

Proposed Changes to Regulation 2-1

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2-1-102	<p>Updated section.</p> <p><u>Applicability to Other Rules in Regulation 2</u> Requirements: The requirements provisions of this Rule, including the definitions, shall apply to the other Rules 2, 3, and 6 of this Regulation, where applicable unless superseded by specific requirements in Rules 2, 3, and 6 provisions in those other Rules.</p>
2-1-103	<p>Adding PM_{2.5} to the list of pollutants regulated.</p> <p>Exemption, Source not Subject to any District Rule: Any source that is not already exempt from the requirements of Section 2-1-301 and 302 as set forth in Sections 2-1-105 to 2-1-128, is exempt from Section 2-1-301 and 302 if the source meets all of the following criteria:</p> <p>103.1 The source is not in a source category subject to any of the provisions of Regulation 6⁽¹⁾, Regulation 8⁽²⁾ excluding Rules 1 through 4, <u>or</u> Regulations 9 through 12; and</p> <p>103.2 The source is not subject to any of the provisions of Sections 2-1-316 through 319; and</p> <p>103.3 Actual emissions of precursor organic compounds (POC), non-precursor organic compounds (NPOC), nitrogen oxides (NOx), sulfur dioxide (SO₂), <u>PM_{2.5}</u>, PM₁₀ and carbon monoxide (CO) from the source are each (i) less than 10 pounds per highest day, <u>or (ii) if: A source also satisfies this criterion if actual emissions of each pollutant are greater than 10 pounds per highest day, but total emissions are less than 150 pounds per year, per pollutant, and:</u></p> <p>Note 1: Typically, any source may be subject to Regulation 6, Particulate Matter and Visible Emissions. For the purposes of this section, Regulation 6 applicability shall be limited to the following types of sources that emit PM_{2.5} and PM₁₀: combustion source; material handling/processing; sand, gravel or rock processing; cement, concrete and asphaltic concrete production; tub grinder; or similar PM_{2.5} and PM₁₀-emitting source, as deemed by the APCO.</p> <p>Note 2: If an exemption in a Regulation 8 Rule indicates that the source is subject to Regulation 8, Rules 1 through 4, then the source must comply with all applicable provisions of Regulation 8, Rules 1 through 4, to qualify for this exemption.</p> <p>103.4 The source is not an ozone generator (a piece of equipment designed to generate ozone) emitting 1 lb/day or more of ozone.</p> <p><u>Note 1: Typically, any source may be subject to Regulation 6, Particulate Matter and Visible Emissions. For the purposes of this section, Regulation 6 applicability shall be limited to the following types of sources that emit PM_{2.5} and PM₁₀: combustion source; material handling/processing; sand, gravel or rock processing; cement, concrete and asphaltic concrete production; tub grinder; or similar PM_{2.5} and PM₁₀-emitting sources, as deemed by the APCO.</u></p> <p><u>Note 2: If an exemption in a Regulation 8 Rule indicates that the source is subject to Regulation 8, Rules 1 through 4, then the source must comply with all applicable provisions of Regulation 8, Rules 1 through 4, to qualify for this exemption.</u></p>
2-1-105	<p>Adds clarification to section. Note that portable, seasonal-use, internal combustion engines are included because they are covered in the definition of portable (2-1-220).</p> <p>Exemption, Registered Statewide Portable Equipment: The following pPortable equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the equipment complies with all applicable requirements of the Statewide Portable Equipment Registration Program (California Code of Regulations Title 13, Division 3, Chapter 3, Article 5). <u>If the equipment ceases to qualify for this exemption for any reason (for example, if it</u></p>

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	<p>remains at any fixed location for more than twelve months or otherwise ceases to be portable as defined in Section 2-1-220), the equipment shall be subject to the requirements of Regulation 2 as if it were a new source.</p> <p>405.1 Confined abrasive blasting 405.2 Portland concrete batch plants 405.3 Spark ignition or diesel fired internal combustion engines used in conjunction with the following types of operations: 3.1 Well drilling service or workover rigs; 3.2 Power generation, excluding cogeneration; 3.3 Pumps; 3.4 Compressors; 3.5 Pile drivers; 3.6 Welding; 3.7 Cranes; and 3.8 Wood chippers</p> <p>405.4 Sand and Gravel screening, rock crushing, pavement crushing and recycling operations; 405.5 Unconfined abrasive blasting.</p>
2-1-106	<p>Adds clarification to section.</p> <p>Limited Exemption, Accelerated Permitting Program: Unless subject to any of the provisions of Sections 2-1-316 through 319, any new source or modification or alteration of an <u>existing</u> source is exempt from the Authority to Construct requirements of Section 2-1-301, if it has received a temporary Permit to Operate provided that the owner or operator submits a complete application under the Accelerated Permitting Program set forth in Section 2-1-302.2. A complete permit application under this program consists of: a completed permit application form and source data form(s); payment of applicable fees (the minimum permit fee required to install and operate each source); and certification that the source meets all of the criteria set forth in Sections 2-1-106.1 through 106.3. Such a source is still subject to the Permit to Operate requirements of Section 2-1-302, but will be evaluated under the Accelerated Permitting Program, as described in Section 2-1-302.2.</p> <p>406.1 Uncontrolled emissions of POC, NPOC, NOx, SO2, PM₁₀, and CO are each less than 10 pounds per highest day; or the source is pre-certified per Section 2-1-415; and</p> <p>406.2 Emissions of toxic compounds do not exceed the trigger levels identified in Table 2-5-1 of Regulation 2, Rule 5; and</p> <p>406.3 The source is not subject to the public notice requirements of Section 2-1-412.</p> <p>In addition to the above, the replacement of any abatement device is exempt from the Authority abatement device being replaced. In addition to the above, any alteration of a source is exempt from the Authority to Construct requirements of Section 2-1-301 and will be evaluated under the Accelerated Permitting Program in Section 2-1-302.2, provided that the owner or operator certifies for all pollutants that the alteration does not result in an increase in emissions</p>
2-1-113.2.14	<p>This section has been deleted for the following reasons:</p> <p>1) The exemption is unclear. It isn't clear what it applies to because "space heating" isn't defined anywhere. Another thing that is unclear is what is meant by "not subject to Regulation 9, Rule 7". Does this mean that it is completely excluded from the rule, or does it mean that it is not subject to an emission limit, but possibly subject to administrative requirements (like a low-fuel exemption device)? We could try to clarify these points, but the exemption doesn't seem to apply to enough devices to make it worthwhile and even if it did apply to a bunch of devices, the exemption seems hard to justify (see 2 below).</p> <p>2) This exemption doesn't apply to many sources, and possibly it applies to none. Reg 9-7 generally applies to natural gas / LPG devices down to >2 MM BTU/hr and only excludes one kind of device that is related to space heating, and that is a thermal fluid heater:</p>

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	<p>110.7 Process heaters used to heat thermal fluid for radiant comfort heating. Also, because the general combustion exemption in Section 2-1-114.2 exempts every natural gas/LPG device <10 MM BTU/hr, the only additional devices that would be covered by 2-1-113.2.14 would be a thermal fluid heater using natural gas / LPG and 10 to <20 MM BTU/hr. But there doesn't seem to be any reason to exempt this niche of devices from permits. Our 10 MM BTU/hr natural gas/LPG exemption is already one of the most generous in the state (the larger districts require permits down to 1 or 2 MM BTU/hr). It may be reasonable to retain the 10 MM BTU/hr exemption in 2-1-114.2 since we are registering devices >2 to 10 MM BTU/hr and regulating them in rules like 9-6 and 9-7, but I think we should eliminate any niche permit exemptions for combustion devices like 113.2.14 unless we have a clear justification for providing the exemption (which doesn't seem to exist in this case).</p> <p>Space heating units that are not subject to Regulation 9, Rule 7, where emissions result solely from the combustion of natural gas or liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures) of less than 20 million BTU per hour heat input. Incinerators operated in conjunction with such sources are not exempt.</p>
2-1-115	<p>Adding PM_{2.5} to the list of pollutants regulated.</p> <p>Exemption, Particulate Sources at Quarries, Mineral Processing and Biomass Facilities: The following potential PM_{2.5} and PM₁₀ sources are exempt from the requirements of sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.</p>
2-1-115.2	<p>It is possible that some agricultural composting operations could be located at large confined animal facilities or could have emissions high enough to trigger a permit under Title V. Also, some composting operations have been proposed that use mostly agricultural wastes but add a small amount of non agricultural feed stock (like landscape waste or green waste from curbside pickup) to their compost operation to balance it. We have been asked how much non-agricultural wastes can a site use before it is no longer considered to be an agricultural source. Section 2-1-115.2.4 is attempting to address this question. Sites would be deemed an agricultural composting operation if the majority of the materials are derived from and used for agricultural operations. The 500 tons/yr of non-agricultural throughput is consistent with 2-1-115.2.3. The 2500 yd³ compost for non-agricultural use is based on an odor enforceability criteria for agricultural compost operations in H&S code 41705(a)(3) that allows an incidental amount of compost to be given away or sold for non agricultural-use. If the compost operation has only these small incidental amounts of non-agricultural feed stock and compost sold for non- agricultural use, then we would consider it an agricultural type source that would only require permits if it met the definition in 2-1-239 and had emissions of 50 tons/yr or higher per 2-1-113.1.2. If the operation does not qualify as an agricultural source, then permits are required per 2-1-115.2.3.</p> <p>Sources located at biomass recycling, composting, landfill, POTW, or related facilities specializing in the operation ofincluding, but not limited to, the following:</p> <ol style="list-style-type: none"> 2.1 Tub grinder powered by a motor with a maximum output rating less than 10 horsepower; 2.2 Hogger, shredder or similar source powered by a motor with a maximum output rating less than 25 horsepower; 2.3 Other biomass processing/handling sources at a facilities with a total throughput less than 500 tons per year. 2.4 <u>Composting and other biomass processing/handling sources that primarily process green materials or animal waste products derived from agricultural operations, provided these operations are located at a facility that: processes less than 500 tons per year of material from non-agricultural operations, produces no more than 2500 cubic yards per year of compost for non-agricultural use, and satisfies the emissions limitations in Regulation 2-1-113.1.2.</u>

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2-1-118.9	<p>Clarifies the intent of the wipe cleaning exemptions and how it has always been applied.</p> <p>Wipe cleaning at a facility <u>that meets one of the following:</u> 9.1 with a net cleanup solvent usage less than 20 gallons per year from all wipe cleaning operations;, or 9.2 which emit emission to the atmosphere of less than 150 lb/pounds per year of uncontrolled VOC from all wipe cleaning operations.</p> <p>At a facility with total wipe cleaning emissions greater than 150 lb/yr, wipe cleaning operations may be grouped per Section 2-1-401.4.</p>
2-1-119.5	<p>Clarifies the intent of the graphic arts operation exemptions and how it has always been applied</p> <p>Any graphic arts operation that emits less than 400 pounds of <u>uncontrolled</u> VOC emissions per month on a facility-wide basis.</p>
2-1-128.21	<p>The proposed amendments:</p> <ol style="list-style-type: none"> 1) Clarifies exemption should apply to only fugitive changes and not be used with other projects such as new tanks. 2) Requires BACT for fugitive components to ensure exemption will not require permitting pursuant to Section 2-1-319. <p>Modification, replacement, or addition of fugitive components <u>only</u> (e.g. valves, flanges, pumps, compressors, relief valves, process drains) at existing permitted process units at petroleum refineries, chemical plants, bulk terminals or bulk plants, provided that the cumulative emissions from all additional components installed at a given process unit during any consecutive twelve month period do not exceed 10 lb/day, <u>components installed satisfy the “typical control technology listed in the BACT/TBACT Workbook, and that the components meet applicable requirements of Regulation 8 rules.</u></p>
2-1-130	<p>New Section to explain intention of notes found in this Regulation.</p> <p><u>Effect of Explanatory Notes:</u> <u>The explanatory notes that are included in italics following certain provisions in Regulation 2 are intended to help readers better understand the regulatory context of these provisions. They are not intended to be binding as regulatory requirements. Where such notes are provided, it is the text of the regulatory provision itself, and not the text of the notes, that establishes the binding legal requirements of the provision.</u></p>
2-1-201	<p>This definition has been deleted. It exists where it is referenced in Regulation 2-2.</p> <p>Emission Reduction Credits: An emission reduction, calculated in accordance with Regulation 2-2-605, which exceeds the emission reductions required by measures in the Air Quality Management Plan or the Clean Air Plan approved by the BAAQMD or required by federal, state, or District laws, rules, and regulations. To qualify as an emission reduction credit the emission reduction must be in excess of the reductions achieved by the source using Reasonably Available Control Technology (RACT), and must also be real, permanent, quantifiable, and enforceable.</p> <p>201.1 Unless calculated in accordance with the procedures of Regulation 2-2-605, that portion of an NSR emission cap, which was part of an APCO approved alternative baseline, shall not qualify as an emission reduction credit.</p> <p>201.2 All emission reduction credits shall be enforceable by permit conditions in the authority to construct and permit to operate, except that in the case of source closures where no permit is required for the source being shut down, the emission reduction credit shall be enforceable through appropriate contractual provisions in a legally binding and irrevocable written agreement which provisions will be made expressly for the</p>

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	benefit of the District. The permanence of a closure shall be identified in a letter from the source and/or in a Banking Certificate.
2-1-202	<p>Clarified definition.</p> <p>Complete Application: An application that contains all of the information required under Regulation 2-1-402, the following:</p> <p>202.1 Sufficient information for the APCO to determine the emissions from such new or modified source and to quantify emissions from the proposed source(s) of offsets or credits.</p> <p>202.2 Any information requested by the APCO in order to determine the air quality impact of the application.</p> <p>202.3 All applicable fees, as described in Regulation 3.</p> <p>202.4 The information required by Regulation 2-2-414 and 417 provided the application is subject to the PSD requirements of Regulations 2-2-304, 305, 306, or 308.</p> <p>202.5 CEQA-related information that satisfies the requirements of Section 2-1-426.</p> <p>202.6 A certification, stating whether the source triggers the requirements of Section 2-1-412.</p> <p>202.7 A specific designation of any information contained in the application which is asserted to be a trade secret pursuant to Section 6254.7 of the Government Code and not a public record. The applicant shall submit two copies of each page containing trade secret information. One copy shall be clearly labeled "Trade Secret," and each trade secret item shall be clearly marked. The second copy shall be clearly labeled "Public Copy," and each trade secret item shall be redacted. The applicant shall include, for each item which is asserted to be a trade secret, a statement signed by a responsible representative of the applicant identifying that portion of Government Code Section 6254.7 (d) upon which the assertion is based and a brief statement setting forth the basis for this assertion.</p>
2-1-204	<p>Deletion of definition. It has been moved to Regulation 2-2 (New Source Review) and 2-6 (Major Facility Review).</p> <p>Major Facility: A major facility is any of the following:</p> <p>204.1 Major Facility, MFR (Regulated Air Pollutants): A facility that has the potential to emit 100 tons per year or more of any regulated air pollutant except total suspended particulate. For fugitive emissions of regulated air pollutants, only the fugitive emissions from facility categories listed in 40 CFR 70.2 "Definitions - Major source (2)" shall be included in determining whether the facility is a major facility. Once any facility is determined to be a major facility, all fugitive emissions from the facility shall be included in calculating the facility's emissions.</p> <p>204.2 Major Facility, MFR (Hazardous Air Pollutants): A facility that has the potential to emit 10 tons per year or more of a single hazardous air pollutant, 25 tons per year or more of a combination of hazardous air pollutants, or such lesser quantity as the EPA Administrator may establish by rule. All fugitive emissions of hazardous air pollutants are included in determining a facility's potential to emit. For radionuclides, the definition of a major facility shall be specified by the EPA Administrator by rule.</p> <p>204.3 A facility with permit conditions that limit emissions to a level that is greater than the above thresholds is defined as a major facility.</p>
2-1-205	This definition is no longer necessary because of the proposed changes made to Regulation 2-2 and 2-6 the requirements.

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	<p>National Ambient Air Quality Standards (NAAQS): Levels of air pollution that have been established by the Environmental Protection Agency. All references to NAAQS shall be interpreted to include state ambient air quality standards.</p>
2-1-206	<p>This definition is no longer needed because it is not a term referenced generically in this rule.</p> <p>Organic Compound: Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and methane.</p>
2-1-208	<p>Clarified definition.</p> <p>Organic Compound, Precursor (POC): Any organic compound as defined in Regulation 1-233 excepting the non-precursor organic compounds, <u>as defined in Section 2-1-207.</u></p>
2-1-209	<p>This definition has been moved to Regulation 2-2.</p> <p>Reasonably Available Control Technology (RACT): For sources that are to continue operating, RACT is the lowest emission limit that can be achieved by the specific source by the application of control technology taking into account technological feasibility and cost-effectiveness, and the specific design features or extent of necessary modifications to the source. For sources which are or will be shut-down, RACT is the lowest emission limit that can be achieved by the application of control technology to similar, but not necessarily identical categories of sources, taking into account technological feasibility and cost-effectiveness of the application of the control technology to the category of sources only and not to the shut-down source.</p>
2-1-213	<p>Clarifying the definition.</p> <p>Facility: Any <u>property</u>source, building, structure or installation (or any aggregation of facilities) located on one or more contiguous or adjacent properties and under common ownership or control of the same person that emits or may emit any air pollutant; or any aggregation of such sources, buildings, structures or installations that are located within a distance of three miles of each other and (i) are in and is considered a single the same major industrial grouping (identified by the first two-digits of the applicable code in The Standard Industrial Classification Manual) and under common ownership and control or (ii) are related sources, as defined in Section 2-2-227, even if such related sources are not within the same major industrial grouping and/or are not under common ownership and control. In addition, facilities which include cargo loading or unloading from cargo carriers other than motor vehicles shall include the cargo carriers as part of the source which receives or loads the cargo. Accordingly, all emissions from such carriers while operating in the District, or within California Coastal Waters adjacent to the District, shall be included as part of the source emissions.</p>
2-1-214	<p>Due to the proposed amendments of Regulation 2-2 and the renumbering of sections, this section is amended to reflect the changes made.</p> <p>Federally Enforceable: All limitations and conditions whichthat are enforceable by the Administrator of the U. S. EPA, including <u>but not limited to (i) requirements developed pursuant to 40 CFR Parts 60 (NSPS), 61 (NESHAPS), 63 (HAP), 70 (State Operating Permit Programs) and 72 (Permits Regulation, Acid Rain), (ii) requirements contained in the State Implementation Plan (SIP) that are applicable to the District, (iii) any District permit requirements established pursuant to 40 CFR 52.21 (PSD) or District regulations approved pursuant to 40 CFR Part 51, Subpart I (NSR), (iv) and requirements in any operating permits issued under an EPA-approved program that is a part of the SIP and expressly requires adherence to any permit issued under such program, including requirements of any District permit condition (excluding conditions that are not enforceable by the Administrator of the U.S. EPA) and (v) requirements in federal consent decrees that are enforceable by the Administrator of the U.S. EPA.</u></p>

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2-1-216	<p>Deleted definition. It is in Regulation 2-6.</p> <p>Major Facility Review (MFR): Plantwide review of sources, emissions and regulatory requirements at facilities including, but not limited to, major facilities, phase II acid rain facilities, subject solid waste incinerator facilities, and designated facilities, which are potentially subject to the permitting requirements of Regulation 2, Rule 6, and Title V of the federal Clean Air Act.</p>
2-1-218	<p>Clarified definition and expanded it further to cover all pollutants regulated.</p> <p>Regulated Air Pollutant: <u>Except for purposes of major facility review in connection with Regulation 2, Rule 6, for which the definition in Section 2-6-222 applies, a regulated air pollutant is any air pollutant that is subject to a regulation adopted by or implemented by the District.</u>The following air pollutants (as defined in Regulation 1) are regulated:</p> <ul style="list-style-type: none"> 218.1 Nitrogen oxides and volatile organic compounds; 218.2 Any pollutant for which a national ambient air quality standard has been promulgated; 218.3 Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act; 218.4 Any pollutant that is subject to any standard promulgated under Section 111 of the federal Clean Air Act; and 218.5 Any pollutant that is subject to any standard promulgated under Section 112 of the federal Clean Air Act, except that a pollutant that is subject solely to Section 112(r) is not a regulated air pollutant.
2-1-219	<p>Deleted definition. It is in Regulation 2-6.</p> <p>Synthetic Minor Operating Facility: A facility which by imposition of facilitywide federally enforceable permit conditions has its potential to emit limited to below the threshold levels for a major facility as defined by Sections 204.1 and 204.2 of this rule and in Section 212 of Regulation 2, Rule 6, and is not otherwise required to apply for a major facility review permit under Regulation 2, Rule 6.</p>
2-1-220	<p>Clarified and amended definition to match that of the state definition for portable.</p> <p>Portable Equipment: This definition is provided exclusively for determining applicability of Section 2-1-413: Portable Equipment Operated Within the District. "Portable equipment" means any emission unit that, by itself or, in or on a piece of equipment, is portable, meaning <u>designed</u> to be and capable of being carried or moved from one location to another. Indications of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, platform or mounting. For purposes of this regulation, dredge engines on a boat or barge are portable. A piece of equipment is not portable, for purposes of obtaining a portable permit under Section 2-1-413, if <u>any</u> of the following are <u>met</u>:</p> <ul style="list-style-type: none"> 220.1 The equipment is <u>attached to a foundation or if not so attached,</u> will <u>not</u> remain at <u>the same any single</u> location for a period in excess of twelve consecutive months, following the date of initial operation. Any <u>replacement equipment emission unit,</u> such as <u>a back up or standby unit,</u> <u>that which</u> replaces an <u>emission unit the equipment</u> at that location and is intended to perform the same function as the <u>equipment unit</u> being replaced, will be counted toward the <u>residency time of the equipment limitation.</u> <u>In that case, the cumulative time spent by all such equipment at the location, including the time between the removal of the original equipment and the installation of the replacement equipment, will be counted in determining whether the equipment remains at the same location for a period in excess of twelve months.</u> 220.2 The <u>source (emission unit) equipment</u> is <u>used in connection with seasonal operations at a location, and it</u> remains or will remain at <u>the a</u> location for the period <u>is for no more</u> less than twelve months, following

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	<p>the date of initial operation, where such a period does not represent the full length of normal annual source operations, such as operations which are seasonal. For purposes of this subsection, seasonal operations are operations that take place at a single location for at least three months each year for at least two years.</p> <p>220.3 The equipment is not removed from, or stored at, moved from one location for a period and then returned to the same location to another in an attempt to circumvent the portable equipment residence time requirement limitations set forth in this definition.</p> <p>220.4 The equipment is not operated within 1000 feet of the outer boundary of any K-12 school site, unless the applicable notice requirements of Health and Safety Code Section 42301.6 have been met.</p> <p>220.5 The operation complies with Regulation 2, Rule 5.</p> <p>220.6 No air contaminant is released into the atmosphere in sufficient quantities as to cause a public nuisance per Regulation 1-301.</p> <p>220.7 The operation of the portable equipment in the Air District shall emit no more than 10 tons per year of each pollutant, including POC, CO, NOx, PM₁₀, NPOC or SO₂. For PM₁₀, fugitive particulate emissions from haul road traffic shall not be counted toward the annual limit.</p> <p>220.8 The operation must be exempt from CEQA, or must be covered by a chapter in the District's Permit Handbook.</p> <p>220.9 The equipment will not cause a Synthetic Minor Facility to exceed a federally enforceable emission limit.</p> <p>220.10 If this equipment remains at any fixed location for more than twelve months, the portable permit will automatically revert to a conventional permanent location permit and will lose its portability. To obtain another portable permit for the equipment, the owner must re-permit the equipment for the next location of intended operations. Upon written request, the APCO may exclude reasonable storage periods before the date of initial operation and/or following the date of final operation from the twelve-month time limitation.</p>
2-1-223	<p>Clarifying the definitions which are in the current version of Regulation 2-2-235 and also part of the current version of 2-1-234 at the end of the section.</p> <p><u>Year, Month and Day:</u> Unless otherwise specified by an operating rule of the District regulation or by a permit condition, a year shall be any rolling 12-month period, a month shall be a calendar month, and a day shall be a calendar day defined by an applicant or permit holder as one of the following:</p> <p>223.1 Any consecutive 12 month period;</p> <p>223.2 Any consecutive 4 quarter period, where a quarter is 3 consecutive months;</p> <p>223.3 Any consecutive 52 week period;</p> <p>223.4 Any consecutive 365 day period;</p> <p>223.5 Any company fiscal year, provided the fiscal year is 12 consecutive months;</p> <p>223.6 Calendar year;</p> <p>223.7 Any other mutually acceptable period.</p> <p>_____ In the absence of a rule requirement, permit condition or other information to determine which yearly period applies, the District shall use Section 2-1-223.1.</p>
2-1-225	<p>Deleted this definition because it is covered in Regulation 2-5.</p> <p><u>Health Risk Screening Analysis (HSRA):</u> An analysis that estimates the increased likelihood of health risk for individuals in the affected population that may be exposed to emissions of one or more toxic air contaminants, determined in accordance with Regulation</p>

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2-1-229	<p>Updated definition.</p> <p>PM₁₀: Particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns. <u>PM₁₀ emissions shall include gaseous emissions from a source or activity that condense to form particulate matter with an aerodynamic diameter smaller than or equal to 10 microns at ambient temperatures.</u></p>
2-1-233	<p>Clarifying the definition. Move the section in 233.1, 233.2, and 233.3 to the proposed new section 2-1-234.5.</p> <p>Alter: <u>To make any physical change to, or change in the method of operation of, change in throughput or production, or other similar change at an existing source that may affect air pollutant emissions and that does not qualify as a modification under the criteria set forth in Section 2-1-234. The APCO may impose permit conditions in an authority to construct or permit to operate for an alteration to ensure that the change authorized by the authority to construct or permit to operate will not result in a modification under Section 2-1-234, a source which may affect emissions. Such changes require a permit to operate, and may require permit conditions, whether or not the alteration results in an emission increase. A change in process stream composition is not an alteration if the source's description in the permit and permit conditions allow for the change in process stream composition, and the change does not increase emissions beyond permitted levels. The following activities are specifically identified as "alterations."</u></p> <p style="padding-left: 40px;">233.1 Replacement of burners with non-identical burners.</p> <p style="padding-left: 40px;">233.2 Maintenance of glass furnaces involving component replacement, unless all replacements are with identical components.</p> <p style="padding-left: 40px;">233.3 Expansion of the physical boundaries of a semiconductor fabrication area.</p>
2-1-234	<p>Clarifying the definition.</p> <p>Modified Source: <u>Any existing source that undergoes a</u>To make any physical change, change in method of operation, increase<u>change in throughput or production, or addition or other similar change at an existing source and that results or may that results in an increase in daily or annual emissions in any of the following amounts</u>any of the following:</p> <p style="padding-left: 40px;">234.1 <u>If the source's daily and/or annual emissions are subject to an enforceable permit limit (including a surrogate limit on operating conditions such as production rate or capacity that is effective as a limit on daily or annual emissions) that was imposed pursuant to New Source Review requirements under District Regulation 2, Rule 2 or 40 C.F.R. Section 52.21, or as a limit imposed to avoid such New Source Review requirements by keeping emissions below New Source Review applicability thresholds, an increase in the source's potential to emit above such permitted limit. This Subsection 234.1 does not apply to any permit limit that applies to combined emissions from multiple sources, unless it imposes an effective limit specifically on the emissions from the individual source at which the change will occur. An increase in either the daily or annual emission level of any regulated air pollutant, or an increase in the production rate or capacity that is used to estimate the emission level, that exceeds emission or production levels approved by the District in any authority to construct.</u></p> <p style="padding-left: 40px;">234.2 <u>If the source's daily and/or annual emissions are not subject to any enforceable limit that meets the criteria of Subsection 234.1, an increase in the source's actual physical capacity to emit air pollutants as installed and operated at the facility, above the lowest of the following: An increase in either the daily or annual emission level of any regulated air pollutant, or the production rate or capacity that is used to estimate the emission</u></p>

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	<p>level, above levels contained in a permit condition in any current permit to operate or major facility review permit.</p> <p>234.3 For sources that have never been issued a District authority to construct and that do not have conditions limiting daily or annual emissions, an increase in either daily or annual emission level of any regulated air pollutant, or the production rate or capacity that is used to estimate the emission level, above the lower of the following:</p> <p>23.1 <u>The maximum operational capacity of the source, based on design information, engineering specifications, historical operational records, or other reliable technical information describing the source's capacity;</u>The highest of the following:</p> <p>3.1.1 The highest attainable design capacity, as shown in pre-construction design drawings, including process design drawings and vendor specifications.</p> <p>3.1.2 The capacity listed in the District permit to operate.</p> <p>3.1.3 The highest documented actual levels attained by the source prior to March 1, 2000.</p> <p>23.2 The <u>effective</u> capacity of the source, as limited by the capacity of any upstream or downstream process that acts as a "bottleneck" (i.e., a limit on the ability of the source to operate at maximum capacity) (a grandfathered source with an emission increase due to debottlenecking is considered to be modified); <u>or</u></p> <p>2.3 The capacity of the source as represented to the APCO by the source's owner or operator at the time the source was permitted, including any information submitted in connection with such permitting that was material to the APCO's permitting decision.</p> <p><u>This Subsection 234.2 shall apply to both daily and annual emissions whenever such emissions are not subject to an enforceable limit that meets the criteria of Subsection 234.1, and the existence of an enforceable annual limit under Subsection 234.1 does not exempt daily emissions from analysis under Subsection 234.2 and vice versa (except in the case of storage vessels, for which</u> For the purposes of applying Section 234.3, only increases in annual emission levels shall be considered for storage vessels.</p> <p>234.34 <u>For The emission of any regulated air pollutant or emissions toxic air contaminants and hazardous air pollutants, a change is not a modification unless the increase in emissions determined in accordance with Subsections 234.1 and 234.2 not previously emitted in a quantity that would results in an increase in cancer risk (as defined in Regulation 2-5-206) greater than 1.0 in a million (10^{-6}) or an increase in chronic hazard index (as defined in Regulation 2-5-208) greater than 0.20. An increase in emissions of less than the trigger levels specified in Table 2-5-1 in Regulation 2, Rule 5 shall be presumed not to cause an increase in cancer risk of greater than 1.0 in a million or an increase in chronic hazard index of greater than 0.20.</u></p> <p>For the purposes of applying this definition, an hourly limit or capacity may be converted to a daily limit or capacity by multiplication by 24 hours/day; a daily capacity may be converted to an annual capacity or limit by multiplication by 365 days/year.</p>
2-1-237	<p>Updated definition.</p> <p>BACT/TBACT Workbook: The District guidelines, which setting forth emission limitations and/or control technologies constituting BACT and TBACT for a number of source types or categories.</p>
2-1-239	<p>Clarified definition.</p>

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	<p>Agricultural Source: A source of air pollution, or group of sources, used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control that meets <u>any of</u> the following criteria:</p> <ul style="list-style-type: none"> 239.1 Is a confined animal facility as defined under Regulation 2, Rule 10; 239.2 Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the California Health and Safety Code, except an engine that is used to propel implements of husbandry as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003; 239.3 Is a Major Facility, as that term is defined in Regulation 2, Rule 6, or that is a source that is otherwise subject to regulation by the District pursuant to Division 26 of the California Health and Safety Code or the federal Clean Air Act (42 U.S.C. Sec. 7401 eq.).
2-1-241	<p>New Section. Addition of PM_{2.5} definition. With the addition of PM_{2.5} standards in Regulation 2-2, this definition of PM_{2.5} is added to Regulation 2-1.</p> <p>PM_{2.5}: <u>Particulate matter with aerodynamic diameter smaller than or equal to a nominal 2.5 microns. PM_{2.5} emissions shall include gaseous emissions from a source or activity that condense to form particulate matter with an aerodynamic diameter smaller than or equal to 2.5 microns at ambient temperatures.</u></p>
2-1-242	<p>New Section.</p> <p>Related Sources: <u>Two or more sources where the operation of one is dependent upon, supports or affects the operation of the other(s).</u></p>
2-1-302	<p>Updated standard to reflect actual practice.</p> <p>Permit to Operate: Before any person, as described in Section 2-1-401, uses or operates any article, machine, equipment or other contrivance, the use of which may cause, reduce or control the emission of air contaminants, such person shall first secure written authorization from the APCO in the form of a permit to operate.</p> <ul style="list-style-type: none"> 302.1 Permit to Operate, MFR: Any facility subject to the requirements of Regulation 2, <u>Rule -6</u>, Major Facility Review, shall comply with the permitting requirements included herein <u>that Rule</u> in addition to securing a permit to operate under this Rule. 302.2 Permit to Operate, Accelerated Permitting Program: Unless subject to any of the provisions of Sections 2-1-316 through 319, a temporary permit to operate may be obtained to authorize operation of a new source or a modification or alteration of an existing source under this Section pending full review for the following categories of operation: <ul style="list-style-type: none"> 2.1 A new source, or a modification or alteration of an existing source, if the following conditions are satisfied: <ul style="list-style-type: none"> 1.1 The source will not have the potential to emit POC, NPOC, NO_x, SO₂, PM_{2.5}, PM₁₀, or CO in an amount of 10 pounds or more on any day, determined without taking into account the effect of any abatement device or equipment; or the source has been pre-certified under Section 2-1-405; and 1.2 The source will not have the potential to emit toxic air contaminants in an amount that exceeds any of the trigger levels set forth in Table 2-5-1 of Regulation 2, Rule 5, determined without taking into account the effect of any abatement device or equipment; and

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	<p>1.3 The source is not subject to the public notice requirements of Section 2-1-412.</p> <p>2.2 An abatement device that is a replacement for an existing abatement device, provided that the replacement will not increase the potential to emit any regulated air pollutant from the abatement device and the source(s) whose emissions it abates.</p> <p>The owner or operator of a source in either of the preceding categories may apply for a temporary permit to operate under the Accelerated Permitting Program by submitting (i) a completed permit application form and source data form(s); (ii) payment of applicable fees (the minimum permit fee required to install and operate each source); (iii) a statement explaining which of the categories in subsections 2.1 and 2.2 above the source is in; and (iv) a certification that the source meets all of the requirements of that category. The APCO shall issue an installation and operation of a new or modified source or abatement device which qualifies for the Accelerated Permitting Program under Section 2-1-106 may commence immediately following the submittal of a complete permit application. A temporary Permit to Operate will be issued as soon as the APCO determines that the application is complete. upon determining that the application is complete and that the applicant has certified that the source satisfies the requirements of subsections 2.1 and/or 2.2 above. The owner or operator of the source may commence construction or operation of the source, or of the modification or alteration of the source, immediately upon receipt of the temporary Permit to Operate. The APCO Action shall complete a full review of the <u>APCO shall complete a full review of the</u> be taken on the application and take final action in accordance with Section 2-1-408 within 35 working days of receipt of a complete application, in accordance with Section 2-1-408, provided that the <u>Any applicable offset provisions of requirements under Regulation 2, Rule 2, Sections 302 and 303 are shall be satisfied before final permit issuance. The temporary Permit to Opeate shall cease to be efective upon final action by the APCO under Section 2-1-408.</u> During periods that the source is operating without a under the temporary Permit to Operate, the operator shall keep records sufficient to demonstrate that emissions do not exceed applicable qualifying levels for the Accelerated Permitting Program as set forth in subsections 2.1 and 2.2 above.</p> <p>302.3 Permit to Operate, Temporary Operation: A temporary permit may be obtained to allow an operator to test equipment, processes, or new formulations. A temporary permit may also be obtained for a temporary source which replaces critical equipment during scheduled maintenance. The APCO may issue a non-renewable temporary Permit to Operate a temporary operation at any source, subject to the following:</p> <p>3.1 The proposed operation will comply with all requirements of Regulation 1 and Regulations 5 through 12.</p> <p>3.2 The permit shall expire 3 months after issuance.</p> <p>3.3 The operator shall provide offsets, at a ratio of 1.15 to 1, for all increased emissions of NO_x, POC, and <u>PM_{2.5} and</u> PM₁₀ resulting from the use of the temporary permit.</p> <p>3.4 The operator shall certify that the temporary operation is for one of the following purposes:</p> <p>4.1 Equipment testing</p> <p>4.2 Process testing, including new formulations</p> <p>4.3 Temporary replacement of an existing permitted source with an identical or functionally equivalent source</p> <p>3.5 The operator shall comply with the provisions of Regulation 2-2-</p>

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	<p><u>301, except that the cost-effectiveness analysis shall consider the short duration of the operation.</u></p>
2-1-304	<p>Clarifies section.</p> <p>Denial, Failure to Meet Emission Limitations Comply with Applicable Requirements: The APCO shall deny an authority to construct or a permit to operate if the APCO finds that the subject of the application would not or does not comply with the<u>any</u> emission limitations or other regulations of the District (including but not limited to the BACT and offsets requirements in Regulation 2-2-301 through 2-2-303), or with applicable permit conditions, or federal or California laws or regulations or if any required fees have not been paid. Such denial shall not be based solely on <u>the</u> type of construction or design of equipment.</p>
2-1-319	<p>Added section to clarify intent of permit application.</p> <p>Implied Conditions: <u>In addition to the explicit conditions contained in an authority to construct and/or permit to operate, the owner and operator of a source of air pollutant emissions shall operate the source in conformance with any representations made or information submitted to the APCO in connection with the application for such authority to construct and/or permit to operate, provided such representations or information were material to the APCO's decision to issue the authority to construct and/or permit to operate. Operation of the source not in conformance with such material representations or information shall be a violation of this Regulation.</u></p>
2-1-308	<p>Clarifies section.</p> <p>Fugitive Emissions: <u>Fugitive emissions shall be included as emissions from a facility as required under this Regulation. Fugitive emissions shall be subject to all requirements of District Rules and Regulations, including BACT, RACT, offsets, PSD requirements, and Class I Air Quality Related Values and increment protection, to the same extent as emissions that are not fugitive in nature.</u></p>
2-1-318	<p>Clarifies section.</p> <p>Hazardous Substances: <u>Notwithstanding any exemption contained in Section 2-1-103 or Section 114 through 128, any new or modified source meeting any of the following criteria shall be subject to the requirements of Regulation 2, Rule 1, Section 301 and/or 302. If a new or modified source at a PSD Major Facility facility in one of the 28 categories listed in Section 169(1) of the Clean Air Act that emits 100 tons per year of any PSD Pollutant as defined in Section 2-2-223, or at a facility not listed in any such category that emits 250 tons per year or more of any PSD Pollutant as defined in Section 2-2-223 as defined in Regulation 2, Rule 2, Section 220.3, emits the following air contaminants in excess of the quantities listed below, then it is subject to the requirements of Sections 2-1-301 and 302.</u></p> <ul style="list-style-type: none"> 318.1 0.6 ton per year of lead, 318.2 0.007 ton per year of asbestos (excepting demolition, renovation, and waste disposal), 318.3 0.0004 ton per year of beryllium, 318.4 0.1 ton per year of mercury, 318.5 1 ton per year of vinyl chloride, 318.6 3 tons per year of fluorides, 318.7 7 tons per year of sulfuric acid mist, and 318.8 10 tons per year of reduced sulfur compounds (including hydrogen sulfide).
2-1-320	<p>New Section.</p> <p>Compliance With Material Representations Made In Connection With Permit Applications: <u>In addition to the explicit conditions contained in an authority to construct and/or permit to operate, the owner and operator of a source of air pollutant emissions shall</u></p>

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	<p><u>operate the source in conformance with any representations made or information submitted to the APCO in connection with the application for such authority to construct and/or permit to operate, provided such representations or information were material to the APCO's decision to issue the authority to construct and/or permit to operate. Operation of the source not in conformance with such material representations or information shall be a violation of this Regulation.</u></p>
2-1-321	<p>New Section.</p> <p><u>Compliance With Provisions of State Implementation Plan and Other Requirements of Local, California and Federal Law:</u> Issuance of an authority to construct and/or permit to operate for a facility under this Rule shall not relieve the owner and operator of the facility from the responsibility to comply fully with all applicable provisions of the state implementation plan for California and all other requirements under local, California and federal law.</p>
2-1-402	<p>Updated procedure.</p> <p><u>Applications:</u> Every application for an authority to construct or a permit to operate shall be submitted to the APCO on the forms specified, and shall contain all of the <u>following information:</u></p> <ul style="list-style-type: none"> <u>402.1 Sufficient information for the APCO to determine the emissions from the sources that are the subject of the application, and to quantify emissions from the sources of any emission reduction credits that will be relied upon as part of the application.</u> <u>402.2 Any information requested by the APCO in order to determine the air quality impact from sources that are the subject of the application.</u> <u>402.3 All applicable fees, as described in Regulation 3.</u> <u>402.4 If the application is subject to the New Source Review requirements of Regulation 2, Rule 2, all information required under Section 2-2-401.</u> <u>402.5 CEQA-related information that satisfies the requirements of Section 2-1-426.</u> <u>402.6 A certification stating whether the source triggers the requirements of Section 2-1-412.</u> <u>402.7 A specific designation of any information contained in the application that the applicant asserts is trade secret pursuant to Section 6254.7 of the Government Code. The applicant shall submit two copies of each page containing trade secret information. One copy shall be clearly labeled "Trade Secret," and each trade secret item shall be clearly marked. The second copy shall be clearly labeled "Public Copy," and each trade secret item shall be redacted. The applicant shall include, for each item which it asserts to be a trade secret, a statement signed by a responsible representative of the applicant identifying that portion of Government Code Section 6254.7(d) upon which the assertion is based and a brief statement setting forth the basis for this assertion.</u> <u>402.8 Any other information requested by the APCO as necessary to determine whether the new, modified or altered source will comply with applicable regulatory requirements.</u> <p><u>The application must contain required. Sufficient information must be received to enable the APCO to make a decision or a preliminary decision on the application and/or on any exemptions authorized by this Regulation. The APCO may consult with appropriate local and regional agencies to determine whether the application conforms with adopted plans and with local permit requirements.</u></p>
2-1-407.1	<p>Changed Section numbering to reflect changes in Regulation 2-2.</p> <p>The following requirements shall apply to renewals:</p> <ul style="list-style-type: none"> 1.1 Except as provided in Sections 2-1-407.2 and 407.3, an authority

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	<p>to construct may be renewed one time for an additional two years;</p> <p>1.2 Except for renewals pursuant to Section 2-1-407.3, renewal is contingent upon meeting the current BACT and offset requirements of Regulation 2-2-301, 302 and 303; and</p> <p>1.3 Except as provided in Sections 2-1-407406.2 and 407406.3, an authority to construct that has been renewed shall expire four years after the date of original issuance.</p>
2-1-408	<p>Changed Section numbering to reflect changes in Regulation 2-2.</p> <p>Action on Applications: Except for applications subject to Section 2-1-412, the publication and public notice requirements of Section 2-2-405404 or Section 2-10-402, or to the provisions of Rule 6 of this Regulation, the APCO shall notify the applicant in writing of approval, approval with conditions, or denial of the application within 35 working days of receipt of a completed application, unless the time is extended with the written consent of the applicant.</p>
2-1-411	<p>This is a general provision that applies to all permits and so it has been clarified to further explain the permit to operate process.</p> <p>Permit to Operate, Final Action: The APCO shall take final action to approve, approve with conditions, or disapprove a permit to operate a facility<u>source</u> subject to this rule within 90 days after the initial date of the start-up period of the new or modified source, <u>unless such time period is extended with the written concurrence of the APCO and the applicant. This time period may be extended upon the written request of the applicant stating the reasons why further start-up time is needed. In no case shall the APCO allow the start-up period to be greater than 180 days. An authority to construct authorizes operation of the source during the start-up period. All conditions, specific or implied, of the authority to construct are in effect during the entire start-up period.</u></p> <p>411.1 Notwithstanding the above, final action taken on permits issued pursuant to Rule 6 of this Regulation shall be in accordance with the provisions of Section 2-6-410.</p> <p>411.2 A permit approved under this section must be signed by the permit holder or by a person authorized to sign on behalf of the permit holder.</p>
2-1-413	<p>Updated procedure for reflect actual practice.</p> <p>Portable Equipment Operated Within the District: Any person required to obtain an authority to construct and permit to operate under Sections 2-1-301 and 302 for a portable source can elect to receive <u>apply for</u> a single portable permit that<u>which</u> will allow the source to operate anywhere in the District. <u>The APCO shall issue the permit, upon payment of standard filing, initial and permit to operate fees as set forth in Regulation 3, if the source satisfies all of the following requirements: provided the APCO approves the permit, and the source meets the definition of portable equipment set forth in Section 2-1-220. Such a source is subject to the standard filing, initial and permit to operate fees in Regulation 3.</u></p> <p>413.1 The source is portable as defined in Section 2-1-220.</p> <p>413.2 The source will not emit more than 10 tons per year of any regulated air pollutant, including POC, CO, NOx, PM_{2.5}, PM₁₀, NPOC or SO₂. For PM_{2.5} and PM₁₀, fugitive particulate emissions from haul road traffic shall not be counted toward the annual limit.</p> <p>413.2 The source will comply with all applicable provisions of Regulation 2, Rule 5.</p> <p>413.2 The source will not be operated within 1000 feet of the outer boundary of any K-12 school site, unless the applicable notice requirements of Health and Safety Code Section 42301.6 have been met.</p> <p>413.3 Operation of the source will not cause a public nuisance per Regulation 1-301.</p> <p>413.5 The operation must be exempt from CEQA, or must be covered by a</p>

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	<p>chapter in the District's Permit Handbook.</p> <p><u>413.6 The equipment will not cause a Synthetic Minor Facility to exceed a federally enforceable emission limit.</u></p> <p><u>If the source remains at the same location for more than twelve months, or if it otherwise ceases to be portable as defined in Section 2-2-220, the source shall be subject to the requirements of Regulation 2, Rules 1, 2, and 5, as if it were a new source. To obtain another portable permit for the equipment, the owner must re-permit the equipment for the next location of intended operations. Upon written request, the APCO may exclude reasonable storage periods before the date of initial operation and/or following the date of final operation from the twelve-month time limitation.</u></p>
2-1-432	<p>Changed Section numbering to reflect changes in Regulation 2-2.</p> <p>Determination of Complete Application: Except for an application which is subject to the publication and public comment requirements of Section 2-2-405404, the APCO shall determine whether an application for an authority to construct is complete not later than 15 working days following receipt of the application, or after a longer time period agreed upon by both the applicant and the APCO. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the information that is required. Upon receipt of any resubmittal of the application a new 15 working day period to determine completeness shall begin. For an application which is subject to the publication and public comment requirements of Section 2-2-405404 or Section 2-10-402, the completeness review period(s) shall be 30 days. The application shall be deemed complete on the date of receipt of all information required for completeness. Upon determination that the application is complete, the APCO shall notify the applicant in writing. If applicable, such written notification shall include the District's determination that its evaluation of the application will be covered by the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and that the District's evaluation of that permit application will be classified as ministerial and will accordingly be exempt from CEQA review. Thereafter only information regarding offsets, or information to clarify, correct or otherwise supplement the information submitted in the application may be requested.</p>
2-1-603	<p>New Section. Added procedures for particulate matter measurements.</p> <p>Particulate Matter Measurements: <u>PM_{2.5} and PM₁₀ shall be measured as prescribed in EPA Methods 201A and 202 (for measurements of emissions from specific sources) and in 40 C.F.R. Parts 50, 53 and 58 (for measurements of ambient concentrations).</u></p>
Reference to Table 2-1-316	Deleted.