



Compliance Assistance Advisory

Advisory # 2023-03

Subject: Removal of Title V Emergency Affirmative Defense Provisions

Date: September 2023

Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program

This advisory is meant to inform all Title V facilities in Sacramento County of an update to federal regulations regarding the emergency affirmative defense provisions. Specifically, in response to prior court rulings, EPA has removed the emergency affirmative defense provisions from the Clean Air Act (CAA) permitting program regulations and requested all State, tribe, and local jurisdictions to update their Title V programs accordingly.

Sacramento Metropolitan Air Quality Management District's (District) [Rule 207 Title V Federal Operating Permit Program](#) will be updated to align with EPA's ruling and the emergency affirmative defense provisions will be removed. District-issued Title V permits will not be updated to remove the defense provisions language until renewed Title V permits are issued in accordance with their current renewal schedule. However, be aware that although current Title V permits will still contain the defense provisions language, the provisions themselves are no longer valid or applicable.

This change to the Title V permitting program came into effect on August 21, 2023. For more information on the updated regulation, please [visit the Federal Register](#) to view the ruling directly.

More Information

For questions regarding the Title V permitting program or changes to your Title V permit, please contact permitting at permitting@airquality.org. For questions about complying with your Title V permit please contact compliance@airquality.org.

Sac Metro Air District advisories are available online at:

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