

RULE 226

Limitations on Potential to Emit

(A) General

(1) Purpose

- (a) The purpose of this rule is to create Federally Enforceable limitations on Potential to Emit for all facilities, as defined in District Rule 3001(M), which meet the applicability criteria set forth below and otherwise comply with the provisions of this rule.

(2) Applicability

- (a) This rule shall apply to any Facility, as defined in District Rule 3001(M), which would, if it did not comply with the limitations set forth in this rule, have the Potential to Emit Air Pollutants, as defined in District Rule 3001(E) equal to or in excess of the threshold for a Major Facility or the threshold for a Major GHG Facility and which meets one of the following conditions:
 - (i) In every Twelve (12) Month Period, the Actual Emissions of the Facility are less than or equal to the emissions limitations set forth in section (C); or
 - (ii) In every Twelve (12) Month Period, at least ninety percent (90%) of the emissions from the Facility are associated with an operation limited by any one of the alternate operational limits as set forth in section (E).
- (b) This rule shall not apply to any of the following:
 - (i) Any Facility whose Actual Emissions, throughput, or operation, at any time after the effective date of this rule is greater than the emissions limitations set forth in section (C) or Alternative Operational Limits set forth in section (E) and which meets the following conditions:
 - a. The owner or operator of the Facility has notified the District at least thirty (30) days prior to any exceedance that an application for a Federal Operating Permit (FOP) pursuant to Regulation XXX will be submitted, or a Federally Enforceable voluntary emissions limitation pursuant to District Rule 225 will be obtained; and

- b. A complete application for a FOP is received by the District, or the voluntary emissions limitation is approved and included on the permit for the Facility, within twelve (12) months of the date of the notification.
 - (ii) Any Facility that has applied for a FOP in conformance with Regulation XXX in a timely manner and is awaiting final action by the District and/or USEPA.
 - (iii) Any Facility required to obtain a FOP for any reason other than it qualifies as a Major Facility or Major GHG Facility.
 - (iv) Any Facility with a valid FOP.
 - (v) Any Facility with a valid District permit which contains Federally Enforceable voluntary emissions limitations issued pursuant to District Rule 225 which limit the Potential to Emit of the Facility to levels below the applicable threshold for a Major Facility and/or Major GHG Facility.
- (c) A Facility described in subsection (A)(2)(b)(i) above, may be immediately subject to all applicable federal requirements.
 - (d) Notwithstanding subsections (A)(2)(b)(ii) and (A)(2)(b)(iv) above, nothing in this section shall prevent any Facility, which has had a FOP, from qualifying to comply with this rule in the future in lieu of maintaining an application for a FOP or upon recession of a FOP if the owner or operator demonstrates that the Facility is in compliance with the emissions limitations set forth in section (C) or Alternative Operational Limits set forth in section (E).
 - (e) For the purposes of determining applicability of this rule, the owner or operator of a Facility may take into account the operational limitations of air pollution control equipment when determining Potential to Emit as long as such air pollution control equipment is required by federal, state or District law, rule, permit or regulation.
 - (i) The owner or operator of the Facility shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.
 - (f) The provisions of subsection (A)(2)(e) above shall not apply after January 1, 1999 unless the operational limitation requiring the air pollution control device is Federally Enforceable
 - (g) Any extension of the provisions of subsection (A)(2)(e) pursuant to subsection (A)(2)(f) above shall remain valid unless and until USEPA disapproves such extension.

(B) Definitions

For the purposes of this rule the definitions contained in District Rule 3001 shall apply unless a term is otherwise defined herein.

- (1) “Actual Emissions” - The emissions of a Regulated Air Pollutant from a Facility for every Twelve (12) Month Period. Actual Emissions shall be determined as follows:
 - (a) By the use of valid continuous emissions monitoring data or source tests data.
 - (b) In the absence of data as specified in subsection (B)(1)(a) above, by calculation of emissions from any one or more of the following: throughputs of process material; throughputs of material stored; usage of materials; data provided in manufacturer's product specifications; Volatile Organic Compound (VOC) content reports or laboratory analyses for the material; any other information required by this rule or by any other federal, state or District regulations; and/or information requested in writing by the District.
 - (c) All calculations of Actual Emissions shall use USEPA, CARB or District approved methods, including but not limited to emissions factors and other assumptions.
- (2) “Air Pollutant” - Any air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive (including source material, special nuclear material and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air
- (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 (E).
- (4) “California Air Resources Board” (CARB) - The Air Resources Board of the State of California as established pursuant to the provisions of Part 2 of Division 26 (commencing with section 39500) of the California Health and Safety Code.
- (5) “CO₂ Equivalent Emissions” (CO₂e) - The sum of the adjusted emissions of each of the six individual GHG as defined below, where the adjusted emissions for each individual GHG are equal to the mass emissions of that GHG multiplied by the GHGs global warming potential as listed in Appendix A of District Rule 3011.
- (6) “Contiguous Property” - Two or more parcels of land with a common boundary or separated solely by a public or private roadway, or other public or private right-of-way.

- (7) “District” - The Antelope Valley Air Quality Management District the geographical area of which is described in District Rule 103.
- (8) “Emission Unit” - Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any Regulated Air Pollutant or HAP.
- (9) “Facility” - Any permit unit, group of permit units, non-permitted equipment, or any combination thereof which emits or may emit an Air Pollutant; and belongs to a single major industrial group in the Standard Industrial Classification Manual; and is located on a single parcel of land or on Contiguous Property within the District; and which is owned or operated by the same person or by persons under common control.
- (10) “Federal Clean Air Act” - The Federal Clean Air Act (codified at 42 U.S.C. § 7401-7671q) as well as any amendments thereto and any implementing regulations promulgated thereunder.
- (11) “Federal Operating Permit” (FOP) - An operating permit issued pursuant to District Regulation XXX after the effective date of such regulation as set forth in District Rule 3000(D).
- (12) “Federally Enforceable” - Any requirement, condition or other term which is fully enforceable by USEPA pursuant to the provisions of 42 U.S.C. § 7413 (Federal Clean Air Act § 113) or the public pursuant to the provisions of 42 U.S.C. § 7604 (Federal Clean Air Act § 304).
- (13) “Greenhouse Gases” (GHGs) - An Air Pollutant consisting of the aggregate group of any of the following: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and/or sulfur hexafluoride (SF₆).
- (14) “Hazardous Air Pollutant” (HAP) - Any Air Pollutant listed pursuant to 42 U.S.C. § 7412(b) (Federal Clean Air Act § 112) or in regulations promulgated thereunder.
- (15) “Major Facility” - Any Facility which emits or has the Potential to Emit the following amounts and types of Air Pollutants:
 - (a) 100 tons per year or more of any Air Pollutants other than those indicated in subsections (b) and (c) below.
 - (b) 25 tons per year or more of the following Air Pollutants:
 - (i) NO_x (nitrogen oxides)
 - (ii) VOC (Volatile Organic Compounds)
 - (c) 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs or such lesser quantity as the USEPA may establish by rule.

- (16) “Major GHG Facility” - Any Facility which emits or has the Potential to Emit during any twelve (12) month period greater than both the following amounts:
- (a) 100 tons GHGs without consideration of the GHGs global warming potential as listed in Appendix A of District Rule 3011; and
 - (b) 100,000 tons CO₂e.
- (17) “Potential to Emit” - The maximum capacity of a Facility to emit any Air Pollutant under its physical and operational design.
- (a) Any physical or operational limitation on the capacity of the unit to emit a pollutant including air pollution control equipment; restrictions on hours of operation; or restrictions on the type and/or amount of material combusted, stored or processed shall be treated as part of the design if such limitation is Federally Enforceable.
 - (b) Fugitive Emissions of HAPs shall be included in the calculation of a Facility's Potential to Emit.
 - (c) Fugitive Emissions of other Air Pollutants shall not be included in the calculations of a Facility's Potential to Emit unless the Facility belongs to a category listed in 40 CFR 70.2 "Major Source"(2).
 - (d) Emissions of HAPs from any oil or gas exploration well (with its associated equipment) and emissions from any pipeline compressor or pump stations shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area.
- (18) “Process Statement” - An annual report on permitted Emission Units from an owner or operator of a Facility certified pursuant to District Rule 3008 and containing the following information as applicable: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; any other information required by this rule; and/or any other information requested by the District in writing.
- (19) “Regulated Air Pollutant” - Any of the following Air Pollutants:
- (a) Any pollutant, and its precursors, for which a national ambient air quality standard has been promulgated.
 - (b) Any pollutant that is subject to a standard under 42 U.S.C. §7411 (Federal Clean Air Act §111) or any regulation promulgated pursuant to that section.
 - (c) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or any regulation promulgated pursuant to that section.

- (d) Any pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412 (Federal Clean Air Act §112).
- (20) “Twelve (12) Month Period” - A period of twelve consecutive months determined on a rolling basis with a new twelve month period beginning on the first day of each calendar month.
- (21) “United States Environmental Protection Agency” (USEPA) - Refers to the Administrator or the appropriate designee of the United States Environmental Protection Agency.

(C) Emissions Limitations

- (1) Unless the owner or operator of a Facility has chosen to operate the Facility under an Alternative Operational Limit as specified in section (E), no Facility subject to this rule shall emit in every Twelve (12) Month Period more than the following quantities of emissions:
 - (a) Fifty percent (50%) of the Major Facility thresholds for Regulated Air Pollutants (excluding all HAPs and GHGs) as set forth in District Rule 3001(S);
 - (b) For HAPs:
 - (i) Five (5) tons per year of a single HAP; or
 - (ii) Twelve and a half (12.5) tons per year of any combination of HAPs; or
 - (iii) Fifty percent (50%) of any lesser threshold for a single HAP as the USEPA may promulgate by regulation.
 - (c) For GHGs
 - (i) Fifty percent (50%) of the Major GHG Facility.
- (2) The District shall evaluate the compliance by a Facility with the emissions limitations stated in subsection (C)(1) above as a part of the District's annual permit renewal process required by Health & Safety Code §42301(e).
 - (a) In performing this evaluation the District shall consider any annual Process Statement submitted pursuant to this rule.
 - (b) In the absence of valid continuous emission monitoring data or source test data, Actual Emissions shall be calculated using emissions factors approved by USEPA, CARB or the District.
- (3) Unless the owner or operator has chosen to operate the Facility under an Alternative Operational Limit as specified in section (E), the owner or operator of a Facility subject to this rule shall obtain any necessary permits or permit

modification prior to commencing any physical or operational change or activity which will result in Actual Emissions that exceed the limits specified in subsection (C)(1) above.

(D) Record Keeping and Reporting Requirements

(1) General Record Keeping:

- (a) Immediately upon adoption of this rule, the owner or operator of a Facility subject to this rule shall comply with the applicable record keeping requirements contained in subsections (D)(1) – (6) below unless:
 - (i) The owner or operator has chosen to operate the Facility under an Alternative Operational Limit as specified in section (E); or
 - (ii) Such Facility is exempt from record keeping requirements pursuant to section (F)(1).
- (b) An owner or operator who has chosen to operate the Facility under an Alternative Operational Limit as specified in section (E) shall, instead, comply with the applicable record keeping requirements contained in that section.
- (c) A Facility which was previously exempt pursuant to subsection (F)(1) shall comply with the appropriate record keeping requirements if such Facility exceeds the limits contained in subsection (F)(1).
- (d) The record keeping requirements contained in this rule shall not replace any record keeping requirement contained in a permit to operate or in any applicable federal, state or District rule or regulation.
- (e) The owner or operator of a Facility subject to this rule shall maintain records required pursuant to this section for each permitted Emission Unit or groups of permitted Emission Units sufficient to determine Actual Emissions.
 - (i) Such records shall be summarized in a monthly log; and
 - (ii) Such records shall be maintained on site for a period of at least five (5) years and shall be made available to the District, CARB or USEPA staff upon request.

(2) Record Keeping for Coating and/or Solvent Emission Unit(s):

- (a) The owner or operator of a Facility subject to this rule which contains a permitted coating and/or solvent emissions unit or which uses a coating, solvent, ink or adhesive shall keep and maintain the following records:
 - (i) A current list of all coatings, solvents, inks and adhesives used at the Facility. This list shall contain the following information:

Manufacturer, brand, product name or code; VOC content in grams per liter or pounds per gallon; and HAP content in grams per liter or pounds per gallon.

- a. In the alternative to the above information the list may contain manufacturer's product specifications, material VOC content reports and/or laboratory reports which provide the information required above.
 - (ii) A description of any equipment used during and after coating or solvent application including the following: type, make and model of equipment; maximum design process rate or throughput; control device(s) type and description (if any); a description of any coating or solvent application and/or drying method(s) employed.
 - (iii) A monthly log of the consumption of each solvent, coating, ink and adhesive used, including but not limited to solvents used in clean-up and surface preparation.
 - (iv) All purchase orders, invoices, and other documents to support information contained in the monthly log.
- (3) Record Keeping for Organic Liquid Storage Unit(s):
- (a) The owner or operator of a Facility subject to this rule which contains a permitted organic liquid storage unit shall keep and maintain the following records:
 - (i) A monthly log identifying the liquid stored and the monthly throughput.
 - (ii) Information on the tank design and specifications including any related control equipment
- (4) Record Keeping for Combustion Emission Unit(s):
- (a) The owner or operator of a Facility subject to this rule which contains a permitted combustion Emission Unit shall keep and maintain the following records:
 - (i) Information regarding the following: equipment type, make and model; maximum design process rate or maximum power input/output; minimum operating temperature (for thermal oxidizers only); equipment capacity; type and description of control device(s), if any; all source test information for the equipment.
 - (ii) A monthly log containing the following: hours of operation; fuel type, usage and fuel heating value; percentage of sulfur contained in fuel oil and coal used; percentage of nitrogen contained in coal used.
 - a. The appropriate BTU content of the fuel shall be included in the log and stated in terms of BTU/lb or BTU/gal.

- (5) Record Keeping for Emission Control Unit(s):
- (a) The owner or operator of a Facility subject to this rule that contains a permitted emission control unit shall keep and maintain the following records:
- (i) Information regarding the equipment type, description, make and model of the control unit.
 - (ii) Information regarding the Emission Units served by the control unit.
 - (iii) Information regarding equipment design, including but not limited to: Pollutants controlled and /control effectiveness; maximum design or rated capacity; inlet and outlet temperatures; concentrations for each pollutant controlled; catalyst data including type, material, life, volume, space velocity, ammonia injection rate and temperature; baghouse data including design, cleaning method, fabric material, flow rate, and air/cloth ratio; electrostatic precipitator data including number of fields, cleaning method, and power input; scrubber data including type, design, sorbent type, and pressure drop; any other appropriate design data; and all source test information.
 - (iv) A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.
- (6) Record Keeping for General Emission Unit(s);
- (a) The owner or operator of a Facility subject to this rule that contains an Emission Unit not listed in subsection (D)(2) – (5) above, shall keep and maintain the following records:
- (i) Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description, if any.
 - (ii) Any additional information requested in writing by the District.
 - (iii) A monthly log of operating hours including: each raw material used and its amount; each product produced and its production rate.
 - (iv) Purchase orders, invoices, and other documents to support information in the monthly log.
- (7) General Reporting Requirements:
- (a) The owner or operator of a Facility subject to this rule shall comply with the applicable reporting requirements contained in this subsection unless:

- (i) Such Facility is exempt from reporting requirements pursuant to subsection (F)(2).
- (b) At the time of annual renewal of a permit to operate pursuant to Regulation II, each owner or operator of a Facility subject to this rule shall submit to the District a Process Statement.
 - (i) Such Process Statement shall be signed by the owner or operator of a Facility and shall certify that the information provided in the Process Statement is accurate and true.
- (c) A Facility which was previously exempt pursuant to subsection (F)(2) shall comply with the applicable reporting requirements if such Facility exceeds the limits contained in subsection (F)(2).
- (d) The District may, in writing, request the submission of additional information. The owner or operator of a Facility subject to this rule shall submit such requested information within thirty (30) days of the date of the request.

(E) Alternative Operational Limits

- (1) General Provisions for Alternative Operational Limits:
 - (a) The owner or operator of a Facility subject to this rule may choose to operate under any one Alternative Operational Limit, provided that at least ninety percent (90%) of the Facility's emissions in every Twelve (12) Month Period are associated with the operation(s) limited by the applicable Alternative Operational Limit.
 - (b) Any owner or operator of a Facility choosing to operate under any one Alternative Operational Limit shall operate the Facility in compliance with the terms and conditions contained in the applicable alternative operating limit and comply with the specified record keeping and reporting requirements pursuant to section (D).
 - (c) Any owner or operator of a Facility choosing to operate under any one Alternative Operational Limit shall:
 - (i) Report within twenty-four (24) hours to the District any exceedance of the Alternative Operational Limit; and
 - (ii) Maintain all purchase order, invoices and other documentation required to support the information contained in any monthly log specified in an Alternative Operational Limit; and
 - (iii) Maintain all records and other documentation required to be kept pursuant to an Alternative Operational Limit on site for a period of at least five (5) years and to have such documentation available to the District, CARB or USEPA staff upon request.

- (d) Any owner or operator of a Facility choosing to operate under any one Alternative Operational Limit shall obtain any necessary permit prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit.
- (2) Alternative Operational Limit for Gasoline Dispensing Facilities with Phase I and Phase II Vapor Recovery Systems:
- (a) The owner or operator shall operate the gasoline dispensing Facility in compliance with the following:
 - (i) No more than 7,000,000 gallons of gasoline shall be dispensed in every Twelve (12) Month Period.
 - (ii) A monthly log of gallons of gasoline dispensed in the preceding month and a monthly calculation of the total gallons dispensed in the previous Twelve (12) Month Period shall be kept on site.
 - (iii) A copy of the monthly log required by subsection (E)(2)(a)(ii), above, shall be submitted to the District at the time of annual permit renewal of a permit to operate pursuant to Regulation II.
 - a. The owner or operator shall certify the log in compliance with the provisions of District Rule 3008.
- (3) Alternative Operational Limit for Degreasing or Solvent Using Unit(s):
- (a) The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following:
 - (i) If the solvents used do not include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene) or trichloroethylene:
 - a. No more than 5,400 gallons of any combination of solvent containing materials shall be used in every Twelve (12) Month Period; and
 - b. No more than 2,200 gallons of any one solvent containing material shall be used in every Twelve (12) Month Period.
 - (ii) If the solvents used include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene) or trichloroethylene:
 - a. No more than 2,900 gallons of any combination of solvent containing materials shall be used in every Twelve (12) Month Period; and
 - b. No more than 1,200 gallons of any one solvent containing material shall be used in every Twelve (12) Month Period.
 - (iii) A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous Twelve (12) Month Period shall be kept on site.

- (iv) A copy of the monthly log required by subsection (E)(3)(a)(iii) above shall be submitted to the District at the time of annual permit renewal of a permit to operate pursuant to Regulation II.
 - a. The owner or operator shall certify the log in compliance with the provisions of District Rule 3008.

- (4) Alternative Operational Limit for Paint Spraying Unit(s):
 - (a) The owner or operator shall operate the paint spraying unit(s) in compliance with the following:
 - (i) The total usage rate of all VOC containing materials, including but not limited to coatings, thinner, reducers, and cleanup solution shall not exceed 2,388 gallons in every Twelve (12) Month Period.
 - a. The VOC content of the material used at a paint spray unit shall not exceed 6.7 pounds solvent per gallon coating, as applied, less water and exempt compounds. Nothing in this section shall be construed to exempt an owner or operator from compliance with the applicable VOC content limitation for specific coatings as contained in applicable District rules or Regulations IV and XI.
 - (ii) A monthly log of the gallons of VOC containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous Twelve (12) Month Period shall be kept on site.
 - (iii) A copy of the monthly log shall be submitted to the District at the time of annual permit renewal of a permit to operate pursuant to Regulation II.
 - a. The owner or operator shall certify the log in compliance with the provisions of District Rule 3008.

- (5) Alternative Operational Limit for Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower:
 - (a) The owner or operator shall operate the emergency standby engine(s) in compliance with the following:
 - (i) The emergency standby engine(s) shall not operate more than 1,300 hours in every Twelve (12) Month Period and shall not use more than 66,000 gallons of diesel fuel in every Twelve (12) Month Period.
 - (ii) A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous Twelve (12) Month Period shall be kept on site.
 - (iii) A copy of the monthly log required by subsection (E)(5)(a)(ii) above shall be submitted to the District at the time of annual permit renewal of a permit to operate pursuant to Regulation II.

- a. The owner or operator shall certify the log in compliance with the provisions of District Rule 3008.

(F) Exemptions from Record Keeping and Reporting Requirements

(1) Facilities with De Minimis Emissions:

- (a) The record keeping and reporting requirements found in sections (C), (D)(1) – (6) and (E) shall not apply to a Facility which meets any of the following:
 - (i) The Facility emits less than or equal to the following quantities of emissions in every Twelve (12) Month Period:
 - a. Five (5) tons per year of a Regulated Air Pollutant excluding HAPs and GHGs.
 - b. For HAPs:
 - 1. Two (2) tons per year of a single HAP; or
 - 2. Five (5) tons per year of any combination of HAPs; or
 - 3. Twenty percent (20%) of any lesser threshold for a single HAP that the USEPA may promulgate by regulation.
 - c. For GHGs:
 - 1. 5,000 tons per year of GHGs measured as CO₂e in every Twelve (12) Month Period.
 - (ii) At least ninety percent (90%) of the Facility's emissions are associated with an operation for which the throughput is less than or equal to one of the following quantities for every Twelve (12) Month Period:
 - a. 1,400 gallons of any combination of solvent containing materials but no more than 550 gallons of any one solvent containing material, provided that the materials do not contain methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichlorethylene.
 - b. 750 gallons of any combination of solvent containing materials where the materials contain methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichlorethylene.
 - c. 597 gallons of VOC containing material used at a paint spray unit(s).
 - 1. The VOC content of the material used at a paint spray unit shall not exceed 6.7 pounds solvent per gallon coating, as applied, less water and exempt compounds. Nothing in this section shall be construed to exempt an owner or operator from

compliance with the applicable VOC content limitation for specific coatings as contained in applicable District rules or Regulations IV and XI.

- d. 4,400,000 gallons of gasoline dispensed from equipment with Phase I and Phase II vapor recovery systems.
- e. 470,000 gallons of gasoline dispensed from equipment without Phase I and Phase II vapor recovery systems.
- f. 1,400 gallons of gasoline combusted.
- g. 16,600 gallons of diesel fuel combusted.
- h. 500,000 gallons of distillate oil combusted.
- i. 71,400,000 cubic feet of natural gas combusted.

- (b) The owner or operator of any Facility which is exempt from record keeping pursuant to this subsection shall within thirty (30) days of a written request by the District or USEPA demonstrate that the emissions or throughput rates are not in excess of the applicable quantities as set forth in this subsection.

(2) Facilities with Greater than De Minimis Emissions:

- (a) The reporting requirements found in subsection (D)(7) shall not apply to a Facility which meets the following:
 - (i) The Facility emits less than or equal to the following quantities of emissions in every Twelve (12) Month Period:
 - a. For any Regulated Air Pollutant excluding HAPs and GHGs:
 - 1. Twenty five (25) tons per year of a Regulated Air Pollutant for which the District has a Federal area designation of attainment, unclassified, transitional or moderate nonattainment.
 - 2. Fifteen (15) tons per year of a Regulated Air Pollutant for which the District has a Federal area designation of serious nonattainment.
 - 3. Six and twenty five hundredths (6.25) tons per year of a Regulated Air Pollutant for which the District has a Federal area designation of severe nonattainment.
 - b. For HAPs:
 - 1. Two and fifty hundredths (2.50) tons per year of a single HAP; or
 - 2. Six and fifty hundredths (6.50) tons per year of any combination of HAPs; or
 - 3. Twenty percent (25%) of any lesser threshold for a single HAP that the USEPA may promulgate by regulation.

- c. For GHGs:
 - 1. Less than 25,000 tons per year of GHGs measured as CO₂e.

(G) Public Notice

- (1) Within three years of the effective date of Regulation XXX, the District shall maintain and make available to the public, upon request the following:
 - (a) A list of all facilities to which this rule is applicable; and
 - (b) Which provision(s) of this rule each Facility is complying with.

(H) Enforcement and Violations

- (1) Interaction with other District Rules:
 - (a) This rule shall not relieve any Facility from complying with requirements pertaining to any otherwise applicable preconstruction permit, or replace any condition or term contained in any preconstruction permit, or any provision of a preconstruction permitting program.
 - (b) Nothing in this rule shall preclude the issuance of any permit which contains conditions or terms necessary to ensure compliance with this or any other District Rule.
- (2) A Facility which is subject to this rule shall be subject to the applicable federal requirements for a Major Facility, including Regulation XXX, on the first day following every Twelve (12) Month Period when either of the of the following occur:
 - (a) The Facility exceeds a limit specified in sections (C) or (E); or
 - (b) The owner or operator of the Facility can not demonstrate that the Facility is in compliance with a limit specified in sections (C) or (E).
- (3) Failure to comply with any applicable provision of this rule shall constitute a violation of the rule. Each day during which a violation of this rule occurs shall constitute a separate violation.

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