

KERN COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 210.9 – CONSTRUCTION OR RECONSTRUCTION OF MAJOR STATIONARY SOURCES OF HAZARDOUS AIR POLLUTANTS**

*(Adopted 7/2/98)*

I. **Purpose**

The purpose of this Rule is to require new and reconstructed major sources of Hazardous Air Pollutants (HAP's) to utilize Best Available Control Technology for air toxics (T-BACT). T-BACT shall be that level of control determined by the Control Officer to be, at a minimum, no less stringent than new source Maximum Achievable Control Technology (MACT) as required by the Federal Clean Air Act (FCAA), Subsection 112(g)(2)(B) and implemented pursuant to 40 CFR, Subsections 63.40-63.44, of Subpart B. HAP's are those substances listed in, or pursuant to, FCAA Subsection 112(b).

II. **Applicability**

This Rule shall apply to all new and reconstructed major stationary sources of HAP's, unless the source is already subject to a Federal MACT standard or exempted by FCAA Section 112 or 40 CFR, Part 63. Compliance with this Rule does not relieve any owner or operator of a major stationary source of HAP's from complying with all other District rules or regulations, any applicable California Airborne Toxic Control Measure, or other applicable State and Federal laws.

III. **Effective Date**

This Rule is effective as of June 29, 1998.

IV. **Definitions**

Terms used in this Rule not defined in Rules 102, 201.1, or 210.1 shall have the meaning given to them in 40 CFR, Subsection 63.41.

V. **Requirements**

For issuance of an Authority to Construct pursuant to Rules 201, and 201.1, T-BACT shall be provided for any new or modified stationary source defined by 40 CFR, Subsection 63.41 as a constructed major source or reconstructed major source of HAP's. Potential to emit HAP's of a new or reconstructed major source shall be calculated pursuant to Section VI. of this Rule.

VI. **Calculations**

HAP's potential to emit of a constructed or reconstructed major source shall equal the stationary source post-project potential to emit. Potential to emit of a stationary source shall equal the sum of the potential to emit of all emission units at the stationary source. Fugitive emissions associated with a proposed modification or new stationary source shall be included

when determining if such project meets the CFR definition of a new or reconstructed major source.

VII. **Administrative Requirements**

An applicant shall have his application processed pursuant to administrative requirements of Rule 201.1 (Permits to Operate for Sources Subject to Title V Of the Federal Clean Air Act Amendments of 1990), Subsection V.D. through V.F., and Rule 210.1 (New and Modified Stationary Source Review (NSR)). The applicant shall submit with his application a T-BACT analysis based on the general principles described in 40 CFR, Subsection 63.43(d). The District shall approve or disapprove the T-BACT analysis based on whether the emission control(s) specified in the applicant's analysis is at least as stringent as a MACT standard for new sources of the applicable source category.