA was conducted in early May 2024.
- August 2024 -A Triennial compliance test had been scheduled for August 2024, which was the earliest available testing date on the testing company's schedule.

16. List date(s) and action(s) you have taken since that time to achieve compliance. That the Petition Form HB-V, and any related instructions, include requirement that the Petitioner include a timeline in suitable, chronological format to address the events, dates, and actions called for by Questions 15 and 16, including the dates of communication with the South Coast AQMD to notify them of the occurrence(s) giving rise to the requested variance.

- Triennial testing was originally scheduled to be completed by July 2023 but did not occur because the turbine was out of state for repairs.
- Once the turbine was in service in May 2024, testing was scheduled for August 2024.
- A borescope inspection was conducted on June 22nd-June 26th, 2024, to confirm the damage to the unit and determine the extent of repairs needed. The findings of the inspection were documented in an internal report completed on June 26, 2024.
- The South Coast AQMD inspector Thomas Lee was notified of the incident on June 26th, 2024.
- A request for Bids was sent out on July 12th, 2024, for Turbine No. 1 repairs. The South Coast AQMD attorney Karin Manwaring was notified of the incident by phone on July 19th, 2024.
- The turbine will be transported to a repair facility in September 2024.
- A variance petition is being submitted to the SCAQMD Hearing Board on _____.

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: NA

Number of employees laid off (if any): NA

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

The turbine will not be operational during the variance period, so there will be no economic losses resulting from the variance not being granted. Petitioner requests that the Board consider that Petitioner operates the Facility as a not-for-profit public entity. Without a variance, any resulting penalty charged to the Petitioner could ultimately be paid for by Petitioner's residents and business customers through higher rates.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

Operations for Gas turbine No. 1 will be terminated during the variance period since the turbine will be out for repairs.

19. Estimate excess emissions, if any, daily, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)
N/A	N/A	N/A	N/A

* Column A minus Column B = Column C

Excess Opacity: _____ N/A%

20. Show calculations used to estimate quantities in No. 19 or explain why there will be no excess emissions.

The turbine will not be operational, so there will be no excess emissions.

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

There will be no need to mitigate excess emissions since there will be no operations, and therefore, no emissions during the variance period.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

There will be no need to quantify emission levels since Turbine No. 1 will not be on site or operating during the variance period.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

A Request for Bids to repair Turbine No. 1 was sent on July 12th, 2024. Turbine No. 1. Repairs are estimated to take seven months due to supply constraints. The Triennial compliance testing will be completed shortly after the turbine is returned to service as directed by scheduling. Total repair costs are estimated at \$3,300,000 and total losses are estimated at \$1,700,000.

24. State the date you are requesting the variance to begin: August 31, 2024; and the date by which you expect to achieve final compliance: June 30, 2025.

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here: N/A

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Karin Manwaring Ext. 2236
Ext. _____

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Cesar Santana Montrose Environmental Solutions, Inc. Project Engineer
Name Company Title

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on AUGUST 16, 2024, at CANYON POWER PLANT, ANAHEIM, ANAHEIM, California

R Hoffard
Signature

Ron Hoffard
Print Name

Title: Generation Plant Manager



**FACILITY PERMIT TO OPERATE
CANYON POWER PLANT**

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 1: POWER GENERATION					
System 1: GAS TURBINE					
GAS TURBINE, NO. 1, NATURAL GAS, GENERAL ELECTRIC, MODEL LM6000PC SPRINT, SIMPLE CYCLE, 479 MMBTU/HR AT 46 DEG F, WITH INLET CHILLING, WITH WATER INJECTION WITH A/N: 555828	D1	C3	NOX: MAJOR SOURCE**	CO: 4 PPMV NATURAL GAS (4) [RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]; CO: 2000 PPMV NATURAL GAS (5) [RULE 407, 4-2-1982]; NOX: 2.5 PPMV NATURAL GAS (4) [RULE 2005, 12-4-2015]; NOX: 25 PPMV NATURAL GAS (8) [40CFR 60 Subpart KKKK, 3-20-2009]; PM10: 0.01 GRAINS/SCF NATURAL GAS (5A) [RULE 475, 10-8-1976; RULE 475, 8-7-1978]; PM10: 0.1 GRAINS/SCF NATURAL GAS (5) [RULE 409, 8-7-1981]; PM10: 1.67 LBS/HR NATURAL GAS (5C) [RULE 1303(b)(2)-Offset, 5-10-1996; RULE 1303(b)(2)-Offset, 12-6-2002]; PM10: 11 LBS/HR NATURAL GAS (5B) [RULE 475, 10-8-1976; RULE 475, 8-7-1978]; SO2: (9) [40CFR 72 - Acid Rain Provisions, 11-24-1997]; SO2: 0.06 LBS/MMBTU NATURAL GAS (8) [40CFR 60 Subpart KKKK, 3-20-2009]; VOC: 2 PPMV NATURAL GAS (4) [RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]	A63.1, A99.1, A99.2, A99.3, A195.1, A195.2, A195.3, A327.1, B61.1, D12.1, D29.2, D29.3, D82.1, D82.2, E193.1, H23.1, I298.1, K40.1
GENERATOR, 50.95 MW					

* (1) (1A) (1B) Denotes RECLAIM emission factor (2) (2A) (2B) Denotes RECLAIM emission rate
 (3) Denotes RECLAIM concentration limit (4) Denotes BACT emission limit
 (5) (5A) (5B) Denotes command and control emission limit (6) Denotes air toxic control rule limit
 (7) Denotes NSR applicability limit (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
 (9) See App B for Emission Limits (10) See section J for NESHAP/MACT requirements
 ** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE CANYON POWER PLANT

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

Equipment	ID No.	Connected To	RECLAIM Source Type/ Monitoring Unit	Emissions* And Requirements	Conditions
Process 1: POWER GENERATION					
CO OXIDATION CATALYST, NO. 1, BASF, 110 CUBIC FEET OF TOTAL CATALYST VOLUME A/N: 476654	C3	D1 C4			
SELECTIVE CATALYTIC REDUCTION, NO. 1, CORMETECH CMHT-21, 1012 CU.FT.; WIDTH: 2 FT 6 IN; HEIGHT: 25 FT 9 IN; LENGTH: 18 FT WITH A/N: 476654 AMMONIA INJECTION	C4	C3 S6		NH3: 5 PPMV NATURAL GAS (4) [RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]	A195.4, D12.2, D12.3, D12.4, E179.1, E179.2, E193.1
STACK, TURBINE NO. 1, HEIGHT: 86 FT ; DIAMETER: 11 FT 8 IN A/N: 555828	S6	C4			

- * (1) (1A) (1B) Denotes RECLAIM emission factor
- (3) Denotes RECLAIM concentration limit
- (5) (5A) (5B) Denotes command and control emission limit
- (7) Denotes NSR applicability limit
- (9) See App B for Emission Limits
- (2) (2A) (2B) Denotes RECLAIM emission rate
- (4) Denotes BACT emission limit
- (6) Denotes air toxic control rule limit
- (8) (8A) (8B) Denotes 40 CFR limit (e.g. NSPS, NESHAPS, etc.)
- (10) See section J for NESHAP/MACT requirements

** Refer to section F and G of this permit to determine the monitoring, recordkeeping and reporting requirements for this device.



FACILITY PERMIT TO OPERATE CANYON POWER PLANT

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

The test(s) shall be conducted quarterly during the first twelve months of operation of the catalytic control device and annually thereafter when four consecutive quarterly source tests demonstrate compliance with the ammonia emission limit. If an annual test is failed, four consecutive quarterly source tests must demonstrate compliance with the ammonia emissions limits prior to resuming annual source tests.

The South Coast AQMD shall be notified of the date and time of the test at least 10 days prior to the test.

If the turbine is not in operation during one calendar year, then no testing is required during that calendar year.

The NOx concentration, as determined by the CEMS, shall be simultaneously recorded during the ammonia slip test. If the CEMS is inoperable, a test shall be conducted to determine the NOx emissions using South Coast AQMD Method 100.1 measured over a 60 minute averaging time period.

The test shall be conducted and the results submitted to the South Coast AQMD within 60 days after the test date.

The test shall be conducted to demonstrate compliance with the Rule 1303 concentration limit.

[RULE 1135, 11-2-2018; RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002]

[Devices subject to this condition : D1, D7, D13, D19]

D29.3 The operator shall conduct source test(s) for the pollutant(s) identified below.

Pollutant(s) to be tested	Required Test Method(s)	Sampling Time	Test Location
SOX emissions	AQMD Laboratory Method 307-91	District-approved averaging time	Fuel sample



**FACILITY PERMIT TO OPERATE
CANYON POWER PLANT**

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

VOC emissions	District Method 25.3 Modified	1 hour	Outlet of the SCR serving this equipment
PM emissions	District method 5.1	4 hours	Outlet of the SCR serving this equipment



FACILITY PERMIT TO OPERATE CANYON POWER PLANT

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

The PM emissions testing shall be conducted using South Coast AQMD Method 5.1 as described in Section 3.3 of the Delta Air Quality Services, Inc. protocol, dated September 27, 2013 and approved by the South Coast AQMD on October 10, 2013. The testing shall consist of one run with a sampling time of four hours minimum for the run. The PM emissions results will be considered to be a surrogate for the PM10 emissions.

As source testing methods and techniques evolve, a new protocol may be submitted and evaluated by the South Coast AQMD for approval in accordance with the procedure described below.

For PM (surrogate for PM10), the tests shall be conducted at least once every 18 months in order to verify compliance with the emission rate of 1.67 lb/hr PM10 at maximum load during normal operations. If all tests conducted over a three-year period comply with the 1.67 lb/hr limit for PM10, the facility shall have the option of reducing the source test frequency to once every three years.

For SO_x and VOC, the test shall be conducted at least once every three years. The South Coast AQMD shall be notified of the date and time of the test at least 10 days prior to the test.

The test shall be conducted to determine the oxygen levels in the exhaust. In addition, the tests shall measure the fuel flow rate (CFH), the flue gas flow rate, and the turbine generating output in MW.

The test shall be conducted in accordance with South Coast AQMD approved test protocol. The protocol shall be submitted to the South Coast AQMD engineer no later than 45 days before the proposed test date and shall be approved by the South Coast AQMD before the test commences..

The test protocol shall include the proposed operating conditions of the turbine during the tests, the identity of the testing lab, a statement from the testing lab certifying that it meets the criteria of Rule 304, and a description of all sampling and analytical procedures.



FACILITY PERMIT TO OPERATE CANYON POWER PLANT

SECTION D: FACILITY DESCRIPTION AND EQUIPMENT SPECIFIC CONDITIONS

The operator shall comply with the terms and conditions set forth below:

The test shall be conducted when this equipment is operating at loads of 100, 75, and 50 percent, with the exception of PM testing (surrogate for PM10). For PM, the test shall be conducted when this equipment is operating at a load of 100 percent.

For natural gas fired turbines only, for the purpose of demonstrating compliance with VOC BACT limits as determined by South Coast AQMD, the operator shall use South Coast AQMD Method 25.3 modified as follows:

- a) Triplicate stack gas samples extracted directly into Summa canisters, maintaining a final canister pressure between 400-500 mm Hg absolute,
- b) Pressurization of the Summa canisters with zero gas analyzed/certified to less than 0.05 ppmv total hydrocarbons as carbon, and
- c) Analysis of Summa canisters per the canister analysis portion of South Coast AQMD Method 25.3 with a minimum detection limit of 0.3 ppmv or less and reported to two significant figures. The temperature of the Summa canisters when extracting the samples for analysis shall not be below 70 F.

The use of this modified method for VOC compliance determination does not mean that it is more accurate than unmodified South Coast AQMD Method 25.3, nor does it mean that it may be used in lieu of South Coast AQMD Method 25.3 without prior approval, except for the determination of compliance with the BACT level of 2.0 ppmv VOC calculated as carbon for natural gas fired turbines.

For purposes of this condition, an alternative test method may be allowed for any of the above pollutants upon concurrence by South Coast AQMD, EPA, and CARB.

[RULE 1303(a)(1)-BACT, 5-10-1996; RULE 1303(a)(1)-BACT, 12-6-2002; RULE 1303(b)(2)-Offset, 5-10-1996; RULE 1303(b)(2)-Offset, 12-6-2002]

[Devices subject to this condition : D1, D7, D13, D19]

D82.1 The operator shall install and maintain a CEMS to measure the following parameters:

(Adopted January 9, 1976)(Amended January 5, 1990)(Amended December 3, 2004)

RULE 203. PERMIT TO OPERATE

- (a) A person shall not operate or use any equipment or agricultural permit unit, the use of which may cause the issuance of air contaminants, or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit to operate from the Executive Officer or except as provided in Rule 202.
- (b) **The equipment or agricultural permit unit shall not be operated contrary to the conditions specified in the permit to operate.**

- (F) public transit;
- (G) restaurants;
- (H) potable water delivery operations;
- (I) facilities located in the Riverside County portions of the Salton Sea and Mojave Desert Air Basins, except for a facility that has elected to enter the RECLAIM program pursuant to subparagraph (i)(2)(M); and
- (J) facilities that have permanently ceased operations of all sources before January 1, 1994.

(j) Rule Applicability

Facilities operating under the provisions of the RECLAIM program shall be required to comply concurrently with all provisions of District rules and regulations, except those provisions applicable to NO_x emissions under the rules listed in Table 1 adopted or amended prior to October 5, 2018, and those provisions applicable respectively to SO_x emissions of the listed District rules in Table 2 which have initial implementation dates in 1994. In addition, NO_x RECLAIM facilities are required to comply with all NO_x provisions in rules contained in Table 1 that are adopted or amended on or after October 5, 2018. The Facility Permit holder shall comply with all other provisions of the rules listed in Tables 1 and 2 relating to any other pollutant.

(b) Application Shield

Notwithstanding subdivision (a) of this rule, it is not a violation of this rule to operate a Title V facility or equipment located at a Title V facility without a Title V permit, provided that:

- (1) A timely and complete application for initial Title V permit issuance or Title V permit renewal for such facility or equipment has been filed with the Executive Officer; and,
- (2) The Executive Officer has not taken final action on the application.

For the purpose of an application shield, a timely and complete application is one that has been submitted in accordance with subdivisions (a) and (c) of Rule 3003. The application shield shall not apply if the permit applicant has failed to submit information required pursuant to subdivision (d) of this rule.

(c) Duty to Comply

- (1) **A person shall construct and operate a Title V facility and all equipment located at a Title V facility in compliance with all terms, requirements, and conditions specified in the Title V permit at all times.**
- (2) Any non-compliance with a Title V facility permit term, requirement, or condition is a violation of Regulation XXX and is a violation of the federal Clean Air Act if the permit term, requirement or condition is federally enforceable. Each day during any portion of which a violation occurs is a separate offense. Any non-compliance shall be grounds for:
 - (A) enforcement action (under the California Health & Safety Code and the federal Clean Air Act);
 - (B) permit termination;
 - (C) permit revocation and reissuance;
 - (D) permit revision; and
 - (E) denial of a permit renewal or revision application.
- (3) It shall not be a defense for a person in any of the actions listed in paragraph (c)(2) of this rule that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit, except as provided for in subdivision (g) of Rule 3002.
- (4) A permit may be revised, revoked, reopened and reissued, or terminated for cause as provided in Rule 3004 - Permit Types and Content, and Rule 3005 - Permit Revisions. The filing of a request by the holder of a Title V