

REGULATION VI – NEW SOURCE SITING

Rule 6.4 Construction Permit Standards for Hazardous Air Pollutants

A. Purpose

1. The purpose of this rule is to require the installation of best available control technology for toxics (T-BACT) at any constructed or reconstructed major source of hazardous air pollutants (HAPs). All T-BACT determinations shall ensure a level of control that the Air Pollution Control Officer (APCO) has determined to be, at a minimum, no less stringent than new source maximum achievable control technology (MACT as required by the federal Clean Air Act (CAA), 112(g)(2)(B) and implemented through 40 CFR, subpart B 63.40-63.44.

B. Effective Date: May 1, 1999

C. Applicability

1. The requirements of this rule shall apply to all owners or operators that construct or reconstruct a major source of HAPs, unless the major source is exempt pursuant to section (D).
2. Compliance with the rule does not relieve any owner or operator of a major source of HAPs from complying with all other District rules or regulations, any applicable State airborne toxic control measures (ATCM), or other applicable state and federal laws.

D. Exemptions: the provisions of this rule do not apply to:

1. Any major source that is subject to an existing National Emissions Standard (NESHAPs) for HAPs pursuant to sections 112(s), 112(h) or 112(j) or the CAA,
2. Any source that has been specifically exempted from regulation under a NESHAP issued pursuant to sections 112(d), 112(h) or 112(j) of the CAA,
3. Any major source that has received all necessary air quality permits for such construction or reconstruction project before June 29, 1998,
4. Electric utility steam generating units, unless and until such time as these units are added to the source category list pursuant to section 112(c)(5) of the CAA,
5. Any stationary sources that are within a source category that has been deleted from the source category pursuant to section 112(c)(9) of the CAA,
6. Research and development activities as defined in 40 CFR 63.41, and
7. Any other stationary source exempted by section 112 of the CAA.

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E. Requirements

1. No person shall initiate the construction of a major source nor initiate the reconstruction of a major source of HAPs until the air pollution control officer has determined that the more stringent of the following is met:
 - a. T-BACT requirements of this District rule, or
 - b. Emission levels no less stringent than the MACT levels required by the CAA, 112(g)(2)(B), enforceable under 40 CFR 63.40 through 63.44.

F. Definitions

1. Terms used in this rule that are not defined in this section have the meaning given to them in District Rule 1.2 Definitions.

Best Available Control Technology for Toxics (T-BACT) means the most effective emissions limitation or control technique which:

- a. Has been achieved in practice for such permit unit category or class of sources; or
- b. Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the Air Pollution Control Officer to be technologically feasible for such a category or class of sources, or for a specific source.

Construct a Major Source means the same as defined in 40 CFE 63.41 Definitions.

Hazardous Air Pollutants (HAPs) means any air pollutant listed in or pursuant to CAA, section 112(b).

Major Source of HAPs means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any one hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.

Potential to Emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under 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 if the limitations or the effect it would have on emissions are incorporated into the applicable permit as enforceable permit conditions.

Reconstruct a Major Source means the same as defined in 40 CFR 63.41 Definitions.

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G. Calculation Procedures

1. The potential to emit for a source of HAP emissions shall equal the sum of potentials to emit of the constructed or reconstructed source of HAPs. All fugitive HAP emissions associated with the construction or reconstruction shall be included in the potential to emit determination.

H. Administrative Procedures

1. An application for an Authority to Construct a major source or reconstruct a major source of HAPs shall be subject to the administrative procedures contained in District Rule 6.1 G.

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