

## **RULE 201.2 Synthetic Minor Source - Adopted 1/25/96**

### **I. Purpose**

The purpose of this Rule is to allow owners or operators of specified stationary sources that would otherwise be major stationary sources to request and accept federally-enforceable emissions limit sufficient to enable the sources to be considered "synthetic minor" stationary sources.

A "synthetic minor" stationary source is not subject to Rule 201.1 (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990) unless it is subject to that Rule for a reason other than being a major stationary source. A synthetic minor stationary source is subject to all applicable federal requirements for non-major stationary sources and to all federally enforceable conditions and requirements pursuant to this Rule. In addition, a synthetic minor stationary source is subject to all applicable State and District Rules, Regulations, and other requirements.

### **II. Applicability**

This Rule applies to any major stationary source located within the District for which the owner or operator requests, and would be able to comply with, federally-enforceable limitations or conditions that qualify the source to be a synthetic minor source, as defined herein. This Rule shall not apply to any stationary source that is subject to District Rule 201.1 (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990) for a reason other than being a major stationary source.

### **III. Definitions**

All terms shall retain the definitions provided under District Rule 201.1 (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990), as applicable, unless otherwise defined herein.

- A. Federally-Enforceable: All limitations and conditions which are directly enforceable by U.S. EPA, including:
1. District requirements developed pursuant to 40 CFR Parts 60 (NSPS), 61 (NESHAP), 63 (NESHAP), 70 (Title V Operating Permit Program), and 72 (Permits Regulation, Acid Rain);
  2. Requirements contained in the California State Implementation Plan (SIP) that are applicable to the District; and
  3. District permit requirements established pursuant to 40 CFR Part 52.21 (PSD) or District permit requirements established pursuant to 40 CFR Part 51, Subpart 1 (NSR) and approved by U.S. EPA into the SIP.
- B. Fugitive Emissions: Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

- C. Hazardous Air Pollutant (HAP): Any air pollutant listed pursuant to Section 112(b) (42 U.S.C. Section 7412(b)) of the Federal Clean Air Act.
- D. Major Stationary Source of Regulated Air Pollutants: A stationary source that emits or has the potential to emit a regulated air pollutant in quantities equal to or exceeding the lesser of any of the following thresholds:
1. 100 tons per calendar year of any regulated air pollutant; or
  2. 50 tons per calendar year of volatile organic compounds or oxides of nitrogen.
- Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2.
- E. Major Stationary Source of Hazardous Air Pollutants (HAP's): A stationary source that emits or has the potential to emit quantities equal to or exceeding the lesser of the following thresholds:
1. 10 tons per calendar year or more of a single HAP listed in Section 112(b) of the Federal Clean Air Act;
  2. 25 tons per calendar year or more of any combination of HAP's; or
  3. Any such lesser quantity as the U.S. EPA may establish by rule.
- Fugitive emissions of HAP's shall be considered in calculating emissions for stationary sources. The definition of a major stationary source of radionuclides shall be specified by rule by the U.S. EPA.
- F. Major Stationary Source Threshold: The potential to emit a regulated air pollutant in the amounts specified under Sections III.D. and III.E.
- G. Modification: Any physical or operational change at a stationary source or facility which necessitates a revision of any federally-enforceable condition, established pursuant to this Rule or by any other mechanism, that enables a source to be a synthetic minor source.
- H. Operating Scenario: An operating scenario is any permitted mode of operation, including normal operation, startup, shutdown, and reasonably foreseeable changes in process, feed, or product.
- I. Owner or Operator: Any person who owns, leases, operates, controls, or supervises a stationary source.
- J. Potential to Emit: Maximum physical and operational design capacity to emit a pollutant during each calendar year. Limitations on physical or operational design capacity, including emissions control devices and limitations on hours of operation, may be considered only if such limitations are federally-enforceable.
- K. Regulated Air Pollutant: Any of the following air pollutants are regulated:

1. Oxides of nitrogen and volatile organic compounds;
2. Any pollutant for which a National Ambient Air Quality Standard has been promulgated under Title I of the Federal Clean Air Act;
3. Any pollutant regulated under any standard promulgated under Section 111 (42 U.S.C. Section 7411) of the Federal Clean Act, including New Source Performance Standards in 40 CFR Part 60;
4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act; or
5. Any pollutant subject to any standard promulgated pursuant to Sections 112 (42 U.S.C. Section 7412) of the Federal Clean Air Act, including:
  - a. Any pollutant listed pursuant to Section 112(r) (Prevention of Accidental Release) shall be considered a regulated air pollutant upon promulgation of the list;
  - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to Sections 112(d) or adopted by the District pursuant to Sections 112(g) and (i) shall be considered a regulated air pollutant for all sources or categories of sources:
    - (1) Upon promulgation of a standard or requirement; or
    - (2) 18 months after a standard or requirement is scheduled to be promulgated pursuant to Section 112(e)(3); and
  - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a regulated air pollutant when the determination is made pursuant to Section 112(g)(2) of the Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

L. Responsible Official: Responsible official shall mean one of the following:

1. For a corporation or limited liability company; a president, chief executive officer, secretary, treasurer, chief financial officer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or limited liability company, or a duly authorized representative of such person if the representative is responsible for overall operation of one or more manufacturing, productions, or operating facilities applying for or subject to a Title V permit and either:
  - a. The facility(s) employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

- b. The delegation of authority to such representative is approved in writing in advance by the Air Pollution Control Officer;
  2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
  3. For a municipality, state, federal, or other public agency; either a principal executive officer or ranking elected official. For purposes of this Rule, a principal executive officer of a federal agency includes the chief executive officer having responsibility for overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or
  4. For Phase II acid rain facilities subject to Title IV requirements:
    - a. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Federal Clean Air Act or the regulations promulgated thereunder are concerned; and
    - b. The designated representative for any other purposes under 40 CFR Part 70 regulations.
- M. Synthetic Minor Source: A stationary source which, pursuant to this Rule or another mechanism, is subject to federally-enforceable conditions that limit its potential to emit to less than major stationary source thresholds.
- N. United States Environmental Protection Agency (U.S.EPA): The Administrator or appropriate delegatee of the United States Environmental Protection Agency.
- O. Volatile Organic Compound: Any compound containing at least one atom of carbon as defined in 40 CFR Part 51.100(s), except those exempt compounds listed in 40 CFR Part 51.100(s).

#### **IV. Standards**

Modification Requirements For a Synthetic Minor Source: The following requirements apply to any modification of a synthetic minor source:

- A. For a modification which would not increase the synthetic minor source's potential to emit to equal or exceed any major stationary source threshold, the source shall comply with requirements of District Rule 210.1 (New and Modified Stationary Source Review);
- B. For a modification which would increase the synthetic minor source's potential to emit to equal or exceed any major stationary source threshold or would affect a monitoring, recordkeeping, or reporting requirement pursuant, to this rule the owner or operator shall comply with applicable requirements of District Rule 210.1 (New and Modified Stationary Source Review) and shall:

1. Submit a revised request for synthetic minor source status in accordance with Section V.A. no later than 180 days prior to the anticipated commencement date of modification; or
2. Submit an application in accordance with requirements of Rule 201.1 (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990) no later than 180 days prior to the anticipated commencement date of the modification. (Administrative requirements of District Rule 201.1 for when a stationary source shall make permit application after the date the Rule becomes effective, i.e., within 12 months of commencing operation, do not apply to modifying a synthetic minor source subject to this provision.)

**V. Administrative Requirements**

A. Request for Synthetic Minor Source Status: A request for a synthetic minor source status shall not relieve a stationary source of the responsibility to comply with application requirements of Rule 201.1 (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990) within specified timeframes. A major stationary source subject to this Rule may request synthetic minor source status in accordance with the following:

1. Content of Request: A request for designation as a synthetic minor source shall include all applicable information required by the District's List and Criteria (adopted pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the California Government Code).
2. Timely Request: The owner or operator of a major stationary source who chooses to request synthetic minor source status shall make such request within the following timeframes:
  - a. For any major stationary source that is operating or is scheduled to commence operation on the effective date of District Rule 201.1, the owner or operator shall request synthetic minor source status no later than the date a Title V permit application is required under District Rule 201.1, or within 90 days of becoming subject to Rule 201.1 if in an area new to KCAPCD's jurisdiction.
  - b. For any major stationary source that commences operation after the effective date of District Rule 201.1, the owner or operator shall request synthetic minor source status no later than 180 days before a Title V permit application is required under District Rule 201.1; or
  - c. For any major stationary source that is operating in compliance with a Title V permit issued pursuant to District Rule 201.1, the owner or operator may request synthetic minor source status at any time, but no later than eight months prior to Title V permit renewal.

B. Completeness Determination

1. The Air Pollution Control Officer shall determine whether the request for synthetic minor source status is complete not later than 30 days after receipt of the request,

or after such longer time as both the owner or operator of the stationary source and the Air Pollution Control Officer have agreed in writing. If the Air Pollution Control Officer determines the request is not complete, the owner or operator shall be notified in writing of the decision specifying information required. Upon receipt of any re-submittal of the request, a new 30-day period to determine completeness shall begin. Completeness of the request or a re-submitted request shall be evaluated on the basis of information requirements set forth in the District's List and Criteria as it exists on the date on which the request or re-submitted request was received and on payment of appropriate fees pursuant to Regulation III.

2. The Air Pollution Control Officer may, during processing of the request, request the owner or operator of the stationary source to clarify, amplify, correct, or otherwise supplement information submitted in the application.
- C. Designation of Federally-Enforceable Conditions: Conditions enabling a source to become a synthetic minor source shall be identified as federally-enforceable and included in the source's Permit to Operate issued by the District pursuant to District Rule 201 (Permits Required), and Sections V.D through V.F. of this Rule. Federally-enforceable conditions shall contain monitoring and recordkeeping requirements sufficient to determine ongoing compliance with emissions limits set forth pursuant to Section V.C., and shall be:

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

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

- D. Public Notification and Review: After a request for synthetic minor source status is determined to be complete, the Air Pollution Control Officer shall:
1. Publish a notice of the request in one or more newspapers of general circulation in the area where the source is located;
  2. In the public notice:
    - a. State that conditions identified as federally-enforceable in the source's permit will establish a voluntary emissions limit in accordance with this Rule, and
    - b. Describe how the public may obtain copies of the proposed permit, including federally-enforceable conditions addressing the emissions limit; and

3. Provide 30 days for public review of the proposed permit prior to final permit action.
- E. U.S. EPA Review: After a request for synthetic minor source status is determined to be complete, the Air Pollution Control Officer shall:
1. Provide U.S. EPA with copies of the proposed permit including conditions which:
    - a. Are identified as federally-enforceable, and
    - b. Limit emissions to below major stationary source thresholds;
  2. Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and
  3. Provide the U.S. EPA with copies of the final permit.
- F. Final Action
1. Until the Air Pollution Control Officer takes final action to issue the Permit to Operate pursuant to this Section, a stationary source requesting synthetic minor source status shall not be relieved from the responsibility to comply with the application or other requirements of District Rule 201.1 (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990), within specified timeframes.
  2. Upon fulfilling requirements of Sections V.A. through V.E., the Air Pollution Control Officer shall consider any written comments received during public and U.S. EPA review and take final action on the Permit to Operate of a source requesting synthetic minor source status within 90 days of deeming such request complete.
  3. The District shall maintain a public record of all pertinent documents regarding a request for synthetic minor source status, including the request, proposed permit, and all written comments and responses, and the final permit.
- G. Renewal of Synthetic Minor Source Status: Renewal of synthetic minor source status shall be made in accordance with District Rule 201 (Permits Required). In addition, at permit renewal, any revision of conditions identified as federally-enforceable shall be subject to requirements of Sections IV. and Subsections V.A. through V.F. of this Rule.

## **VI. Monitoring and Records**

Reporting Requirements: The owner or operator of a synthetic minor source which exceeds the permit conditions identified as federally-enforceable and established pursuant to Section V.C. shall report such exceedances to the Air Pollution Control Officer within 24 hours of exceedance.

## **VII. Violations**

Non-Compliance Provision: The owner or operator of a synthetic minor source that is not in compliance with any permit condition identified as federally-enforceable or with any requirement set forth in this Rule, or that files false information with the District to obtain synthetic minor source status, is in violation of the Federal Clean Air Act and District Rules and Regulations. A non-complying synthetic minor source may be subject to any one or combination of the following actions:

Civil or criminal penalties;

Permit termination;

Permit revocation and reissuance;

Permit renewal denial; and

Any other enforcement action or remedy authorized by law.