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REGULATION II – PERMITS LIST AND CRITERIA

Amended 5/6/99, 5/4/00

Adopted pursuant to Article 3, Sections 65940 through 65944 of Chapter 45 of Division 1 of Title 7 of the California Government Code.

I. Purpose

The following List and Criteria identifies information required of an applicant requesting a permit (Authority to Construct or Permit to Operate) from the District. Submission of this information is required before an application can be deemed complete. Only information necessary to make findings required by Regulation II, or the California Health and Safety Code is required. The List also describes certain criteria used by the District to process applications.

II. Requests for Additional Information

- A. Within 30 days after receipt of an application, the Control Officer shall advise an applicant, in writing, whether the application is complete. If an application is deemed incomplete, the Control Officer shall describe to the applicant additional information needed. Upon submission of additional information, a new 30-day review period begins. Within 180 days of an application being deemed complete, the Control Officer shall either issue or deny (if it is not approveable) the permit. One 90-day extension may be granted with mutual consent of the applicant and Control Officer.
- B. Within 60 days after receiving an application for a Title V Permit to Operate (see Rule 201.1), the Control Officer shall advise the applicant, in writing, whether the application is complete. If an application is deemed incomplete, the Control Officer shall describe to the applicant additional information needed. Upon submission of additional information, a new 60-day review period begins.
- C. All Rule 201 applicants are subject to requirements of this List and Criteria even if all information listed is not necessary for an application to be deemed complete. During processing of an application, the Control Officer may request the applicant to clarify, amplify, or supplement information already submitted.

III. Content of List and Criteria

EKAPCD's List and Criteria consists of:

- A. List A (General Application) - Information required from an applicant requesting an Authority to Construct for a new or modified source, or a Permit to Operate existing equipment. An application for Authority to Construct a modification to an existing source may require submission of information for the existing source. An applicant for a Title V Permit to Operate is also required to submit information prescribed by Subsection IV.C. of Rule 201.1.

- B. List B (Application Subject to Rule 210.1) - Information required from an applicant requesting an Authority to Construct for a project subject to Rule 210.1 (New and Modified Stationary Source Review).
- C. List C (Application Subject to Rule 210.4) - Information required from an applicant requesting an Authority to Construct for a project subject to Rule 210.4 (Prevention of Significant Deterioration).
- D. List D (Application Involving a Toxic Air Contaminant) - Information required from an applicant requesting an Authority to Construct for a new or modified source of toxic emissions.
- E. List E (California Environmental Quality Act) - Information required from an applicant regarding environmental impact information relating to District processing of an application for Authority to Construct.

IV. New/Modified Source Review and Air Toxics

If an applicant determines his project is not subject to Rules 210.1 and/or 210.4, and/or will not emit toxic substances, the applicant need not complete Lists B, C and/or D. If, however, during the processing of an application, the Control Officer determines a project is subject to Rules 210.1 or 210.4 or will emit toxic substances, the Control Officer shall do one of the following:

- A. If the Control Officer determines additional information described in Lists B, C and/or D is required during the initial 30-day review, he shall ask the applicant to submit such information.
- B. If the Control Officer initially determines the application to be complete and subsequently finds Rules 210.1 and/or 210.4 applies or toxic substances will be emitted, and should sufficient review time remain, the Control Officer shall establish a time limit for the applicant to submit the required information. If the Control Officer determines inadequate time remains, or if the applicant fails to submit information within the established time limit, the Control Officer shall deny the permit.

V. Pre-Application Discussions

- A. The District urges an applicant to discuss projects with District staff prior to filing an application. For some projects, it may not be necessary to submit all information required by the Lists to have an application deemed complete. Consultation with staff will expedite application processing by identifying specific information required of an applicant.
- B. An applicant requesting a permit exemption provided for in Rule 202 shall supply the Control Officer with all information necessary to determine if an exemption can be granted.
- C. Information regarding the District's general permit requirements, fee schedules, and the appeal process is contained in Regulations II, III, and V, respectively.
- D. If applicable, prior to filing an application with the District, an applicant is urged to participate in the early stages of the California Environmental Quality Act (CEQA) process being undertaken by the lead agency for his project. This will insure the applicant: 1) will be apprised of applicable air quality and other environmental constraints, and 2) can make such project modifications as may be necessary to satisfy any constraints.

LIST A (GENERAL APPLICATION)

Any application for Authority to Construct a new or modified air pollution source, or an application for Permit to Operate an existing source shall include the following information:

I. Business Information

- A. Business license name,
- B. Nature of business,
- C. Name, address, and phone number of responsible party to contact regarding application,
- D. Type of use entitlement (own, rent, lease, general partner, limited partner, etc.), and
- E. Assignment of agent, if applicable. (Use EKAPCD form.)

II. Type of Application

- A. Authority to Construct:
 - 1. New equipment,
 - 2. Modification of equipment or conditions,
 - 3. Transfer of location for existing equipment,
 - 4. Reissue to new owner, or
 - 5. Renewal.

Submit one application and filing fee for each aggregation of equipment items, the operation of which is interdependent, i.e., when one item is operated all other items must operate.

- B. Permit to Operate:
 - 1. Existing equipment,
 - 2. Modification of equipment description or conditions, or
 - 3. Transfer of ownership.

Submit one application and filing fee for each aggregation of equipment items, the operation of which is interdependent, i.e., when one item is operated all other items must operate.

- C. Banking Certificate:

Submit one application for each air contaminant for which an emissions reduction credit is requested.

III. Description of Facility

A. Location:

1. Street address of facility and/or location as described by quarter section, township, and range, and
2. Plot plan of site showing and identifying locations of:
 - a. Public and private streets,
 - b. Property lines,
 - c. Existing and proposed buildings,
 - d. School(s) within 1000 feet of source,
 - e. Storage areas for fuel, materials and products, and
 - f. Basic, air pollution control, and air monitoring equipment.

B. General purpose of facility.

IV. Description of Process

A. General description of each process line.

B. For facilities with more than one process line:

1. Schematic drawing(s) showing process flow of materials, products, etc., and
2. Process and instrumentation diagram(s) showing interaction between all process units, including material balance(s) and descriptions of material(s) identifying all potential emission points.

C. Basic process and air pollution control equipment descriptions, e.g., description of function, manufacturer, model, size, type, maximum capacity, bhp, etc.

D. Operating schedule, e.g., number of hours/day, days/week, weeks/year.

E. Maximum hourly, daily, and monthly production rate(s), and raw material usage rate(s).

F. Total average annual production rate(s), and raw material usage rate(s), e.g., tons/year.

G. For each piece of basic process equipment (existing, modified, and proposed):

1. Equipment identification number,
2. Emission point(s),
3. Material(s) entering and leaving equipment,
4. Energy consumption, e.g., Btu/hr, KW-hr, etc.,
5. Electric motor horsepower listing, and
6. Mode of operation, i.e., continuous or intermittent.

H. For each piece of air pollution control equipment (existing, modified, and proposed):

1. Schematic and description,
2. Design and/or sizing calculations,
3. Detail drawings,
4. Control equipment identification number,
5. Outlet air contaminant concentrations,
6. Control efficiency and supporting documentation, e.g., calculations, manufacturer's specifications, source tests, etc.,
7. Energy consumption, e.g., Btu/hr, KW-hr, etc., and
8. Electric motor horsepower listing.

V. Description of Expected Emissions

A. For each air contaminant:

1. Point(s) of emissions,
2. Flowrate(s) of exhaust gases (scfm),
3. Quantification of, using recognized emission factors, if available, criteria air pollutants. (Criteria pollutants are those for which there are National or California Ambient Air Quality Standards, i.e., particulates, oxides of nitrogen, oxides of sulfur, sulfates, hydrogen sulfide, carbon monoxide, and lead.)
4. Quantification of, using recognized emission factors, if available, CARB and U.S. - identified toxic air pollutants.

B. Quantification of, using recognized emission factors, if available, fugitive emissions, i.e., emissions not included in "A" above.

C. Copies of all calculations used in providing preceding information (cite references).

Calculate all values for maximum capacity unless willing to accept limiting permit conditions.

VI. Fuel Burning Equipment and Fuel

A. For each burner:

1. Identification number, manufacturer, model, size, number, maximum rating, and type,
2. Mode of control, e.g., manual, automatic on/off, high/low, etc.,

3. Firing type, e.g., tangential, opposed, front, etc., and

4. Fuel type(s) and percentage excess combustion air.

B. For each fuel used:

1. Type, grade, and consumption rate,

2. Pretreatment (method and temperature), if any,

3. Heating value, i.e., Btu/cf, Btu/gal, Btu/lbm, etc.,

4. Sulfur content,

5. For oil preheater, type and temperature to which the oil will be preheated,

6. Maximum consumption rate of fuel in any one hour and any 24-hour period,

7. Amount of fuel used per year, i.e., gal/yr for liquid, million cu ft/yr for gaseous, and tons/yr for solid, and

8. Indicate fuel(s) used as standby fuel.

C. For each combustion device, specify heat input rate.

VII. Storage Facilities

A. Dimensions, capacity (gallons or 42 gallon barrels), and color of each storage tank or vessel,

B. Properties or characteristics of materials and products being stored, e.g., vapor pressure, true vapor pressure, gravity, etc.,

C. Air pollution control provisions and equipment utilized, including specification of breathing vent settings, floating roof designs, etc., and

D. Storage conditions, e.g., liquid temperature, windspeed, etc.

LIST B (APPLICATION SUBJECT TO RULE 210.1)

If a project is subject to Rule 210.1 (New and Modified Stationary Source Review), an applicant shall provide the following information in addition to that required by List A:

I. Compliance Certification

If project constitutes a "Major Source," or "Major Modification," provide certification of compliance. (See Rule 210.1, Subsections II.R., II.S. and III.C.4., and use EKAPCD form.)

II. Best Available Control Technology (BACT)

If Rule 210.1, Subsection III.A. applies, provide documentation proposal incorporates Best Available Control Technology (BACT).

III. Emissions Offsets

If required by Rule 210.1, Subsection III.B.3., provide documentation proposal includes adequate offsets including:

- A. Offsets are provided at appropriate "offset ratio(s)." (See Rule 210.1, Subsection III.B.5.), and
- B. Offsets qualify per Rule 210.1, Subsection III.B.6.

IV. Dispersion Modeling

If required by Rule 210.1, Subsection III.C.3., provide dispersion modeling prepared in accordance with CARB and/or U.S. EPA "Guidelines for the Preparation of Dispersion Modeling."

LIST C (APPLICATION SUBJECT TO RULE 210.4)

If a project is subject to Rule 210.4 (Prevention of Significant Deterioration), an applicant shall provide the following information in addition to that required by Lists A and/or B:

I. General Requirements

- A. Project location description in terms of attainment status of the local air basin and location of and distance to Federal Class I area(s), and
- B. Project technical description, including equipment design capacity(ies), operating schedule, emissions reduction system(s), construction schedule, etc.

II. PSD Applicability Discussion

- A. Quantification of attainment pollutant emissions, or attainment pollutant emissions changes resulting from the proposed project, and
- B. Discussion of applicability of Prevention of Significant Deterioration (PSD) regulations to the proposed project.

III. BACT Analysis

BACT analysis for proposed project for each pollutant subject to Rule 210.4.

IV. Air Quality Impact Analysis

- A. Modeling protocol. (This should be submitted for approval in advance of the actual application for Authority to Construct the project.)

- B. Analysis of the air quality impact of the proposed project, using appropriate meteorological and topographical data, including:
1. Use of one year of project location ambient air quality monitoring data unless 40 CFR, Subpart 52.21 (i)(8) provides an exemption;
 2. Analysis of the nature and extent of the general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area affected by the proposed project;
 3. Analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the proposed project;
 4. Analysis of the impairment to visibility, soils and vegetation as a result of the proposed project and general commercial, residential, industrial and other growth associated with the project. (Vegetation having no significant commercial or recreational value may be omitted); and
 5. Analysis of the expected air quality impacts in Federal Class I areas due to proposed project.
- C. Demonstration any significant (as defined by PSD) emissions increase, in conjunction with all other applicable emissions increases and decreases (including secondary emissions), will not cause or contribute to a violation of any NAAQS, or exceed an applicable maximum allowable incremental degradation of air quality.

LIST D (APPLICATION INVOLVING A TOXIC AIR CONTAMINANT)

I. General Provisions

The following provisions shall be applicable to any new source expected to emit one or more toxic air contaminants, or any modification to an existing source expected to increase the emission of one or more toxic air contaminants. Information regarding the emission of toxic air contaminants is necessary for the Control Officer to determine compliance with EKAPCD Rules 419 and 423, other parts of Regulation IV., Section 41700 and Division 26, Part 6. of the California Health and Safety Code, CARB's toxic air contaminant control program, and Title III of the 1990 Federal Clean Air Act Amendments.

II. Toxic Pollutants

For purposes of these provisions and any application for Authority to Construct, "toxic" air contaminants shall be those "identified" by the California Air Resource Board (CARB) pursuant to Section 39650, et seq. of the California Health and Safety Code, and listed in Section 93000, California Administrative Code, and hazardous air pollutants identified pursuant to Section 7412 of Title 42 of the United States Code as of the date the application is accepted as complete.

III. Support Documentation

- A. CARB's process of identifying toxic air contaminants includes reports analyzing associated health effects and exposure risks, and reports describing control measures and associated cost-effectiveness. If an applicant wishes to utilize such information on behalf of a proposed project or to supplement the risk assessment procedure outlined in the next section, he may so inform the Control Officer in his application and submit the appropriate report(s).

- B. In addition to various CARB documents, the District may have prepared "Screening Analyses" showing health risk of toxic emissions from various source categories, e.g., a gasoline retail outlet, or spray painting operation. Such documents may be used by an applicant in lieu of, or to supplement the risk assessment procedure outlined in the next section, if appropriate. If such reports and/or pre-prepared analyses are available and applicable, a new analysis shall not be necessary.
- C. Notwithstanding the preceding provisions, any proposed source or modification to an existing source of air contaminants may require a risk assessment specific to that source.

IV. Risk Assessment Procedures

A. Determination of Health Risk

1. Techniques and procedures used to determine health risk shall be those set forth in the most current California Air Pollution Control Officer's Association (CAPCOA) document entitled, "Air Toxics □ Hot Spots □ Program Risk Assessment Guidelines," or guidelines developed by Cal-EPA's Office of Environmental Health Hazard Assessment (OEHHA) to replace CAPCOA's,
2. Calculate ambient air concentrations of each toxic air contaminant for all averaging periods, and
3. Prepare risk analysis, including:
 - a. Description of exposed receptors,
 - b. Discussion of proposed project location,
 - c. Discussion of exposure pathways (inhalation, etc.),
 - d. Calculation of number of exposed receptors,
 - e. Calculation of each exposure pathway's impact,
 - f. Calculation of maximum individual excess lifetime cancer risk,
 - g. Calculation of maximum population excess cancer risk, and
 - h. Calculation of non-cancer health effects.

B. Summary of Screening Results and Discussion of Need for Formal Assessment

If a formal risk assessment is prepared after preparation of a screening analysis, Subsection IV.C. shall be reiterated using comprehensive modeling techniques and CAPCOA (or OEHHA) guidelines. (See Subsection IV.C.1.)

C. Summary of Final Assessment of Health Impacts

Summarize expected health impact(s) of proposed project. Include a map of project vicinity showing receptors and risk isopleths.

V. Risk Management Guidelines

After preparation of a health risk screening analysis (or formal assessment), expected health risk shall be managed using the California Air Resources Board's most current document entitled, "Risk Management Guidelines for New and Modified Sources of Toxic Air Pollutants." The following standards shall be used:

- A. Carcinogenic health risk shall be considered insignificant if expected increase in cancer risk is less than one in one million; and
- B. Non-cancerous health risk shall be considered insignificant if expected increase in chronic hazard index and acute hazard index totals less than 0.2.

LIST E (CALIFORNIA ENVIRONMENTAL QUALITY ACT)

Any application for Authority to Construct a new or modified air pollution source shall include the following:

- I.** A completed EKAPCD “Environmental Information Form and Initial Study Evaluation,” or
- II.** An environmental document (Exemption, Negative Declaration, or Environmental Impact Report) submitted to another agency (the “lead” agency) intended to satisfy requirements of the California Environmental Quality Act (CEQA).

If EKAPCD is identified as the “lead agency,” and any response to an Environmental Information and Initial Study Evaluation is “yes,” the applicant must fulfill requirements of EKAPCD’s Board-approved “Guidelines for Implementation of the California Environmental Quality Act (CEQA) of 1970, As Amended.”