

MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT

**CHAPTER II – PERMITS**

All permit requirements and procedures covered by this chapter are and shall be interpreted in accordance with the provisions of the federal Clean Air Act Amendments of 1990 and as amended at the time of application, Title 40 of the Code of Federal Regulations, Part 52.21, Division 26 of the California Health and Safety Code; and the California Environmental Quality Act of 1970 as amended at the time of application, as applicable, to comply with the California State Implementation Plan (SIP).

[Amended 5/6/03]

**RULE 1-200 - PERMIT REQUIREMENTS**

**(a) Authority to Construct or Modify**

A written authorization shall be obtained from the District prior to starting construction, modification, operation or use of any stationary, portable, or indirect source which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants. A single authorization may be issued for all components of an integrated system or process. An Authority to Construct shall remain in effect for one (1) year or until a Permit to Operate is issued or denied, or the application is canceled at the request of the applicant, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the authorization may be extended by the applicant submitting an annual renewal fee per Rule 1-300(f). Construction not in accordance with this Authority to Construct shall be sufficient reason to deny a Permit to Operate.

[Amended 5/6/03]

**(b) Applications**

All applications for an Authority to Construct, Erect, Modify, Replace, Operate or Use any equipment or indirect source which may cause, potentially cause, reduce, control, or eliminate the emission of air contaminants, shall be filed at the office of the District or its designated agent for accepting applications, except as provided in Rule 1-220(c) for new power plants. Such application shall contain all information requested by the District from the list adopted pursuant to "AB 884" (1977) (California Public Utilities Commission, Information and Criteria List). Upon request of the Air Pollution Control Officer, any existing stationary, portable, or indirect source of air contaminant emissions, actual or potential, shall apply for a Permit to Operate from the District. The applicant for an Authority to Construct or Permit to Operate shall pay the fees as specified in Regulation 1, Rule 1-300 *et seq.*

**(c) Preliminary Determinations**

In acting upon an application for an Authority to Construct, the Air Pollution Control Officer shall make the following determinations:

- (1) Whether the project application is subject to the requirements of Regulation 1 of the Mendocino County Air Quality Management District.

- (2) Whether the project application is ministerial, categorically exempt, statutorily exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality Act of 1970 as amended at the time of application.
- (3) Whether the project application is subject to the new source review procedures specified in Rule 1-220(b).
- (4) Whether the project is subject to the new power plant review procedures specified in Rule 1-220(c).
- (5) Whether the project application is subject to the requirements of federal New Source Performance Standards Rule 1-490), or subject to national emission standards for Hazardous Air Pollutants (Rule 1-492).
- (6) Whether the project is classified as a major stationary source or major modification under the provisions of Title 40 of the Code of Federal Regulations, Part 52.21 and subject to all applicable Prevention of Significant Deterioration review requirements.

**(d) General Exemptions**

An Authority to Construct and Permit to Operate shall be required for all new or modified facilities, equipment, processes, operations or indirect sources which may emit air contaminants with the following exceptions:

- (1) Any vehicle as defined in the Vehicle Code.
- (2) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- (3) Barbecue equipment that is not used for commercial purposes.
- (4) Orchard, vineyard or citrus grove heaters.
- (5) Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals in accordance with California Health and Safety Code, Section 42310(e).
- (6) Mixing, blending, conveying, or other mechanical systems which do not, directly or indirectly, emit air contaminants.
- (7) Gasoline and organic liquid storage tanks having a capacity of less than 250 gallons.
- (8) Any article, machine, equipment or other contrivance that the Air Pollution Control Officer finds emits air contaminants below the significance level and he determines should be exempted.

No exemption from the requirements listed herein under Rule 1-200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source that is subject to New Source Review in accordance with Rule 1-220(b).

## **RULE 1-210 - ENVIRONMENTAL ASSESSMENT**

If the Air Pollution Control Officer determines that the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with the California Environmental Quality Act of 1970 (CEQA) as amended at the time of application, no further processing of environmental documents shall be required. The Air Pollution Control Officer shall then follow the procedure set forth in Article XII of Appendix A to this regulation.

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

## **RULE 1-220 - NEW SOURCE REVIEW STANDARDS (INCLUDING PSD EVALUATIONS)**

### **(a) Emission Analysis**

In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Air Pollution Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Air Pollution Control Officer to make the approval determinations required by the provisions of Rule 1-230.

For the purposes of emission considerations:

- (1) Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit any air contaminant subject to regulation under the federal Clean Air Act Amendments of 1990 and as amended at the time of application and Title 40 of the Code of Federal Regulations, Part 52.21(b)(4).
- (2) Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increases or reductions that may occur as a result of the modifications and conditions imposed by either an Authority to Construct or a Permit to Operate, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations, (40 CFR 52.21(b)(2&3)).

- (3) Emissions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two-year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that it would be more representative of normal source operation, (40 CFR 52.21(b)(3&21)).

**(b) New Source Review Procedure**

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 1-490 or 1-492; or for any new or modified stationary source which the Air Pollution Control Officer estimates will result in a significant net increase in emissions of any air contaminant regulated under the federal Clean Air Act Amendments of 1990 and as amended at the time of application, and precursors of such contaminants, the Air Pollution Control Officer shall: *(Significant levels are defined in Rule 1-130(s2)). The New Source Review process is diagramed in Rule 1, Figure 1.*

- (1) Determine best available control technology (BACT) for each air contaminant for which the significance level is exceeded and so inform the applicant,(40 CFR 52.21(b)(12)).
- (2) Analyze the effect of the new or modified stationary source on air quality for each air contaminant for which the significance level is exceeded and require that the applicant comply with the preconstruction monitoring requirements of Section 52.21 of the Code of Federal Regulations, (40 CFR 52.21(m)).
- (3) Determine that approved stack height good engineering practices are employed and prepare or cause to be prepared an analysis of the following:
  - (A) The effect of increased emissions of air contaminants, including associated vessel emissions, on the PSD increments.
  - (B) The expected net increase above baseline concentration for any proposed new stationary source or modification whose emissions, including any associated vessel emissions, exceed the significant levels defined in Rule 1-130(s2).

**NOTE:** Increment consumption prior to the date of application of the proposed source shall be calculated by including major, minor and mobile sources.

- (4) Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall include the preliminary determination; present the expected additional and cumulative increment consumption; provide opportunity for a public hearing; and allow 30 days beginning on the date of publication, for the public to submit written comments on the application.

- (5) Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.
- (6) On the date of publication forward copies of the notice required in paragraph (4) to the U. S. Environmental Protection Agency, the California Air Resources Board, all APCD's and AQMD's in the air basin, all adjoining APCD's and AQMD's in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact or is within 100 kilometers.
- (7) In the event of an air quality controversy, hold a public hearing on the project and consider all public comments submitted prior to the granting or denial of the Authority to Construct. Notice of the public hearing shall be published in at least one newspaper of general circulation in the District at least 10 days prior to the public hearing.
- (8) Transmit copies of the application and notice of each action affecting the application to EPA and the managers of any affected Class I areas.
- (9) All comments and the final determination on the application shall be available for public inspection.
- (10) Within 30 days of the issuance of an Authority to Construct the Air Pollution Control Officer shall publish a notice in the local newspaper with the highest circulation in the area.

**(c) Power Plant Review Procedures**

This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission (CEC). The Air Pollution Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, which may include lost fees, incurred in order to comply with the provisions of this section.

- (1) Within fourteen days of receipt of an NOI, the Air Pollution Control Officer shall notify the ARB and the CEC of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Air Pollution Control Officer shall prepare and submit a report to the ARB and the CEC prior to the conclusion of the non-adjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:
  - (A) a preliminary determination of the need for and a specific definition of best available control technology (BACT) for the proposed facility;
  - (B) a preliminary discussion of whether there is substantial likelihood that the requirements of Rule 1-230(a) and all other District regulations can be satisfied by the proposed facility;

- (C) a preliminary list of conditions which the proposed facility must meet in order to comply with Rule 1-230(a) or any other applicable District regulation.

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

- (2) Upon receipt of an Application for Certification (AFC) for a power plant, the Air Pollution Control Officer shall conduct a Determination of Compliance review in accordance with the procedures of Rule 1-220. If the information contained in the AFC does not meet the requirements of Rule 1-200(b), the Air Pollution Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the CEC, and the AFC shall be considered incomplete and returned to the applicant for re-submittal.
- (3) The Air Pollution Control Officer shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review.
- (4) The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Air Pollution Control Officer is unable to obtain the information, he may petition the presiding Commissioner of the CEC for an order directing the applicant to supply such information.
- (5) Within 180 days of accepting an AFC as complete, the Air Pollution Control Officer shall make a preliminary decision on:
  - (A) whether the proposed power plant meets the requirements of Rule 1-230(a) and all other applicable district regulations; and
  - (B) in the event of compliance, what permit conditions will be required including specific BACT requirements and a description of required mitigation measures; and
  - (C) complete the new source review requirements of Rule 1-230.
- (6) Within 240 days of the filing date, the Air Pollution Control Officer shall submit to the CEC a Determination of Compliance, or if such a determination cannot be issued, shall so inform the CEC as to the reason for noncompliance.
- (7) Any applicant receiving a certificate from the CEC pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the Air Pollution Control Officer.

## **RULE 1- 230 - ACTION ON APPLICATIONS**

Within 30 days of receipt of an application for an Authority to Construct, Modify, Replace, Operate or Use, the Air Pollution Control Officer shall notify the applicant in writing by mail or in person, of the action taken on that application. Such action shall include a determination of completeness or incompleteness. A determination of completeness shall include approval, conditional approval, or denial. A determination of incompleteness shall include a request for more information necessary to issue a determination of completeness. Notice of action taken on an application shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

[Ref. HS&C, Section 42301.3(d)(1), Amended 5/6/03]

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 1-220(b), the Air Pollution Control Officer shall provide for public notice in accordance with the provisions of said rule.

### **(a) General Approval**

The Air Pollution Control Officer shall grant an Authority to Construct only after he has determined that the new or modified stationary source of air contaminants:

- (1) will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants;
- (2) will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan;
- (3) has complied with all applicable requirements of 40 CFR. Part 52.21 and will not cause deterioration of existing air quality in excess of 50% of remaining available PSD increments;
- (4) will not result in air contaminant emissions in excess of the allowable standards established by the U.S. Environmental Protection Agency for new stationary sources of the category types listed in Rule 1-490 and 1-492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition; and
- (5) provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Air Pollution Control Officer.

**NOTE:** The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 1-490 & 1-492.

**(b) New Source Approval**

- (1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 1-220, the Air Pollution Control Officer shall forward to the California Air Resources Board and the U.S. Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.
- (2) An Authority to Construct for any stationary source subject to the provisions of Rule 1-220, may not be granted or denied by the Air Pollution Control Officer until at least 30 days after the date of public notice.

**(c) Denial Of Application**

The Air Pollution Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants that does not meet the requirements specified in Rule 1-230. In the event of such denial, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has satisfied the requirements that were the basis for denial of the Authority to Construct.

**(d) Conditional Approval**

The Air Pollution Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct shall be deemed acceptance of all conditions so specified. No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 1-230(a)(2) with respect to a federal, state, or local ambient air quality standard unless all the following conditions are met for the applicable (violating) pollutant:

- (1) The new source is required to employ "Best Available Control Technology".
- (2) Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements.
- (3) The emission reductions stated above will provide a positive net air quality benefit in the affected area.
- (4) The applicant certified that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.



The Air Pollution Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

## **RULE 1-240 - PERMIT TO OPERATE**

### **(a) Permit To Operate Required**

A person shall not operate or use any stationary source, the use of which may cause the issuance of air contaminants or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit from the Air Pollution Control Officer or except as provided in Rule 1-240(b).

### **(b) Temporary Permit to Operate**

Upon completion of construction or modification of and before operating or using of any new or modified stationary source of air contaminants for which an Authority to Construct had been issued pursuant to the provisions of this Chapter, the applicant shall notify the Air Pollution Control Officer in writing. Upon such notification, the Authority to Construct or modify shall serve as a Temporary Permit for Operation of the equipment until the Permit to Operate is granted or denied.

### **(c) Permit to Operate**

The Air Pollution Control Officer shall take final action to grant, grant with conditions, or deny a Permit to Operate for any stationary source within 180 calendar days after notification per section 1-240(b) or for a pre-existing source (i.e. a source without an Authority to Construct) within 90 calendar days after receipt of application for Permit to Operate. The Air Pollution Control Officer shall grant a Permit to Operate for any stationary source only after he has determined that, in his judgment, all source construction and modifications were completed in accordance with the Authority to Construct granted pursuant to this Chapter. Failure to act within the specified time period can be deemed by the Applicant to be a denial of the Permit to Operate for appellate purposes. No Permit to Operate shall be granted for any stationary source constructed without authorization as specified in Rule 1-200(a) until the information required is presented to the Air Pollution Control Officer, an emission analysis is performed, and the source is altered, if necessary, and made to conform with the standards set forth in Rule 1-230 and elsewhere in this regulation.

### **(d) Conditional Permit**

The Air Pollution Control Officer may issue a Permit to Operate or Use, subject to conditions that will assure the operation of any stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified.

- (1)** The Air Pollution Control Officer shall impose conditions on a Permit to Operate such as he deems necessary to ensure that the stationary source will be operated in the

manner specified in conducting the emission analysis of Rule 1-220 and in granting the approval required by Rule 1-230.

- (2) The Air Pollution Control Officer may condition a Permit to Operate so as to prohibit a new stationary source that is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.
- (3) The Air Pollution Control Officer may at any time issue a Permit to Operate with revised conditions if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

**(e) Compliance Verification**

As a condition of a Permit to Operate, the Air Pollution Control Officer may require that the owner provide, install, calibrate, maintain, and operate continuous recording instruments to measure emission rates to the atmosphere and/or to measure air contaminant concentrations at specific emission points or at locations adjacent to the facility property line. The Air Pollution Control Officer shall forego the requirements of this subsection (Rule 1-240(e)) if the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that there is no practical or reasonable achievable technology available to accomplish the monitoring requirements.

- (1) Said permit conditions may, in addition, require:
  - (A) That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency as specified by the Air Pollution Control Officer.
  - (B) That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.
- (2) The information recorded shall be summarized and reported to the District in the manner and form as prescribed by the Air Pollution Control Officer.
- (3) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Office, or submitted to EPA or ARB, upon request.
- (4) Monitoring records shall be retained by the owner for a period of not less than two years.
- (5) District personnel are to inspect and confirm calibration of measuring instruments, as necessary.

- (6) Any violation of an emission standard, ambient air quality standard, or breakdown of emission measuring instruments, is to be reported to the District in accordance with the provisions of Rule 1-540, Equipment Breakdown.

**(f) Mandatory Monitoring Requirements**

Monitoring instruments shall be provided, installed, calibrated, maintained and continuously operated by the owner of the following stationary source categories to measure air contaminant emissions or opacity from sources for which there is an applicable federal, state, or local emission standard. All monitoring calibrations, reporting requirements and specifications shall be in accordance with the requirements of Mendocino County Air Quality Management District Regulation 1, Appendix B.

- (1) Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a use factor of at least 30% per year.
  - (A) Oxides of nitrogen.
  - (B) Carbon dioxide or oxygen.
  - (C) Opacity except: where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel burned and the source is able to comply with the applicable particulate matter and opacity regulations without collection equipment, and where the source has not been found, through administrative or judicial proceedings, to be in violation of Regulation 1 of the Mendocino County Air Quality Management District.
  - (D) Sulfur dioxide, if control equipment is used.
- (2) All sulfur recovery plants and sulfuric acid plants, sulfur dioxide.
- (3) Nitric Acid Plants.
  - (A) All new nitric acid plants, oxides of nitrogen.
  - (B) All existing nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, oxides of nitrogen.
- (4) CO boilers of regenerators of fluid catalytic cracking units; CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,500,000 liters) per day.
  - (A) Sulfur dioxide.
  - (B) Opacity.

**(g) Permit Denial**

The Air Pollution Control Officer shall deny a Permit to Operate for any new or modified stationary source of air contaminants that does not meet the approval requirements specified in Rule 1-230. In the event of such denial, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not grant a Permit to Operate until the applicant has satisfied the requirements that were the basis for the denial.

**(h) Review of Permits**

The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any Permit to Operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants that are or may be discharged into the atmosphere. If the holder of said permit within 30 days willfully fails and refuses to furnish to the Air Pollution Control Officer information, analyses, plans, specifications, or test data requested, the Air Pollution Control Officer may suspend the Permit to Operate. The Air Pollution Control Officer shall serve notice in writing of such suspension and the reasons therefore on the permittee.

**(i) Posting of Permit to Operate**

A person who has been granted a Permit to Operate any stationary source, shall display such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number in such a manner as to be clearly visible and accessible at a location near the source. In the event that the Permit to Operate cannot be so placed, the Permit to Operate shall be maintained readily available at all times on the operating premises.

**(j) Transfer of Location or Ownership**

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, or from one person to another, unless such transfer is specified as a condition of permit issuance.

**RULE 1-250 - APPEALS**

Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authority to Construct or Permit to Operate, or upon suspension of an existing permit the applicant or any other person dissatisfied with the decision may petition the Hearing Board, in writing, for an order modifying or reversing that decision. Such appeals shall be filed in writing and contain a summary of the issues which form the basis for approval or denial. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

## **RULE 1-260 - EXCLUSIONS**

- (a) New source review procedures in accordance with Rule 1-220(b) shall not be required for temporary stationary sources which will be in operation for less than 90 days duration providing best available control technology is applied and such operations will not interfere with the control strategy of the SIP.
- (b) New source review procedure in accordance with Rule 1-220(b), Rule 1-230(a)(4) and Rule 1-230(a)(2) shall not be required for geothermal power plants or steam transmission lines which will not, under all normal operating conditions, emit greater than 5 lbs. H<sub>2</sub>S/1,000,000 lbs. steam or 1.0 kg H<sub>2</sub>S/hr (as provided below) provided it is not considered a major source or a major modification (Reference: 40 CFR 52.21(b)). The 1.0 kg H<sub>2</sub>S/hr exclusion shall apply only to geothermal power facilities with an electrical generating capacity of 20 Megawatts or less, provided:
  - (1) No more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or
  - (2) The facility can provide a significant net annual H<sub>2</sub>S emissions reduction.

## **RULE 1-270 - EMISSIONS DATA AND SAMPLING ACCESS.**

The Air Pollution Control Officer or his or her authorized representative may, upon reasonable written notice, require the owner or operator of any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants, to do any of the following:

- (a) Provide the Air Quality Management District with descriptions of basic equipment, control equipment and rates of emissions.
- (b) Provide other additional information, including process and production data, techniques and flow diagrams.
- (c) Provide sampling platforms, sampling ports, and means of access to sampling locations.
- (d) Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the Air Pollution Control Officer or his or her authorized representative has determined that such apparatus is available and should be installed.

Authority cited: Health and Safety Code, Section 41511.  
[Adopted September 8, 1992, Amended 5/6/03]

## **RULE 1-280 - AIR TOXICS "HOT SPOTS" COMPLIANCE**

### **(a) Applicability**

This Rule shall apply to all new facilities subject to the Air Toxics "Hot Spots" Information and Assessment Act (the Act -- Health and Safety Code, Sections 44300 - 44394), and to all existing facilities subject to the Act that add new equipment or processes. (Health and Safety Code, Section 44382)

### **(b) Major New Processes or Equipment at Existing Facilities**

The owner or operator of any previously permitted facility shall submit to the District an Emission Inventory Plan as required by Health and Safety Code, Section 44340 not later than August 1 of the year following the year in which the District issues a permit to operate any new process or equipment which emits more than 10 tons per year (55 pounds per day) of volatile organic compounds, oxides of nitrogen, oxides of sulfur or respirable particulate matter (PM-10).

### **(c) Minor New Processes or Equipment at Existing Facilities**

The owner or operator of any previously permitted facility shall submit to the District an Emissions Inventory Plan as required by Health and Safety Code, Section 44340 at the time of the next reporting cycle, as provided in Health and Safety Code, Section 44344, after the District's issuance of a permit to operate any new process or equipment which emits less than 10 tons per year (55 pounds per day) of volatile organic compounds, oxides of nitrogen, oxides of sulfur or respirable particulate matter (PM-10).

### **(d) New Facilities**

The owner or operator of any new facility subject to the Act shall submit to the District an Emissions Inventory Plan as required by Health and Safety Code, Section 44340 not later than August 1 of the year following the year in which the District issues a permit or permits to operate the processes or equipment at that facility.

### **(e) Fees for New Facilities**

The owner or operator of any new facility subject to the Act shall pay to the District the fees as required by Health and Safety Code, Section 44380, as provided in Regulation 1, Rule 1-370, commencing with the fiscal year of the District's issuance of a permit or permits to operate the processes or equipment at that facility.

### **(f) Permit Conditions**

Each permit to operate new equipment at new or modified facilities subject to the Act, issued pursuant to Rule 1-240, shall require compliance with this Rule and the provisions of the Act as a condition of continued operation. The permit shall include the date by which the permit holder must submit an Emission Inventory Plan of Health and Safety Code, Section 44340.