

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

Rule 501 - Purpose and General Requirements

*(Adopted December 10, 1993 as Reg. V, Rule 100, 110, 120, 200 & 300)(Revised November 21, 1994)
(Re-codified as Regulation V, Rule 501 May 19, 2005).*

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RULE 501: PURPOSE AND GENERAL REQUIREMENTS

- 1.0 PURPOSE:** The purpose of Regulation V is to implement the requirements of Title V of the federal Clean Air Act, as amended in 1990, for permits to operate. Additionally, Regulation 5 is used to implement the Phase II acid deposition control provisions of Title IV of the Clean Air Act, including provisions for Acid Rain Permits.
- 2.0 GENERAL REQUIREMENTS OF REGULATION V:** After the effective date of Regulation V, the North Coast Unified Air Quality Management District will implement an operating permit program pursuant to the requirements of this Regulation, as provided in Title V. Title V provides for the establishment of operating permit programs for sources which emit regulated air pollutants, including attainment and nonattainment pollutants.

Sources subject to Regulation V include major sources, acid rain units subject to Title IV of the Clean Air Act, solid waste incinerators subject to section 111 or 129 of the Clean Air Act, and any other sources specifically designated by rule of the U.S. EPA.

The AQMD criteria for Title V insignificant activities are set forth in Rule 502(4.18) and Attachment 1 of Regulation V.

Sources subject to Regulation V shall obtain permits to operate pursuant to it. Each permit to operate issued pursuant to Regulation V will contain conditions and requirements adequate to ensure compliance with and the enforceability of the following:

- 2.1** All applicable provisions of Division 26 of the Health and Safety Code, commencing with section 39000;
- 2.2** All applicable orders, rules, and regulations of the AQMD and the California Air Resources Board;
- 2.3** All applicable provisions of the applicable state implementation plan required by the Clean Air Act;
- 2.4** Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the Clean Air Act; and
- 2.5** The requirements of all preconstruction permits issued pursuant to Parts C and D of the Clean Air Act.

The operation of an emissions unit, to which Regulation V is applicable, without a permit or in violation of any applicable permit condition or requirement constitutes a violation of Regulation V.

[Reference: 40 CFR 70.6(a)(6)(i) and 70.7(b)]

3.0 PRECEDENCE OVER CONFLICTING REQUIREMENTS AND CONTINUATION OF EXISTING PROGRAM: The requirements of Regulation V shall augment and take precedence over conflicting administrative requirements of other provisions of the AQMD's rules and regulations, if any.

Regulation V does not alter any applicable requirement that a source obtain preconstruction permits, or permits to operate pursuant to Health and Safety Code Section 42301. The AQMD will continue to implement its existing program pertaining to prevention of significant deterioration, Regulation I, Rule 110, and permits required by Regulation I, Rule 102(1,3) and (4), including authorities to construct, Rule 102(2) or new source review, Rule 110. Nothing in Regulation V limits the authority of the AQMD, including the hearing board, to deny, revoke or terminate a permit pursuant to provisions of state law, including California Health and Safety Code Sections 40808 and 42301-42309, or to impose conditions on a permit pursuant to state law.

[Reference 40 CFR 70.7(a)(6)]

4.0 APPLICABILITY

4.1 Sources Subject to Regulation V: The sources listed below are subject to the requirements of Regulation V and are required to obtain and maintain permits to operate:

4.1.1 A major source;

4.1.2 A source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the Clean Air Act;

4.1.3 A solid waste incinerator subject to a performance standard promulgated pursuant to section 111 or 129 of the Clean Air Act;

4.1.4 Any other source in a source category designated by rule of the U.S. EPA, pursuant to 40 CFR Part 70.3; and

4.1.5 Any source that is subject to a standard or other requirement promulgated pursuant to section 111 or 112 of the Clean Air Act, published after July 21, 1992, designated by the U.S. EPA pursuant to 40 CFR Part 70.3 at the time the new standard is promulgated.

[Reference: 40 CFR 70.3(a)]

4.1.6 Upon amendment of the California Health and Safety Code to allow the issuance of Title V permits to any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals, such sources shall be subject to evaluation for applicability to the requirements of Title V.

4.2 Sources Exempt from Regulation V: The sources listed below are not subject to the requirements of Regulation V:

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

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

4.2.3 Any other source in a source category deferred by U.S. EPA pursuant to 40 CFR Part 70.3 by U.S. EPA rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source).
[Reference: 40 CFR 70.3(b)]

4.3 Acid Rain Units Subject to Title IV Requirements: The North Coast Unified Air Quality Management District (NCUAQMD) hereby adopts and incorporates by reference the provisions of 40 CFR Part 72 for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act as of the date that the Environmental Protection Agency (EPA) approves the AQMD Title V program (which is set forth in Regulation V, Rule 504(1.5)). The effective date of this rule shall be the date on which the AQMD receives delegation from the EPA for the implementation of the Title V program.

For the purposes of this rule the term “permitting authority”, as that term is used in Part 72, shall mean the North Coast Unified Air Quality Management District, and the term “Administrator” shall mean the Administrator of the United States Environmental Protection Agency.

For those facilities which are subject to this rule, if the provisions or requirements of 40 CFR Part 72 are determined to conflict with Regulation 5, Rule 504(1.5), the provisions and requirements of Part 72 shall apply and take precedence.

In the event that EPA makes any subsequent amendments to Part 72, all such amendments shall be deemed to be included as part of this Rule without further action by the AQMD.

[Reference: 40 CFR 72]