

ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

**RULE 1401 - NEW SOURCE REVIEW FOR TOXIC AIR CONTAMINANTS**

*(Adopted: 06/01/90; Amended 12/07/90; Amended: 11/19/02)*

(A) Purpose

- (1) The purpose of this Rule is to:
  - (a) Set forth the requirements for preconstruction review of all new, Modified, Relocated or Reconstructed Facilities which emit or have the potential to emit any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance; and
  - (b) Ensure that any new, Modified, or Relocated Emissions Unit is required to control the emissions of Toxic Air Contaminants as required pursuant to Chapter 3.5 of Part 1 of Division 26 of the California Health and Safety Code (commencing with §39650); and
  - (c) Ensure that any proposed new or Reconstructed Facility or Emissions Unit is required to control the emissions of Hazardous Air Pollutants as required under 42 U.S.C. §7412(g).

(B) Applicability

- (1) General Applicability
  - (a) The provisions of this rule shall be applicable to:
    - (i) Applications for new, Modified or Relocated Facilities or Permit Units which were received by the District on or after June 1, 1990.
    - (ii) Permit Units installed without a required Authority to Construct Permit shall be subject to this rule, if the application for a permit to operate such equipment was submitted after June 1, 1990.
    - (iii) Applications shall be subject to the version of the District Rules that are in effect at the time the application is received.
- (2) State Toxic New Source Review Program (State T-NSR) Applicability
  - (a) The provisions of Subsection (E) of this Rule shall apply to any new or Modified Emissions Unit which:
    - (i) Emits or has the potential to emit a Toxic Air Contaminant; or
    - (ii) Is subject to an Airborne Toxic Control Measure.

- (3) Federal Toxic New Source Review Program (Federal T-NSR) Applicability
  - (a) The provisions of Subsection (F) of this Rule shall apply to any new or Reconstructed Facility or new or Modified Emissions Unit which:
    - (i) Emits or has the potential to emit 10 tons per year or more of any single HAP; or
    - (ii) Emits or has the potential to emit 25 tons per year or more of any combination of HAPs; or
    - (iii) Has been designated an Air Toxic Area Source by USEPA pursuant to the provisions of 42 U.S.C. §7412 and the regulations promulgated thereunder.

(C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

- (1) “Air Toxic Area Source” – Any stationary source of Hazardous Air Pollutants that emits or has the potential to emit less than ten (10) tons per year of any single HAP or twenty-five (25) tons per year of any combination of HAPs and which has been designated as an area source by USEPA pursuant to the provisions of 42 U.S.C. §7412.
- (2) “Airborne Toxic Control Measure” (ATCM) – Recommended methods or range of methods that reduce, avoid, or eliminate the emissions of a TAC promulgated by CARB pursuant to the provisions of California Health and Safety Code §39658.
- (3) “Best Available Control Technology for Toxics” (T-BACT) –The most stringent emissions limitation or control technique for Toxic Air Contaminants or Regulated Toxic Substances which:
  - (i) Has been achieved in practice for such permit unit category or class of source; or
  - (ii) Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the APCO to be technologically feasible for such class or category of sources, or for a specific source.
- (4) “Cancer Burden” - The estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants.

- (5) “Case-by-Case Maximum Achievable Control Technology Standard” (Case-by-Case MACT) – An emissions limit or control technology that is applied to a new or Relocated Facility or Emissions Unit where USEPA has not yet promulgated a MACT standard pursuant to 42 U.S.C. §7412(d)(3) (FCAA §112(d)(3)). Such limit or control technique shall be determined pursuant to the provisions of 40 CFR 63.43.
- (6) “Contemporaneous Risk Reduction” - Any reduction in risk resulting from a decrease in emissions of Toxic Air Contaminants at the facility which is real, enforceable, quantifiable, surplus and permanent.
- (7) “Hazard Index” (HI) – The acute or chronic non-cancer Hazard Quotient for a substance by toxicological endpoint.
- (8) “Hazard Quotient” (HQ) – The estimated ambient air concentration divided by the acute or chronic reference exposure for a single substance and a particular endpoint.
- (9) “Hazardous Air Pollutant” (HAP) – Any air pollutant listed pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) or in regulations promulgated thereunder.
- (10) “Health Risk Assessment” (HRA) – A detailed and comprehensive analysis prepared pursuant to the most recently published District *Health Risk Assessment Guidelines* to evaluate and predict the dispersion of Toxic Air Contaminants and Regulated Toxic Substances in the environment, the potential for exposure of human population and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. Such document shall include details of the methodologies and methods of analysis which were utilized to prepare the document.
- (11) “High Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to ten (10).
- (12) “Intermediate Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to one (1) and less than ten (10).
- (13) “Low Priority” – A Facility or Emissions Unit for which all Prioritization Scores for cancer, acute non-cancer health effects or chronic non-cancer health effects are less than one (1).
- (14) “Maximum Achievable Control Technology Standard” (MACT) – The maximum degree of reduction in emissions of HAPs, including prohibitions of such emissions where achievable, as promulgated by USEPA pursuant to 42 U.S.C. §7412(d)(3) (Federal Clean Air Act §112(d)(3)).
- (15) “Maximum Individual Cancer Risk” (MICR) – The estimated probability of a

potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 70 years for residential locations and 46 years for worker receptor locations or other periods of time as promulgated by OEHHA.

- (16) “Moderate Risk” – A classification of a Facility or Emission Unit for which the HRA Report indicates the MICR is greater than one (1) in one million ( $1 \times 10^{-6}$ ) at the location of any receptor.
- (17) “Modification” (Modified) – Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation, including but not limited to any change which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance or which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance not previously emitted.
- (a) A physical or operational change shall not include:
- (i) Routine maintenance or repair; or
  - (ii) A change in the owner or operator of an existing Facility with valid PTO(s); or
  - (iii) An increase in the production rate, unless:
    - a. Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or
    - b. Such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (iv) An increase in the hours of operation, unless such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (v) An Emission Unit replacing a functionally identical Emission Unit, provided:
    - a. There is no increase in maximum rating or increase in emissions of any HAP, TAC or Regulated Toxic Substance; and
    - b. No ATCM applies to the replacement Emission Unit.
  - (vi) An Emissions Unit which is exclusively used as emergency standby equipment provided:
    - a. The Emissions Unit does not operate more than 200 hours per year; and
    - b. No ATCM applies to the Emissions Unit.
  - (vii) An Emissions Unit which previously did not require a written permit pursuant to District Rule 219 provided:
    - a. The Emissions Unit was installed prior to the amendment to District Rule 219 which eliminated the exemption; and
    - b. A complete application for a permit for the Emission Unit is received within one (1) year after the date of the

amendment to District Rule 219 which eliminated the exemption.

- (viii) An Emissions Unit replacing Emissions Unit(s) provided that the replacement causes either a reduction or no increase in the cancer burden, MICR, or acute or chronic HI at any receptor location.
- (b) Any applicant claiming exemption from this rule pursuant to the provisions of subsection (C)(17)(a) above:
  - (i) Shall provide adequate documentation to substantiate such exemption; and
  - (ii) Any test or analysis method used to substantiate such exemption shall be approved by the APCO.
- (18) “Office of Environmental Health Hazard Assessment” (OEHHA) – A department within the California Environmental Protection Agency that is responsible for evaluating chemicals for adverse health impacts and establishing safe exposure levels.
- (19) “Prioritization Score” – The numerical score for cancer health effects, acute non-cancer health effects or chronic non-cancer health effects for a Facility or Emissions Unit as determined by the District pursuant to California Health and Safety Code §44360 in a manner consistent with the most recently approved CAPCOA *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
- (20) “Receptor” – Any location outside the boundaries of a Facility at which a person may be impacted by the emissions of that Facility. Receptors include, but are not limited to residential units, commercial work places, industrial work places and sensitive sites such as hospitals, nursing homes, residential care facilities, schools and day care centers.
- (21) “Reconstruction” (Reconstructed) – The replacement of components at an existing process or Emissions Unit that in and of itself emits or has the Potential to Emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:
  - (a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and
  - (b) It is technically and economically feasible for the reconstructed major source to meet the applicable MACT Standard for new sources.
- (22) “Reference Exposure Level” (REL) – The ambient air concentration level expressed in microgram/cubic meter ( $\mu/m^3$ ) at or below which no adverse health effects are anticipated for a specified exposure.

- (23) “Regulated Toxic Substance” – A substance which is not a Toxic Air Contaminant but which has been designated as a chemical substance which poses a threat to public health when present in the ambient air by CARB pursuant to California Health and Safety Code §44321.
- (24) “Relocation” (Relocated) – The removal of an existing permit unit from one location in the District and installation at another location. The removal of a permit unit from one location within a Facility and installation at another location within the same Facility is a relocation only if an increase in MICR in excess of one in one million ( $1 \times 10^{-6}$ ) occurs at any receptor location.
- (25) “Significant Health Risk” – A classification of a Facility for which the HRA Report indicates that the MICR is greater than or equal to ten (10) in a million ( $1 \times 10^{-5}$ ) or that the HI is greater than or equal to one (1).
- (26) “Significant Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to one hundred (100) in a million ( $1 \times 10^{-4}$ ) or that the HI is greater than or equal to ten (10).
- (27) “Toxic Air Contaminant” (TAC) – an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code §39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. Sec. 7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.
- (28) “Toxics Emission Inventory Report” – An emissions inventory report for TAC and Toxic Substances prepared for a Facility or Emissions Unit pursuant to the District’s *Comprehensive Emission Inventory Guidelines*.
- (29) “Unit Risk Factor” (URF) – the theoretical upper bound probability of extra lifetime cancer risk occurring from the chemical when the air concentration is expressed in exposure units of per microgram/cubic meter ( $(\mu/m^3)^{-1}$ ).

#### (D) Initial Applicability Analysis

- (1) The APCO shall analyze the Comprehensive Emissions Inventory Report or Comprehensive Emissions Inventory Report Update which was submitted pursuant to District Rule 1302(B)(1)(b) within thirty (30) days of receipt or after such longer period as the APCO and the applicant agree to in writing, to determine if the new, Modified, Relocated or Emissions Unit; or Reconstructed Facility is subject to provisions (E) or (F) of this rule.
- (a) If the Facility or Emissions Unit is subject to the State T-NSR pursuant to Section (B)(2), then the APCO shall perform the analysis required pursuant to Section (E).

- (b) If the Facility is subject to the Federal T-NSR pursuant to Section (B)(3), then the APCO shall perform the analysis required pursuant to Section (F).
- (c) If the Facility or Emissions Unit is subject to both the State T-NSR pursuant to Section (B)(2) and the Federal T-NSR pursuant to Section (B)(3) then the APCO shall perform the analysis required pursuant to Section (E) followed by the analysis pursuant to Section (F).
- (d) If the provisions of this Rule are not applicable to the Facility or Emissions Unit then the APCO shall continue the permit analysis process commencing with the provisions of District Rule 1302(C)(3).

(E) State Toxic New Source Review Program Analysis (State T-NSR)

(1) ATCM Requirements

- (a) The APCO shall analyze the application and Comprehensive Emission Inventory Report for the new or modified Emission Unit(s) within thirty (30) days of receipt or after such longer period as the APCO and the applicant agree to in writing, and determine if any currently enforceable ATCM applies to the Emissions Unit(s).
- (b) If an ATCM applies to the new or modified Emission Unit(s) the APCO shall:
  - (i) Add the requirements of the ATCM or of any alternative method(s) submitted and approved pursuant to Health & Safety Code §39666(f) to any ATC or PTO issued pursuant to the provisions of this Regulation or District Regulation II whichever process is utilized to issue the permit(s); and
  - (ii) Continue the analysis with Section (E)(2).
- (c) If no ATCM applies to the proposed new or modified Emissions Unit the APCO shall continue the analysis with Section (E)(2).

(2) Emission Unit Prioritization Score

- (a) The APCO shall analyze the application and Comprehensive Emission Inventory Report for the Emission Unit(s) and calculate three (3) prioritization scores for each new or modified Emission Unit.
  - (i) Prioritization Scores shall be calculated for carcinogenic effects, non-carcinogenic acute effects and non-carcinogenic chronic effects.
  - (ii) Prioritization Scores shall be calculated utilizing the most recently approved CAPCOA *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency

factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.

(iii) Prioritization Scores may be adjusted utilizing any or all of the following factors if such adjustment is necessary to obtain an accurate assessment of the Facility.

- a. Multi-pathway analysis
- b. Method of release.
- c. Type of Receptors potentially impacted.
- d. Proximity or distance to any Receptor.
- e. Stack height.
- f. Local meteorological conditions.
- g. Topography of the proposed new or Modified Facility and surrounding area.
- h. Type of area.
- g. Screening dispersion modeling.

(b) If all Prioritization Scores indicate that the Emission Unit is categorized as Low or Intermediate Priority, the APCO shall:

- (i) Determine if the Facility is subject to Federal T-NSR pursuant to subsection (B)(3) and continue the analysis with Section (F).
- (ii) If the Facility or Emission Unit is not subject to Federal T-NSR, continue the permit analysis process commencing with the provisions of District Rule 1302(C)(3).

(c) If any Prioritization Score indicates that the Emission Unit is categorized as High Priority, the APCO shall continue the analysis pursuant to subsection (E)(3).

### (3) Emission Unit Health Risk Assessment

(a) The APCO shall notify the applicant in writing that the applicant is required to prepare and submit an HRA for the new or Modified Emission Units(s).

- (i) The applicant shall prepare the HRA for the new or Modified Emission Units(s) in accordance with the District's most recently issued *Health Risk Assessment Plan and Report Guidelines*.
- (ii) The HRA for the emission unit shall be submitted by the applicant no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the applicant and the APCO may agree to in writing. (iii) The HRA may include a demonstration of Contemporaneous Risk Reduction pursuant to subsection (E)(4).

(b) The APCO shall approve or disapprove the HRA for the new or Modified Emission Units(s) within thirty (30) days of receipt of the HRA from the



applicant or after such longer time that the applicant and the APCO may agree to in writing.

- (c) After the approval or disapproval of the HRA for the new or Modified Emission Units(s) the APCO shall transmit a written notice of the approval or disapproval of the HRA immediately to the applicant at the address indicated on the application.
  - (i) If the HRA for the new or Modified Emission Units(s) was disapproved the APCO shall specify the deficiencies and indicate how they can be corrected.
    - a. Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.
- (d) The APCO shall analyze the HRA for the new or Modified Emission Unit(s) to determine the cancer burden for each Emissions Unit(s).
  - (i) If the cancer burden is greater than 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall immediately notify the applicant that the application will be denied in its current form unless the applicant submits a revised application which reduces the cancer burden to equal or below 0.5 within thirty (30) days of receipt of the notice or after such longer time as both the applicant and the APCO may agree to in writing.
    - a. If the applicant does not submit a revised application within the time period specified, the APCO shall notify the applicant in writing that the application has been denied.
    - b. If the applicant submits a revised application, the analysis process shall commence pursuant to District Rule 1302 as if the application was newly submitted.
  - (ii) If the cancer burden is less than or equal to 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall continue with the analysis pursuant to subsection (E)(3)(e).
- (e) The APCO shall analyze the HRA for the new or Modified Emissions Unit(s) and determine the risk for each Emissions Unit.
  - (i) If the HRA indicates that the Emissions Unit(s) are less than a Moderate Risk then the APCO shall continue the analysis pursuant to section (E)(3)(f).
  - (ii) If the HRA indicates that the Emissions Unit(s) are a Moderate Risk but less than a Significant Health Risk then the APCO shall:
    - a. Add requirements for each Emissions Unit sufficient to ensure T-BACT is applied to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and

- b. Continue with the analysis pursuant to subsection (E)(3)(f).
  - (iii) If the HRA indicates that an Emission Unit is a Significant Health Risk but less than a Significant Risk then the APCO shall:
    - a. Add requirements for each Emissions Unit sufficient to ensure T-BACT is applied to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and b. Require the Facility to perform a public notification pursuant to the District's *Public Notification Guidelines*; and
    - c. Continue with the analysis pursuant to subsection (E)(3)(f).
  - (iv) If the HRA indicates that an Emissions Unit is a Significant Risk then the APCO shall immediately notify the applicant that the application will be denied in its current form unless the applicant submits a revised application which reduces the risk below that of Significant Risk within thirty (30) days of receipt of the notice or after such longer time as both the applicant and the APCO may agree to in writing.
- (f) If the HRA Report indicates that all new or Modified Emission Unit(s) are less than a Significant Risk then the APCO shall determine if the Facility or Emission Unit is subject to Federal T-NSR pursuant to subsection (B)(3).
- (i) If the Facility or Emission Unit is subject to the Federal T-NSR, continue the analysis with Section (F).
  - (ii) If the Facility or Emission Unit is not subject to the Federal T-NSR, continue the permit analysis process commencing with the provisions of District Rule 1302(C)(3).

(4) Contemporaneous Risk Reduction

- (a) Applicant may, as a part of an HRA required pursuant to subsection (E)(3), provide Contemporaneous Risk Reduction to reduce the Facility risk from the new or modified Emissions Units.
- (b) Contemporaneous Risk Reductions shall be:
  - (i) Real, enforceable, quantifiable, surplus and permanent; and
  - (ii) Calculated based on the actual average annual emissions as determined by the APCO based upon verified data for the two year period immediately preceding the date of application; and
  - (iii) Accompanied by an application for modification of the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
- (c) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience a total increase in MCIR due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.

- (i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
  - a. The Contemporaneous Risk Reduction is:
    - 1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
    - 2. No receptor location will experience a total increase in MCIR of greater than one in one million ( $1.0 \times 10^{-6}$ ) due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction
  - b. T-BACT is applied to any Emissions Unit which is a Moderate Risk or greater.
- (d) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience an increase in total acute or chronic HI due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
  - (i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
    - a. The Contemporaneous Risk Reduction is:
      - 1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
      - 2. No receptor location will experience an increase in total acute or chronic HI of more than .1 due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction; and
- (e) Any Contemporaneous Risk Reduction must occur before the start of operations of the Emissions Unit(s) which increase the risk.

(F) Federal Toxic New Source Review Program Analysis (Federal T-NSR)

(1) MACT Standard Requirements

- (a) The APCO shall analyze the application and Comprehensive Emission Inventory and determine if any currently enforceable MACT standard applies to the new or Reconstructed Facility or Emissions Unit.
- (b) If a MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall:
  - (i) Add the requirements of the MACT standard to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and

- (ii) Continue the analysis with District Rule 1302(C)(3).
  - (c) If no MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall continue the analysis with Section (G)(2).
- (2) Case-by-Case MACT Standards Requirements
- (a) The APCO shall determine if a Case-by-Case MACT standard applies to the proposed new or Reconstructed Facility or Emissions Unit.
  - (b) If a Case-by-Case MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall:
    - (i) Notify the applicant in writing that the applicant is required to prepare and submit a Case-by-Case MACT application.
      - a. The applicant shall prepare the Case-by-Case MACT application in accordance with the provisions of 40 CFR 63.43(e).
      - b. The Case-by-Case MACT application shall be submitted no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the applicant and the APCO may agree to in writing.
    - (ii) Preliminarily approve or disapprove the Case-by-Case MACT application within 30 days after receipt of the application or after such longer time as the applicant and the APCO may agree to in writing.
    - (iii) After the approval or disapproval of the Case-by-Case MACT application the APCO shall transmit a written notice of the approval or disapproval to the applicant at the address indicated on the application.
      - a. If the Case-by-Case MACT application is disapproved the APCO shall specify the deficiencies, indicate how they can be corrected and specify a new deadline for submission of a revised Case-by-Case MACT application.
    - (iv) The APCO shall review and analyze the Case-by-Case MACT application and submit it to USEPA along with any proposed permit conditions necessary to enforce the standard.
    - (v) Provide public notice and comment of the proposed Case-by-Case MACT standard determination pursuant to the procedures in 40 CFR 63.42(h).
      - a. Such notice may be concurrent with the notice required under District Rule 1302(D)(3) if notice is required pursuant to that provision.
    - (vi) Add the approved Case-by-Case MACT standard requirements or conditions to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
    - (vii) Continue the analysis with District Rule 1302(C)(3).

- (c) If a Case-by-Case MACT standard does not apply to the new or Reconstructed Facility or Emissions Unit the APCO shall continue the analysis with District Rule 1302(C)(3).

(G) Most Stringent Emission Limit or Control Technique

- (1) If a Facility or Emission Unit is subject to more than one emission limitation pursuant to sections (E) or (F) of this rule the most stringent emission limit or control technique shall be applied to the Facility or Emission Unit.
  - (a) Notwithstanding the above, if a Facility or Emission Unit is subject to a published MACT standard both the MACT standard and the emissions limit or control technique, if any, required pursuant to sections (E) shall apply unless the District has received delegation from USEPA for that particular MACT standard pursuant to the provisions of 42 U.S.C. §7412(l) (FCAA §112(l)).

(H) Interaction with District Rule 1402

- (1) Nothing in this Rule shall be construed to exempt an existing Facility from compliance with the provisions of District Rule 1402.

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