



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Engineering and Permitting

IMPLEMENTATION GUIDANCE DOCUMENT

SUBJECT: BACT Applicability

Date Issued: June 22, 2018

Rules: Rule 408 – Circumvention,
Rule 1303(a) – Requirements,
Rule 1304(d) – Facility Exemption,

Policies: BACT Guidelines (published December 2016)
BACT Guidelines for Spray Booth at Non-Major Polluting Facilities (published 10-20-2000)

1. RULE AND POLICY LANGUAGE

Rule 408(a) states:

“A person shall not build, erect, install, or use any equipment or technique that suppresses or conceals an emission without reducing the total release of air contaminants to the atmosphere if that release of air contaminants constitutes a violation of any law, regulation, rule, permit, order, or plan required by rule.”

Rule 1303(a)(1) states:

“The Executive Officer or designee shall deny the Permit to Construct for any relocation or for any new or modified source which results in an emission increase of any nonattainment air contaminant, any ozone depleting compound, or ammonia, unless BACT is employed for the new or relocated source or for the actual modification to an existing source.”

Rule 1303(a)(2) states:

“In implementing subdivision (a), the Executive Officer or designee shall periodically publish guidelines indicating the administrative procedures and requirements for commonly permitted sources....”

BACT Guidelines - Overview (published December 2016) states on page 10:

“It is SCAQMD policy that BACT is required only for emission increases greater than or equal to one (1.0) pound per day.”

BACT Guidelines for Spray Booth at Non-Major Polluting Facilities (10-20-2000):

“Note: The sum of all VOC emissions from all spray booths within the same subcategory applied for in the previous two years at the same facility are considered toward the emission threshold.”

2. ISSUE

May an applicant circumvent the BACT 1.0 pound threshold policy by applying multiple times for emission increases on the same equipment for less than 1.0 pound per day to avoid triggering BACT?

3. BACKGROUND

Rule 1303(a)(1) requires BACT to be employed for any new or modified sources that will result in any emission increases. Rule 1303(a)(2) provides for the Executive Officer to establish guidelines for implementing requirements under Rule 1303(a)(1). The BACT Guidelines, which was issued December 2016 noted that District policy was to require BACT for any permit unit emitting greater than or equal to 1.0

pound per day of any non-attainment air contaminant. The trigger level of 1.0 pound per day was to ensure the BACT requirement is broadly applied while avoiding excessive cost for a minimal emission increase for a piece of equipment. However, this policy was not intended to apply to multiple emission increases for the same piece of equipment to avoid BACT. Staff has recently encountered a situation where there was an application for a process rate increase resulting in 0.99 pounds of emission increase, just under the trigger threshold. About two and a half years after the permit was issued, another application was submitted for another 0.99 pound emission increase for the same equipment.

4. ANALYSIS

The policy reasons underlying a 1.0 pound threshold for triggering BACT would be thwarted if a facility could conceal its goal to increase emissions from a piece of equipment by more than 1.0 pound per day, thereby circumventing the BACT requirement, by sequentially applying for individual permit increases that are under 1.0 pound per day for the same equipment that would cumulatively exceed the 1.0 pound per day BACT threshold.

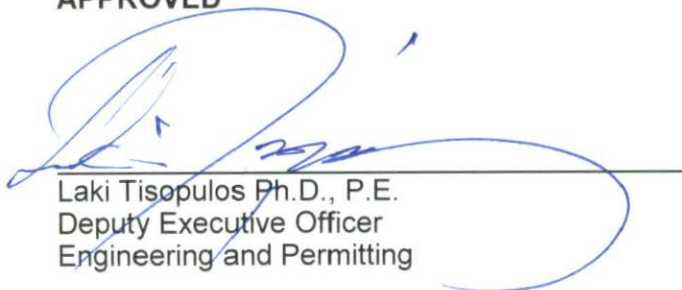
To avoid circumvention of BACT requirements, the District has a long established mechanism to accumulate emission increases pursuant to its anti-circumvention regulation, Rule 408. Thus, after BACT was established for various categories of spray booths for non-major polluting facilities, there were attempts to circumvent BACT by likewise applying for a number of emission increases that were individually below the BACT applicability threshold¹ for spray booths. As a result, a policy was developed around October 2000 to accumulate all VOC emissions from all spray booths within the same category that had been applied for in the previous 2 years at the same facility and apply the accumulated increase to the BACT emission threshold.

While the October 2000 BACT policy for spray booths incorporates a 2-year accumulation timeline, the District now believes that a 5-year period encompasses a more reasonable planning horizon for most projects. In support, the District notes that in accordance with Rule 3004, a Title V permit expires 5 years from the date of issuance unless the permit is renewed. Nevertheless, the District recognizes that subsequent emission increases may be unrelated to attempts at circumvention. In such a case, the emission increases should be evaluated separately and not be added together to determine BACT applicability. The applicant will have to demonstrate that the causes for subsequent increases are truly independent of each other and the increases could not have been foreseen when the earlier increases were proposed.

5. CONCLUSION


For the purposes of preventing future circumvention of triggering a BACT requirement, a period of 5 years prior to the date of application submittal shall be used to accumulate all previous permitting actions allowing emission increases for that specific permit unit to determine if emission increases are equal to or greater than 1.0 pound per day for any nonattainment air contaminant, any ozone depleting compound, or ammonia. This implementation guidance will be applicable to all applications submitted after the date of this Document. However, subsequent emission increases may be excluded from accumulation provided the applicant can demonstrate conclusively that the latest emission increase arose from a totally independent cause and was not foreseeable.

APPROVED



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APPROVED AS TO FORM:



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¹ For spray booths, BACT is triggered if total VOC emission from all spray booths at a facility is greater than or equal to 22 lbs/day