

Rule 6:8 Toxic New Source Review for Complying With Federal Clean Air Act Section 112(g)
Adopt 6/29/99

- 1 Purpose: The purpose of this rule is to require the installation of best available control technology for toxics (T-BACT) at any constructed or reconstructed major source of hazardous air pollutants (HAPs). All T-BACT determinations shall ensure a level of control that the Air Pollution Control Officer (APCO) has determined to be, at a minimum, no less stringent than new source maximum achievable control technology (MACT) as required by the federal Clean Air Act (CAA), §112(g)(2)(B) and implemented through 40CFR subpart B, §§63.40-63.44.
- 2 Applicability: The requirements of this rule shall apply to all owners or operators that construct or reconstruct a major source of HAPs, unless the major source is exempt pursuant to section D.
 - 2.1 Compliance with this rule does not relieve any owner or operator of a major source of HAPs from complying with all other District rules or regulations, any applicable State airborne toxic control measure (ATCM), or other applicable State and federal laws.
- 3 Effective Date: This rule is effective on June 29, 1999.
- 4 Exemptions: The provisions of this rule do not apply to:
 - 4.1 any major source that is subject to an existing National Emissions Standard (NESHAPs) for HAPs pursuant to sections 112(d), 112(h) or 112(j) of the CAA;
 - 4.2 any major source that has been specifically exempted from regulation under a NESHAP issued pursuant to sections 112(d), 112(h) or 112(j) of the CAA;
 - 4.3 any major source that has received all necessary air quality permits for such construction or reconstruction before June 29, 1998;
 - 4.4 electric utility steam generating units, unless and until such time as these units are added to the source category list pursuant to section 112(c)(5) of the CAA;
 - 4.5 any stationary sources that are within a source category that has been deleted from the source category list pursuant to section 112(c)(9) of the CAA;
 - 4.6 research and development activities as defined in 40CFR §63.41; and
 - 4.7 any other stationary source exempted by section 112 of the CAA.
- 5 Definitions: Terms used in this rule that are not defined in this section have the meaning given to them in District New Source Review Rule 2.3A.
 - 5.1 Best Available Control Technology for Toxics (T-BACT): T-BACT means the most effective emissions limitation or control technique which:
 - 5.1.1 has been achieved in practice for such permit unit category or class of sources; or
 - 5.1.2 is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the Air Pollution Control Officer to be technologically feasible for such a category or class of sources, or for a specific source.
 - 5.2 Construct a Major Source: the same as defined in 40 CFR §63.41 Definitions.

- 5.3 Hazardous Air Pollutants (HAPs): any air pollutant listed in or pursuant to CAA, section 112(b).
- 5.4 Major Source of HAPs: any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of hazardous air pollutants or 25 tons per year or more of any combination of hazardous air pollutants.
- 5.5 Potential to Emit (PTE): the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on 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 or the effect it would have on emissions are incorporated into the applicable permit as enforceable permit conditions.
- 5.6 Reconstruct a Major Source: the same as defined in 40 CFR §63.41 Definitions.
- 6 Requirements: No person shall construct a major source or reconstruct a major source of HAPs unless the air pollution control officer determines that the T-BACT requirements of this rule will be met.
- 7 Calculation Procedures: The potential to emit for a source of HAP emissions shall equal the sum of the potentials to emit of the constructed or reconstructed source of HAPs. All fugitive HAP emissions associated with the construction or reconstruction shall be included in the potential to emit determination.
- 8 Publication and Public Comment: Within ten (10) calendar days following a preliminary decision on the Authority to Construct for an emissions unit or facility with a potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, the APCO shall publish in at least one newspaper general circulation in the District a notice stating the preliminary decision of the APCO noting how pertinent information can be obtained, and inviting written public comment for a 30 day period following the date of publication. Copies of such notice shall be sent to the ARB and the EPA.