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**Rule 501**      **Permit Required**

Before any source may be operated, a Permit to Operate shall be obtained from the Air Pollution Control Officer. No Permit to Operate shall be granted either by the Air Pollution Control Officer or the Hearing Board for any source constructed or modified without authorization as required in Regulation IV until the information required is provided to the Air Pollution Control Officer and such source is altered, if necessary, and made to conform to the standards set forth in Regulation IV and elsewhere in these Rules and Regulations.

Major sources subject to Title V of the Clean Air Act of 1990, shall comply with the requirements of Rule 522 Title V - Federal Operating Permits.

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**Rule 502**      **Exemptions to Rule 501**

The Air Pollution Control Officer may exempt from the requirements of Rule 501 any item of equipment specified in Rule 402, Exemptions to Rule 401.

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**Rule 503**      **Applications**

Every application for a Permit to Operate shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination on the approvability of the application.

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**Rule 504**      **Action on Applications**

The Air Pollution Control Officer shall act within 180 days after the filing date on a Permit to Operate application and shall notify the applicant in writing of his approval, conditional approval or denial.

For major sources subject to Title V of the Clean Air Act of 1990, Part 5.0 of Rule 522 Title V - Federal Operating Permits applies to District action on applications.

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**Rule 505**      **Conditional Approval**

The Air Pollution Control Officer may issue a Permit to Operate subject to conditions which will insure the compliance of any equipment within the standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under an Authority to Construct, or operation under a Permit to Operate, shall be deemed acceptance of all the conditions so specified.

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**Rule 506**      **Denial of Application**

In the event of denial of a Permit to Operate, 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, and such service may be proved by a written acknowledgment 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 application has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Permit to Operate.

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**Rule 507**      **Responsibility**

The fact that a Permit to Operate for an article, machine, equipment, or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, equipment, or other contrivance; neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards would not be exceeded by such article, machine, equipment, or other contrivance. In every instance the person, firm or corporation to whom such Permit to Operate is issued shall be and remain responsible under these Rules and Regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment, or other contrivance described in the Permit to Operate, and the face of issuance shall not be a defense to or mitigation of any charge of violation. Issuance of a Permit to Operate pursuant to these Rules and Regulations does not release the permittee of the responsibility of any and all other applicable permits and authorizations issued by other local governmental agencies.

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**Rule 508**      **Posting of Permit to Operate**

A person who has been granted a Permit to Operate under this Regulation shall firmly affix such Permit to Operate, an approved facsimile or other identification approved by the Air Pollution Control Officer upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the equipment is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place on the premises or maintained readily available at all time on the operating premises. A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate.



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**Rule 509**      **Authority to Inspect**

For the purpose of enforcing or administering any State or local law, order, regulation, or rule relating to air pollution, the Air Pollution Control Officer and his duly authorized agents shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained therewith by the District. The Air Pollution Control Officer or his duly authorized agent shall have the right to inspect sampling and monitoring apparatus as he deems necessary.

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**Rule 510**      **Separation of Emissions**

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point. The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points, unless the person responsible for the source operation establishes the correct total emitted quantity to the Air Pollution Control Officer's satisfaction.

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**Rule 511**      **Combination of Emissions**

- A.      If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control Officer in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity, and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.
  
- B.      If air contaminants from two or more source operations are combined emissions cannot be separated according to the requirements of Section A above, the Rules and Regulations shall be applied to combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

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**Rule 512**      **Circumvention**

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 26 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violations involved are Section 41700 of the Health and Safety Code, or of Rule 205 of these Rules and Regulations.

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**Rule 513**      **Source Recordkeeping**

The owner or operator of any stationary source shall, upon notification from the Air Pollution Control Officer, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures. The Air Pollution Control Officer may require that such records be certified by a professional engineer registered in the State of California. Such studies shall be made at the expense of the person causing the emissions.

The information recorded shall be summarized and reported to the Air Pollution Control Officer, on forms or formats as required by the Air Pollution Control Officer, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, or other periods as may be specified by the Air Pollution Control Officer.

Information reported by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

For major sources subject to Title V of the Clean Air Act of 1990, Part 6.2.6 and 6.2.7 of Rule 522 Title V - Federal Operating Permits applies.

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**Rule 514**      **Public Records and Trade Secrets**

- A. All information, analysis, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which will be produced by any source which the District requires any applicant to provide before such applicant builds, alters, replaces, operates, sells, rents, or uses such source, are public records.
  
- B. All air quality or other pollution monitoring data, including data compiled from stationary sources, are public records.
  
- C. Except as otherwise provided in Section D below, trade secrets are not public records under this Rule. Trade secrets, as used in this Rule, may include, but are not limited to, any formula, plan, pattern, process, tool mechanism, compound, procedure, production rate, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade, or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing his justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the Air Pollution Control Officer to readily identify the information requested.
  
- D. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Section C above, are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

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**Rule 515**      **Provision of Sampling and Testing Facilities**

The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any source, 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:

- A. Provide to the Air Pollution Control Officer data on process and production rate, and techniques, flow diagrams, descriptions of basic equipment and control equipment, rates of emissions and other information which the Air Pollution Control Officer may require.
- B. Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant, in writing, of the required size, number and location of sampling holes, the size, and location of the sampling platform. All utilities shall be constructed in accordance with the general industry safety orders of the State of California.
- C.
  - 1. Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.
  - 2. A person installing, operating, or using any of the following equipment shall provide, properly install, maintain in good working order, and operate continuous stack monitoring systems as described below:
    - a. Oxides of nitrogen (NO<sub>x</sub>) and carbon dioxide (CO<sub>2</sub>) of oxygen (O<sub>2</sub>) from steam generators with a heat input of 250 million British Thermal Units or more per hour and with a use factor of at least 30 percent.
    - b. Oxides of nitrogen (NO<sub>x</sub>) from all new nitric acid plants.
    - c. Sulfur dioxide (SO<sub>2</sub>) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) from boilers or regenerators of fluid catalytic cracking units, new fluid cokers and existing fluid cokers with a feed rate greater than 10,000 barrels per day.

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3. A person operating or using a stack monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and the manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the Office of the Air Quality Management District.

Records from the monitoring equipment shall be kept by the owner or operator for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he directs.

4. A violation of emission standards of these Rules and Regulations, as shown by the stack monitoring system, shall be reported by the source owner or operator to the Air Pollution Control Officer within 96 hours.
  5. The owner or operator shall notify the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.
  6. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.
- D. The Air Pollution Control Officer may require that disclosures required by this Rule be certified by a professional engineer registered in the State of California. Studies necessary to provide such information shall be made at the expense of the person causing the emissions.



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**Rule 516**      **Upset and Breakdown Conditions**

A.      **Breakdown Procedure**

1.      The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition. Such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but not later than two (2) hours after its detection during normal District business hours.
  
2.      The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
  
3.      Upon receipt of notification pursuant to subsection A.1. above, the Air Pollution Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Air Pollution Control Officer determines that the occurrence does not constitute a breakdown condition, the Air Pollution Control Officer may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

B.      **Disposition of Short-Term Breakdown Conditions**

1.      An occurrence which constitutes a breakdown condition, and which persists longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
  - a.      The owner or operator submits the notification required by subsection A.1. above; and

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- b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures within 48 hours, except for continuous

monitoring equipment for which the period shall be 96 hours. If the owner or operator elects to shut down rather than come into immediate compliance, he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 48 hour period; and

- c. The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standard.

2. An occurrence which constitutes a breakdown condition shall not persist longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, unless the owner or operator has obtained an emergency variance.

C. **Emergency Variance Procedures**

1. If the breakdown condition will require more than 48 hours to correct, except for continuous monitoring equipment for which the period shall be 96 hours, the owner or operator may, in lieu of shutdown, request the Air Pollution Control Officer to commence the emergency variance procedure set forth in subsection C.2. below.
2. Upon receipt of a request for an emergency variance, the Air Pollution Control Officer shall contact the chairperson of the Hearing Board, or their designated member(s) of the Hearing Board, who shall conduct deliberations for consideration of the request. The Air Pollution Control Officer shall inform the owner or operator of the source of such deliberation. During consideration of the emergency variance, the Air Pollution Control Officer shall recommend whether any emergency variance should be granted, and the owner or operator of the source shall be entitled to present relevant information or data applicable to the breakdown. The burden shall be on the owner or operator to establish that a breakdown condition exists.

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Thereafter, the chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. The chairperson or other designated member(s) shall, within five (5) working days, issue a written order confirming the decision, with appropriate findings.

3. No emergency variance shall be granted unless the chairperson or other designated member(s) determines that:
  - a. The occurrence constitutes a breakdown condition; and
  - b. Continued operation is not likely to create a nuisance, an immediate threat, or hazard to public health or safety; and
  - c. The requirements for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met; and
  - d. The continued operation in a breakdown condition will not interfere with the attainment or maintenance of the national ambient air quality standards.
  
4. At any time after an emergency variance has been granted, the Air Pollution Control Officer may request that the Chairperson or designated member(s) reconsider and revoke, modify, or further condition the variance if the Air Pollution Control Officer has good cause to believe that:
  - a. Continued operation is likely to create a nuisance, an immediate threat, or hazard to public health or safety; or
  - b. The owner or operator is not complying with all applicable conditions of the variance; or
  - c. A breakdown condition no longer exists; or
  - d. Final compliance is not being accomplished as expeditiously as practicable.

The procedures set forth in subsection C.2. above shall govern any proceedings conducted under this subsection.

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5. An emergency variance shall remain in effect only for as long as necessary to repair or remedy the breakdown condition, but in no event after a regularly noticed hearing to consider an interim or 90 day variance has been held, or fifteen (15) days from the date of the subject occurrence, whichever is sooner.

D. **Reporting Requirements**

Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control Officer which includes:

1. A statement that the occurrence has been corrected together with the date of correction and proof of compliance; and
2. A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control Officer to determine whether the occurrence was breakdown condition; and
3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Air Pollution Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subsection; and
4. An estimate of the quantity of, or detailed description of emissions caused by the occurrence; and
5. Pictures of the equipment or control which failed if available.

E. **Burden of Proof**

The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Air Pollution Control Officer shall undertake appropriate enforcement action.

F. **Failure to Comply with Reporting Requirements**

Any failure to comply, or comply in a timely manner, with the reporting requirement established in subsection A.1. and D. 1. through D.5. of this Rule shall constitute a separate violation of this Rule.

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G. **False Claiming of Breakdown Occurrence**

It shall constitute a separate violation of this Rule for any person to file with the Air Pollution Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown.

H. **Hearing Board Standards and Guidelines.**

The Hearing Board shall adopt standards and guidelines consistent with this Rule to assist the chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny an emergency variance, and to assist the Air Pollution Control Officer in the enforcement of this Rule.

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**Rule 517**      **Transfer**

A Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

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**Rule 518**      **Revocation of a Permit to Operate**

If the holder of any Permit to Operate within a reasonable time willfully fails and refuses to furnish to the Air Pollution Control Officer information, analysis, plans, or specifications requested by the Air Pollution Control Officer, the Air Pollution Control Officer may suspend the Permit to Operate. He shall serve notice in writing of such suspension and the reasons therefore on the permittee.

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**Rule 519**      **Appeals**

Within ten (10) days after notice by the Air Pollution Control Officer of any of the following: denial of an Authority to Construct, Permit to Operate, or denial of Trade Secret status, or any conditional approval, requirements for sampling and monitoring apparatus, or any Permit to Operate suspension, the applicant may petition the Hearing Board, in writing, for public hearing. The Hearing Board, after notice and public hearing held within thirty (30) days after filing the petition may sustain or reverse the action of the Air Pollution Control Officer, provided that in reversing an action, the Hearing Board shall make the finding that the action of the Air Pollution Control Officer was not proper. Such orders of the Hearing Board may be made subject to specified conditions.



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**Rule 520**      **Reinstatement**

The Air Pollution Control Officer shall reinstate a revoked Permit to Operate when all information, analysis, plans, and specifications are furnished, and the source is in compliance with these Rules and Regulations.

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**Rule 521**      **Annual Renewal**

Permits to Operate issued pursuant to the provisions of this Regulation shall expire one (1) year after the date of issuance. The Air Pollution Control Officer may renew an expired Permit to Operate upon payment of any applicable fees and the Air Pollution Control Officer finds the source in compliance with the District's Rules and Regulations.

For major sources subject to Title V of the Clean Air Act of 1990, Part 6.2.15 of Rule 522 Title V - Federal Operating Permits applies.

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**RULE 522**

**TITLE V**

**FEDERAL OPERATING PERMITS**

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**Rule 522**      **Title V - Federal Operating Permits**

Additional Procedures for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990

**PART 1.0**      **PURPOSE AND GENERAL REQUIREMENTS OF RULE 522**

Rule 522 implements the requirements of Title V of the federal *Clean Air Act* as amended in 1990 (CAA) for permits to operate. Title V provides for the establishment of operating permit programs for sources which emit *regulated air pollutants*, including attainment and nonattainment pollutants. The *effective date of Rule 522* is the date the *United States Environmental Protection Agency (U.S. EPA)* promulgates interim, partial, or final approval of this rule in the Federal Register.

By the *effective date of Rule 522*, the *Northern Sierra Air Quality Management District (NSAQMD or District)* shall implement an operating permit program pursuant to the requirements of this rule. The requirements of Rule 522 shall augment and take precedence over conflicting administrative requirements of other provisions of the *District's* rules and regulations. The *District*, as soon as resources and time allow, shall amend the rules to make them consistent with Rule 522. The *District* shall also continue to implement its existing district programs pertaining to prevention of significant deterioration, Rules 408, 409, 413, 414, 415, 416, and 418 and permits required by Regulation 501, including authorities to construct, Rule 401 or new source review, Rules 419, 420, 421, 422, 411, and 412. Until such time as the *U.S. EPA* delegates the *District* to issue permit conditions applicable to the federal New Source Review/Prevention of Significant Deterioration (NSR/PSD) and New Source Performance Standards (NSPS) requirements, the *U.S. EPA* shall remain responsible for providing the federal NSR/PSD and NSPS requirements of title V permits and the *District* shall incorporate these federal requirements into the title V permit. Nothing in Rule 522 limits the authority of the *District* to revoke or terminate a permit pursuant to sections 40808, and 42307-42309 of the *California Health and Safety Code (H&SC)*.

Sources subject to Rule 522 include *major sources*, *acid rain units* subject to Title IV of the CAA, *solid waste incinerators* subject to section 111 or 129 of the CAA, and any other sources specifically designated by rule of the *U.S. EPA*. Sources subject to Rule 522 shall obtain permits to operate pursuant to this rule. For *acid rain units*, provisions or requirements of regulations promulgated to Title IV of the CAA shall apply and take precedence over Rule 522.

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Each permit to operate issued pursuant to Rule 522 shall contain conditions and requirements adequate to ensure compliance with and the enforceability of:

1. All applicable provisions of Division 26 of the *H&SC*, commencing with section 39000;
2. All applicable orders, rules, and regulations of the *District* and the *California Air Resources Board (ARB)*;
3. All applicable provisions of the applicable implementation plan required by the *CAA*;
4. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the *CAA*; and
5. The requirements of all preconstruction permits issued pursuant to Parts C and D of the *CAA*.

The operation of an *emissions unit* to which Rule 522 is applicable without a permit or in violation of any applicable permit condition or requirement shall be a violation of Rule 522.

**PART 2.0**     **DEFINITIONS**

The definitions in this section apply throughout Rule 522 and are derived from related provisions of the *U.S. EPA's Title V regulations in 40 Part 70 Code of Federal Regulations (CFR), "State Operating Permit Programs."*<sup>\1</sup> The terms defined in this section are italicized throughout Rule 522.

*\1 – This citation and subsequent citations to 40 CFR in this rule shall refer to the cited regulations as they exist on the date of adoption of this rule.*

- 2.1 ***Acid Rain Unit*** An "acid rain unit" is any fossil fuel-fired combustion device that is an affected unit under 40 *CFR* Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the *CAA*.
- 2.2 ***Administrative Permit Amendment*** An "administrative permit amendment" is an amendment to a permit to operate which:
  1. Corrects a typographical error;

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2. Identifies a minor administrative change at the *stationary source*; for example, a change in the name, address, or phone number of any person identified in the permit;
  3. Requires more frequent monitoring or reporting by an owner or operator of the *stationary source*; or
  4. Transfers ownership or operational control of a *stationary source*, provided that, prior to the transfer, the *APCO* receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.
- 2.3 ***Affected State*** An "affected state" is any state that: 1) is contiguous with California and whose air quality may be affected by a permit action, or 2) is within 50 miles of the source for which a permit action is being proposed.
- 2.4 ***Air Pollution Control Officer (APCO)*** "Air Pollution Control Officer" refers to the air pollution control officer of the NSAQMD, or his or her designee.
- 2.5 ***Applicable Federal Requirement*** An "applicable federal requirement" is any requirement which is enforceable by the *U.S. EPA* and citizens pursuant to section 304 of the *CAA* and is set forth in, or authorized by, the *CAA* or a *U.S. EPA* regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:
1. Title I requirements of the *CAA*, including:
    - a. New Source Review requirements in the State Implementation Plan approved by the *U.S. EPA* and the terms and conditions of the *preconstruction permit* issued pursuant to an approved New Source Review rule;
    - b. Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 *CFR* Part 52);
    - c. New Source Performance Standards (40 *CFR* Part 60);

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- d. National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the *CAA*;
  - e. National Emissions Standards for Hazardous Air Pollutants (40 *CFR* Part 61);
  - f. Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 *CFR* Part 63);
  - g. Risk Management Plan preparation and registration requirements (section 112(r) of the *CAA*);
  - h. Solid Waste Incineration requirements (sections 111 or 129 of the *CAA*);
  - i. Consumer and Commercial Product requirements (section 183 of the *CAA*);
  - j. Tank Vessel requirements (section 183 of the *CAA*);
  - k. *District* prohibitory rules that are approved into the state implementation plan;
  - l. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
  - m. Enhanced Monitoring and Compliance Certification requirements (section 114(a)(3) of the *CAA*).
- 2. Title III, section 328 (Outer Continental Shelf) requirements of the *CAA* (40 *CFR* Part 55);
  - 3. Title IV (Acid Deposition Control) requirements of the *CAA* (40 *CFR* Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the *CAA*);
  - 4. Title VI (Stratospheric Ozone Protection) requirements of the *CAA* (40 *CFR* Part 82); and
  - 5. Monitoring and Analysis requirements (section 504(b) of the *CAA*).

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- 2.6 **California Air Resources Board (ARB)** "California Air Resources Board" refers to the Air Resources Board of the State of California.
- 2.7 **Clean Air Act (CAA)**"Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).
- 2.8 **Code of Federal Regulations (CFR)** "Code of Federal Regulations" refers to the United States Code of Federal Regulations.
- 2.9 **Commence Operation** "Commence operation" is the date of initial operation of an *emissions unit*, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to section 42301.1 of the *H&SC*.
- 2.10 **Direct Emissions** "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- 2.11 **District** "District" refers to the Northern Sierra Air Quality Management District (NSAQMD).
- 2.12 **Effective Date of Rule 522** The "effective date of Rule 522" is the date the *U.S. EPA* promulgates interim, partial, or final approval of the rule in the Federal Register.
- 2.13 **Emergency** An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" shall not include noncompliance as a result of improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
- 2.14 **Emissions Unit** An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any *regulated air pollutant* or *hazardous air pollutant*.
- 2.15 **Federally-enforceable Condition** A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an *applicable federal requirement* or a *voluntary emissions cap*.



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- 2.16 ***Fugitive Emissions*** "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- 2.17 ***Hazardous Air Pollutant (HAP)*** A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the CAA.
- 2.18 ***Health and Safety Code (H&SC)*** "Health and Safety Code" refers to the California Health and Safety Code.
- 2.19 ***Initial Permit*** An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Rule 52.
- 2.20 ***Major Source*** A "major source" is a *stationary source* which has the *potential to emit a regulated air pollutant* or a *HAP* in quantities equal to or exceeding the lesser of any of the following thresholds:
1. 100 tons per year (tpy) of any *regulated air pollutant*;
  2. 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
  3. 70 tpy of PM<sub>10</sub> (particulate matter of 10 microns or less) for a federal PM<sub>10</sub> nonattainment area classified as serious;
  4. 10 tpy of one *HAP* or 25 tpy of two or more *HAPs*; or
  5. Any lesser quantity threshold promulgated by the *U.S. EPA*.
- 2.21 ***Minor Permit Modification*** A "minor permit modification" is any modification to a *federally-enforceable condition* on a permit to operate which: 1) is not a *significant permit modification*, and 2) is not an *administrative permit amendment*.
- 2.22 ***Owner or Operator*** An "*owner or operator*" is any person who owns, leases, operates, controls, or supervises a *stationary source*.
- 2.23 ***Permit Modification*** A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

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2.24 **Potential to Emit** For the purposes of Rule 522, "potential to emit" as it applies to an *emissions unit* and a *stationary source* is defined below.

1. **Emissions Unit** The "potential to emit" for an *emissions unit* is the maximum capacity of the unit to emit a *regulated air pollutant* or *HAP* considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions which address *applicable federal requirements*.

Physical and operational limitations shall include, but are not limited to, the following: limits placed on emissions and restrictions on hours of operation and type or amount of material combusted, stored, or processed.

2. **Stationary Source** The "potential to emit" for a *stationary source* is the sum of the *potential to emit* from all *emissions units* at the *stationary source*. If two or more *HAPs* are emitted at a *stationary source*, the *potential to emit* for each of those *HAPs* shall be combined to determine applicability. *Fugitive emissions* shall be considered in determining the *potential to emit* for: 1) sources as specified in 40 *CFR* Part 70.2 Major Source (2), and 2) sources of *HAP* emissions. Notwithstanding the above, any *HAP* emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a *major source* of *HAPs*, whether or not such units are located in contiguous areas or are under common control.

2.25 **Preconstruction Permit** A "preconstruction permit" is a permit issued prior to construction which authorizes construction (Also known as an Authority to Construct per Rule 401 for District-issued permits):

1. Pursuant to a program for the prevention of significant deterioration of air quality required by section 165 of the *CAA* (*U.S. EPA* responsibility) and Rules 408, 409, 413, 414, 415, 416, and 418 (*District* responsibility); or
2. Pursuant to a new source review program required by sections 172 and 173 of the *CAA* (*U.S. EPA* responsibility) and Rules 419, 420, 421, 422, 411, and 412 (*District* responsibility).

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- 2.26 **Regulated Air Pollutant** A "regulated air pollutant" is any pollutant: 1) which is emitted into or otherwise enters the ambient air, and 2) for which the *U.S. EPA* has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:
1. Oxides of nitrogen and volatile organic compounds;
  2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to section 109 of the *CAA*;
  3. Any pollutant subject to a new source performance standard promulgated pursuant to section 111 of the *CAA*;
  4. Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the *CAA*; and
  5. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the *CAA*, including:
    - a. Any pollutant listed pursuant to section 112(r) of the *CAA* (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
    - b. Any *HAP* subject to a standard or other requirement promulgated by the *U.S. EPA* pursuant to section 112(d) or adopted by the *District* pursuant to 112(g) and (j) of the *CAA* shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the *CAA*.
    - c. Any *HAP* subject to a *District* case-by-case emissions limitation determination for a new or modified source, prior to the *U.S. EPA* 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 *CAA*. In case-by-case emissions limitation determinations, the *HAP* shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

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2.27 **Responsible Official** A "responsible official" is an individual with the authority to certify that a source complies with all *applicable federal requirements* and *federally-enforceable conditions* of permits issued to sources in accordance with Rule 522. "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, or 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 permit and either:
  - a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - b. The delegation of authority to such representative is approved in advance by the *APCO*;
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 a ranking elected official; or
4. For an *acid rain unit* subject to Title IV (Acid Deposition Control) of the *CAA*, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 522.

2.28 **Significant Permit Modification** A "significant permit modification" is any modification to a *federally-enforceable condition* on a permit to operate which:

1. Involves any modification under section 112(g) of Title I of the *CAA* or under *U.S. EPA* regulations promulgated pursuant to Title I of the *CAA*, including 40 *CFR* Parts 51, 52, 60, 61, and 63;
2. Significantly changes monitoring conditions;

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3. Provides for the relaxation of any reporting or recordkeeping conditions;
4. Involves a permit term or condition which allows a source to avoid an *applicable federal requirement*, including: 1) a federally-enforceable *voluntary emissions cap* assumed in order to avoid triggering a modification requirement of Title I of the CAA, or 2) an alternative *HAP* emission limit pursuant to section 112(i)(5) of the CAA;
5. Involves a case-by-case determination of any emission standard or other requirement; or
6. Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

2.29 ***Solid Waste Incinerator*** A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the CAA.

The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Rule 522:

1. Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
2. Any materials recovery facility which primarily recovers metals;
3. Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C);
4. Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B); or
5. Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the *U.S. EPA*.

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- 2.30 ***Stationary Source (Source)*** For the purposes of Rule 522, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:
1. Emits, may emit, or results in the emissions of any *regulated air pollutant* or *HAP*;
  2. Is located on one or more contiguous or adjacent properties;
  3. Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
  4. Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.
- 2.31 ***United States Environmental Protection Agency (U.S. EPA)*** "United States Environmental Protection Agency" refers to the Administrator or appropriate delegee of the "United States Environmental Protection Agency."
- 2.32 ***Voluntary Emissions Cap*** A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more *emissions unit(s)* which a source assumes in order to avoid an *applicable federal requirement*. The source remains subject to all other *applicable federal requirements*.

**PART 3.0**     **APPLICABILITY**

3.1     **Sources Subject to Rule 522**

The sources listed below are subject to the requirements of Rule 522:

1.     *A major source*;
2.     *A source with an acid rain unit* for which application for an Acid Rain Permit is required pursuant to Title IV of the *CAA*;
3.     *A solid waste incinerator* subject to a performance standard promulgated pursuant to section 111 or 129 of the *CAA*;
4.     Any other source in a source category designated, pursuant to 40 *CFR* Part 70.3, by rule of the *U.S. EPA* ; and

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

3.2 **Sources Exempt from Rule 522**

The sources listed below are not subject to the requirements of Rule 522:

1. Sources regulated solely by 40 *CFR* Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
2. Sources regulated solely by 40 *CFR* Part 61, Subpart M, section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and
3. Any other source in a source category deferred, pursuant to 40 *CFR* Part 70.3, by *U.S. EPA* rulemaking.

**PART 4.0**     **ADMINISTRATIVE PROCEDURES FOR SOURCES**

4.1 **Permit Requirement and Application Shield**

A source shall operate in compliance with permits to operate issued pursuant to Rule 522. Rule 522 does not alter any applicable requirement that a source obtain *preconstruction permits* (Authority to Construct).

If an *owner or operator* submits, pursuant to Rule 522, a timely and complete application for a permit, a source shall not be in violation of the requirement to have a permit to operate until the *APCO* takes final action on the application. The application shield here will cease to insulate a source from enforcement action if an *owner or operator* of the source fails to submit any additional information requested by the *APCO* pursuant to subsection 4.3.2., below.

If an *owner or operator* submits a timely and complete application for an *initial permit*, the source shall operate in accordance with the requirements of any valid permit to operate issued pursuant to section 42301 of the *H&SC* until the *APCO* takes final action on the application. If an *owner or operator* submits a timely and complete application for renewal of a permit to operate, the source shall operate in accordance with the permit to operate issued pursuant to Rule 522, notwithstanding expiration of this permit, until the *APCO* takes final action on the application.

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The application shield does not apply to sources applying for *permit modifications*. For *permit modifications*, a source shall operate in accordance with the *applicable federal requirements*, the permit to operate issued pursuant to Rule 522 and any temporary permit to operate issued pursuant to section 42301.1 of the *H&SC*.

4.2 **Application Requirements**

1. **Initial Permit**

- a. For a source that is subject to Rule 522 on the date the rule becomes effective, an *owner or operator* shall submit a standard *District* application per the schedule determined by the *District* to accommodate the requirement that the *District* issue permits to at least 1/3 of the existing sources in each of the first three years after program approval, but in all cases within 12 months after the date the rule becomes effective.
- b. For a source that becomes subject to Rule 522 after the date the rule becomes effective, an *owner or operator* shall submit a standard *District* application within 12 months of the source *commencing operation* or becoming subject to Rule 522, whichever is later.
- c. For a source with an *acid rain unit*, an *owner or operator* shall submit a standard *District* application and acid rain permit applications to the *District*. The applications shall be submitted within the following timeframe:
  - 1) If the source is subject to Rule 522 because of subsection 3.1.1., above, within the applicable timeframe specified in 4.2.1.a. or 4.2.1.b., above.
  - 2) If the source is subject to Rule 522 only because of subsection 3.1.2., above, by January 1, 1996, or, if applicable, a latter date established by 40 CFR Part 72.



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2. **Permit Renewal**

For renewal of a permit, an *owner or operator* shall submit a standard *District* application no earlier than 18 months and no later than 6 months before the expiration date of the current permit to operate. Permits to operate for all *emissions units* at a *stationary source* shall undergo simultaneous renewal.

3. **Significant Permit Modification**

After obtaining any required *preconstruction permits*, an *owner or operator* shall submit a standard *District* application for each *emissions unit* affected by a proposed permit revision that qualifies as a *significant permit modification*. Upon request by the *APCO*, an *owner or operator* shall submit copies of the latest *preconstruction permit* for each affected *emissions unit*. The *emissions unit(s)* shall not *commence operation* until the *APCO* takes final action to approve the permit revision.

4. **Minor Permit Modification**

After obtaining any required *preconstruction permits*, an *owner or operator* shall submit a standard *District* application for each *emissions unit* affected by the proposed permit revision that qualifies as a *minor permit modification*. The *emissions unit(s)* affected by the proposed *permit modification* shall not *commence operation* until the *APCO* takes final action to approve the permit revision. In the application, an *owner or operator* shall include the following:

- a. A description of the proposed permit revision, any change in emissions, and additional *applicable federal requirements* that will apply;
- b. Proposed permit terms and conditions; and
- c. A certification by a *responsible official* that the permit revision meets criteria for use of *minor permit modification* procedures and a request that such procedures be used.

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5. **Acid Rain Unit Permit Modification**

A *permit modification* of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the CAA.

4.3 **Application Content and Correctness**

1. **Application Content**

When submitting an application, an *owner or operator* shall include the following information:

- a. Information identifying the source;
- b. Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;
- c. Identification of fees specified in Rules 603 and 605;
- d. A listing of all existing *emissions units* at the *stationary source* and identification and description of all points of emissions from the *emissions units* in sufficient detail to establish the *applicable federal requirements* and the basis for fees pursuant to PART 7.0, below;
- e. Citation and description of all *applicable federal requirements*, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements;
- f. Calculation of all emissions, including *fugitive emissions*, in tons per year and in such terms as are necessary to establish compliance with the all applicable *District*, state, or federal requirements for the following:
  - 1) All *regulated air pollutants* emitted from the source,
  - 2) Any *HAP* that the source has the *potential to emit* in quantities equal to or in excess of 10 tons per year, and

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- 3) If the source has the potential to emit two or more *HAPs* in quantities equal to or in excess of 25 tons per year, all *HAPs* emitted by the source;
- g. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices;
  - h. An identification and description of air pollution control equipment and compliance monitoring devices or activities;
  - i. Other information required by an *applicable federal requirement*;
  - j. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection 5.9., below;
  - k. A compliance plan and compliance schedule with the following:
    - 1) A description of the compliance status of each *emissions unit* within the *stationary source* with respect to *applicable federal requirements*,
    - 2) A statement that the source will continue to comply with such *applicable federal requirements* that the source is in compliance,
    - 3) A statement that the source will comply, on a timely basis, with *applicable federal requirements* that will become effective during the permit term, and
    - 4) A description of how the source will achieve compliance with requirements for which the source is not in compliance;

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- l. For a source not in compliance with an *applicable federal requirement* at the time of permit issuance or renewal, a schedule of compliance approved by the *District* hearing board that identifies remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, recordkeeping requirements, and a schedule for submission of certified progress reports to the *U.S EPA* and the *APCO* at least every 6 months;
- m. A certification by a *responsible official* of the truth, accuracy and completeness of application forms, progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually;
- n. For a source with an *acid rain unit*, an application shall include the elements required by 40 *CFR* Part 72;
- o. For a source of *HAPs* required to prepare a risk management plan pursuant to section 112(r) of the *CAA*, the application shall include verification that such a plan has been submitted to the authorized implementing agency or a compliance schedule for the submittal of such a plan; and
- p. For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable *District*, state, and federal requirements at each location.

2. **Correctness of Applications**

*An owner or operator* of a source shall submit an accurate and complete application in accordance with the requirements of the *District*.

- a. Upon written request of the *APCO*, an *owner or operator* shall supplement any complete application with additional information within the timeframe specified by the *APCO*.

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- b. An *owner or operator* shall promptly provide additional information in writing to the *APCO* upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.
- c. Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

4.4. **Written Requests for District Action**

A *owner or operator* shall submit a written request to the *APCO* for the following permit actions:

1. **Administrative Permit Amendment**

For an *administrative permit amendment*, an *owner or operator* may implement the change addressed in the written request immediately upon submittal of the request.

2. **Permit Modification for a Condition that is not Federally Enforceable**

For a *permit modification* for a condition that is not federally enforceable, an *owner or operator* shall submit a written request in accordance with the requirements of Rule 401.

3. **Permits to Operate for New Emissions Units**

For permits to operate for a new *emissions unit* at a *stationary source*, an *owner or operator* shall submit a written request in accordance with the requirements of Rule 401, except under the following circumstances:

- a. The construction or operation of the *emissions unit* is a modification under *U.S. EPA* regulations promulgated pursuant to Title I of the *CAA*, including 40 *CFR* Parts 51, 52, 60, 61, 63;
- b. The construction or operation of the *emissions unit* is addressed or prohibited by permits for other *emissions units* at the *stationary source*; or

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- c. The *emissions unit* is an *acid rain unit* subject to Title IV of the CAA.

In the circumstances specified in subsections 1., 2., or 3., above, an *owner or operator* shall apply for a permit to operate for the new *emissions unit* pursuant to the requirements of Rule 522.

4.5 **Response to Permit Reopening For Cause**

Upon notification by the *APCO* of a reopening of a permit for cause for an *applicable federal requirement* pursuant to subsection 5.8., below, an *owner or operator* shall respond to any written request for information by the *APCO* within the timeframe specified by the *APCO*.

**PART 5.0** **DISTRICT ADMINISTRATIVE PROCEDURES**

5.1 **Completeness Review of Applications**

The *APCO* shall determine if an application is complete and shall notify an *owner or operator* of the determination within the following timeframes:

1. For an *initial permit*, permit renewal, or a *significant permit modification*, within 60 days of receiving the application;
2. For a *minor permit modification*, within 30 days of receiving the application.

The application shall be deemed complete unless the *APCO* requests additional information or otherwise notifies an *owner or operator* that the application is incomplete within the timeframes specified above.

5.2 **Notification of Completeness Determination**

The *APCO* shall provide written notification of the completeness determination to the *U.S. EPA*, the *ARB* and any *affected state* and shall submit a copy of the complete application to the *U.S. EPA* within five working days of the determination. The *APCO* need not provide notification for applications from sources that are not major sources when the *U.S. EPA* waives such requirement for a source category by regulation or at the time of approval of the *District* operating permits program.

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5.3 **Application Processing Timeframes**

The *APCO* shall act on a complete application in accordance with the procedures in subsections 5.4, 5.5, and 5.6, below (except as application procedures for *acid rain units* are provided for under regulations promulgated pursuant to Title IV of the *CAA*), and take final action within the following timeframes:

1. For an *initial permit* for a source subject to Rule 522 on the date the rule becomes effective, no later than three years after the date the rule becomes effective;
2. For an *initial permit* for a source that becomes subject to Rule 522 after the date the rule becomes effective, no later than 18 months after the complete application is received;
3. For a permit renewal, no later than 18 months after the complete application is received;
4. For a *significant permit modification*, no later than 18 months after the complete application is received;
5. For a *minor permit modification*, within 90 days after the application is received or 60 days after written notice to the *U.S. EPA* on the proposed decision, whichever is later; or
6. For any permit application with early reductions pursuant to section 112(i)(5) of the *CAA*, within 9 months after the complete application is received.

5.4 **Notification and Opportunity for Review of Proposed Decision**

Within the applicable timeframe specified in subsection 5.3., above, the *APCO* shall provide notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements in this subsection.

1. For *initial permits*, renewal of permits, *significant permit modifications*, and reopenings for cause, the *APCO* shall provide the information in subsections a. through e., below.

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- a. Written notice, the proposed permit and, upon request, copies of the *District* analysis to interested persons or agencies. The *District* analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed Rule 522 decisions, any *affected state* and the *ARB*.
  
- b. On or after providing written notice pursuant to subsection 5.4.1., above, public notice that shall be published in at least one newspaper of general circulation in the *District*. The notice shall provide the information in subsections a) through f), below.
  - 1) The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action.
  - 2) The name and address of the *District*, the name and telephone number of *District* staff to contact for additional information.
  - 3) The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions.
  - 4) The location where the public may inspect the complete application, the *District* analysis, and the proposed permit.
  - 5) A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures.
  - 6) A statement that members of the public may request the *APCO* to preside over a public hearing for the purpose of receiving oral public comment, if a hearing has not already been scheduled. The *APCO* shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing.



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- c. A copy of the complete application, the *District* analysis and the proposed permit at *District* offices for public review and comment during normal business hours.
  - d. A written response to persons or agencies that submitted written comments which are postmarked by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the *District* office and made available upon request.
  - e. After completion of the public notice and comment period pursuant to subsection b., above, written notice to the *U.S. EPA* of the proposed decision along with copies of the proposed permit, the *District* analysis, the public notice submitted for publication, the *District's* response to written comments, and all necessary supporting information.
2. For *minor permit modifications*, the *APCO* shall provide written notice of the proposed decision to the *U.S. EPA*, the *ARB*, and any *affected state*. Additionally, the *District* shall provide to the *U.S. EPA* (and, upon request, to the *ARB* or any *affected state*) copies of the proposed permit, the *District* analysis, and all necessary supporting information. The *District* analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions.

5.5 **Changes to the Proposed Decision**

Changes to the proposed decision shall be governed by the following procedure:

1. The *APCO* may modify or change the proposed decision, the proposed permit, or the *District* analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to subsection 5.4.1.b., above, or due to further analysis of the *APCO*. Pursuant to subsection 5.4.1.e., above, the *APCO* shall forward any such modified proposed decision, the proposed permit, the *District* analysis, and all necessary supporting information to the *U.S. EPA*.

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2. If the *U.S. EPA* objects in writing to the proposed decision within 45 days of being notified of the decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to subsection 5.4.1.e., above, the *APCO* shall not issue the permit. The *APCO* shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the *U.S. EPA* objection within the following timeframes:
  - a. For *initial permits*, permit renewals, and *significant permit modifications*, within 90 days of receiving the *U.S. EPA* objection; or
  - b. For *minor permit modifications*, within 90 days of receipt of the application or 60 days of the notice to *U.S. EPA*, whichever is later.

5.6 **Final Decision**

If the *U.S. EPA* does not object in writing within 45 days of the notice provided pursuant to subsection 5.4.1.e., above, or the *APCO* submits a revised permit pursuant to subsection 5.5.2., above, the *APCO* shall, expeditiously, deny the application or issue the final permit to operate. In any case, the *APCO* shall take final action on an application within the applicable timeframe specified in subsection 5.3., above. Failure of the *APCO* to act on a permit application or permit renewal application in accordance to the timeframes provided in subsection 5.3., above, shall be considered final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously.

Written notification of the final decision shall be sent to an *owner or operator* of the source, the *U.S. EPA*, the *ARB* and any person and *affected state* that submitted comments during the public comment period. The *APCO* shall submit a copy of a permit to operate as issued to the *U.S. EPA* and provide a copy to any person or agency requesting a copy. If the application is denied, the *APCO* shall provide reasons for the denial in writing to an *owner or operator* along with the *District* analysis and cite the specific statute, rule, or regulation upon which the denial is based.

5.7 **District Action on Written Requests**

The *APCO* shall act on a written request of an *owner or operator* for permit action using the applicable procedure specified in this subsection.

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1. **Administrative Permit Amendment**

The *APCO* shall take final action no later than 60 days after receiving the written request for an *administrative permit amendment*.

- a. After designating the permit revisions as an *administrative permit amendment*, the *APCO* may revise the permit without providing notice to the public or any *affected state*.
- b. The *APCO* shall provide a copy of the revised permit to an *owner or operator* of the source and the *U.S. EPA*.
- c. While the *APCO* need not make a completeness determination on a written request, the *APCO* shall notify an *owner or operator* of the source if the *APCO* determines that the permit can not be revised as an *administrative permit amendment*.

2. **Permit Modification for a Condition that is not Federally Enforceable**

The *APCO* shall take action on a written request for a *permit modification* for a condition that is not federally enforceable in accordance with the requirements of Rule 504 under the following circumstances:

- a. Any change at the *stationary source* allowed by the *permit modification* shall meet all *applicable federal requirements* and shall not violate any existing permit term or condition; and
- b. The *APCO* provides to the *U.S. EPA* a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

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3. **Permits to Operate for New Emissions Unit**

The *APCO* shall take action on a written request for a permit to operate for a new *emissions unit* in accordance with the requirements of Rule 504 under the circumstances specified in subsection 5.7.2.a. and 5.7.2.b., above. However, if subsections 4.4.3.a., 4.4.3.b., or 4.4.3.c., above, apply, the *APCO* shall require the submittal of a standard *District* application and take action on that application pursuant to the requirements of Rule 522.

5.8 **Permit Reopening for Cause**

The *APCO* shall reopen and revise a permit to operate during the annual review period required by section 42301(c) of the *H&SC*, or petition the *District* hearing board to do so pursuant to section 42307 of the *H&SC*, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the *U.S. EPA*, or within 18 months of promulgation of a new *applicable federal requirement*. The *APCO* shall act only on those parts of the permit for which cause to reopen exists.

1. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:
  - a. The need to correct a material mistake or inaccurate statement;
  - b. The need to revise or revoke a permit to operate to assure compliance with *applicable federal requirements*;
  - c. The need to incorporate any new, revised, or additional *applicable federal requirements*, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the *APCO* shall incorporate these requirements into the permit to operate upon renewal); or
  - d. The need to reopen a permit issued to *acid rain unit* subject to Phase II of Title IV of the *CAA* to include:
    - 1) Oxides of nitrogen requirements prior to January 1, 1999, and

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- 2) Additional requirements promulgated pursuant to Title IV as they become applicable to any *acid rain unit* governed by the permit.
2. In processing a permit reopening, the *APCO* shall use the same procedures as for an *initial permit* and shall additionally:
    - a. Provide written notice to an *owner or operator* of the source and the *U.S. EPA* at least 30 days, or a shorter period in the case of an *emergency*, prior to reopening a permit; and
    - b. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the *U.S. EPA* pursuant to subsection 5.4.1.e., if the *U.S. EPA* does not object, or after the *APCO* has responded to *U.S. EPA* objection pursuant to subsection 5.5.2., above.

5.9 **Options for Operational Flexibility**

The *APCO* shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an *applicable federal requirement*. The *APCO* shall not allow changes which constitute a modification under Title I of the *CAA* or Rules 408, 409, 413, 414, 415, 416, 418, and 419, or that result in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options:

1. **Alternative Operating Scenarios**

The *APCO* shall allow the use of alternative operating scenarios provided that:

- a. Terms and conditions applicable to each operating scenario are identified by *owner or operator* of source in the permit application,
- b. The terms and conditions are approved by the *APCO*,
- c. The terms and conditions are incorporated into the permit; and

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- d. The terms and conditions are in compliance with all applicable *District*, state, and federal requirements.

A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another.

2. **Voluntary Emissions Caps**

The *APCO* shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the *stationary source* solely for the purpose of complying with a *voluntary emissions cap* established in the permit independent of otherwise *applicable federal requirements* provided that:

- a. The requirements of subsections 5.9.1.a., 5.9.1.c., and 5.9.1.d., above, are met;
- b. The terms and conditions are approved by the *APCO* as quantifiable and enforceable; and
- c. The terms and conditions are consistent with the applicable *preconstruction permit*.

A permit condition shall require that an *owner or operator* of the source provide written notice to the *U.S EPA* and the *APCO* 20 days in advance of a change by clearly requesting operational flexibility under this subsection of Rule 522. The written notice shall describe the change, identify the *emissions unit* which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not.

3. **Contravening an Express Permit Condition**

The *APCO* shall allow for changes in operation that contravene an express condition addressing an *applicable federal requirement* in a permit to operate provided that:

- a. The change will not violate any *applicable federal requirement*;

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- b. The change will not contravene *federally-enforceable conditions* that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
- c. The change is not a modification under Title I of the CAA or any provision of Rules 408, 409, 413, 414, 415, 416, 418, and 419;
- d. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
- e. Written notice is given to the *U.S. EPA* and the *APCO* 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this subsection, describes the change, identifies the *emissions units* which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and
- f. The *APCO* has not provided a written denial to an *owner or operator* of the source within 30 days of receipt of the request for an operational change. The written denial shall identify which of the requirements of subsections a., b., c., d., or e., above, have not been satisfied.

**PART 6.0**      **PERMIT CONTENT REQUIREMENTS**

A permit-to-operate shall contain permit conditions that will assure compliance with all *applicable federal requirements*.

6.1      **Incorporation of Applicable Federal Requirements**

A permit to operate shall incorporate all *applicable federal requirements* as permit conditions. The following procedure shall be used to incorporate an *applicable federal requirement* as a permit condition:

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1. A permit condition that addresses an *applicable federal requirement* shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not enforceable by the *U.S. EPA*;
2. Where an *applicable federal requirement* and a similar requirement that is not federally enforceable apply to the same *emissions unit*, both shall be incorporated as permit conditions, provided that they are not mutually exclusive; and
3. Where an *applicable federal requirement* and a similar requirement that is not federally enforceable apply to the same *emissions unit* and are mutually exclusive (e.g., require different air pollution control technology), the requirement specified in the *preconstruction permit* (or, in the case of sources without preconstruction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced.

6.2 **General Requirements**

All permits to operate shall contain the conditions or terms consistent with 40 *CFR* Part 70.6 Permit Content, including:

1. **Emission and Operational Limitations**

The permit shall contain conditions that require compliance with all *applicable federal requirements*, including any operational limitations or requirements.

2. **Preconstruction Permit Requirements**

The permit shall include all of the *preconstruction permit* conditions for each *emissions unit*.

3. **Origin and Authority for Permit Conditions**

The origin and authority for each permit term or condition shall be referenced in the permit.

4. **Equipment Identification**

The permit shall identify the equipment to which a permit condition applies.



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5. **Monitoring, Testing, and Analysis**

The permit shall contain conditions that require monitoring, analytical methods, compliance certification, test methods, equipment management, and statistical procedures consistent with any *applicable federal requirement*, including those pursuant to sections 114(a)(3) and 504(b) of the CAA, and 40 *CFR* Part 64. Periodic monitoring shall be required as a condition to ensure that the monitoring is sufficient to yield reliable data which are representative of the source's compliance with permit conditions over the relevant time period.

6. **Recordkeeping**

The permit shall include recordkeeping conditions that require:

- a. Record maintenance of all monitoring and support information associated with any *applicable federal requirement*, including:
  - 1) Date, place, and time of sampling;
  - 2) Operating conditions at the time of sampling;
  - 3) Date, place, and method of analysis; and
  - 4) Results of the analysis;
- b. Retention of records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application; and
- c. Any other recordkeeping deemed necessary by the *APCO* to ensure compliance with all *applicable federal requirements*.

7. **Reporting**

The permit shall include reporting conditions that require the following:

- a. Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the *APCO* who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur;

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- b. A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the *APCO* (see subsection 6.2.7.a. above);
- c. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken;
- d. A progress report shall be made on a compliance schedule at least semi-annually and shall include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective action taken; and
- e. Each monitoring report shall be accompanied by a written statement from the *responsible official* which certifies the truth, accuracy, and completeness of the report.

8. **Compliance Plan**

The permit shall include a compliance plan that:

- a. Describes the compliance status of each *emissions unit* with respect to each *applicable federal requirement*;
- b. Describes how compliance will be achieved if an *emissions unit* is not in compliance with an *applicable federal requirement* at the time of permit issuance;
- c. Assures that each *emissions unit* will continue to comply with those permit conditions with which it is in compliance; and
- d. Assures that each *emissions unit* will comply with, on a timely basis, any *applicable federal requirement* that will become effective during the permit term.

9. **Compliance Schedule**

The permit shall include a compliance schedule for any *emissions unit* which is not in compliance with current *applicable federal requirements*. The compliance schedule shall require:

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- a. A statement that the *emissions unit* will continue to comply with those permit conditions with which it is in compliance;
- b. A statement that the *emissions unit* will comply, on a timely basis, with an *applicable federal requirement* that will become effective during the permit term;
- c. For each condition with which the *emissions unit* is not in compliance with an applicable federal requirement, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and
- d. For each *emissions unit* that is not in compliance with an *applicable federal requirement*, a schedule of progress on at least a semi-annual basis which includes: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective actions taken.

10. **Right of Entry**

The permit shall require that the source allow the entry of the *District, ARB, or U.S. EPA* officials for the purpose of inspection and sampling, including:

- a. Inspection of the *stationary source*, including equipment, work practices, operations, and emission-related activity;
- b. Inspection and duplication of records required by the permit to operate; and
- c. Source sampling or other monitoring activities.

11. **Compliance with Permit Conditions**

The permit shall include the following provisions regarding compliance:

- a. The permittee shall comply with all permit conditions;
- b. The permit does not convey property rights or exclusive privilege of any sort;

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- c. The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;
- d. The permittee shall not use the "need to halt or reduce a permitted activity in order to maintain compliance" as a defense for non-compliance with any permit condition;
- e. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
- f. Within a reasonable time period, the permittee shall furnish any information requested by the *APCO*, in writing, for the purpose of determining: 1) compliance with the permit, or 2) whether or not cause exists for a permit or enforcement action.

12. **Emergency Provisions**

The permit shall include the following *emergency* provisions:

- a. The permittee shall comply with the requirements of Rule 516 and the emergency provisions contained in all applicable federal requirements;
- b. Within two weeks of an emergency event, an *owner or operator* of the source shall submit to the *District* a properly signed, contemporaneous log or other relevant evidence which demonstrates that:
  - 1) An *emergency* occurred;
  - 2) The permittee can identify the cause(s) of the *emergency*;
  - 3) The facility was being properly operated at the time of the *emergency*;
  - 4) All steps were taken to minimize the emissions resulting from the *emergency*; and
  - 5) Within two working days of the *emergency* event, the permittee provided the *district* with a description of the *emergency* and any mitigating or corrective actions taken;

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- c. In any enforcement proceeding, the permittee has the burden of proof for establishing that an *emergency* occurred.

13. **Severability**

The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.

14. **Compliance Certification**

The permit shall contain conditions for compliance certification which include the following requirements:

- a. An *owner or operator* of the source shall submit a compliance certification to the *U.S. EPA* and the *APCO* every 12 months;
- b. The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;
- c. The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and
- d. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to sections 114(a) and 504(b) of the *CAA*.

15. **Permit Life**

With the exception of *acid rain units* subject to Title IV of the *CAA* and *solid waste incinerators* subject to section 129(e) of the *CAA*, each permit to operate for any source shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit to operate for an *acid rain unit* shall have a fixed permit term of five years. A permit to operate for a *solid waste incinerator* shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.

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16. **Payment of Fees**

The permit shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement action by the *District* and the *U.S. EPA* pursuant to section 502(a) of the *CAA*.

17. **Alternative Operating Scenarios**

Where an *owner or operator* requests that an alternative operating scenario be included in the permit for an *emissions unit*, the permit shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario,

including each alternative operating scenario, identified in the permit must meet all *applicable federal requirements* and all of the requirements of this section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.

18. **Voluntary Emissions Caps**

To the extent *applicable federal requirements* provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, an *owner or operator* may request, subject to approval by the *APCO*, to permit one or more *emissions unit(s)* under a *voluntary emissions cap*. The permit for each *emissions unit* shall include *federally-enforceable conditions* requiring that:

- a. All *applicable federal requirements*, including those authorizing emissions averaging, are complied with;
- b. No individual *emissions unit* shall exceed any emissions limitation, standard, or other requirement;
- c. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
- d. All affected *emissions units* under a *voluntary emissions cap* shall be considered to be operating in violation of the permit, if the *voluntary emissions cap* is exceeded.

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19. **Acid Rain Units Subject to Title IV**

The permit for an *acid rain unit* shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the CAA and any federal standard or requirement promulgated pursuant to Title V of the CAA, except as modified by Title IV. *Acid rain unit* permit conditions shall include the requirements of 40 *CFR* Part 72.9 and the following provisions:

- a. The sulfur dioxide emissions from an *acid rain unit* shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the CAA or the regulations promulgated pursuant to Title IV;
- b. Any increase in an *acid rain unit's* sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the CAA shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other *applicable federal requirement*;
- c. Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an *acid rain unit* shall not use these emissions allowances as a defense for noncompliance with any *applicable federal requirement* or *District* requirement, including *District* Rules 419, 420, 421, 422, 411, and 412; and
- d. An *acid rain unit's* sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.

20. **Portable Sources**

The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to:

- a. Meet all applicable *District*, state, and federal requirements at each location;

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- b. Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the *APCO*, that will be used to demonstrate compliance with all *District*, state, and federal requirements; and
- c. Notify the *APCO* ten working days prior to a change in location.



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**RULE 523**

**PORTABLE EQUIPMENT REGISTRATION**

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**RULE 523 PORTABLE EQUIPMENT REGISTRATION**

**PART 1 PURPOSE**

The purpose of this rule is to provide an administrative mechanism, and establish standards for registration of certain portable emissions units for operation at participating districts throughout the state of California. The Districts may update, through rulemaking, the emissions standards for new emissions units as more effective control technology becomes available.

**PART 2 APPLICABILITY**

Nothing in this rule shall be construed as requiring registration for an emissions unit which otherwise is exempt from the District's permit requirements (Rule 402-Permit Exemptions). Emissions units used in conjunction with the following portable equipment source categories shall be eligible for registration under the provisions of this rule:

- 2.1 Confined abrasive blasting
- 2.2 Portland concrete batch plants
- 2.3 Spark Ignition, or diesel-fired piston-type internal combustion engines, except for marine dredges, used in conjunction with the following types of operations:
  - 2.3.1 Well drilling, service, or workover rigs;
  - 2.3.2 Power Generation (excluding cogeneration);
  - 2.3.3 Pumps;
  - 2.3.4 Compressors;
  - 2.3.5 Pile Drivers;
  - 2.3.6 Welding;
  - 2.3.7 Cranes; and
  - 2.3.8 Woodchippers
- 2.4 Sand and gravel screening, rock crushing, and unheated pavement crushing and recycling operations.
- 2.5 Unconfined abrasive blasting

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**PART 3      DEFINITIONS**

For the purpose of this rule, the following definitions apply:

3.1      Administering District:

A district that adopts the provisions contained in sections 3, 4, 5, 6, 7 and 8 of this rule for one or more of the equipment categories listed in section 2 of this rule, and in which the owner or operator of a portable emissions unit files an application for registration. A district can be an administering district only for the equipment categories for which it has adopted the requirements contained in this rule.

3.2      Air Resources Board Information System (ARBIS)

An electronic bulletin board, accessed via modem, designed to provide information. A section of ARBIS will be used to store Portable Equipment Registrations, and Notices of Violations and Hearing Board Activity for related to Portable Equipment Registrations. ARBIS will be used as described herein when it becomes available, but until such time written copies will be distributed upon request.

3.3      District:

An air pollution control district or air quality management District duly organized under the applicable provisions of the California Health and Safety Code.

3.4      Emergency Operation:

Any operation which is necessitated as a result of an emergency declared by an authorized government official.

3.5      Emissions Unit:

An identifiable process, operation, or piece of process equipment such as an article, machine, or other contrivance, which emits or may emit, or results in the emissions of any air contaminant directly or as fugitive emissions. For the purpose of this rule, each internal combustion engine constitutes a separate emissions unit.

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3.6 Equivalent Replacement:

Either of the following:

3.6.1 The replacement of or modification of an emissions unit where the maximum rating of the replacement unit does not exceed that of the unit being replaced, and the replacement unit is equipped with equal or better air pollution control technology.

3.6.2 The replacement of or modification of an emissions unit where the maximum controlled emission rate from the replacement unit is reduced by at least twice the increase from the maximum rating of the existing unit, on a percentage basis. Limitations on capacity or hours of operation shall not be taken into account in qualifying as an equivalent replacement.

3.7 Existing Emissions Unit:

An emissions unit that resided in the State of California at any time during Calendar year 1993, and is registered in accordance with the provisions of this rule no later than 6 months from the date of adoption of this rule in the participating district in which the equipment is located or is to first be operated. The owner or operator shall provide sufficient documentation to prove the residency requirement to the satisfaction of the Air Pollution Control Officer. Examples of adequate documentation are existing permits issued by an air pollution control district, district air pollution inventory records, tax records, and usage or maintenance records. An equivalent replacement unit, replacing an existing emissions unit shall be treated as an existing emissions unit.

3.8 Location:

Except for oil well drilling, service, or workover rigs in one or more contiguous or adjacent properties. Contiguous or adjacent properties are properties with two or more parcels of land in actual physical contact, or separated solely by a public roadway or other public right-of-way. For oil well drilling, service, or workover rigs in each well-site shall be considered as a separate location.

3.9 New Emissions Unit:

Any emissions unit that does not meet the definition of an existing emissions unit shall be deemed a new emissions unit.

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3.10 Participating District:

Any district that, through rulemaking, agrees to honor and enforce registrations issued by an administering district. Districts may choose to honor registrations for one or more of the equipment categories listed in section 2.

3.11 Portable Emissions Unit:

Any emissions unit that, by itself or in or on a piece of equipment, is portable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, platform or mounting. An emission unit is not portable if:

3.11.1 The emissions unit remains or will remain at a location for more than 6 consecutive months. (Any emissions unit, such as a back-up or stand-by unit, that replaces an emissions unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of both emissions units, including the time between the removal of the original unit and installation of the replacement unit, would be counted towards the consecutive residence time period.); or

3.11.2 The emissions unit remains or will remain at a location for less than 6 consecutive months where such a period represents the full length of normal annual source operations at the stationary source that resides at a fixed location for more than 6 consecutive months such as a seasonal source; or

3.11.3 The emissions unit is removed from one location for a period and then returned to the same location in an attempt to circumvent the portable equipment residence time requirement.

The period during which the emissions unit is maintained at a storage facility shall be excluded from determining the above residency requirements.

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3.12 Project:

One or more registered portable emissions unit(s) operated at one location under the same or common ownership or control, and used to perform a single activity.

3.13 Volatile Organic Compound (VOC)

Any compound containing at least one atom of carbon except for the following exempt compounds:

methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, methylene chloride, methyl chloroform (1,1,1-trichloroethane), CFC-113 (trichlorotrifluoroethane), CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), CFC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115 (chloropentafluoroethane), HCFC-123 (dichlorotrifluoroethane), HFC-134a (tetrafluoroethane), HCFC-141b (dichlorofluoroethane), and HCFC-142b (chlorodifluoroethane).

**PART 4. REGISTRATION PROCESS**

- 4.1 If the owner or operator of an emissions unit operated in conjunction with one of the source categories listed in section 2 of this rule elects to apply for registration of said emissions unit, the owner or operator shall apply for registration at the participating district in which the portable equipment is located at the time the application for registration is filed. If the equipment is located outside the state of California, or in a non-participating District, the owner or operator must register at the district where the equipment will first be operated after registration.
- 4.2 The applicant shall provide the administering district with the necessary engineering data, emissions test data, or manufacturer's guarantee to demonstrate compliance with the requirements as specified in section 5 of this rule.
- 4.3 The administering district shall issue registration, deny registration, or deem the application incomplete according to the following schedule:
- 4.3.1 Within 90 days of the receipt of an application for applications received within 6 months after the date of adoption of this rule; and

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- 4.3.2 Within 30 days of the receipt of an application for applications received after 6 months following the date of adoption of this rule.
- 4.4 The administering District shall conduct an on-site inspection of the emissions unit prior to issuing registration for the unit.
- 4.5 No later than 10 days after issuance of a registration, the administering district shall upload a copy of the registration onto ARBIS, and upon request by a participating district, provide a copy of the application for registration.
- 4.6 The owner or operator of a registered emission unit may operate the unit within the boundaries of any participating district pending compliance with all applicable requirements.
- 4.7 The administering district shall renew the registration on an annual basis pending the payment of all applicable fees and compliance with all applicable requirements.
- 4.8 The participating districts shall provide written reports and an electronic copy (diskette) to the administering district, describing the nature and outcome of any violation of the applicable requirements by the owner or operator of the registered equipment. The administering district shall upload such information to ARBIS.
- 4.9 The participating districts shall provide written reports and an electronic copy (diskette) to the administering district, describing any hearing board action concerning the registered equipment. The administering district shall upload such information to ARBIS.
- 4.10 Equivalent replacement units must go through the entire registration process in order to obtain registration, including the surrender of the registration for the equipment being replaced.
- 4.11 For the purpose of this rule, permitting in Division 26 of the Health and Safety Code of the state of California, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Board, Variances, and orders of abatement, shall be considered to have the same meaning as registration as provided in this rule. The air pollution control officer and the district hearing board shall have the same authority concerning registration as it does with permits, and the owner or operator of registered emissions units shall be entitled to the same privileges and rights granted to a permittee.

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- 4.12 The administering district shall notify all participating districts of any changes in the status of registration for an emissions unit.

**PART 5 SOURCE CATEGORY REQUIREMENTS**

5.1 Confined abrasive blasting operations

- 5.1.1 No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.
- 5.1.2 The particulate matter emissions shall be controlled using a fabric or cartridge filter dust collector.
- 5.1.3 As a part of the application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99% for the dust collection equipment.
- 5.1.4 Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

5.2 Concrete Batch Plants

- 5.2.1 All dry material transfer points shall be ducted through a fabric or cartridge type filter dust collector, unless there are no visible emissions from the transfer point.
- 5.2.2 All cement storage silos shall be equipped with fabric or cartridge type vent filters.
- 5.2.3 The silo vent filters shall be maintained in proper operating condition.
- 5.2.4 No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.
- 5.2.5 Open areas shall be maintained adequately wet to prevent fugitive emissions in excess of 20 percent opacity or Ringelmann 1.
- 5.2.6 Silo service hatches shall be dust-tight.



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- 5.2.7 As a part of the application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99% for the dust collection equipment.
- 5.2.8 Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.
- 5.3 Diesel fired piston type internal combustion engines:
- 5.3.1 The engine timing shall be retarded by a minimum of 4 degrees from the manufacturer's standard timing, or the NO<sub>x</sub> emissions from naturally aspirated engines shall not exceed 10 grams per brake horsepower-hour (700 ppmv at 15% O<sub>2</sub>)
- 5.3.2 The engine timing shall be retarded by a minimum of 4 degrees from the manufacturer's standard timing and, or the NO<sub>x</sub> emissions from turbocharged engines shall not exceed 7.2 grams per brake horsepower-hour (500 ppmv at 15% O<sub>2</sub>).
- 5.3.3 The sulfur content of the diesel fuel shall not exceed 0.05% by weight.
- 5.3.4 Particulate matter emissions concentration shall not exceed 0.10 grain per standard dry cubic feet.
- 5.3.5 Except for visible emissions from pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity. Pile drivers shall comply with the applicable provisions of § 41701.5 of the California Health and Safety Code.
- 5.3.6 If the NO<sub>x</sub> emission limits, as specified in section 5.3.1 or 5.3.2 are not met, in addition to ignition retarding all engines with ratings greater than 50 BHP, but less than 117 BHP, that do not qualify as existing emissions units, shall be equipped with turbochargers.
- 5.3.7 If the NO<sub>x</sub> emission limits, as specified in section 5.3.1 or 5.3.2 are not met, in addition to ignition retarding all engines with rating greater than 117 BHP, that do not qualify as existing emissions unit, shall be equipped with turbochargers and aftercoolers.

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5.4 Sand and gravel screening, rock crushing, and pavement crushing and recycling operations:

- 5.4.1 No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.
- 5.4.2 There shall be no visible emissions beyond the property line on which the equipment is being operated.
- 5.4.3 All transfer points shall be ducted through a fabric or cartridge type filter dust collector, or shall be equipped with a wet suppression system maintaining a minimum moisture content of 4 percent by weight.
- 5.4.4 Particulate matter emissions from each crusher shall be ducted through a fabric dust collector, or a wet suppression system which maintains a minimum moisture content of 4 percent by weight shall be used.
- 5.4.5 All conveyors shall be covered, unless the material being transferred does not result in any visible particulate matter emissions.
- 5.4.6 All stockpiled material shall be maintained at a minimum moisture content of 4 percent by weight, unless the stockpiled material does not result in any visible particulate matter emissions.
- 5.4.7 Any source which processes in excess of 150 tons per hour shall comply with all the applicable provisions of the Code of Federal Regulations (CFR) under 40 CFR Part 60, Subpart 000.
- 5.4.8 As a part of an application for registration, the applicant shall provide manufacturer's specifications or engineering data to demonstrate a minimum particulate matter arrestance of 99% for the dust collection equipment.
- 5.4.9 Except for vent filters, each fabric dust collector shall be equipped with an operational pressure differential gauge to measure the pressure drop across the filters.

5.5 Unconfined abrasive blasting operations

- 5.5.1 No air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark as or darker than Ringelmann 2 or equivalent 40% opacity.

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5.5.2 Only California Air Resources Board certified abrasive blasting material shall be used.

5.5.3 The abrasive material shall not be reused.

5.5.4 No air contaminant shall be released into the atmosphere which causes a public nuisance.

5.5.5 All applicable requirements of Title 17 of the California Code of Regulations shall also apply.

5.6 Spark ignition internal combustion engines:

5.6.1 The NO<sub>x</sub> emissions shall not exceed 1.5 grams per brake horsepower-hour (100 ppmv at 15% O<sub>2</sub>).

5.6.2 The VOC emissions shall not exceed 1.5 grams per brake horsepower-hour (650 ppmv at 15% O<sub>2</sub>).

5.6.3 The CO emissions shall not exceed 2.0 grams per brake horsepower-hour (500 ppmv at 15% O<sub>2</sub>).

5.6.4 Except for pile drivers, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any one hour which is as dark as or darker than Ringelmann 1 or equivalent 20% opacity.

**PART 6 GENERAL REPORTING AND RECORDKEEPING REQUIREMENTS**

6.1 Notification

If an emissions unit remains at a district for more than 24 hours, the operator shall notify the District within 2 calendar days. The notification shall include the following information:

6.1.1 The general nature of the operations.

6.1.2 The estimated duration of operations within the district.

6.1.3 The name and phone number of a contact person with information concerning the locations where the equipment will be operated within the district.

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6.2 Reporting

Within 30 days after the end of every calendar quarter the operator of a registered portable emissions unit, except for rental equipment, shall notify the district in which the unit was operated of the level of activities within the district during the preceding calendar quarter. The notification shall include the following information:

- 6.2.1 The location(s) at which the equipment was operated, including the dates operated at each location.
- 6.2.2 The type and quantity of materials processed by each emissions unit, or the daily hours of operation for each emissions unit in conjunction with hourly throughput rate.
- 6.2.3 The type and quantity of fuels consumed by each emissions unit, or the daily hours of operation for each emissions unit in conjunction with hourly horsepower or BTU rating.

6.3 Requirements for Rental Equipment

- 6.3.1 The operator of rental registered portable equipment shall be responsible for compliance with the notification and recordkeeping requirements of this rule. The operator must furnish the necessary recordkeeping as required pursuant to sections 6.2.1, 6.2.2, and 6.2.3 of this rule, to the owner of the equipment.
- 6.3.2 The owner of rental registered portable equipment shall provide the operator with a written copy of applicable requirements of this rule, including the notification and recordkeeping requirements, as a part of the equipment rental agreement. The owner must maintain written acknowledgment by the operator of receiving the above information for a period of at least two years.
- 6.3.3 The owner of rental registered portable equipment must compile the records provided by the equipment operators, and within 30 days after the end of every calendar quarter shall submit the above information to the participating districts.

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**PART 7      TESTING REQUIREMENTS**

Testing to verify compliance with the applicable requirements shall be conducted at the expense of the registered owner or operator at the request of the district and in accordance with the methodology prescribed by the district.

The district must accept prior test results from test conducted within the last two years, provided that the operator proves to the satisfaction of the Air Pollution Control Officer that the prior testing was conducted in accordance with appropriate methods, and the conditions under which the unit was tested represent the operating conditions of the equipment as proposed.

**PART 8      PROHIBITIONS**

- 8.1      Except for emissions from existing emissions units, the total NO<sub>x</sub> or VOC emissions from a project shall not exceed 100 pounds during any one day, for each pollutant.
- 8.2      The total PM 10 emissions from a project shall not exceed 150 pounds during any one day.
- 8.3      No air contaminant shall be released into the atmosphere which causes a public nuisance.
- 8.4      Except for emergency operations, the emissions unit shall not be operated within 1,000 feet of any K-12 school, unless the public and student notification applicable requirements of California Health and Safety Code Section 42301.6 have been satisfied.
- 8.5      The actual emissions from the unit, when operated as a registered portable emissions unit, as verified by recordkeeping as prescribed by this rule, shall not exceed 10 tons per year of any affected pollutant when operated in any participating district.

**PART 9      FEES**

Operators that opt to register portable equipment applicable to this rule, in lieu of, or in addition to, normal Authority to Construct and Permit to Operate per applicable rules in Regulation IV and V shall pay fees according to the schedule described in Rule 606.

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**PART 10      IMPLEMENTATION SCHEDULE**

The owner or operator of an emissions unit subject to the provisions of this rule shall apply for registration according to the following schedule:

- 10.1    No later than 6 months after the date of adoption of this rule for existing emissions units.
  
- 10.2    All other equipment must register prior to commencing operations.

**PART 11      TERM**

This rule shall automatically sunset on September 30, 1996 unless the governing board of directors re-adopts the rule prior to this, confirming the rule is working as intended.

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**RULE 524**

**VIOLATIONS AND DETERMINATION OF COMPLIANCE**

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**PART 1.0    GENERAL**

- 1.1            Purpose
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- 1.4            Effective Dates
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**PART 2.0    DEFINITIONS**

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**PART 3      VIOLATIONS OF OTHER LEGAL MANDATES**

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- 4.1            Compliance Certifications
- 4.2            Credible Evidence

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**Rule 524**      **Violations and Determination of Compliance**

**PART 1**      **GENERAL**

1.1      **Purpose**

The purpose of this rule is to provide standards by which compliance with requirements derived from the federal Clean Air Act may be determined.

1.2      **Applicability**

The provisions of this rule shall provide standards for compliance determinations required by, or derived from, federal law for the operation of any article, machine, equipment, or other contrivance within the District which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants.

1.3      **Exemptions**

RESERVED

1.4      **Effective Dates**

This Rule becomes effective on February 1, 1995.

1.5      **References**

The requirements of this Rule arise from the provisions of Sections 110(a)(2)(A),(C), and (F)(42 U.S.C. Sections 7401(a)(2)(A),(C), and (F): and Sections 113, 114(a)(3)(42 U.S.C. Sections 7413 and 7414(a)(3)) of the federal Clean Air Act.

**PART 2**      **DEFINITIONS**

2.1      **Administrator**

The Administrator of the United States Environmental Protection Agency or delegate.

2.2      **District**

Air Pollution Control District.



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**PART 3      VIOLATIONS OF OTHER LEGAL MANDATES**

Nothing in the District Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

**PART 4      STANDARDS FOR DETERMINATION OF COMPLIANCE**

**4.1      Compliance Certification**

Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

- 4.1.1    An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
- 4.1.2    Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

**4.2      Credible Evidence**

Notwithstanding any other provision in the District's State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

- 4.2.1            Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:
  - 4.2.1.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
  - 4.2.1.2 A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.
  - 4.2.1.3 Compliance test methods specified in the District's State Implementation Plan.

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- 4.2.2 The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
  - 4.2.2.1 Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75.
  - 4.2.2.2 Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in 4.2.1 or 4.2.2.1 herein.

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**RULE 525**

**REQUEST FOR SYNTHETIC MINOR SOURCE STATUS**

**CONTENTS**

- PART 1.0    PURPOSE AND GENERAL REQUIREMENTS**
- PART 2.0    APPLICABILITY**
- PART 3.0    DEFINITIONS**
- PART 4.0    STANDARDS**
- 4.1    Modification Requirements for a Synthetic Minor Source
- PART 5.0    ADMINISTRATIVE REQUIREMENTS**
- 5.1    Request for Synthetic Minor Source Status
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- 5.3    Designation of Federally Enforceable Conditions
- 5.4    Public Notification and Review
- 5.5    U.S. EPA Review
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- 5.7    Renewal of Synthetic Minor Source Status
- PART 6.0    MONITORING AND RECORDS**
- 6.1    Reporting Requirements
- PART 7.0**
- 7.1    Non-compliance Provision

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**PART 1.0**     **PURPOSE AND GENERAL REQUIREMENTS**

- 1.1     The purpose of this rule is to allow owners or operators of specified stationary sources that would otherwise be major stationary sources to request and accept federally enforceable emissions limits sufficient to enable the sources to be considered synthetic minor stationary sources.
  
- 1.2     A synthetic minor stationary source is not subject to RULE 522 - FEDERAL OPERATING PERMIT PROGRAM unless it is subject to that rule for a reason other than being a major stationary source. A synthetic minor stationary source is subject to all applicable federal requirements for non-major stationary sources and to all federally enforceable conditions and requirements pursuant to this rule. In addition, a synthetic minor stationary source is subject to all applicable State and District rules, regulations, and other requirements.

**PART 2.0**     **APPLICABILITY**

This rule applies to any major stationary source located within the District for which the owner or operator requests, and would be able to comply with, federally enforceable limitations or conditions that qualify the source to be a synthetic minor source, as defined herein. This rule shall not apply to any stationary source that is subject to District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM for a reason other than being a major stationary source.

**PART 3.0**     **DEFINITIONS**

All terms shall retain the definitions provided under District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM, as applicable, unless otherwise defined herein.

3.1     **Federally Enforceable:**

All limitations and conditions which are directly enforceable by U.S. EPA, including:

1.     District requirements developed pursuant to 40 CFR, Parts 60 (NSPS), 61 (NESHAP), 63 (NESHAP), 70 (Title V Operating Permit Program), and 72 (Permits Regulation, Acid Rain);
  
2.     Requirements contained in the California State Implementation Plan (SIP), that are applicable to the District; and

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3. District permit requirements established pursuant to 40 CFR Part 52.21 (PSD) or District permit requirements established pursuant to 40 CFR part 51, Subpart 1 (NSR) and approved by the U.S. EPA into the SIP.

3.2 **Fugitive Emissions:**

Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

3.3 **Hazardous Air Pollutant (HAP)**

Any air pollutant listed pursuant to Section 112(b) 42 U.S.C. Section 74121(b) of the Federal Clean Air Act.

3.4 **Major Stationary Source Of Hazardous Air Pollutants (HAPs)**

A stationary source that emits or has the potential to emit quantities equal to or exceeding the lesser any of the following thresholds:

1. 10 tons per calendar year or more of a single HAP listed in Section 112(b) of the Federal Clean Air Act;
2. 25 tons per calendar year or more of any combination of HAPs; or
3. Any such lesser quantity of HAPs as U.S. EPA may establish by rule.

Fugitive emissions of HAPs shall be considered in calculating emissions for stationary sources. The definition of a major stationary source of radio nuclides shall be specified by rule by THE U.S. EPA.

3.5 **Major Stationary Source Of Regulated Air Pollutants**

A stationary source that emits or has the potential to emit a regulated air pollutant in quantities equal to or exceeding 100 tons per calendar year. Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2.

3.6 **Major Stationary Source Threshold:**

The potential to emit a regulated air pollutant in the amounts specified under Sections 3.4 and 3.5.

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3.7 **Modification:**

Any physical or operational change at a stationary source or facility which necessitates a revision of any federally enforceable condition, established pursuant to this rule or by any other mechanism, that enables a source to be a synthetic minor source.

3.8 **Operating Scenario:**

An operating scenario is any permitted mode of operation, including normal operation, startup, shutdown, and reasonably foreseeable changes in process, feed, or product.

3.9 **Owner Or Operator**

Any person who owns, leases, operates, controls, or supervises a stationary source.

3.10 **Potential To Emit**

The maximum physical and operational design capacity to emit a pollutant during each calendar year. Limitations on the physical or operational design capacity, including emissions control devices and limitations on hours of operation, may be considered only if such limitations are federally enforceable.

3.11 **Regulated Air Pollutant**

Any of the following air pollutants are regulated:

1. Oxides of nitrogen and volatile organic compounds;
2. Any pollutant for which a national ambient air quality standard has been promulgated under Title I of the Federal Clean Air Act;
3. Any pollutant that is regulated under any standard promulgated under Section 111 (42 U.S.C. Section 7411) of the Federal Clean Air Act, including New Source Performance Standards in 40 CFR Part 60;
4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act;

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5. Any pollutant that is subject to any standard promulgated pursuant to Sections 112 (42 U.S.C. Section 7412) of the Federal Clean Air Act including:
- a. Any pollutant listed pursuant to Section 112(r) Prevention of Accidental Release) shall be considered a regulated air pollutant upon promulgation of the list;
  - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to Sections 112(d) or adopted by the District pursuant to Sections 112(g) and (i) shall be considered a regulated air pollutant for all sources or categories of sources;
    - i. Upon promulgation of the standard or requirement; or
    - ii. 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3); and
  - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA 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 Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

3.12 **Responsible Official:**

Responsible Official shall mean one of the following:

1. For a corporation or limited liability company;

A president, chief executive officer, secretary, treasurer, chief financial officer, 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 or limited liability company,

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or 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 Title V permit or either:

- a. The facility(s) employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - b. The delegation of authority to such representative is approved in writing in advance by the Air Pollution Control Officer.
2. For a partnership or sole proprietorship:
- a. A general partner or the proprietor, respectively;
3. For a municipality, state, or federal, or other public agency:
- a. 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 (e.g., Regional Administrator of U.S. EPA); or

4. For phase II acid rain facilities subject to Title IV requirements:
- a. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Federal Clean Air Act or the regulations promulgated thereunder are concerned; and
  - b. The designated representative for any other purposes under 40 CFR Part 70 regulations.

3.13 **Synthetic Minor Source:**

A stationary source which, pursuant to this rule or another mechanism, is subject to federally enforceable conditions that limit its potential to emit to less than major stationary source thresholds.



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3.14 **United States Environmental Protection Agency (U.S. EPA)**

The Administrator or appropriate delegatee of the United States Environmental Protection Agency.

3.15 **Volatile Organic Compound**

Any compound containing at least one atom of carbon as defined in 40 CFR Part 51.100(s), except those exempt compounds listed in 40 CFR Part 51.100(s).

**PART 4.0**     **STANDARDS**

4.1 **Modification Requirements for a Synthetic Minor Source:**

The following requirements apply to any modification of a synthetic minor source:

1. For a modification which would not increase the synthetic minor source's potential to emit to equal or exceed any major stationary source threshold, the source shall comply with the requirements of District REGULATION IV - AUTHORITY TO CONSTRUCT REGULATIONS;
2. For a modification which would increase the synthetic minor source's potential to emit to equal or exceed any major source threshold or would affect a monitoring, recordkeeping, or reporting requirement pursuant, the owner or operator shall comply with the applicable requirements of District REGULATION IV - AUTHORITY TO CONSTRUCT REGULATIONS and shall:
  - a. Submit a revised request for synthetic minor source status in accordance with Section 5.1 no later than 180 days prior to the anticipated commencement date of modification; or
  - b. Submit an application in accordance with the requirements of RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM no later than 180 days prior to the anticipated commencement date of the modification.

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(The administrative requirements of District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM for when a stationary source shall make permit application after the date the rule becomes effective, i.e., within 12 months of commencing operation, do not apply to modifying a synthetic minor source subject to this provision.)

**PART 5.0**      **ADMINISTRATIVE REQUIREMENTS**

5.1      **Request for Synthetic Minor Source Status:**

A request for a synthetic minor source status shall not relieve a stationary source of the responsibility to comply with the application requirements of RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM within the specified timeframes. A major stationary source subject to this rule may request synthetic minor source status in accordance with the following:

1.      **Content of Request:**

A request for designation as a synthetic minor source shall include:

- a.      The identification and description of all existing emissions units at the source;
- b.      The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted,<sup>1</sup> including any existing federally enforceable limits established by a mechanism other than this rule;

*\1 – The calculated emissions for each emissions unit shall include the following fugitive emissions: 1) hazardous air pollutant fugitive emissions for all sources, and 2) other regulated air pollutant fugitive emissions for sources specified in 40 CFR Part 70.2 Major Sources (2).*

- c.      Proposed federally enforceable conditions which:
  - i.      Limit source-wide emissions to below major source thresholds, and
  - ii.     Are permanent, quantifiable and otherwise enforceable as a practical matter.
- d.      Proposed federally enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;

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- e. Any additional information requested by the APCO; and
  - f. Certification by a responsible official that the contents of the request are true, accurate, and complete.
2. **Timely Request:** The owner or operator of a major stationary source who chooses to request synthetic minor stationary source status shall make such a request within the following timeframes:
- a. For any major stationary source that is operating or is scheduled to commence operation on the effective date of District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 180 days before a Title V application is required under District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM;
  - b. For any major stationary source that commences operation after the effective date of District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 180 days before a Title V permit application is required under District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM; or
  - c. For any major stationary source that is operating in compliance with a Title V permit issued pursuant to District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM, the owner or operator may request synthetic minor source status at any time, but no later than eight months prior to the Title V permit renewal.

5.2 **Completeness Determination:**

- 1. The Air Pollution Control Officer shall determine whether the request for synthetic minor source status is complete not later than 30 days after receipt of the request or after such longer time as both the owner or operator of the stationary source and the Air Pollution Control Officer have agreed in writing. If the Air Pollution Control Officer determines that the request is not complete, the owner or operator shall be notified in writing of the decision specifying the information required.

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Upon receipt of any re-submittal of the request, a new 30-day period to determine completeness shall begin. Completeness of the request or re-submittal request shall be evaluated on the basis of the information requirements set forth herein and by the APCO and on payment of appropriate fees pursuant to RULE 603 - PERMIT FEES - STATIONARY SOURCES.

2. The Air Pollution Control Officer may, during the processing of the request, request the owner or operator of the stationary source to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

5.3 **Designation of Federally Enforceable Conditions:**

Conditions enabling a source to become a synthetic minor source shall be identified as federally enforceable and included in the source's Permit to Operate issued by the District pursuant to District RULE 501 - PERMIT REQUIREMENTS, and Sections 5.4 through 5.6 of this rule. The federally enforceable conditions shall contain monitoring and recordkeeping requirements sufficient to determine ongoing compliance with the emissions limits set forth pursuant to Section 5.3, and shall be:

1. At least as stringent as other federally enforceable applicable requirements of the District;
2. Permanent, quantifiable, and practically enforceable permit conditions, including any operational limitations or conditions, which limit the source's potential to emit to below major source thresholds;
3. Subject to public notice and U.S. EPA review pursuant to Sections 5.4 and 5.5.

Conditions in the Permit to Operate that do not conform to the requirements of this Section, any other requirements of this rule, or any underlying federal regulations which set forth criteria for federal-enforceability may be deemed not federally enforceable by U.S. EPA.

5.4 **Public Notification and Review:**

After a request for synthetic minor source status is determined to be complete, the Air Pollution Control Officer shall:

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1. Publish a notice of the request in one or more newspapers of general circulation in the area where the source is located;
2. In the public notice:
  - a. State that conditions identified as federally enforceable in the source's permit will establish voluntary emissions limit in accordance with this rule; and
  - b. Describe how the public may obtain copies of the proposed permit including the federally enforceable conditions addressing the emissions limit; and
3. Provide 30 days for public review of the proposed permit prior to final permit action.

5.5 **U.S. EPA Review:**

After a request for synthetic minor source status is determined to be complete, the Air Pollution Control Officer shall:

1. Provide U.S. EPA with the copies of the proposed permit including the conditions which:
  - a. Are identified as federally enforceable; and
  - b. Limit emissions to below major stationary source thresholds;
2. Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and
3. Provide the U.S. EPA with copies of the final permit.

5.6 **Final Action:**

1. Until the Air Pollution Control Officer takes final action to issue the Permit to Operate pursuant to this section, a stationary source requesting synthetic minor source status shall not be relieved from the responsibility to comply with the application or other requirements of District RULE 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM within the specified timeframes.

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2. Upon fulfilling the requirements of 5.1 through 5.5, the Air Pollution Control Officer shall consider any written comments received during public and U.S. EPA review and take final action on the Permit to Operate of a source requesting synthetic minor source status within 90 days of deeming such request complete.
3. The District shall maintain a public record of all pertinent documents regarding a request for synthetic minor source status, including the request, proposed permit, and all written comments and responses, and the final permit.

5.7 **Renewal of Synthetic Minor Source Status:**

Renewal of synthetic minor source status shall be made in accordance with District RULE 521 - ANNUAL RENEWAL. In addition, at permit renewal, any revision of conditions identified as federally enforceable shall be subject to the requirements of 4.1 and 5.1 through 5.6 of this rule.

**PART 6.0 MONITORING AND RECORDS:**

6.1 **Reporting Requirements:**

The owner or operator of a synthetic minor source which exceeds the permit condition identified as federally enforceable and established pursuant to Section 5.3, shall report such exceedances to the Air Pollution Control Officer within 24 hours of the exceedance.

**PART 7.0 VIOLATIONS:**

7.1 **Non-compliance Provision:**

The owner or operator of a synthetic minor source status that is not in compliance with any permit condition identified as federally enforceable or with any requirement set forth in this rule, or that files false information with the District to obtain synthetic minor source status, is in violation of the Federal Clean Air Act and District rules and regulations. A noncomplying synthetic minor source may be subject to any one or combination of the following actions:

- a. Civil or criminal penalties;
- b. Permit termination;

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- c. Permit revocation and reissuance;
- d. Permit renewal denial; and
- e. Any other enforcement action or remedy authorized by law.

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**RULE 526**

**LIMITING POTENTIAL TO EMIT**

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**RULE 526    LIMITING POTENTIAL TO EMIT**

**PART 1.0    PURPOSE**

The purpose of this rule is to eliminate the need for certain stationary sources to obtain a Title V operating permit pursuant to District Rule 522 - TITLE V - FEDERAL OPERATING PERMIT PROGRAM. Stationary sources subject to this rule are those whose actual emissions are less than or equal to 50% of those of a major stationary source, but whose potential emissions are equal to or greater than the major stationary source thresholds. These stationary sources must comply with emissions limitations set in this rule or apply for and receive a federal operating permit pursuant to Rule 522.

**PART 2.0    APPLICABILITY**

2.1    **General Applicability:**

This rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:

- A.    In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in section 4.1 below; or
- B.    In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in section 7.1 below.

2.2    **Provision for Air Pollution Control Equipment:**

The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

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This provision shall not apply after January 1, 1999 unless such operational limitation is federally enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.

2.3 **Exemption, Stationary Source Subject to Rule 522, Title V Federal Operating Permits:**

This rule shall not apply to the following stationary sources:

- A. Any stationary source whose actual emissions, throughput, or operation, at any time after the effective of this rule, is greater than the quantities specified in sections 4.1 or 7.1 below and which meets both of the following conditions:
  - 1. The owner or operator has notified the District at least 30 days prior to any exceedance that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits, and
  - 2. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.

However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

- B. Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Rule 522, Title V Federal Operating Permits, and is awaiting final action by the District and U.S. EPA.
- C. Any stationary source required to obtain an operating permit under Rule 522, Title V Federal Operating Permits for any reason other than being a major source.

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D. Any stationary source with a valid Part 70 permit.

Notwithstanding subsections B and D above, nothing in this section shall prevent any stationary source which has had a Part 70 permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Part 70 permit or upon rescission of a Part 70 permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in section 4.1 below or an applicable alternative operational limit in section 7.1 below.

2.4 **Exemption, Stationary Source with a Limitation on Potential to Emit:**

This rule shall not apply to any stationary source which has a valid operating permit with federally-enforceable conditions or other federally-enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in sections 3.7 and 3.8 below.

2.5 Within three years of the effective date of Rule 522, Title V Federal Operating Permits, the District shall maintain and make available to the public upon request, for each stationary source subject to this rule, information identifying the provisions of this rule applicable to the source.

2.6 This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program.<sup>\1</sup> This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

\1 – e.g. federal PSD, NSR, and ATC

**PART 3.0 DEFINITIONS**

All terms shall retain the definitions provided under Rule 522, Title V Federal Operating Permits unless otherwise defined herein.

3.1 **12-month period**

A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

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3.2 **Actual Emissions**

The emissions of a regulated air pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analysis; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including emission factors and assumptions.

3.3 **Alternative Operational Limit**

A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section 7.0, Alternative Operational Limit and Requirements.

3.4 **Emission Unit**

Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.

3.5 **Federal Clean Air Act**

The federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.

3.6 **Hazardous Air Pollutant**

Any air pollutant listed pursuant to section 112(b) of the federal Clean Air Act.

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3.7 **Major Source of Regulated Air Pollutants (excluding HAPs)**

A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:

- A. 100 tons per year (tpy) of any regulated air pollutant;
- B. 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and
- C. 70 tpy of PM<sub>10</sub> for a federal PM<sub>10</sub> nonattainment area classified as serious.

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions- Major source(2)." Attainment status maps are available from the Air Resources Board or the Northern Sierra AQMD.

3.8 **Major Source of Hazardous Air Pollutants**

A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radio nuclides shall be specified by rule by the U.S. EPA .

3.9 **Part 70 Permit**

An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

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3.10 **Potential to Emit**

The maximum capacity of a stationary source to emit a regulated air pollutant based on 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 only if the limitation is federally enforceable.

3.11 **Process Statement**

An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.

3.12 **Regulated Air Pollutant**

The following air pollutants are regulated:

- A. Oxides of nitrogen and volatile organic compounds;
- B. Any pollutant for which a national ambient air quality standard has been promulgated;
- C. Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act;
- D. Any pollutant that is subject to any standard promulgated under section 111 of the federal Clean Air Act; and
- E. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the federal Clean Air Act, including:
  - 1. Any pollutant listed pursuant to section 112(r) (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list.

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2. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) shall be considered a regulated air pollutant for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3).
3. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA 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). In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

**PART 4.0 EMISSION LIMITATIONS**

- 4.1 Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section 7.1 below, no stationary source subject to this rule shall emit in every 12-month period more than the following quantities of emissions:
  - A. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs),
  - B. 5 tons per year of a single HAP,
  - C. 12.5 tons per year of any combination of HAPs, and
  - D. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
- 4.2 The APCO shall evaluate a stationary source's compliance with the emission limitations in section 4.1 above as part of the District's annual permit renewal process required by Health & Safety Code section 42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section 6.0, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA , CARB, or the APCO.

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- 4.3 Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section 7.1 below, the owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in section 4.1 above.

**PART 5.0 RECORDKEEPING REQUIREMENTS**

Immediately after adoption of this rule, the owner or operator of a stationary source subject to this rule shall comply with any applicable recordkeeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Section 7.0, Alternative Operational Limit and Requirements. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.

- 5.1 The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units<sup>\1</sup> sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, CARB, or U.S. EPA staff upon request.

*\1 – In some cases it may be appropriate to keep records on groups of emission units which are connected in series. Examples are internal combustion engines in the oil fields with a common fuel line, or a series of paint spray booths with a common feed.*

A. **Coating/Solvent Emission Unit**

The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

1. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analysis providing this information;



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2. A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;
3. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and
4. All purchase orders, invoices, and other documents to support information in the monthly log.

**B. Organic Liquid Storage Unit**

The owner or operator of a stationary source subject to this rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:

1. A monthly log identifying the liquid stored and monthly throughput; and
2. Information on the tank design and specifications including control equipment.

**C. Combustion Emission Unit**

The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

1. Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and
2. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

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D. **Emission Control Unit**

The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

1. Information on equipment type and description, make and model, and emission units served by the control unit;
2. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and
3. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

E. **General Emission Unit**

The owner or operator of a stationary source subject to this rule that contains an emission unit not included in subsections A, B or C above shall keep and maintain the following records:

1. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);
2. Any additional information requested in writing by the APCO;
3. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and

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4. Purchase orders, invoices, and other documents to support information in the monthly log.

**PART 6.0 REPORTING REQUIREMENTS**

- 6.1 At the time of annual renewal of a permit to operate under Rule 521, Annual Renewal, each owner or operator of a stationary source subject to this rule shall submit to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.
- 6.2 Any additional information requested by the APCO under section 6.1 above shall be submitted to the APCO within 30 days of the date of request.

**PART 7.0 ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS**

The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the operation(s) limited by the alternative operational limit.

- 7.1 Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.
  - A. The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.
  - B. The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.
  - C. **Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems**

The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:

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1. No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.
2. A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.
3. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

**D. Degreasing or Solvent-Using Unit**

The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:

1.
  - a. If the solvents do not include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be used in every 12-month period,.
  - b. If the solvents include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be used in every 12-month period.
2. A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
3. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

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E. **Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower**

The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:

1. For a federal ozone area designation of attainment, unclassified, transitional, or moderate nonattainment, the emergency standby engine(s) shall not operate more than 5,200 hours in every 12-month period and shall not use more than 265,000 gallons of diesel fuel in every 12-month period.
2. A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.
3. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

7.2 The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in section 7.1 above.

**PART 8.0 VIOLATIONS**

- 8.1 Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule. Each day during which a violation of this rule occurs is a separate offense.
- 8.2 A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Rule 522, Title V Federal Operating Permits when the conditions specified in either subsections A or B below, occur:
  - A. Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in section 4.1 above and any applicable alternative operational limit specified in section 7.1, above, or

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- B. Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in section 4.1 above or any applicable alternative operational limit specified in section 7.1 above.

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**Rule 527      NOTICES TO COMPLY (MINOR VIOLATIONS)**

**1.0      Purpose**

The purpose of this rule is to implement the provisions of Chapter 3 of Part 1 of Division 26 of the California Health and Safety Code (commencing with section 39150) which define a minor violation and establish guidelines for issuing a Notice to Comply.

**2.0      Applicability**

This rule applies to any person subject to state requirements, District rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the District.

**3.0      Definitions**

- 3.1      **Chronic Violation:** a violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same stationary source or facility or same piece of equipment.
- 3.2      **Information:** data, records, photographs, maintenance records, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit was issued or applied or which is subject to state or federal requirements, District rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the District.
- 3.3      **Minor Violation:** the failure of any person to comply with administrative or procedural requirements of applicable state requirements, District rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the District which meets the following criteria:
  - 3.3.1      Does not result in an increase in emissions of any air contaminant more than a de minimis amount;
  - 3.3.2      Does not endanger the health, safety, or welfare of any person or persons;
  - 3.3.3      Does not endanger the environment;
  - 3.3.4      Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard;

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- 3.3.5 Does not preclude or hinder the District's ability to determine compliance with other applicable state or federal requirements, District rule and regulation, administrative or procedural plan or permit conditions, or requests for information or records;
  - 3.3.6 Does not involve any failure to comply with the emission standards in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions;
  - 3.3.7 Is not knowing, willful, or intentional;
  - 3.3.8 Does not enable the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage;
  - 3.3.9 Is not chronic;
  - 3.3.10 Is not committed by a recalcitrant violator; and
  - 3.3.11 Does not result in a nuisance.
- 3.4 Notice to Comply: a written method of alleging a minor violation that meets the requirements of Health and Safety Code section 39151.
- 3.5 Procedural Requirement: a provision of a rule or regulation that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.
- 3.6 Recalcitrant Violator: a person or facility where there is evidence indicating that a person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of District rules and regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

**4.0 Issuances of Notices to Comply**

- 4.1 Except as otherwise provided in Section 4.0, a Notice to Comply shall be the only means by which the APCO shall cite a minor violation.  
The APCO shall not take any other enforcement action to enforce the minor violation against a person who has received a Notice to Comply if the person is in compliance with this rule.



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- 4.2 A single Notice to Comply shall be issued for all minor violations cited during the same inspection and the Notice to Comply shall separately list each cited minor violation and the manner in which each minor violation may be brought into compliance.
- 4.3 A Notice to Comply shall not be issued for any minor violation that is corrected immediately in the presence of the inspector. Immediate compliance in that manner may be noted in the inspection report or other District documents, but the person shall not be subject to any further action by the District's representative or an authorized or designated officer. Corrected minor violations may be used to show a pattern of disregard or neglect by a recalcitrant violator.
- 4.4 Testing
- 4.4.1 If testing is required by the state board or District or an authorized or designated officer to determine compliance, and the testing cannot be conducted during the course of the inspection, the APCO shall have a reasonable period of time to have the required testing conducted.
- 4.4.2 If, after the test results are available, the APCO determines that the issuance of a Notice to Comply is warranted, the APCO shall immediately notify the person in writing. If off site testing is required pursuant to Section 4.4.1, a copy of the Notice to Comply may be mailed to the person or owner or operator of the facility.
- 4.5 Notwithstanding any other provision of Section 4.0, if a person fails to comply with a Notice to Comply within the prescribed period, or if the APCO determines that the circumstances surrounding a particular minor violation are such that immediate enforcement is warranted to prevent harm to the public health or safety or to the environment, the APCO may take any needed enforcement action authorized by law.
- 4.6 Nothing in this rule shall be construed as preventing the reinspection of a site facility to ensure compliance or to ensure that minor violations cited in a Notice to Comply have been corrected.
- 4.7 Nothing in this rule shall be construed as preventing the APCO, on a case-by-case basis, from requiring a person subject to a Notice to Comply to submit reasonable and necessary information to support a claim of compliance by the person.
- 4.8 The issuance of a Notice to Comply for a violation of state law will not interfere with an agency's ability to enforce all federal requirements or laws.

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4.9 Notwithstanding any other provision of Section 4.0, if the APCO determines that the circumstances surrounding a particular minor violation are such that the assessment of a penalty pursuant to this rule is warranted or required by federal law, in addition to issuance of a Notice to Comply, the District shall assess a penalty in accordance with Division 26 of the Health and Safety Code, section 42400, et seq., if the APCO makes written findings that set forth the basis for the determination of the District.

**5.0 Requirements**

Any person who receives a Notice to Comply pursuant to this subparagraph shall have up to 30 days or the period specified in the Notice to Comply, whichever is less, from the date of receipt of the Notice to Comply in which to achieve compliance with the requirement cited on the Notice to Comply. Within five (5) working days of achieving compliance, the person who received the Notice to Comply shall sign and return it to the APCO, stating that the person has complied with the Notice to Comply. The return shall also include a written statement describing when and how compliance was achieved. Failure to respond or a false statement that compliance has been achieved is a violation subject to further legal action pursuant to the Health and Safety Code, section 42400, et seq.

**6.0 Appeals**

Any person who is issued a Notice to Comply may appeal the issuance by filing a written appeal with the APCO within seven (7) days of receipt of the Notice to Comply. The appeal shall state the grounds and basis for the appeal and include any evidence as to why the Notice to Comply should not have been issued. The APCO shall grant or deny the appeal within 14 days. The APCO's decision shall be final.

**7.0 Penalty for Failure to Comply**

Any person who fails to comply by the date specified on the Notice to Comply shall be subject to further enforcement action pursuant to the Health and Safety Code, section 42400, et seq., or any other applicable law.