

RULE 1413. EARLY REDUCTION OF HAZARDOUS AIR POLLUTANTS

(Adopted 1/18/94: Revised 3/7/95)

(a) GENERAL

Any source seeking a permit under this regulation, that expects to be subject to requirements to reduce emissions of federal hazardous air pollutants during the term of the proposed permit, may propose to make reductions in emissions of such pollutants or contaminants in advance of new requirements becoming applicable.

If the requirements of this rule are met, early reduction requirements shall be incorporated into the permit to operate and the source shall, to the extent permitted by law, be protected from the imposition of additional requirements for the reduction of federal hazardous air pollutants, as provided in Sections (b) and (c) of this rule.

(b) FEDERAL EARLY REDUCTION PROGRAM

Any source proposing to implement alternative emissions limitations for hazardous air pollutants under Section 112(i)(5) of the federal Clean Air Act and implementing regulations promulgated by the federal EPA at 40 CFR Part 63, shall include proposed permit terms and conditions in its permit application. Those terms and conditions shall provide for at least a 95% reduction in particulate federal hazardous air pollutants, and at least a 90% reduction in all other federal hazardous air pollutants that would be subject to regulation under Section 112 of the federal Clean Air Act, in comparison to the baseline specified in Section 112(i)(5) of the federal Clean Air Act and implementing regulations promulgated by the federal EPA at 40 CFR Part 63. The proposed early reductions must occur before applicable federal standards are promulgated, and all other requirements of Section 112(i)(5) and implementing regulations promulgated by the federal EPA at 40 CFR Part 63, must also be met. If the requirements of the federal Clean Air Act and implementing regulations promulgated by the federal EPA at 40 CFR Part 63 are met, the source shall receive a six-year delay in the effective date of requirements that would be otherwise applicable under Section 112 of the federal Clean Air Act, or under state and local programs implementing that Act.

(c) PROTECTION OF PUBLIC HEALTH

Nothing in this rule shall prevent the Air Pollution Control Officer from imposing additional requirements for the control of federal hazardous air pollutants on a source whose permit to operate includes early reduction terms and conditions and associated protections, if risks from emissions from that source are later determined to pose a significant threat to human health.