

REGULATION II – PERMITS

RULE 200. PERMITS REQUIRED

Adopted: 09/05/74

- A. Authority to Construct. Before any person builds, erects, alters, or replaces any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, such person shall obtain a written authority to construct from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.
- B. Permit to Operate. Before any person operates or uses any article, machine, equipment or other contrivance which may cause the issuance of air contaminants, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer, or the Hearing Board for any such article, machine, equipment or contrivance described herein until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 212 and elsewhere in these Rules and Regulations.
- C. Review of Permits. The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any authority to construct or permit to operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.
- D. Post of Permit to Operate. A person who has been granted under Rule 200 (B) a permit to operate any article, machine, equipment, or other contrivance described in Rule 200 (B), shall firmly affix such permit to operate, or an approved facsimile or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.
- E. Alteration of Permit. A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.
- F. Control Equipment. Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices, or equipment of a particular type or design if the required emission standard may be consistently met by machinery, devices, equipment, product or process change otherwise available.

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RULE 201. EXEMPTIONS

Adopted: 09/05/74 Revised: 05/08/96

The exemptions contained in this Rule shall not apply to any new stationary source or modification as defined in Rule 209-A, (F), 2 and 3, which would emit any pollutants in excess of the quantities stated in Rule 209-A, (B), (2).

An authority to construct or a permit to operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable District Rules and Regulations.

- A. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.
- B. Vehicles used to transport passengers or freight.
- C. Equipment utilized, exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families.
- D. The following equipment:
 - 1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
 - 2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
 - 3. Piston type internal combustion engines.
 - 4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - 5. Equipment used exclusively for steam cleaning.
 - 6. Presses used exclusively for extruding metals, minerals, plastics or wood.
 - 7. Presses used for the curing of rubber products and plastic products.
 - 8. Equipment used exclusively for space heating other than boilers.
 - 9. Equipment used for hydraulic or hydrostatic testing.
 - 10. All sheet-fed printing presses and all other printing presses without dryers.
 - 11. Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:

- a. Sulfuric acid with an acid strength of 99 percent or less by weight.
 - b. Phosphoric acid with an acid strength of 99 percent or less by weight.
12. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.
 13. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.
 14. Equipment used exclusively to mill or grind coatings and molding compound where all materials charged are in a paste form.
 15. Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.
 16. Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.
 17. Equipment used exclusively for bonding lining to brake shoes.
 18. Lint traps used exclusively in conjunction with dry cleaning tumblers.
 19. Equipment used in eating establishments for the purpose of preparing food for human consumption.
 20. Equipment used exclusively to compress or hold dry natural gas.
 21. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
 22. Shell core and shell mold manufacturing machines.
 23. Molds used for the casting of metals.
 24. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.
 25. Batch mixers of five cubic feet rated working capacity or less.
 26. Equipment used exclusively for the packaging of lubricants or greases.
 27. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
 28. Ovens used exclusively for the curing of vinyl plastisols by the closed molding curing process.
 29. Equipment used exclusively for conveying and storing plastic pellets.

30. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.
 31. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.
 32. Platen presses used for laminating.
 33. Equipment used exclusively to grind, blend or package tea, cocoa, spices or roasted coffee.
- E. The following equipment or any exhaust system or collector serving exclusively such equipment:
1. Blast cleaning equipment using a suspension of abrasive in water.
 2. Ovens, mixers and blenders used in bakeries where products are edible and intended for human consumption.
 3. Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.
 4. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.
 5. Equipment used for inspection of metal products.
 6. Confection cookers where the products are edible and intended for human consumption.
 7. Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.
 8. Die casting machines.
 9. Atmospheric generators used in connection with metal heat treating processes.
 10. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
 11. Brazing, soldering or welding equipment.
 12. Equipment used exclusively for the sintering of glass or metals.
 13. Equipment used for buffing (except automatic or semi-automatic tire buffers), or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite.

14. Equipment used for carving, cutting, drilling, surface grinding, liquefied, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.
 15. Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching, (does not include chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc and precious metals.
 16. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.
 17. Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.
 18. Foundry sand mold forming equipment to which no heat is applied.
 19. Ovens used exclusively for curing potting materials or castings made with epoxy resins.
 20. Equipment used to liquefied or separate oxygen, nitrogen or the rare gases from the air.
 21. Equipment used for compression molding and injection molding of plastics.
 22. Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.
 23. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.
 24. Roll mills or liquefied for rubber or plastics where no organic solvents, diluents or thinners are used.
 25. Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 201.
- F. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 15 million British Thermal Units (BTU) per hour (gross), and are fired exclusively with natural gas or liquefied petroleum gas or any combination thereof.
- G. Natural draft hoods, natural draft stacks or natural draft ventilators.
- H. Containers, reservoirs or tanks used exclusively for:
1. Dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents or thinners are used.

2. Dipping operations for applying coatings of natural synthetic resins which contain no organic solvents.
 3. Storage of liquefied gases.
 4. Unheated storage of organic materials with an initial boiling point of 300 F or greater.
 5. The storage of fuel oils with a gravity of 25 API or lower.
 6. The storage of lubricating oils.
 7. The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less.
 8. The storage of liquid soaps, liquid detergents, waxes, wax emulsions, or vegetable oils.
 9. Asphalt Melting Kettles or molten asphalt holding tanks with less than 250 gallon capacity.
 10. Unheated solvent dispensing containers, unheated non-conveyorized coating dip tanks of 250 gallon capacity or less.
 11. Storage of gasoline in underground tanks having a capacity of 250 gallons or less or installed prior to December 31, 1970.
- I. Equipment used exclusively for heat treating glass or metals, or used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siloconizing or diffusion treating of metal objects.
- J. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are held in a molten state:
1. Aluminum or any alloy containing over 50 percent aluminum.
 2. Magnesium or any alloy containing over 50 percent magnesium.
 3. Lead or any alloy containing over 50 percent lead.
 4. Tin or any alloy containing over 50 percent tin.
 5. Zinc or any alloy containing over 50 percent zinc.
 6. Copper.
 7. Precious metals.

- K. Furnaces for the melting of lead or any alloy, or the holding of lead or any alloy in a molten state where the metal is used exclusively in printing processes.
- L. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.
- M. Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.
- N. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- O. Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate has previously been granted for such equipment under Rule 200; however, this exception shall not be applicable to equipment or air pollution control equipment with respect to the loading of gasoline into stationary tanks (Rule 419).
- P. Open Burn/Open Detonation Operations on Military Bases, provided the operation complies with the requirements of Rules 217 and 432.

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RULE 202. TRANSFER

Adopted: 09/05/74

An authority to construct or permit to operate shall not be transferable, by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

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RULE 203. APPLICATIONS

Adopted: 08/20/79

Any person who desires to construct a new stationary source or modify an existing stationary source for which district regulations require an authority to construct shall file an application in writing with the Air Pollution Control Officer, except as provided in Section (E) of Rule 209A. Such application shall contain the information required pursuant to District regulations and the list and criteria adopted pursuant to 'AB 884' regarding information requirements.

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RULE 204. CANCELLATION OF APPLICATIONS

Adopted: 09/05/74

An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct; provided, however, that when a period of longer than two years is stated in the application to be required for the construction, the authority to construct shall expire and the application shall be cancelled upon the expiration of the stated construction period, but in any event not later than five years from the date of issuance of the authority to construct.

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RULE 205. ACTION AND APPLICATIONS

Adopted: 08/20/79

- A. The Air Pollution Control Officer shall determine whether the application is complete not later than 30 calendar days after receipt of the application, or after such longer time as both the applicant and the Air Pollution Control Officer may agree. Such determination shall be transmitted in writing immediately to the applicant at the address indicated on the application. If the application is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete. Upon receipt by the Air Pollution Control Officer of any resubmittal of the application, a new 30-day period in which the Air Pollution Control Officer must determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the requirements set forth in District regulations adopted pursuant to AB 884 regarding information requirements as it exists on the date on which the application or resubmitted application was received. After the Air Pollution Control Officer accepts an application as complete, the Air Pollution Control Officer shall not subsequently request of an applicant any new or additional information which was not specified in the Air Pollution Control Officer's list of items to be included within such applications. However, the Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information required in such list in effect at the time the complete application was received. Making any such request does not waive, extend, or delay the time limits in this rule for decision on the completed application, except as the applicant and Air Pollution Control Officer may both agree.
- B. Following acceptance of an application as complete, the Air Pollution Control Officer shall:
1. Perform the evaluations required to determine compliance with this rule and make a preliminary written decision as to whether an authority to construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis.
 2. Within 10 calendar days following such decision, publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating the preliminary decision of the Air Pollution Control Officer and where the public may inspect the information required to be made available under Subsection (3). The notice shall provide 30 days from the date of publication for the public to submit written comments on the preliminary decision.
 3. At the time notice of the preliminary decision is published, make available for public inspection at the Air Pollution Control District's office, the information submitted by the applicant, the Air Pollution Control Officer's supporting analysis for the preliminary decision, and the preliminary decision to grant or deny the authority to construct, including any proposed permit conditions, and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code and relevant sections of the Administrative Code of the State of California.
 4. No later than the date of publication of the notice required by Subsection (2), forward the analysis, the preliminary decision, and copies of the notice to the Air

Resources Board (attn: Chief, Stationary Source Control Division) and the Regional Office of the U.S. Environmental Protection Agency.

5. Consider all written comments submitted during the 30 day public comment period.
 6. Within 180 days after acceptance of the application as complete, take final action on the application after considering all written comments. The Air Pollution Control Officer shall provide written notice of the final action to the applicant, the Environmental Protection Agency, and the California Air Resources Board, shall publish such notice in a newspaper of general circulation, and shall make the notice and all supporting documents available for public inspection at the Air Pollution Control District's office.
- C. The public notice and reporting requirements set forth in Subsections B(2) and B(6) shall not be required for any permit which does not include conditions requiring the control of emissions from an existing source.

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RULE 206. MONITORING FACILITIES

Adopted: 09/05/74

- A. A person operating or using any article, machine equipment or other contrivance which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants, shall, upon written notice from the Air Pollution Control Officer, install and maintain in good working order and operation, monitoring devices that will determine and record the nature, extent, quantity or degree of air contaminants discharged into the atmosphere by such article, machine, equipment or other contrivance.
- B. The records of the data obtained from the monitoring devices specified in paragraph A above shall be kept for a period of two years and shall be made available, upon request, to the Air Pollution Control Officer.
- C. A person operating a monitoring device specified in paragraph A above shall, upon written notice from the Air Pollution Control Officer, periodically provide a summary of the data in the form prescribed by the Air Pollution Control Officer.

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RULE 207. INSTACK MONITORING - 100 TPY SOURCES

Adopted: 09/05/74 Revised: 05/12/93

A person operating or using any article, machine, equipment, or other contrivance for which these rules require a permit and which emits into the atmosphere 100 tons or more per year of non-methane hydrocarbons, oxides of nitrogen, oxides of sulfur, reduced sulfur compounds, particulate matter or more per year of carbon monoxide shall install and maintain in good operational conditions continuous monitoring devices for the pollutants and sources designated.

TABLE I - PERFORMANCE SPECIFICATIONS	
A. Monitoring System for SO ₂ and NO _x	
<u>Parameter</u>	<u>Specification</u>
Accuracy*	< 20% of the mean value of the reference method test data
Calibration Error*	< 5% of each (50%, 90%) Calibration gas mixture value
Zero Drift (2 hour)*	2% of span
Zero Drift (24 hour)*	2% of span
Calibration drift (2-hour)*	2% of span
Calibration Drift (24-hour)*	2.5% of span
Response Time	15 minutes maximum
Operational Period	168 hours minimum
B. Monitoring System for O ₂ or CO ₂	
<u>Parameter</u>	<u>Specification</u>
Zero drift (2 hours)*	< 0.4% O ₂ or CO ₂
Zero drift (24 hours)*	< 0.5% O ₂ or CO ₂
Calibration drift (2 hours)*	< 0.4% O ₂ or CO ₂
Calibration drift (24-hour)*	< 0.5% O ₂ or CO ₂
Operational period	168 hours minimum
Response time	10 minutes

* Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

RULE 209-A. STANDARDS FOR AUTHORITIES TO CONSTRUCT

Adopted: 08/20/79 Revised: 03/17/93, 05/12/93

A. GENERAL

The Air Pollution Control Officer shall deny an authority to construct for any new stationary source or modification, or any portion thereof, unless:

1. The new source or modification, or applicable portion thereof, complies with the provisions of this rule and all other applicable District rules and regulations and Sections 44300 (et. seq.) of the California Health and Safety Code.
2. The applicant certifies that all other stationary sources in the State which are owned or operated by the applicant are in compliance, or are on approved schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act (42 USC 7401 et. seq.) and all applicable emission limitations and standards which are part of the State Implementation Plan approved by the Environmental Protection Agency.

B. APPLICABILITY AND EXEMPTIONS

1. This rule (excluding Section D) shall apply to all new stationary sources and modifications which are required pursuant to District rules to obtain a permit to construct.
2. Section (D) of this rule shall apply to new stationary sources and modifications which result in either:
 - a. A net increase in emissions of 250 or more pounds during any day of any pollutant for which there is a national ambient air quality standard (excluding carbon monoxide and particulate matter), or any precursor of such a pollutant; or
 - b. A net increase in carbon monoxide emissions which the Air Pollution Control Officer determines would cause the violation of any national ambient air quality standard for carbon monoxide at the point of maximum ground level impact; or
 - c. A net increase in emissions of 250 or more pounds during any day of particulate matter, measured as total suspended particulate from new stationary sources; or
 - d. A net increase in emissions of 80 or more pounds during any day of particulate matter measured as PM-10 (particulate matter with a nominal aerodynamic diameter less than 10 microns) from a modification to an existing stationary source that has net emissions of 250 pounds or more per day of particulate matter measured as total suspended particulate prior to the modification.
3. Any new stationary source or modification which receives a permit to construct pursuant to this rule and complying with the following two conditions shall be

deemed as having met the provisions of Part C of the Clean Air Act, as amended in 1977, and any regulations adopted pursuant to those provisions.

- a. Net emissions increase of all pollutants for which there is a national ambient air quality standard, and all precursors of such pollutants, shall be mitigated (offset) by reduced emissions from existing stationary or nonstationary sources. Emissions reductions shall be sufficient to offset any net emissions increase and shall take effect at the time of, or before, initial operation of the new source, or within 90 days after initial operations of a modification.
 - b. The applicant shall demonstrate, to the satisfaction of the Air Pollution Control Officer, that the proposed new source or modification will not have a significant air quality impact on any Class I area in cases where either the Air Pollution Control Officer, the Air Resources Board, or the U. S. Environmental Protection Agency requests such a demonstration at any time during the district's review of the application for an authority to construct or within 30 days of the public notice of the Air Pollution Control Officer's decision on the application.
4. Notwithstanding the provisions of Section (B)(2), the Air Pollution Control Officer shall exempt from Section(D)(2) any new source or modification:
- a. Which will be used exclusively for providing essential public services, such as schools, hospitals, or police and fire fighting facilities, but specifically excluding sources of electrical power generation other than for emergency standby use at essential public service facilities.
 - b. Which is exclusively a modification to convert from use of a gaseous fuel to a liquid fuel because of a demonstrable shortage of gaseous fuels, provided the applicant establishes to the satisfaction of the Air Pollution Control Officer that it has made its best efforts to obtain sufficient emissions offsets pursuant to Section (D) of this rule, that such efforts had been unsuccessful as of the date the application was filed and the applicant agrees to continue to seek the necessary emissions offsets until construction on the new stationary source or modification begins. This exemption shall only apply if, at the time the permit to operate was issued for the gas burning equipment, such equipment could have burned the liquid fuel without additional controls and been in compliance with all applicable district regulations.
 - c. Which is portable sandblasting equipment used on temporary basis within the District.
 - d. Which uses innovative control equipment or processes which will likely result in a significantly lower emission rate from the stationary source than would have occurred with the use of previously recognized best available control technology, and which can be expected to serve as a model for technology to be applied to similar stationary sources within the state resulting in a substantial air quality benefit, provided the applicant establishes by modeling that the new stationary source or modification

will not cause the violation of any national ambient air quality standard at the point of maximum ground level impact. This exemption shall apply only to pollutants which are controlled by the innovative control equipment or processes. The Air Pollution Control Officer shall obtain written concurrence from the Executive Officer of the Air Resources Board prior to granting an exemption pursuant to this subsection.

- e. Which is a cogeneration project, a project using refuse-derived or biomass-derived fuels for energy generation, or a resource recovery project using municipal wastes, provided:
 - (1) the applicant establishes by modeling that the new source or modification will not cause a new violation of any national ambient air quality standard at the point of maximum ground level impact; and
 - (2) the District has established an alternative energy project offset bank which contains sufficient credits to offset the net increase in emissions from the new source modification to the extent required by Section (D)(2). For each exemption granted pursuant to this subsection, and notwithstanding Section (D) (2) (d), credits shall be withdrawn from the alternative energy project offset bank to offset the net increase in emissions from the new source or modification at a ratio of 1.2:1.

In order to establish and maintain the alternative energy project offset bank, the District may adopt rules or permit conditions which result in the cost/effective control of emissions from stationary sources throughout the District. The District shall include in the offset bank any power plant emission reductions which result from orders of the California Energy Commission or the California Public Utilities Commission. Emissions reductions which result from measures required to achieve and maintain any national ambient air quality standard, and reductions which have been proposed to offset the impact of another new source or modification for which the District has received an application, shall not be included in the offset bank. The offset bank shall not be used to offset the emissions from those portions of a new source or modification which are not directly related to energy generation.

- f. Which consists solely of the installation of air pollution control equipment which, when in operation, will directly control emissions from an existing source.
- g. Which wishes to construct in an area which has a lack of major industrial development or an absence of significant industrial particulate emissions and low urbanized population as long as the source can comply with BACT and applicable Federal, State and District emission regulations; and the impact of the emissions plus emissions from other stationary sources in the vicinity of the proposed location, along with non-rural fugitive background, will not cause a violation of state or national ambient

air quality standards. This exemption shall apply only to particulate emissions.

C. CALCULATION OF EMISSIONS

1. The maximum design capacity of a new stationary source or modification shall be used to determine the emissions from the new source or modification unless the applicant, as a condition to receiving permits to construct and operate such new source or modification, agrees to limitations on the operations of the new source or modification, in which event the limitations shall be used to establish the emissions from the new source or modification.
2. The emissions from an existing source shall be based on the specific limiting conditions set forth in the source's authority to construct and permit to operate, and, where no such conditions are specified, on the actual operating conditions of the existing source averaged over the three consecutive years immediately preceding the date of application, or such shorter period as may be applicable in cases where the existing source has not been in operation for three consecutive years. If violations of laws, rules, regulations, permit conditions, or orders of the District, the California Air Resources Board, or the Federal Environmental Protection Agency occurred during the period used to determine the operating conditions, then adjustments to the operating conditions shall be made to determine the emissions the existing source would have caused without such violations.
3. The net increase in emissions from new stationary sources and modifications which are not seasonal sources shall be determined using yearly emissions profiles. Yearly emissions profiles for an existing or proposed stationary source or modification shall be constructed by plotting the daily emission from such source in descending order.

A separate profile shall be constructed for each pollutant. If, for example, a source emits 750 lbs. of NO_x one day per week, 500 lbs. of NO_x two days per week and 250 lbs. of NO_x on the remaining 4 days each week, then the profile will consist of 52 days at 750 lbs./day, followed by 104 days at 500 lbs./day, and then 208 days at 250 lbs./day, as shown in Figure 1. The net increase in emissions from a modification to an existing source shall be determined by comparing the yearly emissions profiles for the existing source to the yearly emissions profiles for the proposed source after modification. A net increase in emissions exists whenever any part of an emissions profile for a modified source exceeds the emissions profile for the existing source.

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4. The net increase in emissions from new stationary sources and modifications which are seasonal sources shall be determined using yearly and quarterly emissions profiles.

Quarterly emissions profiles shall be constructed by plotting the daily emissions from an existing or proposed seasonal facility in descending order for the continuous 90 day period during which the greatest emissions from the proposed new or modified source will occur. Yearly emissions profiles shall be constructed as described in Section (C)(3). A separate profile shall be constructed for each pollutant.

The net increase in emissions from a modification to an existing seasonal source shall be determined by comparing the yearly and quarterly emissions profiles for the existing source to the yearly and quarterly emissions profiles for the proposed source after modification. A net increase in emissions exists whenever any part of an emissions profile for the modified source exceeds the emissions profile for the existing source.

5. When computing the net increase in emissions for modifications, the Air Pollution Control Officer shall take into account the cumulative net emissions changes which are represented by authorities to construct associated with the existing stationary source and issued pursuant to this rule or an equivalent regulation, excluding any emissions reductions required to comply with federal, state or district laws, rules or regulations.

D. BEST AVAILABLE CONTROL TECHNOLOGY AND MITIGATION REQUIREMENTS

1. Best Available Control Technology

All new stationary sources and modifications subject to this section, excluding cargo carriers, shall be constructed using best available control technology.

2. Mitigation

- a. For all new stationary sources and modifications subject to this section, mitigation shall be required for net emissions increases (i.e. increases after the application of best available control technology):

- (1) of each pollutant for which a national ambient air quality standard was exceeded within the air basin more than three discontinuous times (or, for annual standards, more than one time) within the three years immediately preceding the date when the application for the authority to construct was filed, and for all precursors of such pollutants; provided, however, that mitigation of net emission increases of sulfur oxides, total suspended particulates or carbon monoxide shall not be required if the applicant demonstrates through modeling that emissions from the new source or modification will not cause a new violation of any national ambient air quality standard for such pollutants, or make any existing

violation of any such standard worse, at the point of maximum ground level impact.

- (2) not subject to Subsection (1) but which the Air Pollution Control Officer determines would cause a new violation of any national ambient air quality standard, or would make any existing violation of any such standard worse, at the point of maximum ground level impact. Emissions reductions required as a result of this subsection must be shown through modeling to preclude the new, or further worsening of any existing, violation of any national ambient air quality standard that would otherwise result from the operation of the new source or modification, unless such reductions satisfy the requirements of Section (D)(2)(b).
- b. Net emissions increases subject to Section (D)(2)(1) shall be mitigated (offset) by reduced emissions from existing stationary or nonstationary sources. Emissions reductions shall be sufficient to offset any net emissions increase and shall take effect at the time, or before initial operation, of the new source, or within 90 days after initial operation of a modification.
 - c. Emissions offset profiles shall be used to determine whether proposed offsets mitigate the net emissions increases from proposed new sources or modifications.
 - (1) For all offset sources, a yearly emissions offset profile shall be constructed in a manner similar to that used to construct the yearly emissions profile for the proposed new or modified source. Daily emissions reductions which will result from the further control of such sources shall be plotted in descending order. A separate profile shall be constructed for each pollutant. Seasonal offsets shall not be used to mitigate the emissions from nonseasonal sources.
 - (2) In addition, for seasonal offset sources, a quarterly emissions offset profile shall be constructed for the same time period and in the same manner as that used to construct the quarterly emissions profile for the proposed new or modified source. Daily emissions reductions which will result from further control of existing sources shall be plotted on the quarterly offset profile in descending order. A separate profile (which may cover different months) shall be plotted for each pollutant.
 - (3) Adjusted emissions offset profiles shall be constructed by dividing each entry used in the construction of the emissions offset profiles by the offset ratio determined in Subsection (d).
 - (4) The adjusted emission offset profiles shall be compared with the emissions profiles to determine whether net emissions increases have been mitigated at all points on the profiles. For example, if emissions offsets of 900 lbs/day on 5 days per week, and 325

lbs/day the remaining 2 days per week are proposed for the new source described in Figure 1, the emissions offset profile would be as shown in Figure 2a. Further, if the offset ratio determined pursuant to Subsection (d) were 1.2:1, an adjusted emissions offset profile would be constructed as shown in Figure 2b. Finally, the adjusted emissions offset profile would be compared with the emissions profile, as shown in Figure 2c, to determine whether the net increase had been mitigated at all points on the profile.

- d. A ratio of emissions offsets to emissions from the new source or modification (offset ratio) of 1.2:1 shall be required for emissions offsets located either:
- (1) Upwind in the same or adjoining counties: or
 - (2) Within a 15 mile radius of the proposed new source or modification.

For emissions offsets located outside of the areas described above, the applicant shall conduct modeling to determine an offset ratio sufficient to show a net air quality benefit in the area affected by emissions from the new source or modification. Notwithstanding any other provision of this section the yearly emissions profiles and the yearly emissions offset profiles for a source subject to this section may be constructed based on the daily emissions from the source averaged on a monthly basis. In such event an offset ratio of 2.0:1 shall be required.

- e. If an applicant certifies that the proposed new source or modification is a replacement for a source which was shut down or curtailed after February 16, 1978, emissions reductions associated with such shutdown or curtailment may be used as offsets for the proposed source, subject to the other provisions of this section.

Sources which were shut down or curtailed prior to February 16, 1978 may be used to offset emissions increases for replacements for such sources, subject to the other provisions of this section provided:

- (1) The shutdown or curtailment was made in good faith pursuant to an established plan approved by the Air Pollution Control Officer for replacement and emissions control, and in reliance on air pollution laws, rules and regulations applicable at the time; and
- (2) The applicant demonstrates to the satisfaction of the Air Pollution Control Officer that there was good cause (which may include business or economic conditions) for delay in construction of the replacement facilities.

- f. Notwithstanding any other provisions of this section any emissions reductions not otherwise authorized by this rule may be used as offsets of emissions increases from the proposed source provided the applicant

demonstrates that such reductions by emissions from the new source or modification, and provided the written concurrence of the ARB is obtained.

- g. Emissions reductions resulting from measures required by adopted federal, state, or district laws, rules or regulations shall not be allowed as emissions offsets unless a complete application incorporating such offsets was filed with the District prior to the date of adoption of the laws, rules or regulations.
- h. The Air Pollution Control Officer shall allow emissions reductions which exceed those required by this rule for a new source or modification to be banked for use in the future by the applicant. Such reductions may be used only to offset emissions increases from proposed new sources or modifications owned or operated by the applicant within 15 miles of the site where the reductions occurred. All such reductions, when used as offsets for the increased emissions from a proposed new source or modification, shall be used in accordance with the other provisions of this Section.
- i. For all power plants subject to Section (E), the applicant may, upon written notice to the Air Pollution Control Officer and the Executive Officer of the Air Resources Board, establish an emissions offset bank for a specific power plant at a specific location. The emissions offset bank shall be established no earlier than the date the applicant's Notice of Intention for the power plant is accepted by the California Energy Commission. The emissions offset bank shall lapse if the Commission rejects the applicable power plant or site; however, in such case the applicant may transfer the emissions offsets contained in the bank to another power plant and location for which the Commission has accepted a Notice of Intention. Emission offsets may be deposited in the bank only by the applicant to construct the power plant, and all emissions offsets contained in the bank shall be used in accordance with Section (D)(2).
- j. If an applicant for a resource recovery project using municipal waste demonstrates to the satisfaction of the Air Pollution Control Officer that the most likely alternative for treating such waste would result in an increase in emissions allowed under existing district permits and regulations, those emissions increases which would not occur as a result of the resource recovery project may be used to offset any net emissions increase from the resource recovery project in accordance with the other provisions of this section.
- k. Emissions reductions of one precursor may be used to offset emissions increases of another precursor of the same secondary pollutant provided the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the net emissions increase of the latter precursor will not cause a new violation, or contribute to an existing violation, of any national ambient air quality standard at the point of maximum ground level impact. The ratio of emission reductions between precursor pollutants of the same secondary pollutant shall be determined by the Air

Pollution Control Officer based on existing air quality data and subject to the approval of the Air Resources Board.

E. POWER PLANTS

This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) of Application for Certification (AFC) has been accepted by the California Energy Commission. The Air Pollution Control Officer pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, including lost fees, incurred in order to comply with the provisions of this section.

1. Within fourteen days of receipt of an NOI, the Air Pollution Control Officer shall notify the ARB and the Commission of the District's intent to participate in the NOI proceedings. If the District chooses to participate in the NOI proceeding, the Air Pollution Control Officer shall prepare and submit a report to the ARB and the Commission prior to the conclusion of the nonadjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:
 - a. A preliminary specific definition of best available control technology (BACT) for the proposed facility;
 - b. A preliminary discussion of whether there is substantial likelihood that the requirements of this rule and all other District regulations can be satisfied by the proposed facility;
 - c. A preliminary list of conditions which the proposed facility must meet in order to comply with this rule or any other applicable district regulation.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

2. Upon receipt of an Application for Certification (AFC) for a power plant, the Air Pollution Control Officer shall conduct a Determination of Compliance review. This Determination shall consist of a review identical to that which would be performed if an application for an authority to construct had been received for the power plant. If the information contained in the AFC does not meet the requirements of Section (E) of this rule, the Air Pollution Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal.
3. The Air Pollution Control Officer shall consider the AFC to be equivalent to an application for an authority to construct during the Determination of Compliance review, and shall apply all provisions of this rule which apply to applications for an authority to construct.
4. The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Air Pollution Control Officer is unable to obtain the information, the Air Pollution

Control Officer may petition the presiding Commissioner for an order directing the applicant to supply such information.

5. Within 180 days of accepting an AFC as complete, the Air Pollution Control Officer shall make a preliminary decision on:
 - a. Whether the proposed power plant meets the requirements of this rule and all other applicable district regulations; and
 - b. In the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.
6. The preliminary written decision made under Subsection (5) shall be treated as a preliminary decision under Subsection (G)(2)(a) of this rule, and shall be finalized by the Air Pollution Control Officer only after being subject to the public notice and comment requirements of Subsection (G)(2)(b) through (G)(2)(f). The Air Pollution Control Officer shall not issue a Determination of Compliance unless all requirements of this rule are met.
7. Within 240 days of the filing date, the Air Pollution Control Officer shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall so inform the Commission. A Determination of Compliance shall confer the same rights and privileges as an authority to construct only when and if the Commission approves the AFC, and the Commission certificate includes all conditions of the Determination of Compliance.
8. Any applicant receiving a certificate from the Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a permit to operate by the Air Pollution Control Officer.

F. DEFINITIONS

1. "Best Available Control Technology (BACT)" means for any source the more stringent of:
 - a. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or
 - b. Any other emissions control technique found, after public hearing, by the Air Pollution Control Officer or the Air Resources Board to be technologically feasible and cost/effective for such class or category of sources or for a specific source; or
 - c. The most effective emission limitation which the EPA certifies is contained in the implementation plan of any State approved under the Clean Air Act for such class or category or source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable.

In no event shall the emission rate reflected by the control technique or limitation exceed the amount allowable under applicable new source performance standards.

2. "Modification" means any physical change in, change in method of operation of, or addition to an existing stationary source, except that routine maintenance or repair shall not be considered to be a physical change. A change in the method of operation, unless previously limited by an enforceable permit condition, shall not include:
 - a. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.
 - b. An increase in the hours of operation.
 - c. Change in ownership of a source.
3. "Stationary Source" means any aggregation of air- contaminant-emitting equipment which includes any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated, or under shared entitlement to use by the same person. Items of air-contaminant-emitting equipment shall be considered aggregated into the same stationary source, and items of non-air-contaminant-emitting equipment shall be considered associated with air-contaminant-emitting equipment only if:
 - a. The operation of each item of equipment is dependent upon, or affects the process of, the other; and
 - b. The operation of all such items of equipment involves a common raw material or product.

Emissions from all such aggregated items of air-contaminant-emitting equipment and all such associated items of non-air-contaminant-emitting equipment of a stationary source shall be considered emissions of the same stationary source. The emissions from all cargo carriers (excluding motor vehicles) while operating within the Air Basin which load or unload at the source shall be considered as emissions from the stationary source.

4. "Precursor" means a directly emitted pollutant that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards. The following precursor-secondary pollutant relationships shall be used for purposes of this rule:

Precursors

Hydrocarbons and substituted
Hydrocarbons (reactive organic gases)

Nitrogen oxides (NO_x)

Sulfur oxides (SO_x)

Secondary Pollutants

a. photochemical oxidant (ozone)

b. the organic fraction of suspended
particulate matter

a. Nitrogen dioxide (NO₂)

b. the nitrate fraction of suspended
particulate matter

a. sulfur dioxide (SO₂)

b. sulfates (SO₄)

c. the sulfate fraction of suspended
particulate matter

5. "Seasonal source" means any source with more than 75 percent of its annual operating hours within a consecutive 90-day period.
6. The "upwind" area shall be bounded by a line drawn perpendicular to the predominant wind flow line passing through or nearest to the site of the new source or modification and extending to the boundaries of the same or adjoining counties within the same air basin except where the APCO determines that for reasons of topography or meteorology such a definition is inappropriate.
7. "Modeling" means using an air quality simulation model, based on specified assumptions and data, which has been approved in writing by the Executive Officer of the Air Resources Board.

G. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

Figures: Rule 209-A

Figure 1.	§C.3.	Calculation of Emissions
Figure 2a.	§D.2.c.(4)	Best Available Control Technology and Mitigation Requirements
Figure 2b.	§D.2.c.(4)	Best Available Control Technology and Mitigation Requirements
Figure 2c.	§D.2.c.(4)	Best Available Control Technology and Mitigation Requirements

Daily Emissions

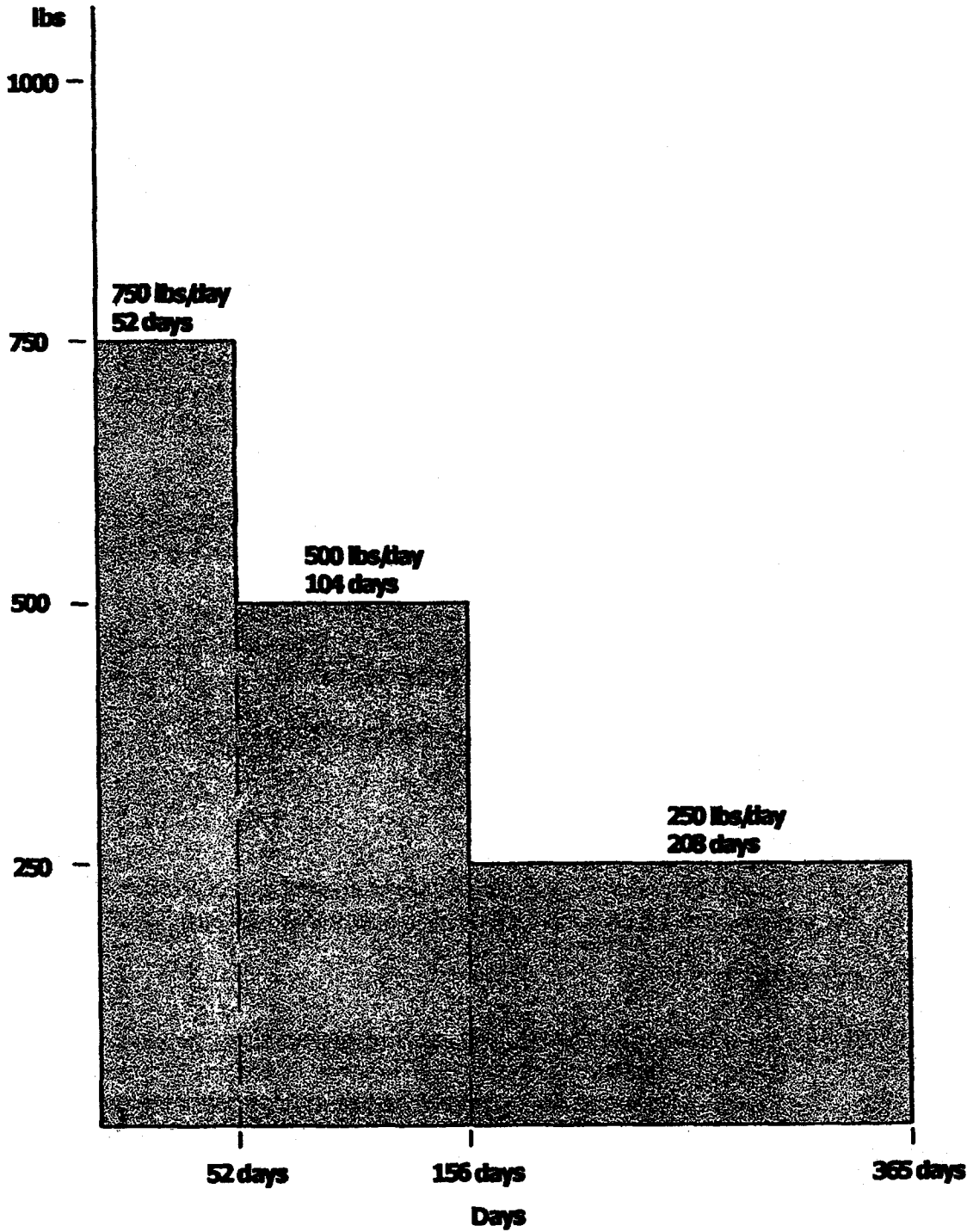


Figure 1. Yearly emissions profile

Daily Emissions

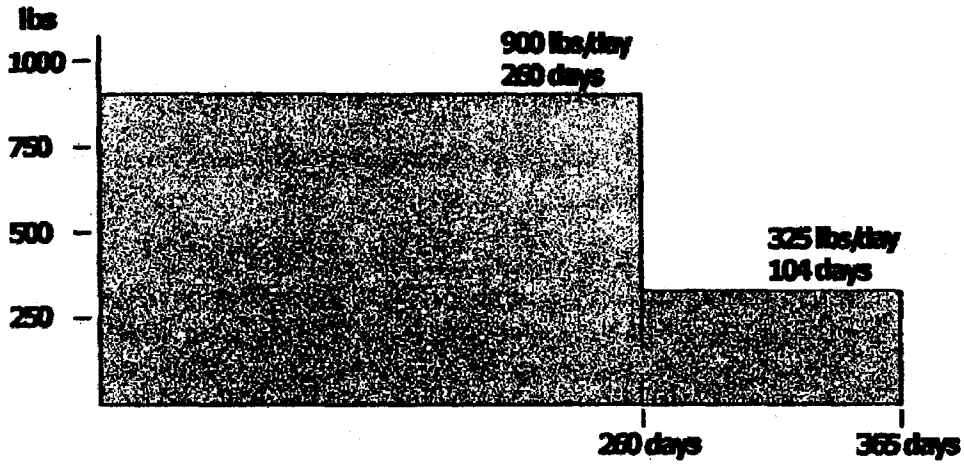


Figure 2a. Emission offset profile

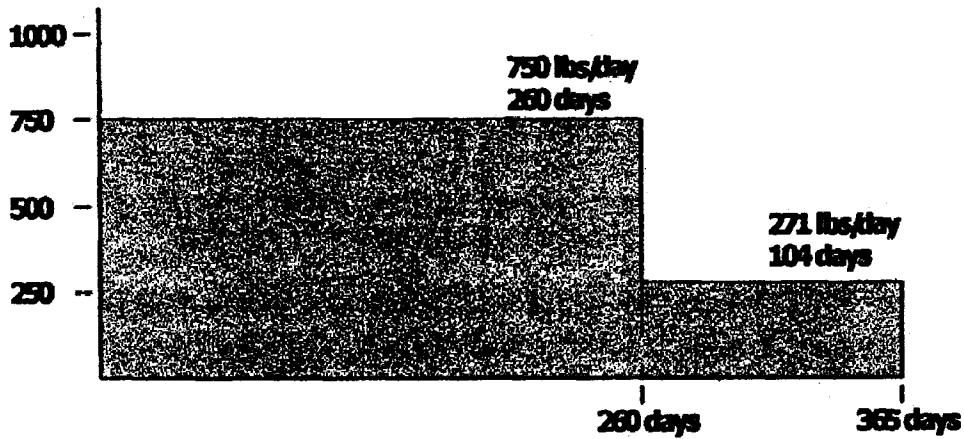


Figure 2b. Adjusted emission offset profile

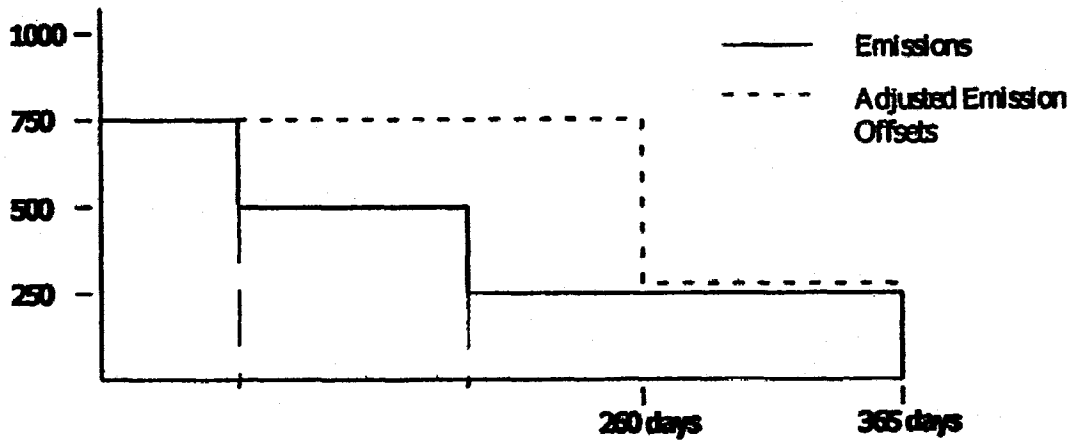


Figure 2c. Comparison of emission profile and adjusted emissions offset profile

RULE 209-B. STANDARDS FOR PERMITS TO OPERATE

Adopted: 08/20/79 Revised: 05/12/93

A. GENERAL

The Air Pollution Control Officer shall deny a permit to operate for any new or modified stationary source or any portion thereof to which Rule 209-A applies unless:

1. The owner or operator of the source has obtained an authority to construct granted pursuant to Rule 209-A; and
2. The Air Pollution Control Officer has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective authorities to construct under Rule 210; and
3. The Air Pollution Control Officer has determined that any offsets required as a condition of the authority to construct will commence at the time of or prior to initial operations of the new source or modification, and that the offsets will be maintained throughout the operation of the new or modified source. In the case of new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the Air Pollution Control Officer may allow a maximum of ninety (90) days as a start-up period for simultaneous operation of the existing stationary source and the new stationary source or replacement; and
4. The Air Pollution Control Officer has determined that all conditions specified in the authority to construct have been or will be likely complied with by any dates specified.

B. REQUIREMENTS

The Air Pollution Control Officer shall require as a condition for the issuance of any permit to operate for a new or modified source, that the source and any offset source be operated consistent with any conditions imposed on their respective authorities to construct under Rule 210, and Section 44300 (et. seq.) of the California Health and Safety Code.

C. PROCEDURES

1. The Air Pollution Control Officer shall perform the evaluations required to determine compliance with this rule and shall take final action to approve, approve with conditions, or disapprove any permit to operate a new or modified stationary source or any portion thereof to which Rule 209-A applies within 60 days after receipt of an application for such a permit.
2. In the event that the Air Pollution Control Officer fails to take final action on such written request within such 60-day period, such failure to act shall be deemed denial of such permit to operate and may be appealed to the District Hearing Board.

C. EXEMPTIONS

The Air Pollution Control Officer shall exempt from the provisions of this Rule any stationary source which is a continuing operation, without modification or change in operating conditions, when a permit to operate is required solely because of permit renewal or change of ownership.

E. DEFINITIONS

The definitions contained in Rule 209-A shall be applicable to this rule.

F. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.

RULE 209-C. TEMPORARY PERMITS TO OPERATE

Adopted: 09/05/74

Whenever necessary and appropriate to ensure compliance with all applicable conditions prior to the issuance of a permit to operate a new or modified source, a temporary permit to operate will be issued. The temporary permit to operate shall specify a reasonable period of time during which the source may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the authority to construct. The source must comply with all permit conditions and Federal, State, and District rules and regulations while under a temporary permit to operate.

The temporary permit to operate may not be issued for a period longer than one year. Temporary permits to operate may be reissued for the same source up to but not exceeding five consecutive temporary permits to operate; however, the total time for a source to be under temporary permits cannot exceed two years. Annual renewal fees will be required when temporary permits to operate are reissued for the same source according to the applicable fee schedule for permits to operate set forth in Rule 301: Permit Fee Schedules.

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RULE 210. CONDITIONAL APPROVAL

Adopted: 08/20/79

- A. The Air Pollution Control Officer may issue an authority to construct or a permit to operate or use, subject to conditions which will assure the operation of any article, machine, equipment or other contrivance within the standards of Rule 209 in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 209 under the revised conditions.
- B. The Air Pollution Control Officer shall, as condition for the issuance of an authority to construct for a new stationary source or modification and with prior written consent of the owner or operator of any source which provides offsets:
1. Require that the new source or modification and any sources which provide offsets be operated in the manner assumed in making the analysis. The permit shall include an emissions limitation which corresponds with the application of best available control technology.
 2. Modify, or require modification of, the permit to operate for any source used to provide offsets to ensure that emissions reductions at that source which provide offsets will be enforceable and shall continue for the reasonable expected useful life of the proposed source. If offsets are obtained from a source for which there is no permit to operate, a written contract shall be required between the applicant and the owner or operator of such source which contract, by its terms, shall be enforceable by the Air Pollution Control Officer to ensure that such reductions will continue for the reasonable expected useful life of the proposed source.
 3. Permit any other reasonably enforceable methods, other than those described in Subsections 1 and 2 which the Air Pollution Control Officer is satisfied will assure that all required offsets are achieved.
- C. ANNUAL REVIEW OF CONDITIONS

Upon annual renewal, each permit to operate will be reviewed to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District rules and regulations applicable to the source for which the permit was issued which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing source by the District board and, if the conditions are not consistent, the permit will be revised to specify the permit conditions in accordance with all applicable rules and regulations.

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RULE 211. DENIAL OF APPLICATIONS

Adopted: 09/05/74

In the event of denial of an Authority to Construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be approved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct or the permit to operate.

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RULE 212. STATE AMBIENT AIR QUALITY STANDARDS

Adopted: 08/20/79

All references in Rules 209-A and 209-B to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

[Intentionally left blank.]

RULE 213. IMPLEMENTATION PLANS

Adopted: 08/20/79

The Air Pollution Control Officer may issue a permit to construct for a new stationary source or modification which is subject to Section (D) of Rule 209-A only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with that plan.

[Intentionally left blank.]

RULE 214. APPEALS

Adopted: 09/05/74

Within 10 days after notice by the Air Pollution Control Officer of denial or conditional approval of an authority to construct or permit to operate, or within 10 days after the application is deemed denied, pursuant to Rule 213, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

[Intentionally left blank.]

RULE 215. PUBLIC AVAILABILITY OF EMISSION DATA

Adopted: 09/05/74

- A. The owner or operator of any stationary source within the Great Basin Unified Air Pollution Control District shall, upon notification from the Air Pollution Control Officer, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures.
- B. The information recorded shall be summarized and reported to the Air Pollution Control Officer on forms furnished by the Great Basin Unified Air Pollution Control District and shall be submitted within 30 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the Air Pollution Control Officer issues notification of the record keeping requirements.
- C. Information recorded by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.
- D. Emission data obtained from owners or operators of stationary sources pursuant to this paragraph will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District's Office.
- E. Request for public records should be specific and in sufficient detail that the District may readily identify the specific information requested. However, the owner of a source may request that information provided to the Air Pollution Control District, which information shall not include actual emission data, be treated as a trade secret pursuant to Government Code Section 6254.7. Written justification for such requests are to be submitted to the Air Pollution Control District, and such justification will be considered public record. The Air Pollution Control Officer shall rule upon requests for trade secret status within thirty (30) days of receipt of such request.

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RULE 216. NEW SOURCE REVIEW REQUIREMENTS FOR DETERMINING IMPACT ON AIR QUALITY

Adopted: 03/10/76

A. AUTHORITY TO CONSTRUCT

1. The Air Pollution Control Officer shall deny an Authority to Construct for any new stationary source or modification of an existing stationary source specified in paragraph (2) of this rule unless he determines that the emissions from the new source or modification may not be expected to result in the violation or a contribution to the continued violation of any state or national ambient air quality standard.
2. The Air Pollution Control Officer shall apply the provisions of this rule to:
 - a. Any proposed new stationary source which he estimates will emit:
 - i. More than either fifteen (15) pounds per hour or 150 pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a state or national ambient air quality standard, except carbon monoxide, or,
 - ii. More than either 150 pounds per hour or 1500 pounds per day of carbon monoxide, or
 - b. Any proposed modification of an existing stationary source that he estimates will emit after modification:
 - i. More than either fifteen (15) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a state or national ambient air quality standard except carbon monoxide, or,
 - ii. More than either 150 pounds per hour or 1500 pounds per day of carbon monoxide.
3. The Air Pollution Control Officer may exempt from the provisions of this rule any new stationary source or modification which he determines:
 - a. Is a modification which eliminates, reduces or controls air contaminant emissions from an existing stationary source, provided that the emissions of any contaminant(s) from the modified source will not be greater than such emissions were from the existing source.
 - b. Will be a replacement for an existing stationary source and will not result in emissions of any air contaminant greater than those from the existing source.

- c. Will have demonstrable basin-wide air quality benefits, provided however, that the California Air Resources Board U.S. Environmental Protection Agency, after making a technical analysis, concur with the Air Pollution Control Officer's conclusion that such benefits will be derived. Calculations and technical data used by the Air Pollution Control Officer as the basis for granting the exemption shall be made available to the Air Resources Board and Environmental Protection Agency, or
 - d. Will be used exclusively for providing essential public services, including but not limited to hospitals, police, and fire fighting facilities, and will employ the best practicable emission control methods and equipment.
- 4. When the Air Pollution Control Officer intends to grant an exemption under paragraph (3) he shall publicize a notice by prominent advertisement in at least one newspaper of general circulation in the District and shall notify in writing the U.S. Environmental Protection Agency, and the California Air Resources Board and all counties in the Air Basin of his intention. No exemption shall be granted until at least 30 days after the date of publication and notification to the above agencies. In making his decision the Air Pollution Control Officer shall consider any comments received, and, in the case of exemptions proposed under subparagraph (3-c), a condition of a decision to grant an exemption shall be the concurrence of the California Air Resources Board and the U.S. Environmental Protection Agency, as provided for in said subparagraph (c).
- 5. Notwithstanding the criteria specified in paragraph (2) the Air Pollution Control Officer may apply the provisions of this rule to any new or modified stationary source if, in his opinion, the emissions from the source might result in a violation or a contribution to the continued violation of any state or national ambient air quality standard.
- 6. Before granting or denying an Authority to Construct for any new stationary source or modification subject to the requirements of this rule, the Air Pollution Control Officer shall:
 - a. Require the applicant to submit information sufficient to describe the nature and amounts of emissions, location, design, construction, and operation of the source; and to submit any additional information required by the Air Pollution Control Officer to make the analysis of this rule.
 - b. Require the applicant to submit the projected expansion plans for the stationary source for the ten-year period subsequent to the date of application for Authority to Construct.
 - c. Analyze the effect of the new stationary source or modification on air quality. Such analyses shall consider expected air contaminant emissions and air quality in the vicinity of the new source or modification, within the Air Basin, and within adjoining Air Basins at the time the source or modification is proposed to commence operation. Such analyses shall be based on application of existing state and local control strategies.

- d. Make available for public inspection at the Air Pollution Control District office, the information submitted by the applicant, the Air Pollution Control Officer's analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.
 - e. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required in subparagraph (d) of this paragraph. The notice shall provide 30 days, beginning on the date of publication, for the public to submit comments on the application.
 - f. Forward copies of the notice required in subparagraph (e) of this paragraph to the U.S. Environmental Protection Agency, the California Air Resources Board, all Counties in the Air Basin, and all adjoining Air Pollution Control Districts in other Air Basins.
 - g. Consider the public comments submitted.
7. Receipt of an Authority to Construct shall not relieve the owner or operator of responsibility to comply with the applicable portions of the control strategy.
 8. Within 30 days after the granting of an Authority to Construct to a source subject to this Rule, the Air Pollution Control Officer shall forward to the California Air Resources Board a copy of the Authority to Construct, including conditions imposed upon the source and calculations and support data used in determining that the Authority to Construct should be granted.

B. PERMITS TO OPERATE

1. The Air Pollution Control Officer shall deny a Permit to Operate to any stationary source subject to the requirements of Section A except as provided in paragraph (2) of this rule.
2. The Air Pollution Control Officer shall not grant a Permit to Operate to any stationary source that he determines emits quantities of air contaminants greater than those assumed in the analysis required for the Authority to Construct for the source, unless the Air Pollution Control Officer performs the air quality impact analysis required by paragraph (6) of Section A and determines that the actual emissions from the source may not be expected to result in the violation or a contribution to the continued violation of any state or national ambient air quality standard.
3. The Air Pollution Control Officer shall impose conditions on a Permit to Operate such as he deems necessary to ensure that the stationary source will be operated in the manner assumed in making the analysis required by Section A or paragraph (2) of this rule, whichever is applicable. Where appropriate, this shall include a condition to prohibit a new stationary source which is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.

4. Sources having received an Authority to Construct prior to the adoption of Section A shall not be subject to the provisions of this rule.
 5. Within 30 days after granting of a Permit to Operate to a source subject to this rule, the Air Pollution Control Officer shall forward to the Air Resources Board a copy of the permit including conditions imposed upon the source and calculations and support data used in determining that the permit should be granted.
- C. Sources existing and in operation prior to the adoption of Regulation II are not subject to the provisions of this Regulation II. This exemption is not intended and shall not be applied to modifications of sources occurring after the adoption of this regulation. Additionally, this exemption does not exempt a source from other provisions within these rules and regulations.
- D. For the purpose of Sections A, B, and C in Rule 216, the following definitions shall be applicable:
1. "Stationary source" means a unit or an aggregation of units of air contaminant emitting articles, machines, equipment or other contrivances, all of which are located on adjoining properties having one ownership, and all of which are determined by the Air Pollution Control Officer to be related to one another through a similar product, raw material or function.
 2. "Modification" means any physical change in a stationary source, or change in the method of operation thereof.
 3. "Control Strategy" means a combination of measures designed to reduce air contaminant emissions.

[Intentionally left blank.]

RULE 216-A. NEW SOURCE REVIEW REQUIREMENTS FOR DETERMINING IMPACT ON AIR QUALITY SECONDARY SOURCES

Adopted: 10/15/79 Revised: 07/07/05

A. GENERAL

1. A person shall not initiate, modify, construct or operate any secondary source which will cause the emission of any manmade air pollutant for which there is a state or national ambient air quality standard without first obtaining a permit from the Air Pollution Control Officer.
2. The Air Pollution Control Officer shall deny a permit for any new secondary source or modification which he determines will cause a violation or contribute to the continued violation of any state or national ambient air quality standard.

B. EXEMPTIONS

1. The Air Pollution Control Officer may exempt from the provisions of this rule any new secondary source or modification which includes:
 - a. Vehicular parking facilities without dust retardant agents and which have a parking capacity of less than 50 vehicles.
 - b. Unpaved roads having less than 100 vehicle trip-ends in any one hour period, or less than 300 vehicle trip-ends in an eight hour period per a 20 mile continuous road length.
 - c. Unpaved runways and airports having less than 60 operations per month.
 - d. [Deleted: 07/07/05]
 - e. Other secondary sources deemed by the Air Pollution Control Officer that emit insignificant amounts of air contaminants.

C. APPLICATIONS

1. Before granting or denying a permit for any new secondary source or modification, subject to the requirements of this rule, the Air Pollution Control Officer shall:
 - a. Require the applicant to submit information sufficient to describe the nature and amounts of emissions, location, design, construction, and operation of the secondary source; and to submit any additional information required by the Air Pollution Control Officer to make the analysis.
 - b. Require the applicant to submit the projected expansion plans for the secondary source for the ten-year period subsequent to the date of application for the permit.
 - c. Analyze the effect of the new secondary source or modification on air quality. Such analysis shall consider expected air contaminant emissions

and air quality in the vicinity of the new secondary source or modification, within the Air Basin and within adjoining air basins at the time the secondary source or modification is proposed to commence operation.

- d. Make available for public inspection at the Air Pollution Control District office, the information submitted by the applicant, the Air Pollution Control Officer's analysis of the effect on air quality, and the preliminary decision to grant or deny the permit.
- e. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required in subparagraph (d) of this paragraph. The notice shall provide 30 days, beginning on the date of publication, for the public to submit comments on the application.
- f. Forward copies of the notice required in sub-paragraph (e) of this paragraph to the U.S. Environmental Protection Agency, the California Air Resources Board, all counties within the air basin and all adjoining Air Pollution Control Districts in other air basins.
- g. Consider public comments submitted.

D. CONDITIONAL APPROVAL

The Air Pollution Control Officer shall impose conditions on the permit as he deems necessary to ensure the secondary source or modification will be operated in such a manner assumed in making the analysis required by this rule.

E. EFFECTIVE DATE

This rule shall become effective upon adoption. All new secondary sources or modifications pending on the date of adoption of this rule are subject to its provisions.

F. DEFINITIONS

- 1. "Secondary Source" includes any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated or under shared entitlement to use by the same person.
- 2. "Manmade air pollutant" means air pollution which results directly or indirectly from human activities.
- 3. "Modification" means any physical change in, change in method of, or addition to an existing secondary source, except that routine maintenance or repair shall not be considered to be a physical change.

G. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.

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RULE 217. ADDITIONAL PROCEDURES FOR ISSUING PERMITS TO OPERATE FOR SOURCES SUBJECT TO TITLE V OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990

Adopted: 09/15/93 Revised: 03/08/95, 05/09/01

I. PURPOSE AND GENERAL REQUIREMENTS OF RULE 217.

Rule 217 implements the requirements of Title V of the Federal Clean Air Act as amended in 1990 (CAA) for permits to operate. Title V provides for the establishment of operating permit programs for sources which emit regulated air pollutants, including attainment and nonattainment pollutants. Additionally, Rule 217 is used to implement the Phase II acid deposition control provisions of Title IV of the CAA, including provisions for Acid Rain Permits. The effective date of Rule 217 is the date the United States Environmental Protection Agency (U.S. EPA) promulgates interim, partial, or final approval of this rule in the Code of Federal Regulations (CFR).

[NOTE: Interim approval effective 6/02/95]

By the effective date of Rule 217, the Great Basin Unified Air Pollution Control District (District) shall implement an operating permit program pursuant to the requirements of this rule. The District shall also continue to implement its existing programs pertaining to permits required by Regulation II - Permits, including authorities to construct, Rule 209-A. Nothing in Rule 217 limits the authority of the District to revoke or terminate a permit pursuant to sections 40808, and 42307-42309 of the California Health and Safety Code (H&SC).

Sources subject to Rule 217 include major sources, acid rain units subject to Title IV of the CAA, solid waste incinerators subject to section 111 or 129 of the CAA, and any other sources specifically designated by rule of the U.S. EPA. Sources subject to Rule 217 shall obtain permits to operate pursuant to this rule. Each permit to operate issued pursuant to Rule 217 shall contain conditions and requirements adequate to ensure compliance with and the enforceability of:

- A. All applicable provisions of Division 26 of the H&SC, commencing with section 39000;
- B. All applicable orders, rules, and regulations of the District and the California Air Resources Board (ARB);
- C. All applicable provisions of the applicable implementation plan required by the CAA;
- D. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the CAA; and

- E. The requirements of all preconstruction permits issued pursuant to Parts C and D of the CAA.

The operation of an emissions unit to which Rule 217 is applicable without a permit or in violation of any applicable permit condition or requirement shall be a violation of Rule 217.

II. DEFINITIONS

The definitions in this section apply throughout Rule 217 and are derived from related provisions of the U.S. EPA's Title V regulations in Part 70 Code of Federal Regulations (CFR), "State Operating Permit Programs." The terms defined in this section are italicized throughout Rule 217.

- A. **Acid Rain Unit:** An "acid rain unit" is any fossil fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the CAA.
- B. **Administrative Permit Amendment:** An "administrative permit amendment" is an amendment to a permit to operate which:
 - 1. Corrects a typographical error;
 - 2. Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit;
 - 3. Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
 - 4. Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the APCO receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.
- C. **Affected State:** An "affected state" is any state that: 1) is contiguous with California and whose air quality may be affected by a permit action, or 2) is within 50 miles of the source for which a permit action is being proposed.
- D. **Air Pollution Control Officer (APCO):** "Air Pollution Control Officer" refers to the air pollution control officer of the Great Basin Unified Air Pollution Control District, or his or her designee.
- E. **Applicable Federal Requirement:** An "applicable federal requirement" is any requirement which is enforceable by the U.S. EPA and citizens pursuant to section 304 of the CAA and is set forth in, or authorized by the Clean Air Act or a U.S. EPA

regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:

1. Title I requirements of the CAA, including:
 - a. New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
 - b. Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
 - c. New Source Performance Standards (40 CFR Part 60) and all standards and requirements under sections 111 of the Clean Air Act;
 - d. National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the CAA;
 - e. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
 - f. Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
 - g. Risk Management Plans (section 112(r) of the CAA);
 - h. Solid Waste Incineration requirements (sections 111 or 129 of the CAA);
 - i. Consumer and Commercial Product requirements (section 183 of the CAA);
 - j. Tank Vessel requirements (section 183 of the CAA);
 - k. District prohibitory rules that are approved into the state implementation plan;
 - l. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and

- m. Enhanced Monitoring and Compliance Certification requirements (section 114(a)(3) of the CAA).
 - 2. Title III, section 328 (Outer Continental Shelf) requirements of the CAA (40 CFR Part 55);
 - 3. Title IV (Acid Deposition Control) requirements of the CAA (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the CAA);
 - 4. Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82); and
 - 5. Monitoring and Analysis requirements (section 504(b) of the CAA).
- F. California Air Resources Board (ARB): "California Air Resources Board" refers to the Air Resources Board of the State of California.
- G. Clean Air Act (CAA): "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
- H. Code of Federal Regulations (CFR): "Code of Federal Regulations" refers to the United States Code of Federal Regulations.
- I. Commence Operation: "Commence operation" is the date of initial operation of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to section 42301.1 of the H&SC.
- J. Direct Emissions: "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- K. District: "District" refers to the Great Basin Unified Air Pollution Control District.
- L. Effective Date of Rule 217: The "effective date of Rule 217" is the date the U.S. EPA promulgates interim, partial, or final approval of the rule in the Code of Federal Regulations. [NOTE: Interim approval effective 6/02/95]
- M. Emergency: An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An emergency shall not include noncompliance as a result of improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

- N. Emissions allowable under the permit: A federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emission limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid on applicable requirement to which the source would otherwise be subject.
- O. Emissions Unit: An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or hazardous air pollutant.
- P. Federally-enforceable Condition: A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an applicable federal requirement or a voluntary emissions cap.
- Q. Fugitive Emissions: "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- R. Generally Available Control Technology (GACT) Standard: A "generally available control technology standard" refers to any generally available control technology standard or management practice promulgated pursuant to section 112(d) of the CAA (40 CFR Part 63).
- S. Hazardous Air Pollutant (HAP): A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the CAA.
- T. Health and Safety Code (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.
- U. Initial Permit: An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Rule 217.
- V. Major Source: A "major source" is a stationary source which has the potential to emit a regulated air pollutant or a HAP in quantities equal to or exceeding the lesser of any of the following thresholds:
1. 100 tons per year (tpy) of any regulated air pollutant;
 2. 70 tpy of PM₁₀ (particulate matter of 10 microns or less) in those areas of the District designated as federal PM₁₀ nonattainment and classified as serious;
 3. 10 tpy of one HAP or 25 tpy of two or more HAPs; or
 4. Any lesser quantity threshold promulgated by the U.S. EPA.

- W. Maximum Achievable Control Technology (MACT) Standard: A "maximum achievable control technology standard" refers to any maximum achievable control technology emission limit or other requirement promulgated pursuant to section 112(d) of the CAA as set forth in 40 CFR Part 63.
- X. Minor Permit Modification: A "minor permit modification" is any modification to a federally enforceable condition on a permit to operate which: 1) is not a significant permit modification, and 2) is not an administrative permit amendment.
- Y. Permit Modification: A "permit modification" is any addition, deletion, or revision to a permit to operate condition.
- Z. Potential to Emit: For the purposes of Rule 217, "potential to emit" as it applies to an emissions unit and a stationary source is defined below.
1. Emissions Unit: The "potential to emit" for an emissions unit is the maximum capacity of the unit to emit a regulated air pollutant or HAP considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District.
 2. Stationary Source: The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more HAPs are emitted at a stationary source, the potential to emit for each of those HAPs shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for: 1) sources as specified in 40 CFR Part 70.2 Major Source (2) and (3), and 2) sources of HAP emissions. Notwithstanding the above, any HAP emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of HAPs, whether or not such units are located in contiguous areas or are under common control.
- AA. PRECONSTRUCTION PERMIT: A "preconstruction permit" is a permit authorizing construction prior to construction and includes:
1. A preconstruction permit issued pursuant to a program for the prevention of significant deterioration of air quality required by section 165 of the CAA; or
 2. A preconstruction permit issued pursuant to a new source review program required by sections 172 and 173 of the CAA or Rule 209.
- BB. REGULATED AIR POLLUTANT: A "regulated air pollutant" is any pollutant: 1) which is emitted into or otherwise enters the ambient air, and 2) for which the U.S.

EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

1. Oxides of nitrogen and volatile organic compounds;
2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to section 109 of the CAA;
3. Any pollutant subject to a new source performance standard promulgated pursuant to section 111 of the CAA;
4. Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydro fluorocarbons) substance pursuant to Title VI of the CAA; and
5. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the CAA, including:
 - a. Any pollutant listed pursuant to section 112(r) of the CAA (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
 - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) of the CAA shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the CAA.
 - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the CAA. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

CC. RESPONSIBLE OFFICIAL: A "responsible official" is an individual with the authority to certify that a source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources in accordance with Rule 217. "Responsible official" means one of the following:

1. For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person

who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - b. The delegation of authority to such representative is approved in advance by the APCO;
2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
 3. For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g.. a Regional Administrator of EPA); or
 4. For phase II acid rain affected sources subject to Title V:
 - a. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or regulations promulgated thereunder are concerned; and
 - b. The designated representative for any other purpose under 40 CRR Part 70 regulations.

DD. SIGNIFICANT PERMIT MODIFICATION: A "significant permit modification" is any modification to a federally enforceable condition on a permit to operate which:

1. Involves any permit modification under section 112(g) of Title I of the CAA or under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, and 63;
2. Significantly changes monitoring conditions;
3. Provides for the relaxation of any reporting or recordkeeping conditions;
4. Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification

requirement of Title I of the CAA, or 2) an alternative HAP emission limit pursuant to section 112(i)(5) of the CAA;

5. Involves a case-by-case determination of any emission standard or other requirement; or
6. Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

EE. **SOLID WASTE INCINERATOR:** A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the CAA. The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Rule 217:

1. Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
2. Any materials recovery facility which primarily recovers metals;
3. Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C);
4. Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B); or
5. Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the U.S. EPA.

FF. **STATIONARY SOURCE:** For the purposes of Rule 217, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:

1. Emits, may emit, or results in the emissions of any regulated air pollutant or HAP;
2. Is located on one or more contiguous or adjacent properties;
3. Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
4. Belongs to a single major industrial grouping; for example, each building,

structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

GG. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA): "United States Environmental Protection Agency" refers to the Administrator or appropriate delegate of the "United States Environmental Protection Agency."

HH. VOLUNTARY EMISSIONS CAP: A "voluntary emissions cap" is an optional, federally enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.

III. APPLICABILITY

A. SOURCES SUBJECT TO RULE 217

The sources listed below are subject to the requirements of Rule 217:

1. A major source;
2. A source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the CAA;
3. A solid waste incinerator subject to a performance standard promulgated pursuant to section 111 or 129 of the CAA;
4. Any other source in a source category designated by rule of the U.S. EPA; and
5. Any source that is subject to a standard or other requirement promulgated pursuant to section 111 or 112 of the CAA, published after July 21, 1992, that the U.S. EPA does not exempt from the requirements of Title V of the CAA.

B. SOURCES EXEMPT FROM RULE 217

The sources listed below are not subject to the requirements of Rule 217:

1. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
2. Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 61, Subpart M, section 145 (National

Emission Standards for Asbestos, Standard for Demolition and Renovation);
and

3. Any other source in a source category deferred pursuant to 40 CFR Part 70.3 by U.S. EPA rulemaking, unless such source is otherwise subject to Title V (i.e. , it is a major source).

IV. ADMINISTRATIVE PROCEDURES FOR SOURCES

A. PERMIT REQUIREMENT AND APPLICATION SHIELD

A source shall operate in compliance with permits to operate issued pursuant to Rule 217. Rule 217 does not alter any applicable requirement that a source obtain preconstruction permits.

If a responsible official submits, pursuant to Rule 217, a timely and complete application for a permit, a source shall not be in violation of the requirement to have a permit to operate until the APCO takes final action on the application. The application shield here will cease to insulate a source from enforcement action if a responsible official of the source fails to submit any additional information requested by the APCO pursuant to subsection IV.C.2.c, below.

If a responsible official submits a timely and complete application for an initial permit, the source shall operate in accordance with the requirements of any valid permit to operate issued pursuant to section 42301 of the H&SC until the APCO takes final action on the application. If a responsible official submits a timely and complete application for renewal of a permit to operate, the source shall operate in accordance with the permit to operate issued pursuant to Rule 217, notwithstanding expiration of this permit, until the APCO takes final action on the application.

The application shield does not apply to sources applying for permit modifications. For permit modifications, a source shall operate in accordance with the applicable federal requirements, the permit to operate issued pursuant to Rule 217 and any temporary permit to operate issued pursuant to section 42301.1 of the H&SC.

B. APPLICATION REQUIREMENTS

1. INITIAL PERMIT

- a. For a source that is subject to Rule 217 on the date the rule becomes effective, a responsible official shall submit a standard District application within 12 months after the date the rule becomes effective.
- b. For a source that becomes subject to Rule 217 after the date the rule becomes effective, a responsible official shall submit a standard District application within 12 months of the source commencing operation.
- c. For a source with an acid rain unit subject to Phase II of the Acid

Deposition Control Program of Title IV of the CAA, initial Phase II acid rain permits shall be submitted to the District by January 1, 1996 for sulfur dioxide and for coal-fired units by January 1, 1998 for oxides of nitrogen.

- d. Sources which become subject to Rule 217 after the effectiveness date for reasons other than commencing operations must apply within 12 months of becoming subject.

2. PERMIT RENEWAL

For renewal of a permit, a responsible official shall submit a standard District application no earlier than 18 months and no later than 6 months before the expiration date of the current permit to operate. Permits to operate for all emissions units at a stationary source shall undergo simultaneous renewal.

3. SIGNIFICANT PERMIT MODIFICATION

After obtaining any required preconstruction permits, a responsible official shall submit a standard District application for each emissions unit affected by a proposed permit revision that qualifies as a significant permit modification. Upon request by the APCO, the responsible official shall submit copies of the latest preconstruction permit for each affected emissions unit. The emissions unit(s) shall not commence operation until the APCO takes final action to approve the permit revision.

4. MINOR PERMIT MODIFICATION

After obtaining any required preconstruction permits, a responsible official shall submit a standard District application for each emissions unit affected by the proposed permit revision that qualifies as a minor permit modification. The emissions unit(s) affected by the proposed permit modification shall not commence operation until the APCO takes final action to approve the permit revision. In the application, the responsible official shall include the following:

- a. A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements that will apply;
- b. Proposed permit terms and conditions; and
- c. A certification by a responsible official that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used.

Minor permit modifications procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

5. ACID RAIN UNIT PERMIT MODIFICATION

A permit modification of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the CAA.

C. APPLICATION CONTENT AND CORRECTNESS

1. STANDARD DISTRICT APPLICATION

The standard District application submitted shall include the following information:

- a. Information identifying the source;
- b. Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;
- c. Identification of fees specified in Regulation III;
- d. A listing of all existing emissions units at the stationary source and identification and description of all points of emissions from the emissions units in sufficient detail to establish the applicable federal requirements and the basis for fees pursuant to section VII, below;
- e. Citation and description of all applicable federal requirements, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements;
- f. Calculation of all emissions, including fugitive emissions, in tons per year and in such terms as are necessary to establish compliance with the all applicable District, state, or federal requirements for the following.
 - 1) All regulated air pollutants emitted from the source,
 - 2) Any HAP that the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and

- 3) If the source has the potential to emit two or more HAPs in quantities equal to or in excess of 25 tons per year, all HAPs emitted by the source;
- g. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices;
 - h. An identification and description of air pollution control equipment and compliance monitoring devices or activities;
 - i. Other information required by an applicable federal requirement;
 - j. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection V.G., below;
 - k. A compliance plan and compliance schedule with the following:
 - 1) A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements,
 - 2) A statement that the source will continue to comply with such applicable federal requirements that the source is in compliance,
 - 3) A statement that the source will comply, on a timely basis, with future-effective requirements which have been adopted, and
 - 4) A description of how the source will achieve compliance with requirements for which the source is not in compliance;
 - l. For a source not in compliance with any applicable federal requirement at the time of permit issuance, renewal, and modification (if the noncompliance is with units being modified), a schedule of compliance approved by the District hearing board that identifies remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, record keeping requirements, and a schedule for submission of certified progress reports to the U.S EPA and the APCO at least every 6 months, any compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree, administrative order or schedule approved by the District hearing board if required by state law. Any such schedule of compliance in a permit shall be

supplemental to, and shall not sanction noncompliance with, the applicable requirement on which it is based;

- m. A certification by a responsible official of all reports and documents submitted for permit application compliance progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually which shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
- n. For a source with an acid rain unit, an application shall include the elements required by 40 CFR Part 72;
- o. For a source of HAPs, the application shall include verification that a risk management plan has been prepared in accordance with section 112(r) of the CAA and registered with the authorized local fire or health department; and
- p. For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable District, state, and federal requirements at each location.
- q. Insignificant activities shall be considered as follows:
 - 1) For the purposes of this rule, an insignificant activity shall be any activity, process, or emissions unit which is not subject to a source-specific applicable federal requirement and which emits no more than 0.5 tons per year of a HAP and no more than two tons per year of a regulated air pollutant that is not a HAP. Source-specific applicable federal requirements include requirements for which emission unit-specific information is required to determine applicability.
 - 2) An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required in Section VII of this rule. [Reference: 40 CFR Part 70.5(c)]

2. CORRECTNESS OF APPLICATIONS

A responsible official of a source shall submit an accurate and complete application in accordance with the requirements of the District.

- a. Upon written request of the APCO, a responsible official shall supplement any complete application with additional information within the timeframe specified by the APCO.

- b. A responsible official shall promptly provide additional information in writing to the APCO upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.
- c. Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

D. WRITTEN REQUESTS FOR DISTRICT ACTION

A responsible official shall submit a written request to the APCO for the following permit actions:

1. ADMINISTRATIVE PERMIT AMENDMENT

For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request.

2. PERMIT MODIFICATION FOR A CONDITION THAT IS NOT FEDERALLY ENFORCEABLE

For a permit modification for a condition that is not federally enforceable, a responsible official shall submit a written request in accordance with the requirements of Rule 209-B.

3. PERMITS TO OPERATE FOR NEW EMISSIONS UNITS

For permits to operate for a new emissions unit at a stationary source, a responsible official shall submit a written request in accordance with the requirements of Rule 209, except under the following circumstances:

- a. The construction or operation of the emissions unit is a modification under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, 63;
- b. The construction or operation of the emissions unit is addressed or prohibited by permits for other emissions units at the stationary source; or
- c. The emissions unit is an acid rain unit subject to Title IV of the CAA,

In the circumstances specified in subsections a., b., or c., above, a responsible official shall apply for a permit to operate for the new emissions unit pursuant to the requirements of Rule 217.

E. RESPONSE TO PERMIT REOPENING FOR CAUSE

Upon notification by the APCO of a reopening of a permit for cause for an applicable federal requirement pursuant to section V.H., below, a responsible official shall respond to any written request for information by the APCO within the timeframe specified by the APCO.

V. DISTRICT ADMINISTRATIVE PROCEDURES

A. COMPLETENESS REVIEW OF APPLICATIONS

The APCO shall determine if an application is complete and shall notify the responsible official of the determination within the following timeframes:

1. For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application;
2. For a minor permit modification, within 30 days of receiving the application; The application shall be deemed complete unless the APCO requests additional information or otherwise notifies the responsible official that the application is incomplete within the timeframes specified above.

B. NOTIFICATION OF COMPLETENESS DETERMINATION

The APCO shall provide written notification of the completeness determination to the U.S. EPA, the ARB and any affected state and shall submit a copy of the complete application to the U.S. EPA within five working days of the determination. The APCO need not provide notification for applications from sources that are not major sources when the U.S. EPA waives such requirement for a source category by regulation or at the time of approval of the District operating permits program.

C. APPLICATION PROCESSING TIMEFRAMES

The APCO shall act on a complete application in accordance with the procedures in subsections D., E. and F., below (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the CAA), and take final action within the following timeframes:

1. For an initial permit for a source subject to Rule 217 on the date the rule becomes effective, no later than three years after the date the rule becomes effective;
2. For an initial permit for a source that becomes subject to Rule 217 after the date the rule becomes effective, no later than 18 months after the complete application is received;

3. For a permit renewal, no later than 18 months after the complete application is received;
4. For a significant permit modification, no later than 18 months after the complete application is received;
5. For a minor permit modification, within 90 days after the application is received or 60 days after written notice to the U.S. EPA on the proposed decision, whichever is later; or
6. For any permit application with early reductions pursuant to section 112(i)(5) of the CAA, within 9 months from the date a complete application is received.

D. NOTIFICATION AND OPPORTUNITY FOR REVIEW OF PROPOSED DECISION

Within the applicable timeframe specified in subsection C., above, the APCO shall provide notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements in this subsection.

1. For initial permits, renewal of permits, significant permit modifications, and reopening for cause, the APCO shall provide the following:
 - a. Written notice, the proposed permit and, upon request, copies of the District analysis to interested persons or agencies. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed Rule 217 decisions, any affected state and the ARB. The District shall notify EPA and Affected States in writing of any refusal by the permitting authority to accept all recommendations for the proposed permit that the Affected State submitted during the public/Affected State review period.
 - b. On or after providing written notice pursuant to subsection a., above, public notice that shall be published in at least one newspaper of general circulation in the District and, if necessary, by other means to assure adequate notice to the affected public. The notice shall provide the following information:
 - 1) The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action;
 - 2) The name and address of the District, the name and telephone number of District staff to contact for additional information;

- 3) The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;
 - 4) The location where the public may inspect the complete application, the District analysis, and the proposed permit;
 - 5) A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures, and
 - 6) A statement that members of the public may request a public hearing if a hearing has not been scheduled. The APCO shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing in accordance with Rule 205;
 - c. Public notice will be given by other means if necessary to ensure adequate notice to the affected public.
 - d. A copy of the complete application, the District analysis and the proposed permit at District offices for public review and comment during normal business hours;
 - e. A written response to persons or agencies that submitted written comments which are postmarked by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request.
 - f. After completion of the public notice and comment period pursuant to subsection a., above, written notice to the U.S. EPA of the proposed decision along with copies of the proposed permit, the District analysis, the public notice submitted for publication, the District's response to written comments, and all necessary supporting information.
2. For minor permit modifications, the APCO shall provide written notice of the proposed decision to the U.S. EPA, the ARB, and any affected state. Additionally, the District shall provide to the U.S. EPA (and, upon request, to the ARB or any affected state) copies of the proposed permit, the District analysis, and all necessary supporting information. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions.

E. CHANGES TO THE PROPOSED DECISION

Changes to the proposed decision shall be governed by the following procedure:

1. The APCO may modify or change the proposed decision, the proposed permit, or the District analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to subsection D.1.a., above, or due to further analysis of the APCO. Pursuant to subsection D.1.f., above, the APCO shall forward any such modified proposed decision, the proposed permit, the District analysis, and all necessary supporting information to the U.S. EPA above.
2. If the U.S. EPA objects in writing to the proposed decision within 45 days of being notified of the decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to subsection D.1.f., above, the APCO shall not issue the permit. The APCO shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the U.S. EPA objection within the following timeframes:
 - a. For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the U.S. EPA objection; or
 - b. For minor permit modifications, within 90 days of receipt of the application or 60 days of the notice to U.S. EPA, whichever is later.
3. If the EPA does not object under Section V.E.2, any person may petition the EPA within 60 days after the expiration of the EPA's 45-day review period to make such objection. Any such petition shall be based only on objections to the Title V permit that were raised with reasonable specificity during the public comment period provided for in Section V.D, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or that the grounds for such objection arose after the end of the review period. If the APCO receives a written objection from EPA as a result of the petition filed under this Section, the APCO shall not issue the Title V permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of the Title V permit if the Title V permit was issued after the end of the 45-day review period and prior to EPA objection. If the District has issued the Title V permit prior to receiving a written objection from EPA pursuant to objections raised under this Section, the Title V permit may be reopened for cause by EPA pursuant to Section V.H. If EPA notifies the APCO to modify, terminate, or revoke the Title V permit, the APCO shall revise the Title V permit and issue a revised Title V permit that satisfies EPA's objection. The APCO shall revise and submit a proposed Title V permit in response to EPA objection no later than 90 days from the EPA objection date. In any case, the source will not be in violation of the requirement to have submitted a timely and complete Title V application.

F. FINAL DECISION

If the U.S. EPA does not object in writing within 45 days of the notice provided pursuant to subsection D.1.f., above, or the APCO submits a revised permit pursuant to subsection E.2., above, the APCO shall, expeditiously, deny the application or issue the final permit to operate. In any case, the APCO shall take final action on an application within the applicable timeframe specified in subsection C., above. Failure of the APCO to act on a permit application or permit renewal application in accordance to the timeframes provided in subsection C., above, shall be considered final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously.

Written notification of the final decision shall be sent to the responsible official of the source, the U.S. EPA, the ARB and any person or affected state that submitted comments during the public comment period. Written notification of any refusal by the District to accept all recommendations for the proposed permit that an affected state submitted during the public comment period shall be sent to U.S. EPA and affected states.

The APCO shall submit a copy of a permit to operate as issued to the U.S. EPA and provide a copy to any person or agency requesting a copy. If the application is denied, the APCO shall provide reasons for the denial in writing to the responsible official along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based.

G. DISTRICT ACTION ON WRITTEN REQUESTS

The APCO shall act on a written request of a responsible official for permit action using the applicable procedure specified in this subsection.

1. ADMINISTRATIVE PERMIT AMENDMENT

The APCO shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.

- a. After designating the permit revisions as an administrative permit amendment, the APCO may revise the permit without providing notice to the public or any affected state.
- b. The APCO shall provide a copy of the revised permit to the responsible official and the U.S. EPA.
- c. While the APCO need not make a completeness determination on a written request, the APCO shall notify the responsible official if the APCO determines that the permit cannot be revised as an administrative permit amendment.

2. PERMIT MODIFICATION FOR A CONDITION THAT IS NOT FEDERALLY ENFORCEABLE

The APCO shall take action on a written request for a permit modification for a condition that is not federally enforceable in accordance with the requirements of Rule 209 under the following circumstances:

- a. Any change at the stationary source allowed by the permit modification shall meet all applicable federal requirements and shall not violate any existing permit term or condition; and
- b. The APCO provides to the U.S. EPA a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

3. PERMITS TO OPERATE FOR NEW EMISSIONS UNIT

The APCO shall take action on a written request for a permit to operate for a new emissions unit in accordance with the requirements for of Rule 209 under the circumstances specified in subsection 2.a. and 2.b., above. However, if subsections IV.D.3.a., IV.D.3.b., or IV.D.3.c., above, apply, the APCO shall require the submittal of a standard District application and take action on that application pursuant to the requirements of Rule 217.

H. PERMIT REOPENING FOR CAUSE

The APCO shall reopen and revise a permit to operate during the annual review period required by section 42301(c) of the H&SC, or petition the District hearing board to do so pursuant to section 42307 of the H&SC, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the U.S. EPA, or within 18 months of promulgation of a new applicable federal requirement. The APCO shall act only on those parts of the permit for which cause to reopen exists.

1. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:
 - a. The need to correct a material mistake or inaccurate statement;
 - b. The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements;
 - c. The need to incorporate any new, revised, or additional applicable federal requirements, if the remaining authorized life of the permit is 3

years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the APCO shall incorporate these requirements into the permit to operate upon renewal); or

- d. The need to reopen a permit issued to acid rain unit subject to Phase II of Title IV of the CAA to include:
 - 1) Oxides of nitrogen requirements prior to January 1, 1999, and
 - 2) Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.
- 2. In processing a permit reopening, the APCO shall use the same procedures as for an initial permit and additionally:
 - a. Provide written notice to a responsible official and the U.S. EPA at least 30 days in advance of the proposed change, or a shorter period in the case of an emergency, prior to reopening a permit; and
 - b. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the U.S. EPA pursuant to subsection D.1.f., if the U.S. EPA does not object, or after the APCO has responded to U.S. EPA objection pursuant to subsection E.2., above.

I. OPTIONS FOR OPERATIONAL FLEXIBILITY

The APCO shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The APCO shall not allow changes which constitute a modification under Title I of the CAA or Regulation II, or that result in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options:

1. Alternative Operating Scenarios

The APCO shall allow the use of alternative operating scenarios provided that:

- a. Terms and conditions applicable to each operating scenario are identified by the responsible official in the permit application,
- b. The terms and conditions are approved by the APCO,

- c. The terms and conditions are incorporated into the permit; and
- d. The terms and conditions are in compliance with all applicable District, state, and federal requirements.

A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another.

2. Voluntary Emissions Caps

The APCO shall issue a permit that contains terms and conditions, including all terms required under CFR 40 § 70.6 (a) and (c) of this part to determine compliance, allowing for the trading of emissions increases and decreases within the stationary source solely for the purpose of complying with a voluntary emissions cap established in the permit independent of otherwise applicable federal requirements, provided that:

- a. The requirements of subsections 1.a., 1.c., and 1.d., above, are met;
- b. The terms and conditions are approved by the APCO as quantifiable and enforceable; and
- c. The terms and conditions are consistent with the applicable preconstruction permit.

A permit condition shall require that a responsible official provide written notice to the U.S. EPA and APCO 30 days in advance of a change by clearly requesting operational flexibility under this subsection of Rule 217. The written notice shall describe the change, identify the emissions unit which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not.

3. Contravening an Express Permit Condition

The APCO shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that:

- a. The change will not violate any applicable federal requirement;
- b. The change will not contravene federally enforceable conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;

- c. The change is not a modification under Title I of the CAA or any provision of Regulation II:
- d. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
- e. Written notice is given to the U.S. EPA and APCO 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this subsection, describes the change, identifies the emissions units which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and
- f. The APCO has not provided a written denial to the responsible official within 30 days of receipt of the request for an operational change.

VI. PERMIT CONTENT REQUIREMENTS

A permit-to-operate shall contain permit conditions that will assure compliance with all applicable federal requirements.

A. INCORPORATION OF APPLICABLE FEDERAL REQUIREMENTS

A permit to operate shall incorporate all applicable federal requirements as permit conditions. The following procedure shall be used to incorporate an applicable federal requirement as a permit condition:

1. A permit condition that addresses an applicable federal requirement shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not federally enforceable;
2. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit, both shall be incorporated as permit conditions, provided that they are not mutually exclusive; and
3. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit and are mutually exclusive (e.g., require different air pollution control technology), the requirement specified in the preconstruction permit (or, in the case of sources without preconstruction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced.

B. GENERAL REQUIREMENTS

All permits to operate shall contain the conditions or terms consistent with 40 CFR Part 70.6 Permit Content. No permit revision shall be required, under any approved economic incentives, marketable permits, emission trading, and other similar programs or processes for changes that are provided for in the permit, including:

1. Emission and Operational Limitations

The permit shall contain conditions that require compliance with all applicable federal requirements, including any operational limitations or requirements.

2. Preconstruction Permit Requirements

The permit shall include all of the preconstruction permit conditions for each emissions unit.

3. Origins and Authority for Permit Conditions

Specification of, and reference to, the origin of and authority for each permit term or condition, and identity of any difference in form from the applicable requirement upon which the term or condition is based.

4. Equipment Identification

The permit shall identify the equipment to which a permit condition applies.

5. Monitoring, Testing, and Analysis

The permit shall contain conditions that require monitoring, analytical, compliance certification, test method, equipment management, and statistical procedures consistent with any applicable federal requirement, including those pursuant to Sections 110(a)(2)(A),(C), and (F)(42 U.S.C. Sections 7401(a)(2)(A),(C), and (F): and Sections 113, 114(a)(3) and 504(b) (42 U.S.C. Sections 7413 and 7414(a)(3)) of the federal Clean Air Act, and 40 CFR Part 64. Periodic monitoring shall be required as a condition to ensure that the monitoring is sufficient to yield reliable data which are representative of the source's compliance with permit conditions over the relevant time period.

[Continued]

a. Standards for Determination of Compliance

Compliance Certification

Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

- 1) An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
- 2) Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

b. Credible Evidence

Notwithstanding any other provision in the District's State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

- 1) Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:
 - a) An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
 - b) A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.
 - c) Compliance test methods specified in the District's State Implementation Plan.
- 2) The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
 - a) Any federally enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75.
 - b) Other testing, monitoring, or information gathering

methods that produce information comparable to that produced by any method in 4.2.1 or 4.2.2.1 herein.

6. Record keeping

The permit shall include record keeping conditions that require:

- a. Record maintenance of all monitoring and support information associated with any applicable federal requirement, including:
 - 1) Date, place, and time of sampling;
 - 2) Operating conditions at the time of sampling;
 - 3) Date, place, and method of analysis; and
 - 4) Results of the analysis;
- b. Retention of records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application; and
- c. Any other record keeping deemed necessary by the APCO to ensure compliance with all applicable federal requirements.

7. Reporting

The permit shall include reporting conditions. Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this rule shall state that, based on information and belief formed after reasonable inquiry, the statements are true, accurate, and complete. All reports and documents required by the permit shall be certified by a responsible official and include the following:

- a. Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly (within 2 to 10 days of the deviation) reported to the APCO, in the case of deviations due to upset or emergency conditions, no longer than the timeframes provided for under the emergency provisions in Rule 217 VI.B.12;
- b. A monitoring report shall be submitted at least every six months, state

whether compliance was continuous or intermittent and shall identify any deviation from permit requirements, including that previously reported to the APCO (see subsection 7.a. above);

- c. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken;
- d. A progress report shall be made on a compliance schedule at least semi-annually and shall include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective action taken; and
- e. Each monitoring report shall be accompanied by a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

8. Compliance Plan

The permit shall include a compliance plan that:

- a. Describes the compliance status of an emissions unit with respect to each applicable federal requirement;
- b. Describes how compliance will be achieved if an emissions unit is not in compliance with an applicable federal requirement at the time of permit issuance;
- c. Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and
- d. Assures that an emissions unit will comply with any future applicable federal requirement on a timely basis.

9. Compliance Schedule

The permit shall include a compliance schedule for any emissions unit which is not in compliance with current applicable federal requirements at the time of permit issuance, renewal, and modification (if the non-compliance is with units being modified). The compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree, administrative order or schedule approved by the District hearing board if required by state law. Any such schedule of compliance in a permit shall be

supplemental to, and shall not sanction noncompliance with, the applicable requirement on which it is based. The compliance schedule shall require:

- a. A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;
- b. A statement that the emissions unit will comply with any future applicable federal requirement on a timely basis;
- c. For each condition with which the emissions unit is not in compliance with an applicable federal requirement, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and
- d. For each emissions unit that is not in compliance with an applicable federal requirement, a schedule of progress on at least a semi-annual basis which includes: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective actions taken.

10. Right of Entry

The permit shall require that the source allow the entry of the District, ARB, or U.S. EPA officials for the purpose of inspection and sampling, including:

- a. Inspection of the stationary source, including equipment, work practices, operations, and emission-related activity;
- b. Inspection and duplication of records required by the permit to operate; and
- c. Source sampling or other monitoring activities.

11. Compliance with Permit Conditions

The permit shall include the following provisions regarding compliance:

- a. The permittee shall comply with all permit conditions;
- b. The permit does not convey property rights or exclusive privilege of any sort;
- c. The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;

- d. The permittee shall not use the "need to halt or reduce a permitted activity in order to maintain compliance" as a defense for non-compliance with any permit condition;
- e. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
- f. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining: 1) compliance with the permit, or 2) whether or not cause exists for a permit or enforcement action.

12. Emergency Provisions

The permit shall include the following emergency provisions:

- a. The responsible official shall submit to the District a properly signed contemporaneous log or other relevant evidence which demonstrates that:
 - 1) An emergency occurred;
 - 2) The permittee can identify the cause(s) of the emergency;
 - 3) The facility was being properly operated at the time of the emergency;
 - 4) All steps were taken to minimize the emissions resulting from the emergency; and
 - 5) Within two working days of the emergency event, the permittee provided the district with a description of the emergency and any mitigating or corrective actions taken;
- b. In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred; and
- c. In addition to the emergency provisions above, the permittee shall comply with the emergency or upset provisions contained in all applicable federal requirements and District requirements.

13. Severability

The permit shall include a severability clause to ensure the continued validity

of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.

14. Compliance Certification

The permit shall contain conditions for compliance certification which include the following requirements:

- a. The responsible official shall submit a compliance certification to the U.S. EPA and the APCO every 12 months or at more frequently as specified in an applicable requirement or by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- b. The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;
- c. The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and
- d. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to sections 114(a) and 504(b) of the CAA.

15. Permit Life

With the exception of acid rain units subject to Title IV of the CAA and solid waste incinerators subject to section 129(e) of the CAA, each permit to operate for any source shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit to operate for an acid rain unit shall have a fixed permit term of five years. A permit to operate for a solid waste incinerator shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.

16. Payment of Fees

The permit shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement

action by the District and the U.S. EPA pursuant to section 502(a) of the CAA.

17. Alternative Operating Scenarios

Where a responsible official requests that an alternative operating scenario be included in the permit for an emissions unit, the permit shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must meet all applicable federal requirements and all of the requirements of this section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.

18. Voluntary Emissions Caps

To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a responsible official may request, subject to approval by the APCO, to permit one or more emissions unit(s) under a voluntary emissions cap. The permit for each emissions unit shall include federally enforceable conditions requiring that:

- a. All applicable federal requirements, including those authorizing emissions averaging, are complied with;
- b. No individual emissions unit shall exceed any emissions limitation, standard, or other requirement;
- c. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
- d. All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.

19. Acid Rain Units Subject to Title IV

The permit for an acid rain unit shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the CAA and any federal standard or requirement promulgated pursuant to Title V of the CAA, except as modified by Title IV. Acid rain unit permit conditions shall include the requirements of 40 CFR Part 72.9 and the following provisions:

- a. The sulfur dioxide emissions from an acid rain unit shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the CAA or the regulations promulgated pursuant to Title IV;
- b. Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the CAA shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other applicable federal requirement;
- c. Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an acid rain unit shall not use these emissions allowances as a defense for noncompliance with any applicable federal requirement or District requirement, including District Rule 209; and
- d. An acid rain unit's sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.

VII. SUPPLEMENTAL ANNUAL FEE

The fees collected pursuant to this section shall supplement the fee requirements in Regulation III, if applicable.

A. PAYMENT OF SUPPLEMENTAL FEE

A responsible official, or his or her delegate, shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in subsection C. below to meet an overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted), unless subsection B. below applies.

1. "Fee-based emissions" means the actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the APCO to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment; types of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO.
2. "Fee pollutant" means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the U.S. EPA (excluding carbon monoxide), and any other

pollutant that is subject to a standard or regulation promulgated by the U.S. EPA under the CAA or adopted by the District pursuant to section 112(g) and (j) of the CAA. Any air pollutant that is regulated solely because of a standard or regulation under section 112(r) of the CAA for accidental release or under Title VI of the CAA for stratospheric ozone protection shall not be included.

3. "(CPI adjusted)" means adjusted by the percentage, if any, by which the Consumer Price Index of the year exceeds the Consumer Price Index for calendar year 1989. The value for (CPI adjusted) shall be obtained from the U.S. EPA.

B. NO SUPPLEMENTAL FEE

There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Regulation III and H&SC section 44380 (AB 2588 Toxic Hot Spots) equals or exceeds \$25 per ton of fee-based emissions (CPI adjusted). Only those AB 2588 Toxic Hot Spots fees that fund direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA are to be used to meet the overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted).

C. DETERMINATION OF SUPPLEMENTAL FEE

The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Supplemental Annual Fee

$$S = [\$25 \text{ per ton (CPI adjusted)} \times e] - f$$

where:

s = supplemental annual fee in dollars

e = fee-based emissions in tons per year

f = sum (in dollars) of annual fee under Regulation III and that portion of AB 2588 Toxic Hot Spots fees that funds direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA

Step 2: When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "[\$25 per ton (CPI adjusted) x e]", then "s" shall be zero and subsection B., above, applies.

If "f" is less than "[\$25 per ton (CPI adjusted) x e]", then "s" shall be as calculated in Step 1.

D. SUBMITTAL OF INFORMATION

The responsible official, or his or her delegate, shall provide the APCO sufficient information to determine the supplemental fee.

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RULE 218. LIMITING POTENTIAL TO EMIT

Adopted: 12/04/95

A. APPLICABILITY

1. General Applicability: This rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:
 - a. In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in section C.1. below; or
 - b. In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in section F.1. below.
2. Stationary Source with De Minimis Emissions: The recordkeeping and reporting provisions in sections D, E and F below shall not apply to a stationary source with de minimis emissions or operations as specified in either subsection a. or b. below:
 - a. In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:
 - i. 5 tons per year of a regulated air pollutant (excluding HAPs),
 - ii. 2 tons per year of a single HAP,
 - iii. 5 tons per year of any combination of HAPs, and
 - iv. 20 percent of any lesser threshold for a single HAP that the
 - v. United States Environmental Protection Agency (U.S. EPA) may establish by rule.
 - b. In every 12-month period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in subsections (i) through (viii) below:
 - i. 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;

- ii. 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent-containing material;
- iii. 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;
- iv. 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;
- v. 1,400 gallons of gasoline combusted;
- vi. 16,600 gallons of diesel fuel combusted;
- vii. 500,000 gallons of distillate oil combusted, or
- viii. 71,400,000 cubic feet of natural gas combusted.

Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to sections D or F shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in subsection a. or b. above.

- 3. Provision for Air Pollution Control Equipment: The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. This provision shall not apply after January 1, 1999 unless such operational limitation is federally enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.
- 4. Exemption, Stationary Source Subject to Rule 217: This rule shall not apply to the following stationary sources:
 - a. Any stationary source whose actual emissions, throughput, or operation, at any time after the effective of this rule, is greater than the quantities specified in sections C.1. or F.1. below and which meets both of the following conditions:
 - i. The owner or operator has notified the District at least 30 days prior to any exceedance that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits, and

- ii. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.

However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

- b. Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Rule 217, and is awaiting final action by the District and U.S. EPA.
- c. Any stationary source required to obtain an operating permit under Rule 217 for any reason other than being a major source.
- d. Any stationary source with a valid Part 70 permit.

Notwithstanding subsections b. and d. above, nothing in this section shall prevent any stationary source which has had a Part 70 permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Part 70 permit or upon rescission of a Part 70 permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in section C.1. below or an applicable alternative operational limit in section F.1. below.

- 5. Exemption, Stationary Source with a Limitation on Potential to Emit: this rule shall not apply to any stationary source which has a valid operating permit with federally-enforceable conditions or other federally-enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in sections B.7 and B.8 below.
- 6. Within three years of the effective date of Rule 217, the District shall maintain and make available to the public upon request, for each stationary source subject to this rule, information identifying the provisions of this rule applicable to the source.
- 7. This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program.¹ This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

B. DEFINITIONS

All terms shall retain the definitions provided under 40 CFR Part 70.2 unless otherwise defined herein.

¹ For example, PSD, NSR and ATC

1. 12-month period: A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.
2. Actual Emissions: The emissions of a regulated air pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including emission factors and assumptions.
3. Alternative Operational Limit: A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section F, Alternative Operational Limit and Requirements.
4. Emission Unit: Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.
5. Federal Clean Air Act: The federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.
6. Hazardous Air Pollutant: Any air pollutant listed pursuant to section 112(b) of the federal Clean Air Act.
7. Major Source of Regulated Air Pollutants (excluding HAPs): A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:
 - a. 100 tons per year (tpy) of any regulated air pollutant;
 - b. 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and
 - c. 70 tpy of PM10 for a federal PM10 nonattainment area classified as serious.

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions- Major source(2)".

8. Major Source of Hazardous Air Pollutants: A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such

lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radionuclides shall be specified by rule by the U.S. EPA.

9. Part 70 Permit: An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.
10. Potential to Emit: The maximum capacity of a stationary source to emit a regulated air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation is federally enforceable.
11. Process Statement: An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.
12. Regulated Air Pollutant: The following air pollutants are regulated:
 - a. Oxides of nitrogen and volatile organic compounds;
 - b. Any pollutant for which a national ambient air quality standard has been promulgated;
 - c. Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act;
 - d. Any pollutant that is subject to any standard promulgated under section 111 of the federal Clean Air Act; and
 - e. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the federal Clean Air Act, including:
 - i. Any pollutant listed pursuant to section 112(r) (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list.
 - ii. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) shall be considered a regulated air pollutant for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3).

- iii. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a regulated air pollutant when the determination is made pursuant to section 112(g)(2). In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

C. EMISSION LIMITATIONS

1. Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section F.1. below, no stationary source subject to this rule shall emit in every 12-month period more than the following quantities of emissions:
 - a. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs),
 - b. 5 tons per year of a single HAP,
 - c. 12.5 tons per year of any combination of HAPs, and
 - d. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
2. The APCO shall evaluate a stationary source's compliance with the emission limitations in section C.1. above as part of the District's annual permit renewal process required by Health & Safety Code section 42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section E, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA, CARB, or the APCO.
3. Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section F.1. below, the owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in section C.1. above.

D. RECORDKEEPING REQUIREMENTS

Immediately after adoption of this rule, the owner or operator of a stationary source subject to this rule shall comply with any applicable recordkeeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Section F, Alternative Operational Limit and Requirements. The recordkeeping requirements of this rule shall not replace any

recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.

1. A stationary source previously covered by the provisions in section A.2 above shall comply with the applicable provisions of section D above and sections E and F below if the stationary source exceeds the quantities specified in section A.2.a. above.
2. The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, CARB, or U.S. EPA staff upon request.

a. Coating/Solvent Emission Unit

The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

- i. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;
- ii. A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;
- iii. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and
- iv. All purchase orders, invoices, and other documents to support information in the monthly log.

b. Organic Liquid Storage Unit: The owner or operator of a stationary source subject to this rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:

- i. A monthly log identifying the liquid stored and monthly throughput; and
- ii. Information on the tank design and specifications including control equipment.

c. Combustion Emission Unit

The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

- i. Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and
- ii. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

d. Emission Control Unit

The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

- i. Information on equipment type and description, make and model, and emission units served by the control unit;
- ii. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and
- iii. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

e. General Emission Unit

The owner or operator of a stationary source subject to this rule that contains an emission unit not included in subsections a., b. or c. above shall keep and maintain the following records:

- i. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);

- ii. Any additional information requested in writing by the APCO;
- iii. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
- iv. Purchase orders, invoices, and other documents to support information in the monthly log.

E. REPORTING REQUIREMENTS

1. At the time of annual renewal of a permit to operate under Rule 209, each owner or operator of a stationary source subject to this rule shall submit to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.
2. For the purpose of determining compliance with this rule, this requirement shall not apply to stationary sources which emit in every 12-month period less than or equal to the following quantities:
 - a. For any regulated air pollutant (excluding HAPs),
 - i. 25 tons per year including a regulated air pollutant for which the District has a federal area designation of attainment, unclassified, transitional, or moderate nonattainment,
 - ii. 15 tons per year for a regulated air pollutant for which the District has a federal area designation of serious nonattainment,
 - iii. 6.25 tons per year for a regulated air pollutant for which the District has a federal area designation of severe nonattainment,
 - b. 2.5 tons per year of a single HAP,
 - c. 6.25 tons per year of any combination of HAPs, and
 - d. 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
3. A stationary source previously covered by provisions in section E.2 above shall comply with the provisions of section E.1 above if the stationary source exceeds the quantities specified in section E.2.
4. Any additional information requested by the APCO under section E.1 above shall be submitted to the APCO within 30 days of the date of request.

F. ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS

The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the operation(s) limited by the alternative operational limit.

1. Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.
 - a. The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.
 - b. The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.
 - c. Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems.

The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:

- i. No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.
 - ii. A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.
 - iii. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
- d. Degreasing or Solvent-Using Unit

The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:

- i. If the solvents do not include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be used in every 12-month period. If the solvents include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be used in every 12-month period.

- ii. A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
 - iii. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
- e. Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower

The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:

- i. The emergency standby engine(s) shall not operate more than 5,200 hours in every 12-month period and shall not use more than 265,000 gallons of diesel fuel in every 12-month period.
 - ii. A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.
 - iii. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
2. The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in section F.1. above.

G. VIOLATIONS

- 1. Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule. Each day during which a violation of this rule occurs is a separate offense.
- 2. A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Rule 217, when the conditions specified in either subsections a. or b. below, occur:
 - a. Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in section C.1 above and any applicable alternative operational limit specified in section F.1, above, or
 - b. Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in section C.1. above or any applicable alternative operational limit specified in section F.1. above.

RULE 219. REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

Adopted: 12/04/95

A. PURPOSE

This rule authorizes the owners or operators of specified stationary sources that would otherwise be major sources to request and accept federally-enforceable emissions limits sufficient to allow the sources to be considered "synthetic minor sources."

A synthetic minor source is not subject to Rule 217 unless it is subject to that rule for any reason other than being a major source. A synthetic minor source is subject to all applicable federal requirements for non-major stationary sources and to all federally-enforceable conditions and requirements pursuant to this rule. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.

B. APPLICABILITY

1. General Applicability: This rule applies to any major source for which the owner or operator requests, and would be able to comply with, federally-enforceable conditions that qualify the source to be a synthetic minor source, as defined herein.
2. Exclusion: This rule shall not apply to any source subject to Rule 217 for any reason other than being a major source.

C. DEFINITIONS

All terms shall retain the definitions provided under Rule 217, unless otherwise defined herein.

1. Major Source Threshold: A major source threshold is the potential to emit a regulated air pollutant in the amounts specified in the definition of "major source" as defined in Rule 217.
2. Modification: For the purposes of this rule, a modification is any physical or operational change at a source or facility which necessitates a revision of any federally-enforceable condition, established pursuant to this rule or by any other mechanism, that enables a source to be a synthetic minor source.
3. Operating Scenario: An operating scenario is any mode of operation to be permitted, including: normal operation, start-up, shutdown, and reasonably foreseeable changes in process, feed, or product.
4. Owner or Operator: For the purposes of this rule, an owner or operator is any person who owns, operates, controls, or supervises a stationary source.
5. Synthetic Minor Source: A synthetic minor source is a stationary source which, pursuant to this rule or another mechanism, is subject to federally-enforceable conditions that limit its potential to emit to below major source thresholds.

D. REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

A request for synthetic minor source status shall not relieve a source of the responsibility to comply with the application requirements of Rule 217 within the specified timeframes. A major source subject to this rule may request synthetic minor source status in accordance with the following:

1. Content of Request: A request for designation as a synthetic minor source shall include:
 - a. The identification and description of all existing emission units at the source;

The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted, including any existing federally-enforceable limits established by a mechanism other than this rule;
 - b. The calculated emissions for each emissions unit shall include the following fugitive emissions: 1) hazardous air pollutant fugitive emissions for all sources, and 2) other regulated air pollutant fugitive emissions for sources specified in 40 CFR Part 70.2 Major Sources (2).
 - c. Proposed federally-enforceable conditions which:
 - i. Limit source-wide emissions to below major source thresholds, and
 - ii. Are permanent, quantifiable, and otherwise enforceable as a practical matter;
 - d. Proposed federally-enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;
 - e. Any additional information requested by the APCO; and
 - f. Certification by a responsible official that the contents of the request are true, accurate, and complete.
2. Timely Request: The owner or operator of a major source who chooses to request synthetic minor source status shall make such a request within the following time frames:
 - a. For any major source that is operating or is scheduled to commence operating on the effective date of Rule 217, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 217;
 - b. For any major source that commences operating after the effective date of Rule 217, the owner or operator shall request synthetic minor source

status no later than 60 days before an application is required under Rule 217; or

- c. For any major source that is operating in compliance with a permit pursuant to Rule 217, the owner or operator shall request synthetic minor source status at any time, but no later than eight months prior to permit renewal.
3. Synthetic Minor Source Modification Requirements: The following requirements apply to any modification of a synthetic minor source:
- a. For a modification which would not increase the synthetic minor source's potential to emit to equal or exceed any major source threshold, the source shall comply with the requirements of Rules 209-A and 216 (adopted 3/10/76).
 - b. For a modification which would increase the synthetic minor source's potential to emit to equal or exceed any major source threshold or would affect a monitoring, recordkeeping, or reporting requirement pursuant to section E.2.b. of this rule, the owner or operator shall comply with the applicable requirements of Rules 209-A and 216 (adopted 3/10/76) and shall:
 - i. Submit a revised request for synthetic minor source status in accordance with section D.1. of this rule no later than 180 days prior to the intended modification; or
 - ii. Submit an application in accordance with the requirements of Rule 217 no later than 180 days prior to the intended modification.

E. DISTRICT PROCEDURES AND FEDERALLY-ENFORCEABLE CONDITIONS

The District shall take the following actions on requests for synthetic minor source status:

1. **Completeness Determination:** The APCO shall determine if the request for synthetic minor source status is complete within 30 days of receipt, unless a longer period of time is agreed upon by the APCO and the source's owner or operator. Thirty-one days after the request has been submitted, it shall be deemed complete unless the APCO notifies the owner or operator that it is incomplete. Upon request by the APCO, the owner or operator shall provide additional information whether or not the request for synthetic minor source status has been deemed complete.
2. **Federally-enforceable Conditions:** Federally-enforceable conditions enabling a source to become a synthetic minor source shall be identified as federally enforceable and included in the source's permit-to-operate issued by the District pursuant to Rules 209 and 216 (adopted 3/10/76) and sections E.3. through E.5. of this rule, and shall be:

- a. Permanent, quantifiable, and practically enforceable permit conditions, including any operational limitations or conditions, which limit the source's potential to emit to below major source thresholds;
- b. Monitoring, recordkeeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits set forth pursuant to section E.2.a. of this rule; and
- c. Subject to public notice and U.S. EPA review pursuant to sections E.3. and E.4. of this rule.

Permits that do not conform to the requirements of this section, any other requirements of this rule, or any underlying federal regulations which set forth criteria for federal-enforceability may be deemed not federally-enforceable by the U.S. EPA.

- 3. Public Notification and Review: After a request for synthetic minor source status is determined to be complete, the APCO shall:
 - a. Publish a notice of the request in one or more major newspapers in the area where the source is located;
 - b. In the public notice:
 - i. State that conditions identified as federally enforceable in the source's permit will establish a voluntary emissions limit in accordance with Rule 219, and
 - ii. Describe how the public may obtain copies of the proposed permit including the federally-enforceable conditions addressing the emissions limit; and
 - c. Provide 30 days for public review of the proposed permit prior to final permit action.
- 4. U.S. EPA Review: After a request for synthetic minor source status is determined to be complete, the APCO shall:
 - a. Provide the U.S. EPA with copies of the proposed permit including the conditions which:
 - i. Are identified as federally enforceable, and
 - ii. Limit emissions to below major source thresholds;
 - b. Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and
 - c. Provide the U.S. EPA with copies of the final permit.
- 5. Final Action: Until the District takes final action to issue the permit-to-operate pursuant to this section, a source requesting synthetic minor source status shall

not be relieved of the responsibility to comply with the application or other requirements of Rule 217 within the specified timeframes.

Upon fulfilling the requirements of sections E.1. through E.4. of this rule, the APCO shall consider any written comments received during public and U.S. EPA review and take final action on the permit-to-operate of a source requesting synthetic minor source status within 90 days of deeming such request complete or within three years of the effective date of Rule 217, whichever is later.

The District shall maintain a public record of all pertinent documents regarding a request for synthetic minor source status, including: the request, proposed permit, all written comments and responses, and the final permit.

6. Renewal of Synthetic Minor Source Status: Renewal of synthetic minor source status shall be made in accordance with Rule 210. In addition, at permit renewal, any revision of conditions identified as federally enforceable shall be subject to sections D.1. and E.1. through E.5. of this rule.

F. COMPLIANCE

The owner or operator of a synthetic minor source which exceeds the conditions identified as federally enforceable and established pursuant to section e.2.a. of this rule shall report such exceedances to the APCO in accordance with Rule 403.

The owner or operator of a synthetic minor source that is not in compliance with any condition identified as federally enforceable or with any requirement set forth in this rule, or that files false information with the District to obtain synthetic minor source designation, is in violation of the Clean Air Act and District rules and regulations. A non-complying synthetic minor source may be subject to any one or combination of the following actions: enforcement action, permit termination, permit revocation and reissuance, and permit renewal denial.

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RULE 220. CONSTRUCTION OR RECONSTRUCTION OF MAJOR SOURCES OF HAZARDOUS AIR POLLUTANTS

Adopted: 07/19/99

A. PURPOSE

The purpose of this rule is to require the installation of best available control technology for toxics (T-BACT) at any constructed or reconstructed major source of hazardous air pollutants (HAPs). All T-BACT determinations shall ensure a level of control that the Air Pollution Control Officer (APCO) has determined to be, at a minimum, no less stringent than new source maximum achievable control technology (MACT) as required by the federal Clean Air Act (CAA), §112 (g)(2)(B) and implemented through 40 CFR, subpart B §§63.40-63.44.

B. APPLICABILITY

The requirements of this rule shall apply to all owners or operators that construct or reconstruct a major source of HAPs, unless the major source is exempt pursuant to section D. Compliance with this rule does not relieve any owner or operator of a major source of HAPs from complying with all other District rules or regulations, any applicable State airborne toxic control measure (ATCM), or other applicable State and federal laws.

C. EFFECTIVE DATE

This rule is effective on July 19, 1999.

D. EXEMPTIONS

The provisions of this rule do not apply to:

1. any major source that is subject to an existing National Emissions Standard (NESHAPs) for HAPs pursuant to sections 112 (d), 112 (h) or 112 (j) of the CAA,
2. any major source that has been specifically exempted from regulation under a NESHAP issued pursuant to sections 112 (d), 112 (h) or 112(j) of the CAA,
3. any major source that has received all necessary air quality permits for such construction or reconstruction project before July 19, 1999,
4. electric utility steam generating units, unless and until such time as these units are added to the source category list pursuant to section 112 (c)(5) of the CAA,
5. any stationary sources that are within a source category that has been deleted from the source category list pursuant to section 112 (c)(9) of the CAA,
6. research and development activities as defined in 40 CFR §63.41, and

7. any other stationary source exempted by section 112 of the CAA.

E. DEFINITIONS

Terms used in this rule that are not defined in this section have the meaning given to them in District Rule 217.

Best Available Control Technology for Toxics (T-BACT)

T-BACT means the most effective emissions limitation or control technique which:

1. has been achieved in practice for such permit unit category or class of sources;
or
2. is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the Air Pollution Control Officer to be technologically feasible for such a category or class of sources, or for a specific source.

Construct a Major Source means the same as defined in 40 CFR §63.41 Definitions.

Hazardous Air Pollutants (HAPs) means any air pollutant listed in or pursuant to CAA, section 112 (b).

Major Source of HAPs means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of hazardous air pollutants or 25 tons per year or more of any combination of hazardous air pollutants.

Potential to Emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions are incorporated into the applicable permit as enforceable permit conditions.

Reconstruct a Major Source means the same as defined in 40 CFR §63.41 Definitions.

F. REQUIREMENTS

No person shall construct a major source or reconstruct a major source of HAPs unless the air pollution control officer determines that the T-BACT requirements of this rule will be met.

G. CALCULATION PROCEDURES

The potential to emit for a source of HAP emissions shall equal the sum of the potentials to emit of the constructed or reconstructed source of HAPs. All fugitive HAP

emissions associated with the construction or reconstruction shall be included in the potential to emit determination.

H. ADMINISTRATIVE PROCEDURES

An application for authority to construct a major source or reconstruct a major source of HAPs shall be subject to the administrative procedures contained in District Rule 217.

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