

REGULATION VII - TITLE V

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 7:1 Federal Operating Permit Program

Adopted 10/26/93, Repealed/Adopted 2/1/94

- 1 Purpose And General Requirements [Reference: 40 CFR Part 70.1,70.4,70.6(a)(6)and70.7(a)(6)and (b)]
 - 1.1 District Rule 7:1 (Rule 7:1) 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. The effective date of Rule 7:1 is the date the United States Environmental Protection Agency (U.S. EPA) promulgates interim, partial, or final approval of this rule in the Federal Register.
 - 1.2 By the effective date of Rule 7:1, the Tehama County Air Pollution Control District (District) shall implement an operating permit program pursuant to the requirements of this rule. The requirements of Rule 7:1 shall augment and take precedence over conflicting administrative requirements of other provisions of the District's rules and regulations. The District shall also continue to implement its existing programs pertaining to Authority to Construct and Permit to Operate required by Regulation II, Rule 2:2, and New Source Review Rule 2:3A. Nothing in Rule 7:1 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).
 - 1.3 Sources subject to Rule 7:1 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 7:1 shall obtain permits to operate pursuant to this rule. Each permit to operate issued pursuant to Rule 7:1 shall contain conditions and requirements adequate to ensure compliance with and the enforceability of:
 - 1.3.1 All applicable provisions of Division 26 of the H&SC, commencing with Section 39000;
 - 1.3.2 All applicable orders, rules, and regulations of the District and the California Air Resources Board (ARB);
 - 1.3.3 All applicable provisions of the applicable implementation plan required by the CAA;
 - 1.3.4 Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the CAA; and
 - 1.3.5 The requirements of all preconstruction permits issued pursuant to Parts C and D of the CAA.
 - 1.3.6 The operation of an emissions unit to which Rule 7:1 is applicable without a permit or in violation of any applicable permit condition or requirement shall be a violation of Rule 7:1.
- 2 Definitions:
 - 2.1 The definitions in this Section apply throughout Rule 7:1 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".
 - 2.1.1 Acid Rain Unit: 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. [Reference: 40 CFR Part 70.2 Affected Unit]

- 2.1.2 Administrative Permit Amendment: An amendment to a permit to operate which:
 - 2.1.2.1 Corrects a typographical error;
 - 2.1.2.2 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;
 - 2.1.2.3 Requires more frequent monitoring or reporting by an owner or operator of the stationary source; or
 - 2.1.2.4 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. [Reference: 40 CFR Part 70.7(d)]
- 2.1.3 Affected State: Any state that is:
 - 2.1.3.1 Contiguous with California and whose air quality may be affected by a permit action, or
 - 2.1.3.2 Within 50 miles of the source for which a permit action is being proposed. [Reference: 40 CFR Part 70.2 Affected State]
- 2.1.4 Air Pollution Control Officer (APCO): Refers to the Air Pollution Control Officer of the Tehama County Air Pollution Control District, or his or her designee.
- 2.1.5 Applicable Federal Requirement: 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 CAA 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:
 - 2.1.5.1 Title I requirements of the CAA, including:
 - 2.1.5.1.1 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;
 - 2.1.5.1.2 Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
 - 2.1.5.1.3 New Source Performance Standards (40 CFR Part 60);
 - 2.1.5.1.4 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;

- 2.1.5.1.5 National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
 - 2.1.5.1.6 Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
 - 2.1.5.1.7 Risk Management Plans preparation and registration requirements (Section 112® of the CAA);
 - 2.1.5.1.8 Solid Waste Incineration requirements (Sections 111 or 129 of the CAA);
 - 2.1.5.1.9 Consumer and Commercial Product requirements (Section 183 of the CAA);
 - 2.1.5.1.10 Tank Vessel requirements (Section 183 of the CAA);
 - 2.1.5.1.11 District prohibitory rules that are approved into the state implementation plan;
 - 2.1.5.1.12 Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
 - 2.1.5.1.13 Enhanced Monitoring and Compliance Certification requirements (Section 114(a)(3) of the CAA).
- 2.1.5.2 Title III, Section 328 (Outer Continental Shelf) requirements of the CAA (40 CFR Part 55);
- 2.1.5.3 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);
- 2.1.5.4 Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82); and
- 2.1.5.5 Monitoring and Analysis requirements (Section 504(b) of the CAA). [Reference: 40 CFR Part 70.2 Applicable Requirement]
- 2.1.6 California Air Resources Board (ARB): This is the Air Resources Board of the State of California.
- 2.1.7 Clean Air Act (CAA): This refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
- 2.1.8 Code of Federal Regulations (CFR): This refers to the United States Code of Federal Regulations.
- 2.1.9 Commence Operation: 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.
- 2.1.10 Direct Emissions: Emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

- 2.1.11 District: This is the Tehama County Air Pollution Control District.
- 2.1.12 Effective Date of Rule 7:1: The date the U.S. EPA promulgates interim, partial, or final approval of the rule in the Federal Register. [Reference: 40 CFR Part 70.4(g)]
- 2.1.13 Emergency: 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 exceedences 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. [Reference: 40 CFR 70.6(g)(1)]
- 2.1.14 Emissions Unit: 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. [Reference: 40 CFR Part 70.2 Emissions Unit]
- 2.1.15 Federally-enforceable Condition: Any condition set forth in the permit to operate which addresses an applicable federal requirement or a voluntary emissions cap.
- 2.1.16 Fugitive Emissions: Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. [Reference: 40 CFR Part 70.2 Fugitive Emissions]
- 2.1.17 Hazardous Air Pollutant (HAP): Any air pollutant listed pursuant to Section 112(b) of the CAA.
- 2.1.18 Health and Safety Code (H&SC): This refers to the Health and Safety Code of the State of California.
- 2.1.19 Initial Permit: This 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 7:1.
- 2.1.20 Major Source: 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:
 - 2.1.20.1 100 tons per year (tpy) of any regulated air pollutant;
 - 2.1.20.2 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
 - 2.1.20.3 70 tpy of PM₁₀ (particulate matter of 10 microns or less) for a federal PM₁₀ nonattainment area classified as serious;
 - 2.1.20.4 10 tpy of one HAP or 25 tpy of two or more HAPs; or
 - 2.1.20.5 Any lesser quantity threshold promulgated by the U.S. EPA. [Reference: 40 CFR Part 70.2 Major Source]
- 2.1.21 Minor Permit Modification: Any modification to a federally-enforceable condition on a permit to operate which:

2.1.21.1 Is not a significant permit modification, and

2.1.21.2 Is not an administrative permit amendment. [Reference: 40 CFR Part 70.7(e)(2)]

2.1.22 Permit Modification: Any addition, deletion, or revision to a permit to operate condition. [Reference: 40 CFR Part 70.2 Permit Modification and Permit Revision]

2.1.23 Potential to Emit: For the purposes of Rule 7:1., "potential to emit" as it applies to an emissions unit and a stationary source is defined below.

2.1.23.1 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 which address applicable federal requirements. Physical and operational limitations shall include, but are not limited to the following:

2.1.23.1.1 limits placed on emissions; and

2.1.23.1.2 restrictions on hours of operation and type or amount of material combusted, stored, or processed.

2.1.23.2 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:

2.1.23.2.1 Sources as specified in 40 CFR Part 70.2 Major Source (2), and

2.1.23.2.2 Sources of HAP emissions.

2.1.23.2.3 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. [Reference: 40 CFR Part 70.2 Potential to Emit and Major Source (2)]

2.1.23.3 Preconstruction Permit: A permit issued prior to construction which authorizes construction:

2.1.23.3.1 Pursuant to a program for the prevention of significant deterioration of air quality required by Section 165 of the CAA; or

2.1.23.3.2 Pursuant to a new source review program required by Sections 172 and 173 of the CAA or District Rule 2:3A. [Reference: 40 CFR Part 70.2 Applicable Requirement (2)]

2.1.24 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.

2.1.24.1 Regulated air pollutants include:

2.1.24.1.1 Oxides of nitrogen and volatile organic compounds;

2.1.24.1.2 Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the CAA;

2.1.24.1.3 Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the CAA;

2.1.24.1.4 Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the CAA; and

2.1.24.1.5 Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the CAA, including:

2.1.24.1.5.1 Any pollutant listed pursuant to Section 112® of the CAA (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.

2.1.24.1.5.2 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:

2.1.24.1.5.2.1 Upon promulgation of the standard or requirement, or

2.1.24.1.5.2.2 Eighteen (18) months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the CAA.

2.1.24.1.5.3 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. [Reference: 40 CFR Part 70.2 Regulated Air Pollutant]

2.1.25 Responsible Official: 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 7:1.

2.1.25.1 "Responsible official" means one of the following:

2.1.25.1.1 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:

2.1.25.1.1.1 The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

2.1.25.1.1.2 The delegation of authority to such representative is approved in advance by the APCO;

2.1.25.1.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively;

2.1.25.1.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

2.1.25.1.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the CAA, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 7:1. [Reference: 40 CFR Part 70.2 Responsible Official]

2.1.26 Significant Permit Modification: Any modification to a federally-enforceable condition on a permit to operate which:

2.1.26.1 Involves any 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;

2.1.26.2 Significantly changes monitoring conditions;

2.1.26.3 Provides for the relaxation of any reporting or record keeping conditions;

2.1.26.4 Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including:

2.1.26.4.1 A federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the CAA, or

2.1.26.4.2 An alternative HAP emission limit pursuant to Section 112(i)(5) of the CAA;

- 2.1.26.5 Involves a case-by-case determination of any emission standard or other requirement; or
- 2.1.26.6 Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources. [Reference: 40 CFR Part 70.7(e)(2) and (4)]
- 2.1.26.7 Solid Waste Incinerator: 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.
- 2.1.26.8 The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Rule 7:1:
 - 2.1.26.8.1 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);
 - 2.1.26.8.2 Any materials recovery facility which primarily recovers metals;
 - 2.1.26.8.3 Any qualifying small power production facility as defined in 16 U.S.C.A. Section 796(17)©;
 - 2.1.26.8.4 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
 - 2.1.26.8.5 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.
- 2.1.27 Stationary Source: For the purposes of Rule 7:1, this is any building, structure, facility, or installation (or any such grouping) that:
 - 2.1.27.1 Emits, may emit, or results in the emissions of any regulated air pollutant or HAP;
 - 2.1.27.2 Is located on one or more contiguous or adjacent properties;
 - 2.1.27.3 Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
 - 2.1.27.4 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. [Reference: 40 CFR Part 70.2 Stationary Source]
- 2.1.28 United States Environmental Protection Agency (U.S. EPA): This refers to the Administrator or appropriate delegee of the "United States Environmental Protection Agency."
- 2.1.29 Voluntary Emissions Cap: 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.

3 Applicability

- 3.1 Sources Subject to Rule 7:1 [Reference: 40 CFR Part 70.3(a)]
 - 3.1.1 The sources listed below are subject to the requirements of Rule 7:1:
 - 3.1.1.1 A major source;
 - 3.1.1.2 A source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the CAA;
 - 3.1.1.3 A solid waste incinerator subject to a performance standard promulgated pursuant to Section 111 or 129 of the CAA;
 - 3.1.1.4 Any other source in a source category designated, pursuant to 40 CFR Part 70.3, by rule of the U.S. EPA; and
 - 3.1.1.5 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, designated, pursuant to 40 CFR Part 70.3, by the U.S. EPA at the time the new standard or requirement is promulgated.
- 3.2 Sources Exempt from Rule 7:1 [Reference: 40 CFR Part 70.3(b)]
 - 3.2.1 The sources listed below are not subject to the requirements of Rule 7:1:
 - 3.2.1.1 Sources regulated solely by 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
 - 3.2.1.2 Sources regulated solely by 40 CFR Part 61, Subpart M, Section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and
 - 3.2.1.3 Any other source in a source category deferred, pursuant to 40 CFR Part 70.3, by U.S. EPA rulemaking.

4 Administrative Procedure For Sources:

- 4.1 Permit Requirement and Application Shield.
 - 4.1.1 A source shall operate in compliance with permits to operate issued pursuant to Rule 7:1. Rule 7:1 does not alter any applicable requirement that a source obtain preconstruction permits. [Reference: 40 CFR Part 70.7 (a)(6) and (b)]
 - 4.1.2 If an owner or operator submits, pursuant to Rule 7:1, 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 an owner or operator of the source fails to submit any additional information requested by the APCO pursuant to subsection [4.3.2](#), below. [Reference: 40 CFR Part 70.7(b)]
 - 4.1.3 If an owner or operator 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 an owner or operator 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 7:1, notwithstanding expiration of this permit, until the APCO takes final action on the application.

4.1.4 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 7:1 and any temporary permit to operate issued pursuant to Section 42301.1 of the H&SC. [Reference: 40 CFR Part 70.6(a)(6)(iii) and 70.7(b) and (e)(2)(v)]

4.2 Application Requirements [Reference: 40 CFR Part 70.5]

4.2.1 Initial Permit [Reference: 40 CFR Part 70.5 (a)(1) and (c)(10)]

4.2.1.1 For a source that is subject to Rule 7:1 on the date the rule becomes effective, an owner or operator shall submit a standard District application within 12 months after the date the rule becomes effective.

4.2.1.2 For a source that becomes subject to Rule 7:1 after the date the rule becomes effective, an owner or operator shall submit a standard District application within 12 months of the source commencing operation.

4.2.1.3 For a source with an acid rain unit, an owner or operator shall submit a standard District application and acid rain permit applications to the District. The applications shall be submitted within the following time frame:

4.2.1.3.1 If the source is subject to Rule 7:1 because of subsection [3.1.1.1](#), above, within the applicable time frame specified in subsection [4.2.1.1](#), or [4.2.1.2](#), above.

4.2.1.3.2 If the source is subject to Rule 7:1 because of subsection [3.1.1.2](#), above, by January 1, 1996 or, if applicable, a latter date established by 40 CFR Part 72.

4.2.2 Permit Renewal [Reference: 40 CFR Part 70.5(a)(1)(iii)]

4.2.2.1 For renewal of a permit, an owner or operator 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.

4.2.3 Significant Permit Modification [Reference: 40 CFR Part 70.5(a)(1)(ii)]

4.2.3.1 After obtaining any required preconstruction permits, an owner or operator 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 owner or operator shall submit copies of the latest preconstruction permit for each affected emissions unit. Unless authorized by the APCO, the emissions unit(s) shall not commence operation until the APCO takes final action to approve the permit revision. The APCO may authorize the commencement of operations at the time of the written notice of the proposed

decision. Such authorization does not preclude the U. S. EPA from objecting to the permit revision.

4.2.4 Minor Permit Modification [Reference: 40 CFR Part 70.5(a)(ii) and 70.7(e)(2)(ii and v)]

4.2.4.1 After obtaining any required preconstruction permits, an owner or operator shall submit a standard District application for each emissions unit affected by the proposed permit revision that qualifies as a minor permit modification. Unless authorized by the APCO, 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. The APCO may authorize the commencement of operations at the time of the written notice of the proposed decision. Such authorization does not preclude the U. S. EPA from objecting to the permit revision. In the application, the owner or operator shall include the following:

4.2.4.1.1 A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements that will apply;

4.2.4.1.2 Proposed permit terms and conditions; and

4.2.4.1.3 A certification by an owner or operator that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used.

4.2.5 Acid Rain Unit Permit Modification [Reference: 40 CFR Part 70.7(e)]

4.2.5.1 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.

4.3 Application Content and Correctness [Reference: 40 CFR Part 70.5]

4.3.1 Application Content When submitting an application, the owner or operator shall include the following information:

4.3.1.1 Information identifying the source; [Reference: 40 CFR Part 70.5(c)(1)]

4.3.1.2 Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios; [Reference: 40 CFR Part 70.5(c)(2)]

4.3.1.3 Identification of fees specified in Rules 2:11 and 5:4; [Reference: 40 CFR Part 70.6(a)(7)]

4.3.1.4 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 7, below; [Reference: 40 CFR Part 70.5(c)(3)(I)]

4.3.1.5 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; [Reference: 40 CFR Part 70.5 (c)(3)(vii) and (4)(i and ii)]

- 4.3.1.6 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:
 - 4.3.1.6.1 All regulated air pollutants emitted from the source,
 - 4.3.1.6.2 Any HAP that the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and
 - 4.3.1.6.3 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; [Reference: 40 CFR Part 70.5(c)(3)(i and viii)]
- 4.3.1.7 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; [Reference: 40 CFR Part 70.5(c)(3)(iv and vi)]
- 4.3.1.8 An identification and description of air pollution control equipment and compliance monitoring devices or activities; [Reference: 40 CFR Part 70.5 (c)(3)(v)]
- 4.3.1.9 Other information required by an applicable federal requirement; [Reference: 40 CFR Part 70.5(c)(3)(vii) and (5)]
- 4.3.1.10 The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection [5.9](#), below; [Reference: 40 CFR Part 70.5(c)(7)]
- 4.3.1.11 A compliance plan and compliance schedule with the following:
 - 4.3.1.11.1 A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements,
 - 4.3.1.11.2 A statement that the source will continue to comply with such applicable federal requirements that the source is in compliance,
 - 4.3.1.11.3 A statement that the source will comply, on a timely basis, with applicable federal requirements that will become effective during the permit term, and
 - 4.3.1.11.4 A description of how the source will achieve compliance with requirements for which the source is not in compliance; [Reference: 40 CFR Part 70.5(c)(8)]
- 4.3.1.12 For a source not in compliance with an applicable federal requirement at the time of permit issuance or renewal, 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, recordkeeping requirements, and a schedule for submission of certified progress reports to the U.S. EPA and the APCO at least every 6 months; [Reference: 40 CFR Part 70.5(c)(8)(iii)©]
- 4.3.1.13 A certification by a responsible official of the truth, accuracy and completeness of application forms, progress reports at least every 6 months, statements on

compliance status with any applicable enhanced monitoring, and compliance plans at least annually; [Reference: 40 CFR Part 70.5(c)(9) and (d)]

4.3.1.14 For a source with an acid rain unit, an application shall include the elements required by 40 CFR Part 72; [Reference: 40 CFR Part 70.5(c)(10)]

4.3.1.15 For a source of HAPs required to prepare a risk management plan pursuant to Section 112® of the CAA, the application shall include verification that such a plan has been submitted to the authorized implementing agency or a compliance schedule for the submittal of such a plan; and

4.3.1.16 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. [Reference: 40 CFR Part 70.6(e)]

4.3.2 Correctness of Applications [Reference: 40 CFR Part 70.5(a)(2) and (b)]

4.3.2.1 An owner or operator of a source shall submit an accurate and complete application in accordance with the requirements of the District.

4.3.2.1.1 Upon written request of the APCO, an owner or operator shall supplement any complete application with additional information within the timeframe specified by the APCO.

4.3.2.1.2 An owner or operator 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.

4.3.2.1.3 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

4.4 Written Requests for District Action

4.4.1 An owner or operator shall submit a written request to the APCO for the following permit actions:

4.4.1.1 Administrative Permit Amendment [Reference: 40 CFR Part 70.7(d)(3)]

4.4.1.1.1 For an administrative permit amendment, an owner or operator may implement the change addressed in the written request immediately upon submittal of the request.

4.4.1.2 Permit Modification for a Condition that is not Federally Enforceable

4.4.1.2.1 For a permit modification for a condition that is not federally enforceable, an owner or operator shall submit a written request in accordance with the requirements of Regulation II.

4.4.1.3 Permits to Operate for New Emissions Units

4.4.1.3.1 For permits to operate for a new emissions unit at a stationary source, an owner or operator shall submit a written request in accordance with the requirements of Rule 2:2 except under the following circumstances:

4.4.1.3.1.1 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; [Reference: 40 CFR Part 70.7(e)(2)(i)(A)(5)]

4.4.1.3.1.2 The construction or operation of the emissions unit is addressed or prohibited by permits for other emissions units at the stationary source; or [Reference: 40 CFR Part 70.5(a)(ii)]

4.4.1.3.1.3 The emissions unit is an acid rain unit subject to Title IV of the CAA. [Reference: 40 CFR Part 70.7(e)]

4.4.1.3.2 In the circumstances specified in subsections [4.4.1.3.1.1](#), [4.4.1.3.1.2](#), or [4.4.1.3.1.3](#), above, an owner or operator shall apply for a permit to operate for the new emissions unit pursuant to the requirements of Rule 7:1.

4.5 Response to Permit Reopening For Cause [Reference: 40 CFR Part 70.6(a)(6)(v)]

4.5.1 Upon notification by the APCO of a reopening of a permit for cause for an applicable federal requirement pursuant to Section [5.8](#), below, an owner or operator shall respond to any written request for information by the APCO within the time frame specified by the APCO.

5 District Administrative Procedures:

5.1 Completeness Review of Applications [Reference: 40 CFR Part 70.5(a)(2) and 70.7(a)(4)]

5.1.1 The APCO shall determine if an application is complete and shall notify the owner or operator of the determination within the following time frames:

5.1.1.1 For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application;

5.1.1.2 For a minor permit modification, within 30 days of receiving the application.

5.1.2 The application shall be deemed complete unless the APCO requests additional information or otherwise notifies the owner or operator that the application is incomplete within the time frames specified above.

5.2 Notification of Completeness Determination [Reference: 40 CFR Part 70.7 (e)(2)(iii) and 70.8(a)(1 and 2)]

5.2.1 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.

- 5.3 Application Processing Time frames [Reference: 40 CFR Part 70.7(a)(2)]
- 5.3.1 The APCO shall act on a complete application in accordance with the procedures in subsections 4, 5 and 6, 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 time frames:
- 5.3.1.1 For an initial permit for a source subject to Rule 7:1 on the date the rule becomes effective, no later than three (3) years after the date the rule becomes effective. [Reference: 40 CFR Part 70.4(b)(11)]
- 5.3.1.2 For an initial permit for a source that becomes subject to Rule 7:1 after the date the rule becomes effective, no later than 18 months from when a complete application is received;
- 5.3.1.3 For a permit renewal, no later than 18 months from when a complete application is received;
- 5.3.1.4 For a significant permit modification, no later than 18 months from when a complete application is received;
- 5.3.1.5 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 [Reference: 40 CFR Part 70.7(e)(2)(iv)]
- 5.3.1.6 For any permit application with early reductions pursuant to Section 112(i)(5) of the CAA, within 9 months after the complete application is received. [Reference: 40 CFR Part 70.4(b)(11)(iii)]
- 5.4 Notification and Opportunity for Review of Proposed Decision [Reference: 40 CFR Part 70.7(h) and 70.8]
- 5.4.1 Within the applicable timeframe specified in subsection 5.3, 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.
- 5.4.1.1 For initial permits, renewal of permits, significant permit modifications, and reopenings for cause, the APCO shall provide the following:
- 5.4.1.1.1 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:
- 5.4.1.1.1.1 Persons who have requested in writing to be notified of proposed Rule 7:1 decisions,
- 5.4.1.1.1.2 Any affected state, and
- 5.4.1.1.1.3 The ARB. [Reference: 40 CFR Part 70.7(h)(3) and 70.8(b)(1)]

- 5.4.1.1.2 On or after providing written notice pursuant to subsection [5.4.1.1.1](#), above, public notice shall be published in at least one newspaper of general circulation in the District. The notice that shall provide the following information:
- 5.4.1.1.2.1 The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action;
 - 5.4.1.1.2.2 The name and address of the District, the name and telephone number of District staff to contact for additional information;
 - 5.4.1.1.2.3 The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;
 - 5.4.1.1.2.4 The location where the public may inspect the complete application, the District analysis, and the proposed permit;
 - 5.4.1.1.2.5 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
 - 5.4.1.1.2.6 A statement that members of the public may request the APCO to preside over public hearing for the purpose of receiving oral comment, if a hearing has not already 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. [Reference: 40 CFR Part 70.7(a)(5) and 70.7(h)(1,2 and 4)]
- 5.4.1.1.3 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;
- 5.4.1.1.4 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. [Reference: 40 CFR Part 70.7(h)(5) and 70.8]
- 5.4.1.1.5 After completion of the public notice and comment period pursuant to subsection [5.4.1.1.1](#), 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. [Reference: 40 CFR Part 70.8]

5.4.1.2 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. [Reference: 40 CFR Part 70.7(a)(1)(iii and v) and (5)]

5.5 Changes to the Proposed Decision

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

5.5.1.1 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 [5.4.1.1.2](#), above, or due to further analysis of the APCO. Pursuant to subsection [5.4.1.1.5](#), 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. [Reference: 40 CFR Part 70.7(g)(5) and 70.8(b)(2)]

5.5.1.2 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 [5.4.1.1.5](#), 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 time frames:

5.5.1.2.1 For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the U.S. EPA objection; or

5.5.1.2.2 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. [Reference: 40 CFR Part 70.7(e)(2)(iv) and 70.8©]

5.6 Final Decision

5.6.1 If the U.S. EPA does not object in writing within 45 days of the notice provided pursuant to subsection [5.4.1.1.5](#), above, or the APCO submits a revised permit pursuant to subsection [5.5.1.2](#) 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 time frame specified in subsection [5.3](#), above. Failure of the APCO to act on a permit application or permit renewal application in accordance to the time frames provided in subsection [5.3](#), above, shall be considered final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously. [Reference: 40 CFR Part 70.4(b)(xi), 70.7(a)(1)(v) and (a)(2), and 70.8©]

5.6.2 Written notification of the final decision shall be sent to the owner or operator of the source, the U.S. EPA, the ARB and any person and affected state that submitted comments during the public comment period. 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 owner

or operator along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based. [Reference: 40 CFR Part 70.8(a)(1)]

5.7 District Action on Written Requests

5.7.1 The APCO shall act on a written request of an owner or operator for permit action using the applicable procedure specified in this subsection.

5.7.1.1 Administrative Permit Amendment [Reference: 40 CFR Part 70.7(d)(3)]

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

5.7.1.1.2 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.

5.7.1.1.2.1 The APCO shall provide a copy of the revised permit to the owner or operator and the U.S. EPA.

5.7.1.1.2.2 While the APCO need not make a completeness determination on a written request, the APCO shall notify the owner or operator if the APCO determines that the permit can not be revised as an administrative permit amendment.

5.7.2 Permit Modification for a Condition that is not Federally Enforceable. [Reference: 40 CFR Part 70.4(b)(14) and 70.6(b)]

5.7.2.1 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 Regulation II under the following circumstances:

5.7.2.1.1 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

5.7.2.1.2 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.

5.7.3 Permits to Operate for New Emissions Unit

5.7.3.1 The APCO shall take action on a written request for a permit to operate for a new emissions unit in accordance with the requirements of Regulation II under the circumstances specified in subsection [5.7.2.1.1](#), and [5.7.2.1.2](#), above. However, if subsections [4.4.1.3.1.1](#), [4.4.1.3.1.2](#), or [4.4.1.3.1.3](#), 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 7:1.

5.8 Permit Reopening for Cause [Reference: 40 CFR Part 70.7(f)]

5.8.1 The APCO shall reopen and revise a permit to operate during the annual review period required by Section 42301© 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. [Reference: 40 CFR Part 70.7(f)(2)]

5.8.1.1 Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:

5.8.1.1.1 The need to correct a material mistake or inaccurate statement;

5.8.1.1.2 The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements;

5.8.1.1.3 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

5.8.1.1.4 The need to reopen a permit issued to acid rain unit subject to Phase II of Title IV of the CAA to include:

5.8.1.1.4.1 Oxides of nitrogen requirements prior to January 1, 1999, and

5.8.1.1.4.2 Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit. [Reference: 40 CFR Part 70.7(f)(1)]

5.8.1.2 In processing a permit reopening, the APCO shall use the same procedures as for an initial permit and shall additionally:

5.8.1.2.1 Provide written notice to an owner or operator and the U.S. EPA at least 30 days, or a shorter period in the case of an emergency, prior to reopening a permit; and

5.8.1.2.2 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 [5.4.1.1.5](#), if the U.S. EPA does not object, or after the APCO has responded to U.S. EPA objection pursuant to subsection [5.5.1.2](#), above. [Reference: 40 CFR Part 70.7(f)(2 and 3) and (g)(5)(D)]

5.9 Options for Operational Flexibility [Reference: 40 CFR Part 70.4(b)(12) and (d)(3)(viii)]

5.9.1 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 Rule 2:3A or that result in an exceedences 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:

5.9.1.1 Alternative Operating Scenarios [Reference: 40 CFR Part 70.6(a)(9)]

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

5.9.1.1.1.1 Terms and conditions applicable to each operating scenario are identified by the owner or operator in the permit application, [5.9.1.1.1.3](#)

5.9.1.1.1.2 The terms and conditions are approved by the APCO,

5.9.1.1.1.3 The terms and conditions are incorporated into the permit; and

5.9.1.1.1.4 The terms and conditions are in compliance with all applicable District, state, and federal requirements.

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

5.9.1.2 Voluntary Emissions Caps [Reference: 40 CFR Part 70.4 (b)(12)(iii) and 70.6(a), (a)(10)and ©]

5.9.1.2.1 The APCO shall issue a permit that contains terms and conditions that allow for 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:

5.9.1.2.1.1 The requirements of subsections [5.9.1.1.1.1](#), [5.9.1.1.1.3](#), and [5.9.1.1.1.4](#), above, are met;

5.9.1.2.1.2 The terms and conditions are approved by the APCO as quantifiable and enforceable; and

5.9.1.2.1.3 The terms and conditions are consistent with the applicable preconstruction permit.

5.9.1.2.2 A permit condition shall require that an owner or operator provide written notice to the APCO 30 days in advance of a change by clearly requesting operational flexibility under this subsection of Rule 7:1. The written notice shall describe the change, identify:

5.9.1.2.2.1 The emissions unit which will be affected,

5.9.1.2.2.2 The date on which the change will occur,

- 5.9.1.2.2.3 The duration of the change,
- 5.9.1.2.2.4 Any change in emissions of any air pollutant, whether regulated or not and,
- 5.9.1.2.2.5 Any new emissions of any air pollutant not emitted before the change, whether regulated or not.

5.9.1.3 Contravening an Express Permit Condition [Reference: 40 CFR Part 70.4(b)(12)]

5.9.1.3.1 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:

- 5.9.1.3.1.1 The change will not violate any applicable federal requirement;
- 5.9.1.3.1.2 The change will not contravene federally-enforceable conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
- 5.9.1.3.1.3 The change is not a modification under Title I of the CAA or any provision of Rule 2:3A;
- 5.9.1.3.1.4 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;
- 5.9.1.3.1.5 Written notice is given to the APCO 30 days in advance of a change, and the notice:
 - 5.9.1.3.1.5.1 Clearly indicates which term or condition will be contravened,
 - 5.9.1.3.1.5.2 Requests operational flexibility under this subsection and,
 - 5.9.1.3.1.5.3 Describes the change, and
 - 5.9.1.3.1.5.4 Identifies:
 - 5.9.1.3.1.5.4.1 The emissions units which will be affected,
 - 5.9.1.3.1.5.4.2 The date on which the change will occur and the duration of the change,
 - 5.9.1.3.1.5.4.3 Any change in emissions of any air pollutant, whether regulated or not, and

5.9.1.3.1.5.4.4 Any new emissions of any air pollutant not emitted before the change, whether regulated or not, and

5.9.1.3.1.6 The APCO has not provided a written denial to the owner or operator within 30 days of receipt of the request for an operational change. The written denial shall identify which of the requirements of subsections [5.9.1.3.1.1](#), [5.9.1.3.1.2](#), [5.9.1.3.1.3](#), [5.9.1.3.1.4](#), or [5.9.1.3.1.5](#), above, have not been satisfied.

6 Permit Content Requirements [Reference: 40 CFR Part 70.6]

6.1 A Permit-To-Operate shall contain permit conditions that will assure compliance with all applicable federal requirements.

6.1.1 Incorporation of Applicable Federal Requirements [Reference:40 CFR Part 70.3© and70.6(a)(1)and (b)]

6.1.1.1 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:

6.1.1.1.1 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 enforceable by the U.S. EPA;

6.1.1.1.2 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

6.1.1.1.3 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.

6.1.1.2 General Requirements

6.1.1.2.1 All permits to operate shall contain the conditions or terms consistent with 40 CFR Part 70.6 Permit Content, including:

6.1.1.2.1.1 Emission and Operational Limitations [Reference: 40 CFR Part 70.6(a)(1)]

6.1.1.2.1.1.1 The permit shall contain conditions that require compliance with all applicable federal

requirements, including any operational limitations or requirements.

6.1.1.2.1.2 Preconstruction Permit Requirements [Reference: 40 CFR Part 70.2 Applicable Requirement (2) and 70.3©]

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

6.1.1.3 Origin and Authority for Permit Conditions [Reference: 40 CFR Part 70.6(a)(1)(I)]

6.1.1.3.1 The origin and authority for each permit term or condition shall be referenced in the permit.

6.1.1.4 Equipment Identification

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

6.1.1.5 Monitoring, Testing, and Analysis [Reference: 40 CFR Part 70.6(a)(3)(I)]

6.1.1.5.1 The permit shall contain conditions that require monitoring, analytical methods, compliance certification, test methods, equipment management, and statistical procedures consistent with any applicable federal requirement, including those pursuant to Sections 114(a)(3) and 504(b) of the CAA, 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.

6.1.1.6 Recordkeeping [Reference: 40 CFR Part 70.6(a)(3)(ii)]

6.1.1.6.1 The permit shall include recordkeeping conditions that require:

6.1.1.6.1.1 Record maintenance of all monitoring and support information associated with any applicable federal requirement, including:

6.1.1.6.1.1.1 Date, place, and time of sampling;

6.1.1.6.1.1.2 Operating conditions at the time of sampling;

6.1.1.6.1.1.3 Date, place, and method of analysis; and

6.1.1.6.1.1.4 Results of the analysis;

6.1.1.6.2 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

6.1.1.6.3 Any other recordkeeping deemed necessary by the APCO to ensure compliance with all applicable federal requirements.

6.1.1.7 Reporting [Reference: 40 CFR Part 70.6(a)(3)(iii)]

6.1.1.7.1 The permit shall include reporting conditions that require the following:

6.1.1.7.1.1 Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the APCO who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur;

6.1.1.7.1.2 A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the APCO [see subsection [6.1.1.7.1.1](#) above];

6.1.1.7.1.3 All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken;

6.1.1.7.1.4 A progress report shall be made on a compliance schedule at least semi-annually and shall include:

6.1.1.7.1.4.1 the date when compliance will be achieved,

6.1.1.7.1.4.2 an explanation of why compliance was not, or will not be, achieved by the scheduled date, and

6.1.1.7.1.4.3 a log of any preventative or corrective action taken; and

6.1.1.7.1.5 Each monitoring report shall be accompanied by a written statement from the responsible official which certifies the truth, accuracy, and completeness of the report.

6.1.1.8 Compliance Plan [Reference: 40 CFR Part 70.5(c)(8)]

6.1.1.8.1 The permit shall include a compliance plan that:

6.1.1.8.1.1 Describes the compliance status of an emissions unit with respect to each applicable federal requirement;

6.1.1.8.1.2 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;

6.1.1.8.1.3 Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and

6.1.1.8.1.4 Assures that an emissions unit will comply with, on a timely basis, any applicable federal requirement that will become effective during the permit term.

6.1.1.9 Compliance Schedule [Reference: 40 CFR Part 70.5(c)(8)(iii)©]

6.1.1.9.1 The permit shall include a compliance schedule for any emissions unit which is not in compliance with current applicable federal requirements.

6.1.1.9.1.1 The compliance schedule shall require:

6.1.1.9.1.1.1 A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;

6.1.1.9.1.1.2 A statement that the emissions unit will comply, on a timely basis, with an applicable federal requirement that will become effective during the permit term.

6.1.1.9.1.1.3 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

6.1.1.9.1.1.4 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:

6.1.1.9.1.1.4.1 the date when compliance will be achieved,

6.1.1.9.1.1.4.2 an explanation of why compliance was not, or will not be, achieved by the scheduled date, and

6.1.1.9.1.1.4.3 a log of any preventative or corrective actions taken.

6.1.1.10 Right of Entry [Reference: 40 CFR Part 70.6(c)(2)]

6.1.1.10.1 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:

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

6.1.1.11 Compliance with Permit Conditions [Reference: 40 CFR Part 70.6(a)(6)]

6.1.1.11.1 The permit shall include the following provisions regarding compliance:

- 6.1.1.11.1.1 The permittee shall comply with all permit conditions;
- 6.1.1.11.1.2 The permit does not convey property rights or exclusive privilege of any sort;
- 6.1.1.11.1.3 The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;
- 6.1.1.11.1.4 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;
- 6.1.1.11.1.5 A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
- 6.1.1.11.1.6 Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining:
 - 6.1.1.11.1.6.1 compliance with the permit, or
 - 6.1.1.11.1.6.2 whether or not cause exists for a permit or enforcement action.

6.1.1.12 Emergency Provisions [Reference: 40 CFR Part 70.6(g)]

6.1.1.12.1 The permit shall include the following emergency provisions:

- 6.1.1.12.1.1 The permittee shall comply with District Rule 4:17, Upset or Breakdown Conditions, and the emergency provisions contained in all applicable federal requirements;
- 6.1.1.12.1.2 Within two weeks of an emergency event, the owner or operator shall submit to the District a properly signed,

contemporaneous log or other relevant evidence which demonstrates that:

- 6.1.1.12.1.2.1 An emergency occurred;
 - 6.1.1.12.1.2.2 The permittee can identify the cause(s) of the emergency;
 - 6.1.1.12.1.2.3 The facility was being properly operated at the time of the emergency;
 - 6.1.1.12.1.2.4 All steps were taken to minimize the emissions resulting from the emergency; and
 - 6.1.1.12.1.2.5 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;
- 6.1.1.12.1.3 In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.

6.1.1.13 Severability [Reference: 40 CFR Part 70.6(b)(5)]

- 6.1.1.13.1 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.

6.1.1.14 Compliance Certification [Reference: 40 CFR Part 70.6(b)(5)]

- 6.1.1.14.1 The permit shall contain conditions for compliance certification which include the following requirements:
 - 6.1.1.14.1.1 The owner or operator shall submit a compliance certification to the U.S. EPA and the APCO every 12 months;
 - 6.1.1.14.1.2 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;
 - 6.1.1.14.1.3 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
 - 6.1.1.14.1.4 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.

6.1.1.15 Permit Life [Reference: 40 CFR Part 70.6(a)(2)]

6.1.1.15.1 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.

6.1.1.16 Payment of Fees [Reference: 40 CFR Part 70.6(a)(7)]

6.1.1.16.1 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.

6.1.1.17 Alternative Operating Scenarios [Reference: 40 CFR Part 70.6(a)(9)]

6.1.1.17.1 Where an owner or operator 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.

6.1.1.18 Voluntary Emissions Caps [Reference: 40 CFR Part 70.6(a)(10)]

6.1.1.18.1 To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, an owner or operator 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:

6.1.1.18.1.1 All applicable federal requirements, including those authorizing emissions averaging, are complied with;

6.1.1.18.1.2 No individual emissions unit shall exceed any emissions limitation, standard, or other requirement;

6.1.1.18.1.3 Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and

6.1.1.18.1.4 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.

6.1.1.19 Acid Rain Units Subject to Title IV [Reference: 40 CFR Part 70.6(a)(4)]

6.1.1.19.1 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:

6.1.1.19.1.1 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;

6.1.1.19.1.2 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;

6.1.1.19.1.3 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 2:3A; and

6.1.1.19.1.4 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.

6.1.1.20 Portable Sources [Reference: 40 CFR Part 70.6(e)]

6.1.1.20.1 The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to:

6.1.1.20.1.1 Meet all applicable District, state, and federal requirements at each location;

6.1.1.20.1.2 Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the APCO, that will

be used to demonstrate compliance with all District, state, and federal requirements; and

6.1.1.20.1.3 Notify the APCO ten working days prior to a change in location.

7 Supplemental Annual Fee:

7.1 The fees collected pursuant to this Section shall supplement the fee requirements in Rule 2:11, if applicable.

7.1.1 Payment of Supplemental Fee [Reference: 40 CFR Part 70.9(b)(2)(I)]

7.1.1.1 An owner or operator, or his or her delegee, shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in subsection [7.1.3](#) below to meet an overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted), unless subsection [7.1.2](#) below applies.

7.1.1.1.1 "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. [Reference: 40 CFR Part 70.9(b)(2)(iii)]

7.1.1.1.2 "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® of the CAA for accidental release or under Title VI of the CAA for stratospheric ozone protection shall not be included. [Reference: 40 CFR Part 70.2 Regulated Pollutant (for Presumptive Fee Calculation)]

7.1.1.1.3 "(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. [Reference: 40 CFR Part 70.9(b)(2)(iv)]

7.1.2 No Supplemental Fee [Reference: 40 CFR Part 70.9(b)(1)]

7.1.2.1 There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rules 2:11, 2:11B, 5:4 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).

7.1.3 Determination of Supplemental Fee

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

7.1.3.1.1 Step 1: Calculation of Supplemental Annual Fee

s = [\$25 per ton (CPI adjusted) x 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 Rule 2:11 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.

7.1.3.1.2 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 [7.1.2.1](#), above, applies.

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

7.1.4 Submittal of Information [Reference: 40 CFR Part 70.6(a)(7)]

7.1.4.1 The owner or operator, or his or her delegee, shall provide the APCO sufficient information to determine the supplemental fee.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 7:2 Request For Synthetic Minor Source Status
Adopt 9/19/1995

- 1 Applicability:
 - 1.1 General Applicability:
 - 1.1.1 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 in this rule.
 - 1.2 Exclusion:
 - 1.2.1 This rule shall not apply to any source subject to Rule 7:1, Federal Operating Permit Program for any reason other than being a major source.
- 2 Definitions: All terms shall retain the definitions provided under Rule 7:1, Federal Operating Permit Program, unless otherwise defined herein.
 - 2.1 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 7:1, Federal Operating Permit Program.
 - 2.2 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.
 - 2.3 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.
 - 2.4 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.
 - 2.5 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. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.
- 3 Administrative Requirements: A request for synthetic minor source status shall not relieve a source of the responsibility to comply with the application requirements of Rule 7:1, Federal Operating Permit Program within the specified timeframes. A major source subject to this rule may request synthetic minor source status in accordance with the following:
 - 3.1 Content of Request:
 - 3.2 A request for designation as a synthetic minor source shall include:
 - 3.2.1 The identification and description of all existing emission units at the source;

- 3.2.2 The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted, ¹including any existing federally-enforceable limits established by a mechanism other than this rule;
 - 3.2.3 Proposed federally-enforceable conditions which:
 - 3.2.3.1 Limit source-wide emissions to below major source thresholds, and
 - 3.2.3.2 Are permanent, quantifiable, and otherwise enforceable as a practical matter;
 - 3.2.4 Proposed federally-enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;
 - 3.2.5 Any additional information requested by the APCO; and
 - 3.2.6 Certification by a responsible official that the contents of the request are true, accurate, and complete.
- 3.3 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:
- 3.3.1 For any major source that is operating or is scheduled to commence operating on the effective date of Rule 7:1, Federal Operating Permit Program, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 7:1, Federal Operating Permit Program;
 - 3.3.2 For any major source that commences operating after the effective date of Rule 7:1, Federal Operating Permit Program, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 7:1, Federal Operating Permit Program; or
 - 3.3.3 For any major source that is operating in compliance with a permit pursuant to Rule 7:1, Federal Operating Permit Program, the owner or operator may request synthetic minor source status at any time, but shall make such request no later than eight months prior to Title V permit renewal.
- 3.4 Synthetic Minor Source Modification Requirements: The following requirements apply to any modification of a synthetic minor source:
- 3.4.1 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 District Rule 2:3A, New Source Review.
- 3.5 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 [4.2.2](#) of this rule, the owner or operator shall comply with the applicable requirements of District Rule 2:3A, New Source Review shall:

¹ 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).

- 3.5.1 Submit a revised request for synthetic minor source status in accordance with Section [3.1](#) of this rule no later than 180 days prior to the intended modification, unless a shorter period of time is agreed to by the APCO; or
 - 3.5.2 Submit an application in accordance with the requirements of Rule 7:1, Federal Operating Permit Program no later than 180 days prior to the intended modification unless a shorter period of time is agreed to by the APCO.
- 4 District Procedures And Federally-Enforceable Conditions: The District shall take the following actions on requests for synthetic minor source status:
- 4.1 Completeness Determination
 - 4.1.1 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.
 - 4.1.2 Thirty-one days after the request has been submitted, it may not be considered deemed complete unless the APCO so notifies the owner or operator.
 - 4.1.3 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.
 - 4.2 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 District Rule 2:1, General Requirements and Section [4.3](#) through [4.5](#) of this rule, and shall be:
 - 4.2.1 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;
 - 4.2.2 Monitoring, recordkeeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits set forth pursuant to Section [4.2.1](#) of this rule; and
 - 4.2.3 Subject to public notice and U.S. EPA review pursuant to Section [4.3](#) and [4.4](#) of this rule.
 - 4.2.3.1 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.
 - 4.3 Public Notification and Review: After a request for synthetic minor source status is determined to be complete, the APCO shall:
 - 4.3.1 Publish a notice of the request in one or more major newspapers in the area where the source is located;
 - 4.3.2 In the public notice:
 - 4.3.2.1 State that conditions identified as federally-enforceable in the source's permit will establish a voluntary emissions limit in accordance with Rule 7:2, Request For Synthetic Minor Source Status; and

- 4.3.2.2 Describe how the public may obtain copies of the proposed permit including the federally enforceable conditions addressing the emissions limit; and
 - 4.3.2.3 Provide 30 days for public review of the proposed permit prior to final permit action.
 - 4.4 U.S. EPA Review: After a request for synthetic minor source status is determined to be complete, the APCO shall:
 - 4.4.1 Provide the U.S. EPA with copies of the proposed permit including the conditions which:
 - 4.4.1.1 Are identified as federally-enforceable; and
 - 4.4.1.2 Limit emissions to below major source thresholds;
 - 4.4.2 Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and
 - 4.4.3 Provide the U.S. EPA with copies of the final permit.
 - 4.5 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 7:1, Federal Operating Permit Program, within the specified time frames. Upon fulfilling the requirements of Section [4.1](#) through [4.4](#) 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 after closure of both the public and U.S. EPA review process or within three years of the effective date of Rule 7:1, Federal Operating Permit Program, whichever is later.
 - 4.5.1 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.
 - 4.6 Renewal of Synthetic Minor Source Status: Renewal of synthetic minor source status shall be made in accordance with District Rule 2:1, General Requirements. In addition, at permit renewal, any revision of conditions identified as federally-enforceable shall be subject to Subsections [3.1](#) through [3.5](#) of this rule.
- 5 Compliance: The owner or operator of a synthetic minor source which exceeds the conditions identified as federally-enforceable and established pursuant to Section [4.2.1](#) of this rule shall report such exceedances to the APCO in accordance with District Rule 4:17, Upset or Breakdown Conditions.
 - 5.1 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 Federal Clean Air Act and District Rules and Regulations. A noncomplying synthetic minor source may be subject to any one or combination of the following actions: enforcement action, permit termination, permit revocation and re-issuance, and permit renewal denial.

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 7:3 Permitting Requirements For Stationary Sources Emitting Greenhouse Gases

Adopted 03/01/11

1 Purpose: The purpose of this rule is to: (1) ensure that any stationary source that has the potential to emit greenhouse gases, as defined in this rule, above applicable thresholds complies with the requirements of District Rule 7:1 Federal Operating Permit Program, or Rule 7:2 Request For Synthetic Minor Source Status as applicable; and (2) establish federally enforceable limits on potential to emit greenhouse gases for stationary sources that elect to comply with such limits in lieu of obtaining a Part 70 permit that is otherwise required.

2 Applicability

2.1 General Applicability: Except as provided in Sections [2.2](#), [2.3](#), [2.4](#) and [2.5](#) below, this rule shall apply to any stationary source which has the potential to emit greenhouse gases.

2.2 Exemption, Stationary Source with Potential to Emit Greenhouse Gases Below Specified Thresholds: The provisions of this rule, except for Section [4.1.3](#), shall not apply to any stationary source which has a maximum potential to emit greenhouse gases below the threshold(s) in Section [3.9](#), including sources with their potential to emit limited by conditions in an operating permit if the conditions are federally, or legally and practically enforceable.

2.3 Exemption from Recordkeeping and Reporting: The following sources shall not be required to comply with the recordkeeping and reporting provisions in Sections [5](#), [6](#), and [7](#):

2.3.1 A stationary source which emits, or will emit, less than or equal to 5,000 tons per year of CO₂e, in every 12-month period. Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of such stationary source shall demonstrate that the stationary source's greenhouse gas emissions are less than or equal to 5,000 tons per year of CO₂e, in every 12-month period in the preceding 5 years.

2.3.2 Any stationary source which meets both of the following conditions:

2.3.2.1 The owner or operator has notified the District at least 30 days prior to any violation that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits, and

2.3.2.2 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.

2.3.3 Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with District Rule 7:1 Federal Operating Permit Program and is awaiting final action by the District and U.S. EPA.

2.3.4 Any stationary source required to obtain a Part 70 permit under District Rule 7:1 Federal Operating Permit Program for any reason other than being a major source.

2.3.5 Any stationary source with a valid Part 70 permit.

2.3.6 Notwithstanding Sections [2.3.2](#) and [2.3.4](#) 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 provisions of Section [4.1.2](#) or [4.1.3](#), below.

- 2.4 **Exemption from Process Statement:** For the purpose of determining compliance with this rule, the requirement in Section [6.1](#) to submit a process statement shall not apply to stationary sources which emit less than 25,000 tons per year of CO₂e, in every 12-month period in the preceding 5 year period.
- 2.5 **Otherwise Applicable Requirements:** 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. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.
- 3 **Definitions:** The definitions provided under District Rule 7:1 Federal Operating Permit Program shall apply unless otherwise defined herein.
- 3.1 **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.
- 3.2 **Actual Emissions:** The emissions of the sum of greenhouse gases, expressed as CO₂e, 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 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 methods, including emission factors and assumptions, specified or approved by U.S. EPA; where such methods are not available, the APCO may allow methods approved by the California Air Resources Board (CARB) or other District-approved methods, including emission factors and assumptions.
- 3.3 **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 [7](#), Alternative Operational Limit and Requirements.
- 3.4 **CO₂ Equivalent Emissions (CO₂e):** For the purposes of this rule, the sum of the adjusted emissions of each of the six individual greenhouse gases as defined in Section [3.8](#), below, where the adjusted emissions for each individual greenhouse gas are equal to the mass emissions of that gas multiplied by the global warming potential of that gas, as listed in Table 1 of Appendix A.
- 3.5 **Emission Unit:** Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any greenhouse gas.
- 3.6 **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.
- 3.7 **Global Warming Potential (GWP):** The relative capacity of an individual greenhouse gas to cause a warming effect in the earth's atmosphere as compared to the capacity of CO₂ to cause such warming effect; for the purposes of this rule, the global warming potential of a greenhouse gas shall be as listed in Table 1 of Appendix A.

- 3.8 **Greenhouse Gases (GHGs):** A gas that has the capacity to create a warming effect in the earth's atmosphere; for the purposes of this rule: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).
- 3.9 **Major Source of GHG Emissions:** On or after July 1, 2011, a stationary source that emits or has the potential to emit greater than or equal to 100,000 tons per year of CO₂e, provided that the mass emissions of all GHGs emitted, without consideration of GWP, are equal to or greater than the following:
- 3.9.1 100 tons per year for a source in any category listed under Section 3.10.1; or
- 3.9.2 250 tons per year for any other source.
- 3.10 **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.
- 3.10.1 The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
- 3.10.1.1 Coal cleaning plants (with thermal dryers);
- 3.10.1.2 Kraft pulp mills;
- 3.10.1.3 Portland cement plants;
- 3.10.1.4 Primary zinc smelters;
- 3.10.1.5 Iron and steel mills;
- 3.10.1.6 Primary aluminum ore reduction plants;
- 3.10.1.7 Primary copper smelters;
- 3.10.1.8 Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 3.10.1.9 Hydrofluoric, sulfuric, or nitric acid plants;
- 3.10.1.10 Petroleum refineries;
- 3.10.1.11 Lime plants;
- 3.10.1.12 Phosphate rock processing plants;
- 3.10.1.13 Coke oven batteries;
- 3.10.1.14 Sulfur recovery plants;
- 3.10.1.15 Carbon black plants (furnace process);
- 3.10.1.16 Primary lead smelters;
- 3.10.1.17 Fuel conversion plants;

- 3.10.1.18 Sintering plants;
- 3.10.1.19 Secondary metal production plants;
- 3.10.1.20 Chemical process plants-The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- 3.10.1.21 Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- 3.10.1.22 Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- 3.10.1.23 Taconite ore processing plants;
- 3.10.1.24 Glass fiber processing plants;
- 3.10.1.25 Charcoal production plants;
- 3.10.1.26 Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
- 3.10.1.27 Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

3.11 **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 or legally and practically enforceable.

3.12 **Process Statement:** An annual report on permitted emission units from an owner or operator of a stationary source certifying the following information, to the best of their knowledge: 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.

4 Emission Limitations

4.1 **Existing Sources:** Every stationary source shall comply with the following:

4.1.1 A stationary source shall comply with the requirements of District Rule 7.1 Federal Operating Permit Program and shall include in its operating permit emissions of GHGs and all applicable GHG requirements, if either of the following thresholds is met:

4.1.1.1 On or after January 2, 2011, the stationary source is otherwise required to obtain a Part 70 permit pursuant to the requirements of District Rule 7:1 Federal Operating Permit Program or

- 4.1.1.2 On or after July 1, 2011, either the provisions of [4.1.1.1](#) apply, or the stationary source is a “major source of GHG emissions”.
- 4.1.2 In lieu of complying with the requirements of District Rule 7.1 Federal Operating Permit Program, a stationary source otherwise subject to Section [4.1.1.1](#) or [4.1.1.2](#) may elect to comply with the requirements of District Rule 7:2 Request For Synthetic Minor Source Status, and shall include in its operating permit limitations on emissions of GHGs to ensure the source is not a “major source of GHG emissions.”
- 4.1.3 Unless the stationary source complies with the provisions of section [4.1.1](#) or [4.1.2](#), above, or the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section [7.1](#) below, no stationary source shall emit more than 50,000 tons of CO₂e, in any 12-month period.
- 4.2 **Evaluation:** The APCO shall evaluate a stationary source's compliance with the emission limitations in Section [4.1.3](#), 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 6 Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual and projected emissions shall be calculated using emissions factors approved by the U.S. EPA; where such factors are not available, the APCO may allow factors approved by CARB, or other District-approved factors.
- 4.3 **Permit Applications:** An application for a permit for a stationary source pursuant to Sections [4.1.1](#) or [4.1.2](#) shall include the following information:
- 4.3.1 An application submitted pursuant to Section [4.1.1](#) shall, in addition to the information specified in District Rule 7:1 Federal Operating Permit Program, include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.
- 4.3.2 An application submitted pursuant to Section [4.1.2](#) shall, in addition to the information specified in District Rule 7.2 Request For Synthetic Source Status, include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.

5 Record Keeping Requirements

- 5.1 The owner or operator of a stationary source subject to this rule shall comply with 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 [7](#), 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.
- 5.2 **Exceeding De Minimis Emissions:** A stationary source previously covered by the provisions in Section [2.3.1](#) above shall comply with the applicable provisions of Section [5](#) above and Sections [6](#) and [7](#) below if the stationary source emissions exceed the limit specified in Section [2.2](#).
- 5.3 **Required Records:** 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.

- 5.3.1 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:
 - 5.3.1.1 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
 - 5.3.1.2 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.
- 5.3.2 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:
 - 5.3.2.1 Information on equipment type and description, make and model, and emission units served by the control unit;
 - 5.3.2.2 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; all parametric data necessary to verify operation, maintenance, and performance of the device; other design data as appropriate; all source test information; and
 - 5.3.2.3 A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.
- 5.3.3 General Emission Unit: The owner or operator of a stationary source subject to this rule that contains an emission unit not included in Sections [5.3.1](#) or [5.3.2](#) above shall keep and maintain the following records:
 - 5.3.3.1 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);
 - 5.3.3.2 Any additional information requested in writing by the APCO;
 - 5.3.3.3 A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
 - 5.3.3.4 Purchase orders, invoices, and other documents to support information in the monthly log.

6 Reporting Requirements

- 6.1 Process Statement: At the time of annual renewal of a permit to operate under each owner or operator of a stationary source subject to this rule shall submit to the District a process statement for all equipment and processes related to emissions of GHGs. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

6.2 **Loss of Exemption:** A stationary source previously covered by provisions in section 2.4 above shall comply with the provisions of Section 6.1 above if the stationary source exceeds the quantities specified in Section 2.4.

6.3 **Deadline to Submit:** Any additional information requested by the APCO under Section 6.1 above shall be submitted to the APCO within 30 days of the date of request.

7 **Alternative Operational Limit and Requirements**

7.1 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 permitted emission units limited by the alternative operational limit.

7.2 **Alternative Requirements:** 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.

7.2.1 The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.

7.2.2 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.

7.2.3 **Boilers:** The owner or operator shall operate the boiler(s) in compliance with the following requirements:

7.2.3.1 The boiler shall not use more than (X quantity) of fuel in every 12-month period, or the boiler shall not operate more than (Y hours) in every 12 month period where X and Y are determined by the fuel burned, and Y is also dependent on the total Btu/hr rating of the boiler, as shown in Table 7.1.A, below:

Table 1. A				
Boiler Fuel	X	Y		
	Annual Fuel Use Cap	Mmbtu/hr with 7000 hr cap	Mmbtu/hr with 6000 hr cap	Mmbtu/hr with 5000 hr cap
Natural Gas	13,000,000 Therms	190	≤220	≤260
LPG and Propane	11,700,000 gal	160	≤185	≤220
Oils: No.2, No.6, Crude	6,000,000 gal	140	≤160	≤180
Tires	31,000 tons	110	≤130	≤150
MSW	65,000 tons	110	≤130	≤150
Wood	67,000 tons	105	≤120	≤140
Pet Coke	24,000 tons	100	≤115	≤130

Ag Byproducts	38,000 tons	85	≤100	≤115
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7.2.3.2 A monthly log of hours of operation, (quantity) of fuel used, and a monthly calculation of the total hours operated and (quantity) of fuel used in the previous 12 months shall be kept on site.

7.2.3.3 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.

7.3 Exceeding Alternative Operating Limits: 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 exceedence of an applicable operational limit specified in Section [7.1](#) above.

8 Violations

8.1 Failure to Comply: Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule, and shall be subject to penalties pursuant to Health and Safety Code Section 42400 et seq. Each day during which a violation of this rule occurs is a separate offense.

8.2 Applicable Federal Requirements: In addition to penalties assessed pursuant to Section [8.1](#), a stationary source which violates the provisions of Section [4.1.3](#), or which cannot demonstrate compliance with those provisions, shall be immediately subject to the provisions of District Rule 7:1 Federal Operating Permit Program and must submit an application for a permit pursuant to that rule within 12 months of the first day on which the source failed to show compliance. Failure to submit a required application shall be a separate offense from failing to comply with the limits in this rule, and each day during which the required application has not been submitted is a separate offense.

Table 1
Appendix A
Affected Greenhouse Gases Pollutants and Their Global Warming Potentials

GHG Name	GWP	GHG Name	GWP
CO2	1	HFE-43-10pccc (H-Galden 1040x)	1,870
CH4	21	HFE-125	14,900
N2O	310	HFE-134	6,320
HFC-23	11,700	HFE-143a	756
HFC-32	650	HFE-227ea	1,540
HFC-41	150	HFE-236ca12 (HG-10)	2,800
HFC-125	2,800	HFE-236ea2 (Desflurane)	989
HFC-134	1,000	HFE-236fa	487
HFC-134a	1,300	HFE-245cb2	708
HFC-143	300	HFE-245fa1	286
HFC-143a	3,800	HFE-245fa2	659
HFC-152	53	HFE-254cb2	359
HFC-152a	140	HFE-263fb2	11
HFC-161	12	HFE-329mcc2	919
HFC-227ea	2,900	HFE-338mcf2	552
HFC-236cb	1,340	HFE-338pcc13 (HG-01)	1,500
HFC-236ea	1,370	HFE-338mmz1	380
HFC-236fa	6,300	HFE-347mcc3	575
HFC-245ca	560	HFE-347mcf2	374
HFC-245fa	1,030	HFE-347pcf2	580
HFC-365mfc	794	HFE-347mmy1	343
HFC-4310mee	1,300	HFE-356mcc3	101
Nitrogen trifluoride	17,200	HFE-356pcc3	110
Sulfur hexafluoride	23,900	HFE-356pcf2	265
Trifluoromethyl sulphur pentafluoride	17,700	HFE-356pcf3	502
PFC-14 (Perfluoromethane)	6,500	HFE-356mm1	27
PFC-116 (Perfluoroethane)	9,200	HFE-365mcf3	11
PFC-218 (Perfluoropropane)	7,000	HFE-374pc2	557
PFC-3-1-10 (Perfluorobutane)	7,000	HFE-449sl (HFE-7100) Chemical Blend	297
PFC-4-1-12 (Perfluoropentane)	7,500	HFE-569sf2 (HFE-7200) Chemical Blend	59
PFC-5-1-14 (Perfluorohexane)	7,400	Sevoflurane	345
Perfluorocyclopropane	17,340	(Octafluorotetramethylene) hydroxymethyl grp	73
Perfluorocyclobutane	8,700	Bis(trifluoromethyl)-methanol	195
PFC-9-1-18	7,500	2,2,3,3,3-pentafluoropropanol	42
HCFE-235da2 (Isoflurane)	350	PFPME	10,300