

RULE 3000. GENERAL

(a) Purpose

The Title V Permit system is the air pollution control permit system required to implement the federal Operating Permit Program as required by Title V of the federal Clean Air Act as amended in 1990. This regulation defines permit application and issuance procedures as well as compliance requirements associated with the program.

(b) Definitions

(1) ADMINISTRATIVE PERMIT REVISION means any Title V permit revision to:

- (A) correct typographical errors;
- (B) record facility ownership and information changes which:
 - (i) identify changes in the name, address, or phone number of any person identified in the permit, or provide a similar minor administrative change at the source; or,
 - (ii) change ownership or operational control of a source where the District determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new holder of the Title V permit has been submitted to the District;
- (C) impose requirements for more frequent monitoring, recordkeeping, or reporting by the permittee;
- (D) issue a final permit to operate for equipment previously issued a Title V permit to construct, with no change in permit terms and conditions except for the:
 - (i) removal of permit to construct terms or conditions which are no longer applicable; or,
 - (ii) inclusion of changes consistent with subparagraphs (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(1)(E), (b)(1)(F), and (b)(1)(G) of this rule;

- (E) annually record revised annual Allocations for each remaining year of the permit term for facilities subject to RECLAIM as a result of the trade, sale, or purchase of RECLAIM Trading Credits (RTC) in compliance with Rule 2007 - Trading Requirements, provided New Source Review is not triggered pursuant to Rule 2005 - RECLAIM New Source Review;
 - (F) remove equipment, provided that equipment removal does not result in an increase in emissions; or,
 - (G) move equipment within a facility provided that there is no change to permit conditions and that such a move does not require an evaluation of regulatory requirements.
- (2) **AFFECTED SOURCE** means a facility as defined under the acid rain provisions of Title IV of the federal Clean Air Act and Title 40, Part 70 of the Code of Federal Regulations (40 CFR Part 70), Section 70.2.
 - (3) **AFFECTED STATES** means all States:
 - (A) whose air quality may be affected and that are contiguous to the State in which a Title V permit, permit revision or permit renewal is being proposed; or
 - (B) that are within 50 miles of the permitted facility.
 - (4) **APPLICABLE REQUIREMENTS** means all requirements as defined in 40 CFR Part 70, Section 70.2.
 - (5) **COMPLIANCE DOCUMENTS** means all permits, compliance plans, schedules of compliance, approved variances, alternative operating conditions, orders for abatement, and all monitoring and compliance reports required by the Title V permit, except for information entitled to confidential treatment pursuant to Section 114(c) of the federal Clean Air Act. The contents of a facility permit shall not be entitled to confidential treatment.
 - (6) **DE MINIMIS SIGNIFICANT PERMIT REVISION** means any Title V permit revision where the cumulative emission increases of non-RECLAIM pollutants or hazardous air pollutants (HAP) from these permit revisions during the term of the permit are not greater than any of the emission threshold levels in Table 1.

Table 1
De Minimis Emission Threshold Level

<u>Air Contaminant</u>	<u>Daily Maximum in Pounds Per Day</u>
HAP	30
VOC	30
NO _x	40
PM-10	30
SO _x	60
CO	220

For the purposes of this paragraph, the de minimis levels for HAP and volatile organic compounds (VOC) are not additive if the HAP is a VOC. The de minimis levels for HAP and particulate matter with an aerodynamic diameter smaller than or equal to 10 microns (PM-10) are not additive if the HAP is a PM-10. The HAP de minimis level in this section shall be superseded by any lower HAP de minimis level promulgated by the United States Environmental Protection Agency (EPA) Administrator. De minimis significant permit revisions shall also meet the requirements of clauses (b)(12)(A)(i), (ii), (iii), (iv), (vii), (viii) and (ix) of this rule.

- (7) EFFECTIVE DATE means the date upon which the EPA Administrator deems the District Title V program approved on a full, partial or interim basis, whichever is earlier.
- (8) EMERGENCY means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which:
- (A) requires immediate corrective action to restore normal operation; and
 - (B) causes the facility to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency; and
 - (C) is not caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- (9) FACILITY means any permit unit or source, or grouping of permit units or sources, or other air contaminant-emitting activities which are located on one or more contiguous properties within the District, in actual physical contact or separated solely by a public roadway or other public right-of-

way, and are owned or operated by the same person (or by persons under common control) or an outer continental shelf (OCS) source as defined in 40 CFR Part 55, Section 55.2. Such above-described groupings, if on noncontiguous properties, but connected only by land carrying a pipeline, shall not be considered one facility. Equipment or installations involved in crude oil and gas production in Southern California coastal or OCS waters, and transport of such crude oil and gas in Southern California coastal or OCS waters, shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas facility on-shore.

- (10) FUGITIVE EMISSIONS means those emissions which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (11) HAZARDOUS AIR POLLUTANT (HAP) means any pollutant on a list maintained by EPA pursuant to Section 112(b) of the federal Clean Air Act.
- (12) MINOR PERMIT REVISION means any Title V permit revision that:
 - (A) (i) does not require or change a case-by-case evaluation of: reasonably available control technology (RACT) pursuant to Title I of the federal Clean Air Act; or maximum achievable control technology (MACT) pursuant to 40 CFR Part 63, Subpart B;
 - (ii) does not violate a regulatory requirement;
 - (iii) does not require any significant change in monitoring terms or conditions in the permit;
 - (iv) does not require relaxation of any recordkeeping, or reporting requirement, or term, or condition in the permit;
 - (v) does not result in an emission increase of RECLAIM pollutants over the facility starting Allocation plus nontradeable Allocations, or higher Allocation amount which has previously undergone a significant permit revision process;
 - (vi) does not result in an increase in emissions of a pollutant subject to Regulation XIII - New Source Review or a hazardous air pollutant;

- (vii) does not establish or change a permit condition that the facility has assumed to avoid an applicable requirement;
 - (viii) is not an installation of a new permit unit subject to a New Source Performance Standard (NSPS) pursuant to 40 CFR Part 60, or a National Emission Standard for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 61 or 40 CFR Part 63; and,
 - (ix) is not a modification or reconstruction of an existing permit unit, resulting in new or additional NSPS requirements pursuant to 40 CFR Part 60, or new or additional NESHAP requirements pursuant to 40 CFR Part 61 or 40 CFR Part 63; or,
- (B) incorporates an existing general permit, as defined in subdivision (e) of Rule 3004, and its associated requirements, into another Title V permit.
- (13) **MOJAVE DESERT AIR BASIN** means the region as defined in Section 60109 of Title 17 of the California Code of Regulations.
- (14) **MODIFICATION** means any physical change or change in the method of operation of any equipment. The following shall not be considered a modification:
- (A) routine maintenance and repair;
 - (B) any change in operator or ownership of the facility;
 - (C) use of an alternative fuel as required by District rule or federal or State statute, regulation or law;
 - (D) an increase in the hours of operation or in the production rate, unless a unit specific permit condition limiting hours of operation, throughput or mass emissions would be exceeded; and
 - (E) for **RECLAIM** facilities, changes in material selection or formulation, if allowed without a permit revision under Regulation **XX - RECLAIM**.
- (15) **MONITORING** means any of the following: emission testing, continuous emissions monitoring, material testing, and instrumental and non-instrumental monitoring of process conditions.
- (16) **OFF-ROAD MOBILE SOURCES** means non-stationary devices powered by an internal combustion engine or motor rated at 50 horsepower or

greater, used off public roads and solely at the facility to propel, move, or draw persons or property. Such devices include, but are not limited to: forklifts, motor graders, backhoes, excavators, dozers, trenchers, and tractors.

- (17) **POTENTIAL TO EMIT** means the maximum capacity of a facility to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a facility to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA Administrator. The potential to emit limit for the equipment or emission types described by subparagraphs (b)(25)(A) through (b)(25)(E) of this rule shall not be included in a facility's potential to emit.
- (18) **PROPOSED PERMIT** means a permit prepared after evaluation by the District staff, for review by the EPA Administrator, the public, or affected States for an initial permit, permit renewal or permit revision.
- (19) **RECLAIM FACILITY** means any facility that is subject to the requirements of Regulation XX - Regional Clean Air Incentives Market (RECLAIM).
- (20) **RECLAIM POLLUTANT** means any pollutant that is subject to the requirements of Regulation XX - Regional Clean Air Incentives Market (RECLAIM), and that is emitted from a facility subject to RECLAIM for that pollutant.
- (21) **REGULATED AIR POLLUTANT** means any air pollutant as defined in 40 CFR Part 70, Section 70.2.
- (22) **REGULATORY REQUIREMENTS** means all applicable requirements, District Rules and Regulations, and all State requirements pertaining to the regulation of air contaminants.
- (23) **RELOCATION** means the removal of an existing equipment or source from one parcel of land in the South Coast Air Quality Management District and installation on another parcel of land where the two parcels are not in actual physical contact and are not separated solely by a public roadway or public right-of-way.

- (24) RENEWAL means the required updating of an existing Title V permit at the end of its term pursuant to Rule 3003 and subdivision (f) of Rule 3004 for the purpose of assuring that the issuance of such updated permit contains current regulatory requirements. Upon approval, a renewed permit will be granted for an additional permit term and may contain new regulatory requirements.
- (25) REPORTED EMISSIONS, for the purpose of applicability pursuant to Rule 3001 - Applicability, means the emissions data provided by the facility representative, pursuant to Rule 301 - Permit Fees, to the District and validated by the Executive Officer. The following types of reported emissions shall not be considered in determining whether a facility is required to obtain a Title V permit:
- (A) Fugitive emissions of VOC, oxides of nitrogen (NO_x), oxides of sulfur (SO_x), carbon monoxide (CO) or PM-10 unless the source belongs to one of the categories listed in paragraph 2 of the definition of major source in 40 CFR Part 70, Section 70.2. Fugitive emissions of HAPs shall not be excluded from reported HAP emissions.
 - (B) Emissions from on-road and off-road mobile equipment, as defined in Rule 219 - Equipment Not Requiring A Written Permit Pursuant to Regulation II.
 - (C) Off-site emissions from portable equipment permitted to operate at various locations.
 - (D) Emissions from non-road engines, as defined by 40 CFR Part 89, Section 89.2, manufactured on or after November 15, 1990 or another date subsequently determined by EPA.
 - (E) Emissions from military tactical support equipment registered to operate state-wide pursuant to Article 5 - Portable Engine and Equipment Registration, Title 13 of the California Code of Regulations.
- (26) RESPONSIBLE OFFICIAL means:
- (A) for a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or a person who performs similar policy-making functions for the corporation, or a duly authorized representative provided

the representative is responsible for the overall operational control of the facility, and either:

- (i) the Executive Officer has approved a petition from the original responsible official to delegate this authority; or,
 - (ii) the facility employs more than 250 persons or has a gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars.
- (B) for a partnership or sole proprietorship: general partner or proprietor, respectively.
 - (C) for a municipality, State, federal, or other public agency: a principal executive officer or ranking elected official.
 - (D) for Phase II Acid Rain facilities that do not meet the criteria in subparagraphs (b)(26)(A) or (C) of this rule: the designated representative responsible pursuant to Title IV of the federal Clean Air Act.
- (27) SALTON SEA AIR BASIN means the region as defined in Section 60114 of Title 17 of the California Code of Regulations.
- (28) SIGNIFICANT PERMIT REVISION means any facility permit revision that is not eligible for administrative permit revision, minor permit revision, or de minimis significant permit revision procedures. Such revisions include any of the following:
- (A) relaxation of any monitoring, recordkeeping, or reporting requirement, term, or condition in the Title V permit;
 - (B) the addition of equipment or modification to existing equipment or processes that result in an emission increase of non-RECLAIM pollutants or hazardous air pollutants (HAP) in excess of any of the emission threshold levels in Table 1 of paragraph (b)(6) of this rule;
 - (C) cumulative emission increases of non-RECLAIM pollutants or hazardous air pollutants from de minimis significant permit revisions during the term of the permit, in excess of any of the emission threshold levels in Table 1 of paragraph (b)(6) of this rule.
- For the purposes of this subparagraph, the de minimis levels for HAP and VOC are not additive if the HAP is a VOC. The de minimis levels for HAP and PM-10 are not additive if the HAP is a PM-10. The HAP de minimis level in this section shall be

- superseded by any lower HAP de minimis level promulgated by the EPA Administrator, or;
- (D) any modification at a RECLAIM facility that results in an emission increase of RECLAIM pollutants over the facility's starting Allocation plus the nontradeable Allocations;
 - (E) requests for a permit shield when such requests are made outside applications for initial permit or permit renewal issuance;
 - (F) any revision that requires or changes a case-by-case evaluation of: reasonably available control technology (RACT) pursuant to Title I of the federal Clean Air Act; or maximum achievable control technology (MACT) pursuant to 40 CFR Part 63, Subpart B;
 - (G) any revision that results in a violation of regulatory requirements;
 - (H) any revision that establishes or changes a permit condition that the facility assumes to avoid an applicable requirement;
 - (I) installation of new equipment subject to a New Source Performance Standard (NSPS) pursuant to 40 CFR Part 60, or a National Emission Standard for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 61 or 40 CFR Part 63; or,
 - (J) modification or reconstruction of existing equipment, resulting in an emission increase subject to new or additional NSPS requirements pursuant to 40 CFR Part 60, or to new or additional NESHAP requirements pursuant to 40 CFR Part 61 or 40 CFR Part 63.
- (29) SOUTH COAST AIR BASIN means the region as defined in Section 60104 of Title 17 of the California Code of Regulations.
 - (30) TEMPORARY SOURCE means equipment or a facility that operates at multiple temporary locations.
 - (31) TITLE V means Title V of the federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations promulgated to implement the Act.
 - (32) TITLE V PERMIT means a facility operating permit issued pursuant to Regulation XXX.
 - (33) TITLE V FACILITY means any facility that meets the criteria set forth in Rule 3001 - Applicability.