

RULE 1301. PART 70 OPERATING PERMITS – GENERAL INFORMATION

(Adopted 11/09/1993, revised 8/15/1996, 4/17/1997, 9/18/1997, 1/18/2001, 6/19/2003, 1/20/2011, and 8/25/2016)

A. Applicability

The provisions of this rule and of Rules 1302 through 1305 shall apply to any source that qualifies as a **"Part 70 source"** as defined in Section C below.

B. Exemptions

The requirement to obtain a Part 70 operating permit under this rule shall not apply to:

1. Any stationary source required to obtain a Part 70 permit solely because such source is subject to the provisions of 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters; or
2. Any stationary source or operation required to obtain a Part 70 permit solely because such source is subject to the provisions of 40 CFR 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation; or
3. Any stationary source, including an area source, required to obtain a Part 70 permit solely because such source is subject to regulations or requirements pursuant to Section 112(r) of the Clean Air Act (CAA).

C. Definitions

See Rule 102, Definitions, for definitions not limited to this regulation. For the purposes of Regulation XIII, the following definitions shall apply:

"Acid Rain Source" means any stationary source that includes one or more emission units that are subject to emission reduction requirements or limitations pursuant to Title IV (Acid Rain) of the CAA Amendments of 1990.

"Administrative Permit Amendment" means a modification to a Part 70 permit that is being made solely for the purpose of accomplishing one or more of the following objectives:

1. To correct typographical errors.
2. To make an administrative change at the source such as the name, address or phone number of a person named in the permit.
3. To require more frequent monitoring or reporting by the permittee.
4. To allow the transfer of ownership or operational control of a stationary source where the District has determined that no other change in the permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittee has been submitted to the District.
5. To incorporate into the Part 70 permit the terms and conditions of USEPA's preconstruction review permit or the District Authority to Construct permit issued under a program approved by USEPA as meeting procedural requirements substantially equivalent to the procedural requirements of 40 CFR 70.7 and 70.8 and the compliance requirements of 40 CFR 70.6.

Significant or minor permit modifications defined elsewhere within this rule shall not be deemed as administrative amendments.

"Air Pollutant (also Air Contaminant)" means **"Regulated Air Pollutant."**

"Affected States" means states that are contiguous to California whose air quality may be affected by emissions resulting from issuance, renewal or modification of a permit to a Part 70 source.

"Applicable Requirement" means any federal, state, or District requirement including any federally approved State Implementation Plan requirement for Santa Barbara County, and any **"federally enforceable requirement."**

"CFR" means the Code of Federal Regulations, an official compilation of federal Regulations generated by federal administrative agencies.

"Clean Air Act (Act or CAA)" means the federal Clean Air Act as amended, 42 U.S.C. 7401, *et seq.*

"Day or Days" means calendar day or days unless otherwise stated.

"District" means the Santa Barbara County Air Pollution Control District.

"Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of a permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the stationary source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

"Emissions Allowable Under the Federally Enforceable Permit" means a federally enforceable permit term or condition determined by the District or the USEPA as required under a federally enforceable requirement. The term or condition establishes an emissions limit (including a work practice standard) or a federally enforceable emission cap that the source has assumed to avoid a federally enforceable requirement to which the source would otherwise be subject.

"Emissions Unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any substance listed pursuant to Section 112(b) of the CAA and its implementing regulations.

"Environmental Protection Agency (USEPA) or the Administrator" means the U.S. Environmental Protection Agency or its administrator or the administrator's designee.

"Federally Enforceable Requirement" means any requirement set forth in, or authorized by the CAA and its implementing regulations or USEPA regulations. Federally enforceable requirements include requirements that have been promulgated or approved by USEPA through rulemaking at the time of issuance of a Part 70 permit but have future effective dates. Federally enforceable requirements include:

1. Title I requirements of the CAA and its implementing regulations, including:
 - a. District Regulation VIII requirements in the state implementation plan approved by the USEPA and the terms and conditions of a preconstruction permit issued pursuant to such rule.
 - b. New Source Review (NSR) consisting of Nonattainment Area Review (NAR) and Prevention of Significant Deterioration (PSD) review requirements and the terms and conditions of the NAR/PSD permits (40 CFR Parts 51 and 52).

- c. New Source Performance Standards (40 CFR Part 60).
 - d. National Ambient Air Quality Standards, increment, or visibility requirements, but only as they would apply to sources permitted pursuant to Section 504(e) of the CAA and its implementing regulations.
 - e. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61).
 - f. Any standards, determinations or other requirements under Section 112 of the CAA and its implementing regulations, including MACT and GACT Standards and MACT and GACT determinations made pursuant to CAA, Sections 112(g) and 112(j).
 - g. Solid Waste Incineration requirements (Section 129 of the CAA and its implementing regulations).
 - h. Consumer and Commercial Product requirements (Section 183 of the CAA and its implementing regulations).
 - i. Tank Vessel requirements (Section 183 of the CAA and its implementing regulations).
 - j. District rules that are approved into the state implementation plan.
 - k. Federal Implementation Plan requirements.
 - l. Enhanced Monitoring and Compliance Certification requirements (Section 114(a)(3) of the CAA and its implementing regulations).
2. Title III, Section 328 (Outer Continental Shelf or OCS) requirements of the CAA (40 CFR Part 55), upon delegation by USEPA of the OCS program to the District.
 3. Title III, Section 112 (Hazardous Air Pollutant) requirements of the CAA and its implementing regulations.
 4. Title IV (Acid Deposition Control) requirements of the CAA (40 CFR Parts 72, 73, 75, 76, 77, 78).
 5. Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82).
 6. Monitoring and Analysis requirements (Section 504(b) of the CAA and 40 CFR 64).

Terms and conditions of Part 70 permits are federally enforceable, unless they have been specifically designated as non-federally enforceable.

"Final Operating Permit" means a permit with District and federally enforceable conditions, which has completed all review procedures required by Rule 1304, Part 70 Operating Permits – Issuance, Renewal, Modification and Reopening, has not been disapproved by the Environmental Protection Agency and has been issued by the District.

"Fugitive Emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. Fugitive emissions from a Part 70 source shall be included in the permit application and the Part 70 permit in the same manner as stack emissions.

"General Permit" means a federally enforceable operating permit that meets the requirements of 40 CFR 70.6(d).

"Generally Available Control Technology (GACT)" means a generally available control technology standard or management practice promulgated pursuant to Section 112(d) of the CAA (40 CFR 63).

"Hazardous Air Pollutant (HAP)" means any hazardous air pollutant listed in Section 112(b) of the CAA and its implementing regulations.

"Insignificant Activities" mean activities whose emissions do not exceed insignificant emission levels. Activities exempted because of size, emissions levels, or production rate shall be listed in the permit application. Also, all information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate any applicable permit fees must be provided for each of the insignificant activities listed in the permit application

"Insignificant Emissions Levels" mean the emissions levels from any emission unit, that for regulated air pollutants excluding HAPs, are less than 2 tons per year potential to emit and do not exceed 0.5 tons per year potential to emit of any HAPs regulated under Section 112(g) of the Clean Air Act.

"Maximum Achievable Control Technology (MACT)" means any maximum achievable control technology emission limit or other requirement promulgated pursuant to CAA, Section 112(d) as set forth in 40 CFR 63.

"Minor Permit Modification" means a modification to a Part 70 permit that meets all of the following criteria:

1. The modification is not a Title I modification.
2. The modification does not violate any applicable requirements.
3. The modification does not require or change a case-by-case determination of an emission limitation or other standard.
4. The modification does not involve any relaxation of any existing monitoring, reporting or recordkeeping requirements in the permit, or any significant changes to existing monitoring requirements in the permit.
5. The modification does not seek to establish or change a permit condition that established a federally enforceable emissions cap assumed to avoid an otherwise federally enforceable requirement.
6. The modification does not cause a net emissions increase which triggers a significant permit modification.

"Modification" means any physical change, change in the method of operation of, or addition to an existing Part 70 source that would result in a net emissions increase of any regulated pollutant at that source. In this context, a physical change does not include routine maintenance or repair. Also, unless previously limited by a federally enforceable permit condition, the following shall not be considered changes in the method of operation:

1. An increase in the production rate if such increase does not exceed the operating design capacity or the demonstrated actual maximum capacity of the equipment;
2. A change in ownership;
3. Use of an alternate fuel or raw material, provided that such use is expressly authorized on the permit;

4. A replacement of a piece of equipment with an equivalent piece of equipment with the operating design capacity or the demonstrated actual maximum capacity less than or equal to those of the original piece of equipment. However, this exemption shall not apply to equipment used in a source category which is subject to the New Source Performance Standards stipulated by Section 111 or to the Emission Standards for Hazardous Air Pollutants mandated under Section 112 of the CAA and its implementing regulations.

A modification shall be considered "**Title I (or Major) Modification**" for a Part 70 source if the net emissions increase of any regulated pollutant equals or exceeds the levels stipulated as a "**Title I Modification**."

For Part 70 sources subject to New Source Performance Standards (NSPS), modification means any physical change, or change in the method of operation of, an existing equipment (to which NSPS can apply when newly constructed or modified) which increases the amount of any air pollutant (to which a standard applies) emitted into the air by that equipment or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted. For Part 70 sources subject to Emission Standards for Hazardous Pollutants mandated under Section 112 of the CAA, modification means any physical change, or change in the method of operation of the source which increases the actual emissions of any hazardous air pollutant (HAP) emitted by such source by more than a de minimis amount or which results in the emission of any hazardous pollutant not previously emitted by more than a de minimis amount. The de minimis amounts mentioned above shall correspond to the levels listed by the USEPA in the federal register promulgations of the HAP standards under Section 112 of the CAA.

"National Ambient Air Quality Standards (NAAQS)" means air quality standards promulgated pursuant to Section 109 of the CAA and its implementing regulations to protect public health and welfare, and consisting of primary and secondary standards. Primary standards are aimed at protecting the public health, while secondary standards are intended to safeguard the public welfare.

"Non-Federal Minor Permit Change" means a change to a non-federally enforceable term or condition of a Part 70 permit that meets all of the following criteria:

1. The change is not addressed or prohibited by the federally enforceable portion of the Part 70 permit.
2. The change is not a Title I modification.
3. The change does not violate any applicable requirements nor any existing permit terms or conditions.
4. The change does not cause a net emissions increase which triggers a significant permit modification.
5. The change is not subject to any requirements under Title IV (Acid Rain) of the CAA and its implementing regulations.

A non-federal minor permit change requires approval through the District's NSR process and incorporation into the facility operating permit prior to its implementation.

"Outer Continental Shelf (OCS) source" includes any equipment, activity, or facility which:

1. emits or has the potential to emit any air pollutant,
2. is regulated or authorized under the Outer Continental Shelf Lands Act, and
3. is located on the OCS or in or on waters above the OCS.

Such activities include, but are not limited to, platform and drill ship exploration, construction, development, production, processing and transportation. For purposes of this subsection, emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or en route to or from the OCS source within 25 miles of the OCS source, shall be considered direct emissions from the OCS source. Such emissions shall be included in the "**potential to emit**" for an OCS source.

"Part 70 Permit" means that portion of any permit (or group of permits) covering a Part 70 source that is issued, renewed, amended or revised pursuant to Rules 1301 through 1305.

"Part 70 Source" means stationary sources included in the following source categories:

1. A stationary source with the potential to emit a regulated air pollutant or a hazardous air pollutant in quantities equal to or exceeding any of the following thresholds:
 - a. 100 tons per year of any regulated air pollutant except greenhouse gases.
 - b. Greenhouse gases that are "subject to regulation," as defined in 40 CFR 70.2 in effect August 2, 2010.
 - c. 10 tons per year of any individual hazardous air pollutant or 25 tons per year of a combination of hazardous air pollutants, or any lesser quantity thresholds for any hazardous air pollutant established by Environmental Protection Agency rulemaking. Fugitive emissions of hazardous air pollutants must be counted for the purposes of determining applicability. However, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units are Part 70 sources.
 - d. Any lesser quantity thresholds established by Environmental Protection Agency rulemaking.
2. Any stationary source defined by the Environmental Protection Agency as major for the District under Title I, Part D (Plans for Nonattainment Areas) of the Clean Air Act and its implementing regulations including:
 - a. For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme."
3. Acid rain sources included under the provisions of Title IV of the Clean Air Act and its implementing regulations.
4. Any source required to have a preconstruction review permit pursuant to the requirements of the New Source Review or Prevention of Significant Deterioration program under Title I, Parts C and D of the Clean Air Act and its implementing regulations.
5. Any solid waste incineration unit required to obtain a Part 70 permit pursuant to Section 129(e) of the Clean Air Act and its implementing regulations.
6. Any stationary source required to obtain a Part 70 permit pursuant to regulations promulgated by the Environmental Protection Agency Administrator.

"Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations are set forth in permit conditions or in rules or regulations that are legally and practically enforceable by the USEPA and citizens or by the District. Secondary emissions do not count in determining the potential to emit of a stationary source. Secondary emissions are defined in 40 CFR 52.21(b)(18). The fugitive emissions of a stationary source shall be included in the potential to emit for the stationary source if such source category is specified by the USEPA as qualified to include fugitive emissions, e.g., source categories listed under 40 CFR 70.2 or fugitive HAP emissions from HAP sources.

"Proposed Operating Permit" means a permit with District and federally enforceable conditions proposed for issuance by the District and forwarded to the USEPA for review in compliance with Rule 1304, Part 70 Operating Permits – Issuance, Renewal, Modification and Reopening.

"Regulation XIII" means District Regulation XIII, District Rules 1301, 1302, 1303, 1304 and 1305.

"Regulated Air Pollutant" means any air pollutant (a) which is emitted into or otherwise enters the ambient air, as defined in 40 CFR 50.1 in effect August 2, 2010, and (b) for which the Environmental Protection Agency has adopted an emission limit, standard or other requirement. Regulated air pollutants include:

1. Oxides of nitrogen and volatile organic compounds as defined in 40 CFR 51.166 in effect August 2, 2010;
2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Clean Air Act and its implementing regulations;
3. Any pollutant subject to any standard promulgated under Section 111 (New Source Performance Standards) of the Clean Air Act and its implementing regulations;
4. Any ozone-depleting substance specified as class I or II substance pursuant to Title VI of the Clean Air Act and its implementing regulations;
5. Any pollutant subject to a standard promulgated under Section 112 (Hazardous Air Pollutants) of the Clean Air Act and its implementing regulations, including:
 - a. Any pollutant listed pursuant to Section 112(r) of the Clean Air Act shall be considered a regulated air pollutant upon promulgation of the list.
 - b. Any hazardous air pollutant subject to a standard or other requirement promulgated by the Environmental Protection Agency pursuant to Section 112(d) of the Clean Air Act or adopted by the District pursuant to Sections 112(g) and 112(j) of the Clean Air Act shall be considered a regulated air pollutant for all sources or source categories: (a) upon promulgation of the standard or requirement, or (b) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Clean Air Act.
 - c. Any hazardous air pollutant subject to a District case-by-case emissions limitation determination for a new or modified source, prior to Environmental Protection Agency 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 Clean Air Act. In case-by-case emissions limitation determinations, the hazardous air pollutant shall be considered a regulated air pollutant only for the individual source for which the emission limitation determination was made.

6. Greenhouse gases that are “subject to regulation” as defined in 40 CFR 70.2 in effect August 2, 2010.

"Responsible Official" means one of the following:

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 for the corporation, 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 Part 70 permit and either:
 - a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars); or
 - b. The delegation of authority to such representatives is approved in advance by the District.
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
3. For a municipality, state, federal or other public agency: either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
4. For acid rain sources:
 - a. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the federal CAA or 40 CFR 72 are concerned; or
 - b. The designated representative for any other purposes under Rules 1301 through 1305.

"Significant Part 70 Permit Action" means the:

1. Issuance of an initial Part 70 permit, or
2. Renewal of a Part 70 permit, or
3. Reissuance of a Part 70 permit after reopening and modification/revocation of the permit, or
4. Modification of a Part 70 permit, except an administrative permit amendment, a minor permit modification or a non-federal minor permit change.

"Significant Part 70 Permit Modification" means any of the following:

1. Any modification to a Part 70 permit that is not an administrative amendment, a minor permit modification or a non-federal minor permit change as these terms are defined herein;
2. A Part 70 permit modification that equals or exceeds any of the threshold limits triggering public review listed in the District's NSR Rules.
3. A Part 70 permit modification allowing a net emissions increase of any other regulated air pollutant from any Part 70 source that equals or exceeds the significance (or de minimis) level for the pollutant listed by the USEPA, e.g., 40 CFR 52.21 or Federal Register rulemaking promulgation pursuant to Section 112(g) of the CAA.
4. Any significant changes in existing monitoring permit terms or conditions;

5. Any relaxation of recordkeeping or reporting permit terms and conditions; and
6. Any equivalent or identical replacement of an emissions unit that is subject to standards promulgated under CAA, Sections 111 or 112.
7. Any modifications under part 60.

"State Implementation Plan (SIP)" means the USEPA-approved plan submitted by each State under 42 U.S. C., Section 7401, *et seq.* (federal CAA and its implementing regulations) to achieve and maintain federal ambient air quality standards (NAAQS).

"Stationary Source" means any building, structure, facility, or installation which emits or may emit any regulated air pollutant or any pollutant listed pursuant to Section 112 (b) of the Act.

1. Department of Defense Facilities. Department of Defense stationary sources shall be subject to the following, as applicable:
 - a. Stationary Source Designations. For air pollutants regulated under Title I of the Act, a Department of Defense stationary source shall be designated as set forth below if the responsible official submits a plan to the Control Officer that meets the requirements set forth in paragraph (1)(b), below.
 1. Stationary Source Designation. Each of the following shall be a separate stationary source:
 - Air Force primary mission
 - Remediation
 - NASA
 - Flight Line
 - Navy
 - Range Group
 - Amenities Group
 - Hospital Services
 - Commercial Space
 2. Exclusion of Sources. No stationary source at a Department of Defense facility shall include the following activities: military tactical support equipment, infrastructure maintenance equipment, or building maintenance equipment
 - b. Emission Reductions; Plan – Requirements.
 1. Plan Submittal and Requirements. The responsible official shall submit a plan to the Control Officer which shall provide that:
 - (a) By April 30, 1999, thirty percent of the candidate boilers identified in the plan shall be retrofitted or under construction;
 - (b) By April 30, 2000, two tons per year of ozone precursor emission reductions shall be achieved;
 - (c) By April 30, 2001, seventy percent of the candidate boilers identified in the plan shall be retrofitted or under construction; and

- (d) By November 30, 2002, ten or more tons per year of ozone precursor emission reductions shall be achieved.

These milestones shall be based on actual emissions established pursuant to baseline protocols submitted as part of the plan by the responsible official and approved by the Control Officer. Failure to achieve a milestone shall result in expiration pursuant to paragraph (2)(b), below; however, such failure shall not constitute a violation of District Rules and Regulations. Achieved emission reductions shall be enforceable pursuant to paragraph (1)(b)(3), below.

2. Plan Approval. The Control Officer shall approve a plan submitted pursuant to (1)(b)(1), above, if the conditions in (1)(b)(1) are met and the Control Officer finds that the emission reductions are real, quantifiable, surplus, and enforceable. The Control Officer shall submit the approved plan to the USEPA for inclusion in the State Implementation Plan. The plan shall become federally enforceable upon the USEPA Administrator's approval into the state implementation plan. USEPA will include the plan in the state implementation plan within one year after submittal by the District if finds that the emission reductions are real, quantifiable, surplus and enforceable. The Control Officer may extend that time for good cause.
 3. Final Project Agreement. The responsible official shall enter into a Final Project Agreement with the Control Officer and the USEPA which commits the Department of Defense to the emission reductions specified in paragraph (1)(b)(1) **"Emission Reductions; Plan Submittal And Requirements,"** above.
2. Department of Defense Facilities – Expiration. The provisions of paragraph (1) **"Department of Defense Facilities,"** above, shall expire if any of the following conditions occur:
 - a. The stationary source becomes subject to permit under this Regulation.
 - b. The stationary source does not achieve the emissions reductions required by this Regulation pursuant to a schedule of milestones included in the Plan approved by the Control Officer pursuant to paragraph (1)(b), above.
 - c. US does not approve the plan for inclusion in the state implementation plan within one year of approval of the plan by the Control Officer. The Control Officer may extend this period for up to one year or until such time as USEPA takes action on the plan, whichever occurs earlier.
 3. Department of Defense Facilities - Applicable Requirements After Expiration.
 - a. Stationary Source Designations. Upon expiration of paragraph (1) **"Department of Defense Facilities,"** the stationary source shall include all applicable activities and sources consistent with federal and state law and these Rules and Regulations. If such inclusion subjects the stationary source to the permitting requirements of this Regulation, the responsible official shall apply for and obtain a permit in accordance with this Regulation and applicable federal regulations.
 - b. Achieved Emission Reductions Remain Enforceable. Notwithstanding any other provision in this Regulation, any achieved emission reductions shall remain in place and shall be enforceable. Achieved emission reductions shall be emission reductions required in an approved plan that have been implemented or are being retrofitted at the time of expiration. Failure to maintain any achieved and verified reductions obtained through execution of the plan shall constitute a violation of District Rules and Regulations.

4. This definition (“**Department of Defense Facilities**,” “**Expiration**”, and “**Applicable Requirements After Expiration**”) shall remain in effect only until January 1, 1998, and as of such date is repealed, unless a later enacted rule, which is adopted before January 1, 1998, deletes or extends such date or unless a plan is filed with the Control Officer by that date and later approved by the Control Officer.

"Building, structure or facility" as referred to in the stationary source definition includes all pollutant emitting activities, including activities located in California coastal waters adjacent to the District boundaries and those areas of Outer Continental Shelf waters for which the District is the corresponding onshore area which:

1. belong to the same industrial grouping, and
2. are located on one or more contiguous or adjacent properties (except for activities located in California coastal waters or are on the Outer Continental Shelf), and
3. are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

Pollutant emitting activities shall be considered as part of the same industrial grouping if they are part of a common production process. (Common production process includes industrial processes, manufacturing processes, and any connected processes involving a common raw material.)

"Common operations" include operations which are related through dependent processes, storage or transportation of the same or similar products or raw material. Emissions from all marine vessels, including cargo carriers, servicing or associated with a stationary source shall be considered emissions from the stationary source while operating within:

1. the District, including California Coastal Waters adjacent to the District (Figure 1301);
2. the Outer Continental Shelf for which the District is the corresponding onshore area; and
3. 25 miles of an Outer Continental Shelf source for which the District is the corresponding onshore area.

The emissions from marine vessels, including cargo carriers, shall include reactive organic compound vapors that are displaced into the atmosphere; fugitive emissions; combustion emissions in the waters described above; and emissions from the loading and unloading of cargo. The term "Cargo Carrier" shall not include trains or vehicles.

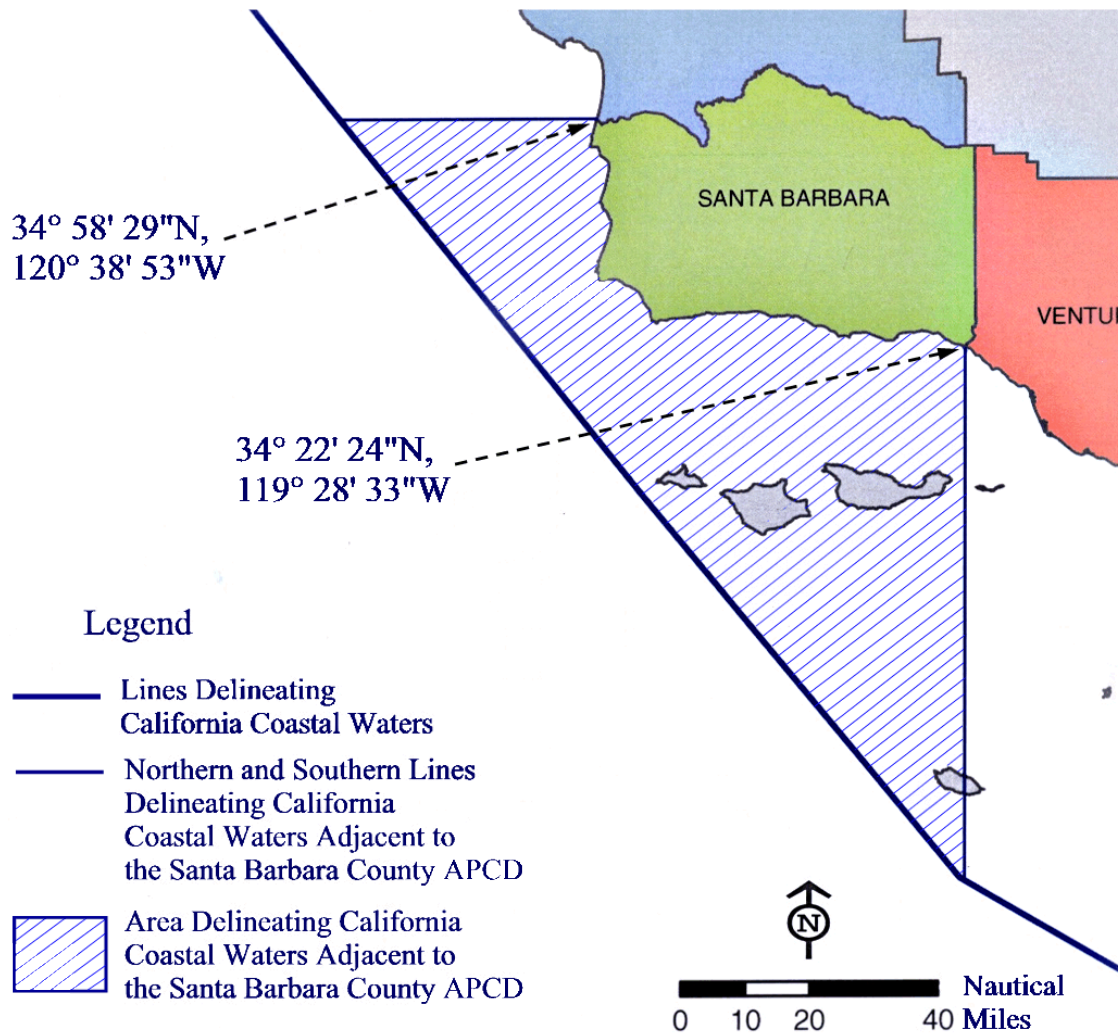


Figure 1301. MAP DEPICTING THE CALIFORNIA COASTAL WATERS ADJACENT TO THE SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT

“Building Maintenance Equipment” as referred to in the stationary source definition means internal combustion engines used exclusively at a Department of Defense facility for the maintenance of buildings that meet the definition of **“nonroad engine,”** and are exempt from permit under Regulation II.

“Infrastructure Maintenance Equipment” as referred to in the stationary source definition means internal combustion engines used exclusively at a Department of Defense facility to maintain roads and public service utilities that meet the definition of **“nonroad engine”** and are exempt from permit under Regulation II.

“Installation” as referred to in the stationary source definition includes any operation, article, machine, equipment, contrivance or grouping of equipment belonging to the same two-digit standard industrial classification code, which emits or may emit any regulated pollutant or HAP, and are located on one or more contiguous properties and under common control.

“Internal Combustion Engine” shall mean a reciprocating internal combustion engine.

“Military Tactical Support Equipment” as referred to in the stationary source definition means a portable internal combustion engine that meets the definition of **“nonroad engine”** that is built to military specifications, owned by the U.S. Department of Defense, and/or the U.S. military services, and is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations. Examples include, but are not limited to, engines associated with portable generators, aircraft start carts, heaters, and lighting carts.

“Nonroad Engines” as used in the definitions of **“Building Maintenance Equipment,”** **“Infrastructure Maintenance Equipment”** and **“Military Tactical Support Equipment,”** mean any internal combustion engine:

1. in or on a piece of equipment that is self propelled or serves a dual purpose by both propelling itself and performing another function; or
2. in or on a piece of equipment that is intended to be propelled while performing its function (such as lawn mowers), or
3. that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

An internal combustion engine is not a nonroad engine if:

1. the engine is regulated by a federal New Source Performance Standard promulgated under Section 111 of the federal Clean Air Act, or
2. the engine otherwise included in paragraph 3 above and remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (that is, at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

As applied to an attainment pollutant, **"stationary source"** shall be interpreted to mean facility-wide. The term **"installation"** shall have the same meaning as **"building, structure, or facility."**

"Title I (or Major) Modification" means a modification that meets any of the following criteria:

1. The potential to emit from any new or modified emissions unit(s) at the major stationary source which are covered by the application(s) for such permit modification(s) plus all other net emissions increases at the source which occurred during the specified contemporaneous evaluation period listed below, are equal to or greater than the limits in Table 1301-A.

Table 1301-A

| Pollutant | Threshold |
|---|---|
| Carbon Monoxide | 100.0 tons/yr |
| Volatile Organic Compounds (VOC) | 40.0 tons/yr |
| Nitrogen Oxides (NOx) | 40.0 tons/yr |
| Sulfur Oxides (SOx) | 40.0 tons/yr |
| Particulate Matter (PM ₁₀) | 15.0 tons/yr |
| Particulate Matter (PM _{2.5}) | 10.0 tons/yr direct PM _{2.5} emissions, or 40.0 tons/yr NOx emissions, or 40.0 tons/yr SOx emissions |
| Lead | 0.6 tons/yr |

2. The potential to emit any regulated hazardous air pollutant (HAP) from any new or modified emission unit(s) at the Part 70 source which are covered by the application(s) for such permit modification(s) plus all other net emissions increase at the source which occurred during the specified contemporaneous period would be equal to or greater than the de minimis level for such regulated HAP specified by USEPA rulemaking pursuant to Section 112(g) of the federal CAA.
3. For the purpose of defining Title I modification, the specified contemporaneous evaluation period to compute emissions increase shall consist of a period of five (5) consecutive calendar years, ending with the calendar year during which the complete application for such proposed change is submitted to the District. For computing Title I emission decreases, the period shall expand and extend further to the date on which operation begins for the proposed modified emissions unit.
4. Title I modifications include all modifications under part 60.

D. Requirements

All Part 70 source permits and permit applications for issuance, amendments, modifications and renewals shall be drafted based on the definitions listed in this rule along with the provisions listed in Regulation XIII.

A person shall operate all equipment and emission units located at a Part 70 source in compliance with all terms, applicable requirements and conditions specified in the Part 70 permit at all times. Any noncompliance with a Part 70 permit term, requirement or condition is a violation of Regulation XIII. Additionally, any noncompliance with a federally enforceable requirement or resultant permit term or condition constitutes a violation of the federal CAA and its implementing regulations. Each day during any portion of which a violation occurs is a separate offense. Any Part 70 permit noncompliance shall be grounds for appropriate enforcement action under the California Health & Safety Code and/or the federal CAA and its implementing regulations.

E. Compliance Schedule

Provisions of this rule become effective on the date this rule is approved by the USEPA. All Part 70 sources subject to this rule, except the outer continental shelf (OCS) sources, shall comply with this rule effective that date. All OCS sources shall comply with this rule either on the USEPA's approval date for this rule or on the date USEPA delegates the OCS program to the District, whichever is later.