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To: District Air Program Administrators
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From:  Joseph Kahn, Director
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Date: April 23, 2008

Subject: Guidance Regarding Timely and Complete Title V Permit Applications and Continued Operation of a Facility while Action is Pending on a Title V Permit Application

On March 16, 2008, Rule 62-213.420(1)(b)2., Florida Administrative Code (F.A.C.), was amended to conform the rule with the statutory language in 403.0872, Florida Statutes, which reads:

Any permitted air pollution source that submits a timely and complete application for a permit under this section is entitled to operate in compliance with its existing air permit pending the conclusion of proceedings associated with its application.

The rule now includes the phrase “and complete” as follows:

The application shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, application requirements of the CAIR Program, and applicable requirements of the Hg Budget Trading Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C.

This rule change should not change the way permitting or compliance authorities handle continued operation of a facility while action is pending on a Title V permit application.