

CHAPTER II – PERMITS

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All permit requirements and procedures covered by this chapter are and shall be interpreted in accordance with the provisions of the federal Clean Air Act Amendments of 1990 and as amended at the time of application, Title 40 of the Code of Federal Regulations, Part 52.21, ~~and~~ Division 26 of the California Health and Safety Code; ~~and the California Environmental Quality Act of 1970 as amended at the time of application;~~ as applicable, to comply with the California State Implementation Plan (SIP).

[Amended 5/6/03, Amended 9/20/16]

RULE 1-200 - PERMIT REQUIREMENTS

(a) Authority to Construct or Modify

~~An Authority to Construct, Modify, Replace, Operate or Use~~ A written authorization shall be obtained from the District prior to starting construction, modification, operation or use of any stationary, portable, indirect source or conducting large grading operations which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants. A single authorization may be issued for all components of an integrated system or process. An Authority to Construct shall remain in effect for one (1) year or until a Permit to Operate is issued or denied, or the application is canceled at the request of the applicant, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the authorization may be extended for up to one (1) year if ~~by~~ the applicant ~~submitting~~ an annual renewal fee per Rule 1-300(f). Construction not in accordance with this Authority to Construct shall be sufficient reason to deny a Permit to Operate.

[Amended 5/6/03, Amended 12/5/06, Amended 9/20/16]

(b) Applications

All applications for an Authority to Construct, ~~Erect~~ Modify, Replace, Operate or Use any equipment, indirect source or to conduct large grading operations as required by Rule 1-200(a), which may cause, potentially cause, reduce, control, or eliminate the emission of air contaminants, shall be filed at the office of the District or its designated agent for accepting applications, except as provided in Rule 1-220(c) for new power plants. Such application shall contain all information ~~requested by the District from the list adopted pursuant to "AB 884" (1977) (California Public Utilities Commission, Information and Criteria List)~~ required for a complete application as specified in Rule 1-200(e). Upon request of the Air Pollution Control Officer, any existing stationary, portable, or indirect source of air contaminant emissions, actual or potential, shall apply for a Permit to Operate from the District. The applicant for an Authority to Construct or Permit to Operate shall pay the fees as specified in Regulation 1, Rule 1-300 *et seq.*

[Amended 12/5/06, Amended 9/20/16]

(c) Preliminary Determinations

In acting upon an application for an Authority to Construct, the Air Pollution Control Officer shall make the following determinations:

- (1) Whether the project application is subject to the requirements of Regulation 1 ~~of the Mendocino County Air Quality Management District.~~

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- (2) Whether the project application is ministerial, categorically exempt, statutorily exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality ~~Act of 1970 as amended at the time of application.~~
- (3) Whether the project application is subject to the new source review procedures specified in Rule 1-220(b).
- (4) Whether the project is subject to the new power plant review procedures specified in Rule 1-220(c).
- (5) Whether the project application is subject to the requirements of federal New Source Performance Standards (Rule 1-490), or subject to national emission standards for Hazardous Air Pollutants (Rule 1-492).
- (6) Whether the project is classified as a major stationary source or major modification ~~under the provisions of Title 40 of the Code of Federal Regulations, Part 52.21 as defined in Rule 1-130~~ and subject to all applicable Prevention of Significant Deterioration review requirements.

[Amended 9/20/16]

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(d) General Exemptions

An Authority to Construct and Permit to Operate shall be required for all new or modified facilities, equipment, processes, operations or indirect sources which may emit air contaminants with the following exceptions:

- (1) Any vehicle as defined in Section 670 of the California Vehicle Code, as of November 14, 2014.
- (2) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- (3) Barbecue equipment that is not used for commercial purposes.
- (4) Orchard, vineyard or citrus grove heaters.
- (5) Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals ~~except that this exemption shall not apply to the following sources or equipment: in accordance with California Health and Safety Code, Section 42310(e).~~
 - (A) Agricultural sources that, in aggregate, produce actual emissions equal to or greater than 50 tons of any regulated NSR pollutant. For the purposes of determining permitting applicability, fugitive emissions, except fugitive dust emissions, are included in determining aggregate emissions
 - (B) Diesel engines used in agricultural operations subject to the State Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines.
 - (C) Agricultural sources subject to any state or federal regulations enforceable by the District.
- (6) Mixing, blending, conveying, or other mechanical systems which do not, directly or indirectly, emit air contaminants.
- (7) Gasoline and organic liquid storage tanks having a capacity of less than 250 gallons.

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- (8) Any article, machine, equipment or other contrivance that the Air Pollution Control Officer finds emits air contaminants in an amount that is less than 50% of the level specified in Rule 1-430(a2) as significant, is not subject to any federal regulation enforceable by the District, or any NSPS or NESHAP, and which the APCO determines should be exempt below the significance level and he determines should be exempted.

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A federal Operating (Title V) Permit shall be required for any source that is a Major Source as defined in District Regulation 5 (Procedures for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act, including agricultural sources as defined in Section 39011.5 of the California Health and Safety Code, as of November 14, 2014

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No exemption from the requirements listed herein under Rule 1-200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source that is subject to New Source Review in accordance with Rule 1-220(b).

(e) Procedures

Applications for an Authority to Construct or Permit to Operate (permit) shall be made and reviewed in accordance with the following procedures:

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- (1) In order to be deemed complete, an application for a permit shall include all information necessary to fully characterize the equipment, operation, emissions, and emissions impacts of the activity for which the permit is requested, and to determine compliance of such activity with all applicable requirements, and to assess applicable fees. To be deemed complete, the application shall also include payment of all fees assessed for review of said application.

- (2) Within 30 days of receipt of an application for a permit, the APCO shall notify the applicant in writing if the application is not deemed complete, and shall provide a list of information needed to complete the application, including assessment of fees, unless insufficient information has been submitted for the permit fees to be determined, in which case fees shall be assessed when the necessary information has been submitted by the applicant.

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[Amended 9/20/16]

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RULE 1-210 - ENVIRONMENTAL ASSESSMENT

If the Air Pollution Control Officer determines that the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with the California Environmental Quality Act of 1970 (CEQA) as amended at the time of application, no further processing of environmental documents shall be required. The Air Pollution Control Officer shall then follow the procedure set forth in Article XII of Appendix A to this regulation.

If the Air Pollution Control Officer determines that the application is for a project that does not fall within the above paragraph, and the Air Pollution Control Officer determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, it shall be exempt from the requirements of CEQA. If the Air Pollution Control Officer determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for Environmental Impact Review as found in Appendix A to this regulation, shall be followed. Other project reviews performed by the District may proceed

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concurrently with a detailed environmental assessment, but an Authority to Construct may not be issued by the Air Pollution Control Officer until completion and filing of the Notice of Determination.

RULE 1-220 - NEW SOURCE REVIEW STANDARDS (INCLUDING PSD EVALUATIONS)

(a) Emission Analysis

In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of ~~this e~~Chapter II, the Air Pollution Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Air Pollution Control Officer to make any preliminary determinations as required by Rule 1-200(c) and the approval determinations required by the provisions of Rule 1-230.

For the purposes of emission considerations:

- (1) Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit, ~~any air contaminant subject to regulation under the federal Clean Air Act Amendments of 1990 and as amended at the time of application and Title 40 of the Code of Federal Regulations, Part (Ref. 40 CFR 52.21(b)(4)).~~
- (2) Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increases ~~or reductions that may occur as a result of the modifications and conditions imposed by either an~~ as defined in Rule 1-130(n1), and considering any limitations enforceable in Authority to Construct or a Permit to Operate, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations, (Ref. 40 CFR 52.21(b)(2) & (3) as incorporated into Rule 1-130).
- (3) ~~Actual E~~missions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two-year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that it would be more representative of normal source operation, (Ref. 40 CFR 52.21(b)(3) & (21) as incorporated into Rule 1-130).

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[Amended 9/20/16]

(b) New Source Review Procedure

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 1-490 or 1-492; or for any new or modified stationary source which the Air Pollution Control Officer estimates will result in a ~~significant net increase in emissions of any air contaminant regulated under the federal Clean Air Act Amendments of 1990 and as amended at the time of application, and precursors of such contaminants, the Air Pollution Control Officer shall: — (Significant levels are defined in Rule 1-130(s2)). The New Source Review process is diagramed in Rule 1, Figure 1. net emissions increase of any pollutant which exceeds the significant emission rates as specified in Rule 1-130(s2), the APCO shall:~~

- (1) Determine best available control technology (BACT) for each air contaminant for ~~which the significance level is exceeded and so inform the applicant, each increase of a pollutant which exceeds the significant emission rates specified in Rule 1-130(s2) and so inform the applicant.~~ (Ref. 40 CFR 52.21(b)(12)).
- (2) Analyze the effect of the new or modified stationary source on air quality for each ~~air~~ contaminant for which the significance level is exceeded and require that the applicant ~~comply with the preconstruction monitoring requirements of Section 52.21 of the Code of Federal Regulations,~~ increase of a pollutant that exceeds the significant emission rates specified in Rule 1-130(s2). (Ref. 40 CFR 52.21(m)).
- (3) Determine that ~~approved stack height good engineering practices are employed and prepare or cause to be prepared an analysis of the following the degree of emission limitation required for control of any air pollutant is not affected in any manner by:-~~
 - (A) ~~So much of the stack height of any source as exceeds good engineering practice, or The effect of increased emissions of air contaminants, including associated vessel emissions, on the PSD increments.~~
 - (B) ~~Any other dispersion technique. The expected net increase above baseline concentration for any proposed new stationary source or modification whose emissions, including any associated vessel emissions, exceed the significant levels defined in Rule 1-130(s2).~~

NOTE: — Increment consumption prior to the date of application of the proposed source shall be calculated by including major, minor and mobile sources.
- (4) ~~Prepare or cause to be prepared an air quality analysis that includes all of the following:~~
 - (A) Continuous air monitoring, consistent with 40 CFR 52.21(m), that establishes ambient conditions for each pollutant that would have the potential to emit a significant amount, as specified in Regulation 1, Rule 1-130(s2);
 - (B) Assessment of the effect of increased emissions of air contaminants on the PSD increments;
 - (C) The expected net increase above baseline concentrations;
 - (D) The expected impacts on air quality related values in any Class I area, for any proposed new major stationary source or major modification as defined in Rule 1-130, including any associated vessel emissions; and
 - (E) The impairment to visibility, soils and vegetation (except vegetation having no commercial or recreational value), and the impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification. The APCO may accept an analysis conducted pursuant to Regulation 1, Rule 1-210 if it adequately addresses these impairments and impacts.
- (45) Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall include the preliminary determination; present the expected additional and cumulative increment consumption; provide opportunity for a public hearing; and allow 30 days beginning on the date of publication, for the

public to submit written comments on the ~~application proposed Authority to Construct.~~

- (56) Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.
- (67) On the date of publication forward copies of the notice required in paragraph (45) to the U. S. Environmental Protection Agency, the California Air Resources Board, all Air Pollution Control District's and Air Quality Management District's in the air basin, ~~all or adjoining APCD's and AQMD's~~ the District in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact or is within 100 kilometers.
- (78) In the event of an air quality controversy, hold a public hearing on the project and consider all public comments submitted prior to the granting or denial of the Authority to Construct. Notice of the public hearing shall be published in at least one newspaper of general circulation in the District at least ~~40~~30 days prior to the public hearing.
- (89) Transmit copies of the application and notice of each action affecting the application to EPA and the federal land managers of any affected Class I areas and allow the managers of the affected Class I areas to provide a demonstration of adverse impacts.
- (910) All comments and the final determination on the application shall be available for public inspection.
- (911) Within 30 days of the issuance of an Authority to Construct the Air Pollution Control Officer shall publish a notice in the local newspaper with the highest circulation in the area.

[Amended 9/20/16]

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(c) Power Plant Review Procedures

This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission (CEC). The Air Pollution Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, which may include lost fees, incurred in order to comply with the provisions of this section.

- (1) Within fourteen days of receipt of an NOI, the Air Pollution Control Officer shall notify the ARB and the CEC of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Air Pollution Control Officer shall prepare and submit a report to the ARB and the CEC prior to the conclusion of the non-ad judicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:
- (A) a preliminary determination of the need for and a specific definition of best available control technology (BACT) for the proposed facility;
- (B) a preliminary discussion of whether there is substantial likelihood that the requirements of Rule 1-230(a) and all other District regulations can be satisfied by the proposed facility;
- (C) a preliminary list of conditions which the proposed facility must meet in order to comply with Rule 1-230(a) or any other applicable District regulation.

The preliminary determinations contained in the report shall be specific as possible within the constraints of the information contained in the NOI.

- (2) Upon receipt of an Application for Certification (AFC) for a power plant, the Air Pollution Control Officer shall conduct a Determination of Compliance review in accordance with the procedures of Rule 1-220. If the information contained in the AFC does not meet the requirements of Rule 1-200(b), the Air Pollution Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the CEC, and the AFC shall be considered incomplete and returned to the applicant for re-submittal.
- 3) The Air Pollution Control Officer shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review.
- (4) The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Air Pollution Control Officer is unable to obtain the information, he may petition the presiding Commissioner of the CEC for an order directing the applicant to supply such information.
- (5) Within 180 days of accepting an AFC as complete, the Air Pollution Control Officer shall make a preliminary decision on:
 - (A) whether the proposed power plant meets the requirements of Rule 1-230(a) and all other applicable district regulations; and
 - (B) in the event of compliance, what permit conditions will be required including specific BACT requirements and a description of required mitigation measures; and
 - (C) complete the new source review requirements of Rule 1-230.
- (6) Within 240 days of the filing date, the Air Pollution Control Officer shall submit to the CEC a Determination of Compliance, or if such a determination cannot be issued, shall so inform the CEC as to the reason for noncompliance.
- (7) Any applicant receiving a certificate from the CEC pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the Air Pollution Control Officer.

**No Changes to Regulation 1, Rule 1-221 –
Withdrawal from State Implementation Plan (SIP) only**

RULE 1-221 – FEDERAL PERMITTING FOR GREENHOUSE GAS EMISSIONS

Adopted 2/15/11

RULE 1-221.1 - PURPOSE

The purpose of this rule is to:

- (1) Ensure that any stationary source that has the potential to emit greenhouse gases, as defined in this rule, above applicable thresholds complies with the requirements of Rule 1-220, or Regulation 5, as applicable; and

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- (2) Establish federally enforceable limits on potential to emit greenhouse gases for stationary sources that elect to comply with such limits in lieu of obtaining a Part 70 permit that is otherwise required.

RULE 1-221.2 - APPLICABILITY

(a) General Applicability

Except as provided in Rules 1-221.2(b) through 1-221.2(d) below, this rule shall apply to any stationary source that has the potential to emit greenhouse gases.

(b) Exemption, Stationary Source with Potential to Emit Greenhouse Gases below Specified Thresholds

This rule shall not apply to any stationary source that has a maximum potential to emit greenhouse gases below the thresholds in Rule 1-221.3(m1), including sources with their potential to emit limited by conditions in an operating permit, if the conditions are federally, or legally and practically enforceable.

(c) Exemption from Recordkeeping and Reporting

The following sources shall not be required to comply with the recordkeeping and reporting provisions in Rules 1-221.5, 1-221.6, and 1-221.7:

- (1) A stationary source that emits, or will emit, less than or equal to 5,000 tons per year of CO₂e, in every 12-month period. Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of such stationary source shall demonstrate that the stationary source's greenhouse gas emissions are less than or equal to 5,000 tons per year of CO₂e, in every 12-month period in the preceding 5 years.
- (2) Any stationary source that would otherwise be subject to the provisions of Rule 1-221.4(b)(2) below and that meets both of the following conditions:
 - (A) The owner or operator has notified the District at least 30 days prior to any violation that s/he will submit an application for a Part 70 permit under Regulation 5, or otherwise obtain federally-enforceable permit limits, and
 - (B) A complete Part 70 permit application under Regulation 5 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.
- (3) Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Regulation 5 and is awaiting final action by the District and U.S. EPA.
- (4) Any stationary source required to obtain a Part 70 permit under Regulation 5 for any reason other than being a major source.
- (5) Any stationary source with a valid Part 70 permit.

Notwithstanding Rule 1-221.2(c)(2) and (4) above, nothing in this section shall prevent any stationary source that 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 provisions of Rule 1-221.4(b)(2).

(d) Exemption from Process Statement

For the purpose of determining compliance with this rule, the requirement in Rule 1-221.6(a) to submit a process statement shall not apply to stationary sources that emit less than 25,000 tons per year of CO₂e, in every 12-month period in the preceding 5 year period.

(e) Otherwise Applicable Requirements

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. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

RULE 221.3 - DEFINITIONS

The definitions provided under Regulation 5 shall apply unless otherwise defined herein.

(a1) 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.

(a2) Actual Emissions:

The emissions of the sum of greenhouse gases, expressed as CO₂e, 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 content reports or laboratory analyses; 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 methods, including emission factors and assumptions, specified or approved by U.S. EPA; where such methods are not available, the APCO may allow methods approved by the California Air Resources Board (CARB) or other District-approved methods, including emission factors and assumptions.

(a3) 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 Rule 1-221.7, Alternative Operational Limit and Requirements.

(c1) CO₂ Equivalent Emissions (CO₂e):

For the purposes of this rule, the sum of the adjusted emissions of each of the six individual greenhouse gases as defined in Rule 1-221.3(g)(2), below, where the adjusted emissions for each individual greenhouse gas are equal to the mass emissions of that gas multiplied by the global warming potential of that gas, as listed in Appendix A.

(e1) Emission Unit:

Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any greenhouse gas.

(f1) Federal Clean Air Act:

The federal Clean Air Act (CAA) as amended in 1990 and as amended at the time of application (42 U.S.C. Section 7401 et seq.) and its' implementing regulations.

(g1) Global Warming Potential (GWP):

The relative capacity of an individual greenhouse gas to cause a warming effect in the earth's atmosphere as compared to the capacity of CO₂ to cause such warming effect; for the purposes of this rule, the global warming potential of a greenhouse gas shall be as listed in Appendix A.

(g2) Greenhouse Gases (GHGs):

A gas that has the capacity to create a warming effect in the earth's atmosphere; for the purposes of this rule: carbon dioxide (CO₂), nitrous oxide (NO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

(m1) Major Source of GHG Emissions:

On or after July 1, 2011, a stationary source that emits or has the potential to emit greater than or equal to 100,000 tons per year of CO₂e, provided that the mass emissions of all GHGs emitted, without consideration of GWP, are equal to or greater than 100 tons per year.

(p1) 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, including Regulation 5.

(p2) 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 or legally and practically enforceable.

(p3) Process Statement:

An annual report on permitted emission units from an owner or operator of a stationary source certifying the following information, to the best of their knowledge: 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.

(s1) Significant:

Significant means any stationary source or modification to a stationary source that emits, or has the potential to emit, any air contaminant listed under Regulation 1, Rule 1-130(s2) at levels equal to or greater than the specified threshold, excluding greenhouse gases.

RULE 221.4 - EMISSION LIMITATIONS

(a) New Sources:

A new stationary source subject to this rule shall comply with the requirements of Rule 1-220, including implementation of Best Available Control Technology for GHG emissions, if either of the following thresholds is met:

- (1) On or after January 2, 2011, the new stationary source is significant and the new stationary source has the potential to emit greater than or equal to 75,000 tons per year of CO₂e, and the potential emissions of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis for a source in any category listed in Appendix B, or 250 tons per year on a mass basis for any other source; or
- (2) On or after July 1, 2011, either the provisions of Rule 1-221.4 (a)(1) apply or the new stationary source has the potential to emit GHGs greater than or equal to 100,000 tons per year of CO₂e and the potential emissions of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis for a source in any category listed in Appendix B, or 250 tons per year on a mass basis for any other source.

(b) Existing Sources:

A stationary source subject to this rule shall comply with the provisions of either Section (1) or (2), below.

- (1) A stationary source shall comply with the requirements of Regulation 5, and shall include in its operating permit emissions of GHGs and all applicable GHG requirements, if either of the following thresholds is met:
 - (A) On or after January 2, 2011, the stationary source is otherwise required to obtain a Part 70 permit pursuant to the requirements of Regulation 5; or
 - (B) On or after July 1, 2011, either the provisions of Rule 1-221.4(b)(1)(A) apply, or it has the potential to emit GHGs greater than or equal to 100,000 tons per year of CO₂e, and the potential emissions of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis.
- (2) Unless the stationary source complies with the provisions of Rule 1-221.4(b)(1) above or the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Rule 1-221.7(a) below, no stationary source subject to this rule shall emit more than 50,000 tons of CO₂e, in any 12-month period.

Calculations and other methods to determine applicability of, and compliance with the provisions of Rule 1-221.4(b) shall be as specified in Regulation 5.

(c) Modifications to Existing Sources:

Any modification to an existing stationary source subject to this rule shall comply with the requirements of Rule 1-220 and shall implement Best Available Control Technology for GHG emissions, if either of the following thresholds is met:

- (1) On or after January 2, 2011, the existing stationary source is significant and all of the following apply:

- (A) The emissions increase from the modification and the net emissions increase from the facility are greater than or equal to 75,000 tons per year of CO₂e; and
 - (B) The emissions increase from the modification and the net emissions increase from the facility of all GHGs emitted, without consideration of GWP, will be greater than zero.
- (2) On or after July 1, 2011, either the conditions in Rule 1-221.4(c)(1) apply or all of the following apply:
- (A) The existing stationary source before modification is a “major source of GHG emissions”; and
 - (B) The emissions increase from the modification and the net emissions increase from the facility are greater than or equal to 75,000 tons per year of CO₂e; and
 - (C) The emissions increase from the modification and the net emissions increase from the facility of all GHGs emitted, without consideration of GWP, will be greater than zero.
- (3) On or after July 1, 2011, either the conditions in Rule 1-221.4(c)(1) or (2) apply or all of the following apply:
- (A) The emissions increase from the modification and the net emissions increase from the facility are greater than or equal to 100,000 tons per year of CO₂e; and
 - (B) The emissions increase from the modification and the net emissions increase from the facility of all GHGs emitted, without consideration of GWP, will be greater than or equal to 100 tons per year on a mass basis for a source in any category listed in Appendix B, or 250 tons per year on a mass basis for any other source.
- Calculations and other methods to determine applicability of, and compliance with the provisions of Rule 1-221.4(c) shall be as specified in Rule 1-220.

(d) Evaluation:

The APCO shall evaluate a stationary source's compliance with the emission limitations in Rule 1-221.4(b)(2), 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 Rule 1-221.6(a). In the absence of valid continuous emission monitoring data or source test data, actual and projected emissions shall be calculated using emissions factors approved by the U.S. EPA; where such factors are not available, the APCO may allow factors approved by CARB, or other District-approved factors.

(e) Permit Applications:

An application for a permit for a stationary source pursuant to Rules 1-221.4(a), 1-221.4(b)(1)) or 1-221.4(c) shall include the following information:

- (1) An application submitted pursuant to Rule 1-221.4(a) or (c) shall, in addition to the information specified in Rule 1-220, include sufficient information about greenhouse gas emissions from the new stationary source or modified emissions units at an existing stationary source for the District to determine all applicable requirements, including the net emissions increase of GHG emissions from the project, and a BACT analysis, if required.

- (2) An application submitted pursuant to Rule 1-221.4(b)(1) shall, in addition to the information specified in Regulation 5, include sufficient information about greenhouse gas emissions from all emission units for the District to determine all applicable requirements.

RULE 221.5 - RECORDKEEPING REQUIREMENTS

The owner or operator of a stationary source subject to this rule shall comply with 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 Rule 1-221.7, 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.

(a) Exceeding De Minimis Emissions:

A stationary source previously covered by the provisions in Rule 1-221.2(c)(1) above shall comply with the applicable provisions of Rule 1-221.5 above and Rules 1-221.6 and 221.7 below if the stationary source emissions exceed 5,000 tons per year of CO₂e, in any 12-month period.

(b) Required Records:

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 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) 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:

- (A)** 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 devices type and description (if any) and all source test information; and
- (B)** 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.

(2) 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:

- (A)** Information on equipment type and description, make and model, and emission units served by the control unit;
- (B)** Information on equipment design including where applicable: pollutants controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; all parametric data necessary to verify operation, maintenance, and performance of the device; other design data as appropriate; all source test information; and

- (C) A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

(3)General Emission Unit

The owner or operator of a stationary source subject to this rule that contains an emission unit not included in Rule 1-221.5(b)(1) or (2) above shall keep and maintain the following records:

- (A) Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control devices type and description (if any);
- (B) Any additional information requested in writing by the APCO;
- (C) A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
- (D) Purchase orders, invoices, and other documents to support information in the monthly log.

RULE 221.6 - REPORTING REQUIREMENTS

(a) Process Statement:

At the time of annual renewal of a Permit to Operate under Regulation 1, Rule 1-200, each owner or operator of a stationary source subject to this rule shall submit to the District a process statement for all equipment and processes related to emissions of GHGs. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

(b) Loss of Exemption:

A stationary source previously covered by provisions in Rule 1-221.2(d) above shall comply with the provisions of Rule 1-221.6(a) above if the stationary source exceeds the quantities specified in Rule 1-221.2(d).

(c) Deadline to Submit:

Any additional information requested by the APCO under Rule 1-221.6(a) above shall be submitted to the APCO within 30 days of the date of request.

RULE 1-221.7 - 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 permitted emission units limited by the alternative operational limit.

(a) Alternative Requirements:

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.

- (1) The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.
- (2) 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.

(3) Boilers:

The owner or operator shall operate the boilers in compliance with the following requirements:

- (A) The boiler shall not use more than (X quantity) of fuel in every 12-month period, or the boiler shall not operate more than (Y hours) in every 12 month period where X and Y are determined by the fuel burned, and Y is also dependent on the total Btu/hr rating of the boiler, as shown in Table 221.7(a)(3) below:
- (B) A monthly log of hours of operation, quantity of fuel used, and a monthly calculation of the total hours operated and quantity of fuel used in the previous 12 months shall be kept on site.
- (C) 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.

Table 221.7(a)(3)				
Boiler Fuel	X	Y		
	Annual Fuel Use Cap	MMbtu/hr with 7000 hr Cap	Mmbtu/hr with 6000 hr Cap	Mmbtu/hr with 5000 hr Cap
Natural Gas	13,000,000 Therms	190	≤220	≤260
LPG and Propane	11,700,000 gal	160	≤185	≤220
Oils: No.2, No.6, Crude	6,000,000 gal	140	≤160	≤180
Tires	31,000 tons	110	≤130	≤150
MSW	65,000 tons	110	≤130	≤150
Wood	67,000 tons	105	≤120	≤140
Pet Coke	24,000 tons	100	≤115	≤130
Ag Byproducts	38,000 tons	85	≤100	≤115

(b) Exceeding Alternative Operating Limits:

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 Rule 1-221.7(a) above.

RULE 1-221.8 - VIOLATIONS

(a) Failure to Comply:

Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule, and shall be subject to penalties pursuant to California Health and Safety Code, Sections 42400 and 42402 et. seq. Each day during any portion of which a violation of this rule occurs is a separate offense.

(b) Applicable Federal Requirements:

In addition to penalties assessed pursuant to Rule 1-221.8(a), a stationary source that violates the provisions of Rule 1-221.4(b)(2), or that cannot demonstrate compliance with those provisions, shall be immediately subject to the provisions of Regulation 5 and must submit an application for a permit pursuant to that rule within 12 months of the first day on which the source failed to show compliance. Failure to submit a required application shall be a separate offense from failing to comply with the limits in this rule, and each day during which the required application has not been submitted is a separate offense.

Regulation 1, Rule 1-221

Appendix A

Affected Greenhouse Gases Pollutants and Their Global Warming Potentials

GHG Name	GWP	GHG Name	GWP
CO ₂	1	HFE-43-10pccc (H-Galden 1040x)	1,870
CH ₄	21	HFE-125	14,900
NO ₂	310	HFE-134	6,320
HFC-23	11,700	HFE-143a	756
HFC-32	650	HFE-227ea	1,540
HFC-41	150	HFE-236ca12 (HG-10)	2,800
HFC-125	2,800	HFE-236ea2 (Desflurane)	989
HFC-134	1,000	HFE-236fa	487
HFC-134a	1,300	HFE-245cb2	708
HFC-143	300	HFE-245fa1	286
HFC-143a	3,800	HFE-245fa2	659
HFC-152	53	HFE-254cb2	359
HFC-152a	140	HFE-263fb2	11
HFC-161	12	HFE-329mcc2	919
HFC-227ea	2,900	HFE-338mcf2	552
HFC-236cb	1,340	HFE-338pcc13 (HG-01)	1,500
HFC-236ea	1,370	HFE-338mmz1	380
HFC-236fa	6,300	HFE-347mcc3	575
HFC-245ca	560	HFE-347mcf2	374
HFC-245fa	1,030	HFE-347pcf2	580
HFC-365mfc	794	HFE-347mmy1	343
HFC-4310mee	1,300	HFE-356mec3	101
Nitrogen trifluoride	17,200	HFE-356pcc3	110
Sulfur hexafluoride	23,900	HFE-356pcf2	265
Trifluoromethyl sulphur Penta fluoride	17,700	HFE-356pcf3	502
PFC-14 (Perfluoromethane)	6,500	HFE-356mm1	27
PFC-116 (Perfluoroethane)	9,200	HFE-365mcf3	11
PFC-218 (Perfluoropropane)	7,000	HFE-374pc2	557
PFC-3-1-10 (Perfluorobutane)	7,000	HFE-449sl (HFE-7100) Chemical Blend	297
PFC-4-1-12 (Perfluoropentane)	7,500	HFE-569sf2 (HFE-7200) Chemical Blend	59
PFC-5-1-14 (Perfluorohexane)	7,400	Sevoflurane	345
Perfluorocyclopropane	17,340	(Octafluorotetramethylene) hydroxymethyl grp	73
Perfluorocyclobutane	8,700	Bis(trifluoromethyl)-methanol	195
PFC-9-1-18	7,500	2,2,3,3,3-pentafluoropropanol	42
HCFE-235da2 (Isoflurane)	350	PFPME	10,300

Regulation 1, Rule 1-221
Appendix B
Federally Listed Source Categories

The following source categories shall be considered in determining the applicability of Rules 1-221.4(a) or 1-221.4(c)(3).

1. Coal cleaning plants (with thermal dryers);
2. Kraft pulp mills;
3. Portland cement plants;
4. Primary zinc smelters;
5. Iron and steel mills;
6. Primary aluminum ore reduction plants;
7. Primary copper smelters;
8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plants;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;
17. Fuel conversion plants;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS, Codes 325193 or 312140;
21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
27. Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

RULE 1- 230 - ACTION ON APPLICATIONS

Within 30 days of receipt of an application for an Authority to Construct, Modify, Replace, Operate or Use, the Air Pollution Control Officer shall notify the applicant in writing by mail or in person, of the action taken on that application. Such action shall include a determination of completeness or incompleteness. ~~A determination of completeness shall include approval, conditional approval, or denial.~~ A determination of incompleteness shall include a request for more information necessary to issue a determination of completeness. Notice of action taken on an application shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative. (Ref. HS&C, Section 42301.3(d)(1))

[Amended 5/6/03, Amended 9/20/16]

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 1-220(b), the Air Pollution Control Officer shall provide for public notice in accordance with the provisions of said rule.

(a) General Approval

The Air Pollution Control Officer shall grant an Authority to Construct only after ~~he has determined~~ determining that the new or modified stationary source of air contaminants:

- (1) will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants;
- (2) will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan;
- (3) has complied with all applicable requirements, including the requirements provided in Rule 1-220 of 40 CFR, Part 52.21 and will not cause cumulative deterioration of existing air quality in excess of 50% of remaining available PSD increments as defined in Rule 1-130(p7);
- (4) will not result in air contaminant emissions in excess of the allowable standards established by the U.S. Environmental Protection Agency for new stationary sources of the category types listed in Rule 1-490 and 1-492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition; and
- (5) provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Air Pollution Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 1-490 & 1-492.

[Amended 9/20/16]

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(b) New Source Approval

- (1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 1-220, the Air Pollution Control Officer shall forward to the California Air Resources Board and the U.S. Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.
- (2) An Authority to Construct for any stationary source subject to the provisions of Rule 1-220, may not be granted or denied by the Air Pollution Control Officer until at least 30 days after the date of public notice.

(c) Denial of Application

The Air Pollution Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants that does not meet the requirements specified in Rule 1-230. In the event of such denial, 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, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement 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 applicant has satisfied the requirements that were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Air Pollution Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct shall be deemed acceptance of all conditions so specified. No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 1-230(a)(2) with respect to a federal, state, or local ambient air quality standard unless all the following conditions are met for the applicable (violating) pollutant:

- (1) The new source is required to employ "Best Available Control Technology".
- (2) Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions ~~or written contract agreements~~.
- (3) The emission reductions stated above will provide a positive net air quality benefit in the affected area.
- (4) The applicant certified that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.

The Air Pollution Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

(e) Performance Standards in Effect

The issuance of an Authority to Construct does not relieve the permit holder of the requirement to comply with all applicable rules and regulations, including emission limitations and other performance standards, whether or not such limitations and standards are explicitly stated or referenced in the permit.

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RULE 1-240 - PERMIT TO OPERATE

(a) Permit to Operate Required

A person shall not operate or use any stationary source, the use of which may cause the issuance of air contaminants or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit from the Air Pollution Control Officer or except as provided in Rule 1-240(b).

(b) Temporary Permit to Operate

Upon completion of construction or modification of and before operating or using of any new or modified stationary source of air contaminants for which an Authority to Construct had been issued pursuant to the provisions of this Chapter, the applicant shall notify the Air Pollution Control Officer in writing. Upon such notification, the Authority to Construct or modify shall serve as a Temporary Permit for Operation of the equipment until the Permit to Operate is granted or denied.

(c) Permit to Operate

The Air Pollution Control Officer shall take final action to grant, grant with conditions, or deny a Permit to Operate for any stationary source within 180 calendar days after notification per Rule 1-240(b) or for a pre-existing source (i.e. a source without an Authority to Construct) within 90 calendar days after receipt of application for Permit to Operate. The Air Pollution Control Officer shall grant a Permit to Operate for any stationary source only after he has determined that, in his judgment, all source construction and modifications were completed in accordance with the Authority to Construct granted pursuant to this Chapter. Failure to act within the specified time-period can be deemed by the Applicant to be a denial of the Permit to Operate for appellate purposes. No Permit to Operate shall be granted for any stationary source constructed without authorization as specified in Rule 1-200(a) until the information required is presented to the Air Pollution Control Officer, an emissions analysis is performed, and the source is altered, if necessary, and made to conform with the standards set forth in Rule 1-230 and elsewhere in this regulation.

(d) Conditional Permit

The Air Pollution Control Officer may issue a Permit to Operate or Use, subject to conditions that will assure the operation of any stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified.

- (1)** The Air Pollution Control Officer shall impose conditions on a Permit to Operate such as he deems necessary to ensure that the stationary source will be operated in the manner specified in conducting the emissions analysis of Rule 1-220 and in granting the approval required by Rule 1-230.

- (2) The Air Pollution Control Officer may condition a Permit to Operate so as to prohibit a new stationary source that is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.
- (3) The Air Pollution Control Officer may at any time issue a Permit to Operate with revised conditions if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

(e) Compliance Verification

As a condition of a Permit to Operate, the Air Pollution Control Officer may require that the owner provide, install, calibrate, maintain, and operate continuous recording instruments to measure emission rates to the atmosphere and/or to measure air contaminant concentrations at specific emission points or at locations adjacent to the facility property line. The Air Pollution Control Officer shall forego the requirements of this subsection (Rule 1-240(e)) if the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that there is no practical or reasonable achievable technology available to accomplish the monitoring requirements.

(1) Said permit conditions may, in addition, require:

- (A) That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency as specified by the Air Pollution Control Officer.
 - (B) That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.
- (2) The information recorded shall be summarized and reported to the District in the manner and form as prescribed by the Air Pollution Control Officer.
 - (3) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Office, or submitted to EPA or ARB, upon request.
 - (4) Monitoring records shall be retained by the owner for a period of not less than two years.
 - (5) District personnel are to inspect and confirm calibration of measuring instruments, as necessary.
 - (6) Any violation of an emission standard, ambient air quality standard, or breakdown of emission measuring instruments, is to be reported to the District in accordance with the provisions of Rule 1-540, Equipment Breakdown.

(f) Mandatory Monitoring Requirements

Monitoring instruments shall be provided, installed, calibrated, maintained and continuously operated by the owner of the following stationary source categories to measure air contaminant emissions or opacity from sources for which there is an applicable federal, state, or local emission standard. All monitoring calibrations, reporting requirements and specifications shall be in accordance with the requirements of Mendocino County Air Quality Management District Regulation 1, Appendix B.

- (1) Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a use factor of at least 30% per year.
 - (A) Oxides of nitrogen.
 - (B) Carbon dioxide or oxygen.
 - (C) Opacity except: where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel burned and the source is able to comply with the applicable particulate matter and opacity regulations without collection equipment, and where the source has not been found, through administrative or judicial proceedings, to be in violation of Regulation 1 of the Mendocino County Air Quality Management District.
 - (D) Sulfur dioxide, if control equipment is used.
- (2) All sulfur recovery plants and sulfuric acid plants, sulfur dioxide.
- (3) Nitric Acid Plants.
 - (A) All new nitric acid plants, oxides of nitrogen.
 - (B) All existing nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, oxides of nitrogen.
- (4) CO boilers of regenerators of fluid catalytic cracking units; CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,500,000 liters) per day.
 - (A) Sulfur dioxide.
 - (B) Opacity.

(g) Permit Denial

The Air Pollution Control Officer shall deny a Permit to Operate for any new or modified stationary source of air contaminants that does not meet the approval requirements specified in Rule 1-230. In the event of such denial, 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, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not grant a Permit to Operate until the applicant has satisfied the requirements that were the basis for the denial.

(h) Review of Permits

The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any Permit to Operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants that are or may be discharged into the atmosphere. If the holder of said permit within 30 days willfully fails and refuses to furnish to the Air Pollution Control Officer any information, analyses, plans, specifications, or test data requested, the Air Pollution Control Officer may suspend the Permit to Operate. The Air Pollution Control Officer shall serve notice in writing of such suspension and the reasons therefore on the permit holder.

(i) Posting of Permit to Operate

A person who has been granted a Permit to Operate any stationary source, shall display such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number in such a manner as to be clearly visible and accessible at a location near the source. In the event that the Permit to Operate cannot be so placed, the Permit to Operate shall be maintained readily available at all times on the operating premises.

(j) Transfer of Location or Ownership

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, or from one person to another, unless such transfer is specified as a condition of permit issuance.

RULE 1-250 - APPEALS

Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authority to Construct or Permit to Operate, or upon suspension of an existing permit the applicant or any other person dissatisfied with the decision may petition the Hearing Board, in writing, for an order modifying or reversing that decision. Such appeals shall be filed in writing and contain a summary of the issues which form the basis for approval or denial. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

RULE 1-260 - EXCLUSIONS

- (a)** New source review procedures in accordance with Rule 1-220(b) shall not be required for temporary stationary sources which will be in operation for less than 90 days duration providing best available control technology is applied and such operations will not interfere with the control strategy of the SIP.
- (b)** New source review procedure in accordance with Rule 1-220(b), Rule 1-230(a)(4) and Rule 1-230(a)(2) shall not be required for geothermal power plants or steam transmission lines which will not, under all normal operating conditions, emit greater than 5 lbs. H₂S/1,000,000 lbs. steam or 1.0 kg H₂S/hr (as provided below) provided it is not considered a major source or a major modification (Reference: 40 CFR 52.21(b)). The 1.0 kg H₂S/hr exclusion shall apply only to geothermal power facilities with an electrical generating capacity of 20 Megawatts or less, provided:
 - (1)** No more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of January 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or
 - (2)** The facility can provide a significant net annual H₂S emissions reduction.

RULE 1-270 - EMISSIONS DATA AND SAMPLING ACCESS.

The Air Pollution Control Officer or his or her authorized representative may, upon reasonable written notice, require the owner or operator of any article, machine, equipment, or other contrivance, 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 do any of the following:

- (a) Provide the Air Quality Management District with descriptions of basic equipment, control equipment and rates of emissions.
- (b) Provide other additional information, including process and production data, techniques and flow diagrams.
- (c) Provide sampling platforms, sampling ports, and means of access to sampling locations.
- (d) Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the Air Pollution Control Officer or his or her authorized representative has determined that such apparatus is available and should be installed.

Authority cited: Health and Safety Code, Section 41511.
[Adopted 9/8/92, Amended 5/6/03]

RULE 1-280 - AIR TOXICS "HOT SPOTS" COMPLIANCE

(a) Applicability

This Rule shall apply to all new facilities subject to the Air Toxics "Hot Spots" Information and Assessment Act ("the Act" -- Health and Safety Code, Sections 44300 - 44394), and to all existing facilities subject to the Act that add new equipment or processes. (Health and Safety Code, Section 44382)

(b) Major New Processes or Equipment at Existing Facilities

The owner or operator of any previously permitted facility shall submit to the District an Emission Inventory Plan as required by Health and Safety Code, Section 44340 not later than August 1 of the year following the year in which the District issues a permit to operate any new process or equipment which emits more than 10 tons per year (55 pounds per day) of volatile organic compounds, oxides of nitrogen, oxides of sulfur or respirable particulate matter (PM₁₀).

(c) Minor New Processes or Equipment at Existing Facilities

The owner or operator of any previously permitted facility shall submit to the District an Emissions Inventory Plan as required by Health and Safety Code, Section 44340 at the time of the next reporting cycle, as provided in Health and Safety Code, Section 44344, after the District's issuance of a permit to operate any new process or equipment which emits less than 10 tons per year (55 pounds per day) of volatile organic compounds, oxides of nitrogen, oxides of sulfur or respirable particulate matter (PM₁₀).

(d) New Facilities

The owner or operator of any new facility subject to the Act shall submit to the District an Emissions Inventory Plan as required by Health and Safety Code, Section 44340 not later than August 1 of the year following the year in which the District issues a permit or permits to operate the processes or equipment at that facility.

(e) Fees for New Facilities

The owner or operator of any new facility subject to the Act shall pay to the District the fees as required by Health and Safety Code, Section 44380, as provided in Regulation 1, Rule 1-370, commencing with the fiscal year of the District's issuance of a permit or permits to operate the processes or equipment at that facility.

(f) Permit Conditions

Each permit to operate new equipment at new or modified facilities subject to the Act, issued pursuant to Rule 1-240, shall require compliance with this Rule and the provisions of the Act as a condition of continued operation. The permit shall include the date by which the permit holder must submit an Emission Inventory Plan of Health and Safety Code, Section 44340.