



Air Pollution Control Board

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October 11, 2011

NOTICE OF WORKSHOP

**FOR DISCUSSION OF PROPOSED NEW RULE 20.3.1 – PREVENTION OF SIGNIFICANT
DETERIORATION – FEDERAL REQUIREMENTS, AND
PROPOSED AMENDMENTS TO REGULATION XIV – TITLE V OPERATING PERMITS,
RULE 60.1 – LIMITING POTENTIAL TO EMIT AT SMALL SOURCES, AND
RULE 60.2 – LIMITING POTENTIAL TO EMIT – SYNTHETIC MINOR SOURCES**

The San Diego County Air Pollution District (District) will hold a public meeting to discuss proposed new Rule 20.3.1 – Prevention of Significant Deterioration – Federal Requirements, and proposed amendments to Regulation XIV – Title V Operating Permits, Rule 60.1 – Limiting Potential to Emit at Small Sources, and Rule 60.2 – Limiting Potential to Emit – Synthetic Minor Sources. Comments and questions concerning the proposed new and amended rules may be submitted in writing before or made at the meeting, which is scheduled as follows:

DATE: Thursday, November 17, 2011

TIME: 9:00 a.m. to 11:00 a.m.

PLACE: County Operations Center – Annex
Department of Planning & Land Use Hearing Room
5201 Ruffin Road, Suite B
San Diego, CA 92123

On June 3, 2010, the U.S. Environmental Protection Agency (EPA) published the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Tailoring Rule, establishing the emissions thresholds for applicability of Clean Air Act permitting requirements to major stationary sources of GHGs. The PSD and Title V permitting programs were statutorily triggered (automatically) when GHGs became subject to regulation under EPA's new motor vehicle GHG emissions rule. To ensure only the largest stationary sources of GHGs would require air permits, the Tailoring Rule tailors (raises) the statutory thresholds for applicability of PSD and Title V programs to GHG-emitting facilities.

The District's proposed new rule and rule amendments would accomplish three key objectives:

1. Locally implement the Tailoring Rule for affected stationary sources of GHG emissions;
2. Transfer administration of the federal PSD permit program from EPA to the District; and
3. Clarify the emissions thresholds for applicability of Title V permit requirements under each federal ozone nonattainment classification.

OVER

Covered GHGs

Pursuant to the Tailoring Rule and proposed District requirements, "greenhouse gas" is defined as the aggregate group of the following six gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Applicability is determined on a carbon dioxide-equivalent (CO₂e) basis, which is the sum of the mass of emissions of each individual gas adjusted for its Global Warming Potential (GWP).

Prevention of Significant Deterioration (PSD)

PSD requirements under the Clean Air Act are designed to help ensure economic growth and development occur in a manner that maintains air quality. Under the PSD program, new major stationary sources of regulated air pollutants, and major modifications at existing major sources, are required to obtain a PSD permit prior to construction. A number of requirements apply to affected sources, including applying best available control technology, demonstrating compliance with air quality standards, and providing an opportunity for public input prior to permit issuance.

EPA currently administers federal PSD requirements in San Diego County but has requested the District to assume this responsibility, as allowed by the Clean Air Act. The District has extensive experience processing air permits and working with local facilities and therefore is well suited to the task of PSD permitting. Upon Air Pollution Control Board adoption and subsequent EPA approval of Rule 20.3.1, the District will have the primary authority to administer PSD requirements. Additionally, any appeals of PSD permitting actions will, therefore, be considered by the District Hearing Board rather than EPA's Environmental Appeals Board.

Model Rule. Proposed Rule 20.3.1 incorporates federal PSD regulations by reference and is based on a model rule developed by the California Air Pollution Control Officers Association (CAPCOA) in collaboration with EPA. Involving EPA in its development provides a high degree of certainty that EPA will approve the rule following its adoption by the Air Pollution Control Board.

Applicability. Proposed Rule 20.3.1 applies to:

1. Proposed new stationary sources with a potential to emit GHGs of at least 100,000 tons/year on a CO₂e basis **and** 100 or 250 tons/year (depending on the source type) on a mass basis (i.e., with no adjustments for GWP); and
2. Proposed new stationary sources with a potential to emit at least 100 or 250 tons/year (depending on the source type) of a criteria pollutant, i.e. volatile organic compounds, oxides of nitrogen, particulate matter, oxides of sulfur, carbon monoxide, or lead; and
3. Proposed major modifications at such sources that would increase the potential to emit:
 - (a) GHG emissions by at least 75,000 tons/year on a CO₂e basis **and** by more than 0 ton/year on a mass basis (i.e., results in a net mass increase of the constituent gases combined); or
 - (b) Other pollutants at a rate equal to or exceeding specified regulatory thresholds.

BACT Determinations. One PSD requirement is the application of "best available control technology" (BACT). BACT will be determined by the District (in collaboration with the PSD permit applicant) on a case-by-case, project-specific basis using the customary top-down BACT selection process. This process involves ranking and evaluating available emission reduction options in the order of their effectiveness, and narrowing the options by taking into account technical feasibility, cost, and other considerations. Energy efficient technologies and processes may serve as the foundation for GHG BACT analyses in many cases, at least initially, given the current limited availability of add-on controls to reduce GHG emissions.

Other PSD Requirements. In addition to requirements for BACT and for public input, other PSD requirements under the Clean Air Act include assessing the project's impacts on air quality, visibility, soils, and vegetation. EPA has determined that these other PSD requirements do not apply to GHGs. These requirements will continue to apply, however, to other (non-GHG) emissions that trigger PSD permitting.

Title V

Regulation XIV describes the District's permit program mandated by Title V of the Clean Air Act. It requires each major stationary source of regulated air pollutants to obtain a federally enforceable operating permit that addresses all applicable requirements under the Clean Air Act and associated monitoring, record keeping, and reporting requirements. Title V permit renewals are required on a five-year cycle.

The proposed amendments to Regulation XIV incorporate GHG-specific Title V applicability thresholds and related definitions in Rule 1401 (General Provisions), consistent with the Tailoring Rule. An unrelated minor amendment to Rule 1410 (Permit Required) is also proposed to clarify the timing of any applications to significantly amend a Title V permit due to facility modifications.

Applicability. Under the proposed amendments to Rule 1401, a Title V operating permit will be required for stationary sources with a potential to emit GHGs of at least 100,000 tons/year on a CO₂e basis.

Permit Application Deadline. Existing sources that are newly subject to Title V based on GHG emissions will be required to apply for a Title V permit within 12 months of first becoming subject to these requirements. Title V requirements for GHGs will take effect upon EPA's approval of the proposed amendments to Rule 1401, therefore permit applications will be due 12 months thereafter. Future new sources meeting GHG applicability thresholds will be required to apply within 12 months of commencing operations.

Permit Application Information. Title V permit applications will need to include GHG emissions information sufficient for the District to verify potential applicable federal requirements for GHGs. This information could include descriptions of the GHG emission sources at the facility and GHG emission estimates. This requirement will generally be satisfied by information provided under EPA's GHG Reporting Rule, if applicable.

The permit application must also address any applicable federal requirements for GHGs. Such requirements will be limited, at least initially, to GHG BACT requirements resulting from PSD permitting actions, if applicable. Requirements of EPA's GHG Reporting Rule are not considered applicable requirements under Title V regulations.

Existing Title V Sources. Sources subject to an existing Title V permit (for non-GHG emissions) will be required to address GHG emissions in their next application for a Title V permit renewal (or permit amendment, if applicable). For existing Title V sources that are not subject to federal requirements for GHGs (i.e., not subject to a GHG BACT requirement resulting from a PSD review), descriptions of GHG emission sources and GHG emission estimates by reference may be sufficient. Detailed quantification of GHG emissions may not be necessary in some cases.

Rules 60.1 and 60.2. District Rules 60.1 and 60.2 are companion rules in Regulation IV that establish enforceable limits on a source's potential to emit, allowing compliant small sources (Rule 60.1) and synthetic minor sources (Rule 60.2) to avoid Title V (and possibly PSD) requirements. The proposed amendments to these rules establish such limits for GHG emissions and the record keeping and reporting requirements to maintain an exemption from Title V.

Permit Limits to Avoid Title V. Existing sources that may be newly subject to Title V based on their GHG emissions—but instead want to obtain enforceable permit limits on GHGs to avoid Title V—may obtain such permit limits (pursuant to Rule 60.1, 60.2, or other applicable rule) on or before the Title V permit application deadline to ensure protection from EPA enforcement of the requirement to apply for a Title V permit. Obtaining enforceable permit limits before the Title V permit application deadline will ensure Title V permit application requirements do not apply.

Biomass Exemption

The District's proposed new and amended rules reflect EPA's rule (issued in July 2011) deferring for three years (through July 20, 2014) the application of PSD and Title V permitting requirements to biogenic carbon dioxide (CO₂) emissions from stationary sources. This includes CO₂ emitted from: biological decomposition of waste in landfills and wastewater treatment processes; combustion of biogas collected from decomposition of waste in landfills and wastewater treatment processes; and combustion of biologically-derived material such as wood and agricultural material. The deferral applies only to biogenic CO₂ emissions and does not affect other GHGs or non-GHG pollutants.

Ozone Nonattainment Classification

Title V requirements under the Clean Air Act also apply to major stationary sources of ozone precursors—volatile organic compounds (VOC) and oxides of nitrogen (NO_x). The statutory VOC and NO_x emission thresholds for applicability of Title V requirements—currently 100 tons/year for local stationary sources—vary depending on an air basin's degree or "classification" of ozone nonattainment (e.g., Serious, Severe, or Extreme). The proposed amendments to Rule 1401 incorporate the varying statutory VOC and NO_x emission thresholds by ozone nonattainment classification. This will allow the District to avoid future costs of amending the rule (to adjust the applicability thresholds) upon every change in ozone nonattainment classification.

The District requests that workshop participants bring their own copies of the proposed new and amended rules. Copies may be downloaded from the District's website at http://www.sdapcd.org/homepage/public_part/workshops/public_workshops.pdf. Those without internet access may contact Janet McCue at (858) 586-2712. If you have questions concerning the proposal, please contact Andy Hamilton at (858) 586-2641.



ROSA MARIA S. ABREU, Assistant Director
Air Pollution Control District

RMA:RCR:jlm

RULE 60.1 - LIMITING POTENTIAL TO EMIT AT SMALL SOURCES

(Adopted ~~&and~~ Effective 5/23/01); (Rev. ~~&and~~ Eff. 8/13/03); Rev. & Eff. (date of adoption))

(a) APPLICABILITY (Rev. and Eff. 8/13/03)

This rule applies to any stationary source which would otherwise meet the definition of major stationary source in Rule 1401 ~~have the potential to emit any regulated air pollutants equal to or in excess of the threshold for a major source of regulated air pollutants~~ if it did not comply with the limitations set forth in this rule, and which meets one of the following conditions:

(1) In every 12-month period, the actual emissions of the stationary source are less than or equal to ~~any~~ all of the emission limitations specified in Subsection (d)(1)(i) through (d)(1)(iv); or

(2) In every 12-month period, at least 90 percent of the actual emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in Subsection (g)(1).

This rule shall not relieve any stationary source from a requirement to comply with all terms or conditions of any applicable Authority to Construct permit, or a requirement to modify any applicable Authority to Construct, or any other provisions of these Rules and Regulations. This Section (a) does not preclude issuance of any Authority to Construct with conditions or terms necessary to ensure compliance with this rule.

(b) EXEMPTIONS

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 such 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.

(1) The following stationary sources with de minimis emissions or operations are exempt from the provisions in Sections (d)(2), (e), (f), and (g):

(i) In every 12-month period, the stationary source emits less than or equal to all of the following quantities of actual emissions:

(A) For oxides of nitrogen (NO_x) or volatile organic compounds (VOC), in accordance with the District's current federal ozone attainment status, as codified in 40 CFR 81.305, as follows: 5 tons per year of NO_x or VOC if the District is in Attainment or Subpart 1 Nonattainment, or has an ozone nonattainment classification of Marginal, Moderate, Serious, or Severe; ~~any-regulated air pollutant for which~~ 2 tons of NO_x or VOC per year if the District is ~~designated a serious~~ has a federal ozone nonattainment area classification of Extreme ~~(2.5 tons per year for severe nonattainment area)~~; and

(B) 5 tons per year of any other regulated air pollutant except Hazardous Air Pollutants (HAPs) and greenhouse gases; and

(C) 2 tons per year of a single HAP; and

(D) 5 tons per year of any combination of HAPs; and

(E) 20 percent of any lesser threshold for a single HAP that the Environmental Protection Agency (EPA) may establish by rule; ~~or~~ and

(F) 20,000 tons per year of greenhouse gases (expressed as CO₂e) and 5 tons per year of greenhouse gases on a mass basis (that is, not adjusting for global warming potential); or

(ii) For any District federal ozone classification except Extreme nonattainment, in every 12-month period, a stationary source's throughput is less than or equal to any of the following throughputs and at least 90 percent of the stationary source's emissions are associated with that throughput:

(A) 550 gallons of any one ~~volatile organic compound (VOC)~~-containing material and 1,400 gallons of any combination of VOC-containing materials, provided that the materials do not contain any halogenated organic compound that is identified as a HAP; or

(B) 300 gallons of any one VOC-containing material and 750 gallons of any combination of VOC-containing materials that contains halogenated organic compounds that are identified as HAPs; or

(C) 550 gallons of any VOC-containing material also containing a single HAP, and 2,500 gallons of VOC-containing material, applied in a surface coating operation; or

(D) 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems; or

(E) 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems; or

(F) 1,400 gallons of gasoline combusted; or

(G) 16,600 gallons of diesel fuel combusted; or

(H) 500,000 gallons of distillate oil combusted; or

(I) 71,400,000 cubic feet of natural gas combusted.

(iii) If the District has a federal ozone nonattainment classification of Extreme, in every 12-month period, a stationary source's throughput is less than or equal to 40% of the throughputs in (b)(1)(ii) above, with the exception of (b)(1)(ii)(C) for which 100% of the value applies, and at least 90 percent of the stationary source's emissions are associated with that throughput;

(iv) For sources with de minimis emissions as defined in Subsections (b)(1)(i), (b)(1)(ii), or (b)(1)(iii), ~~Within~~ within 30 days of a written request by the District or the EPA, the owner or operator of a stationary source not maintaining records pursuant to Sections (e) or (g) shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in Subsections (b)(1)(i) or (b)(1)(ii). Calendar-year records may be used to substantiate the stationary source's emissions or throughput.

(2) The following stationary sources are exempt from this rule:

(i) Any stationary source whose actual emissions, throughput, or operation, at any time after May 23, 2001, is greater than the quantities specified in Subsections (d)(1) or (g)(1) and which meets both of the following conditions:

(A) The owner or operator has notified the District at least 30 days prior to any exceedance that such owner or operator will submit an application for a Title V permit, or otherwise obtain legally and practicably enforceable permit limits, and

(B) A complete Title V permit application is received by the District, or the permit action to otherwise obtain legally and practicably enforceable or federally enforceable limits is completed, within 12 months of the date of notification.

Notwithstanding the exemption provided by Subsection (b)(2)(i), the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard or NESHAP.

(ii) Any stationary source that has applied for a Title V permit in a timely manner and in conformance with Regulation XIV and is awaiting final action by the District and EPA.

(iii) Any stationary source required to obtain an operating permit under Regulation XIV for any reason other than being a major source.

(iv) Any stationary source with a valid Title V permit.

Notwithstanding Subsections (b)(2)(ii) and (b)(2)(iv), nothing in this section shall prevent any stationary source which has had a Title V permit from qualifying to comply with this rule upon rescission of a Title V permit or in lieu of maintaining an application for a Title V permit if the owner or operator of the stationary source demonstrates that the stationary source is in compliance with the emissions limitations in Subsection (d)(1) or an applicable alternative operational limit in Subsection (g)(1).

(3) Any stationary source ~~is exempt~~ which has a valid operating permit with legally and practicably enforceable or federally enforceable conditions or other legally and practicably enforceable or federally enforceable limits that limit its potential to emit to below the applicable threshold(s) for a major source is exempt from this rule.

(4) The provisions of Section (f) shall not apply to stationary sources that emit less than or equal to all of the following quantities in every 12-month period:

(i) 25 tons per year of any regulated air pollutant (excluding HAPs and greenhouse gases); and

(ii) 15 tons per year ~~for a regulated air pollutant for which~~ of VOC or NOx if the District has a federal area designation ozone nonattainment classification of serious Serious nonattainment; and

(iii) 6.25 tons per year of VOC or NOx if ~~for a regulated air pollutant for which~~ the District has a federal ~~area designation ozone nonattainment classification of~~ Severe severe nonattainment; and

(iv) 2.5 tons per year of VOC or NOx if the District has a federal ozone nonattainment classification of Extreme; and

(iv) 2.5 tons per year of a single HAP; and

(vi) 6.25 tons per year of any combination of HAPs; and

(vii) 25 percent of any lesser threshold for a single HAP as EPA may establish by rule; and;

(viii) 24,999 tons per year of greenhouse gases (expressed as CO₂e) or 25 tons per year of greenhouse gases on a mass basis (that is, not adjusting for global warming potential).

A stationary source previously exempted pursuant to Subsection (b)(4) from compliance with the provisions of Section (f) shall immediately comply with the provisions of Section (f) if the actual emissions from the stationary source exceed any of the quantities specified in Subsections (b)(4)(i) through (b)(4)(~~vi~~)(viii).

~~By May 23, 2004, For any stationary source subject to this rule,~~ the District shall maintain and make available to the public, upon written request, ~~for any stationary source subject to this rule,~~ information identifying the provisions of this rule applicable to the source.

(c) **DEFINITIONS** (Rev. and Eff. 8/13/03)

All terms shall retain the definitions provided in Regulation XIV and District Rule 2 unless otherwise defined herein.

(1) **“12-month Month Period”** means a period of 12 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”** means 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 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 Air Pollution Control Officer. All calculations of actual emissions shall use U. S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), or District approved methods, including emission factors and assumptions.

(3) **“Air Contaminant”** means the same as defined in Rule 1401.

(34) **“Alternative Operational Limit”** means 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 (g), Table I. With the concurrence of EPA, the Air Pollution

Control Officer may revise Table I 30 days after public notice of the proposed changes is published in a newspaper of general circulation.

(45) **“Emission Unit”** means any non-vehicular article, machine, equipment, contrivance, process or process line, which emit(s) or reduce(s) or may emit or reduce the emission of any air contaminant.

(56) **“Federal Clean Air Act”** means the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.

(67) **“Hazardous Air Pollutant (HAP)”** means any air contaminant listed pursuant to sSection 112(b) of the federal Clean Air Act.

(78) **“Legally and Practicably Enforceable Limits”** means the provisions of these Rules and Regulations, and terms or conditions contained in any valid Authority to Construct, Temporary Permit to Operate, or Permit to Operate issued pursuant to these Rules and Regulations, that limit the actual emissions of an emission unit or group of emission units and that are permanent, technically accurate, quantifiable; have associated recordkeeping, reporting, and monitoring requirements sufficient to determine ongoing compliance with the emission limitation; are not in violation of any of these Rules or Regulations, State Law, or the State Implementation Plan; and there is a legal obligation to adhere to the terms and conditions of the emission limitation and associated requirements.

~~(8) **“Major Stationary Source”** means any stationary source, excluding any non-road engines, which emits or has the potential to emit one or more air contaminants in amounts equal to or greater than any of the following emission rates:~~

~~(i) 10 tons per year of any federal HAP, including fugitive emissions, or~~

~~(ii) 25 tons per year of any combination of federal HAPs, including fugitive emissions, or~~

~~(iii) 100 tons per year or more of any regulated air pollutant excluding fugitive emission of any such pollutant except as determined by rule by the Administrator of the federal EPA and except that the fugitive emissions from the stationary source shall be considered if the stationary source belongs to one of the following categories of sources:~~

1. All other stationary source categories regulated by a standard promulgated under Section 112 of

the federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.	
2. Fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units (Btu) per hour heat input	
3. Fossil fuel fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input	
4. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels	
5. Municipal incinerators capable of charging more than 250 tons of refuse per day	
6. Carbon black plants (furnace process)	17. Petroleum refineries
7. Charcoal production plants	18. Phosphate rock processing plants
8. Chemical process plants	19. Portland cement plants
9. Coal cleaning plants (with thermal dryers)	20. Primary aluminum ore reduction plants
10. Coke oven batteries	21. Primary copper smelters
11. Fuel conversion plants	22. Primary lead smelters
12. Glass fiber processing plants	23. Primary zinc smelters
13. Hydrofluoric, sulfuric, or nitric acid plants	24. Secondary metal production plants
14. Iron and steel mills	25. Sintering plants
15. Kraft pulp mills	26. Sulfur recovery plants
16. Lime plants	27. Taconite ore processing plants

(9) **“Maximum Achievable Control Technology (MACT)”** means emission controls or limitations included in any Section 112 requirement of the federal Clean Air Act, including any implementing regulations of the U.S. Environmental Protection Agency EPA, for any source class or category.

(10) **“Potential to Emit”** means 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 legally and practicably enforceable by the District or federally enforceable. ~~Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with Subsection (c)(8), Major Stationary Source.~~ Potential to emit includes fugitive emissions, except to the extent such emissions are excluded under the definition of major stationary source in Rule 1401.

(11) **“Process Statement”** means 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 Air Pollution Control Officer.

~~(12) “Regulated Air Pollutant” means the following air pollutants:~~

~~(i) NOx and VOC regulated as ozone precursors.~~

~~(ii) Any pollutant for which a national ambient air quality standard has been promulgated pursuant to the federal Clean Air Act.~~

~~(iii) Any pollutant subject to any standard promulgated pursuant to Section 111 of the federal Clean Air Act.~~

~~(iv) Any ozone depleting compound specified as a Class I or Class II substance pursuant to Title VI of the federal Clean Air Act.~~

~~(v) Any HAP subject to any standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act.~~

~~(13)~~ **“Title V Permit”** means an operating permit issued to a stationary source pursuant to Regulation XIV - Title V Operating Permits of these Rules and Regulations.

~~(14)~~ **“Non-road Engine”** means the same as defined in 40 Code of Federal Regulations, Part 89.

(d) **STANDARDS** ~~(Rev. and Eff. 8/13/03)~~

(1) Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Subsection (g)(1), a stationary source subject to this rule shall emit less than all of the following in any 12-month period:

(i) 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs and greenhouse gases);

(ii) 5 tons per year of a single HAP;

(iii) 12.5 tons per year of any combination of HAPs;

(iv) 50 percent of any lesser threshold for a single HAP as the EPA may establish by rule; and

(v) 50,000 tons per year of greenhouse gases (expressed as CO₂e) and 50 tons per year of greenhouse gases on a mass basis (that is, not adjusting for global warming potential).

For any category of air pollutant specified in (i), (ii), (iii), ~~or (iv)~~, or (v) above for which a stationary source's emissions equal or exceed the limits specified in (i), (ii), (iii), ~~or (iv)~~, or (v) above, such emissions shall be limited to less than major stationary source levels in accordance with the requirements of Rule 60.2 of these Rules and Regulations, or through legally and practicably enforceable limits established pursuant to Rule 21 of these Rules and Regulations.

(2) The Air Pollution Control Officer shall annually evaluate a stationary source's compliance with the emission limitations in Subsection (d)(1). In performing this evaluation, the Air Pollution Control Officer shall consider any annual process statement submitted pursuant to Section (f). In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emission factors approved by the EPA, ARB, or the Air Pollution Control Officer.

(3) Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Subsection (g)(1), 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 Subsection (d)(1).

(e) RECORDKEEPING REQUIREMENTS

~~Effective November 23, 2001,~~ The owner or operator of a stationary source newly subject to this rule shall comply with any applicable recordkeeping requirements in this section within 12 months after becoming subject to the rule. However, for a stationary source operating under an alternative operational limit pursuant to Section (g), the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Section (g). The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in any operating permit or in any District, State, or Federal rule or regulation.

(1) A stationary source previously exempted pursuant to Subsection (b)(1) shall comply with the applicable provisions of Sections (e), (f), and (g) if the actual emissions from the stationary source exceed any of the quantities specified in Subsection (b)(1)(i).

(2) The owner or operator 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 two years and maintained to be available for five years, and shall be made available to the Air Pollution Control Officer, ARB, or EPA upon request. Such records shall include but are not limited to:

(i) Surface Coating Operations or Solvent Emission Units

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

(A) 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 per volume of material (in grams per liter or pounds per gallon), HAP content per volume of material (in grams per liter or pounds per gallon), or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;

(B) A description of any equipment used during and after coating/solvent application, including type, control device(s) type and description (if any), and a description of the coating/solvent application/drying method(s) employed;

(C) A monthly log of the consumption of each VOC (including organic solvents used in cleanup and surface preparation), coating, ink and adhesive used; and

(D) All purchase orders, invoices, and other documents to support information in the monthly log.

(ii) VOC Liquid Storage Units

The owner or operator of a stationary source that contains a permitted VOC liquid storage unit shall keep and maintain the following records:

(A) A monthly log identifying the liquid stored and monthly throughput; and

(B) Information on the tank design and specifications including air pollution control equipment.

(iii) Combustion Emission Units

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

(A) Information on equipment type, make and model, maximum design process rate or maximum power input or output, minimum operating temperature (for thermal oxidizers), and capacity, type and description of any air pollution control systems or devices, and all source test information; and

(B) A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (in BTU per standard cubic foot or BTU per gallon for non-fossil fuels), and sulfur content by weight of fuel oil used.

(iv) Emission Control Units

The owner or operator of a stationary source that has any emission control units shall keep and maintain the following records:

(A) Information on equipment type and description, make and model, pollutants controlled, and emission units served by the emission control unit; and

(B) Information on equipment design and key process parameters such as temperatures, pressures, and flow rates necessary to evaluate ongoing 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; and

(C) All source test information; and

(D) A monthly log of hours of operation including notation of any control unit breakdowns, upsets, repairs, maintenance and any other deviations from equipment design process parameters.

(v) General Emission Units

The owner or operator of a stationary source subject to this rule that contains an emission unit not included in Subsections (e)(2)(i), (e)(2) (ii), or (e)(2) (iii) shall keep and maintain the following records as necessary to determine actual emissions:

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

(B) A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and

(C) Purchase orders, invoices, and other documents to support information in the monthly log; and

(D) Any additional information requested in writing by the Air Pollution Control Officer.

(f) REPORTING REQUIREMENTS

(1) At the time of annual renewal of a permit to operate or such other annual date specified by the Air Pollution Control Officer, the owner or operator of a stationary source subject to this rule shall submit to the District a process statement that contains:

(i) All information necessary to verify the source's actual emissions including, but not limited to, applicable information on continuous emissions monitoring data, source test data, throughputs of process materials, throughputs of materials stored, usage of materials, materials VOC and HAP contents, fuel usage, hours of operation, any other information required by this rule and applicable District, State and Federal regulations, and information requested in writing by the Air Pollution Control Officer; and

(ii) A signed statement by the owner or operator certifying that the information contained in the process statement is true, accurate, and complete.

(2) Any additional information requested by the Air Pollution Control Officer under Subsection (f)(1) above shall be submitted to the Air Pollution Control Officer within 30 days of the date of request.

(g) ALTERNATIVE OPERATIONAL LIMITS AND REQUIREMENTS

An owner or operator of a facility or process identified in Table I may operate permitted emission units at a stationary source subject to this rule under an alternative operational limit listed in Table I, provided that at least 90 percent of the stationary source's actual emissions in every 12-month period are associated with the operation(s) limited by the alternative operational

limit. Upon choosing to operate a stationary source subject to this rule under an alternative operational limit, the owner or operator shall operate the stationary source in compliance with the ~~following~~ alternative operational limits listed in Table I, and the following ~~and~~ requirements unless otherwise limited by existing permit conditions or these Rules and Regulations:

(1) General Reporting Requirements

(i) The owner or operator shall report within 30 days to the Air Pollution Control Officer any exceedance of the alternative operational limit.

(ii) The owner or operator shall submit an annual summary of the monthly log as specified in Subsections (g)(3)(i) through (g)(3)(iv), as applicable, to the Air Pollution Control Officer at the time of annual permit renewal and the owner or operator shall certify in writing that the log is accurate and true.

(2) General Recordkeeping Requirements

(i) The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log.

(ii) All records shall be maintained on-site for two years and maintained to be available for five years, and shall be made available to the District, ARB or EPA upon request.

(3) Source Specific ~~Operational Limits and~~ Recordkeeping Requirements

~~(i) As applicable, the owner or operators of gasoline Gasoline dDispensing fFacilities with Phase I and Phase II vapor Vapor rRecovery sSystems, degreasing or solvent using emission units, surface coating operations, and diesel fueled emergency standby engine(s) with output less than 1,000 brake horsepower shall~~ maintain a monthly log of gallons of gasoline dispensed in the preceding month and a monthly calculation of the total gallons dispensed in the previous 12 months.;

~~(i) For Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems~~

~~(A) Dispense no more than 7,000,000 gallons of gasoline in every 12-month period; and~~

~~(B) — Maintain a monthly log of gallons of gasoline dispensed in the preceding month and a monthly calculation of the total gallons dispensed in the previous 12 months.~~

(ii) The owner or operator For of Degreasing or Solvent-Using Emission Unit(s) shall maintain a monthly log of amount and type of VOC used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months.

~~(A) — Use no more than 2,200 gallons of any one VOC containing material and no more than 5,400 gallons of any combination of VOC containing materials in every 12 month period, provided that the materials do not contain any halogenated organic compound that is identified as a HAP; or~~

~~(B) — Use no more than 1,200 gallons of any one VOC containing material and no more than 2,900 gallons of any combination of VOC containing materials that contain halogenated organic compounds that are identified as HAPs in every 12 month period; and~~

~~(C) — Maintain a monthly log of amount and type of VOC used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months.~~

(iii) The owner or operator of a For Surface Coating Operations shall maintain a monthly log of the gallons of VOC-containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months.

~~(A) — Use no more than 4,000 gallons of VOC containing materials, nor more than 2,200 gallons of VOC containing materials that also contain any HAP, including, but not limited to, coatings, thinners, reducers, and cleanup solution, in every 12 month period;; and~~

~~(B) — Maintain a monthly log of the gallons of VOC containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months.~~

(iv) The owner or operator of a For Diesel-Fueled Emergency Standby Engine(s) with Output less than 1,000 Brake Horsepower shall maintain 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.

~~(A) Operate the emergency standby engine(s) no more than 2,600 hours in every 12 month period and use no more than 133,000 gallons of diesel fuel in every 12 month period; and~~

~~(B) Maintain 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.~~

(v) The owner or operator of a For facility utilizing Sheet Fed (Non-Heatset) Offset Lithography, Non-Heatset Web Offset Lithography, or Screen Printers shall maintain a monthly log of the gallons of VOC-containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months.

~~(A) Use no more than 7,125 gallons of VOC containing materials, including, but not limited to, cleaning solvent and fountain solution additives, in every 12 month period, and~~

~~(B) Maintain a monthly log of the gallons of VOC containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months.~~

(vi) The owner or operator of a facility utilizing For Heatset Web Offset Lithography or Uncontrolled Flexography and Rotogravure Using Solvent-Based Inks shall maintain a monthly log of the pounds of VOC-containing materials used in the preceding month with a monthly calculation of the total pounds used in the previous 12 months.

~~(A) Use no more than 50,000 pounds of VOC containing materials, including, but not limited to, ink, coatings, adhesives, dilution solvents, and cleaning solvents, in every 12 month period,; and~~

~~(B) Maintain a monthly log of the pounds of VOC containing materials used in the preceding month with a monthly calculation of the total pounds used in the previous 12 months.~~

(vii) The owner or operator of For Oil and Natural Gas-Fired Boilers, Process Heaters, and Steam Generators with Capacity that is no more than 100 Million Btu's

Per Hour shall maintain a monthly log of the usage of natural gas, distillate oil and residual oil in the preceding month with a monthly calculation of the total usage in the previous 12 months.

~~(A) Use no more than any of the following in every 12-month period:~~

~~(1) 360 million cubic feet of natural gas;~~

~~(2) 700,000 gallons of distillate oil;~~

~~(3) 160,000 gallons of residual oil;~~

~~(4) a combination of 320 million cubic feet of natural gas and 260,000 gallons of distillate oil;~~

~~(5) a combination of 300 million cubic feet of natural gas and 160,000 gallons of residual oil; or~~

~~(6) a combination of 300 million cubic feet of natural gas and 160,000 gallons of distillate and residual oil; and,~~

~~(B) Maintain a monthly log of the usage of natural gas, distillate oil and residual oil in the preceding month with a monthly calculation of the total usage in the previous 12 months.~~

(viii) The owner or operator of a For-Hot Mix Asphalt Plant shall maintain a monthly log of the tons of hot mix asphalt produced in the preceding month with a monthly calculation of the total tons produced in the previous 12 months.

~~(A) Produce no more than 250,000 tons of hot mix asphalt, in every 12-month period; and~~

~~(B) Maintain a monthly log of the tons of hot mix asphalt produced in the preceding month with a monthly calculation of the total tons produced in the previous 12 months.~~

(4) Physical and Operational Changes

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 Subsection (g)(3).

(h) COMPLIANCE

(1) Failure to comply with any of the applicable provisions of this rule shall constitute a violation. 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 all applicable federal requirements for a major source, including Regulation XIV, commencing on the first day following any 12-month period in which the stationary source exceeds a limit specified in Subsection (d)(1) and any applicable alternative operational limit specified in Subsection (g)(1).

(3) A stationary source subject to this rule shall be subject to all applicable federal requirements for a major source, including Regulation XIV, commencing on the first day following any 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in Subsection (d)(1) or any applicable alternative operational limit specified in Subsection (g)(1).

Table I
Alternative Operational Limits (12-Month Period)

<u>Type of Operation</u>	<u>District's Federal Ozone Classification</u>		
	<u>Attainment or Serious</u>	<u>Severe</u>	<u>Extreme</u>
<u>Gas-Dispensing Facilities with Phase I & Phase II Vapor Recovery Systems</u>	<u>7,000,000 gal</u>	<u>7,000,000 gal</u>	<u>7,000,000 gal</u>
<u>Degreasing or Solvent-Using Emission Unit(s)</u> Contains no halogenated organic compounds identified as a HAP: <u>Any one VOC-containing material.</u> <u>Combination of VOC-containing materials.</u> Contains halogenated organic compound(s) identified as a HAP(s): <u>Any one VOC-containing material.</u> <u>Combination of VOC-containing materials.</u>	<u>2,200 gal</u> <u>5,400 gal</u> <u>1,200 gal</u> <u>2,900 gal</u>	<u>2,200 gal</u> <u>5,400 gal</u> <u>1,200 gal</u> <u>2,900 gal</u>	<u>2,200 gal</u> <u>2,700 gal</u> <u>1,200 gal</u> <u>2,900 gal</u>
<u>Surface Coating Operations, including but not limited to coatings, thinners, reducers, & cleanup solutions:</u> <u>VOC-containing materials without HAPs.</u> <u>VOC-containing materials that also contain any HAP.</u>	<u>4,000 gal</u> <u>2,200 gal</u>	<u>4,000 gal</u> <u>2,200 gal</u>	<u>2,600 gal</u> <u>2,200 gal</u>
<u>Diesel-Fuled Emergency Standby Engines with Output less than 1,000 Brake Horsepower</u>	<u>2,600 hours.</u> <u>133,000 gal fuel</u>	<u>1,300 hours.</u> <u>66,000 gal fuel</u>	<u>520 hours.</u> <u>26,400 gal fuel</u>
<u>Sheet Fed (Non-Heatset) Offset Lithography, Non-Heatset Web Offset Lithography, or Screen Printers:</u> <u>VOC-containing materials, including but not limited to, cleaning solvent and fountain solution additives.</u> <u>Materials containing a single HAP.</u> <u>Materials containing a combination of HAPs.</u>	<u>7,125 gal</u> <u>1,300 gal</u> <u>3,333 gal</u>	<u>3,550 gal</u> <u>1,300 gal</u> <u>3,333 gal</u>	<u>1,425 gal</u> <u>1,300 gal</u> <u>3,333 gal</u>
<u>Heatset Web Offset Lithography or Uncontrolled Flexography and Rotogravure Using Solvent-Based Inks:</u> <u>VOC-containing materials, including but not limited to ink, coatings, adhesives, dilution solvents, & cleaning solvents.</u> <u>Materials containing a single HAP.</u> <u>Materials containing a combination of HAPs.</u>	<u>50,000 lbs</u> <u>1,300 gal</u> <u>3,333 gal</u>	<u>50,000 lbs</u> <u>1,300 gal</u> <u>3,333 gal</u>	<u>50,000 lbs</u> <u>1,300 gal</u> <u>3,333 gal</u>
<u>Oil and Natural Gas-Fired Boilers, Process Heaters, and Steam Generators with Capacity that is no more than 100 Million BTU's Per Hour:</u> <u>Natural gas</u> <u>Distillate oil</u> <u>Residual oil</u> <u>Combined natural gas/distillate oil</u> <u>Combined natural gas/residual oil</u> <u>Combined natural gas/distillate oil and residual oil</u>	<u>360 MMcf</u> <u>700,000 gal</u> <u>160,000 gal</u> <u>320 MMcf/</u> <u>260,000 gal</u> <u>300m MMcf/</u> <u>160,000 gal</u> <u>300 MMcf/</u> <u>160,000 gal</u>	<u>180 MMcf</u> <u>700,000 gal</u> <u>160,000 gal</u> <u>160 MMcf/</u> <u>130,000 gal</u> <u>150 MMcf/</u> <u>160,000 gal</u> <u>150 MMcf/</u> <u>160,000 gal</u>	<u>71 MMcf</u> <u>500,000 gal</u> <u>160,000 gal</u> <u>65 MMcf/</u> <u>52,000 gal</u> <u>51 MMcf/</u> <u>51,000 gal</u> <u>51 MMcf/</u> <u>51,000 gal</u>
<u>Hot Mix Asphalt Plants</u>	<u>250,000 tons</u>	<u>250,000 tons</u>	<u>250,000 tons</u>

RULE 60.2. LIMITING POTENTIAL TO EMIT—SYNTHETIC MINOR SOURCES

(Adopted & Effective: 4/30/97); ~~(Rev. & Eff. 8/13/03);~~ Rev. & Eff. (date of adoption))

(a) APPLICABILITY

This rule applies to any new or existing stationary source that would otherwise meet the definition of major stationary source in Rule 1401, but for which the owner or operator applies for synthetic minor source status in accordance with this rule or to any stationary source ~~which~~that is issued synthetic minor source status for a regulated air pollutant, ~~as defined herein,~~ pursuant to this rule. This rule shall not apply to any source subject to Regulation XIV for any reason other than being a major source.

Notwithstanding any provision of this rule, any new or modified stationary source or any new, modified, relocated, or replaced emission unit must obtain an Authority to Construct and/or a Permit to Operate in accordance with Regulation II, including Rules 20.1, 20.2, 20.3, 20.3.1, and 20.4, and Rule 1200, as applicable.

(b) EXEMPTIONS (RESERVED)

(c) DEFINITIONS ~~(Rev. and Eff. 8/13/03)~~

All terms used in this rule shall retain the definitions provided under Regulation XIV, unless otherwise defined herein. For the purposes of this rule the following definitions shall apply:

(1) **“Actual Emissions”** means the emissions of a regulated air pollutant from an emission unit, as approved by the Air Pollution Control Officer, including emissions during startup, shutdown, upset, and breakdown conditions and fugitive emissions, as applicable.

(2) **“Administratively Complete”** means a completed application form; a written certification signed by a responsible official that the contents of the application are true, accurate, and complete; a fee deposit sufficient to cover the estimated costs to the District to review, evaluate, and act on the application; and submittal of sufficient information as specified in Subsection (e)(1)(i) through (e)(1)(iv) to allow the District to begin processing the application.

(3) **“Aggregate Actual Emissions”** means the sum of actual emissions, including fugitive emissions as applicable, of a regulated air pollutant from a group of one or more emission units at a stationary source.

(4) **“Aggregate Allowed Emissions”** means the sum of the maximum emissions of a regulated air pollutant from a group of one or more emission units that are, or will be, allowed by legally and practicably enforceable permit limits.

(5) **“Air Pollution Control Device”** means any device that removes or destroys air contaminants prior to discharge to the ambient air and is not otherwise necessary for the proper functioning or operation of an emission unit or process. Air pollution control devices include, but are not limited to, electrostatic precipitators, filters, spray towers and scrubbers, thermal and catalytic oxidizers, flares, adsorbers, absorbers, steam or water injection, catalytic and noncatalytic reduction, chemical neutralization, and ozonation. For purposes of this rule, devices that are not air pollution control devices include, but are not limited to, modified furnace or burner designs; staged combustion; reduced combustion preheat; low excess air firing; low nitrogen or sulfur content fuel; air injection; ignition timing retardation; control of oxygen concentration in combustion air; process changes; lids, covers, or other solid enclosures; recovery of process gas; dust suppression by physical stabilization, traffic control, water spray, chemical stabilizers, or wetting agents; baffles; conservation vents; submerged or bottom filling; tank conversion to variable vapor space tank, floating roof tank, or pressurized tank or secondary seals for external floating roof tanks; underground tanks; white paint; low volatile organic compound (VOC), low hazardous air pollutant (HAP), powder, and waterborne coatings; low VOC or low HAP surface preparation or cleaning materials; and high transfer efficiency coating application methods.

(6) **“Compliance Timeframe”** means each clock hour, calendar day, calendar month, or a 12-month period, or other period as specified pursuant to Subsection (d)(1)(ii) of this rule.

(7) **“De Minimis Emissions ”** means that emission rate of a regulated air pollutant that is 50% of the synthetic minor margin for that pollutant. In no case shall the de minimis emission rate of a regulated air pollutant exceed 10 percent of the applicable major source threshold for that pollutant.

(8) **“Fugitive Emissions ”** means those quantifiable nonvehicular emissions from a stationary source that could not reasonably pass through a stack, chimney, flue, vent, or other functionally equivalent opening. Fugitive emissions shall be applicable when determining compliance with this rule for those pollutants and categories of stationary sources specified in the definition of major stationary source ~~threshold in Subsection (e)(12) of this rule~~ Rule 1401.

(9) **“Hazardous Air Pollutant (HAP)”** means any substance listed in Section 112(b)(1) or listed pursuant to Section 112(b)(2) of the federal Clean Air Act unless the substance has been subsequently delisted pursuant to Section 112(b)(3) of the federal Clean Air Act.

(10) **“Insignificant Emission Unit”** means any emission unit not required to have a Permit to Operate pursuant to Rule 11 or having a Certificate of Exemption or a Certificate of Registration.

(11) **“Legally and Practicably Enforceable Permit Limits”** means terms or conditions contained in any valid Authority to Construct, Temporary Permit to Operate, or Permit to Operate issued pursuant to these rules and regulations that:

- (i) Contain any combination of operational, production, or verifiable emission limitations that limit the actual emissions of regulated air pollutant(s) during a specified compliance time frame; and
- (ii) Are not in violation of any applicable provisions of these rules and regulations or state law; and
- (iii) Require sufficient recordkeeping, reporting, and monitoring to determine ongoing compliance with the emission limitations; and
- (iv) Incorporate a legally enforceable obligation for the permit owner to adhere to the terms and conditions.

(12) **“Major Source Threshold”** means the ~~following~~ emission rates ~~from a~~ specified in the definition of major stationary source in Rule 1401., ~~excluding any non-road engines:-~~

- ~~(i) 10 tons during any 12-month period of any HAP; or~~
- ~~(ii) 25 tons during any 12-month period of any combination of HAPs; or~~
- ~~(iii) 100 tons during any 12-month period of any regulated air pollutant, excluding fugitive emission of any such pollutant except as determined by rule by the Administrator of the federal EPA and except that the fugitive emissions from a stationary source shall be considered if the stationary source belongs to one of the following categories of sources:~~

- ~~1. All other stationary source categories regulated by a standard promulgated under Section 112 of the federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.~~
- ~~2. Fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units (Btu) per hour heat input.~~
- ~~3. Fossil fuel fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input.~~
- ~~4. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels~~
- ~~5. Municipal incinerators capable of charging more than 250 tons of refuse per day~~

6. Carbon black plants (furnace process)	17. Petroleum refineries
7. Charcoal production plants	18. Phosphate rock processing plants
8. Chemical process plants	19. Portland cement plants
9. Coal cleaning plants (with thermal dryers)	20. Primary aluminum ore reduction plants
10. Coke oven batteries	21. Primary copper smelters
11. Fuel conversion plants	22. Primary lead smelters
12. Glass fiber processing plants	23. Primary zinc smelters
13. Hydrofluoric, sulfuric, or nitric acid plants	24. Secondary metal production plants
14. Iron and steel mills	25. Sintering plants
15. Kraft pulp mills	26. Sulfur recovery plants
16. Lime plants	27. Taconite ore processing plants

(13) **“Modifications to Synthetic Minor Source Status”** means any physical or operational change at a source which necessitates a revision of any legally and practicably enforceable permit limits or associated reporting, monitoring, and recordkeeping permit conditions that were established pursuant to this rule, or by any other mechanism, and that establish synthetic minor source status for the source.

(14) **“Operational Limitation”** means a limit on a process’s operating inputs, including, but not limited to, hours of operation, raw materials used, or fuel combusted, for which a technically accurate correlation exists between actual emissions and the operating inputs that are limited; or an air pollution control device with specified key operating parameters that assure a specified control efficiency combined with operational, production, or verifiable emission limitations, that limit the device’s input emissions.

(15) **“Owner or Operator”** means any person who owns, operates, controls, or supervises a stationary source.

(16) **“Process Statement”** means a report from the owner or operator of a stationary source specifying process, product, material, operational, and other information the Air Pollution Control Officer determines is necessary to determine actual emissions. A process statement may include, but is not limited to, the identity, composition, and amount of each material used or consumed; the identity, composition and amount of each product produced; the hours of operation; continuous emission monitoring or continuous parametric emission monitoring data; and air pollution control device overall control efficiencies. A process statement shall include any additional information requested in writing by the Air Pollution Control Officer that are necessary to determine actual emissions from specified emission units for a specified time period.

(17) **“Production Limitation”** means a limit on a source’s production rate for which a technically accurate correlation exists between the production rate and actual emissions.

(18) **“Quantifiable”** means that a reliable basis, as determined by the Air Pollution Control Officer, can be established for calculating the amount, rate, nature, and characteristics of actual emissions.

~~(19) **“Regulated Air Pollutant”** means any of the following:~~

~~(i) NO_x and VOCs.~~

~~(ii) Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the federal Clean Air Act.~~

~~(iii) Any pollutant subject to new source performance standards promulgated pursuant to Section 111 of the federal Clean Air Act.~~

~~(iv) Any ozone-depleting compound specified as a Class I or Class II substance pursuant to Title VI of the federal Clean Air Act.~~

~~(v) Any HAP subject to a standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act.~~

(2019) **“Residual Actual Emissions”** means the aggregate actual emissions, determined without consideration of any emission reductions due to air pollution control devices, of any regulated air pollutant from all emission units that are not, or will not be, subject to legally and practicably enforceable permit limits that limit the actual emissions of that pollutant.

(2120) **“Stationary Source’s Aggregate Actual Emissions”** means the sum of actual emissions, including fugitive emissions as applicable, of a regulated air pollutant from all the emission units at a stationary source.

(2221) **“Synthetic Minor Margin”** means that emission rate of a regulated air pollutant that is equal to the applicable major source threshold less the aggregate allowed emissions for that pollutant.

(2322) **“Synthetic Minor Source”** means a stationary source which is subject to legally and practicably enforceable permit limits that limit the emissions of a specified regulated air pollutant such that in any 12-month period, the residual actual emissions of the pollutant are less than or equal to de minimis emissions and the stationary source’s aggregate actual emissions and aggregate allowed emissions of the pollutant in any 12-month period are less than the applicable major source threshold.

(2423) **“Technically Accurate”** means based on accepted scientific or engineering principles, reliable measurements, or information, policies, or procedures of the California Air Resources Board, U. S. Environmental Protection Agency, or the District as approved by the Air Pollution Control Officer.

(2524) **“12-Month period”** means 12 consecutive calendar months.

(2625) **“Verifiable Emission Limitation”** means an emission limitation which is verifiable by a continuous emission monitoring system or parametric emission monitoring system approved in advance by the Air Pollution Control Officer, an emission limitation on

surface coating or solvent cleaning operations for which there is no emission control device and VOC and HAP emissions are calculated by assuming complete emission of all VOCs and HAPs present in any coatings and solvents used, or an emission limitation that is equal to an emission unit's potential to emit.

(2726) **“Non-road Engine”** means the same as defined in 40 Code of Federal Regulations, Part 89.

(d) **STANDARDS** (Rev. and Eff. 8/13/03)

The following standards shall apply to the owner or operator of any stationary source who submits an application to the Air Pollution Control Officer for, or is granted, synthetic minor source status.

(1) Ongoing compliance with legally and practicably enforceable permit limits shall be determined as follows:

(i) The first compliance timeframe shall begin on:

(A) the date on which application for synthetic minor source status is submitted, except as provided for in Subsection (d)(1)(i)(C), for clock hour or calendar day compliance timeframes, ~~the date on which application for synthetic minor source status is made~~; and

(B) the start of the calendar month in which application for synthetic minor source status is submitted, except as provided for in Subsection (d)(1)(i)(C) for calendar month or 12-month period compliance timeframes, ~~the start of the calendar month in which application for synthetic minor source status is made~~; or

(C) on a date different from the date specified in Subsections (d)(1)(i)(A) or (d)(1)(i)(B), as applicable, provided that the owner or operator and the Air Pollution Control Officer agree on such a date and the date is no later than the first day of the calendar month following the calendar month in which a Permit to Operate containing the compliance timeframe is issued in accordance with this rule.

(ii) Ongoing compliance shall be determined on:

(A) An hourly basis for a clock hour compliance timeframe; and

(B) A daily basis for a calendar day compliance timeframe; and

(C) A calendar month basis for a calendar month or 12-month period compliance timeframes; or,

(D) Such other period up to but not exceeding a calendar quarter where the Air Pollution Control Officer determines that a shorter period to determine compliance or emissions is not feasible nor practical. In such case, the emissions at the stationary source associated with such other period shall be apportioned to each calendar month within the period using a procedure approved by the Air Pollution Control Officer.

(2) For purposes of District Rules and Regulations, a stationary source shall not be considered a major source for a regulated air pollutant if, as determined by the Air Pollution Control Officer:

(i) The source is in ongoing compliance with legally and practicably enforceable permit limits that establish synthetic minor source status for that pollutant; and

(ii) The source's residual actual emissions in the 12-month period beginning with the start of the first compliance timeframe and each 12-month period thereafter are less than the de minimis emissions for the source; and

(iii) The aggregate actual emissions in the 12-month period beginning with the start of the first compliance timeframe and each 12-month period thereafter of each regulated pollutant from all emission units at the stationary source do not exceed the applicable major source threshold; and

(iv) The aggregate allowed emissions in the 12-month period beginning with the start of the first compliance timeframe and each 12-month period thereafter of each regulated pollutant from all emission units at the stationary source that have legally and practicably enforceable permit limits do not exceed the applicable major source threshold; and

(v) The source has maintained sufficient records commencing with the first compliance timeframe and provided sufficient information to the Air Pollution Control Officer that the Air Pollution Control Officer deems adequate to allow a determination of compliance with Subsections (d)(2)(i) through (d)(2)(iv).

(3) An exceedance of any legally and practicably enforceable permit limit used to establish synthetic minor source status for that regulated air pollutant is deemed a violation of this rule.

(4) Within 30 calendar days, or a longer period of time if deemed necessary by the Air Pollution Control Officer, of a written request by the Air Pollution Control Officer, the owner or operator of a stationary source that is a synthetic minor source for a regulated air pollutant shall demonstrate that, for any 12-month period that begins on or after the start of the first compliance timeframe, residual actual emissions of that pollutant are less than de minimis emissions.

(5) If for any 12-month period that begins on or after the start of the first compliance timeframe, residual actual emissions of a regulated air pollutant for which synthetic minor source status has been established have exceeded de minimis emissions, or, as determined by the Air Pollution Control Officer, inadequate information has been provided by the source pursuant to Subsection (d)(4) to make such a determination, the source shall be deemed in violation of this rule.

(6) The owner or operator of a source that exceeds any emission limitations for a regulated air pollutant identified as legally and practicably enforceable shall report such exceedances to the Air Pollution Control Officer within 30 calendar days of the occurrence of such exceedance.

(7) Except as provided in Subsection (d)(8), a source requesting synthetic minor source status shall not be relieved of the responsibility of complying with the application or other requirements of Regulation XIV until the District takes final action to issue a Permit to Operate in accordance with Section (f).

(8) If an administratively complete application, including applicable fees, is submitted requesting synthetic minor source status and by the application submittal date the source begins maintaining records in accordance with Subsection (h) (except that records of total quantities since the start of the first compliance timeframe shall be deemed as meeting requirements of Subsections (h)(1)(iv) and (h)(3)(ii)(C)) from the date of the application submittal the source shall not be considered a major stationary source for purposes of these Rules and Regulations unless the Air Pollution Control Officer cancels or denies the source's application for synthetic minor source status.

(9) Modifications to synthetic minor source status for a regulated air pollutant shall comply with all applicable requirements of these rules and regulations.

(10) For purposes of this rule, when determining actual emissions, any air pollution control device shall be deemed to have an overall emission control efficiency of zero percent unless it is part of an operational limitation that establishes a legally and practicably enforceable permit limit.

(11) Notwithstanding any permit terms or conditions established pursuant to this rule, all terms and conditions in any Permit to Operate, Authority to Construct, Temporary Authorization, Certificate of Exemption, Certificate of Registration, or Settlement Agreement otherwise established pursuant to these rules and regulations shall remain in

force unless modified or removed in accordance with Regulation II, Regulation XIV, and Rule 1200.

(e) APPLICATION FOR SYNTHETIC MINOR SOURCE STATUS

A stationary source subject to this rule may apply for synthetic minor source status, or modification to such status, for any regulated air pollutant by submitting an application to modify some or all of the source's Permits to Operate or, with the approval of the Air Pollution Control Officer, an application for a new Permit to Operate in accordance with the following:

(1) Application Content

An application shall include:

- (i) Specification of the regulated air pollutant(s) for which synthetic minor source status is requested; and
- (ii) The identification and description of all existing emission units at the source emitting the specified pollutant(s), except for insignificant units unless deemed necessary by the Air Pollution Control Officer to determine the source's actual emissions; and
- (iii) A demonstration to the satisfaction of the Air Pollution Control Officer that the stationary source's aggregate actual emissions of all regulated air pollutants will be less than the applicable major source thresholds for the 12-month period beginning with the month in which application for synthetic minor source status is made; and
- (iv) Proposed legally and practicably enforceable permit limits which:
 - (A) identify the emission units or groups of emission units that such conditions shall be applied to; and
 - (B) limit the actual emissions of the specified regulated air pollutant(s) to a level such that the stationary source is a synthetic minor source for that pollutant(s); and
- (v) A written certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the contents of the application are true, accurate, and complete; and
- (vi) A fee deposit sufficient to cover the estimated costs to the District to review, evaluate, and act on the application; and
- (vii) Any additional information requested by the Air Pollution Control Officer.

(2) Timely Application

An owner or operator of a stationary source who chooses to apply for synthetic minor source status shall make such a request within the following timeframes:

~~(i) For any stationary source that is not a synthetic minor source and is operating or is scheduled to commence operating on or before March 6, 1997, the owner or operator shall apply for synthetic minor source status no later than 60 calendar days before an application is required under Regulation XIV or March 6, 1997, whichever is later; or~~

(ii) For any stationary source that commences operating after March 6, 1997, the owner or operator shall apply for synthetic minor source status no later than 60 calendar days before an application is required under Regulation XIV; or

(iii) For any major stationary source that is operating in compliance with a Title V permit issued pursuant to Regulation XIV, the owner or operator shall request synthetic minor source status no later than eight calendar months prior to permit renewal; or

~~(iii)~~ On a case-by-case basis, and with the agreement of the owner or operator of an affected stationary source, the Air Pollution Control Officer may establish an alternative date to the applicable dates in Subsections (e)(2)(i) ~~through and~~ (e)(2)(iii) for submittal of an application for synthetic minor source status.

(f) DISTRICT PROCEDURES

(1) Action on Applications

The District shall take actions on applications for synthetic minor source status in accordance with Regulation II.

(2) Renewal of Synthetic Minor Source Status

Renewal of synthetic minor source status shall be made in accordance with permit renewals described in Rule 10 with renewal fees determined pursuant to Section (g) of this rule.

(3) Content of Synthetic Minor Source Permits

Permits to Operate issued or modified pursuant to this rule that establish synthetic minor source status shall:

- (i) Include a statement that the source has synthetic minor source status for specified regulated air pollutants; and
- (ii) Identify all permit conditions necessary to establish synthetic minor source status for a specified regulated air pollutant(s); and
- (iii) Include legally and practicably enforceable permit limits that limit the actual emissions of individual emission units or groups of emission units such that the source meets the definition of a synthetic minor source for the specified regulated air pollutant(s); and
- (iv) Include the initial start date of compliance timeframes; and
- (v) Include recordkeeping requirements in accordance with Section (h); and
- (vi) Include reporting requirements in accordance with Section (i); and
- (vii) Specify any new monitoring requirements including analysis procedures, test methods and frequency, and recordkeeping designed to serve as monitoring that are sufficient to allow a determination of compliance with the legally and practicably enforceable permit limits for the relevant compliance timeframes.

(4) Compliance with Regulation XIV

If the Air Pollution Control Officer cancels an application for synthetic minor source status or denies an application for synthetic minor source status, the applicant shall be deemed subject to the requirement to submit an application pursuant to Regulation XIV from the first day such an application was required under Regulation XIV.

(g) FEES

The owner or operator of a stationary source for which synthetic minor source status is applied for in accordance with this rule or a stationary source which is issued synthetic minor source status pursuant to this rule shall pay a fee sufficient to recover the actual costs incurred by the Air Pollution Control District to review, evaluate, and act upon applications for, or modifications to, such status and the actual costs associated with annual permit renewal and compliance determinations. The actual costs shall be the additional cost that the Air Pollution Control Officer determines are not otherwise recovered from other applicable fees prescribed in Rule 40. The actual costs shall be determined using the ~~application-related indirect cost multiplier and labor rates specified in Rule 40, Schedule 94, except that the costs associated with~~

~~annual permit renewals and compliance determinations shall be determined using the permit-related indirect cost multiplier.~~

(h) **RECORDKEEPING**

The recordkeeping requirements of this rule shall not supersede any recordkeeping requirements contained in any Authority to Construct, Temporary Permit to Operate, Permit to Operate, Certificate of Exemption, Certificate of Registration, or Settlement Agreement established pursuant to these rules and regulations; any District rules and regulations; or state law. The owner or operator of a stationary source that has applied for or received legally and practicably enforceable permit limits pursuant to this rule shall maintain records, as necessary to determine actual emissions, in accordance with the following:

(1) For each emission unit or group of emission units for which legally and practicably enforceable permit limits have established production limitations or operational limitations, not including air pollution control devices, the owner or operator shall maintain, as applicable, the following records:

(i) Information on the process and equipment including, but not limited to, the following: equipment type, description, make and model; maximum design process rate or throughput; type and description of any control device(s); and

(ii) Information on the identity and composition of each material used or consumed and product produced; and

(iii) Calendar month or daily records of operating hours, the identity and amount of each material used or consumed, and the identity and amount of each product produced; and

(iv) For emission units with limits having a 12-month period compliance timeframe, records of the total operating hours, the total amount of each material used or consumed, and the total amount of each product produced during each 12-month period; and

(v) Purchase orders, invoices, laboratory reports, material safety data sheets, and other documents necessary to support the information on material compositions and information in the monthly or daily records; and

(vi) Any additional information requested in writing by the Air Pollution Control Officer.

(2) For air pollution control devices that are used to establish legally and practicably enforceable permit limits, the owner or operator shall maintain the following records, as applicable:

- (i) Information identifying all key system operating parameters such as temperatures, pressures, and flow rates that are necessary to determine the overall control efficiency of the device; and
 - (ii) Daily records of key system operating parameters sufficient to document the overall control efficiency of the device on an ongoing basis; and
 - (iii) A daily log of hours of operation including notation of any control unit breakdowns, upsets, repairs, maintenance, and any other deviations from equipment design and key operating parameters.
- (3) For verifiable emission limitations that are used to establish legally and practicably enforceable permit limits, the owner or operator shall maintain the following records, as applicable:
- (i) Continuous emission monitoring or continuous parametric monitoring records as specified by the Air Pollution Control Officer; or
 - (ii) For all VOC and HAP containing materials:
 - (A) Information on the identity and VOC and HAP content of each material used; and
 - (B) Calendar month or daily records of the identity and amount of each material used; and
 - (C) For limits having a 12-month period compliance timeframe, records of the total amount of each material used during each 12-month period; and
 - (D) Purchase orders, invoices, laboratory reports, material safety data sheets, and other documents necessary to support the information on material compositions and information in the monthly or daily records; and
 - (E) Any additional information requested in writing by the Air Pollution Control Officer.
- (4) For each emission unit or group of emission units that contributes to residual actual emissions the owner or operator shall maintain such records or upon request from the Air Pollution Control Officer provide other information necessary to demonstrate that residual actual emissions are less than de minimis emissions pursuant to Subsection (d)(4).
- (5) All records shall be retained on site for at least three years and be made available to the District upon request.

(i) **REPORTING**

The owner or operator of any equipment or stationary source subject to the provisions of this rule shall submit by the submittal date of the Emissions Statement Form(s) required by Rule 19.3 for the year in which application for synthetic minor source status is requested, and each year thereafter, or on such other dates as specified by the Air Pollution

Control Officer, a Process Statement for the preceding calendar year for all emission units with legally and practicably enforceable permit limits.

Documentation and calculations used to prepare the material presented in the Process Statement shall be maintained by the owner or operator for at least three years and shall be made available to the District upon request.