

# Regulation I

## General Provisions, Permits & Prohibitions



# Regulation I – General Provisions

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# **Regulation I**

## **Rule 100 – General Provisions**

The content of this Rule was first adopted as part of Regulation I in 1982.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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## RULE 100

### GENERAL PROVISIONS

**A. TITLE:** The Counties of Del Norte, Humboldt and Trinity operate as a single unified special district agency entitled the North Coast Unified Air Quality Management District. These Rules and Regulations are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and shall be known as the Rules and Regulations of the California North Coast Unified Air Quality Management District (herein after referred to as the District).

The District, comprised of the Counties of Del Norte, Trinity, and Humboldt, lies within the North Coast Air Basin. The North Coast Air Basin consists of the counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District.

**B. PURPOSE:** These rules and regulations are set forth to achieve, maintain, and protect health-based State and Federal Ambient Air Quality Standards and prevent deterioration of levels of air quality which may jeopardize human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience, and enjoyment of the natural attractions of the California North Coast Air Basin.

**C. ADMINISTRATION:** The procedures and restrictions set forth in these rules and regulations shall be administered by the District within its area of jurisdiction as authorized by Section 40002 of the H&SC; Chapter 3, Part 3, Division 26 of the H&SC; or by contractual agreements with or between other public agencies in accordance with the provisions of Section 40701 et seq. of the H&SC, and/or Section 90120 et seq. of Title 17 of the California Administrative Code.

**D. EMERGENCY CONDITIONS:** In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the APCO shall take immediate action in curtailing those emissions known to be contributing to a possible episode situation.

**E. PUBLIC RECORDS:** In accordance with the provisions of Government Code Section 6254.7, et seq. all air pollution monitoring and emission data in the possession of the District are public records. All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which are in possession of the District, are public records, with the exception of certified "trade secrets" and active investigation files involving potential criminal complaints. Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the APCO. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the APCO shall:

1. Concur in the certification of said trade secrets and notify the owner that the documents will be placed in a locked file to be made accessible only to the staff of the District or to the public following a court order.
2. Return to the owner all documents which have been designated as trade secrets, following a determination by the APCO that they are not necessary in conducting the activities of the District.

3. Notify the owner that said trade secrets do not meet the criteria established and place the documents in a locked file. All such documents will be considered as public records and will be so designated at the end of a 30 day period, unless the owner files an appeal with the District Hearing Board.

Upon request, any specific public records in the possession of the District will be made available to the public within 10 days. Such requests shall be in writing and a reasonable fee may be charged, not to exceed the actual cost of providing the requested information.

**F. VALIDITY:**

1. If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.
2. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether criminal or equitable, which might otherwise be available to any person.
3. These regulations shall be liberally construed for the protection of the health, safety and welfare of the people of the District.

# Regulation I

## Rule 101 - Definitions



*First Adopted: November 3, 1982*

*Prior revision dates: May 19, 2005 and May 15, 2008*

*The current version was adopted by the Governing Board via Resolution 2014-1 dated February 20, 2014.*

# Rule 101 - Definitions

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- A. PURPOSE
- B. DEFINITIONS

## Rule 101 - Definitions

For purposes of the District Rules and Regulations, the terms and definitions listed herein have the following meanings. In the event that two or more definitions within Rule 101 conflict, the definition that best protects the health and safety of the people of the District shall prevail. Where individual Regulations, Rules, Orders specifically define a term, such definition contained therein shall supersede the definition contained in Rule 101.

Except as otherwise specifically provided in these Rules and Regulations, and except where the context indicates otherwise, the words used herein are defined in the California Health and Safety Code, Divisions 25.5 and 26; Title 17 of the California Code of Regulations; the federal Clean Air Act [42 U.S.C. sections 7401 et seq]; and Title 40 of the Code of Federal Regulations [40 CFR Parts 50 through 99].

**Actual Emissions:** The amount of emissions that, under normal or typical conditions, will or have been discharged.

**Actual Cubic Foot (acf):** The unit of measurement used to describe a quantity of gas equal to a cubic foot in dimension at atmospheric conditions. Most commonly used in conjunction with the unit of time “per minute”, acf is a volumetric measurement of a gas independent of density.

**Administrative Permit Amendment:** An amendment to a Permit to Operate which:

- 1) Corrects a typographical error;
- 2) Identifies a minor administrative change at the Stationary Source; for example, a change in the name, address, or phone number of any person identified in the permit;
- 3) Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
- 4) Transfers ownership or operational control of a Stationary Source, provided that, prior to the transfer, the APCO receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee. [ 40 CFR 70.7(d)]

**Affected State:** Any state that is contiguous with the District and whose air quality may be affected by a permit action, or is within 50 miles of the source for which a permit action is being proposed. [40 CFR 70.2 Affected States]

**Aggregate:** A mixture of mineral fragments, sand, gravel, rocks, or similar minerals.

**Agricultural Burning:** Shall have the same meaning as defined in 17 CCR Section 80101 (a) and shall refer to open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.

**Agricultural Operation:** The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.

**Air Contaminant:** Any discharge, release, or other propagation into the atmosphere directly, or indirectly, including, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acid, or any combination thereof.



**Air Pollution Control Officer (APCO):** The Air Pollution Control Officer of the North Coast Unified Air Quality Management District, appointed pursuant to H&SC Section 40750. For purposes of implementation of federal laws, where proper authority exists, "Administrator" shall mean APCO.

**Air Resources Board (ARB):** The California Air Resources Board.

**Air Toxic:** Toxic air contaminants as defined in Section 39655(a) of the H&SC.

**Air Toxic Control Measure (ATCM):** A regulation adopted by the California Air Resources Board whose purpose is to control or limit the amount of Air Toxic emitted by a source, device, or process type.

**Allowable Emissions:** The amount of Emissions (mass) authorized to be discharged per unit of time. The amount authorized is derived from a regulatory limit or permit condition.

**Alteration:** Any addition to, enlargement or replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or effect the kind or amount of the Air Contaminant emitted.

**Applicable Federal Requirement:** Shall have the same meaning as "Applicable Requirement" as defined in 40 CFR 70.2 Definitions; and shall refer to any requirement which is enforceable by the U.S. EPA and citizens pursuant to section 304 of the Clean Air Act and as set forth in, or authorized by, the Clean Air Act or a U.S. EPA regulation.

**Approved Materials:** When used in the context of Regulation II, Approved Materials shall mean dry natural vegetation grown on the premises where burned which is reasonably free of dirt, soil and visible surface moisture. Approved Materials shall also include untreated hand-split rails or other materials as identified by the APCO.

**Approved Ignition Devices:** Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used. Approved Ignition Devices include but are not necessarily limited to such items as liquid petroleum gas, butane or propane torches, drip torches, flares, or other similar materials as approved by the APCO. Approved Ignition Devices do not include tires, tar, tar paper, oil and other similar materials.

**Asbestos:** Asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

**Asbestos Containing Serpentine Material:** Shall have the same meaning as defined in 17 CCR Section 93105 and shall refer to serpentine material that has an asbestos content greater than 0.25%, as determined by ARB Test Method 435.

**Atmosphere:** The air that envelopes or surrounds the Earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

**Baghouse:** An air pollution control device that removes particulates out of air or gas streams released from commercial processes or combustion sources. Most baghouses use long, cylindrical bags (or tubes) made of woven or felted fabric as a filter medium.

**Baseline Concentration:** That ambient concentration level which exists in all regions of the North Coast Air Basin on January 1, 1988, or in the baseline area at the time of the establishment of the applicable baseline date as determined in accordance with 40 CFR Section 52.21(b)(13).

**Baseline/Impact Area:** That area where the concentration of emissions from a proposed new or modified stationary source is predicted to be equal to or greater than 1 ug/m<sup>3</sup>, using an EPA approved air quality model.

**Biodiesel:** A diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the EPA under 42 USC §7545 and includes biodiesel from:

- 1) Animal wastes, including poultry fats and poultry wastes, and other waste materials; or
- 2) Municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater.

**Boiler:** A closed vessel in which water or other fluid is heated. The heated or vaporized fluid exits the boiler for use in various processes or heating applications including power generation, cooking, and sanitation.

**Best Available Control Technology (BACT):** Shall have the same meaning as defined in 40 CFR Section 52.21(b)(12) and shall refer to an emission limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the federal Clean Air Act emitted from or which results from any stationary source or modification, which the APCO, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determined is achievable for such stationary source through application of production processes and available methods, systems, and techniques for control of such air contaminants.

**Breakdown or Malfunction:** Any unforeseeable failure or malfunction of any air pollution control equipment or operating equipment which causes a violation of any emission standard or limitation prescribed by the District, State, or federal rules, regulations, laws, or similar failure of any required in-stack continuous monitoring equipment where such failure or malfunction:

- 1) Is not the result of intent, neglect, or disregard of any air pollution control law, rule, or regulation;
- 2) Is not the result of improper maintenance, careless or improper operation, or operator error;
- 3) Is not the result of improperly designed or installed equipment;
- 4) Does not constitute a nuisance; and
- 5) Is not an excessively recurrent breakdown of the same equipment.

**Burn Barrel:** A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non-glossy paper, and cardboard) so that they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with non-flammable material with holes no larger than 1/4 inch.

**Burn Permit:** A permit to burn issued pursuant to Regulation II, and authorizing specified open burning as set forth in the permit.

**California Air Resources Board (CARB):** The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.

**CARB Certified Vapor Recovery System:** A gasoline vapor recovery system which has been certified by the CARB pursuant to Section 41954 of the Health and Safety Code.

**California Ambient Air Quality Standards:** The Ambient Air Quality Standards established in Section 70200 of Title 17 of the California Code of Regulations.

**California Code of Regulations (CCR):** The Code of Regulations for the State of California.

**Carbon Dioxide Equivalent (CO<sub>2</sub>e):** A quantity that describes, for a given mixture and amount of greenhouse gas, the amount of CO<sub>2</sub> that would have the same global warming potential when measured over a specified timescale.

**Cartridge Filter:** A replaceable cartridge filter that contains one of the following as the filter medium: paper, activated carbon, or paper and activated carbon. A cartridge filter contains no diatomaceous earth or activated clay. Cartridge filters include, but are not limited to: standard filters, split filters, "jumbo filters", and all carbon polishing filters.

**Census ZIP Code:** A ZIP code tabulation area representing a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. Census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.

**Change of Location:** Any transfer of an existing permitted source from one location to another not on the same property or facility.

**Chief Fire Official:** The ranking officer, or his or her designee, in authority having jurisdiction and responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District. The Chief Fire Official may be a federal, State, county or municipal employee, depending on the extent of the fire jurisdiction. In the state or federal responsibility areas for wildland protection, the state or federal official's determination overrides county and municipal authority with regard to issuance by Burn Permits, conditions and designation of fire hazards.

**Chronic Violation:** A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source or facility or same piece of equipment.

**Class I Area:** Any area having air quality or air quality values requiring special protection, and which has been designated Class I by a federal, State, or local authority empowered to make such a designation. These include all wilderness areas and national parks.

**Class II Area:** An area designated to accommodate managed growth with a larger amount of allowed pollution increase than a Class I area.

**Class III Area:** The remaining areas not designated as Class I or Class II.

**Clean Air Act (CAA):** The federal Clean Air Act, 42 U.S.C. section 7401 et seq.

**Code of Federal Regulations (CFR):** The United States Code of Federal Regulations.

**Combustible or Flammable Waste:** Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

**Commence Operation:** To begin operation (q.v.) of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Health and Safety Code section 42301.1.

**Control Efficiency:** The contaminant mass or concentration reduction efficiency of a control device, and expressed as a percentage calculated across the control device as follows:

$$\% \text{ Control Efficiency} = \left( \frac{\text{Contaminant In} - \text{Contaminant Out}}{\text{Contaminant In}} \right) * 100$$

**Control Equipment:** An article, machine, equipment, or contrivance which reduces the amount of air contaminants between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the APCO.

**Control Strategy:** A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan (SIP) for the California North Coast Air Basin or the North Coast Unified Air Quality Management District.

**Cooling Tower:** A device that evaporates circulating water to remove heat from a process, a building, or a refrigerator, and that puts the heat into the ambient air.

**Cyclone:** An air pollution control device that utilizes cyclonic separation to remove particulate from an air or gas stream.

**Device:** Shall have the same meaning as "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.

**Desorption:** Regeneration of an activated carbon bed, or any other type of vapor adsorber by removal of the captured solvent using hot air, steam, or other means.

**District:** The North Coast Unified Air Quality Management District.

**District Permit:** A document conditionally authorizing a person to construct or to operate a specific emission unit within the jurisdiction of the District.

**Disposal Site:** Any site or location where solid waste is transferred, sorted, or stored on a temporary or permanent basis.

**Dry Cleaning System:** All of the following equipment, devices, or apparatus associated with the perchloroethylene dry cleaning process dry cleaning equipment; filter or purifications systems; waste holding, treatment, or disposal systems; perchloroethylene supply systems; dip tanks; pumps; gaskets; piping, ducting, fittings, valves, or flanges that convey perchloroethylene -contaminated air; and control systems.

**Dry Standard Cubic Foot (dscf):** Unit of measurement used to describe a quantity of gas equal to one cubic foot in dimension at standard conditions and zero percent humidity.

**Dust:** Minute particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, bagging, sweeping, etc.

**Effective Date:** The date upon which something takes effect.

**Electrostatic Precipitator (ESP):** An air pollution control device where gas-borne particles are passed through an electric field and, as a result, become electrically charged. The charged particles are then deflected across an oppositely charged electric field and are then deposited onto grounded electrodes.

**Emergency:** Any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee which causes the excess of a technology based emission limitation under a permit and requires immediate corrective action to restore compliance. An emergency does not include non-compliance as a result of improperly designed or installed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

**Emission (n):** The physical matter or material that is released into the atmosphere.

**Emission (v):** The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant.

**Emission Point:** The place, located in a horizontal plane and vertical elevation, at which an air contaminant enters the atmosphere.

**Emission Reduction Credit (ERC):** Reductions of actual emissions from an emission source that is registered with the District in accordance with Rule 106. Reductions are specified by pollutant, by location, and in units of pounds per quarter.

**Emissions Unit:** Shall have the same meaning as “Device”; 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. [40 CFR 70.2 Emissions Unit]

**EPA:** The Environmental Protection Agency of the United States.

**Episode Alert:** A condition in the air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level which threatens the respective ambient air quality standard.

**Ethylene Oxide (ETO):** A chemical substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.

**Ethylene Oxide Sterilizer:** Any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.

**EquivalentExempt Compounds:** Any compound that is exempted from regulation. A list of exempted compounds can be found in the Appendix to these Regulations.

**Existing Retail Service Station:** Any Retail Service Station operating, constructed, or under construction on or before January 16, 1989.

**Facility:** One or more emission units at a single location for the purpose of creating, building, manufacturing, disposal or processing of an item, material, product, or commodity.

**Fire Hazard Reduction:** The intentional use of fire to reduce vegetative fuel loading and create a defensible space.

**Floating Roof:** A pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall.

**Flue:** Any duct or passage of air, gases or the like, such as a stack or chimney.

**Fugitive Dust:** Solid airborne matter emitted from any non-combustion source(s).

**Fugitive Emissions:** Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening. [ 40 CFR 70.2 Fugitive Emissions]

**Gasoline:** Any organic liquid (including mixtures of petroleum distillates and alcohols) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.

**Geothermal Operations:** Those activities related to the extraction, transmission, and utilization of geothermal steam which may directly, or indirectly, result in air contaminant emissions.

**Greenhouse Gas (GHG):** The following gases which have the capacity to create a warming effect in the earth's atmosphere: carbon dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).

**Habitat Improvement Burning:** Shall have the same meaning as H&SC Section 41861 and shall refer to open burning certified by the California Department of Fish and Wildlife as being desirable and proper for the improvement or management of game or wildlife habitat.

**Hazardous Air Pollutants (HAPs):** Any air pollutant listed pursuant to section the Clean Air Act [42 U.S.C. §7412] . Also known as toxic air pollutants or air toxics, the HAPs are pollutants that cause or may cause, cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental and ecological effects.

**Health and Safety Code (H&SC):** The California Health and Safety Code.

**Hearing Board:** The quasi-judicial appellate review board of the District, appointed by the District's Governing Board pursuant to Section 40800 of the Health and Safety Code.

**Historic Actual Emissions:** The actual emissions from a source, process, or emissions unit averaged over a specified period of time. The period of time selected is representative of normal operations, average activity, or typical process rates.

**Incinerator:** Any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning. This does not include burn barrels used to conduct open burning.

**Indirect Source:** A facility, building, structure or installation, or combination thereof, which indirectly results in emissions of an air contaminant as a result of traffic greater than 20,000 or more vehicles per day within 10 years of construction; any new or modified facility which provides in excess of 1,000 new parking spaces; or any new or modified airport with more than 50,000 operations per year by regularly scheduled air carriers, or used by 1,600,000 or more passengers per year.

**Initial Title V Permit:** The first operating permit issued to a source that satisfies the requirements of the federal operating program as codified in Regulation V.

**Installation (n):** The equipment, devices and control apparatus, and all ancillary equipment that are located at a facility or stationary source.

**Installation (v.):** The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.

**Kraft Pulp Mill Non-Condensable:** The TRS portion of any gases and vapors released in a Kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks, multiple effect evaporator condensers, and condensate strippers or from the storage, transport or disposal of foul condensates from the above equipment.

**Kraft Pulp Mill:** Any industrial operation which uses for cooking liquor an alkaline sulfide solution containing sodium sulfide in its pulping process.

**Kraft Recovery Furnace:** The combustion device in which pulping chemicals are converted to a molten smelt and wood solids are incinerated. For these regulations, and where present, this term shall include the direct contact evaporator.

**Leak Free:** The absence of detectable amounts of a substance controlled, transported, processed, or conveyed by a device, machine, or article. For gasoline vapor recovery equipment, leak free shall mean a liquid leak of no more than 3 drops per minute.

**Lime Kiln:** Any production device in which calcium carbonate is thermally converted to calcium oxide.

**Local Responsibility Area (LRA):** That area where a local governmental agency is responsible for wildland fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility Areas.

**Maximum Achievable Control Technology (MACT):** An emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflect the maximum degree in reduction in emissions that the APCO, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

**Major Source:** Shall have the same meaning as defined in 40 CFR Part 70.2 and shall refer to any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraph (1), (2), or (3) of the "major source" definition found in 40 CFR Part 70.2. For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e. all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

**Medical Waste:** Waste materials including, but not limited to: biological and pathological waste as defined in 40 CFR 60.51c.

**Medical Waste Incinerator:** Any furnace or other closed fire chamber used to dispose of medical waste by burning.

**Minor Permit Modification:** Any modification to a federally-enforceable condition on an authority to construct or a permit to operate which is not a significant permit modification, and is not an administrative permit amendment. [40 CFR Part 70.7 (e)(2)]

**Modification:** Any physical change in an existing facility or change in the method of operation which results or may result in either an increase or decrease in emission of any air pollutants subject to District control, or the emission of any such air pollutant not previously emitted. Routine maintenance, repair or replacement with identical or equivalent equipment shall not be regarded as physical changes or changes in the method of operation. [42 U.S.C. 7411(a)(4)]

**Modified Retail Service Station:** A Retail Service Station that has been altered from its original configuration. One or more of the following events is deemed a modification: 1) New construction of one or more stationary storage tank(s); 2) Replacement of one or more stationary storage tank(s); or 3) Excavation of fifty percent (50%) or more of the total underground liquid piping.

**Motor Vehicle:** As defined in Section 415 of the California Vehicle Code.

**Multiple Chamber Incinerator:** Any equipment, structure or part of a structure, where combustible material is burned in two or more combustion chambers interconnected by gas passage ports or ducts.

**Multi-Unit Dwelling:** Apartments, condominiums, and other types of dwellings with more than two (2) living units.

**National Ambient Air Quality Standards (NAAQS):** Ambient air quality standards established by the United States Environmental Protection Agency under authority of the Clean Air Act (42 U.S.C. 7401 et seq.).

**Naturally Occurring Asbestos (NOA):** Shall have the same meaning as defined in 17 CCR 93105 and shall refer to asbestiform minerals that are a natural component of soils or rocks as opposed to asbestos in commercial products, or processing operations.

**National Emission Standards for Hazardous Air Pollutants (NESHAP):** Regulations intended to limit the amount of HAPs emitted by devices in a specific source category, as defined in Title 40 Part 61 of the Code of Federal Regulations.

**Net Emissions Change:** The amount of emissions that result from the summation of: 1) Any increase in actual emissions as a result of a physical change or of a change in operation at a source; and 2) Any other creditable increase or decrease in emissions from a source in accordance with 40 CFR 52.21(b)(3) and (21).

**New Retail Service Station:** Any retail service station which is constructed or is modified after January 16, 1989.

**No-Burn Day:** Any day, or portion there-of on which agricultural burning including prescribed burning is prohibited by the CARB or the APCO.

**North Coast Air Basin:** The area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.

**North Coast Unified Air Quality Management District (District):** The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq. The jurisdiction of the District includes the counties of Humboldt, Del Norte and Trinity.

**Open Burning:** Any burning of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.



**Orchard, Vineyard, or Citrus Grove Heater:** Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

**Owner or Operator:** Any person who owns, operates, controls, or supervises a facility subject to an air quality regulation.

**Particulate Matter:** Any material, except uncombined water, which exists in a finely divided form as a liquid or solid.

**Pathological Waste:** Any material including but not limited to human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction.

**Perchloroethylene (PERC):** The substance with the chemical formula "C<sub>2</sub>Cl<sub>4</sub>" also known by the name "tetrachloroethylene" that has been identified by the Air Resources Board and listed as a toxic air contaminant in 17 CCR Section 93000.

**Permissive Burn Day:** Any day, or portion thereof, meeting the requirements of Regulation II where the APCO has declared that open burning is authorized.

**Person(s):** Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency, political subdivision or public district, or instrument of the United States and any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal law. [42 U.S.C. 85 §7603]

**Permit Modification:** Any addition, deletion, or revision to any permit issued by the District.

**Phase I Vapor Recovery System:** A CARB-certified gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.

**Phase II Vapor Recovery System:** A CARB-certified gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.

**Populated Area:** Arcata, Blue Lake, Crescent City, Eureka, Ferndale, Fortuna, McKinleyville, Weaverville, or any other urban area within the District as identified by the APCO.

**Potential to Emit (PTE):** The maximum capacity of a stationary source to emit under its operational and physical design. Any physical or operational limitations on the source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation, or the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by EPA, the District, or other air agency.

**PPM:** Parts per million by volume at standard conditions.

**Preconstruction Permit:** A permit issued prior to construction which authorizes construction, including:

- 1) An Authority To Construct issued pursuant to the District's program for the Prevention of Significant Deterioration of air quality required by Clean Air Act or Regulation 1, Rule 102 Section 3 of the District; or
- 2) An Authority To Construct issued pursuant to the District's new source review program required by sections 172 and 173 of the Clean Air Act.

- 3) Regulation V, Procedures for issuing permits for sources subject to Title V of the Clean Air Act.
- 4) An Authority to Construct issued pursuant to District Regulation I, Rules 102 (Permit Requirements and Rule 103 (Action on Application)).

**Prescribed Burning:** The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.

**Prevention of Significant Deterioration (PSD):** A Clean Air Act program whose intent is to prevent the further degradation of air quality in areas where the air quality meets or exceeds the NAAQS for a given pollutant as defined in 40 CFR Part 52.

**PSD Increments:** The maximum allowable increase in concentration that is allowed to occur above a baseline concentration for a pollutant in three classified areas. Established by the EPA to ensure that new or expanded sources of air pollution do not cause a significant deterioration in air quality in areas which currently meet ambient air quality standards. EPA has created a list of 28 major source categories by which types of facilities are classified for PSD regulations. The threshold for determining whether a facility is a major source, and therefore subject to PSD regulations, is whether a facility which falls within one of the 28 listed categories and emits greater than 250 tons per year of a criteria pollutant. If a source triggers PSD requirements for one pollutant category, other pollutants emitted in significant amounts may also be subject to PSD, even if they are emitted in quantities below PSD trigger levels. These significant volumes are presented in the PSD regulations also set ambient impact “increments” that limit the allowable increase of ambient concentrations of criteria pollutants over a determined baseline concentration.

The most stringent increments apply to Class I PSD areas, which include wilderness areas and national parks. The remaining areas in the AQMD are designated as Class II areas. PSD regulations required those facilities which trigger PSD review to provide a detailed analysis of source emission impacts on Class I areas. The intent of the PSD increments are to prevent air quality areas with concentrations below ambient air quality standards from reaching the standards (i.e. keep pristine and clean areas clean).

**PSD Increments**

<b>Pollutant</b>	<b>Class I (ug/m3)</b>	<b>Class II (ug/m3)</b>	<b>Class III (ug/m3)</b>
<b>Particulate Matter (PM10)</b>			
Arithmetic Mean	5	19	37
24-hour average	10	37	75
<b>Sulfur Dioxide (SO2)</b>			
Annual Average	2	20	40
24-hour Average	5	91	182
3-hour Average	25	512	700
<b>Nitrogen Dioxide (NO2)</b>			
Annual Average	n/a	n/a	50

**Process Heater:** Process heater means an enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is to transfer heat indirectly to a process material (liquid, gas, or solid) or to a heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for on-site consumption, or autoclaves. [40 CFR 63.7575]

**Process Weight Rate:** The actual weight or engineering approximation thereof of all materials except liquid and gaseous fuels and combustion air, introduced into any process per hour. For a cyclical or batch operation, the “process weight rate” shall be determined by dividing such actual weight or engineering

approximation thereof by the number of hours of operation excluding any time during which the equipment is idle. For continuous processes, the process weight rate shall be determined by dividing such actual weight or engineering approximation thereof by the number of hours in one complete operation, excluding any time during which the equipment is idle.

**Property Development Burn:** Open burning of vegetation that was felled or uprooted for the purpose of commercial land development that is conducted on the parcel of land where the vegetation was grown.

**Prioritization Score:** A stationary source numerical score for cancer health effects or non cancer health effects, as determined by the District pursuant to H&SC Section 44360.

**Prohibited Materials:** When used within the context of Regulation II, all materials items or substances not defined as “approved materials” including but not limited to: construction and demolition debris, petroleum products, petroleum waste, coated wire, tires, tar, tar paper, non-natural wood wastes, processed or treated wood, processed or treated wood products, metals, motor vehicle bodies and parts, rubber, synthetics; plastics, including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, offal, swill, carcass of dead animals, manure, human or animal parts or wastes (including blood and fecal-and food-contaminated material), asbestos shingles, floor tiles and other similar smoke-producing materials, poison oak, or other materials designated by the APCO.

**Regulated Air Pollutant:** Any pollutant which is emitted into or otherwise enters the ambient air, and for which the District, CARB or the U.S. EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include but are not limited to controlled pollutants, hazardous air pollutants, and greenhouse gases. [40 CFR 70.2]

**Regulated Pollutant:** For the purposes of presumptive minimum fee calculations, any Regulated Air Pollutant except for the following:

- 1) Carbon monoxide;
- 2) Any pollutant that is a regulated pollutant solely because it is a Class I or II substance promulgated under or established by title VI of the Clean Air Act; or
- 3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112 of the Clean Air Act. [40 CFR 70.2]

**Residence:** A dwelling or housing unit and the land and ancillary structures surrounding it.

**Responsible Official:** An individual with the authority to certify that a source complies with all applicable requirements and enforceable conditions of permits issued to sources, who possesses the authority to bind the source to comply with permit conditions and contractual obligations, and is one of the following:

- 1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation. The responsible official may be a duly authorized representative of a corporate officer if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
- 2) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
- 3) For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

- 4) For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Regulation 5.

[40 CFR 70.2]

**Retail Service Station:** Any new or existing motor vehicle fueling service station subject to payment of California sales tax on gasoline sales.

**Sand and Gravel Operation:** An aggregate harvesting and/or processing facility.

**Sensitive Receptor:** Any Class I Area and/or any other areas deemed to be sensitive by the APCO including, but not limited to preschools and daycare centers, K-12 schools, senior retirement housing, and hospitals.

**Shutdown:** The cessation of operation, for any purpose, of a facility subject to a District, State, or federal rule or regulation.

**Significant Permit Modification:** A modification to a District permit that:

- 1) Involves any modification under section Title I of the Clean Air Act [42 U.S.C 7412] or under EPA regulations promulgated pursuant to Title I of the Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, and 63;
- 2) Changes operating or monitoring conditions;
- 3) Provides for the relaxation of any reporting or recordkeeping conditions;
- 4) Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the Clean Air Act, or 2) an alternative hazardous air pollutant emission limit pursuant to section 112(i)(5) of the Clean Air Act;
- 5) Involves a case-by-case determination of any emission standard or other requirement; or
- 6) Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources. [40 CFR 70.7(e)(2) and (4)]

**Significant:** The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates in tons per year.

**PSD Significant Emission Rates**

<b>Pollutant</b>	<b>Significance Threshold (Tons per Year)</b>
Carbon Monoxide	100
Lead	0.6
Nitrogen Oxides	40
Ozone	40 as VOC
Particulate Matter	25
PM10	15
PM2.5	15
Sulfur Oxides	40
Mercury	0.1
Fluorides	3
Hydrogen Sulfide (H2S)	10
Total Reduced Sulfur (including H2S)	10
Reduced Sulfur Compounds (including H2S)	10
Sulfuric acid mist	7

Vinyl Chloride	1
For MACT Determinations: Hazardous Air Pollutants listed pursuant to Section 112 of the 1990 Clean Air Act	10 on any single HAP, or 25 of any combination of HAPs

Notwithstanding the above significant emission rates for various air contaminants, significant also means any net emission increase from any new or modified stationary source which would be constructed within 10 kilometers of a Class I area and have an air quality impact on such area equal to or greater than 1 microgram per cubic meter (24 hour average).

**Smelt Dissolving Tank:** A vessel used for dissolving the molten salts (smelt) recovered from the Kraft recovery furnace.

**Smoke Management Areas:** Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:

**Zone 1, Coastal Smoke Management Area** - all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix C), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean coast and identified by the Air Pollution Control Officer.

**Zone 2, Lower Inland Smoke Management Area** - all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

**Zone 3, Upper Inland Smoke Management Area** - all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

**Smoke Management Plan:** A document prepared for a specific burn site or location that identifies potential smoke impacts from the project and specifies the methods that shall be used, the timing of the burn, and the meteorological conditions which must exist in order to ensure the smoke impacts are minimized to the maximum extent possible.

**Solvents:** A solvent is a liquid that is capable of dissolving another substance to make a new solution. Solvents are used to dissolve paint solids to make paint and as cleaning solutions because they dissolve grease and oils

**Source:** Any building, structure, facility, or installation that emits or may emit a regulated air pollutant.

**Standard Conditions:** As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (29.92 inches of mercury absolute). Results of all analysis and tests shall be calculated and reported at this temperature and pressure.

**Standard Cubic Foot (scf):** Unit of measurement used to describe a quantity of gas equal to a cubic foot in dimension at standard conditions.

**Startup:** The setting in operation of an emission unit for any purpose.

**Stationary Source:** Any building, structure, facility, or installation (or any such grouping) that:

- 1) Emits, or may emit, or has the potential to result, cause, or create the emissions of any regulated air pollutant;
- 2) Is located on one or more contiguous or adjacent properties;
- 3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
- 4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[40 CFR 70.2 Stationary Source]

**State Responsibility Area (SRA):** State and privately owned forest, watershed, and rangeland where the State of California has primary financial responsibility for the prevention and suppression of wildfires.

**Timber Harvest Burning:** The open burning of timber or other forest vegetation as a result of the commercial harvest of timber products.

**Total Reduced Sulfur (TRS):** Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mists are not to be included in the determination of TRS.

**Toxic Air Contaminants (TACs):** Any substance with the potential to contaminate the air which are referenced in 39660 of the Health & Safety Code or determined by the APCO to be toxic.

**Trade Secrets:** Including, but not limited to, any formula, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or to perform a service having commercial value.

**Uncontrolled Emissions:** The emissions of a regulated air pollutant downstream of the discharge point from a device or activity, but upstream of the control equipment if present.

**Vapor Absorber:** An air pollution control device consisting of a filter media in which vapors, odors, or other gaseous pollutants are captured and the filter media is not regenerated by the control device.

**Vapor Adsorber:** An air pollution control device consisting of a bed of activated carbon or other adsorbent into which vapors are introduced and trapped for subsequent desorption.

**Vapor Recovery System:** As applied to gasoline storage and dispensing operations, a system or device capable of collecting and or destroying hydrocarbon vapors and discharged gases from motor vehicle fueling operations, storage tanks, or transfer equipment.

**Vapor Tight:** As applied to gasoline storage and dispensing operations, a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

**Vegetation Management Burning:** The use of burning to dispose, control, or reduce the amount of vegetative waste on a parcel of land. Open burning that is certified by the California Department of Fish

and Wildlife as being desirable and proper for the improvement or management of game or wildlife habitat, also known as "habitat improvement burning.

**Visible Emissions Evaluation (VEE):** A test procedure used to estimate the amount of light transmittance which is prevented by gaseous or solid emissions.

**Volatile Organic Compound (VOC):** Any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds.

**Wet Scrubber:** An air pollution control device that utilizes a liquid media to capture particulate matter, absorb gaseous pollutants, and control odors.

**Wildland Vegetation Burning:** The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush.

# **Regulation I**

## **Rule 102 – Required Permits**

The content of this Rule was first adopted as part of Regulation I in 1982.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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## RULE 102 REQUIRED PERMITS

- A. GENERAL REQUIREMENTS:** No person shall cause or permit the construction or modification of any new source of air contaminants, including an indirect source, without first obtaining an Authority to Construct Permit from the APCO, which specifies the location and design of such new source and incorporates necessary permit conditions so as to ensure compliance with applicable Rules and Regulations and State and Federal Ambient Air Quality Standards. The APCO shall not approve such construction or modification of any source of air contaminants subject to this Rule unless the applicant demonstrates to the satisfaction of the APCO that the new source can reasonably be expected to comply with all applicable State and federal laws and District Rules and Regulations.
- B. AUTHORITY TO CONSTRUCT:** Before any person building, erecting, altering or replacing any article, machine, equipment or other contrivance or indirect source, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, the person shall first obtain written authorization in the form of an Authority to Construct Permit for such construction from the APCO. An Authority to Construct Permit shall remain in effect until a Permit to Operate for the equipment for which the application was filed, is granted or denied by the APCO or the application is cancelled either voluntarily, by operation of law, or by the APCO.
- C. PERMIT TO OPERATE:** Before any article, machine, equipment or other contrivance described in Section B above may be operated or used, or leased or rented for operation or use including any indirect source, a written authorization must first be obtained from the APCO in the form of a Permit to Operate. No Permit to Operate shall be granted either by the APCO or the District Hearing Board for any article, machine, equipment or contrivance described in Section B above, constructed or installed without authorization as required by Section B above, until the information required pursuant to these Rules and Regulations is presented to the APCO and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards ensure compliance with all Rules and Regulations, State or Federal laws. The equipment shall not be operated or be out of compliance with the conditions specified in the Permit to Operate.
- A stationary source subject to Regulation V of these Rules and Regulations shall obtain a Federal Operating Permit from the District under Title V of the Federal Clean Air Act as amended in 1990. The District will issue a Federal Operating Permit separately from, and in addition to, the permits required pursuant to Regulation V of these Rules and Regulations. The requirements of Regulation V shall augment and take precedence over conflicting administrative requirements of other provisions of the District's Rules and Regulations
- D. EXEMPTION TO PERMIT TO OPERATE:** The exemptions contained in this Rule shall not apply to any new stationary source or modification of an existing source which would result in the emission of any pollutants in excess of the Best Available Control Technology significance thresholds listed in Table 1 of Rule 110 (E). The exemptions set forth do not supersede the provisions of Regulation V - Procedures for Issuing Permits To Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990. An Authority to Construct and Permit to Operate shall not be required for:

1. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.
  2. Vehicles used to transport passengers or freight.
  3. Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for no more than two (2) families, including multi-chambered incinerators used exclusively in connection with such a structure.
  4. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
  5. Reserved.
  6. Equipment used exclusively for steam cleaning.
  7. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers, except those which have the potential to emit or may emit chrome in any chemical forms (e.g. hexavalent chrome).
  8. Steam generators, water boilers or water heaters fired exclusively by natural gas, liquefied petroleum gas or a combination thereof, having a maximum fuel input heating value of less than one million (1,000,000) British Thermal Units (BTU) per hour or thirty (30) horsepower.
  9. Space heaters which do not operate on diesel fuel.
  10. Equipment used in eating establishments for the purpose of preparing food for human consumption.
  11. Self-propelled mobile construction equipment other than pavement burners.
  12. Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals that are exempt from District permit requirements pursuant to the applicable provisions of the H&SC.
  13. Any article, machine, equipment or other contrivance which the APCO finds emits air contaminants below the significance level and he determines should be exempted. No exemption from the requirements listed herein under Rule 102(E) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review.
- E. PERMIT CONDITIONS:** To assure compliance with all applicable Regulations, the APCO may impose written conditions on any Authority to Construct or Permit to Operate. Commencing work or operation under such a permit shall be deemed acceptance of all the conditions specified therein.
- F. EMISSION CALCULATIONS:** The APCO shall retain at all times the sole authority relating to emissions calculations. Calculations shall be based on the most current information available to the District at the time of submittal of the initial application or annual renewal.

- G. PERMIT TERM:** Permits issued pursuant to this Rule shall be issued for a limited term.
- 1. Authority To Construct:** The permit term shall not exceed two years from the date of authorization, unless extended by the APCO for good cause.
  - 2. Permit To Operate:** The permit term shall not extend beyond the fiscal year in which the permit is authorized. Annually thereafter, the APCO may elect to renew the permit for a term not to exceed one fiscal year.
  - 3. Exemption:** The provisions of this section shall not apply to permits issued pursuant to Regulation V.
- H. POSTING OF PERMITS:** A person or entity to whom a Permit to Operate and/or Authority to Construct has been granted shall post such permit in a conspicuous location clearly visible and accessible to the operator of the article, machine, equipment or other contrivance under permit.
- I. REVOCATION OF PERMIT:** The APCO may request that the District Hearing Board hold a hearing to revoke an existing Authority to Construct and/or Permit to Operate or Burn Permit if the applicant or permittee violates the conditions of such permit as specified by the APCO.

The APCO may grant the previously revoked permit at such time as the applicant or permittee shows that the condition(s) previously violated are currently being attained or can demonstrate to the APCO that the condition(s) can be attained and that the violation which was the basis of the revocation will not recur. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation which resulted from the failure to meet any permit condition as specified by the APCO.

# **Regulation I**

## **Rule 103 – Actions on Applications, Required Testing and Environmental Assessment**

The content of this Rule was first adopted as part of Regulation I in 1982.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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**RULE 103**  
**ACTION ON APPLICATIONS, REQUIRED TESTING**  
**AND ENVIRONMENTAL ASSESSMENTS**

- A. ACCESS TO SOURCE TESTING LOCATIONS:** Before an Authority to Construct or Permit to Operate is granted, the APCO may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree or air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such a requirement, the APCO shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.
- B. AUTHORITY TO CONSTRUCT PERMIT DENIAL(S):** In acting upon an Authority to Construct Permit application, if the APCO determines that the application does not demonstrate the article, machine, equipment or other contrivance cannot be constructed so as to comply with these Rules and Regulations, State and Federal laws, the APCO shall deny the request for an Authority to Construct Permit in writing and shall specify the basis for the denial. The applicant may withdraw an Authority to Construct Permit application at any time, provided however, no refund of fees paid to the date of the withdrawal shall be allowed.
- C. PERMIT TO OPERATE DENIAL(S):** In acting upon a Permit to Operate application, if the APCO determines that the article, machine, equipment or other contrivance either cannot or has not been constructed in accordance with the Authority to Construct Permit, the APCO shall deny the Permit to Operate. The APCO shall not accept any further application for a permit to operate the article, machine, equipment or other contrivance so constructed until the APCO determines that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct, or is satisfied that the device can be operated in accordance with District Rules.
- D. APPLICANT'S RESPONSIBILITY:** The fact that an Authority to Construct Permit or a Permit to Operate for an article, machine, equipment or other contrivance described therein shall have been issued by the APCO, shall not be construed as an implied or actual endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the APCO or the District that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm or corporation to whom such authorization or permit is issued shall be, and remain, responsible under these Regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to, or mitigation of, any charge of violation.

- E. CONDITIONAL APPROVAL:** The APCO may issue an Authority to Construct Permit or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment, or other contrivance within the permit standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The APCO shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the permit standards under the revised conditions.
- F. REQUIRED INFORMATION:** Before acting on an application for an Authority to Construct Permit or Permit to Operate, the APCO may require the applicant to furnish information or further plans or specifications. In accordance with H&SC 42303, the APCO may, at any time, require from any source which, in the opinion of the APCO, has the potential to emit any air contaminants, such information, analysis, plans or specifications which will disclose the nature, extent, quality or degree of air contaminants which are or may be discharged into the atmosphere.
- G. PRELIMINARY DETERMINATIONS:** In acting upon an application for an Authority to Construct Permit, the Control Officer shall make the following determinations:
1. Whether the project application is ministerial, categorically exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality Act of 1970;
  2. Whether the project application is subject to the New Source Review (NSR) Procedures;
  3. Whether the project is subject to the New Power Plant Preview (NPPP) Procedures;
  4. Whether the project application is subject to the requirements of Federal New Source Performance Standards (NSPS)
  5. Whether the project application is subject to National Emission Standards for Hazardous Air Pollutants (NESHAPS); and
  6. Whether the project is classified as a major stationary source or major modification under the provisions of the Code of Federal Regulations 52.21 and subject to all applicable Prevention of Significant Deterioration (PSD) Review Requirements.
- H. ACTION ON APPLICATIONS:** Unless the APCO has notified the applicant of a Authority to Construct Permit or Permit to Operate in writing that such application is under further consideration or that additional information is necessary to determine the application is complete, the APCO shall either grant or deny the application for permit within thirty (30) days after applicant furnishes further information, plans, and specifications requested by the APCO. Within thirty (30) days after the first day on which the application is denied, the applicant may appeal pursuant to the procedures set forth in Section I below of this Rule.

1. **Public Notice:** In acting upon any application for an Authority to Construct Permit involving indirect sources, or new or modified stationary sources of air contaminants subject to the requirements of Rule 110 ( New Source Review and Prevention of Significant Deterioration), the APCO shall provide for public notice in accordance with the provisions of Rule 110.
  
  2. **Administrative Requirements:** The APCO shall grant an Authority to Construct Permit only after the APCO has determined that the new or modified stationary source of air contaminants:
    - a. Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable District Rules and Regulations, and State and Federal laws pertaining to the emission of air contaminants; and
    - b. Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any State or National Ambient Air Quality Standard and will not interfere with the control strategy contained in the State of California Air Quality Implementation Plan (SIP); and
    - c. Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments; and
    - d. Will not result in air contaminant emissions in the excess of the allowable standards established by the Environmental Protection Agency for new stationary sources subject to National Emission Standards for Hazardous Air Pollutants, and employs Best Available Control Technology, (BACT), for each air contaminant for which the significance level is exceeded and which is the more restrictive conditioner; and provides adequate facilities for sampling, emissions monitoring, and reporting procedures as specified by the APCO; and
    - e. Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the APCO.
  
  3. **Denial of Application:** The APCO shall deny an application for an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in these Rules and Regulations. In the event of such denial the APCO shall notify the applicant in writing of the reasons thereof. Service of this notification may be made in person or by mail, addressed to the applicant on the addressee set forth on the application, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person(s) making the service. The APCO shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of Authority to Construct.
  
  4. **Temporary Permit to Operate:** Upon completion of construction or modification of and before operating or using of any new or modified stationary source of air contaminants for which an Authority to Construct Permit has been issued pursuant to the provisions of this Chapter, the Authority to Construct or modify shall serve as a Temporary Permit for Operation of the equipment until the Permit to Operate is granted or denied, or a period not to exceed thirty (30) days provided, however the APCO may extend the temporary operating period for good cause shown for an additional thirty (30) days.
- I. **STATE IMPLEMENTATION PLAN:** The APCO may issue an Authority to Construct for a new stationary source or modification which is subject to Rule 110 of this Regulation only if all North Coast Unified Air Quality Management District Rules and Regulations contained in the State Implementation Plan approved by the United States Environmental Protection Agency, are being carried out in accordance with that plan.

- J. APPEALS:** Within ten (10) days after serviced of notice by the APCO of denial or conditional approval of an Authority to Construct Permit or a Permit to Operate, the applicant may petition the District Hearing Board, in writing, pursuant to the provisions of Regulation VI of these Rules and Regulations, for a Public Hearing. The District Hearing Board, after notice and a public hearing held within thirty (30) days after filing of the petition, may order the action of the APCO sustained or reversed. Such order may be made subject to specified conditions as the Hearing Board so determines is necessary or appropriate. Any such order by the Hearing Board shall include the basis for the Hearing Board's action. Any applicant filing an appeal pursuant to this Rule shall pay the filing fee specified for petitions submitted before the Hearing Board.
- K. ENVIRONMENTAL ASSESSMENT:** if the APCO determines that a permit application is for a project or a portion of a project for which another public agency has already acted as the lead in compliance with the California Environmental Quality Act of 1970 (CEQA) and CEQA compliance has not yet been completed, no further processing of environmental documents shall be required by the APCO. The APCO shall then follow the procedure set forth in Appendix A to these Rules and Regulations.

If the APCO determines that the permit application is for a project which does not fall within the above paragraph, and the APCO determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, the project shall be exempt from the requirements of CEQA. If the APCO determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for the Environmental Impact Review as found in Appendix A to this Regulation, shall be followed. Other project reviews performed by the APCO may proceed concurrently with a detailed environmental assessment, but no Authority to Construct permit may be issued by the APCO until completion and filing of the Notice of Determination.

- L. CONTINUOUS RECORDING INSTRUMENTS:** As a condition of an Authority to Construct Permit and/or a Permit to Operate, the APCO may require that the owner or operator of the permitted equipment provide, install, collaborate, maintain, and operate continuous recording instrument(s) to measure emission rates to the atmosphere and/or to measure air contaminant concentrations at specific emission points or at locations adjacent to the plant property line. The APCO shall forego the requirements of this subsection if the application demonstrates to the satisfaction of the APCO that there is no reasonable achievable technology available to accomplish the monitoring requirements.
- 1. Permit Conditions:** The permit conditions may, in addition, require:
    - a.** That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency.
    - b.** That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.
  - 2.** The information recorded shall be summarized and reported to the APCO in the manner and form as approved by the APCO.
  - 3.** Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Office, or submitted to the EPA or CARB, upon request.



4. Monitoring records shall be retained by the owner for a period of not less than two years.
5. District personnel may inspect and confirm calibration of measuring instruments, as necessary.
6. Any violation of an emission standard, Ambient Air Quality Standard, or breakdown of emission measuring instruments, is to be reported to the APCO in accordance with the provisions of Rule 105(D), Equipment Breakdown.

**M. MANDATORY MONITORING REQUIREMENTS:** Notwithstanding other monitoring requirements set out by the APCO, monitoring instruments shall be provided, installed, calibrated, maintained and continuously operated by the owner and operators of the following stationary source categories to measure air containment emissions or opacity from sources for which there is an applicable federal, state, or District emission standard.

1. Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a use factor of at least 30% per year for:
  - a. Oxides of nitrogen,
  - b. Carbon dioxide or oxygen,
  - c. Opacity, except where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel, and
  - d. Sulfur Dioxide, if control equipment is used.
2. All sulfur recovery plants and sulfuric acid plants for sulfur dioxide.
3. Nitric Acid Plants:
  - a. For oxides of nitrogen emissions.
4. CO boilers of regenerators of fluid catalytic cracking units, and CO boilers of fluid cookers if the feed rate is greater than 10,000 barrels (1,500,000 liters) per day for:
  - a. Sulfur dioxide, and
  - b. Opacity.
5. Kraft Pulp Mills for Total Reduced Sulfur (TRS) from Kraft recovery furnaces and lime kilns.
6. All monitoring calibrations, reporting requirements and specifications shall be in accordance with the requirements of Appendix B of the Regulation.

# Regulation I

## Rule 104 – Prohibitions

The content of this Rule was first adopted as part of Regulation I in 1982.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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# RULE 104 PROHIBITIONS

## A. GENERAL LIMITATIONS:

1. **Public Nuisance:** No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the health, comfort, repose or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.
2. **Circumvention:** A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these Rules and Regulations.

## B. VISIBLE EMISSIONS:

1. **General Limitations:** No person shall discharge into the atmosphere from any source whatsoever any air contaminant in excess of forty (40) percent opacity or Ringlemann 2, for more than twelve (12) individual readings recorded during any one hour period. Opacity observations shall be taken and recorded as described in EPA Reference Method 9.
2. **Exceptions to General Limitations:** The provisions of Rule 104 Section (B)(1) do not apply to visible emissions caused by:
  - a. Failure of the emission to meet the requirements solely because of the presence of uncombined water.
  - b. Smoke from fires set pursuant to Regulation II of the District.
  - c. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.
  - d. Open outdoor fires used only for cooking of food for human beings or for recreational purposes.
  - e. Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from startup or shutdown of the combustion process or from the malfunction of emission control equipment. This exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.
3. **Source Specific Limitations:** No person shall discharge into the atmosphere from any source whatsoever any air contaminant which is in excess of twenty (20) percent opacity, or as dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, calculated as a six (6) minute average. Opacity observations shall be taken and recorded as described in EPA Reference Method 9.

- 4. Exceptions to Source Specific Limitations:** The provisions of Section (B)(3) do not apply to visible emissions caused by:
- a. All of the emission sources listed in Section (B)(2) of this Rule.
  - b. A source or device which was owned and operated in the District prior to January 1, 2012 and after January 1, 2009 was subject to a Federal New Source Performance Standard [40 CFR Part 60], or a National Emission Standard for Hazardous Air Pollutants [40 CFR Part 63] which establishes a visible emission limitation for the source or device. This exemption shall cease to apply if the source or device is sold after January 1, 2012.
  - c. Residential heating appliances including but not limited to wood stoves, pellet stoves, fireplaces, and fireplace inserts. This exemption does not apply to any device fired by non-approved combustibles as defined in District Regulation II.
  - d. An emissions unit, operating under a valid District permit, for which the APCO has determined that it is not technically feasible to operate the device in compliance with Section (B)(3).

**C. PARTICULATE MATTER:**

- 1. General Combustion Sources:** A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations established in applicable NSPS and NESHAP provisions set out in Sections (K) and (L).
- 2. Steam Generating Units:** No person shall discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations established in applicable NSPS and NESHAP provisions set out in Sections (K) and (L).
- 3. Steam Generating Utility Power Plants:** All steam generating power plants which produce electric power for sale to any public utility shall not discharge particulate matter into the atmosphere in excess of 0.10 pounds per million BTU heat input or any other specific applicable permit limitation, whichever is the more restrictive emission condition.
- 4. Kraft Pulp Mills:**
  - a. Recovery Furnaces:**
    - i. The emissions of particulate matter from any Kraft recovery furnace shall not exceed 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas corrected to 8 percent oxygen or 4.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.
    - ii. The emissions of particulate matter from any new or modified Kraft recovery furnace shall not exceed 0.025 grains per standard cubic foot of exhaust gas corrected to 8 percent oxygen.
  - b. Lime Kiln:** The emissions of particulate matter from any lime kiln shall not exceed 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas corrected to 10 percent oxygen or 1.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

**c. Smelt Dissolvers:**

- i. The emissions of particulate matter from any smelt dissolving tank shall not exceed 0.5 pounds per ton of Kraft pulp mill production.
- ii. The emissions of particulate matter from any new or modified smelt dissolving tank shall not exceed 0.20 pounds per ton of black liquor solids on a dry basis.
- d. The requirements of Rule 104 (3.4) shall be applied to all Kraft Pulp Mills, except where more restrictive NSPS, BACT, or permit conditions are required, and in this event the more restrictive standard shall apply.

**5. Non-Combustion Sources:** No person shall discharge or allow the discharge of particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.

**Table 1 – Allowable Rate of Emission Based on Process Weight Rate**

Process Weight Rate <sup>1</sup>		Emission Rate	Process Weight Rate <sup>1</sup>		Emission Rate
Lb/Hr	Kg/Hr	Lb/Hr	Lb/Hr	Kg/Hr	Lb/Hr
100	45	0.55	6,000	2,720	8.6
200	92	0.88	7,000	3,380	9.5
400	183	1.4	8,000	3,680	10.4
600	275	1.83	9,000	4,134	11.2
800	377	2.22	10,000	4,540	12.0
1,000	454	2.58	12,000	5,460	13.6
1,500	681	3.38	16,000	7,260	16.5
2,000	920	4.10	18,000	8,220	17.9
2,500	1,247	4.76	20,000	9,070	19.2
3,000	1,362	5.38	30,000	13,600	25.2
3,500	1,690	5.96	40,000	18,100	30.5
4,000	1,840	6.52	50,000	22,700	35.4
5,000	2,300	7.58	60,000 or more	27,200	40.0

1. Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated linearly. The total process weight of all similar process operations located at a single plant or of similar multiple plants located on a single premise, shall be used for determining the maximum allowable particulate emission from the combination of such operations.

**6. Geothermal Well Drilling:** Notwithstanding the provisions of Rule 104(C)(4), no person shall discharge or allow the discharge of particulates into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:

$$Y = .00069X + 1.4$$

Where Y is the particulate emission rate limitation in kilograms per hour (averaged over one hour) and X is the steam rate in kilograms per hour passing through a geothermal well drilling operation or any geothermal well being vented for clean out.

**D. FUGITIVE DUST EMISSIONS:**

1. No person shall allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.
2. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
  - a. Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
  - b. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.
  - c. Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.
  - d. The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
  - e. The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
  - f. The paving of roadways and their maintenance in a clean condition.
  - g. The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

**E. SULFUR OXIDE EMISSIONS:** No person shall discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO<sub>2</sub>) in excess of 1,000 ppm; or in excess of the specific source emission limitations established in applicable NSPS and NESHAP provisions set out in Rule 104 (K) and (L) of these Rules and Regulations.

**F. SULFIDE EMISSION STANDARDS FOR KRAFT PULP MILLS:**

1. **Kraft Recovery Furnace:** The emission of Total Reduced Sulfur (TRS), from any Kraft recovery furnace shall not exceed:
  - a. 10 ppm of TRS or 0.30 pound of TRS per ton of Kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.
  - b. 15 ppm of TRS as a daily arithmetic average.
  - c. 40 ppm of TRS for more than 60 cumulative minutes in any one day.
  - d. The daily and monthly arithmetic averages for TRS shall be based upon the actual hours of operation of burning liquor in the recovery furnace(s) and calculated on a calendar month basis.
  - e. Effective February 1, 1989 the emission of TRS from any new or modified Kraft recovery furnace shall not exceed 3 ppm of TRS, measured and reported in accordance with 40 CFR 60.284.
2. **Lime Kiln:** The emission of TRS from any lime kiln shall not exceed 20 ppm of TRS or 0.10 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.

3. **Other Kraft Mill Sources:** The emission of TRS from other Kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day. Notwithstanding these emission limits for other Kraft mill sources, in no event shall the gases from any smelt dissolving tank shall not contain TRS in excess of 0.0084 g/kg black liquor solids (0.0168 lb/ton black liquor solids) calculated on a dry basis. This corresponds approximately to 0.025 lb TRS per ton pulp production.
4. **Kraft Mill Non-Condensable:** No person shall discharge any non-condensable compound into the atmosphere from any emission point, until said non-condensable compound has been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensable compounds from any such air pollution abatement operation shall not exceed a TRS concentration of 5 parts per million by volume except during periods when switching from one control system to another; which period or periods shall not aggregate more than 30 minutes in any one day.
5. **Kraft Mill Monitoring:** Recording instruments to measure TRS emissions shall be provided, installed, maintained and continuously operated by the owner in the exhaust stack from the Kraft recovery furnace flue gas system, from the Kraft pulp mill lime kiln and from all other emission points releasing in excess of 100 pounds of TRS per day into the atmosphere. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.
6. **Compliance Verification:** A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the APCO once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the APCO.

#### G. GEOTHERMAL EMISSION STANDARDS:

1. **General Limits:** No person shall discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO<sub>2</sub>), in excess of 1,000 ppm (v) by volume.
2. **Geothermal Well Emission Limits:** Notwithstanding Rule 104 (A)(2) and Rule 104 (G)(1) geothermal wells on standby bleed shall be authorized in writing by the APCO to exceed 1,000 ppm(v) (as measured in the bleeding steam) provided all the following conditions, which shall be annually verified, are satisfied:
  - a. The geothermal well on standby bleed will emit less H<sub>2</sub>S in pounds /hour than if operated at or below 1000 ppm (v).
  - b. An air aspirator or other device(s) approved by the APCO is used to lower the emissions level to below 1,000 ppm (v) at the point of emissions exit.
  - c. All applicable emissions limitations in Regulation I are not exceeded.
  - d. The geothermal well on standby bleed, singularly or when combined with sources on the same well pad site or from adjacent well pad sites (within 33 meters), will not create a public nuisance.

**3. Power Plant Emission Limits:** No person shall discharge hydrogen sulfide (H<sub>2</sub>S) into the atmosphere at a rate which exceeds those set forth in Table II and Table III as follows:

**TABLE II**

	GEOTHERMAL	POWER PLANTS	(NOTE *1 AND *3)
Effective Date (Note *2)	Initially operated on or before March 31, 1979, (includes PG&E Geysers Units 1-12).	Initially operated after March 31, 1979, but initially issued an Authority to Construct or Determination of Compliance by March 31, 1980, (Includes PG&E Geysers Units 14, 15, & 17 and NCPA #2).	Initially issued an Authority to Construct or Determination of Compliance after March 31, 1989, (includes all others).
	GEOTHERMAL	POWER PLANTS	(NOTE *1 AND *3)
January 1, 1979	For Units 3, 4, 5, 6, 11, & 12 emit no more than 10% of the H <sub>2</sub> S in the supplied steam at full power plant load or 200 g/hr/GMW ave. using allocation (See Notes *7).		

**TABLE III**

January 1, 1980		100 g/hr/GMW	100 g/hr/GMW
July 15, 1981	10% of the H <sub>2</sub> S in the supplied steam at full load operation for Units 3, 4, & 11		
	and		
	200 g/hr/GMW for Units 5, 6, & 12 (Comply as shown or per Note *8). Units 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, & 12:		
June 1, 1985	Each at 200 g/hr GMW (Comply as shown or per Note *8).	50 g/hr/GMW (Note * 8)	50/g/hr/GMW or 1 kg/hr (Note *10)
June 1, 1986	Units 1-12 each at 200 g/hr/GMW (Comply as shown or per Note *8).		



### NOTES FOR TABLES II AND III

- NOTE 1** All geothermal emission sources, including new construction, must comply with all applicable future emission rate limits specified in these tables as they become effective.
- NOTE 2** H<sub>2</sub>S emissions limitations for each category of emission source will become effective henceforth on the "Effective Date" set out at the left of the Table(s).
- NOTE 3** The term "g/hr/GMW" shall read "grams/hr per Gross Megawatt". The rates of emission may be equaled but not exceeded. Gross Megawatt refers to the source's full load gross generating capacity of the turbine generator as guaranteed by the turbine generator manufacturer. Compliance shall be verified by the source testing or protocol method approved by the APCO for the applicable emission source(s). (See also note \*8.)
- NOTE 4** Individual well emissions shall be limited to 2.5 kg/hr/well unless a higher rate was determined by New Source Review or unless applicant provides data which subsequently can justify a re-determination of the emission rate by the APCO.
- NOTE 5** Small sources include continuous well and pipeline bleeds. Allowable emissions are those shown in Table III unless otherwise determined by the APCO.
- NOTE 6** "Reduce H<sub>2</sub>S by 50%" shall mean "to emit no more than 50% of the H<sub>2</sub>S normally found in the supplied steam at full power load". "Dual Units" shall refer to those "steam transmission lines associated with two power plant units located in the same building", and therefore such associated steam transmission lines shall be considered as one source.
- NOTE 7** Allocation method - If an emissions rate less than the required gm/hr/GMW is attained at one power plant unit, the excess reduction (in grams) can be credited to another power plant unit or apportioned to other power plant units. For instance, a 10 Megawatt plant can be allowed to emit 2,000 gm H<sub>2</sub>S/hr, but if a credit of 500 gm H<sub>2</sub>S were allocated from another unit, it can emit 2,500 gm H<sub>2</sub>S/hr or 250 gm/hr/GMW. The allocation should be modified no more than quarterly and only if needed based on new data. (The major purpose of the allocation method is for individual power plant unit compliance verification and credit for greater H<sub>2</sub>S reduction than required.)
- NOTE 8** Protocol Method - Each geothermal facility may be allowed to establish a protocol to be approved by the APCO which specifies the manner in which the facility will be operated to meet the emissions limitations set forth in Table II and Table III of this rule. Each protocol shall specify if applicable:
1. The frequency and method of sampling the incoming steam quality and flow rates;
  2. The frequency and method of adjusting chemical feed rate settings;
  3. The frequency and method of instrument and testing equipment calibration;
  4. The predicted relationship between incoming steam quality and flow rates, chemical feed rates, and H<sub>2</sub>S emissions;
  5. The frequency and method of emissions source testing;
  6. Data logging requirements;
  7. The locations of all logs and source test records; and,
  8. The requirement that periodic source tests be performed.

Each operating protocol can be modified upon approval by the APCO. Changes in operating protocol(s) shall not take effect until copies of the revised protocol(s) are filed with the APCO and

the facility. Compliance with the operating protocol approved by the APCO shall be deemed compliance with the H<sub>2</sub>S emissions limitations of this Rule.

The major purpose of the protocol method is to provide a practical means of compliance with the specified emissions limitations given variations in incoming steam quality, chemical abatement system performance, and emission source test accuracy. A form of transferable emissions credits or allocation (pound for pound) among specified power plants shall be allowed in the protocol(s) as long as the APCO determines that enforceability can be reasonably achieved and ambient air quality would not be substantially degraded.

**NOTE 9** Stacking emission standards will be required of any steam transmission line or power plant which is expected to have on the average three (3) or more stacking events per year; the normal enforcement of equipment breakdown and procedures for the applicable stacking facility will be followed.

**NOTE 10** The 1.0 kg H<sub>2</sub>S/hr limit shall apply only to geothermal power facilities with an electrical generation capacity of 20 Megawatts or less, provided:

1. No more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or
2. The facility can provide a significant net annual H<sub>2</sub>S emissions reduction.

**NOTE 11** Load Curtailment Emission Requirements - Each steam transmission line has a minimum steam flow rate, defined as "E", which results in the emission levels of Column "A" (Column D for Units 1 and 2). Each power plant unit, after curtailment, operates at a steam transmission line flow rate, defined as "F".

1. If the curtailed steam flow rate, "F", is greater than the minimum flow rate, "E", then the supplier shall eliminate within 30 minutes curtailment emissions from the unit stacking facility.
  2. If the curtailed steam flow rate, "F", is less than the minimum flow rate, "E", then the supplier shall be allowed no more curtailment emissions from the unit stacking facility than that H<sub>2</sub>S associated with the difference in steam flows, ("F"- "E"). In the event the curtailed power plant unit is part of a dual unit system, and the companion unit is operational at a level of 50% of full steam flow, then the supplier shall eliminate, within 1 hour, curtailment emissions from the unit stacking facility regardless of steam flow to the curtailed unit.
- 4. Stacking Avoidance:** Any geothermal power plant and associated steam transmission line, for which applications are submitted for Authority to Construct Permit processing after January 1, 1985 shall employ Best Available Control Technology for stacking event avoidance.
- 5. Recordkeeping & Reporting:** A summary of the data required to determine compliance with applicable provisions of this Section shall be submitted to the APCO. This summary shall be presented in the manner, frequency and form as prescribed by the APCO.

**H. REDUCTION OF ANIMAL MATTER:** No person shall operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors and gas-entrained effluents which contain odorous material are:

1. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 second; or
2. Processed in such a manner determined by the APCO to be equally, or more effective for the purpose of air pollution control than (H)(1) above.
3. A person incinerating or processing gases, vapors, or gas entrained effluents pursuant to this Rule shall provide, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the APCO, for indicating temperature, pressure or other operating conditions.
4. For the purpose of this Section, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

**I. ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS:**

1. No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by CARB. (H&SC 41860)
2. No person shall use any orchard, vineyard or citrus grove heater except where the heater is of a type from an approved listing by the CARB. (H&SC 41860)

**J. PETROLEUM LOADING AND STORAGE:**

1. All petroleum storage tanks in excess of 40,000 gallons capacity shall conform to the NSPS requirements of Rule 104(K).
2. No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe. (H&SC 41950)
  - a. For the purpose of this Section, "gasoline", means any petroleum distillate having a Reid Vapor Pressure of four pounds or greater.
  - b. For the purpose of this Section, "submerged fill pipe", means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
3. The requirements of Rule 104(J)(2) shall not apply:
  - a. To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
  - b. To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

- c. To any tank equipped with a "vapor recovery system" consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such vapors and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gas tight except when gauging or sampling is taking place
- d. To any tank equipped with a "floating roof" which consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. A floating roof tank shall not be used if the gasoline or petroleum distillate has a vapor pressure of 570 millimeters of mercury absolute (11.0 pounds per square inch absolute) or greater, under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

**K. FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS):** All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations, which are adopted by reference and incorporated here in as a part of these Rules and Regulations as though set forth in their entirety. For the purpose of this Rule, the word "Administrator" as used in these federal NSPS shall mean the APCO of the District. Whenever any source is subject to more than one Rule, Regulation, provision, or requirement relating to the control of any air contaminant in cases of conflict or duplication, the most stringent rule, regulation provision, or requirement shall apply.

**L. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS):** The provisions of Part 61, Chapter 1, Title 40, Code of Federal Regulations are adopted by reference and made a part of these Rules and Regulations. For the purpose of this Rule, the word "Administrator" as used in these national emission standards for hazardous air pollutants shall mean the APCO of the District. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication, the most stringent rule, regulation, provision, or requirement shall apply.

**M. INCINERATOR BURNING:** No person shall burn combustible material in any incinerator within the District, except in a multiple-chamber incinerator as defined in Rule 101, or in equipment found by the APCO to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

# **Regulation I**

## **Rule 105 – Enforcement & Penalty Actions**

The content of this Rule was first adopted as part of Regulation I in 1982.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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## **RULE 105**

### **ENFORCEMENT & PENALTY ACTIONS**

**A. ENFORCEMENT:** No person shall violate any condition of an Authority to Construct, any condition of a Permit to Operate, any provision of these Rules and Regulations; or any order, rule, or regulation of the H&SC. Any person violating any such Rule or statute is guilty of a misdemeanor and/or is liable for a civil penalty and shall be subject to a fine or imprisonment in the county jail, or both as allowed by the H&SC or other such criminal and civil penalties as may be lawful. Every day during any portion of which the violation occurs constitutes a separate offense.

**B. ORDERS OF ABATEMENT:**

1. The District Hearing Board may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of Section 41700 or 41701 of the H&SC, or of any order, rule or regulation prohibiting or limiting the discharge of air contaminants into the air.
2. The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met. (H&SC 42452)

**C. CIVIL PENALTIES:**

1. Except as otherwise provided in Rule 105(C)(2) and (C)(3), any person who violates Section 41700 or 41701 of the H&SC, or any Rule or Regulation of the District, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day in which such violation occurs. (H&SC 42402)
2. Any person who negligently emits an air contaminant in violation of any rule, regulation or order of CARB or of the District pertaining to emission regulations or limitations shall be liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each day in which such violation occurs. (H&SC 42402.1)
3. Any person who emits an air contaminant in violation of any order, rule, or regulation of CARB or of the District pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action within a reasonable period of time, or which causes actual injury to the health or safety of a considerable number of persons or the public, shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs. (H&SC 42402.2)
4. Any person who intentionally or negligently violates any order for abatement issued by the District Hearing Board pursuant to Rule 105(B)(1) or (B)(2), shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs. (H&SC 42401)
5. The civil penalties prescribed in Rule 105(C)(1) through (4) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any District

Attorney in whose jurisdiction the violation occurs, or by the attorney for the District in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

#### **D. EQUIPMENT BREAKDOWN:**

- 1. Breakdown Conditions:** For the purposes of this Rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, by State law, or similar failure of any required in-stack continuous monitoring equipment where such failure or malfunction:
  - a. Is not the result of neglect or disregard of any air pollution control law or rule or regulation;
  - b. Is not intentional or the result of negligence;
  - c. Is not the result of improper maintenance;
  - d. Does not constitute a nuisance; or
  - e. Is not an abnormally recurrent breakdown of the same equipment.
  
- 2. Breakdown Procedures:**
  - a. Any breakdown condition meeting the qualifications of Rule 105(D)(1) shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the APCO may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
    - i. The breakdown is reported to the District as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (9:00 a.m. to 4:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.
    - ii. The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.
    - iii. The breakdown does not interfere with the attainment or maintenance of any National Ambient Air Quality Standard.
  - b. The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.
  - c. Upon receipt of notification of a breakdown condition, the APCO shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, the APCO may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.
  
- 3. Reporting Requirements:** Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the APCO including, but not limited to, the following details:
  - a. Duration of excessive emissions.
  - b. Estimate of quantity of emissions.
  - c. Statement of the cause of the occurrence.
  - d. Corrective measures to be taken to prevent recurrences.
  - e. Documentation of the breakdown condition may be required by the APCO.

4. **Burden of Proof:** The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the APCO shall take enforcement action.
5. **Failure to Comply with Reporting Requirements:** Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (D)(2)(a)(i) and (D)(3)(a) through (e) of this Rule shall constitute a separate violation of this Rule.
6. **False Claiming of Breakdown Occurrence:** It shall constitute a separate violation of this Rule for any person to file with the APCO a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.
7. **Extended Breakdown Provisions:** For any occurrence which causes a breakdown condition meeting the requirements of Rule 105(D)(1), the owner or operator may, in lieu of shutdown, petition the Hearing Board for an emergency variance, if the breakdown will persist longer than the following times:
  - a. For continuous emissions monitoring equipment (CEMs), if the breakdown will persist longer than ninety-six (96) hours.
  - b. For all other devices, if the breakdown will persist longer than twenty-four (24) hours.



# **Regulation I**

## **Rule 106 – Emission Reduction Credits & Banking**

The content of this Rule was first adopted as part of Regulation I in 2005.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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# RULE 106

## EMISSION REDUCTION CREDITS & BANKING

### A. PURPOSE:

1. To provide a mechanism for permitted and non-permitted emission sources to deposit, transfer, and use Emission Reduction Credits (ERCs) as offsets as allowed by applicable laws and regulations. To ensure that all emission reductions are transferred through the District's emission reduction credit bank pursuant to the California Health and Safety Code (H&SC). All transfers and uses of emission reductions that are required under the District's New Source Review (NSR), Rule 110 of this Regulation, shall be processed in accordance with this Rule.
2. To define ERC eligibility standards, quantitative procedures, and administrative practices and to ensure that ERCs are real, permanent, quantifiable, surplus, and enforceable.
3. To ensure that open biomass burning is restricted or prohibited for a parcel for which an ERC certificate has been issued exists.

**B. APPLICABILITY:** The provisions of this Rule apply to the deposit, transfer, and use of ERCs from stationary sources and open biomass burning sources of air pollution emissions. References in this Rule to non-permitted source, permit exempt, shutdown, curtailment, authority to construct and permit to operate do not apply to open biomass burning sources.

### C. DEFINITIONS:

1. **Actual Emissions:** Means the measured or estimated emissions that most accurately represent the emissions from an emissions unit.
2. **Actual Emission Reductions:** Means a reduction in actual emissions from an emissions unit. Actual emission reductions shall be calculated on a quarterly basis, pursuant to Sections 10 or 15 of this Rule, and shall meet the following requirements:
  - a. Emission reductions shall be real, enforceable, quantifiable, and permanent.
  - b. Emission reductions shall be in excess of any emission reductions that are:
    - i. Required or encumbered by any laws, rules, regulations or orders; or
    - ii. Attributed to a control measure proposed or contained in a State Implementation Plan; or
    - iii. Contained as measures in the adopted District Air Quality Attainment Plan for attaining annual reductions required for the California Clean Air Act (CAA) and the Federal Clean Air Act. Actual emission reductions attributed to a proposed control measure may be re-eligible as actual emission reductions in the following circumstances:
      1. For control measures identified in the District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two (2) years from the scheduled adoption date provided, however, the APCO has not extended the scheduled adoption date;
      2. For control measures not identified in the District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two (2) years from the date of the latest public workshop notice.

3. **Affected Pollutants:** Means all air pollutants for which an ambient air quality standard has been established by the EPA or the CARB, and the precursors to such pollutants.
4. **Applicable Requirements:** Means air quality requirements with which a facility must comply pursuant to the State Implementation Plan, the Federal Clean Air Act as amended in 1990 and implementing regulations, and other provisions of the United States Code of Federal Regulations, and District Rules, Regulations or permit requirements.
5. **Applicant:** The person, entity, landowner or their designee applying for an ERC certificate.
6. **Bankable Emissions:** Reductions in affected pollutants which meet the applicable provisions of the District's banking and NSR Rules.
7. **Banking System:** The procedures of quantifying, certifying, recording, and storing ERCs for future use or transfer.
8. **Banking Register:** The document that records all ERC applications, deposits, withdrawals, transfers, and other transactions including the claiming of open biomass burning offset credits by stationary sources existing prior to first adoption of this Rule.
9. **Biomass:** Material derived from the harvesting of crops or removal of vegetation, including timber, except for material from processed dimensional timber.
10. **Control Efficiency:** Means the ratio of controlled emissions to uncontrolled emissions of the proposed air pollution control technology which will be incorporated, by means of enforceable permit conditions, in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating hours shall be considered in determining control efficiency.
11. **Emission Reduction Credits:** Reductions of actual emissions from an emission source that is registered with the District in accordance with this Banking Rule. Reductions will be specified by pollutant, by location, and in units of pounds per calendar quarter.
12. **Emissions Unit:** Means an identical operation, parcel(s), process, or control equipment, such as an article, machine, or other contrivance, which emits, may emit, or results in the emissions of any affected pollutant directly or as fugitive emissions.
13. **Enforceable:** Means real, quantifiable, permanent, verifiable and legally binding.
14. **ERC Certificate:** A document certifying title to defined quantities and types of emission reductions issued by the District to the owner(s) identified on the certificate.
15. **Historic Actual Emissions:** Means actual emissions from an existing emissions unit averaged over the two (2) consecutive years immediately preceding the date of application. If the last two (2) years are unrepresentative of normal operations as determined by the APCO, then two (2) consecutive years of the previous five (5) years may be used. Where an emissions unit has been in operation for less than two (2) years, a shorter averaging period of at least one (1) year may be used, providing it represents the full operational history of the emissions unit.

- 16. No-burn List:** A list of parcels for which ERCs exist and which will not receive burn permits.
- 17. Non-permitted Emissions:** Emissions of pollutants into the atmosphere from sources that do not have air pollution operating permits. Non-permitted sources include exempt facilities.
- 18. Offsets:** The use of an emission decrease from one or more sources to compensate for an emission increase in a non-attainment pollutant or its precursor from a new or modified source subject to the requirements of the District NSR Rule.
- 19. Parcel(s):** A legally identifiable piece of land, or a portion of that land, or combined lands under common ownership, as registered with the County Assessor's office for property tax purposes.
- 20. Permanent:** Means verifiable, real, quantifiable and legally binding emission reductions which continue or endure without fundamental or marked change.
- 21. Potential to Emit:** Refers to the maximum daily capacity of a stationary source or emissions unit to emit affected pollutants under its physical and operational design. Any physical or operational limitation on the daily capacity of the source or unit to emit a pollutant, including pollution control equipment and restrictions in hours of operation, type of material combusted, stored, or processed, shall be treated as part of its design limitation if they are incorporated into the applicable permit as enforceable permit conditions.
- 22. Proposed Emissions:** The potential to emit for a new or post-modification emissions unit.
- 23. Quantifiable:** Means the ability to estimate emission reductions in terms of both their amount and characteristics. The same method of estimating emissions should generally be used to quantify the emission levels before and after the reduction.
- 24. Quarterly:** Means calendar quarters beginning in January, April, July and October.
- 25. Real:** Means emission reductions that are not artificial, fraudulent or illusory.
- 26. Registered owner:** The person, entity, landowner or their designee in whose name the ERC certificate is issued and listed in the banking register.
- 27. Restricted Burn List:** Means a list of parcels for which ERCs exist and can receive a restricted burn permit.
- 28. Restricted Burn Permit:** Means a permit to burn specific fields within an emissions unit or parcel of land for which an ERC certificate has been issued. The restricted burn permit ensures that the actual emissions are less than or equal to the amount allotted to the permit holder.
- 29. Shutdown:** Either the earlier of the permanent cessation of emissions from a source or an emissions unit or the surrender of that unit's or source's operating permit. If prior to the surrender of the operating permit, the APCO determines that the source or emissions unit has been removed or fallen into an inoperable or unmaintained condition, the APCO may notify the owner of the intent to cancel the permit. If the owner cannot demonstrate to the satisfaction of the APCO, or does not respond within 60 days from the District's notice to cancel the permit, that the owner intended to operate again, then the APCO may cancel the permit and deem the source shutdown as of the date of the last emissions.

**30. Source:** Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission. A source may have a Permit to Operate or be exempt from permit. For purposes of this Rule open biomass burning will be considered a source and such activity requires an annual burning permit.

**31. Surplus:** Means emission reductions that are in excess of any emission reductions which are proposed or contained in a District Air Quality Attainment Plan for attaining reductions required to attain and maintain federal and State ambient air quality standards. Emission reductions due to the decreased open burning of rice fields that were planted prior to the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 shall qualify as surplus emission reductions in accordance with H&SC 41865(r) (1)s.

**32. Transfer:** The conveyance of an ERC certificate from one entity to another by the District.

#### **D. REGISTRATION OF EMISSION REDUCTION CREDITS:**

1. The District shall maintain a bank register, which shall consist of the following:
  - a. A record of all deposits, withdrawals, and other transactions with regard to the District's banking system.
  - b. A record of all open biomass burning offset credits derived from reduced burning within the District and which credits are claimed by stationary sources existing prior to the adoption of this Rule (pre-existing source)
2. In the event that open burning biomass emission credits are claimed by a new or modified stationary source as offsets and obtained from outside the District, the District shall report the claiming of such offset credits to the district of origin of the biomass material.
3. The APCO may only grant an ERC certificate after the emission reductions have actually occurred and upon satisfaction of the following applicable provisions:
  - a. If the emission reductions were created as a result of greater operating efficiencies, reduced throughput, shortened operating hours, or from the application of more efficient control technology, a revised Permit to Operate must be issued. This revised permit must include specific quantifiable emission limits reflecting the reduced emissions.
  - b. If the emission reductions were created as a result of the shutdown of a permitted source or emitting unit, the Permit to Operate or permit to burn has been surrendered and voided or modified to ensure that the emissions reductions are permanent.
4. When all the requirements of this Rule have been satisfied and the emission reductions have actually occurred, the APCO shall issue the ERC certificate. After granting an ERC certificate, the name on the certificate shall be entered into the banking register. Such information may be made available for public inspection.
5. All ERC certificate information concerning titles, interests, liens, restrictions, encumbrances, and other changes of record shall be identified in the District's banking register until the certificate is canceled or nullified by operation of law.
6. Each ERC certificate shall be numbered, bear the date of issuance, be signed by the APCO, bear the seal of the District, and contain information regarding the quantity and type of ERCs. One copy of the ERC certificate shall be retained by the District and the original shall be delivered to the applicant. Transmittal of the ERC certificate to the owner shall be accomplished in person or by registered mail. The person accepting the ERC

certificate shall sign a receipt therefore and provide such proof of identity as the APCO may require.

7. ERC certificates issued pursuant to Section G of this Rule shall be valid and effective only after, and on the condition that, the ERC certificate is recorded as a condition of the parcel deed. The notice of recording shall be in a form approved by the District, and include the following information at a minimum: owner of the ERC certificate, Assessor Parcel Number, owner of the property, notice of open burning restriction and date of recording.
8. At the option of joint owners of ERCs, such persons may receive one ERC certificate for the entirety or separate ERC certificates reflecting each proportional share and separate ownership. The District's bank shall reflect the consolidation or separation of the ERCs.
9. Title to an ERC certificate shall be deemed registered at the time the required information concerning the ERC is entered into the banking register. Title will be vested in the applicant's name or his/her designee and shall inure to the benefit of his or her heirs. In the case of ERCs granted for open burning of biomass, title will be vested with the landowner or landowner's designee.
10. All dealings with ERCs and all liens, restrictions, encumbrances, and changes subsequent to the first registration shall be deemed to be subject to the terms of this Regulation, and to such amendments and alterations as may hereafter be made.
11. The APCO may reissue lost or destroyed ERC certificates after the registered owner certifies in writing that the original has been lost or destroyed.

**E. ADJUSTMENTS TO EMISSION REDUCTION CREDITS:**

1. Except as provided in Section (E)(2) below, the District shall take five percent (5%) of the emission reductions before the ERCs are granted and apply the emissions toward attainment of the air quality standards or place the emissions into a community bank controlled by the District for use by essential public services, such as sewage treatment, schools, hospitals, fire fighting, police, jail, water delivery, and mandated cleanup operations.
2. An applicant may restrict use of the ERCs only for the applicant's own future use, at the same parcel or site, in which case the District will not adjust the ERCs. The applicant may have the restriction removed by the District upon payment of costs incurred by the District to re-issue an unrestricted ERC certificate.
3. Deposits are permanent until used by the depositor or any party to whom the ERC certificate has been transferred. After issuance of the certificate, subsequent changes in regulations to require the type of emission reductions which have been banked shall not reduce or eliminate the ERC.
4. Owners of ERC certificates may donate their ERCs to the District for purposes of assisting the District towards attainment of the air quality standards.

## **F. TRANSFER AND USE OF EMISSION REDUCTION CREDITS**

1. The ERCs may be used at the time of, or anytime after deposit into the District's banking system by the registered owner, or owner's designee of the ERC certificate to provide offsets for increase in emissions from new or modified sources subject to the District's NSR Rule.
2. Transfer in whole or in part of an ERC certificate shall be done by the registered owner in accordance with applicable procedures of this Rule. Upon payment of a transfer fee a new ERC certificate, certifying the title or interest in the ERC, shall be issued and the original certificate shall be canceled. Such cancellation shall be recorded in the banking register.
3. Nothing in this Rule prevents the lease or temporary transfer, in whole or in part, of ERCs represented by certificates to be used as offsets, provided the District has procedures for adjusting the ERC at the end of the lease period to account for the facility historic actual emissions. However, no transfers shall be made until application is made to the District and approval given by the APCO.
4. Except as provided below, all emission reductions to be used as offsets under the NSR Rule must first be processed through this Rule and receive an ERC certificate in accordance with the requirements of this Rule. Onsite reductions in emissions which are contemporaneous with onsite increases in emissions from other emissions units and meet the requirements of the NSR Rule are not required to go through this ERC/Banking Rule.
5. ERCs which result from stationary source shutdowns and curtailments shall not be used as offsets for a new or modified stationary source where permitted emissions would exceed emission thresholds established for the District in the CAA for major source modifications, unless the applicant can establish the following:
  - a. The proposed new source or modification is a replacement, and the shutdown or curtailment occurred after August 7, 1977, or
  - b. An application for credit was filed with the District within 180 days of the date of the last emission; and
    - i. The crediting of shutdown emissions complies with the most recent emission trading policy or regulations of EPA; and
    - ii. The District has met statutory planning mandates and air quality improvement milestones.
6. On transfer of ownership of ERCs to a stationary source for use as offsets the registered owner shall provide information to the District on costs, if any, in dollars per ton, on a per pollutant basis, of emission offsets purchased for, or acquired by, the new or modified source.

**G. ELIGIBILITY OF OPEN BIOMASS EMISSION REDUCTION CREDITS:** Except as noted below, emission reductions must comply with the definition of historic actual emission reductions, and will be deemed to have occurred when the parcel(s) has been placed on the no-burn list or restricted burn list. An applicant may apply for ERCs for the amount calculated using Section J of this Rule.

#### H. APPLICATION PROCEDURES FOR OPEN BIOMASS EMISSION REDUCTION CREDITS:

1. Any person, entity, landowner, or authorized agent, which owns or operates an emissions unit for which eligible emission reductions have occurred or will occur, may apply for an ERC certificate in accordance with the requirements of this Rule. If the applicant is not the landowner, written authorization from the landowner must be included with the application for an ERC certificate.
2. The person or entity requesting the ERC certificate shall make an application on forms supplied by the District.
3. The application may be for reductions in one or more affected pollutants.
4. Applicants may claim confidentiality of information contained in the application pursuant to applicable provisions of the Federal Clean Air Act, Government Code, and H&SC.

I. **ADMINISTRATIVE PROCEDURES AND TIMETABLE FOR OPEN BIOMASS EMISSION REDUCTION CREDITS:** The APCO shall prepare the administrative procedures and timetable for open biomass ERCs in the District Administrative Code Part B.

J. **OPEN BIOMASS BURNING EMISSION REDUCTION CREDIT CALCULATIONS:** The District Administrative Code Part B contains emission factors (EF), fuel loading factors (FL), default historical burn fractions (HBF), and default quarterly burn fractions (QBF). Default HBFs and QBFs may be used to calculate the ERCs. The following information will be used in the calculation of ERCs; however, when using default HBF and QBF factors, Sections (10)(3) and (J)(4) below do not apply:

1. **Basic Information:** The applicant shall provide data on the crop type, exact location of the parcel including assessor's parcel number and other information regarding parcel location required in the District Administrative Code Part B, and acreage burned (AB) during the eligibility period. The applicant shall use county burn permit/authorization records or other verifiable records to validate the information as specified in the District Administrative Code Part B. The type of biomass residue and the AB will be used in the ERC calculation.
2. **Acreage Burned (AB):** The applicant for emission reductions from open biomass burning shall provide the acreage burned for each parcel(s) of land for which ERCs are applied. Phase down acreage must have been burned for at least one of the five (5) baseline years of 1988 through 1992. The applicant shall use county burn permit/authorization records or other verifiable records to determine the acreage.
3. **Historical Burn Fraction (HBF):** The applicant shall provide available data on historical biomass burn percentage for the parcel(s). The historical burn fraction (0-1) is an adjustment to the amount of ERCs available. The applicant may use county burn permit authorization records or other verifiable records to determine the amounts of prior burning. For rice straw burning a historical burn fraction of one (1) will be used for the phase down period.
4. **Quarterly Burn Fraction (QBF):** The applicant may provide available data on quarterly biomass burning for the parcel(s). The applicant may use county burn permit authorization records or other verifiable records to determine the date(s) of burning.
5. The biomass fuel loading (FL) and emission factors (EF) set forth in the District Administrative Code Part B or



other best available data as approved by the APCO shall be used for the crops indicated.

6. **Discount Acreage (DA):** The applicant may reduce the total acreage covered by the ERC certificate to allow for continued burning of a portion of the total acreage of the parcel. This reduction in the total acreage covered will be reflected in the emission credits applicable to the parcel(s). The District shall either:
  - a. Identify the portion(s) of the parcel(s) covered by the discount acreage (i.e. the acreage eligible for a burn permit) and place the remaining acreage on a no-burn list. This portion will not be allowed to change without prior District notification and approval; or,
  - b. Place the parcel(s) covered by the ERC certificate on a restricted burn list. Burning can only occur on specified fields within the parcel(s) after the District has issued a restricted burn permit for the emissions unit (parcel(s)).
7. The District will determine a quarterly ERC value for each pollutant based on the following calculation:

$$\text{ERCs} = (\text{AB}-\text{DA}) * \text{HBF} * \text{FL} * \text{EF} * \text{QBF}$$

**K. DISTRICT ENFORCEMENT CONSIDERATIONS FOR OPEN BIOMASS EMISSION REDUCTION CREDITS:**

1. Revision or cancellation of ERC certificates at the request of the registered owner to allow burning of a parcel(s) for which ERCs have been granted may be handled as follows, with prior written approval from the APCO:
  - a. The registered owner may request that the District reduce the quantities of the emissions covered by the ERC certificate by the amount of emissions associated with the reduced acreage requested. After the District revises the ERC certificate, that portion of the parcel may be burned in accordance with current agricultural burning regulations. The portion of the parcel that is covered by the discount acreage (i.e. the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.
  - b. The registered owner may surrender the ERC certificate to the District for cancellation and burn the parcel(s) pursuant to current agricultural burning regulations.
2. District enforcement considerations related to ERC certificates are the following:
  - a. To meet the requirement of enforceability, a contract, permit conditions, No-burn list or restricted burn list, and/or other means shall be utilized.
  - b. The primary means of enforcing open biomass burning ERCs will be by placing the parcels on a No-Burn list or restricted burn list. Based on the District's enforcement and tracking policy for biomass ERCs, a restricted burn permit or No-burn list will be issued for a parcel(s) if an ERC is currently in effect for that parcel unless the registered owner applies for cancellation, modification or substitution of the ERC under Section 11.1 of this Rule.
  - c. At the time of application, the applicant for an open biomass burning ERC certificate must provide information to the District on the disposition of the biomass.
  - d. Emission reduction credits used to offset project emissions in another district shall be implemented through an inter-district agreement to ensure their enforceability and permanence.
3. Prior to the issuance of an ERC certificate, the registered owner of an ERC-designated parcel(s)/field(s) shall provide notification by certified mail to all growers leasing land covered by the certificate that open biomass burning is restricted. A copy of the certified letter and receipt shall be provided to the District and maintained in the District files.
4. Facilities that claim open burning emission reduction offsets pursuant to H&SC Sections 41605.5 and 42314.5

must keep a daily log of biomass received by type, origin, quantity, and date. Such facilities will also be required to prepare and submit to the District a quarterly report on their emissions and corresponding biomass offsets. The District will further require an annual status report on biomass contracts for the next year prior to re-issuance of the annual Permit to Operate.

- L. ELIGIBILITY OF STATIONARY SOURCE EMISSION REDUCTIONS FOR CREDITS:** Upon application to the District, within 365 days after the emission reductions occurred, the following emission reductions may qualify for ERC certificates. Emission reductions will be deemed to have occurred on the date when emissions actually decreased. The District may claim emission reductions not applied for as ERCs under this Rule, from any source, and use such emission reductions toward attainment of air quality standards or deposit the emission reductions into the community bank.
1. For non-permitted sources the following additional requirements shall apply:
    - a. Emissions must have been included in the Emission Inventory.
    - b. The applicant for the ERCs must apply for and obtain a Permit to Operate from the District or execute a legally binding contract with the District or through other enforceable means.
    - c. An applicant who proposes to bank emissions from permit exempt sources must relinquish the exempt status and obtain permits for any new or modified sources of the same type.
    - d. If the emission reductions are due to the shutdown of a non-permitted source, the applicant must demonstrate to the satisfaction of the APCO that the emission reductions from the source meet all applicable requirements of this Rule. The source can no longer be operated within the District unless and until a Permit to Operate is obtained from the District.
  2. Under no circumstances shall any emission reductions occurring before the date of adoption, other than as described in Section (L)(3) of this Rule, be eligible for ERC certificates.
  3. Emission reductions occurring after December 31, 2000 and before the date of adoption. The following criteria must be met in order to deem such emission reductions eligible for ERC banking:
    - a. Emission reductions formally recognized by the District (in written form, emission databases, etc.), shall be deemed eligible emission reductions, provided the APCO determines that such emission reductions comply with the definition of actual emission reductions.
  4. A stationary source which obtained offsets pursuant to the District's NSR Rule and was issued an Authority to Construct after December 31, 2000, may apply to bank such offsets if the Authority to Construct is canceled or if the Permit to Operate is voluntarily modified or surrendered or is revoked by the District.
  5. The following emission reductions are not eligible for ERCs for banking:
    - a. Emission reductions from the shutdown or curtailment of retail gasoline dispensing or retail dry cleaning operations. These facilities may be eligible if they can demonstrate to the satisfaction of the APCO that their emission reductions are not offset by increases in demand and emissions from other similar sources within the District.
    - b. Emission reductions occurring from the shutdown or curtailment of a stationary source for which the offsets originally provided are no longer enforceable by the District.
  6. Emission reductions occurring from the shutdown or curtailment of a stationary source for which the District originally provided the required offsets.

7. Emission reduction credits resulting from shutdowns or curtailment of sources shall not be more than the quantity of emissions that would have been emitted had the source operated in compliance with rules and regulations applicable to the source at the time of shutdown or curtailment.

Shutdowns or curtailments must have occurred after December 31, 2000 for State requirements, and November 15, 1990 for federal requirements applicable to major stationary sources and major modifications; or

The emissions from the emissions unit to be shut down or curtailed are included in the District's 2000 Emission Inventory for State requirements, and in the 1990 Emission Inventory for federal requirements applicable to major stationary sources and major modifications; and

Applicants for ERCs due to the shutdown of permitted or non-permitted emissions units shall demonstrate to the satisfaction of the APCO that such equipment will no longer operate within the district, except as provided in Section (L)(1)(d) of this Rule.

#### **M. APPLICATION PROCEDURES FOR STATIONARY SOURCE EMISSION REDUCTION CREDITS:**

1. Any person, entity, land owner, or authorized agent, which owns or operates a source at which eligible emission reductions have occurred or will occur, may apply for an ERC certificate in accordance with the requirements of this Rule.
2. The person or entity requesting the ERC certificate shall make an application on forms supplied by the District.
3. The application may be for reductions in one or more affected pollutants. The application shall contain sufficient information to allow for adequate evaluation of actual emission reductions.
4. Applicants may claim confidentiality of information contained in the application pursuant to applicable provisions of the CAA, Government Code, and H&SC.
5. To verify emission reductions claimed in conjunction with an application for an ERC certificate, the District may require source tests by CARB approved methods, continuous monitoring, production records, fuel use records, or any other appropriate means.

#### **N. ADMINISTRATIVE PROCEDURES AND TIMETABLE FOR STATIONARY SOURCE EMISSION REDUCTION CREDITS:**

1. The APCO shall determine whether an ERC application is complete no later than thirty (30) calendar days following receipt of the application, or after a longer time period agreed upon in writing by both the applicant and the APCO.
2. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the additional information that is required. The applicant shall have sixty (60) days, or a longer time period agreed upon in writing by both the applicant and the APCO to submit the requested information. Upon receipt of additional information, the APCO shall have another thirty (30) days to determine completeness. If no information is submitted or the application is still incomplete, the APCO may cancel the application with written notification to the applicant.

3. Upon determination that the application is complete, the APCO shall notify the applicant and CARB in writing. Thereafter, only information to clarify, correct or otherwise supplement the information submitted in the application may be requested by the District.
  4. Withdrawal of an ERC application by an applicant shall result in cancellation of the application; any re-submittal will be processed as a new application.
  5. Upon acceptance of an application as complete, the APCO shall have 180 days to take final action on the application after considering all written comments. Upon completion of the initial assessment, the APCO shall provide written notice of such to the applicant and shall also provide written notice to CARB and EPA and publish notice in a local newspaper of general circulation. The notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the initial assessment.
  6. Publication of the notice shall commence a thirty (30) day public comment period during which the APCO shall accept written comments on the merits of the ERC application. Upon conclusion of this thirty (30) day period, the APCO shall have another thirty (30) days to render a decision to approve, conditionally approve, or deny the application. This decision shall be provided in writing to the applicant.
  7. The applicant or any other party may appeal the APCO's decision following provisions specified in District Regulations.
- O. STATIONARY SOURCE ERC CALCULATIONS:** Calculations of emission reductions shall be determined by the methods described in the District's NSR rule.

# **Regulation I**

## **Rule 107**

The content of this Rule was first adopted as part of Regulation I in 2005.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

Reserved

# **Regulation I**

## **Rule 108**

The content of this Rule was first adopted as part of Regulation I in 2005.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

Reserved

# **Regulation I**

## **Rule 109 – Entry Upon Private Property**

The content of this Rule was first adopted as part of Regulation I in 2005.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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#### **A. ENTRY UPON PRIVATE PROPERTY**

## **RULE 109**

### **ENTRY UPON PRIVATE PROPERTY**

- A. ENTRY UPON PRIVATE PROPERTY:** The APCO or his designated deputies are hereby empowered to enter upon private property in order to make investigations for the purpose of enforcing the provisions of these Regulations.



# **Regulation I**

## **Rule 110 – New Source Review (NSR) And Prevention of Significant Deterioration (PSD)**

The content of this Rule was first adopted as part of Regulation I in 1982.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9 2015.

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# RULE 110

## NEW SOURCE REVIEW (NSR) AND PREVENTION OF SIGNIFICANT DETERIORATION

### A. PURPOSE:

1. The purpose of this Rule is to establish pre-construction review requirements for new and modified stationary sources of air pollution and to provide mechanisms, including emission offsets, by which authorities to construct for such sources may be granted without interfering with the attainment or maintenance of ambient air quality standards.
2. This Rule shall provide for no net increase in emissions, pursuant to Section 40918 of the H&SC, from new or modified stationary sources which emit, or have the potential to emit, 25 tons per year or more of any non-attainment pollutant or its precursors. *[Note: This subsection will not be included in the Federal SIP submittal of this rule.]*

### B. APPLICABILITY:

1. This Rule shall apply to all new stationary sources and emission units and all modifications to existing stationary sources and emissions units that, after construction, emit or may emit any affected pollutant within the District.
  - a. The Regulations in effect at the time any application for an Authority to Construct for a new or modified source is deemed complete shall apply to that source except when a new federal requirement not yet incorporated into this Rule applies to the new or modified source. In such a case, the new federal rules shall apply to the source.
2. Any facility or source subject to this rule which has ceased operation for two or more continuous years, excluding minimal maintenance activities, shall be presumed to have been permanently shutdown.
  - a. Any permanently shutdown facility or source which then seeks reactivation is subject to re-evaluation under the requirements of Rule 110, NSR and PSD, including the requirement for BACT, offsets and modeling, as applicable.
  - b. The presumption a facility is permanently shutdown is refutable, and the burden of disproving the presumption rests with the permittee. In rebutting this presumption, the APCO shall take into consideration the totality of the circumstances including but not limited to: intent of the owner or operator, age of the facility, likelihood of reactivated operations may cause or contribute to a public nuisance, conflicting statements of intent by the owner and operator, frequency of equipment and facility upsets and equipment breakdowns, and ongoing maintenance.
  - c. Every facility and source subject to the provisions of this Rule which has not operated for five (5) or more continuous years shall be considered permanently shutdown for the purposes of this Rule.

**C. EFFECTIVE DATE:** This Rule shall become effective December 9, 2010

**D. DEFINITIONS:** The following definitions apply for all terms used in this Rule. If a term is not defined below, then the definitions provided in Rule 502 Application & Permit Requirements , Rule 101 Definitions, and Rule 106 Emission Reduction Credits, shall apply in that hierarchical order:

1. **Actual Emissions** means emissions (air pollutants) which have been released into the atmosphere from a source or emissions unit. The amount or quantity of emissions shall be determined based upon source test data, actual fuel consumption or process data, or monitoring data. If source test or monitoring data is not available, other appropriate, APCO-approved, emission factors may be used. Fugitive emissions associated with the emissions unit shall be included in the actual emissions of the emissions unit.
2. **Allowable Emissions:** The emissions rate of a stationary source or an emissions unit calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable or practically and legally enforceable limit, which restricts the operating rate, hours of operation, or both) and the most stringent of the following:
  - a. Any applicable standards set forth in the District Rules and Regulations (Rules) and 40 CFR Part 60, 61, or 63;
  - b. Any applicable emission limitation in the State Implementation Plan (SIP), including those with a future compliance date; or
  - c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
3. **Affected Pollutant** means an air pollutant for which an ambient air quality standard has been established by the United States Environmental Protection Agency (EPA) or the California Air Resources Board (CARB), the precursors to such pollutants, and those substances regulated by EPA or CARB, or listed under Section 5.1 of this Rule.
4. **Ambient Air Quality Standards** means those ambient air quality standards which include Federal and State ambient air quality standards. For purposes of applicability of this Rule to the State Implementation Plan (SIP), all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards. For the purposes of applicability of this Rule to the District's Air Quality Attainment Plan, all references to ambient air quality standards shall be interpreted as State Ambient Air Quality Standards.
5. **Best Available Control Technology (BACT)** means for any emissions unit, the more stringent of:
  - a. The most effective emission control device, emission limit, or technique which has been required or used for the type of equipment comprising such emissions unit unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not achievable; or
  - b. Any other emission control device or technique, alternative basic equipment, different fuel or process, determined to be technologically feasible and cost-effective by the APCO. The cost-effective analysis shall be performed in accordance with the methodology and criteria specified by the APCO.

Under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of District, State, or federal laws or regulations, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not achievable.

6. **Complete Application** means an application that contains all information required by the District to adequately evaluate the nature and extent of potential emissions of the new or modified emissions unit proposed for use in accordance with a list of required information as adopted by the District.

7. **Contiguous Property** means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.
8. **Cost-Effective** means a cost per pound of emission reduction which is deemed to be acceptable and feasible, on a pollutant and emissions unit basis, by the APCO.
9. **Daily Emissions Limitation** means one or a combination of permit conditions specific to an emissions unit which restricts its maximum daily emissions in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limitation must be:
  - a. Contained in the latest Authority to Construct and contained in or enforceable by the latest Permit to Operate for the emissions unit; and
  - b. Enforceable on a daily basis; and,
  - c. Established pursuant to permitting action occurring after January 12, 1993 and used in the calculation of the net emissions change.
10. **Emissions Unit** means an identifiable operation or piece of process equipment such as an article, machine, or other contrivance which emits, may emit, or results in the emission of any affected pollutant directly or as fugitive emissions.
11. **Fluorides** means elemental fluorine and all fluoride compounds.
12. **Fugitive Emissions** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
13. **Functionally Equivalent Emission Unit:** An emission unit that serves the identical function as the unit being replaced. The maximum rating and the potential to emit any pollutant shall not be greater from the functionally equivalent emission unit than the replaced unit. The emission increase from any such replacement shall not result in a major modification.
14. **Halogenated Hydrocarbons** means one or more of the following substances:
  - a. 1, 1, 1-trichloroethane,
  - b. methylene chloride
  - c. 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
  - d. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
  - e. trichlorofluoromethane (CFC-11)
  - f. dichlorodifluoromethane (CFC-12)
  - g. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
  - h. 1-chloro-1,1-difluoro-2,2-difluoroethane (CFC-114)
  - i. chloropentafluoroethane (CFC-115)
  - j. pentafluoroethane (HFC-125)
  - k. 1,1,2,2-tetrafluoroethane (HFC-134)
  - l. 1,1,2,2-tetrafluoroethane (HFC-134a)
  - m. 1,1-dichloro-1-fluoroethane (HCFC-141b)
  - n. 1-chloro-1,1-difluoroethane (HFC-142b)
  - o. 1,1,1-trifluoroethane (HFC-143a)
  - p. chlorodifluoromethane (HCFC-22)
  - q. trifluoroethane (HFC-23)

- r. 1,1-difluoroethane (HFC-152a)
- s. The following four classes of perfluorocarbon compounds:
  - i. Cyclic, branched, or linear, completely fluorinated alkanes.
  - ii. Cyclic, branched, or linear, completely fluorinated ethers, with no saturations.
  - iii. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
  - iv. sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
  - v. Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

**15. Impact Analysis** means an air quality modeling analysis used to estimate the maximum ground level concentration from the project for any pollutant subject to this Rule. Maximum ground level concentration added to background levels shall be compared to ambient air quality standards.

**16. Lowest Achievable Emission Reduction (LAER)** means, for any source, the more stringent rate of emissions based on the following:

- a. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed major stationary source demonstrates that such limitations are not achievable; or
- b. The most stringent emission limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a major modification, means the LAER for the new or modified emissions units within the stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

For purposes of this definition only, the term “any state” means a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**17. Modification** means any physical change or operational change to an existing emissions unit, including changing hours of operation or production rate, which would necessitate a change in permit conditions. A modification to a stationary source shall include any modification of its permitted emissions units or addition of any new emissions units. A reconstructed stationary source shall be treated as a new stationary source and not as a modification. A modification also occurs when there is an increase of emissions from an emissions unit which is not subject to a daily emissions limitation. The following shall not be considered a modification:

- a. Routine maintenance or repair.
- b. A change in ownership.

**18. Net Air Quality Benefit** means a net improvement in air quality resulting from actual emissions reductions impacting the same general area affected by the new or modified source.

**19. Non-attainment Pollutant** means any pollutant, as well as any precursors of such pollutant, which has been designated non-attainment by EPA as codified in 40 CFR 81.305, or which has been designated non-attainment by CARB pursuant to H&SC Section 39607.

- 20. NSR Regulated Pollutant** means a pollutant for which a National Ambient Air Quality Standard has been established by the EPA, and the precursors to such pollutants, including but not limited to, reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (Sox), PM10, PM2.5, carbon monoxide (CO), and lead.
- 21. PM<sub>10</sub>** means particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns.
- 22. PM<sub>2.5</sub>** means particulate matter with aerodynamic diameter smaller than or equal to a nominal 2.5 microns.
- 23. Potential to Emit** means the maximum daily and/or annual capacity of an emission unit to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the unit to emit a pollutant, including pollution control equipment and restrictions in 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 or the effect it would have on emissions is incorporated into the applicable permit as a federally enforceable or a practically and legally enforceable permit condition. Fugitive emissions associated with the emissions unit or stationary source shall be included in the potential to emit of the emissions unit or stationary source.
- 24. Precursor** means a pollutant that, when emitted into the atmosphere, may undergo either a chemical or physical change which then produces another pollutant for which an ambient air quality standard has been adopted. The following precursor-secondary air contaminant relationships shall be used for the purposes of this rule:

Precursor	Secondary Air Contaminant
Reactive Organic Compound	Photochemical oxidants (Ozone) Organic fraction of PM10
Nitrogen Oxides	Nitrogen dioxide Nitrate fraction of PM10 Nitrate fraction of PM2.5 Photochemical oxidants (Ozone)
Sulfur Oxides	Sulfur dioxide Sulfates Sulfate fraction of PM10 Sulfate fraction of PM2.5

- 25. Quarterly:** Calendar quarters beginning January 1, April 1, July 1, and October 1.
- 26. Reactive Organic Compound or Reactive Organic Gas (ROC or ROG)** means any compound meeting the definition of VOC as listed in 40 CFR 51.100(s).
- 27. Reconstructed Source** means any source undergoing physical modification where the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new stationary source. Fixed capital cost means that capital needed to provide all the depreciable components.
- 28. Reduced Sulfur Compounds** means the sulfur compounds hydrogen sulfide, carbon disulfide, and carbonyl sulfide.

**29. Replacement Emission Unit:** An emissions unit for which both the criteria listed below are met. No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced unless:

- a. The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit; or the emissions unit is an identical emission unit or a functionally equivalent emission unit; or the replacement does not alter the basic design parameters of the process unit; and
- b. The replaced emissions unit is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

**30. Stationary Source (Facility)** means any building, structure, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission. "Emissions unit" includes any operation, article, machine, equipment or other contrivance which emits or may emit any affected pollutant. "Building or structure" includes all pollutant-emitting activities including emissions units which:

- a. are located on one or more contiguous or adjacent properties, and which may be separated by a public right-of-way; and,
- b. are under the same or common ownership, operation, or control, or which are owned or operated by entities which are under common control and belong to the same industrial grouping, either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) Code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

**31. Total Reduced Sulfur Compounds** means the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

**E. REQUIREMENTS:** Any emissions unit subject to this Rule shall be subject to the following requirements:

- 1. Best Available Control Technology (BACT):** An applicant shall apply BACT to any new emissions unit or modification of an existing emissions unit, if the change would result in an increase in the potential to emit from the new unit or modification of existing equipment. BACT shall be applied to each new unit or modification only for the pollutant(s) emitted in excess of the threshold(s) listed in Table 1.0 Significance Thresholds below. *[Note: This subsection will not be included in the Federal SIP submittal of this rule.]*

Table 1.0 Significance Thresholds

Pollutant	Significance Thresholds	
	Daily (pounds per day)	Annual (tons per year)
Carbon monoxide	500.0	100
Fluorides	15.0	3.0
Hydrogen sulfide	50.0	10.0
Lead	3.2	0.6
Nitrogen oxides	50.0	40.0
Particulate matter (PM10)	80.0	15.0
Particulate matter (PM2.5)	50.0	10.0

Reactive organic compounds	50.0	40.0
Reduced sulfur compounds	50.0	10.0
Sulfur oxides	80.0	40.0
Sulfuric acid mist	35.0	7.0
Total reduced sulfur compounds	50.0	10.0

**2. Offset Requirements, General:** Emission reductions shall be required from existing emission sources, sufficient to offset calendar quarter emission increases of non-attainment pollutants or their precursors associated with a new or modified stationary source and shall be determined as follows:

- a. Offsets shall be required for a new stationary source with a potential to emit, calculated pursuant to Section (F)(5) of this Rule, non-attainment pollutants or their precursors equal to or exceeding 25 tons per year. The amount of offsets required shall be at least equal to that portion of the potential to emit which exceeds 25 tons per year.
- b. Offsets shall be required for a modified stationary source under the following conditions:
  - i. An existing stationary source which has a potential to emit less than 25 tons per year as of January 12, 1993, of non-attainment pollutants or their precursors shall offset that portion of the stationary source's potential to emit which, after modification of the stationary source, exceeds 25 tons per year from new or modified emissions units. A stationary source's potential to emit shall be calculated pursuant to Section (F)(5) of this Rule. After the potential to emit for a stationary source has exceeded these levels, and the applicant has provided actual emissions reductions to offset emission increases in excess of these levels, all future increases from new or modified emissions units shall be offset; and
  - ii. An existing stationary source which has a potential to emit, calculated pursuant to Section (F)(5) of this Rule, of non-attainment pollutants or their precursors equal to or exceeding 25 tons per year as of January 12, 1993, shall offset any increases in potential to emit resulting from the permitting of a new or modified emissions unit.
- c. Offset requirements for increases in carbon monoxide: Offsets shall not be required for increases in carbon monoxide if the applicant demonstrates to the satisfaction of the APCO, through an impact analysis, that the ambient air quality standards are not violated in the areas to be affected, and such emissions will not cause or contribute to a violation of National Ambient Air Quality Standards.

**3. Location of Offsets and Offset Ratios**

- a. Offset ratios and the corresponding distances from the proposed stationary source shall be:
  - i. on-site, at a ratio of 1:1;
  - ii. within 20 miles, at a ratio of 1.2:1;
  - iii. from 20 miles to 50 miles, at a ratio of 1.5:1;
  - iv. over 50 miles, at a ratio of 2:1.

Use of offsite offsets must result in a net air quality benefit, as determined by the APCO.
- b. Offsets which are obtained from a source located in another District may be used only if the provisions of H&SC 40709.6 are met, EPA approval is obtained and the involved Districts enter into an agreement formalized by a memorandum of understanding.

**4. Inter-pollutant Offsets:** The APCO may approve inter-pollutant offsets on a case-by-case basis, provided that the applicant demonstrates to the satisfaction of the APCO, through the use of an impact analysis, that the emission increases from the new or modified source will result in a net air quality benefit and will not cause or contribute to a violation of any air quality standard. In such cases, the APCO may, based



upon an air quality analysis, impose offset ratios greater than the requirements of this Rule. The project must also obtain EPA approval for the use of inter-pollutant offsets.

5. **Ambient Air Quality Standards:** In no case shall the emissions from the new or modified stationary source cause or worsen the violation of an ambient air quality standard. An impact analysis may be used to estimate the effects of a new or modified source. In making this determination, the APCO shall take into account the mitigation of emissions through offsets obtained pursuant to this Rule.
6. **Denial, Failure to Meet Standards:** The District shall deny any Authority to Construct or Permit to Operate if the APCO finds that the subject of the application would not comply with the standards set forth in this Rule.
7. **Compliance by Other Owned, Operated, or Controlled Sources:** The owner or operator of a proposed new or modified source shall certify to the APCO that all sources having a potential to emit in excess of 100 tons per year that are owned or operated by such person (or by an entity controlling, controlled by, or under common control) in California are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.

#### F. CALCULATIONS:

1. **Purpose:** The following calculations procedures shall be used to determine:
  - a. the emissions change for all new or modified emissions units; and
  - b. actual emissions reductions for all shutdowns and modified emissions units; and
  - c. the cumulative emissions increase from all new and modified emissions units for a stationary source.
2. **Definitions:** The following terms are used in the calculations procedure and are defined as follows:
  - a. **Control Efficiency** means the estimated control efficiency of the proposed air pollution control technology which will be incorporated, by means of (an) enforceable permit condition(s), in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating hours shall not be considered in determining control efficiency.
  - b. **Historic Actual Emissions** means actual emissions averaged over the two (2) year period immediately preceding the date of application. If the last two (2) years are unrepresentative of normal operations as determined by the APCO, then two (2) consecutive years of the last five (5) years may be used. Where an emissions unit has been in operation for less than two (2) years, a shorter averaging period of at least one (1) year may be used, providing it represents the full operational history of the emissions unit. If, at any time during the specified period, actual emissions exceeded allowed emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if in compliance with all applicable limitations and rules.
  - c. **Historic Emissions** means the potential to emit of an existing emissions unit prior to modification. For a new emissions unit, historic emissions are equal to zero.
  - d. **Proposed Emissions** means the potential to emit for a new or post-modification emissions unit.
3. **Procedure:** The calculation procedure shall be performed separately for each pollutant and each emissions unit. Emission increases and decreases shall be calculated separately for each calendar quarter pursuant to the following procedure:
  - a. Calculate the emissions change for each new or modified emissions unit and for each pollutant using Section (F)(4) of this Rule.

- b. If an increase is calculated for a pollutant, follow the procedures in Sections (E)(2) of this Rule to determine the amount of offsets required.
- c. If a decrease is calculated for a pollutant, follow the procedures in Section (F)(4)(b) of this Rule to determine if emission reduction credits (ERC's) are generated.

If no emissions change is calculated for a pollutant, no further calculations are required.

**4. Calculating Emissions Changes**

- a. Emissions Increase
  - i. New or Modified Emissions Unit: The emissions change for a new or modified emissions unit shall be calculated by subtracting historic emissions from proposed emissions:
- b. Emissions change = Proposed emissions minus Historic Emissions
- c. Actual Emissions Reductions (AER)
  - i. Shutdown of an Emissions Unit:  $AER = \text{Historic actual emissions}$
  - ii. Modification consisting solely of application of control equipment or implementation of more efficient process:  $AER = \text{Historic actual emissions multiplied by Control efficiency}$
  - iii. Other Modifications:  $AER = \text{Historic actual emissions minus Proposed emissions}$

**G. AIR QUALITY IMPACT ANALYSIS:** In no case shall emissions from a new or modified emissions unit cause or worsen the violation of an ambient air quality standard. The APCO may require an applicant to use an air quality model to estimate the effects of a new or modified emissions unit. For the purpose of performing an impact analysis, the following shall apply:

- 1. Air quality models shall be consistent with the requirements specified in 40 CFR Part 51, Appendix W (“Guideline on Air Quality Models”), unless the APCO finds that such model is inappropriate for use. After making such a finding, the APCO may designate an alternative model only after allowing for public comment and only with the written concurrence of CARB and EPA. All modeling costs associated with the site of a new or modified emissions unit shall be borne by the applicant. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment.
- 2. In performing an impact analysis, if the proposed stack height is higher than is dictated by good engineering practices, the actual height used for the purposes of modeling shall be calculated in accordance with good engineering practices.

**H. ADMINISTRATIVE REQUIREMENTS:** The following administrative requirements shall apply to this Rule:

- 1. **Complete Application:** The APCO shall determine whether the application is complete not later than thirty (30) days after receipt of the application, or after such longer time mutually agreeable to the applicant and the APCO. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision and of the required additional information. Upon receipt of any re-submittal of the application, a new thirty (30)-day period to determine the completeness shall begin. Completeness or re-submittal of an application shall be evaluated on the basis of the information requirements set forth in District Regulations as they exist on the date on which the application or re-submitted application was received. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

- 2. **Reserved.**

- 3. Preliminary Decision:** Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine the compliance with this Rule and make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a written analysis.
- 4. Publication and Public Comment:**
- a. **Applicability:** This Section shall only apply to an emissions unit when:
    - i. BACT is required to be applied to a new unit or a modification to an existing unit in accordance with Section (E)(1) of this Rule; or
    - ii. A stationary source has requested to assume a federally enforceable emissions limit such that the increase in the potential to emit from a new emissions unit or modification to an emissions unit is artificially constrained.
  - b. **Written Notice:** Within ten (10) calendar days following a preliminary decision on the Authority to Construct, the APCO shall publish in at least one (1) newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO noting how pertinent information can be obtained, and inviting written public comment for a thirty (30)-day period following the date of publication. Copies of such notice shall be sent to CARB and EPA.
  - c. **Public Inspections:** The APCO shall make available at the District offices the information submitted by the applicant and the APCO's analysis no later than the time that the notice of preliminary decision is published. All such information shall also be transmitted, no later than the date of publication, to CARB and EPA. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the Government Code and relevant sections of the Administrative Code of the State of California.
- 5. Denial, Failure To Meet Standards:** The APCO shall deny any Authority to Construct or Permit to Operate if the APCO finds that the subject of the application would not comply with the standards set forth in District, State, or federal rules or regulations.
- 6. Authority to Construct, Final Action:** Within 180 days after acceptance of an application as complete, the APCO shall take final action on the application after considering all written comments. The APCO shall provide written notification of the final action to the applicant, CARB, and EPA, and shall make the notification and all supporting documents available for public inspection at the District offices for all Authorities to Construct issued for emissions units subject to the requirements of Section (E)(1) of this Rule.
- 7. Requirements for Permits to Operate:** As a condition for the issuance of a Permit to Operate, the APCO shall require that the new source or modification, and any sources which provide offsets will be operated in the manner assumed in making the analysis to determine compliance with this Rule. The Permit to Operate shall include daily emissions limitations which reflect applicable emissions limitations, including BACT. As a condition for the issuance of a Permit to Operate, any stationary source which provides emission offsets shall be subject to enforceable permit conditions, containing specific emissions limitations, and/or operational limitations which ensure that the emission reductions will be provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed source. When the source of offsets is not subject to a permit, a written contract shall be required between the applicant and the owner or operator of such offset source, which contract, by its terms, shall be enforceable by the APCO. A violation of the emission limitation provisions of any such contract shall be chargeable to the applicant.

- a. Where the source of offsets is a non-permitted source, the District shall require the non-permitted source to obtain an enforceable permit, complete with operational and emission limitations. If the source of offsets is a permit-exempt piece of equipment, that particular source must relinquish its exempt status.
- b. If the District, pursuant to state laws or District Regulations, cannot permit the source of offsets, the source creating the offsets shall execute a legally binding contract between the applicant and the owner or operator of such offset source, which contract, by its terms, shall be enforceable by the APCO. A violation of the emission limitation provisions of any such contract shall be chargeable to the applicant. [*Note: This subsection will not be included in the Federal SIP submittal of this rule.*]

**8. Issuance of Permits to Operate:** The APCO shall issue a Permit to Operate for any stationary source which meets the requirements of this Rule. Any offsets required as a condition of an Authority to Construct or amendment to a Permit to Operate shall commence not later than the initial operation of the new or modified source, and the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, the APCO shall determine that all conditions specified in the Authority to Construct have been or will be complied with by any dates specified. Where a new or modified stationary source is, in whole or part, a replacement for an existing stationary source on the same property, the APCO may allow a maximum of one hundred and eighty (180) days as a start-up period for simultaneous operations of the existing stationary source and the new source or replacement.

**9. Reserved.**

**10. Permit Conditions:** The APCO shall have the authority to place conditions on the Authority to Construct and/or Permit to Operate which will ensure that the construction, modification, or operation of such source will comply with all applicable rules and regulations. Such conditions may include, but not be limited to: hours of operation; processing parameters; periods of use; and emission limitations on an hourly, daily, or yearly basis.

**I. POWER PLANT PROCEDURES:** A power plant shall be defined as a stationary source that produces electricity. This section shall apply to all power plants proposed to be constructed in the district and for which a Notice of Intention (NOI) or Application for Certification has been accepted by the California Energy Commission (CEC). The APCO may apply for reimbursement of all costs incurred, including lost fees, in order to comply with the provisions of this section.

**1. Intent to Participate and Preliminary Report:** Within fourteen (14) days of receipt of an NOI, the APCO shall notify CARB and the CEC of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to CARB and the CEC prior to the conclusion of the non-adjudicatory hearing specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:

- a. A preliminary specific definition of BACT for the proposed facility; and
- b. A preliminary discussion of whether there is a substantial likelihood that the requirements of this Rule and all other District Regulations can be satisfied by the proposed facility; and
- c. A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable District Regulation.

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

2. **Determination of Compliance Review:** Upon receipt of an Application for Certification (AFC) for a power plant, the APCO shall conduct a Determination of Compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the AFC does not meet the requirements of this Rule, the APCO shall, within twenty (20) calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for re-submittal.
3. **Equivalency of Application:** The APCO shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review, and shall apply all provisions of this Rule which apply to an application for an Authority to Construct.
4. **Need for Additional Information:** The APCO may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner for an order directing the applicant to supply such information.
5. **Preliminary Determination:** Within 180 days of accepting an AFC as complete, the APCO shall make a preliminary decision on:
  - a. whether the proposed power plant meets the requirements of this Rule and all other applicable District Regulations; and
  - b. in the event of compliance, what permit conditions will be required, including the specific BACT requirements and a description of required mitigation measures. The preliminary written decision under Section (H)(3) of this Rule shall be treated as a preliminary decision under Section (H)(5) of this Rule, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Sections (H)(4) through (H)(6) of this Rule. The APCO shall not issue a Determination of Compliance unless all requirements of this Rule are met.
6. **Determination of Compliance:** Within 240 days of the filing date, the APCO shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall inform the CEC. A Determination of Compliance shall confer the same rights and privileges as an Authority to Construct only when and if the Commission approves the AFC, and the Commission certificate includes all conditions of the Determination of Compliance.
7. **Permit to Operate:** Any applicant receiving a certificate from the CEC Pursuant to this Section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the APCO.

**J. EXCLUSIONS:**

1. New Source Review Procedures in accordance with Rule 110 shall not be required for temporary stationary sources which will be in operation for less than 90 days duration provided BACT is applied in accordance with Section 5.1 and such operations will not interfere with the control strategy of the SIP.
2. **Reserved.**

**K. PREVENTION OF SIGNIFICANT DETERIORATION (PSD):** The provisions of this section shall only apply to new or modified sources which have the potential to emit greater than the applicable annual significance threshold of the NSR Regulated Pollutant(s) listed in Table 1.0 Significance Thresholds of Section (E)(1).

1. Pursuant to the CAA in addition to any other requirements imposed in these Rules and Regulations, and notwithstanding any other permit requirements, no sources subject to these Rules and Regulations shall be permitted to release emissions into the atmosphere which cause or create an exceedance of the maximum allowable prevention of significant deterioration (PSD) increments for Class I, Class II, or Class III areas as defined in Regulation I, Rule 101.
2. An air quality analysis of the ambient impacts associated with the construction and operation of the proposed new source or modification shall be prepared to determine if the new emission emitted from the proposed major source or, modification, in conjunction with other applicable emissions from existing sources (including secondary emission from growth associated with the new project), will not cause or contribute to a violation of any PSD increment.
3. A separate air quality analysis must be submitted for each regulated pollutant if the applicant proposes to emit a pollutant in a significant amount from a new major stationary source, or proposes to cause a significant net emission increase from a major modification.
4. Generally, the air quality analysis shall involve; (1) an assessment of existing air quality, which may include ambient air monitoring data and air quality dispersion modeling result, and (2) predictions, using dispersion modeling, of ambient concentrations that will result from the applications proposed project and future growth associated with the project.
5. All increment consumptions shall be determined using a baseline emission date established as a reference point for determining air quality deterioration in an area. The baseline concentration is pollutant specific and is essentially the air quality level existing at the time of the first complete PSD permit application submittal in the District. On or before the first PSD application, emissions are considered to be part of the baseline concentration, and emissions changes after that date affect the amount available PSD increments.
6. The amount of PSD increment that has been consumed in a PSD area is determined from the emissions increases and decreases which have occurred from sources since the applicable baseline date. In order to determine the amount of PSD increment consumed (or the amount of available increment), no determination of the baseline concentration needs to be made. Instead, increment consumption calculations must reflect only the ambient pollutant concentration change attributable to increment-affecting emissions. Emissions increases that consume a portion of the applicable increment are, in general, all those not accounted for in the baseline concentration and specifically include actual emissions increased occurring after the major source baseline date, which are associated with physical changes or changes in the method of operation (i.e., construction) at a major stationary source. The amount of available increment may be added to, or "expanded".
7. From the reduction of actual emissions after the major source baseline date, if the reduction results from a physical change or change in the method of operation (i.e., construction) at a major stationary source. The reduction will add to the available increment only if the reduction is included in the federally enforceable permit or SIP provision.

8. The credible increase of an existing stack height or the application of any other credible dispersion technique may affect increment consumption or expansion in the same manner as an actual emissions increase or decrease. (The effects that a change in the effective stack height would have on ground level pollutant concentrations generally should be factored into increment analysis.) Any increase in a stack height, in order to be creditable, must be consistent with the EPA's stack height regulations; credit cannot be given for that portion of the new height which exceeds the height demonstrated to be the good engineering practice (GEP) stack height.
9. Increment consumption (and expansion) will generally be based on changes in actual emissions reflected by the normal source operation for a period of 2 years. However, if the little or no operating data are available, as in the case of permitted emission units not yet in operation at the time of the increment analysis, the potential to emit must be used instead.
10. **Reserved.**





# **Regulation I**

## **Rule 111 – Federal Permitting Requirements for Sources of Greenhouse Gases**

The content of this Rule was first adopted as part of Regulation I in 2011.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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# RULE 111

## FEDERAL REQUIREMENTS FOR SOURCES OF GREENHOUSE GASES

**A. 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 110 (NSR) and Rule 501 (Title V), 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

**B. APPLICABILITY:**

**1. General Applicability:** Except as provided in sections (B)(2), (B)(3), (B)(4), and (B)(5) below, this Rule shall apply to any stationary source which has the potential to emit greenhouse gases.

**2. Exemption, Stationary Source with Potential to Emit Greenhouse Gases Below Specified Thresholds:** This Rule shall not apply to any stationary source which has a maximum potential to emit greenhouse gases below the applicable threshold(s) in sections (D)(1) and (D)(2), below, including sources with their potential to emit limited by conditions in an operating permit if the conditions are federally, or legally and practically enforceable.

**3. Exemption from Recordkeeping and Reporting:** The following sources shall not be required to comply with the recordkeeping and reporting provisions in sections (E), (F), and (G):

- a. A stationary source which emits, or will emit, less than or equal to 5,000 tons per year of CO<sub>2</sub>e, in every 12-month period. Within 30 days of a written request by the District or 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 CO<sub>2</sub>e, in every 12-month period in the preceding 5 years.
- b. Any stationary source that would otherwise be subject to the provisions of section (D)(2)(b) or (D)(4)(2)(c) below and which meets both of the following conditions:
  - i. The owner or operator has notified the District at least 30 days prior to any violation that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits; and
  - ii. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.
- c. Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with District Rule 501 and is awaiting final action by the District and EPA.
- d. Any stationary source required to obtain a Part 70 permit under District Rule 501 for any reason other than being a major source.
- e. Any stationary source with a valid Part 70 permit.

Notwithstanding subsections (b) and (d) above, nothing in this section shall prevent any stationary source which has had a Part 70 permit from qualifying to comply with this Rule in the future in lieu of maintaining an application for a Part 70 permit or upon rescission of a Part 70 permit if the owner or operator demonstrates that the stationary source is in compliance with the provisions of section (D)(2)(b) or (D)(2)(c), below.

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 CO<sub>2</sub>e, in every 12-month period in the preceding 5 year period.

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.

C. **DEFINITIONS:** The definitions provided under District Rules 101, 110, and 502 shall apply unless otherwise defined herein.

1. **12-month period:** A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

2. **Actual Emissions:** The emissions of the sum of greenhouse gases, expressed as CO<sub>2</sub>e, 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 EPA; where such methods are not available, the APCO may allow methods approved by CARB or other District-approved methods, including emission factors and assumptions.

3. **Alternative Operational Limit:** A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section (G), Alternative Operational Limit and Requirements.

4. **CO<sub>2</sub> Equivalent Emissions (CO<sub>2</sub>e):** For the purposes of this rule, the sum of the adjusted emissions of each of the six individual greenhouse gases as defined in Section (C)(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 2 in Section (I).

5. **Emission Unit:** Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any greenhouse gas.

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.

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 CO<sub>2</sub> 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 2 of Section (I).

- 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 (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).
- 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 CO<sub>2</sub>e, provided that the mass emissions of all GHGs emitted, without consideration of GWP, are equal to or greater than the following:
- a. 100 tons per year for a source in any category listed under Section (C)(10)(c); or
  - b. 250 tons per year for any other source.
- 10. Major Source for PSD:** A "major source" for PSD is as specified below:
- a. Major Source for PSD means:
    - i. Any of the stationary sources of air pollutants listed in Section (C)(10)(c), which emits or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant;
    - ii. Notwithstanding the stationary source size specified in paragraph (1) above, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant; or
    - iii. Any physical change that would occur at a stationary source not otherwise qualifying under paragraph A.1 or A.2 as a major stationary source, if the changes would constitute a major stationary source by itself.
  - b. A major source that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.
  - c. 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:
    - i. Coal cleaning plants (with thermal dryers);
    - ii. Kraft pulp mills;
    - iii. Portland cement plants;
    - iv. Primary zinc smelters;
    - v. Iron and steel mills;
    - vi. Primary aluminum ore reduction plants;
    - vii. Primary copper smelters;
    - viii. Municipal incinerators capable of charging more than 250 tons of refuse per day;
    - ix. Hydrofluoric, sulfuric, or nitric acid plants;
    - x. Petroleum refineries;
    - xi. Lime plants;
    - xii. Phosphate rock processing plants;
    - xiii. Coke oven batteries;
    - xiv. Sulfur recovery plants;
    - xv. Carbon black plants (furnace process);
    - xvi. Primary lead smelters;
    - xvii. Fuel conversion plants;
    - xviii. Sintering plants;
    - xix. Secondary metal production plants;
    - xx. 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;

- xxi. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- xxii. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- xxiii. Taconite ore processing plants;
- xxiv. Glass fiber processing plants;
- xxv. Charcoal production plants;
- xxvi. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
- xxvii. Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

**11. 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.

**12. 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.

**13. 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.

**D. EMISSION LIMITATIONS:**

**1. New Sources:** A new stationary source subject to this Rule shall comply with the requirements of District Rule 110, including implementation of BACT for GHG emissions, if either of the following thresholds is met:

- a. On or after January 2, 2011, the new stationary source is a major source under District Rule 110, and the new stationary source has the potential to emit greater than or equal to 75,000 tons per year of CO<sub>2</sub>e, and the potential emissions of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis, for any source in a category listed under Section 3.10.C, or 250 tons per year on a mass basis for any other source ; or
- b. On or after July 1, 2011, either the provisions of Section (D)(1)(a) apply, or the new stationary source has the potential to emit GHGs greater than or equal to 100,000 tons per year of CO<sub>2</sub>e, and the potential emissions of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis, for any source in a category listed under Section (C)(10)(c), or 250 tons per year on a mass basis for any other source.

**2. Existing Sources:** A stationary source subject to this Rule shall comply with the provisions of either section (a), section (b), or section (c), below.

- a. A stationary source shall comply with the requirements of District Rule 501, and shall include in its operating permit emissions of GHGs and all applicable GHG requirements, if either of the following thresholds is met:
  - i. 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 501; or
  - ii. On or after July 1, 2011, either the provisions of (D)(2)(a)(i) apply, or the stationary source is a “major source of GHG emissions”.
- b. A stationary source shall comply with the requirements of District Rule 501, and shall include in its operating permit limitations on emissions of GHGs to ensure the source is not a “major source of GHG emissions” if the conditions of section (D)(2)(a)(i) or section (D)(2)(a)(ii) applies.
- c. Unless the stationary source complies with the provisions of section (D)(2)(a) or (b), above, or the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section (G)(1) below, no stationary source subject to this Rule shall emit more than 50,000 tons of CO<sub>2</sub>e, in any 12-month period.

Calculations and other methods to determine applicability of, and compliance with the provisions of Section (D)(2) shall be as specified in District Rules 501 and 504.

**3. Modifications to Existing Sources:** Any modification to an existing stationary source subject to this Rule shall comply with the requirements of District Rule 110, and shall implement BACT for GHG emissions, if either of the following conditions apply:

- a. On or after January 2, 2011, the existing source, before modification, is a “major source for PSD”, and all of the following apply:
  - i. The emissions increase from the modification, and the net emissions increase from the facility are greater than or equal to 75,000 tons per year of CO<sub>2</sub>e; and
  - ii. The emissions increase from the modification, and the net emissions increase from the facility, of all GHGs emitted, without consideration of GWP, will be greater than zero.
- b. On or after July 1, 2011, either the conditions in Section (D)(3)(a) apply, or all of the following apply:
  - i. The existing stationary source before modification is a “major source of GHG emissions”; and
  - ii. The emissions increase from the modification, and the net emissions increase from the facility are greater than or equal to 75,000 tons per year of CO<sub>2</sub>e; and
  - iii. The emissions increase from the modification, and the net emissions increase from the facility, of all GHGs emitted, without consideration of GWP, will be greater than zero.
- c. On or after July 1, 2011, either the conditions in Section (D)(3)(a) or (D)(3)(b) apply, or all of the following apply:
  - i. The emissions increase from the modification, and the net emissions increase from the facility are greater than or equal to 100,000 tons per year of CO<sub>2</sub>e; and
  - ii. The emissions increase from the modification, and the net emissions increase from the facility, of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis, for a source in any category listed in Appendix B, or 250 tons per year on a mass basis for any other source.
- d. Calculations and other methods to determine applicability of, and compliance with the provisions of Section (D)(3) shall be as specified in District Rule 110.

**4. Evaluation:** The APCO shall evaluate a stationary source's compliance with the emission limitations in section (D)(2)(c), above as part of the District's annual permit renewal process required by H&SC

42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section 6.0, 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.

**5. Permit Applications:** An application for a permit for a stationary source pursuant to sections (D)(1) or (D)(2)(a) or (D)(2)(b) shall include the following information:

- a. An application submitted pursuant to Section (D)(1) shall, in addition to the information specified in District Rule 110, include sufficient information about greenhouse gas emissions from the modified emission units for the District to determine all applicable requirements, including the net emissions increase of GHG emissions from the project, and a BACT analysis, if required.
- b. An application submitted pursuant to section (D)(2)(a) shall, in addition to the information specified in District Rule 502, include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.
- c. An application submitted pursuant to section (D)(2)(b) shall, in addition to the information specified in District Rule 502 include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.
- d. Recordkeeping 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 (G), 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.

**6. Exceeding De Minimis Emissions:** A stationary source previously covered by the provisions in section (B)(3)(a) above shall comply with the applicable provisions of Section (E) above and Sections (F) and (G) below if the stationary source emissions exceed the limit specified in section (B)(2).

**E. 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 EPA staff upon request.

**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:

- a. 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
- b. 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.

**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:

- a. Information on equipment type and description, make and model, and emission units served by the control unit;

- b. 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
  - c. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.
- 3. General Emission Unit:** The owner or operator of a stationary source subject to this Rule that contains an emission unit not included in subsections A or B above shall keep and maintain the following records:
- a. 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);
  - b. Any additional information requested in writing by the APCO;
  - c. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
  - d. Purchase orders, invoices, and other documents to support information in the monthly log.

#### **F. REPORTING REQUIREMENTS:**

- 1. Process Statement** At the time of annual renewal of a permit to operate under District Rule 102, 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.
- 2. Loss of Exemption** A stationary source previously covered by provisions in Section (B)(4) above shall comply with the provisions of section (F)(1) above if the stationary source exceeds the quantities specified in section (B)(4).
- 3. Deadline to Submit** Any additional information requested by the APCO under Section (F)(1) above shall be submitted to the APCO within 30 days of the date of request.

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

- 1. 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.
  - a. The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.



- b. The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or EPA staff upon request.
- c. Boilers: The owner or operator shall operate the boiler(s) in compliance with the following requirements:
  - i. 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-1, below:

<b>Table 1 – Annual Capacity Limits</b>				
<b>Boiler Fuel</b>	<b>Annual Fuel Use Cap</b>	<b>MMBtu/hr with 7,000 hr. cap</b>	<b>MMBtu/hr with 6,000 hr. cap</b>	<b>MMBtu/hr with 5,000 hr. cap</b>
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

- ii. 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.
  - iii. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
- 2. 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 exceedance of an applicable operational limit specified in Section (F)(1) above.

## H. VIOLATIONS

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 District Rules and Regulations, and/or the provisions of the District's mutual settlement policy as determined by the APCO. Each day during which a violation of this Rule occurs is a separate offense.
2. Applicable Federal Requirements: In addition to penalties assessed pursuant to Section (H)(1), a stationary source which violates the provisions of (D)(2)(c), or which cannot demonstrate compliance with those provisions, shall be immediately subject to the provisions of District Regulation V and must submit an application for a permit pursuant to that Regulation 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.

- I. **GLOBAL WARMING POTENTIAL:** For purposes of compliance with this Rule, the Global Warming Potential values listed in Table 2 shall be used.

<b>Table 2 - Affected Greenhouse Gases Pollutants and Their Global Warming Potentials</b>			
<b>GHG Name</b>	<b>GWP</b>	<b>GHG Name</b>	<b>GWP</b>
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-356mec3	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

# **Regulation I**

## **Rule 120 – Vapor Extraction**

The content of this Rule was first adopted as part of Regulation I in 2011.  
The current version was adopted by the Governing Board via Resolution 2015-9 on July 9, 2015.

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## **RULE 120**

### **VAPOR EXTRACTION**

**A. PURPOSE:** Environmental remediation involves the removal of pollution or contaminants from environmental media such as soil, groundwater, sediment, and surface water. Soil remediation activities using soil vapor extraction (VE) techniques may result in the release into the atmosphere of volatile organic compounds (VOCs). The purpose of this Rule is to control emissions of VOCs from soil remediation vapor extraction projects through a simplified permitting process when VOC release is below limits established herein.

**B. APPLICABILITY:**

1. This Rule shall apply to VE equipment used in any soil remediation project that involves extraction of contaminants in liquid or vapor form, from soil, groundwater, sediment, or surface water.
2. Projects which have emissions of VOCs greater than or equal to 1.0 pound per hour shall obtain a permit pursuant to Rule 102.
3. Projects which have emissions of VOCs less than 1.0 pound per hour shall be subject to VE permit requirements pursuant to this Rule.
4. No permit for VE equipment shall be required for a District approved pilot test lasting less than 72 continuous hours.

**C. PERMIT APPLICATION REQUIREMENTS:** Any person owning or operating VE equipment subject to this Rule shall obtain a VE permit prior to conducting any soil remediation activity, except as specified in section (B)(4) of this Rule. The APCO may, at his discretion, require the applicant to obtain a minor source permit for the VE equipment pursuant to District Rule 102 instead of the simplified permit under this Rule. All persons seeking a VE permit shall provide the following information on District application forms:

1. The name and contact information of the owner and operator of the VE equipment;
2. The name and contact information of the owner of the site being remediated;
3. The address or physical location of the property to be remediated;
4. The type of media being remediated;
5. The make and model of the VE equipment and air quality control equipment;
6. The estimated total quantity of pollutants to be remediated;
7. The estimated total quantity of pollutants to be emitted into the atmosphere after controls;
8. The make and model of VE equipment and control equipment to be used;

9. The anticipated start date and completion date for the project; and
10. Any additional information the APCO determines necessary to ensure compliance with all applicable air quality regulations.

**D. CONTROL REQUIREMENTS:** All projects subject to this Rule shall comply with the following:

1. All equipment permitted pursuant to this Rule shall have control devices installed and operational at all times the emitting device is operational;
2. The permitted equipment and associated control equipment shall be operated and maintained in accordance with the manufacturer's specifications such that the total quantity of VOC emissions is less than 1.0 pound per hour;
3. In the event VOC control equipment is used, it shall achieve VOC control efficiency of no less than 90% at all times. The destruction efficiency requirement shall not apply when uncontrolled VOC emissions are less than 0.1 pounds per hour; and
4. Any breakdowns or malfunctions shall be reported pursuant to District Rule 105 (B).

**E. RECORDKEEPING & REPORTING:** The VE permit holder shall provide the following written reports, and maintain records, using District approved forms:

1. An annual report shall be submitted to the District no later than February 15 of each year;
2. Notice of project completion shall be provided to the District within 30 days after completion of permitted VE activity for a project;
3. Notice of equipment modifications shall be provided to the District 15 days prior to modification;
4. Equipment maintenance logs shall be maintained and made available upon request; and
5. Notice of transfer of ownership shall be provided to the District 15 days prior to any transfer.

**F. VE PERMIT FEES:** A VE permit issued pursuant to this Rule 120 is subject to payment of the following fees. The value of X set forth below shall be determined in accordance with Rule 400 (B).

1. The initial fee for the VE permit is equal to 1.0 X. Payment shall accompany the application;
2. The annual renewal fee for the simplified VE permit is equal to 0.5 X. Payment is due at the time the owner or operator is invoiced by the District; and
3. Renewal fees not received within 30 days from the date of invoice shall be considered delinquent and shall be processed in accordance with Rule 400 (I).