RULE 3.8 FEDERAL OPERATING PERMITS

ADOPTED January 26, 1994
RENUMBERED February 23, 1994 (from 3.19 to 3.8)
REVISED April 11, 2001
REVISED February 11, 2015
INDEX

100 GENERAL
- 101 PURPOSE
- 102 APPLICABILITY
- 110 EXEMPTIONS

200 DEFINITIONS
- 201 ACID RAIN UNIT
- 202 ADMINISTRATIVE AMENDMENT
- 203 AFFECTED STATE
- 204 AIR POLLUTION CONTROL OFFICER (APCO)
- 205 APPLICABLE FEDERAL REQUIREMENT
- 206 CALIFORNIA AIR RESOURCES BOARD (CARB)
- 207 CLEAN AIR ACT (CAA)
- 208 CODE OF FEDERAL REGULATIONS (CFR)
- 209 COMMENCE OPERATION
- 210 DISTRICT
- 211 EMERGENCY
- 212 EMISSIONS UNIT
- 213 ENVIRONMENTAL PROTECTION AGENCY (EPA)
- 214 FEDERALLY-ENFORCEABLE CONDITION
- 215 FUGITIVE EMISSIONS
- 216 HAZARDOUS AIR POLLUTANT (HAP)
- 217 INITIAL PERMIT
- 218 MAJOR SOURCE
- 219 MINOR MODIFICATION
- 220 OFF-PERMIT CHANGE
- 221 PART 70 SOURCE
- 222 PERMIT
- 223 PERMIT MODIFICATION
- 224 POLLUTANT SUBJECT TO REGULATION
- 225 POTENTIAL TO EMIT
- 226 PRECONSTRUCTION PERMIT
- 227 REGULATED AIR POLLUTANT
- 228 RESPONSIBLE OFFICIAL
- 229 SIGNIFICANT MODIFICATION
- 230 SOLID WASTE INCINERATOR
- 231 STATIONARY SOURCE
- 232 VOLUNTARY EMISSIONS CAP

300 PERMIT CONTENT REQUIREMENTS
301 INCORPORATION OF APPLICABLE FEDERAL REQUIREMENTS
302 ENFORCEABILITY
303 EMISSION AND OPERATING LIMITATIONS
304 PRECONSTRUCTION PERMIT REQUIREMENTS
305 ORIGIN AND AUTHORITY FOR PERMIT CONDITIONS
306 EQUIPMENT IDENTIFICATION
307 MONITORING, TESTING, AND ANALYSIS
308 RECORDKEEPING
309 REPORTING
310 COMPLIANCE CERTIFICATION
311 COMPLIANCE SCHEDULE
312 RIGHT OF ENTRY
313 COMPLIANCE WITH PERMIT CONDITIONS
314 EMERGENCY PROVISIONS
315 SEVERABILITY
316 PERMIT LIFE
317 PAYMENT OF FEES
318 ALTERNATE OPERATING SCENARIOS
319 VOLUNTARY EMISSIONS CAP
320 ACID RAIN UNITS – SUBJECT TO TITLE IV
321 TEMPORARY SOURCES
322 SOURCES REQUIRED TO PREPARE RISK MANAGEMENT PLANS
323 PERMIT REVISIONS EXEMPTION

400 ADMINISTRATIVE REQUIREMENTS
401 PERMIT REQUIREMENT AND APPLICATION SHIELD
402 APPLICATION REQUIREMENTS
403 APPLICATION CONTENT AND CORRECTNESS
404 WRITTEN REQUESTS FOR DISTRICT ACTION
405 RESPONSE TO PERMIT REOPENING FOR CAUSE
406 COMPLETENESS REVIEW OF APPLICATIONS
407 NOTIFICATION OF COMPLETENESS DETERMINATION
408 APPLICATION PROCESSING TIME FRAMES
409 NOTIFICATION AND REVIEW OF PROPOSED DECISION
410 CHANGES TO THE PROPOSED DECISION
411 FINAL DECISION
412 DISTRICT ACTION ON WRITTEN REQUESTS
413 PERMIT REOPENING FOR CAUSE
414 OPTIONS FOR OPERATIONAL FLEXIBILITY

500 SUPPLEMENTAL ANNUAL FEE
501 PAYMENT OF SUPPLEMENTAL FEE
502 NO SUPPLEMENTAL FEE
503 DETERMINATION OF SUPPLEMENTAL FEE
504 SUBMITTAL OF INFORMATION

100 GENERAL

101 **PURPOSE:** This Rule implements the requirements of Title V of the Federal Clean Air Act (CAA) for operating permits. Title V provides for the establishment of Federal operating permit programs ("Permit") for sources which emit regulated air pollutants, including attainment and non-attainment pollutants. The effective date of the February 11, 2015 amendment to this rule is the date the rule is approved by EPA.

102 **APPLICABILITY:** The sources listed below are subject to the requirements of this Rule:

102.1 Any major source;

102.2 A source with an acid rain unit for which the application for an Acid Rain Permit is required pursuant to Title IV of the CAA;

102.3 A solid waste incinerator required to obtain a permit pursuant to 129(e) of the CAA;

102.4 Any source in a source category designated by rule of the EPA; and

102.5 Any source that is subject to a standard or other requirement promulgated pursuant to Sections 111 or 112 of the CAA, published after July 21, 1992, unless such source is specifically exempted from the requirement to obtain a Title V permit.

110 **EXEMPTIONS:** The sources listed below are not subject to the requirements of this Rule:

110.1 Any stationary source that would be required to obtain a permit solely because it is subject to 40 Code of Federal Regulations (CFR) Part 60, Subpart AAA (Standard of Performance for New Residential Wood Heaters);

110.2 Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR 61, Subpart M, Section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and

110.3 Any other source in a source category deferred or exempted pursuant to 40 CFR 70.3 by EPA rulemaking, including but not limited to, the following area sources of HAP:

a. Perchloroethylene dry cleaning facilities subject to 40 CFR Part 63, Subpart M;

b. Hard and decorative chromium electroplating and chromium anodizing facilities subject to 40 CFR Part 63, Subpart N;

c. Commercial ethylene oxide sterilization operations subject to 40 CFR Part 63, Subpart O;

d. Halogenated solvent cleaning operations subject to 40 CFR Part 63, Subpart T; and

e. Secondary aluminum production facilities subject to 40 CFR Part 63, Subpart RRR.

110.4 All sources listed in Section 102 that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Act, until such time as EPA completes a rulemaking to determine how the program should be structured for non-major sources.

200 DEFINITIONS

Unless otherwise defined below, the terms in this rule are the same as defined in 40 CFR Part 70 "State Operating Permit Programs".

201 **ACID RAIN UNIT**: Any fossil fuel-fired combustion device that is an affected unit under 40 CFR 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the CAA.

202 **ADMINISTRATIVE AMENDMENT**: A revision to a permit that:

202.1 Corrects typographical errors;

202.2 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;

202.3 Requires more frequent monitoring or reporting by the permittee;

202.4 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 the permit responsibility, coverage, and liability from the current to the prospective permittee; or

202.5 Incorporates into the permit the conditions of a preconstruction permit that is issued to an existing Title V stationary source through an EPA-approved New Source Review program and meets the applicable procedural requirements specified in Section 409 through 411 of this Rule and the compliance requirements in Section 301 through 323 of this Rule.

203 **AFFECTED STATE:** Any state that:

203.1 Is contiguous with California and whose air quality may be affected by a permit action; or

203.2 Is within 50 miles of the source for which a permit action is being proposed.

204 **AIR POLLUTION CONTROL OFFICER (APCO):** The Air Pollution Control Officer of the Yolo-Solano Air Quality Management District, or his or her designee.

205 **APPLICABLE FEDERAL REQUIREMENT:** All of the following as they apply to emissions units located at a Part 70 source (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates):

205.1 Any standard or other requirement provided for in the District's portion of the California State Implementation Plan;

205.2 Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the CAA;

205.3 Any standard or other requirement under Section 111 of the CAA, including Section 111(d);

205.4 Any standard or other requirement under Section 112 of the CAA, including any requirement concerning accident prevention under Section 112(r)(7) of the CAA;

205.5 Any standard or other requirement of the acid rain program under title IV of the CAA or the regulations promulgated thereunder;

205.6 Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the CAA;

205.7 Any standard or other requirement under Section 126(a)(1) and (c) of the CAA;

205.8 Any standard or other requirement governing solid waste incineration, under Section 129 of the CAA;

205.9 Any standard or other requirement for consumer and commercial products, under Section 183(e) of the CAA;

205.10 Any standard or other requirement for tank vessels under Section 183(f) of the CAA;

205.11 Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the CAA;

205.12 Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the CAA, unless the Administrator has determined that such requirements need not be contained in a permit; and

205.13 Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the CAA, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the CAA.

206 **CALIFORNIA AIR RESOURCES BOARD (CARB):** The Air Resources Board of the State of California.

207 **CLEAN AIR ACT (CAA):** The Federal Clean Air Act, as amended, (42 U.S.C. Section 7401 et seq.).

208 **CODE OF FEDERAL REGULATIONS (CFR):** The codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the Federal Government of the United States.

209 **COMMENCE OPERATION:** To begin operating a new or modified emissions unit for the purpose for which it was constructed or modified. Shakedown, trial, or other preliminary operation necessary to prepare the unit for its intended operation does not constitute commencing operation.

210 **DISTRICT:** The Yolo-Solano Air Quality Management District.

211 **EMERGENCY:** Any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" shall not include non-compliance as a result of improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

212 **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.

213 **ENVIRONMENTAL PROTECTION AGENCY (EPA):** The Administrator or appropriate delegatee of the United States Environmental Protection Agency.

214 **FEDERALLY-ENFORCEABLE CONDITION:** Any condition set forth in the permit that addresses an applicable federal requirement or a voluntary emissions cap. Unless otherwise stated, any condition on the Title V permit is a federally-enforceable condition and is enforceable by EPA and citizens under the CAA.

215 **FUGITIVE EMISSIONS:** Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

216 **HAZARDOUS AIR POLLUTANT (HAP):** Any air pollutant listed pursuant to Section 112(b) of the CAA and which is not delisted by EPA through rulemaking.

217 **INITIAL PERMIT:** The first permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by this Rule.

218 **MAJOR SOURCE:** Any stationary source which has the potential to emit any air pollutant subject to regulation in quantities equal to or exceeding the lesser of any of the following thresholds:

218.1 100 tons per year (tpy) of any pollutant subject to regulation;

218.2 25 tpy of volatile organic compounds or oxides of nitrogen;

218.3 10 tpy of one HAP or 25 tpy of two or more HAPs; or

218.4 Any other quantity threshold promulgated by the EPA.

219 **MINOR MODIFICATION:** Any modification to a permit that:

219.1 Does not violate any applicable requirement;

219.2 Does not involve a significant change to an existing monitoring, reporting, or recordkeeping requirement in the permit;

219.3 Does not require or change a case-by-case determination of any emission limitation or other standard, or a source-specific determination for a temporary source of ambient impacts, or a visibility or increment analysis;

219.4 Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject;

219.5 Is not a modification under any provision of Title I of the CAA; and

219.6 Is not otherwise required to be processed as a significant modification.

220 **OFF-PERMIT CHANGE:** A change to a Part 70 source that is made without modifying the permit. An off-permit change shall not:

220.1 Authorize a violation of any existing permit condition;

220.2 Authorize contravention of a federally-enforceable permit condition;

220.3 Constitute a new major source or major modification under any provision of Title I of the CAA;

220.4 Authorize an exceedance of the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions); or

220.5 Authorize a change that is subject to any requirements under Title IV of the Act.

221 **PART 70 SOURCE:** Any stationary source subject to the permitting requirements of this Rule, so called because the Federal requirements for Title V programs administered by a state are presented in Part 70 of Title 40 in the Code of Federal Regulations.

222 **PERMIT:** Unless otherwise specified, a Title V permit.

223 **PERMIT MODIFICATION:** Any revision to a permit that does not meet the requirements for an administrative amendment, i.e., a minor modification or a significant modification, except that a revision to the Acid Rain portion of a permit shall be governed by regulations promulgated under Title IV of the CAA.

224 **POLLUTANT SUBJECT TO REGULATION:** An air pollutant subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by EPA in 40 CFR Parts 50 through 99, that requires actual control of the quantity of emissions of that pollutant, provided that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity.

225 **POTENTIAL TO EMIT:** For the purposes of this rule, "potential to emit" as it applies to an emissions unit and a stationary source is defined below:

225.1 Emissions Unit: The "potential to emit" for an emissions unit is the maximum physical and operational design capacity of the unit to emit a regulated air pollutant or a HAP considering the unit's physical and operational design. Any limitation on the physical or operational design capacity, including emission control devices and restriction on hours of operation, or on the type, or amount of material combusted, stored or processed, may be considered as a part of the design only if the limitation is set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by EPA and citizens or by the District.

225.2 Stationary Source: The "potential to emit" for a stationary source is the sum of the potentials to emit from all emissions units (including emission units not required to obtain a District permit) at the stationary source. If two or more HAPs are emitted at a stationary source, the potential to emit for each of those HAPs shall be combined to determine applicability pursuant to the threshold for combined HAP emissions specified in Section 218.3 of this Rule. Fugitive emissions shall be considered when calculating the potential to emit to determine if the stationary source is a major source when calculating HAP emissions or when the source belongs to one of the source categories listed in the definition of Major Source in 40 CFR 70.2.

Notwithstanding the above, any HAP emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of HAPs, whether or not such units are located in contiguous areas or under common control.

226 **PRECONSTRUCTION PERMIT:** A permit issued prior to construction which authorizes construction:

226.1 Pursuant to the program for the Prevention of Significant Deterioration of air quality required by District Rule 3.24 (Prevention of Significant Deterioration) (a "PSD Permit"); or

226.2 Pursuant to the New Source Review program required by District Rule 3.4 (New Source Review) (an "Authority to Construct").

227 **REGULATED AIR POLLUTANT**: Any of the following:

227.1 Oxides of nitrogen (NOx) or any volatile organic compounds (VOCs);

227.2 Any pollutant, and any precursors to such pollutants, for which a National Ambient Air Quality Standard has been promulgated;

227.3 Any pollutant subject to a New Source Performance Standard promulgated pursuant to Section 111 of the CAA.

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

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

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

b. Any HAP subject to a standard or other requirement promulgated by the EPA pursuant to Section 112(d) or adopted by the District pursuant to Section 112(g) and (j) of the CAA shall be considered a "regulated air pollutant" for all sources or categories of sources:

(i) Upon promulgation of the standard or requirement; or

(ii) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the CAA; and

c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to Section 112(g)(2) of the CAA. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation was made.

228 **RESPONSIBLE OFFICIAL:** An individual with the authority to certify that a source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources in accordance with this Rule. "Responsible official" means one of the following:

228.1 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, or a duly authorized representative of such person if the representative is

responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

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 APCO;

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

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

228.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the CAA, the designated representative of that unit for any purposes under Title IV and this Rule.

229 **SIGNIFICANT MODIFICATION:** Any modification to a condition on a permit that:

229.1 Is not an administrative amendment; and

229.2 Is not a minor modification.

230 **SOLID WASTE INCINERATOR:** Any incinerator that burns solid waste material from commercial, industrial, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to Sections 111 or 129 of the CAA. The following incinerators are excluded from the definition of "solid waste incinerators" for the purpose of this Rule:

230.1 Any hazardous waste incinerator required to obtain a permit under the authority of Section 3005 of the Solid Waste Disposal Act (42 U.S.C. Section 66925);

230.2 Any materials recovery facility which primarily recovers metals;

230.3 Any qualifying small power production facility as defined in Title 16 U.S.C. Section 796(17)(C);

230.4 Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in Title 16 U.S.C. Section 796(18)(B); or

230.5 Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the EPA.

231 **STATIONARY SOURCE:** For the purposes of this Rule, any building, structure, facility, or installation (or any such grouping) that:

231.1 Emits, may emit, or results in the emission of any regulated air pollutant or HAP;

231.2 Is located on one or more contiguous or adjacent properties;

231.3 Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and

231.4 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.

232 **VOLUNTARY EMISSIONS CAP:** An optional, federally-enforceable emissions limit on one or more emissions unit(s) that a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.

300 PERMIT CONTENT REQUIREMENTS

All permits shall contain the elements specified in Sections 301 through 323.

301 **INCORPORATION OF APPLICABLE FEDERAL REQUIREMENTS:** A permit shall contain terms and conditions as necessary to ensure compliance with all applicable federal requirements. The following procedures shall pertain to incorporation of an applicable federal requirement as a permit condition:

301.1 A permit condition that ensures compliance with an applicable federal requirement shall be specifically identified as federal-enforceable in the permit, or otherwise distinguished from any requirement that is not a federally-enforceable condition;

301.2 Where an applicable federal requirement and a similar requirement that is not federally-enforceable apply to the same emissions unit, the federally-enforceable requirement will take precedence and shall be incorporated as a permit condition.

302 **ENFORCEABILITY:** The permit shall contain a term stating that all terms and conditions, including any provisions designed to limit a source's potential to emit, are enforceable by both the EPA and citizens under the CAA, unless the term or conditions are identified as being non-federally-enforceable conditions.

303 **EMISSION AND OPERATING LIMITATIONS:** The permit shall contain conditions that ensure compliance with all applicable federal requirements at the time of permit issuance, including any operational limitations or requirements.

304 **PRECONSTRUCTION PERMIT REQUIREMENTS:** The permit shall include all of the preconstruction permit conditions for each emissions unit.

305 **ORIGIN AND AUTHORITY FOR PERMIT CONDITIONS:** The origin and authority for each permit term or condition shall be referenced in the permit and any difference in form as compared to the applicable requirement upon which the term or condition is based shall be identified.

306 **EQUIPMENT IDENTIFICATION:** The permit shall identify the equipment to which a permit condition applies.

307 **MONITORING, TESTING, AND ANALYSIS:** The permit shall contain conditions that require monitoring, analytical methods, test methods, equipment management, and statistical procedures consistent with any applicable federal requirement, including those promulgated pursuant to Sections 114(a)(3) and 505(b) of the CAA, and contained in 40 CFR 64 and, as necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods. Such monitoring requirements shall ensure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable federal requirement. Periodic monitoring shall be required as a condition to ensure that the monitoring is sufficient to yield reliable data that are representative of the source's compliance with permit conditions over the relevant time period.

308 **RECORDKEEPING:** The permit shall include recordkeeping requirements sufficient to ensure compliance with the terms and conditions of the permit. At a minimum the permit shall include requirements for the following:

308.1 Records of all monitoring and support information required by any applicable federal requirement, including:

a. Date, place, and time of sampling;

b. Operating conditions at the time of sampling;

c. The company or entity that performed the analyses;

d. Date, place, and method of analyses; and

e. Results of the analyses.

308.2 Retention of records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit; and

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

309 **REPORTING:** The permit shall include all applicable reporting requirements and include conditions that require the following:

309.1 Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the APCO. A report of a deviation that is the result of an emergency shall be considered prompt if it is made within seven days of discovery, while all other deviations shall be considered prompt if reported in the next semi-annual compliance report;

309.2 Any required monitoring reports shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the APCO pursuant to Section 309.1 of this Rule;

309.3 All reports of deviation from permit requirements shall include the probable cause of the deviation and any preventive or corrective action taken;

309.4 A progress report shall be provided for any applicable compliance schedules at least semi-annually, or more frequently if required, and shall include:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

b. An explanation of why any element of a schedule of compliance was not, or will not be achieved by the scheduled date.

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

310 **COMPLIANCE CERTIFICATION:** The permit shall contain conditions for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices that include the following requirements:

310.1 The responsible official shall submit a compliance certification to the EPA and the APCO every 12 months unless required more frequently by an applicable requirement or by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;

310.2 The compliance certification shall identify each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) that is the basis of the certification. As possible exceptions to compliance, the certification shall identify any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred.

310.3 The compliance certification shall identify the method or other means used by the owner or operator to determine the compliance status with each term and condition during the certification period.

310.4 The compliance certification shall include the compliance status whether compliance was continuous or intermittent, and method(s) used to determine compliance for the current time period and over the entire reporting period; and

310.5 The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to Sections 114(a) and 504(b) of the CAA.

311 **COMPLIANCE SCHEDULE:** The permit shall include a schedule of compliance for any emissions unit which is not in compliance at the time of permit issuance with current applicable federal requirements. The schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance. This compliance schedule shall resemble and at least be as stringent as that contained in any judicial consent decree or administrative order to which the source is subject.

312 **RIGHT OF ENTRY:** The permit shall require that the source allow the entry of the District, ARB, or EPA officials for the purpose of inspection and sampling, including:

312.1 Inspection of the stationary source, including equipment, work practices, operations, and emissions-related activity;

312.2 Inspection and duplication of records required by the permit to operate; and

312.3 Source sampling or other monitoring activities.

313 **COMPLIANCE WITH PERMIT CONDITIONS:** The permit shall include the following provisions regarding compliance:

313.1 The permittee shall comply with all permit conditions;

313.2 The permit does not convey property rights or exclusive privilege of any sort;

313.3 Non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;

313.4 The permittee shall not use the "need to halt or reduce a permitted activity in order to maintain compliance" as a defense for non-compliance with any permit condition;

313.5 A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and

313.6 Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining:

a. Compliance with the permit; or

b. Whether or not cause exists for modifying, revoking and reissuing, or terminating the permit.

313.7 Upon request, the permittee shall furnish to the District copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality.

314 **EMERGENCY PROVISIONS:** The permit shall include the following provisions regarding emergencies:

314.1 An emergency constitutes an affirmative defense to an action brought for non-compliance with technology-based emission limitations provided that, within two weeks of an emergency event, the affirmative defense of emergency shall be demonstrated through submittal of properly signed contemporaneous logs or other relevant evidence demonstrating that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The facility was being properly operated at the time of the emergency;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Within two working days of the emergency event, the permittee provided the District with a description of the emergency and any mitigating or corrective actions taken.

314.2 In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.

315 **SEVERABILITY:** The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.

316 **PERMIT LIFE:** With the exception of solid waste incinerators subject to Section 129(e) of the CAA, each permit for any source, including acid rain units subject to Title IV of the CAA, shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit for a solid waste incinerator shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.

317 **PAYMENT OF FEES:** The permit shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement action by the District and the EPA pursuant to Section 502(a) of the CAA.

318 **ALTERNATE OPERATING SCENARIOS:** Where an owner or operator requests that an alternative operating scenario be included in the permit for an emissions unit, the permit shall contain specific conditions for each operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must meet all applicable federal requirements and all of the requirements of this Section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.

319 **VOLUNTARY EMISSIONS CAP:** To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a responsible official may request, subject to approval by the APCO, to permit one or more emissions unit(s) under a voluntary emissions cap. The permit for each emissions unit shall include federally-enforceable conditions requiring that:

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

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

319.3 Any emissions limitation, standard, or other requirement shall be enforced:

a. Through continuous emission monitoring, where already available; and

b. Through other monitoring, recordkeeping, and reporting found adequate by the APCO to ensure compliance where continuous emission monitoring is not already available.

319.4 All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.

320 **ACID RAIN UNITS – SUBJECT TO TITLE IV:** The permit for an acid rain unit shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the CAA and any federal standard or requirement promulgated pursuant to Title V of the CAA, except as modified by Title IV. Where an applicable requirement of the CAA is more stringent than an applicable requirement of regulations promulgated under Title IV of the CAA, both provisions shall be incorporated into the permit and shall be federally-enforceable conditions. Acid rain unit permit conditions shall include the requirements of 40 CFR 72.9 and the following provisions:

320.1 The sulfur dioxide emissions from an acid rain unit shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the CAA or the regulations promulgated pursuant to Title IV;

320.2 Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the CAA shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other applicable federal requirement;

320.3 Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an acid rain unit shall not use these emissions allowances as a defense for non-compliance with any applicable federal requirement or District requirement, including District Regulation III, PERMIT SYSTEM; and

320.4 An acid rain unit's sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.

321 **TEMPORARY SOURCES:** A single permit may be issued for any temporary source that will operate at two or more locations during the permit term. This permit shall contain conditions that require the temporary source to:

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

321.2 Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the APCO, that will be used to demonstrate compliance with all District, state, and federal requirements; and

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

322 **SOURCES REQUIRED TO PREPARE RISK MANAGEMENT PLANS:** A permit for a source of HAP emissions that is required to prepare a risk management plan pursuant to Section 112(r) of the CAA and 40 CFR 68, shall contain a condition that requires filing of the plan with the authorized local fire or health department.

323 **PERMIT REVISIONS EXEMPTION:** Every permit shall contain a provision stating that no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

400 ADMINISTRATIVE REQUIREMENTS

401 **PERMIT REQUIREMENT AND APPLICATION SHIELD:** A source shall operate in compliance with permits issued pursuant to this Rule. This rule does not alter any applicable requirement that a source obtain preconstruction permits.

If a responsible official submits, pursuant to this Rule, a timely and complete application for an initial permit or permit renewal, a source shall not be in violation of the requirement to have a permit until the APCO takes final action on the application. The application shield here will cease to insulate a source from enforcement action if an owner or operator of the source fails to submit any additional information requested by the APCO pursuant to Section 403.2.a. An application for an initial permit or permit renewal shall be considered timely if it is submitted within the applicable time frame specified in Section 402.1 or 402.2, and shall be considered complete if the application meets the content and correctness standards in Section 403 of the Rule, unless the District determines the application is incomplete in accordance with the provisions of Section 406 and the responsible official fails to amend or supplement the application, or provide requested information, within the time frame specified in the notice that the application is not complete.

If an owner or operator submits a timely and complete application for an initial permit, the source shall operate in accordance with the requirements of any valid local permit issued pursuant to Section 42301 of the California Health & Safety Code (CH&SC) until the APCO takes final action on the application. If a responsible official submits a timely and complete application for renewal of a permit, the source shall operate in accordance with the existing permit issued pursuant to this Rule, notwithstanding expiration of this permit, until the APCO takes final action on the application.

The application shield does not apply to sources applying for permit modifications. For permit modifications, a source shall operate in accordance with the applicable federal requirements, the permit issued pursuant to this Rule (including, for a minor modification, the proposed permit in accordance with Section 402.4), and the terms and conditions of any authority to construct issued pursuant to Rule 3.4 pending issuance of a District permit to operate.

402 **APPLICATION REQUIREMENTS:** Any source subject to this Rule shall submit a complete standard District Title V application, on forms provided by the District, for any of the permit actions described in Sections 402.1 through 402.5.

402.1 Initial Permit:

a. For a source that becomes subject to this Rule a responsible official shall submit a complete standard District Title V application within 12 months of the source commencing operation or otherwise becoming subject to Rule 3.8.

b. For a source with an acid rain unit, a responsible official shall also submit a standard District Title V application and acid rain permit application to the District at least 24 months prior to the date on which the unit commences operation.

402.2 Permit Renewal: For renewal of a permit, an owner or operator shall submit a standard District Title V application no earlier than 18 months and no later than 6 months before the expiration date of the current permit. Permits for all emissions units at a stationary source shall undergo simultaneous renewal.

402.3 Significant Modification: After obtaining any required preconstruction permits, an owner or operator shall submit a standard District Title V application for each emissions unit affected by a proposed permit revision that meets the definition of a significant modification. Upon request by the APCO, the owner or operator shall submit copies of the latest preconstruction permit for each affected emissions unit. The emissions unit(s) shall not commence operation under any terms or conditions of the preconstruction permit that contravene any express terms or conditions of the existing permit until the APCO approves the significant modification.

402.4 Minor Modification: An owner or operator shall submit a standard District Title V application for each emissions unit affected by the proposed permit revision that meets the definition of a minor modification. The owner or operator shall submit the minor modification application after receiving all required preconstruction permits, and shall not commence operation of the new or modified emissions unit(s) prior to submitting the application for a minor modification. If the owner or operator implements

the changes included in the proposed permit then compliance with the conditions in the proposed permit is required in lieu of compliance with any contradictory condition in the existing permit; however, if the source fails to comply with the proposed permit terms and conditions while the minor modification application is being reviewed, or if a final permit is not issued consistent with the proposed permit, the existing permit terms and conditions it seeks to modify may be enforced against it. In the application, the owner or operator shall include the following:

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

b. Proposed permit terms and conditions, which may be specified by identifying the preconstruction permit that is proposed for incorporation into the permit; and

c. A certification by a responsible official that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used.

402.5 Acid Rain Unit Permit Revision: A permit revision of the acid rain portion of the operating permit shall be governed by the provisions of District Rule 3.23 (Acid Deposition Control).

403 APPLICATION CONTENT AND CORRECTNESS:

403.1 Application Content: When submitting an application, the owner or operator shall include the following information required for the application to be deemed complete:

a. Information identifying the source, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact;

b. A description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;

c. Identification of fees specified in Rule 4.1 (Permit Fees – Stationary Sources);

d. A listing of all existing emissions units at the stationary source and an identification and description of all points of emissions from the emissions units in sufficient detail to establish the applicable federal requirements and the basis for fees pursuant to Section 500 of this Rule;

e. Citation and description of all applicable federal requirements, information and calculations used to determine the applicability of such requirements, and other information that may be necessary to implement and enforce such requirements;

f. Calculation of all emissions, including fugitive emissions, in tons per year (tpy) and in such terms as are necessary to establish compliance with all the District, state, or federal requirements for the following:

(i) All regulated air pollutants emitted from the source;

(ii) Any HAP that the source has the potential to emit in quantities equal to or in excess of 10 tpy; and

(iii) If the source has the potential to emit two or more HAPs in quantities equal to or in excess of 25 tpy, all HAPs emitted by the source;

g. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation, or workplace practices;

h. An identification and description of air pollution control equipment and compliance monitoring devices or activities;

i. Other information required by an applicable federal requirement;

j. Description of or reference to any applicable test method for determining compliance with each applicable federal requirement;

k. An explanation of any proposed exemptions from otherwise applicable federal requirements;

l. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to Section 414;

m. A compliance plan and compliance schedule with the following:

(i) A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements;

(ii) For applicable federal requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(iii) For applicable federal requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis; and

(iv) A schedule of compliance for sources that will not be in compliance with all applicable federal requirements at the time of permit (including an acid rain permit) issuance, renewal, or modification (if modification is to units not in compliance). The schedule of compliance shall resemble and be at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District Hearing Board if required by state law. Any such schedule of compliance shall identify remedial measures with specific and enforceable increments of progress, a final compliance date, testing and monitoring methods, recordkeeping requirements, and a schedule for submission of certified progress reports to the EPA and the APCO at least every 6 months. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirement on which it is based;

(v) For applicable federal requirements associated with a proposed alternative operating scenario (AOS), a statement that the source will meet such requirements upon implementation of the AOS. If a proposed AOS would implicate an applicable federal requirement that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

n. A certification by a responsible official of the truth, accuracy and completeness of application forms, report, or compliance certification submitted pursuant to this Rule. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate, and complete. This certification shall also include a

statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods, a schedule for submitting compliance certifications at least every 6 months, and a statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the CAA;

o. For a source with an acid rain unit, an application shall include the elements required by 40 CFR 72;

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

q. For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable District, state, and federal requirements at each location.

r. Activities identified as insignificant in Attachment 1 of Rule 3.8 based upon size and production rate shall be listed in the permit application. An application may not omit information needed to determine the applicability of, or to impose, any applicable federal requirement, or to evaluate the fee amount required in Section 500 of this Rule.

s. If a source has submitted application information to the District under a claim of confidentiality, the District may also require the source to submit a copy of such information directly to EPA.

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

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

b. An owner or operator shall promptly provide additional information in writing to the APCO upon discovery of submittal of any inaccurate information as a part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

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

404 **WRITTEN REQUESTS FOR DISTRICT ACTION:** An owner or operator shall, after obtaining any necessary preconstruction permits, submit a written request to the APCO for the permit actions described in Sections 404.1 and 404.2.

404.1 Administrative Amendment: For an administrative amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request.

404.2 Off-Permit Changes: For a new or modified emissions unit not yet incorporated into the permit, except for an emissions unit that qualifies as insignificant, an owner or operator shall submit a written request for an off-permit change in accordance with the following provisions:

a. The permit holder shall provide notice of the requested off-permit change to the District and EPA at least 7 days prior to implementing the change; and

b. The permit holder shall attach the notice and a copy of the preconstruction permit for the new emissions unit to the permit. The preconstruction permit shall be replaced as an attachment with a copy of the local permit to operate when the latter is issued by the District pursuant to Section 412.2.b of this Rule.

c. The notice provided under 404.2.a shall include a brief description of the change within the facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

d. The permit holder shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable federal requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. The permit shield provided for in Section 401 shall not apply to such an off-permit change.

f. An authority to construct that constitutes a minor modification or a significant modification of the permit is not eligible for implementation through an off-permit change.

405 **RESPONSE TO PERMIT REOPENING FOR CAUSE:** Upon notification by the APCO of a reopening of a permit for cause for an applicable federal requirement pursuant to Section 413 of this Rule, a responsible official shall respond to any written request for information by the APCO within a timeframe specified by the APCO.

406 **COMPLETENESS REVIEW OF APPLICATIONS:** The APCO shall determine if an application is complete and shall notify the owner or operator of the determination within the following timeframes:

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

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

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

407 **NOTIFICATION OF COMPLETENESS DETERMINATION:** The APCO shall provide written notification of the completeness determination to the EPA, the ARB, and any affected state and shall submit a copy of the complete application to the EPA within five working days of the determination. The APCO need not provide notifications for applications from sources that are not major sources when the EPA waives such requirement for a source category by regulation or at the time of approval of the District operating permits program.

408 **APPLICATION PROCESSING TIME FRAMES:** The APCO shall act on a complete application in accordance with the procedures in Sections 409, 410, and 411 (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the CAA), and take final action within the following time frames:

408.1 For an initial permit, a permit renewal, or a significant modification, no later than 18 months after the complete application is received;

408.2 For a minor modification, within 90 days after the application is received or 60 days after written notice to the EPA on the proposed decision, whichever is later; or

408.3 For any permit application with early reductions pursuant to Section 112(i)(5) of the CAA, within 9 months after the complete application is received.

409 **NOTIFICATION AND REVIEW OF PROPOSED DECISION:** Within the applicable timeframe specified in Section 408 of this Rule, the APCO shall provide notice of and opportunity to review the proposed decision to issue a permit in accordance with the requirements in this Section:

409.1 For initial permits, renewal of permits, significant modifications, and any reopening for cause, the APCO shall provide the following:

a. Written notice of the proposed decision, a copy of the proposed permit, and, upon request, copies of the District analysis to interested persons or agencies. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed decisions under this Rule, any affected state, and the ARB. The written notice shall include the following:

(i) The identification of the source, the name and address of the permit holder, the activity(ies) and emissions change involved in the permit action;

(ii) The name and address of the District, and the name and telephone number of District staff to contact for additional information;

b. On or after providing written notice pursuant to Section 409.1.a, a public notice shall be published in at least one newspaper of general circulation in the District and, if necessary, by other means to ensure adequate notice to the affected public. The notice shall provide the following information:

(i) The identification of the source, the name and address of the permit holder, the activity(ies) and emissions change involved in the permit action;

(ii) The name and address of the District, and the name and telephone number of the District staff to contact for additional information;

(iii) The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;

(iv) The location where the public may inspect the complete application, the District analysis, and the proposed permit;

(v) A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures; and

(vi) A statement that members of the public may request the APCO to preside over a public hearing for the purpose of receiving oral public comment, if a hearing has not already been scheduled. The APCO shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such a hearing. Any public hearing scheduled under this provision shall automatically extend the public comment period specified in 409.1.b(v) above at least through the date of the public hearing.

c. A copy of the complete application, the District analysis, and the proposed permit at the District offices for public review and comment during normal business hours;

d. A written response to persons or agencies that submitted written comments which are postmarked by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request; and

e. On or after commencement of the public notice and comment period pursuant to Section 409.1.b, provide written notice to the EPA of the proposed decision along with copies of the proposed permit, the District analysis, the public notice submitted for publication, and all necessary supporting information.

409.2 For minor modifications, the APCO shall provide written notice of the proposed decision to the EPA, the ARB, and any affected state within five working days. Additionally, the District shall provide to the EPA (and, upon request, to the ARB or any affected state) copies of the proposed permit, the District analysis, and all necessary supporting information. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions.

410 **CHANGES TO THE PROPOSED DECISION:** Changes to the proposed decision shall be governed by the following procedure:

410.1 The APCO may modify or change the proposed decision, the proposed permit, or the District analysis on the basis of information set forth in the comments received during the public comment period provided pursuant

to Section 409.1.b or due to further analysis of the APCO. The APCO shall forward any such modified proposed decision, the proposed permit, the District analysis, and all necessary supporting information to the EPA, which may, at its discretion, restart the 45-day review period.

410.2 If the EPA objects in writing to the proposed decision within 45 days of being notified of the decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to Sections 409.1.e or 410.1, the APCO shall not issue the permit.

410.3 If the public petitions the EPA within 60 days after the end of the EPAs 45-day review period and the permit has not yet been issued, the APCO shall not issue the permit until EPA objections in response to the petition are resolved. The APCO shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the EPA objection within the following timeframes:

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

b. For minor modifications, within 90 days of receipt of the application or 60 days of the notice to the EPA, whichever is later.

411 **FINAL DECISION:** If the EPA does not object in writing within 45 days of the notice provided pursuant to Section 409.1.e or 409.2, or of the date the APCO submits a revised permit pursuant to Section 410.3, the APCO shall, expeditiously, deny the application or issue the final permit. In any case, the APCO shall take final action within the applicable timeframe specified in Section 408. Failure of the APCO to act on a permit application or a permit renewal application in accordance with the timeframes provided in Section 408 shall be considered final action for the purposes of obtaining judicial review to require that action on the application be taken expeditiously.

Written notification of the final decision shall be sent to the owner or operator of the source, the EPA, the ARB, and any person or affected state that submitted comments during the public comment period. Written notification of any refusal by the District to accept all recommendations for the proposed permit that an affected state submitted during the public comment period shall be sent to EPA and affected states. The APCO shall submit a copy of the final permit to the EPA, along with the District's response to written comments, and provide a copy to any person or agency requesting a copy. If the application is denied, the APCO shall provide reasons for the denial in writing to the owner or operator along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based.

412 **DISTRICT ACTION ON WRITTEN REQUESTS:** The APCO shall act on a written request of a responsible official for permit action using the applicable procedure specified in this Section.

412.1 Administrative Amendment: The APCO shall take final action no later than 60 days after receiving the written request for an administrative amendment.

a. After designating the written request as an administrative amendment, the APCO may revise the permit without providing notice to the public or any affected state.

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

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

412.2 Off-Permit Changes: The APCO shall take action on a written request for an off-permit change no later than 60 days after receiving the written request for an off-permit change.

a. After designating the written request as an off-permit change, the APCO shall implement the preconstruction permit into the local permit to operate in accordance with Regulation III, PERMIT SYSTEM.

b. The APCO shall provide the owner or operator and EPA with a copy of the local permit to operate, which shall replace the copy of the preconstruction permit which was attached to the permit pursuant to Section 404.2.b of this Rule.

c. The applicable federal requirements associated with an emissions unit that is the subject of an off-permit change shall be incorporated into the permit the next time the permit is open for significant changes (including permit renewal, significant modification, or reopening for cause), but not later than the next permit renewal.

d. While the APCO need not make a completeness determination on such a written request, the APCO shall notify the owner or operator if the APCO determines that the permit cannot be revised as an off-permit change.

413 **PERMIT REOPENING FOR CAUSE:** The APCO shall reopen and revise a permit to operate during the annual review period required by Section 42301(c) of the CH&SC, or petition the District hearing board to do so pursuant to Section 42307 of the CH&SC, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the EPA, or within 18 months of promulgation of a new applicable federal requirement. The APCO shall act only on those parts of the permit for which cause to reopen exists.

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

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

b. The need to revise or revoke a permit to operate to ensure compliance with applicable federal requirements;

c. The need to incorporate any new, revised, or additional applicable federal requirements, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the APCO shall incorporate the requirements into the permit to operate upon renewal); or

d. The need to reopen a permit issued to an acid rain unit subject to Phase II of Title IV of the CAA to include additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.

413.2 In processing a permit reopening, the APCO shall use the same procedures as for an initial permit and shall revise only those parts of the permit for which cause to reopen exist. The following requirements also apply:

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

b. Complete action to revise the permit as specified in the notice of reopening within 60 days after notice to the EPA pursuant to Section 409.1.e of this Rule, if the EPA does not object, or after the APCO has responded to the EPA objection pursuant to Section 410.2 of this Rule.

414 **OPTIONS FOR OPERATIONAL FLEXIBILITY:** The APCO shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The APCO shall not allow changes which constitute a modification under Title I of the CAA or Regulation III, PERMIT SYSTEM, or that result in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions, without revision to the permit. The source may gain operational flexibility through the use of the following options:

414.1 Alternative Operating Scenarios: The APCO shall allow the use of alternative operating scenarios provided that:

a. Terms and conditions applicable to each operating scenario are identified by the owner or operator in the permit application;

b. The terms and conditions are approved by the APCO;

c. The terms and conditions are incorporated into the permit; and

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

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

414.2 Voluntary Emissions Caps: The APCO shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the stationary source solely for the purpose of complying with a voluntary emission cap established in the permit independent of otherwise applicable federal requirements provided that:

a. The requirements of Sections 414.1.a, 414.1.c, and 414.1.d are met;

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

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

A permit condition shall require that an owner or operator provide written notice to the EPA and the APCO 30 days in advance of a change by clearly requesting operational flexibility under Section 414. The written notice shall describe the change and identify the emissions unit which may be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and new emissions of any air pollutant not emitted before the change, whether regulated or not.

414.3 Contravening an Express Permit Condition: The APCO shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that:

a. The change will not violate any applicable federal requirement;

b. The change will not contravene federally-enforceable conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;

c. The change is not a modification under Title I of the CAA or any provision of Regulation III, PERMIT SYSTEM;

d. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;

e. Written notice is given to the EPA and the APCO 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this Section, describes the change, and identifies the emissions units which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and new emissions of any air pollutant not emitted before the change, whether regulated or not; and

f. The APCO has not provided a written denial to an owner or operator of the source within 30 days of receipt of the request for an operational change. The written denial shall identify which of the requirements of Sections 414.3.a, 414.3.b, 414.3.c, 414.3.d and 414.3.e, above, have not been satisfied.

500 SUPPLEMENTAL ANNUAL FEE

The fees collected pursuant to this Section shall supplement the fee requirements in RULE 4.1 (Permit Fees – Stationary Source), if applicable.

501 **PAYMENT OF SUPPLEMENTAL FEE:** A responsible official, or his or her delegee, shall pay an annual supplemental fee for a permit to operate pursuant to this Rule as determined by the calculation method in subsection 503 below to meet an overall fee rate of $47.52 per ton of emissions (CPI adjusted), unless subsection 502 below applies.

501.1 "Fee-based emissions" means the actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the APCO to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment, types of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO.

501.2 "Fee pollutant" means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the EPA (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by the EPA under the CAA or adopted by the District pursuant to Section 112(g) and (j) of the CAA. The following pollutants are excluded from the definition of a fee pollutant:

a. Any air pollutant that is regulated solely because of a standard or regulation under Section 112(r) of the CAA for accidental release;

b. Any air pollutant that is regulated solely under Title VI of the CAA for stratospheric ozone protection; and

501.3 "(CPI adjusted)" means adjusted by the percentage, if any, by which the Consumer Price Index of the year exceeds the Consumer Price Index for calendar year 2014. The value for (CPI adjusted) shall be obtained from the EPA.

502 **NO SUPPLEMENTAL FEE:** There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rule 4.1 (Permit Fees – Stationary Source) and CH&SC Section 44380 (AB 2588 Air Toxic Hot Spots) equals or exceeds $47.52 per ton of emissions (CPI adjusted). Only those AB 2588 Air Toxic Hot Spots fees that fund direct and indirect costs associated with activities related to the operating permits program as specified in Section 502(b)(3)(A) of the CAA are to be used to meet the overall fee rate of $47.52 per ton of emissions (CPI adjusted).

503 **DETERMINATION OF SUPPLEMENTAL FEE:** The supplemental annual fee shall be determined by completing the following steps:

503.1 Step 1: Calculation of Supplemental Annual Fee

s = [$47.52 per ton (CPI adjusted) x e] – f

where:

s = Supplemental annual fee in dollars

e = Emissions in tons per year

f = Sum (in dollars) of annual fee under Rule 4.1 (Permit Fees – Stationary Source) and that portion of AB 2588 Air Toxic Hot Spots fees that funds direct and indirect costs associated with activities related to the operating permits program as specified in Section 502(b)(3)(A) of the CAA

503.2 Step 2: When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "[$47.52 per ton (CPI adjusted) x e]", then "s" shall be zero and subsection 502, above, applies. If "f" is less than "[$47.52 per ton (CPI adjusted) x e]", then "s" shall be as calculated in Step 1.

504 **SUBMITTAL OF INFORMATION:** The owner or operator, or his or her delegatee, shall provide the APCO sufficient information to determine the supplemental fee.

Attachment 1 - District Rule 3.8

List of Title V Insignificant Activities

Table of Contents

Contents

A. General Criteria for Insignificant Activities 2

B. Criteria for Specific Source Categories 2

1. Fugitive Emissions Sources Associated With Insignificant Activities 2
2. Combustion and Heat Transfer Equipment 2
3. Cooling Towers 3
4. Printing and Reproduction Equipment 3
5. Food Processing Equipment 4
6. Plastic and/or Rubber Processing 4
7. Storage Containers, Reservoirs, and Tanks - Fuel, Fuel Oil, Asphalt 5
8. Storage Containers, Reservoirs, and Tanks - General Organic and VOC-containing Material 6
9. Storage Containers, Reservoirs, and Tanks - Inorganic Materials 6
10. Storage Containers, Reservoirs, and Tanks - Liquefied Gases 7
11. Compression and Storage of Dry Natural Gas 7
12. Transfer Equipment 7
13. Adhesive Application 8
14. Surface Coating 8
15. Solvent Cleaning 8
16. Abrasive Blasting 9
17. Brazing, Soldering, Welding, and Cutting Torches 9
18. Solder Leveler, Hydrosqueegee, Wave Solder Machine, or Drag Solder Machine 9
19. Metal Products 9
20. Aerosol Can Puncturing or Crushing 10
21. Biotechnology Manufacture 10
22. Textile Dyeing, Stripping, or Bleaching 10
23. Laboratory Fume Hoods and Vents 10
24. Refrigeration Units 11

A. General Criteria for Insignificant Activities

An insignificant activity is any activity, process, or emissions unit which is not subject to a source-specific requirement of a State Implementation Plan, preconstruction permit, or federal standard[1] and which: 1) meets the "Criteria for Specific Source Categories" below; or 2) emits no more than 0.5 tons per year of a federal hazardous air pollutant (HAP)[2] and no more than two tons per year of a regulated pollutant that is not a HAP.

B. Criteria for Specific Source Categories

1. Fugitive Emissions Sources Associated With Insignificant Activities

   Any valves, flanges, and unvented (except for emergency pressure relief valves) pressure vessels associated with an insignificant activity on this list.

   Justification: Insignificant air pollutant emissions from this source.

2. Combustion and Heat Transfer Equipment

   a. Any combustion equipment, other than a gas turbine, that has a maximum heat input rating of no more than one million British thermal units (MMBtu) per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas, or any combination thereof, provided the fuel contains no more than five percent by weight of hydrocarbons heavier than butane (as determined by American Society for Testing and Materials (ASTM) test method E-260-73) and no more than 0.75 grains of total sulfur per 100 cubic feet of gas (as determined by ASTM test method D-1072-80).

      Justification: 100 lb NOx/10^6ft^3 * 1 mmBtu/hr/1,050 mmBtu/10^6ft^3 = 0.1 lb NOx/hr (Reference AP-42).

---

[1] Federal standards include: 40 CFR Parts 60 (New Source Performance Standards), 61 (National Emission Standards for Hazardous Air Pollutants), 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

[2] HAPs are toxic substances listed pursuant to Section 112(b) of the Federal Clean Air Act.

b. Any piston-type internal combustion engine (ICE) with a manufacturer's maximum continuous rating of no more than 50 braking horsepower (bhp).

Justification: 14 g NOx/hp-hr * 50 hp/454 g/lb = 1.5 lb NOx/hr (Reference AP-42).

c. Any ICE which emits no more than 2 tons per year of NOx and is operated solely for the purpose of: 1) providing power when normal power service fails (service failure does not include voluntary power reductions); or 2) the emergency pumping of water.

Justification: 14 g NOx/hp-hr * 300 bhp * 100 hr/yr/454 g/lb/2,000 lb/ton = 0.46 tons NOx/yr (Reference AP-42).

d. Any non-electric space heater that is not a boiler.

Justification: 94 lb NOx/10^6ft^3 * 60,000,000 Btu/hr * 720 hr/yr/1,000 Btu/scf = 2 tons NOx/yr.

Note: An electric space heater should be considered a trivial activity.

3. Cooling Towers

Any water cooling tower which: 1) has a circulation rate of less than 10,000 gallons per minute; and 2) is not used to cool process water, water from barometric jets, or water from barometric condensers.

Justification: 0.019 lb PM10/1,000 gal/min * 10,000 gal/min * 60 min/hr * 0.10 = 1.14 lb PM10/hr.

4. Printing and Reproduction Equipment

a. Any printing, coating, or laminating activity which uses no more than two gallons per day of graphic arts materials, including: inks, coatings, adhesives, fountain solutions, thinners, retarders, or cleaning solutions.

Justification: 7.5 lb VOC/gal * 2 gal/day = 15 lb VOC/day.

b. Any photographic process equipment, and control equipment venting such equipment, which reproduces images upon material sensitized to radiant energy.

Justification: Insignificant air pollutant emissions from this source.

c. Any laser printing equipment.

Justification: Insignificant air pollutant emissions from this source.

5. Food Processing Equipment

a. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.

Justification: 13.7 lb VOC/2,000 lb product * 1,000 lb product = 6.9 lb VOC/day (Reference AP-42).

b. Any smokehouse in which the maximum horizontal inside cross section area does not exceed 20 square feet.

Justification: 0.3 lb PM10/ton of meat * 1 ton /day = 0.3 lb PM10/day

0.6 lb CO/ ton of meat * 1 ton/day = 0.6 lb CO/day (Reference AP-42)

c. Any confection cooker, and associated venting or control equipment, cooking edible products intended for human consumption.

Justification: Insignificant air pollutant emissions from this source.

6. Plastic and/or Rubber Processing

a. Any hot-wire cutting of expanded polystyrene foam, provided such cutting is limited to packaging operations.

Justification: 20 cuts/day * 0.27 lb VOC/cut = 5.4 lb VOC/day [San Diego APCD emission factor based on BASF Wyandotte Corporation industrial hygiene tests].

b. Any equipment used exclusively for the extrusion or compression molding of rubber or plastics, provided no plasticizer or blowing agent is used.

Justification: Insignificant air pollutant emissions from this source.

c. Any oven used exclusively for curing, softening, or annealing plastics except for ovens used to cure fiberglass reinforced plastics.

Justification: Insignificant air pollutant emissions from this source.

7. Storage Containers, Reservoirs, and Tanks - Fuel, Fuel Oil, Asphalt

a. Any temporary storage of gasoline in flexible containers to support equipment responding to an emergency or for the purposes of training to support such equipment.

Justification: 11.5 lb VOC/1,000 gal transferred * 5,000 gal * 2 transfers/yr = 115 lb VOC/yr.

b. Any equipment with a capacity of no more than 1,500 gallons used exclusively for the storage of gasoline.

Justification: Breathing losses = 30.5 lb VOC/1,000 gal capacity * 1,500 gal capacity = 45.8 lb VOC/yr

Working losses = 10 lb VOC/1,000 gal throughput * 12,000 gal throughput/yr = 120 lb VOC/yr

Total losses = 0.08 ton VOC/yr

c. Any equipment with a capacity of no more than 19,800 gallons (471 barrels) used exclusively for the storage of petroleum distillates used as motor fuel with specific gravity 0.8251 or higher [40° American Petroleum Institute (API) or lower] as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput (Reference U.S. EPA 450/4-90-003).

d. Any equipment used exclusively for the storage of fuel oils or non-air-blown asphalt with specific gravity 0.9042 or higher (25° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput (Reference U.S. EPA 450/4-90-003).

8. Storage Containers, Reservoirs, and Tanks - General Organic and VOC-containing Material

a. Any equipment used exclusively for the storage of unheated organic material with: 1) an initial boiling point of 150° Centigrade (C) [302° Fahrenheit (F)] or greater as determined by ASTM test method 1078-86); or 2) a vapor pressure of no more than five millimeters mercury (mmHg) [0.1 pound per square inch (psi) absolute] as determined by ASTM test method D-2879-86.

Justification: 0.39 lb VOC/1,000 gal storage capacity-yr * 10,000 gal stored = 3.9 lb VOC/yr

0.007 lb VOC/1,000 gal storage capacity-yr (Reference U.S. EPA 450/4-90-003 for propylene glycol.

b. Any equipment with a capacity of no more than 250 gallons used exclusively for the storage of unheated organic liquid.

Justification: 30.5 lb VOC/1,000 gal storage capacity-yr * 250 gal capacity = 7.62 lb VOC/yr

17.9 lb VOC/1,000 gal storage capacity-yr * 250 gal capacity = 4.5 lb VOC/yr (Reference U.S. EPA 450/4-90-003 for carbon tetrachloride).

c. Any equipment with a capacity of no more than 6,077 gallons used exclusively for the underground storage of unheated organic liquid with a vapor pressure no more than 75 mm Hg (1.5 psi absolute) as determined by ASTM test method D-2879-86.

Justification: 3.6 lb VOC/1,000 gal storage capacity-yr * 6,077 gal capacity = 21.9 lb VOC/yr.

d. Any transport, delivery, or cargo tank or equipment on vehicles used to deliver VOC-containing material.

Justification: 0.005 lb VOC/1,000 gal (Reference U.S. EPA 450/4-90-003).

9. Storage Containers, Reservoirs, and Tanks - Inorganic Materials

Any equipment used exclusively for the storage of fresh, commercial or purer grade of: 1) sulfuric or phosphoric acid with acid content of no more than 99 per cent by weight; or 2) nitric acid with acid content of no more than 70 per cent by weight.

Justification: Insignificant air pollutant emissions from this source.

10. Storage Containers, Reservoirs, and Tanks - Liquefied Gases

Any equipment used exclusively for the storage of liquified gases in unvented (except for emergency pressure-relief valves) pressure vessels.

Justification: Insignificant air pollutant emissions from this source.

11. Compression and Storage of Dry Natural Gas

Any equipment used exclusively to compress or hold dry natural gas. Any ICE or other equipment associated with the dry natural gas should not be considered an insignificant activity unless such ICE or other equipment independently qualifies as an insignificant activity.

Justification: Insignificant air pollutant emissions from this source.

12. Transfer Equipment

a. Any transfer equipment when used with the equipment described in 7 through 11, above.

Justification: Please see justification for 7 through 11, above.

b. Any equipment used exclusively to transfer crude oil, asphalt, or residual oil from a delivery vehicle.

Justification: 0.03 lb/1,000 gal transferred (Reference U.S. EPA 450/4-90-003).

c. Any equipment used exclusively for the transfer of crude oil with 0.8762 specific gravity or higher (30 degrees API or lower) as measured by API test method 2547 or ASTM test method D-1298-80.

Justification: Transfer emissions for heavy crude oil are much less than 1 lb/1,000 gal.

d. Any equipment used exclusively for the transfer of less than 4,000 gallons per day of: 1) unheated organic material with an initial boiling point of 150° C (302°F) or greater as determined by ASTM test method D-86; or 2) fuel oil with 0.8251 specific gravity or higher (40° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: Less than 0.03 lb/1,000 gal transferred (Reference U.S. EPA 450/4-90-003).

13. Adhesive Application

Any adhesive operation in which no more than 173 gallons of adhesives are applied in a consecutive 12-month period.

Justification: 11.1 lb VOC-HAP/gal* 0.52 * 173 gal/year = 0.5 TPY VOC-HAP.

14. Surface Coating

a. Any equipment or activity using no more than one gallon per day of surface coating, or any combination of surface coating and solvent, which contains either VOC or hazardous air pollutants (HAP), or both.

Justification: 7.5 lb VOC/gal * 1 gal/day = 7.5 lb VOC/day.

b. Any coating operation using less than 10,950 gallons per year of coating(s) that contain less than 20 grams of VOC per liter.

Justification: 0.16 lb VOC/gal * 10,950 gal/year = 1,752 lb VOC/yr.

15. Solvent Cleaning

a. Any equipment or activity using no more than one gallon per day of solvent, or combination of solvent and surface coating, which contains either VOC or HAP, or both.

Justification: 7.5 lb VOC/gal * 1 gal/day = 7.5 lb VOC/day.

b. Any unheated, non-conveyorized cleaning equipment (not including control enclosures): 1) which has an open surface area of no more than 10.8 square feet (2 square meters) and internal volume of no more than 92.5 gallons; 2) which uses organic solvents with an initial boiling point of 302° F or greater as determined by ASTM test method 1078-78; and 3) from which the owner or operator can demonstrate, through solvent purchase and use records, that less than 25 gallons per year of solvent was lost exclusive of solvent loss from recycling or disposal.

Justification: 7.5 lb VOC/gal solvent * 25 gal solvent/yr/2,000 lb/ton = 0.094 ton VOC/yr.

c. Any solvent wipe cleaning provided such cleaning: 1) utilizes a container applicator to limit emissions (e.g., squeeze containers with narrow tips, spray bottles, dispensers with press-down caps, etc.); and 2) occurs at a facility which emits no more than five tons VOC (uncontrolled emissions) per calendar year from all solvent wipe-cleaning operations or which purchases no more than 1,500 gallons of solvent per calendar year.

Justification: Less than 5 tons VOC per calendar year.

16. Abrasive Blasting

a. Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment.

Justification: Insignificant air pollutant emissions from this source.

b. Any abrasive blast room when vented to a control device that discharges back to the room.

Justification: Insignificant air pollutant emissions from this source.

17. Brazing, Soldering, Welding, and Cutting Torches

Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 tons per year.

Justification: Less than 0.5 tons per year of total HAPs.

Note: U.S. EPA's List of Trivial Activities says brazing, soldering, and welding associated with maintenance is a trivial activity. Such activity performed as part of the manufacturing process is also a trivial activity, provided no metal HAPs are emitted.

18. Solder Leveler, Hydrosqueegee, Wave Solder Machine, or Drag Solder Machine

Any solder leveler, hydrosqueegee, wave solder machine, or drag solder machine which uses less than an average of 10 pounds/day of any VOC-containing material.

Justification: Less than 10 pounds/day of VOC.

19. Metal Products

Any equipment, and associated control equipment, used exclusively for the inspection of metal products.

Justification: Insignificant air pollutant emissions from this source.

20. Aerosol Can Puncturing or Crushing

Any aerosol can puncturing or crushing operation that processes less than 500 cans per day, provided such operation uses a closed loop recovery system.

Justification: 0.02 lb VOC/aerosol can * 500 aerosol cans/day = 10 lb VOC/day [San Diego County APCD emission factor based on saturated vapor in aerosol can].

21. Biotechnology Manufacture

Provided the total uncontrolled VOC emissions from any biotechnology manufacturing facility does not exceed five tons per year, any equipment used in the manufacture of:

a. Biotechnology pharmaceutical products used exclusively in federal Food and Drug Administration (FDA)-approved clinical trials;

b. Biomedical devices and diagnostic kits used exclusively in FDA-approved clinical trials and laboratory failure analysis testing; or

c. Bioagricultural products for exclusive use in field testing required to obtain FDA, U.S. EPA, United States Department of Agriculture (USDA), or California Environmental Protection Agency (Cal-EPA) approval.

Justification: No more than 2 tons VOC/year.

22. Textile Dyeing, Stripping, or Bleaching

Any equipment used for dyeing, stripping, or bleaching textiles, provided no organic solvents, diluents, or thinners are used.

Justification: Insignificant air pollutant emissions from this source.

23. Laboratory Fume Hoods and Vents

Any laboratory fume hood or vent, provided such equipment is used exclusively for the purpose of teaching, research, or quality control.

Justification: Insignificant air pollutant emissions from this source

Note: According to the U.S. EPA's List of Trivial Activities, "many lab fume hoods or vents might qualify for treatment as insignificant"

24. Refrigeration Units

Any refrigeration unit provided the unit: 1) contains less than 50 pounds of refrigerant; and 2) is not used in conjunction with air pollution control equipment.

Justification: Insignificant air pollutant emissions from this source.