

Rule Changes to the General Provisions of
40 CFR 63, Subpart A
PROPOSED January 3, 2007
Federal Register Volume 72, No.1, pages 69 through 92

The proposed rule effectively eliminates the 1995 John Sietz (OAQPS) memo, commonly referred to as the "Once In, Always In" policy, for major MACT sources. Here is how:

{63.1 (c) (6)} A major source may become an area source **at any time** by obtaining a permit that limits PTE of HAPS below major source.

Until a permit containing the new PTE limit becomes effective, the source remains subject to major source requirements.

After a permit with new PTE limits becomes effective, the source is subject to any applicable requirements for area sources.

{63.1 (c) (6) (i) (A)} A major source that becomes an area source by limiting its PTE, and then later increases its emissions and becomes a major source again, **must comply immediately with the major source requirements.**

exception: {63.1 (c) (6) (i) (B)} If the standard has been revised since the source was last a major, and in order to comply the source must make changes, install additional controls, and/or implement new control measures, then the source will have **up to** the same amount of time to comply as the amount of time allowed for **existing** sources subject to the revised standard.

{63.1 (c) (6) (ii)} A major source that becomes an area source by limiting its PTE must meet all applicable area source requirements **immediately upon the effective date of the permit containing the PTE limits**, if the first substantive compliance date for the area source standard has passed.

exception: Permitting authority may grant additional time, up to 3 years for those necessary changes

Moving from a major to an area source, or from an area to a major source, does not have an affect on any enforcement actions/investigation or consequences of any actions occurring prior to the switch.

Sources are still subject to notification requirements whenever there is a status change.