



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **APPENDIX A**

### **Draft Amendments to Rule 2-1: General Requirements**

**REGULATION 2  
PERMITS  
RULE 1  
GENERAL REQUIREMENTS**

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**REGULATION 2**  
**PERMITS**  
**RULE 1**  
**GENERAL REQUIREMENTS**

(Adopted January 1, 1980)

**2-1-100 GENERAL**

**2-1-101 Description:** The purpose of Regulation 2 is to provide an orderly procedure for the review of new sources of air pollution, and of the modification and operation of existing sources, and of associated air pollution control devices, through the issuance of authorities to construct and permits to operate. The applicability of Regulation 2, Rule 1 is illustrated by Figure 2-1-101, Permit/Exemption Flow Chart. An applicant may choose to obtain a permit to operate for a source that is exempt from permit requirements. In that case, the affected source is deemed to be subject to the requirements of Section 2-1-302 until such time as an application for return to exempt status is approved.

*(Amended 7/17/91; 6/7/95; 5/17/00; 12/21/04)*

**2-1-102 Applicability to Other Rules in Regulation 2:** The provisions of this Rule, including the definitions, shall apply to the other Rules of this Regulation, where applicable, unless superseded by specific provisions in those other Rules.

*(Amended November 3, 1993)*

**2-1-103 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:

- 103.1 The source is not in a source category subject to any of the provisions of Regulation 6<sup>(1)</sup>, Regulation 8<sup>(2)</sup> excluding Rules 1 through 4, or Regulations 9 through 12; and
- 103.2 The source is not subject to any of the provisions of Sections 2-1-316 through 319; and
- 103.3 Actual emissions of precursor organic compounds (POC), non-precursor organic compounds (NPOC), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), PM<sub>2.5</sub>, PM<sub>10</sub> and carbon monoxide (CO) from the source are each (i) less than 10 pounds per highest day; or (ii) if greater than 10 pounds per highest day, total emissions are less than 150 pounds per year, per pollutant; and
- 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.

*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<sub>2.5</sub> and PM<sub>10</sub>: combustion source; material handling/processing; sand, gravel or rock processing; cement, concrete and asphaltic concrete production; tub grinder; or similar PM<sub>2.5</sub> and PM<sub>10</sub>-emitting sources, as deemed by the APCO.*

*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.*

*(Adopted 6/7/95; Amended 5/17/00; 12/21/04)*

- 2-1-104 Deleted October 7, 1998**
- 2-1-105 Exemption, Registered Statewide Portable Equipment:** Equipment that complies with all applicable requirements of and is registered under the Statewide Portable Equipment Registration Program (California Code of Regulations Title 13, Division 3, Chapter 3, Article 5) is exempt from the requirements of Sections 2-1-301 and 302. If the equipment ceases to qualify for this exemption for any reason (for example, if it remains at any fixed location for more than twelve months or otherwise ceases to be portable as defined by the Program), the equipment shall be subject to the requirements of Regulation 2 as if it were a new source.  
*(Adopted 6/7/95; Amended 10/7/98; 5/17/00)*
- 2-1-106 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 existing source is exempt from the Authority to Construct requirements of Section 2-1-301 if it has received a temporary Permit to Operate under the Accelerated Permitting Program set forth in Section 2-1-302.2.  
*(Adopted 6/7/95; Amended 10/7/98; 5/17/00; 6/15/05; 12/19/12)*
- 2-1-109 Deleted June 7, 1995**
- 2-1-110 Deleted June 7, 1995**
- 2-1-111 Deleted June 7, 1995**
- 2-1-112 Deleted June 7, 1995**
- 2-1-113 Exemption, Sources and Operations:**
- 113.1 The following sources and operations are exempt from the requirements of Sections 2-1-301 and 302, in accordance with the California Health and Safety Code:
- 1.1 Single and multiple family dwellings used solely for residential purposes.
  - 1.2 Agricultural sources (as defined in Section 2-1-239) with actual emissions of each regulated air pollutant, excluding fugitive dust and greenhouse gases, less than 50 tons per year. Agricultural sources engaged in composing and other similar biomass processing that primarily process green materials or animal waste products derived from agricultural operations shall not become ineligible for this exemption for processing material from non-agricultural operations as long as the facility processes less than 500 tons per year of such material from non-agricultural operations.
  - 1.3 Any vehicle. Equipment temporarily or permanently attached to a vehicle is not considered to be a part of that vehicle unless the combination is a vehicle as defined in the Vehicle Code. Specialty vehicles may include temporarily or permanently attached equipment including, but are not limited to, the following: oil well production service unit; special construction equipment; and special mobile equipment.
  - 1.4 Tank vehicles with vapor recovery systems subject to state certification, in accordance with the Health and Safety Code.
- 113.2 The following sources and operations are exempt from the requirements of Sections 2-1-301 and 302:
- 2.1 Road construction, widening and rerouting.
  - 2.2 Restaurants, cafeterias and other retail establishments for the purpose of preparing food for human consumption.

- 2.3 Structural changes which do not change the quality, nature or quantity of air contaminant emissions.
- 2.4 Any abatement device which is used solely to abate equipment that does not require an Authority to Construct or Permit to Operate.
- 2.5 Architectural and industrial maintenance coating operations that are exclusively subject to Regulation 8, Rules 3 or 48, because coatings are applied to stationary structures, their appurtenances, to mobile homes, to pavements, or to curbs. This does not apply to coatings applied by the manufacturer prior to installation, nor to the coating of components removed from such structures and equipment.
- 2.6 Portable abatement equipment exclusively used to comply with the tank degassing or vacuum truck control requirements of Regulation 8, Rules 5, 40 or 53.
- 2.7 Equipment that transports, holds or stores California Public Utilities Commission regulated natural gas, excluding drivers.
- 2.8 Deleted May 17, 2000
- 2.9 Deleted May 17, 2000
- 2.10 Deleted May 17, 2000
- 2.11 Teaching laboratories used exclusively for classroom experimentation and/or demonstration.
- 2.12 Laboratories located in a building where the total laboratory floor space within the building is less than 25,000 square feet, or the total number of fume hoods within the building is less than 50, provided that Responsible Laboratory Management Practices, as defined in Section 2-1-224, are used. Buildings connected by passageways and/or corridors shall be considered as separate buildings, provided that structural integrity could be maintained in the absence of the passageways and/or corridors and the buildings have their own separate and independently operating HVAC and fire suppression systems. For the purposes of this subsection, teaching laboratories that are exempt per Section 2-1-113.2.11 are not included in the floor space or fume hood totals. In addition, laboratory units for which the owner or operator of the source can demonstrate that toxic air contaminant emissions would not occur, except under accidental or upset conditions, are not included in the floor space or fume hood totals.
- 2.13 Maintenance operations on natural gas pipelines and associated equipment, provided that emissions from such operations consist solely of residual natural gas that is vented after the equipment is isolated or shut down.
- 2.14 [Deleted 12/19/2012]
- 2.15 Asbestos and asbestos containing material renovation or removal conducted in compliance with Regulation 11, Rule 2 and Regulation 3.
- 2.16 Closed landfills that have less than 1,000,000 tons of decomposable solid waste in place and that do not have an operating landfill gas collection system.
- 2.17 Closed landfills that have not accepted waste for at least 30 years and that never had a landfill gas collection system.



2.18 Construction of a building or structure that is not itself a source requiring a permit.

2.19 Vacuum trucks subject to Regulation 8, Rule 53 and processing regulated material as defined in that rule.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00; 11/15/00; 5/2/01; 7/19/06; 4/18/12; 12/06/17)*

**2-1-114 Exemption, Combustion Equipment:** The following equipment is exempt from the requirements of Sections 2-1-301 and 302, only if the source does not emit pollutants other than combustion products, and those combustion products are not caused by the combustion of a pollutant generated from another source, and the source does not require permitting pursuant to Section 2-1-319.

114.1 Boilers, Heaters, Steam Generators, Duct Burners, and Similar Combustion Equipment:

1.1 Any of the above equipment with less than 1 million BTU per hour rated heat input.

1.2 Any of the above equipment with less than 10 million BTU per hour rated heat input if fired exclusively with natural gas (including compressed natural gas), liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures), or any combination thereof.

114.2 Internal Combustion Engines and Gas Turbines:

2.1 Internal combustion (IC) engines and gas turbines with a maximum output rating less than or equal to 50 bhp.

2.2 Internal combustion (IC) engines and gas turbines used solely for instructional purposes at research, teaching, or educational facilities.

2.3 Portable internal combustion engines which are at a location for less than 72 consecutive hours.

2.4 Any engine mounted on, within, or incorporated into any vehicle, train, ship, boat, or barge used to provide propulsion for the vehicle, train, ship, boat, or barge.

2.5 Any engine mounted on, within, or incorporated into any vehicle, train, ship, boat, or barge used to provide propulsion for the vehicle, train, ship, boat, or barge and which is also used to supply mechanical or electrical power to ancillary equipment (e.g., crane, drill, winch, etc.) which is affixed to or is a part of the vehicle, train, ship, boat, or barge.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00; 8/1/01, 12/06/17)*

**2-1-115 Exemption, Particulate Sources at Quarries, Mineral Processing and Biomass Facilities:** The following potential PM<sub>2.5</sub> and PM<sub>10</sub> 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.

115.1 Sources located at quarrying; mineral or ore handling or processing; concrete production; asphaltic concrete production; marine bulk transfer stations; concrete or asphaltic concrete recycling; vehicle shredding; glass manufacturing; handling or processing of cement, coke, lime, flyash, fertilizer, or catalyst; or other similar facility which meets one of the following:

1.1 Mixer and other ancillary sources at concrete or aggregate product production facilities with a maximum rated production capacity less than 15 cubic yards (yd<sup>3</sup>) per hour;

1.2 Other source at a facility with a maximum throughput less than 5000 tons per year;

- 1.3 Operating, loading and unloading a crusher or grinder which processes exclusively material with a moisture content greater than or equal to 20 percent by weight;
- 1.4 Operating, loading and unloading the following sources which process exclusively material with a moisture content greater than or equal to 5 percent by weight:
  - 1.4.1 Screen or other size classification;
  - 1.4.2 Conveyor, screw, auger, stacker or bucket elevator;
  - 1.4.3 Grizzly, or other material loading or unloading;
  - 1.4.4 Storage silos;
  - 1.4.5 Storage or weigh hopper/bin system.
- 1.5 Haul or access roads;
- 1.6 Drilling or blasting.
- 115.2 Sources located at biomass recycling, composting, landfill, POTW, or related facilities, including, but not limited to, the following:
  - 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 facility with a total throughput less than 500 tons per year.

*(Amended 6/7/95; 5/17/00)*

**2-1-116 Exemption, Furnaces, Ovens and Kilns:** The following equipment is 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.

- 116.1 Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens.
- 116.2 Crucible furnaces, pot furnaces, induction furnaces, cupolas, electric arc furnaces, reverberatories, or blast furnaces with a capacity of 1000 lbs or less each.
- 116.3 Crucible furnaces, pot furnaces, or induction furnaces for sweating or distilling that process 100 tons per year of all metals or less.
- 116.4 Drying or heat-treating ovens with less than 10 million BTU per hour capacity provided that a) the oven does not emit pollutants other than combustion products and b) the oven is fired exclusively with natural gas (including compressed natural gas), liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures), or any combination thereof.
- 116.5 Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold, or for the softening and annealing of plastics.
- 116.6 Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.
- 116.7 Ovens used exclusively for curing potting materials or castings made with epoxy resins.
- 116.8 Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.
- 116.9 Parts cleaning, bake-off, and similar ovens that meet both of the following:
  - 9.1 Oven is equipped with a secondary combustion chamber or abated by a fume incinerator; and

9.2 Internal oven volume is 1 cubic yard or less.

116.10 Electric ovens used exclusively for curing or heat-treating where no significant off-gassing or evaporation of any air contaminants occurs.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)*

**2-1-117 Exemption, Food and Agricultural Equipment:** The following equipment is 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.

117.1 Smokehouses or barbecue units in which the maximum horizontal inside cross sectional area does not exceed 20 square feet.

117.2 Equipment at facilities other than restaurants, cafeterias or other retail operations, which is used to dry, cook, fry, bake, or grill less than 1000 tons per year of food products.

117.3 Any oven with a total production of yeast leavened bakery products of less than 10,000 pounds per operating day, averaged over any period of seven consecutive days, and which is heated either electrically or exclusively by natural gas firing with a maximum capacity of less than 10 million BTU per hour.

117.4 Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, or coffee.

117.5 Equipment used to dry, mill, grind, blend, or package less than 1000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.

117.6 Equipment used to convey, transfer, clean, or separate less than 1000 tons per year of dry food products or waste from food production operations.

117.7 Storage equipment or facilities containing dry food products; which are not vented to the outside atmosphere, or which handle less than 1000 tons per year.

117.8 Coffee, cocoa and nut roasters with a roasting capacity of less than 15 pounds of beans or nuts per hour; and any stoners or coolers operated in conjunction with these roasters.

117.9 Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine or other alcoholic beverages.

117.10 Fermentation tanks for beer or wine. Fermentation tanks used for the commercial production of yeast for sale are not exempt.

117.11 Brewing operations at facilities producing less than 3 million gallons per year of beer.

117.12 Fruit sulfuring operations at facilities producing less than 10 tons per year of sulfured fruits and vegetables.

*(Adopted 10/19/83; Amended 4/16/86; 7/17/91; 6/7/95; 5/17/00)*

**2-1-118 Exemption, Surface Preparation and Cleaning Equipment:** The following equipment is 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.

118.1 Permanent abrasive blasting source, as defined by Regulation 12, Rule 4, that has a confined volume less than 100 cubic feet (ft<sup>3</sup>) and is abated by a particulate filter.

118.2 Blast cleaning equipment using a suspension of abrasive in water.

118.3 Portable abrasive blasting equipment used on a temporary basis within the District.

- 118.4 Equipment, including solvent cold cleaners using an unheated solvent mixture for surface preparation, cleaning, wipe cleaning, fluxing or stripping by use of solutions with a VOC content less than or equal to 50 grams per liter (0.42 lb/gal).
- 118.5 Equipment using a heated solvent mixture for steam cleaning, surface preparation, fluxing, stripping, wipe cleaning, washing or drying products, provided that a) only solutions containing less than 2.5 percent VOC (wt) are used; and b) any combustion sources used in the process are exempt under Section 2-1-114.
- 118.6 Equipment or operations which use unheated solvent and which contain less than 1 gallon of solvent or have a liquid surface area of less than 1 ft<sup>2</sup>. This exemption does not apply to solvent stations at semiconductor manufacturing operation fabrication areas or aerospace stripping operations.
- 118.7 Deleted December 21, 2004
- 118.8 Batch solvent recycling equipment where all of the following apply:
  - 8.1 Recovered solvent is used primarily on site (more than 50% by volume); and
  - 8.2 Maximum heat input (HHV) is less than 1 million BTU per hour; and
  - 8.3 Batch capacity is less than 150 gallons.
- 118.9 Wipe cleaning at a facility that meets one of the following:
  - 9.1 net cleanup solvent usage less than 20 gallons per year from all wipe cleaning operations; or
  - 9.2 emission to the atmosphere of less than 150 pounds per year of uncontrolled VOC from all wipe cleaning operations.

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.
- 118.10 Any solvent cleaning or surface preparation source which employs only non-refillable hand held aerosol cans.
- 118.11 Spray gun cleaning performed in compliance with Regulation 8, provided the cleaning is associated with a source, such as a spray booth, subject to the requirements of Section 2-1-301 and 302.

*(Adopted 10/19/83; Amended 4/16/86; 8/2/89; 7/17/91; 6/7/95; 5/17/00; 12/21/04)*

**2-1-119 Exemption, Surface Coating and Printing Equipment:** The following equipment and operations 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.

- 119.1 Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network.
- 119.2 Any coating, adhesive, dipping, laminating, screening, masking, electrodeposition, resist application, or similar source or operation at any facility that is not operated or conducted as part of a graphic arts operation, which:
  - 2.1 Consumes a total of less than 30 gallons of coating, adhesive, laminate or resist per year on a facility wide basis, or emits less than 150 pounds per year of uncontrolled VOC on a facility wide basis, resulting from the application of these materials; or
  - 2.2 Uses exclusively materials that contain less than one percent VOC (wt).

At a facility with emissions from these sources or operations of greater than 150 lb/yr, these sources or operations may be grouped per Section 2-1-401.3.

- 119.3 Any coating source which employs only non-refillable hand held aerosol cans.
- 119.4 An oven associated with an exempt coating source, provided that the oven is electrically heated, or the oven is fired exclusively with natural gas, liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures) and the maximum firing rate is less than 10 million BTU per hour.
- 119.5 Any graphic arts operation that emits less than 400 pounds of uncontrolled VOC emissions per month on a facility-wide basis.

*(Adopted 10/19/83; Amended 4/16/86; 7/17/91; 6/7/95; 5/17/00; 12/21/04; 11/19/08)*

**2-1-120 Exemption, Dry Cleaning Equipment:** Any dry cleaning facility which uses (gross consumption) less than 200 gallons of petroleum solvent or any other non-halogenated solvent in any single year is 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; the facility is in compliance with the registration requirement in Regulation 8, Rule 17, Section 404; and the equipment does not use solvent that contains perchloroethylene or more than 1% by weight of any other halogenated compound.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00; 3/4/09)*

**2-1-121 Exemption, Material Working and Handling Equipment:** The following equipment is 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.

- 121.1 Equipment used for buffing, carving, cutting, drilling, grinding, machining, planing, routing, sanding, sawing, shredding, stamping or turning of wood, ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon or graphite, provided that organic emissions from the use of coolant, lubricant, or cutting oil are 5 ton/yr or less.
- 121.2 Equipment used for pressing or storing sawdust, wood chips or wood shavings.
- 121.3 Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent VOC (wt).
- 121.4 Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- 121.5 Batch mixers with a rated working capacity of 55 gallons or less.
- 121.6 Mixing equipment provided no material in powder form is added and mixture contains less than one percent VOC (wt).
- 121.7 Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.
- 121.8 Equipment used exclusively for the mixing and packaging of lubricants or greases.
- 121.9 Presses used exclusively for extruding metals, minerals, plastics or wood.
- 121.10 Presses used for the curing of rubber products and plastic products. The use of mold release products or lubricants is not exempt unless the VOC content of these materials is less than or equal to 1 percent, by weight, or unless the

total facility-wide uncontrolled VOC emissions from the use of these materials are less than 150 lb/yr.

- 121.11 Platen presses used for laminating.
- 121.12 Roll mills or calendars for rubber or plastics.
- 121.13 Equipment used exclusively for forging, pressing, rolling, stamping or drawing metals or for heating metals immediately prior to forging, pressing, rolling, stamping or drawing, provided that: (1) maximum fuel use rate is less than 10 million BTU/hr; (2) no lubricant with an initial boiling point less than 400°F is used; and (3) organic emissions are 5 ton/yr or less.
- 121.14 Atmosphere generators used in connection with metal heat treating processes.
- 121.15 Equipment used exclusively for the sintering of glass or metals.
- 121.16 Equipment used exclusively for the melting or applying of wax containing less than one percent VOC (wt).
- 121.17 Equipment used exclusively for conveying and storing plastic pellets.
- 121.18 Solid waste transfer stations that receive or load out a total of all material less than 50 tons/day.
- 121.19 Inactive solid waste disposal sites which do not have an operating landfill gas collection system.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)*

**2-1-122 Exemption, Casting and Molding Equipment:** The following equipment is 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.

- 122.1 Molds used for the casting of metals.
- 122.2 Foundry sand mold forming equipment to which no heat is applied, except processes utilizing organic binders yielding in excess of 0.25% free phenol by weight of sand.
- 122.3 Shell core and shell-mold manufacturing machines.
- 122.4 Equipment used for extrusion, compression molding and injection molding of plastics. The use of mold release products or lubricants is not exempt unless the VOC content of these materials is less than or equal to 1 percent, by weight, or unless the total facility-wide uncontrolled VOC emissions from the use of these materials are less than 150 lb/yr.
- 122.5 Die casting machines.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)*

**2-1-123 Exemption, Liquid Storage and Loading Equipment:** The following equipment is 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.

- 123.1 Storage tanks and storage vessels having a capacity of less than 260 gallons.
- 123.2 Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of any aqueous solution which contains less than 1 percent (wt) organic compounds. Tanks and vessels storing the following materials are not exempt.
  - 2.1 Sulfuric acid with an acid strength of more than 99.0% by weight.
  - 2.2 Phosphoric acid with an acid strength of more than 99.0% by weight.
  - 2.3 Nitric acid with an acid strength of more than 70.0% by weight.
  - 2.4 Hydrochloric acid with an acid strength of more than 30.0% by weight.
  - 2.5 Hydrofluoric acid with an acid strength of more than 30.0% by weight.



- 2.6 More than one liquid phase, where the top phase contains more than one percent VOC (wt).
- 123.3 Containers, reservoirs, tanks or loading equipment used exclusively for:
  - 3.1 Storage or loading of liquefied gases.
  - 3.2 Storage or loading of organic liquids or mixtures containing organic liquids; where the initial boiling point of the organics is greater than 302°F and exceeds the actual storage temperature by at least 180°F. This exemption does not apply to the storage or loading of asphalt or asphalt emulsion with a sulfur content equal to or greater than 0.5 wt%.
  - 3.3 The storage or loading of petroleum oils with an ASTM D-93 (PMCC) flash point of 130°F or higher, when stored or loaded at a temperature at least 36°F below the flash point.
  - 3.4 The storage or loading of lubricating oils.
  - 3.5 The storage of fuel oils with a gravity of 40 API or lower and having a capacity of 10,000 gallons or less.
  - 3.6 The storage or loading of liquid soaps, liquid detergents, tallow, or vegetable oils, waxes or wax emulsions.
  - 3.7 The storage of asphalt or asphalt emulsion with a sulfur content of less than 0.5 wt%. This does not include the storage of asphalt cutback with hydrocarbons having an initial boiling point of less than 302°F.
  - 3.8 The storage of wine, beer or other alcoholic beverages.
  - 3.9 The storage of organic salts or solids in an aqueous solution or suspension, provided that no liquid hydrocarbon layer forms on top of the aqueous phase.
  - 3.10 The storage or loading of fuel oils with a gravity of 25 API or lower.
  - 3.11 The storage and/or transfer of an asphalt-water emulsion heated to 150°F or less.
- 123.4 Tank seal replacement. For any tank subject to Regulation 8, Rule 5, any new seal must comply with the applicable provisions of Regulation 8, Rule 5, and the District must receive written notification of the tank source number and seal type at least three days prior to the installation.

*(Adopted 10/19/83; Amended 7/11/84; 7/17/91; 6/7/95; 5/17/00)*

**2-1-124 Exemption, Semiconductor Manufacturing:** Semiconductor fabrication area(s) at a facility which complies with all of the following 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.

- 124.1 Net solvent usage is less than 20 gallons of VOC per year on a facility wide basis; or uncontrolled VOC emissions to the atmosphere resulting from the usage of solvent are less than 150 pounds per year of VOC on a facility wide basis, and
- 124.2 Maskant and/or coating usage is less than 30 gallons per year, on a facility wide basis; or uncontrolled VOC emissions from the application of maskant and coatings are less than 150 pounds per year on a facility wide basis.

*(Adopted 10/19/83; Amended 1/9/85; 4/16/86; 7/17/91; 6/7/95; 10/20/99; 5/17/00)*

**2-1-125 Exemption, Printed Circuit Board Manufacturing Equipment:** The following equipment is 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.

- 125.1 Equipment used exclusively for:
  - 1.1 Plating of printed circuit boards.

- 1.2 Buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of printed circuit boards.
- 1.3 Soldering. This section does not exempt fluxing and finger cleaning (see Section 2-1-118.4).

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)*

**2-1-126 Exemption, Testing Equipment:** The following equipment is 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.

- 126.1 Equipment used for hydraulic or hydrostatic testing.
- 126.2 Bench scale laboratory equipment or processes used exclusively for chemical or physical analyses or experimentation, quality assurance and quality control testing, research and development, or similar bench scale equipment, excluding pilot plants.
- 126.3 Equipment used for inspection of metal products.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)*

**2-1-127 Exemption, Chemical Processing Equipment:** The following equipment is 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.

- 127.1 Equipment used exclusively for the dyeing or stripping (bleaching) of textiles provided that only solutions containing less than one percent VOC (wt) are used.
- 127.2 Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
- 127.3 Containers, reservoirs, or tanks used exclusively for electrolytic plating with, or electrolytic polishing of, or electrolytic stripping of the following metals: aluminum, brass, bronze, cadmium, copper, iron, nickel, tin, zinc and precious metals.
- 127.4 Containers, reservoirs, or tanks used exclusively for etching (not chemical milling), except where ammonia or ammonium-based etchants are used.

*(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)*

**2-1-128 Exemption, Miscellaneous Equipment:** The following equipment is 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.

- 128.1 Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units of equipment.
- 128.2 Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
- 128.3 Vacuum producing devices in laboratory operations which are used exclusively in connection with other equipment which is exempted by this Rule, and vacuum producing devices which do not remove or convey air contaminants from another source.
- 128.4 Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers.
- 128.5 Natural draft hoods, natural draft stacks or natural draft ventilators.
- 128.6 Vacuum cleaning system used exclusively for industrial commercial or residential housekeeping purposes.
- 128.7 Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.



- 128.8 Equipment used exclusively to compress or hold dry natural gas, excluding drivers.
- 128.9 Equipment used exclusively for bonding lining to brake shoes.
- 128.10 Equipment used exclusively for the manufacture of water emulsions of waxes, greases or oils.
- 128.11 Brazing, soldering or welding equipment.
- 128.12 Pharmaceutical manufacturing equipment with annual VOC emissions less than 150 pounds per source. Material working and handling equipment such as mills, grinders, blenders, granulators, tablet presses, capsule fillers, packagers, and conveyors are only exempt if the source also processes less than 100 tons per year of pharmaceutical products.
- 128.13 Equipment used exclusively to blend or package cosmetics.
- 128.14 Any wastewater (oil-water) separator, as defined in Regulation 8, Rule 8, which processes less than 200 gallons per day of waste water containing organic liquids.
- 128.15 Exploratory drilling activities for methane recovery at waste disposal sites, for natural gas or for oil. Production wells for the above operations are not exempt.
- 128.16 Passive aeration of soil, only if:
  - 16.1 The duration of the passive aeration operation will not exceed three months, and
  - 16.2 The soil is not being used as a cover material at a landfill.
- 128.17 Ozone generators which produce less than 1 pound per day of ozone.
- 128.18 Any source or operation which exclusively uses consumer products regulated by the California Air Resources Board (California Code of Regulations Title 17, Article 2, Sections 94507-94517).
- 128.19 Any source or operation deemed by the APCO to be equivalent to a source or operation which is expressly exempted by Sections 2-1-113 through 128.
- 128.20 Wastewater pumping stations where no treatment is performed, excluding any drivers.
- 128.21 Modification, replacement, or addition of components that have only fugitive emissions during routine operation (e.g. valves, flanges, pumps, compressors, relief valves, process drains) at existing permitted equipment at petroleum refineries, chemical plants, bulk terminals or bulk plants, provided that:
  - 21.1 the modification, replacement or addition of the components will not result in any increase in emissions of any source at the facility (other than the fugitive emissions from the components being modified, replaced or added) in such a manner as to result in a modification of such source as defined in Section 2-1-234 (e.g., through debottlenecking of a source);
  - 21.2 the total allowable fugitive emissions from all additional components installed pursuant to this exemption at a given process unit during any consecutive twelve month period do not exceed 10 lb/day (or, for components that are not associated with a process unit, the total allowable fugitive emissions from all additional components installed at the facility that are not associated with a process unit during any twelve-month period do not exceed 10 lb/day), based on the maximum fugitive emissions rate allowed under District regulations;

- 21.3 the components installed satisfy the “typical control technology” listed in the BACT/TBACT Workbook;
  - 21.4 the components meet applicable requirements of Regulation 8 rules; and
  - 21.5 fugitive emissions from the components are included when calculating emissions from the equipment on which the components are installed for purposes of applying District regulations to that equipment (e.g., BACT and offsets requirements).
- 128.22 Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, solid oxide or equivalent technologies.
- 128.23 Structure demolition that does not involve asbestos or asbestos containing materials.

*(Adopted 10/19/83; Amended 7/16/86; 7/17/91; 6/7/95; 5/17/00; 11/15/00; 12/21/04)*

**2-1-129 Major Facility Review:** Notwithstanding the exemptions listed in this section, every source exempted by this Rule shall be included in any application for a synthetic minor or major facility review permit required by Regulation 2, Rule 6.

*(Adopted 12/3/93; Amended 2/1/95; 5/17/00)*

**2-1-130 Effect of Explanatory Notes:** 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.

**2-1-200 DEFINITIONS**

**2-1-201** [Deleted December 19, 2012]

**2-1-202 Complete Application:** An application that contains all of the information required under Regulation 2-1-402.

*(Amended 7/17/91; 11/20/91; 5/17/00; 12/21/04)*

**2-1-203 Fugitive Emissions:** Fugitive emissions are all emissions from unintended openings in process equipment, emissions occurring from miscellaneous activities relating to the operation of a facility, and those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

*(Adopted October 19, 1983)*

**2-1-204** [Deleted December 19, 2012]

**2-1-205** [Deleted December 19, 2012]

**2-1-206** [Deleted December 19, 2012]

**2-1-207 Organic Compound, Non-Precursor (NPOC):** The following are considered non-precursor organic compounds:

methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113); trichlorofluoromethane (CFC–11); dichlorodifluoromethane (CFC–12); chlorodifluoromethane (HCFC–22); trifluoromethane (HFC–23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC–114); chloropentafluoroethane (CFC–115); 1,1,1-trifluoro 2,2-dichloroethane (HFC–123); 1,1,1,2-tetrafluoroethane (HFC–134a); 1,1-dichloro 1-fluoroethane (HCFC–141b); 1-chloro 1,1-difluoroethane (HCFC–142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC–124); pentafluoroethane (HFC–125); 1,1,2,2-tetrafluoroethane (HFC–134); 1,1,1-trifluoroethane (HFC–143a); 1,1-difluoroethane (HFC–

152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethyl fluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub> or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub> or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); methyl acetate, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>, HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), methyl formate (HCOOCH<sub>3</sub>), (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); propylene carbonate; dimethyl carbonate; and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

In addition, any compound designated as having a negligible contribution to photochemical reactivity by the U.S. Environmental Protection Agency as published in the Federal Register shall be considered a Non-Precursor Organic Compound.

*(Amended 7/17/91; 6/15/94)*

- 2-1-208 Organic Compound, Precursor (POC):** Any organic compound as defined in Regulation 1-233, excepting the non-precursor organic compounds as defined in Section 2-1-207.  
*(Adopted 3/17/82; Amended 7/17/91)*
- 2-1-209** [Deleted December 19, 2012]
- 2-1-210 Start-Up Period:** The period of time between initial operation and the issuance or denial of a permit to operate of a source or facility.  
*(Adopted October 19, 1983)*
- 2-1-211 CEQA:** The California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*  
*(Adopted July 17, 1991)*
- 2-1-212 EIR:** Environmental Impact Report, as defined in Public Resources Code Section 21061.  
*(Adopted 7/17/91; Amended 5/17/00)*
- 2-1-213 Facility:** Any source, building, structure or installation that emits or may emit any air pollutant; or any aggregation of such sources, buildings, structures or installations

that are (i) located on one or more contiguous or adjacent properties; (ii) are under common ownership or control; and (iii) are considered to be in the same major industrial grouping (identified by the first two digits of the applicable code in *The Standard Industrial Classification Manual*). For purposes of this definition:

213.1 A Support Facility as defined in Section 2-1-242 is considered to be in the same major industrial grouping as the facility it supports, regardless of what code may nominally apply under *The Standard Industrial Classification Manual*.

213.2 A source is considered to be under control of the owner or operator of a facility if it is owned, operated or maintained by an agent or contractor acting on behalf of the facility owner or operator, unless it remains at the facility for less than 12 consecutive months (or, in the case of multiple temporary sources that are used in succession at the facility to serve the same function at the same facility source, the total time period that all such temporary sources remain at the facility is less than 12 consecutive months).

*(Adopted 11/3/93; Amended 12/21/04; 12/06/17)*

**2-1-214 Federally Enforceable:** All limitations and conditions that are enforceable by the Administrator of the U. S. EPA, including 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) District regulations approved pursuant to 40 CFR Part 51, Subpart I (NSR); (iv) requirements in any operating permit 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.

*(Adopted November 3, 1993)*

**2-1-215 Hazardous Air Pollutant (HAP):** Any pollutant that is listed pursuant to Section 112(b) of the federal Clean Air Act.

*(Adopted 11/3/93; Amended 5/17/00)*

**2-1-216** [Deleted December 19, 2012]

**2-1-217 Potential to Emit:** The maximum capacity of a source or facility to emit a pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the source or facility to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as a part of its design only if the limitation, or the effect it would have on emissions, is enforceable by the District or EPA (or both). A source or facility that exceeds an enforceable limitation is considered to have a potential to emit that is unconstrained by any such exceeded limit.

*(Adopted 11/3/93; Amended 5/17/00)*

**2-1-218 Regulated Air Pollutant:** 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 11/3/93; Amended 5/17/00)*

**2-1-219** [Deleted December 19, 2012]

**2-1-220** [Deleted December 19, 2012]

**2-1-221 Source:** Any article, machine, equipment, operation, contrivance or related groupings of such which may produce and/or emit air pollutants.

*(Adopted June 7, 1995)*

**2-1-222 Toxic Air Contaminant (TAC):** An air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1 of Regulation 2, Rule 5.

*(Adopted 6/7/95; Amended 5/17/00; 6/15/05)*

**2-1-223 Year, Month and Day:** Unless otherwise specified by regulation or by 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.

*(Adopted June 7, 1995)*

**2-1-224 Responsible Laboratory Management Practices:** For the purposes of meeting the laboratory exemption of Section 2-1-113.2.12, Responsible Laboratory Management Practices include all of the following measures for minimizing the emissions of toxic air contaminants:

224.1 Open container procedures involving materials that contain volatile toxic air contaminants (TACs) shall be avoided where feasible.

224.2 Open container storage of volatile hazardous chemical wastes shall be avoided.

224.3 Training for laboratory employees handling hazardous materials shall include information about minimizing the emissions of volatile TACs. These employees shall be directed to avoid open container procedures involving volatile TACs where feasible, and to avoid open container storage of hazardous chemical waste.

224.4 Fume hoods shall be posted with notices reminding employees to avoid open container procedures using volatile TACs where feasible. Laboratories shall be inspected periodically, but not less than annually, to confirm that these notices are present.

224.5 Laboratory fume hoods shall be monitored periodically to assure proper face velocity.

224.6 Evaporation of any hazardous chemical waste containing TACs as a means of disposal shall be expressly forbidden.

*(Adopted June 7, 1995)*

**2-1-225** [Deleted December 19, 2012]

**2-1-226 Statewide Portable Equipment Registration Program:** A uniform system for statewide registration and regulation of portable internal combustion and associated equipment, implemented by the Air Resources Board pursuant to Section 41750 et seq. of the Health and Safety Code.

*(Adopted October 7, 1998)*

**2-1-227 Substantial Use:** Substantial use of an Authority to Construct consists of one or more of the following: purchase or acquisition of the equipment that constitutes the source; ongoing construction activities other than grading or installation of utilities or foundations; a contract or commitment to complete construction of the source within two years.

*(Adopted October 7, 1998)*

**2-1-228 Particulate Matter (PM):** Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 microns.

*(Adopted October 7, 1998)*

**2-1-229 PM<sub>10</sub>:** Particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns. PM<sub>10</sub> emissions shall include gaseous emissions from a source or activity that condense to form particulate matter at ambient temperatures.

*(Adopted October 7, 1998)*

**2-1-230**     **Functionally Equivalent:** Performing the same, or equivalent, function as the object of comparison. A functionally equivalent replacement source performs the same function for the process as the source being replaced, although emissions and other characteristics may differ. A replacement that performs additional functions is not considered to be functionally equivalent.

*(Adopted October 7, 1998)*

**2-1-231**     **Semiconductor Fabrication Area:** A physically identifiable area in a semiconductor manufacturing facility where one or more specific operations in the fabrication of semiconductors or related solid state devices occurs and the equipment used to perform those operations. The semiconductor fabrication area shall not include crystal growth, circuit separation, or encapsulation. All semiconductor fabrication equipment may be grouped into a single fabrication area, or multiple fabrication areas may be established to correspond to product lines or clean room environments.

*(Adopted October 20, 1999)*

**2-1-232**     **New Source:** Any source that has not been in existence before, including any source that meets at least one of the following criteria (except sources that lose a permit exemption or exclusion in accordance with Regulation 2-1-424):

232.1     Any source constructed or proposed to be constructed after March 7, 1979, but which never had a valid District authority to construct or permit to operate.

232.2     Any source which was not in operation for a period of one year or more and did not hold a valid District permit to operate during this period of non-operation, occurring after March 7, 1979.

232.3     Any relocation of an existing source to a non-contiguous property, unless such relocation is authorized under a permit to operate at multiple locations pursuant to Section 2-1-413.

232.4     Any replacement of a source, including an identical replacement of a source, occurring after March 7, 1979, regardless of when the original source was constructed.

232.5     Any replacement of an identifiable source within a group of sources permitted together under a single source number for the purpose of District permitting convenience.

232.6     “Rebricking” of a glass furnace where changes to the furnace design result in a change in heat generation or absorption.

*(Adopted May 17, 2000; Amended 12/06/17)*

**2-1-233**     **Alter:** To make any physical change, change in the method of operation, 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. Other forms of the word alter, including altered and alteration, shall be defined based on the meaning of the root word “alter”.

*(Adopted 5/17/00; Amended 11/15/00)*

**2-1-234**     **Modify:** To make any physical change, change in method of operation, change in throughput or production, or other similar change at an existing source, that results in an increase in emissions that is either of the following:

234.1     Increase in Potential To Emit: An increase in the source’s daily or annual potential to emit, determined according to the definition in Section 2-1-217 and the following requirements.



- 1.1 Any legally enforceable limitation on a source's operations that has the effect of limiting emissions may be taken into account in determining a source's potential to emit, as provided for in Section 2-2-217. Such limits may include direct limitations on the source's emissions and surrogate limits on operating conditions such as production rate or capacity that have the effect of limiting emissions. An hourly emissions limit may be multiplied by 24 to determine daily potential to emit and a daily emissions limit may be multiplied by 365 to determine annual potential to emit, unless the source cannot operate at its full permitted limit for 24 hours per day or 365 days per year or there is some other reason why short-term permit limits do not accurately represent longer-term potential to emit. A permit limit that applies to combined emissions from multiple sources does not establish an individual source's potential to emit, unless the limit imposes an effective, legally enforceable limitation specifically on the emissions from the individual source.
  - 1.2 For sources whose emissions are not limited by any legally enforceable limitation (or that cannot physically operate to the full extent of such limitation), the source's potential to emit shall be determined by the source's actual physical ability to emit air pollution. A source's potential to emit shall be determined by the most relevant and reliable technical information available regarding the source's operation, which may include design information, engineering specifications, or other information. A source's potential to emit shall take into account any limitation on the effective capacity of the source as a result of 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).
  - 1.3 For emissions toxic air contaminants and hazardous air pollutants, a change is not a modification unless the increase in the source's potential to emit 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.
- 234.2 Increase Over Actual Emissions Baseline: An increase that is a "major modification" under either of the following definitions:
- 2.1 Non-Attainment NSR Pollutants: For NO<sub>x</sub>, VOC, PM<sub>2.5</sub>, and SO<sub>2</sub>, a "major modification" as defined in 40 C.F.R. section 51.165(a)(1)(v);
  - 2.2 Other Federal NSR Pollutants: For other pollutants, a "major modification" as defined in 40 C.F.R. section 52.21(b)(2)(i).
- The following provisions shall apply for purposes of implementing and applying this Subsection 234.2:
- 2.3 For purposes of determining whether an increase in emissions constitutes a "major modification" under Subsections 234.2.1 and/or 234.2.2, the definitions in 40 C.F.R. sections 51.165(a)(1)(i)-(xlii) and 52.21(b)(1)-(52), and the applicability provisions in 40 C.F.R.

sections 51.165(a)(2)(ii)(A)-(F) and 52.21(a)(2)(ii)-(iv), are incorporated by reference and shall be used in implementing and applying this Subsection 234.2. The term “Administrator” as used in these provisions shall be interpreted to mean the Administrator of the U.S. Environmental Protection Agency in 40 C.F.R. sections 52.21(b)(3), (b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), and (b)(49)-(51), and in all referenced provisions in 40 C.F.R. section 51.165; and it shall be interpreted to mean the APCO in all other provisions.

2.4 For any project at a “major stationary source” as defined in 40 C.F.R. sections 51.165(a)(1)(iv) or 52.21(b)(1) that (i) does not result in an increase in potential to emit as specified in subsections 234.1.1 through 234.1.3, and (ii) does not constitute a “major modification” under the definitions in subsections 234.2.1 and 234.2.2 above based on the calculation methods specified in 40 C.F.R. sections 51.165(a)(1)(xxviii)(B)(1)-(3) and 52.21(b)(41)(ii)(a)-(c), the owner/operator of such project shall comply with the documentation, monitoring, recordkeeping, and reporting requirements set forth in 40 C.F.R. sections 51.165(a)(6)(i)-(vi) and 52.21(r)(6)(i)-(vi) for each pollutant for which there is a reasonable possibility that the project may result in a significant emissions increase within the meaning of 40 C.F.R. sections 51.165(a)(6)(vi) and 52.21(r)(6)(vi).

2.5 The owner/operator of any project that is required to maintain any documentation pursuant to Subsection 234.2.4 above shall make such documentation available for review upon request by the APCO, EPA, or any member of the public on the same terms as applicable under the requirements contained in 40 C.F.R. section 70.4(b)(3)(viii).

Other forms of the word modify, including modified and modification, shall be defined based on the meaning of the root word “modify”.

*(Adopted 5/17/00; Amended 11/15/00; 6/15/05; 12/06/17)*

**2-1-235** [Deleted, December 19, 2012]

**2-1-236** [Deleted, December 19, 2012]

**2-1-237** **BACT/TBACT Workbook:** District guidelines setting forth emission limitations and/or control technologies constituting BACT and TBACT for a number of source types or categories.

*(Adopted June 15, 2005)*

**2-1-238** **Clean Air Act:** The federal Clean Air Act, as amended in 1990, including the implementing regulations.

*(Adopted June 15, 2005)*

**2-1-239** **Agricultural Source:** A source of air pollution, or group of such sources located on the same property or on contiguous properties under common ownership or control, used in the production of crops or the raising of fowl or animals; but excluding any source or group of sources at a facility that maintains domesticated animals in corrals, pens, or other restricted areas for commercial purposes, and feeds them by means other than grazing, in numbers equal to or exceeding any of the following thresholds on any day: 1,000 milk-producing dairy cows; 3,500 beef cattle; 7,500 calves, heifers, or other cattle; 100,000 turkeys; 650,000 chickens other than laying hens; 650,000 laying hens; 3,000 swine; 15,000 sheep, lambs, or goats; 2,500 horses; 650,000 ducks; or 30,000 rabbits or other animals.

*(Adopted July 19, 2006; Amended 12/06/17)*



**2-1-240** **Graphic Arts Operation:** Any gravure, flexographic printing, digital printing, screen printing, letterpress, and lithographic printing operation; any associated coating laminating, and adhesive operation to produce a printed product; and the use of solvents for any surface preparation and cleanup for any operation stated above.

*(Adopted November 19, 2008)*

**2-1-241** **PM<sub>2.5</sub>:** Particulate matter with aerodynamic diameter smaller than or equal to a nominal 2.5 microns. PM<sub>2.5</sub> emissions shall include gaseous emissions from a source or activity that condense to form particulate matter at ambient temperatures.

**2-1-242** **Support Facility:** A facility that conveys, stores, or otherwise significantly assists in the production of the principal product of another facility. Per Section 2-1-213, a support facility is considered part of the principal facility that it supports for permitting purposes under Regulation 2.

**2-1-243** **Overburdened Community:** An area located (i) within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0 implemented by OEHHA, as having an overall CalEnviroScreen score at or above the 70<sup>th</sup> percentile, or (ii) within 1,000 feet of any such census tract.

## **2-1-300** **STANDARDS**

**2-1-301** **Authority to Construct:** Any person who, after July, 1972, puts in place, builds, erects, installs, modifies, modernizes, alters or replaces any article, machine, equipment or other contrivance, the use of which may cause, reduce or control the emission of air contaminants, shall first secure written authorization from the APCO in the form of an authority to construct. Routine repairs, maintenance, or cyclic maintenance that includes replacement of components with identical components is not considered to be an alteration, modification or replacement for the purpose of this Section unless the APCO determines the changes to be non-routine. The use or operation of the source shall initiate the start-up period in accordance with Section 2-1-411.

*(Amended 3/17/82; 10/19/83; 7/17/91; 5/17/00)*

**2-1-302** **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.

302.1 Permit to Operate, MFR: Any facility subject to the requirements of Regulation 2, Rule 6, Major Facility Review, shall comply with the permitting requirements included in that Rule 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:

2.1 A new source or a modification of an existing source if the following conditions are satisfied:

- 1.1 The source will not have the potential to emit POC, NPOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, 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 2-1-415; 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
  - 1.3 The source is not subject to the public notice requirements of Section 2-1-412.
- 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.
- 2.3 An alteration of an existing source, as defined in Section 2-1-233.
- An applicant seeking a permit for a new, modified or altered source that is in any of the preceding categories may apply for a temporary permit to operate under the Accelerated Permitting Program by submitting (i) a permit application form and source data form(s) properly filled out with all required information; (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 through 2.3 above the source is in; (iv) a certification that the source meets all of the requirements of that category; (v) a certification that the source is not subject to Sections 2-1-316 through 2-1-319; and (vi) a certification that the applicant has reviewed all applicable New Source Performance Standards and has determined that the application will comply. The APCO shall issue a temporary Permit to Operate promptly upon determining that the application contains all of the elements required by (i)-(vi) of the preceding sentence. The owner or operator of the source may begin 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 shall complete a full review of the application and take final action in accordance with Section 2-1-408 within the time period provided for in that section. Any applicable offset requirements under Regulation 2, Rule 2, Sections 302 and 303 shall be satisfied before final permit issuance. The temporary Permit to Operate shall cease to be effective upon final action by the APCO under Section 2-1-408 (or if the permit application is canceled or withdrawn prior to such final action). During periods that the source is operating 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 through 2.3 above.
- 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:

- 3.1 The proposed operation will comply with all requirements of Regulation 1 and Regulations 5 through 12.
- 3.2 The permit shall expire 3 months after issuance.
- 3.3 The operator shall provide offsets, at a ratio of 1.15 to 1, for all increased emissions of NO<sub>x</sub>, POC, SO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> resulting from the use of the temporary permit.
- 3.4 The operator shall certify that the temporary operation is for one of the following purposes:
  - 4.1 Equipment testing
  - 4.2 Process testing, including new formulations
  - 4.3 Temporary replacement of an existing permitted source with an identical or functionally equivalent source
- 3.5 The operator shall comply with the provisions of Regulation 2-2-301, except that the cost-effectiveness analysis shall consider the short duration of the operation.

*(Amended 11/3/93; 6/7/95; 10/7/98; 11/15/00)*

**2-1-303 Fees:** Persons subject to this Regulation shall pay the fees required, as set forth in Regulation 3.

**2-1-304 Denial, Failure to 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 any emission limitations or other regulations of the District (including but not limited to the BACT and offsets requirements in Regulations 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 the type of construction or design of equipment.

*(Amended March 17, 1982)*

**2-1-305 Conformance with Authority to Construct:** A person shall not put in place, build, erect, install, modify, modernize, alter or replace any article, machine, equipment, or other contrivance for which an authority to construct has been issued except in a manner substantially in conformance with the authority to construct. If the APCO finds, prior to the issuance of a permit to operate, that the subject of the application was not built substantially in conformance with the authority to construct, the APCO shall deny the permit to operate.

*(Amended December 21, 2004)*

**2-1-306 Mandated Reductions Not Applicable:** Emission reductions resulting from requirements of federal, state or District laws, rules or regulations shall not be banked or allowed as emission offsets or emission reduction credits unless a complete application for such banking or emission reduction credits was filed with the District at least 90 days prior to the adoption date of such laws, rules or regulations. Only emission reduction credits exceeding the emission reductions required by measures described in the Air Quality Management Plan or required by permits or orders; and reductions achieved by measures not specified in the Air Quality Management Plan shall be banked or allowed as emission offsets or emission reduction credits.

*(Amended 10/7/81; 7/17/91; 6/15/94)*

**2-1-307 Failure to Meet Permit Conditions:** A person shall not operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to

operate has been issued, in violation of any permit condition imposed pursuant to Section 2-1-403.

*(Adopted 3/17/82; Amended 7/17/91)*

**2-1-308 Fugitive Emissions:** Fugitive emissions shall be included as emissions from a source or facility except as required under this Regulation.

*(Adopted 10/19/83; Amended 7/17/91)*

**2-1-309 Canceled Application:** The APCO may cancel an application for an authority to construct and a permit to operate if, within 90 days after the application was deemed incomplete, the applicant fails to furnish the requested information or pay all appropriate fees. The 90 day period may be extended for an additional 90 days upon receipt of a written request from the applicant and written approval thereof by the APCO. The APCO shall notify the applicant in writing of a cancellation, and the reasons therefore. A cancellation shall become effective 10 days after the applicant has been notified. The cancellation shall be without prejudice to any future applications.

*(Adopted April 6, 1988)*

**2-1-310 Applicability of CEQA:** Except for permit applications which will be reviewed as ministerial projects under Section 2-1-311 or which are exempt from CEQA pursuant to Section 2-1-312, all proposed new and modified sources for which an authority to construct must be obtained from the District shall be reviewed in accordance with the requirements of CEQA.

310.1 For those District permit applications which must be reviewed in accordance with the requirements of CEQA, the District will not normally be a Lead Agency under CEQA. Rather, pursuant to CEQA, the Lead Agency will normally be an agency with general governmental powers, such as a city or county, rather than a special purpose agency such as the District.

310.2 The issuance of an authority to construct and of a permit to operate for the same new or modified source or stationary source are considered to be parts of the same project for the purposes of CEQA.

310.3 The APCO shall not authorize, on an interim basis or otherwise, the installation or operation of any proposed new or modified source, the permitting of which is subject to the requirements of CEQA, until all of the requirements of CEQA have been satisfied.

*(Adopted 7/17/91; Amended 10/21/92)*

**2-1-311 Ministerial Projects:** An application for a proposed new or modified source or stationary source will be classified as ministerial and will accordingly be exempt from the CEQA requirement of Section 2-1-310 if the District's engineering evaluation and basis for approval or denial of the permit application for the project is limited to the criteria set forth in Section 2-1-428 of this rule and to the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and BACT/TBACT Workbook. The method for determining whether a given permit application will be classified as ministerial is set forth in Section 2-1-427.

*(Adopted 7/17/91; Amended 10/7/98)*

**2-1-312 Other Categories of Exempt Projects:** In addition to ministerial projects, the following categories of projects subject to permit review by the District will be exempt from the CEQA review, either because the category is exempted by the express terms of CEQA (subsections 2-1-312.1 through 312.9) or because the project has no potential for causing a significant adverse environmental impact (subsections 2-1-312.10 and 312.11). Any permit applicant wishing to qualify under any of the specific exemptions set forth in this Section 2-1-312 must include in its permit application

CEQA-related information in accordance with subsection 2-1-426.1. In addition, the CEQA-related information submitted by any permit applicant wishing to qualify under subsection 2-1-312.11 must demonstrate to the satisfaction of the APCO that the proposed project has no potential for resulting in a significant environmental effect in connection with any of the environmental media or resources listed in Section II of Appendix I of the State CEQA Guidelines.

- 312.1 Applications to modify permit conditions for existing or permitted sources or facilities that do not involve any increases in emissions or physical modifications.
- 312.2 Permit applications to install air pollution control or abatement equipment.
- 312.3 Permit applications for projects undertaken for the sole purpose of bringing an existing facility into compliance with newly adopted regulatory requirements of the District or of any other local, state or federal agency.
- 312.4 Permit applications submitted by existing sources or facilities pursuant to a loss of a previously valid exemption from the District's permitting requirements.
- 312.5 Permit applications submitted pursuant to the requirements of an order for abatement issued by the District's Hearing Board or of a judicial enforcement order.
- 312.6 Permit applications relating exclusively to the repair, maintenance or minor alteration of existing facilities, equipment or sources involving negligible or no expansion of use beyond that previously existing.
- 312.7 Permit applications for the replacement or reconstruction of existing sources or facilities where the new source or facility will be located on the same site as the source or facility replaced and will have substantially the same purpose and capacity as the source or facility replaced.
- 312.8 Permit applications for cogeneration facilities which meet the criteria of Section 15329 of the State CEQA Guidelines.
- 312.9 Any other project which is exempt from CEQA review pursuant to the State CEQA Guidelines.
- 312.10 Applications to deposit emission reductions in the emissions bank pursuant to Regulation 2, Rule 4 or Regulation 2, Rule 9.
- 312.11 Permit applications for a proposed new or modified source or sources or for process changes which will satisfy the "No Net Emission Increase" provisions of District Regulation 2, Rule 2, and for which there is no possibility that the project may have any significant environmental effect in connection with any environmental media or resources other than air quality. Examples of such projects include, but are not necessarily limited to, the following:
  - 11.1 Projects at an existing stationary source for which there will be no net increase in the emissions of air contaminants from the stationary source and for which there will be no other significant environmental effect;
  - 11.2 A proposed new source or stationary source for which full offsets are provided in accordance with Regulation 2, Rule 2, and for which there will be no other significant environmental effect;
  - 11.3 A proposed new source or stationary source at a small facility for which full offsets are provided from a small facility bank established by the APCO pursuant to Regulation 2-4-414, and for which there will be no other significant environmental effect;

11.4 Projects satisfying the "no net emission increase" provisions of District Regulation 2, Rule 2 for which there will be some increase in the emissions of any toxic air contaminant, but for which the District staff's health risk screening analysis shows that the project will not result in a cancer risk (as defined in Regulation 2-5-206) greater than 1.0 in a million ( $10^{-6}$ ) and will not result in a chronic hazard index (as defined in Regulation 2-5-208) greater than 0.20, and for which there will be no other significant environmental effect.

*(Adopted 7/17/91; Amended 5/17/00; 12/21/04; 6/15/05)*

**2-1-313 Projects Not Exempt From CEQA Review:** Notwithstanding the exemptions from CEQA review set forth in Section 2-1-312, such exemptions shall not apply to any project covered by the categories set forth in subsections 2-1-312.1 through 312.9 where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, or due to cumulative impacts of successive projects of the same type in the same place over time. Such projects shall be reviewed in accordance with the requirements of CEQA.

*(Adopted 7/17/91; Amended 6/15/05)*

**2-1-314 Case-by-Case CEQA Determinations:** Notwithstanding the requirement of Section 2-1-311, the District shall, for any permit applications which were deemed complete by the District on or before July 17, 1991, review said permit applications on a case-by-case basis in order to determine whether the District's evaluation of the permit application will involve any element of discretion. If as a result of this case-by-case-review, the District determines that the evaluation of the permit application will not involve any element of discretion on its part, then the application may be treated as a ministerial project so long as all of the following conditions are met:

- 314.1 The District makes a specific written finding to this effect as part of its determination that the permit application is complete;
- 314.2 The District will merely apply the law to the facts as presented in the permit application; and
- 314.3 The District's evaluation of the permit application and its decision regarding whether to issue the permit will be limited to the criteria set forth in Section 2-1-428.

*(Adopted July 17, 1991)*

**2-1-315 Denial, Failure to Mitigate Significant Adverse Environmental Impacts:** For any application for which the District is a Lead Agency under CEQA, where significant adverse environmental impacts have been identified in the District's review of, or in the course of the public comment period on, said application, the APCO shall deny an authority to construct to such new or modified stationary source, as proposed, unless:

- 315.1 The applicant agrees to implement or carry out such available alternatives or mitigation measures which would, to the extent feasible, avoid or substantially lessen any such significant adverse environmental impacts as a condition for issuance of an authority to construct; or
- 315.2 The APCO finds that any such available, feasible alternatives or mitigation measures are within the responsibility and jurisdiction of another public agency, and such measures have been adopted by such other agency, or can and should be adopted by such other agency; or
- 315.3 The APCO finds that there are no feasible alternatives or measures to substantially mitigate the unavoidable adverse environmental effects associated with the project, but that the benefits of the project outweigh such



unavoidable adverse environmental effects, and the APCO states in writing the reasons and overriding considerations to support the issuance of the authority to construct based on the Final EIR and other information in the record notwithstanding the unavoidable adverse environmental effects associated with the project.

*(Adopted November 20, 1991)*

- 2-1-316 New or Modified Sources of Toxic Air Contaminants or Hazardous Air Pollutants:** 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.
- 316.1 If a new or modified source emits one or more toxic air contaminants in quantities that exceed the trigger levels listed in Table 2-5-1 of Regulation 2-5 and the source did not have a valid exemption from Regulation 2-1-302 when the source was constructed or modified, then the source shall be subject to the requirements of Sections 2-1-301 and 302, unless the owner or operator of the source can demonstrate to the satisfaction of the APCO that the source:
- 1.1 Will comply with the TBACT requirement of Regulation 2-5-301 (if applicable); and
  - 1.2 Will comply with the project risk limits of Regulation 2-5-302 (if applicable).
- 316.2 If a new or modified source, or group of related sources in a proposed construction or modification will emit 2.5 or more tons per year of any single hazardous air pollutant or 6.25 or more tons per year of any combination of hazardous air pollutants, then the source or group of sources shall be subject to the requirements of Sections 2-1-301 and 302.

*(Adopted 4/16/86; Amended 7/17/91; Renumbered and Amended 6/7/95; Amended 5/17/00; 6/15/05)*

- 2-1-317 Public Nuisance Sources:** 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 any exempt source receives two or more public nuisance violations, under Regulation 1, Section 301 or Section 41700 of the California Health & Safety Code, within any consecutive 180-day period, then the source shall be subject to the requirements of Section 2-1-301 and 302. Such a source will be treated as loss of exemption source under Section 2-1-414, and will be subject to the annual permit to operate fee specified in Regulation 3. This section does not apply to a source that is exempt per section 2-1-113.

*(Adopted 6/7/95; Amended 5/17/00)*

- 2-1-318 Hazardous Substances:** 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 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, emits any of 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.

- 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).
- (Adopted 10/19/83; Renumbered and Amended 6/7/95; Amended 5/17/00)*

**2-1-319 Source Expressly Subject to Permitting Requirements:** Notwithstanding any exemption contained in Section 2-1-103 or Sections 2-1-114 through 2-1-128, any source meeting any of the following criteria shall be subject to the requirements of Section 2-1-302:

- 319.1 The emission rate of any regulated air pollutant (except greenhouse gases) from the source is greater than 5 tons per year, after abatement.
- 319.2 The source is subject to the requirements of Section 2-1-316, 317, or 318.

*(Adopted May 17, 2000)*

**2-1-320 Compliance With Material Representations Made In Connection With Permit Applications:** 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 construct and 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. Construction or operation of the source not in conformance with such material representations or information shall be a violation of this Regulation.

**2-1-321 Compliance With Provisions of State Implementation Plan and Other Requirements of Local, California and Federal Law:** 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.

**2-1-400 ADMINISTRATIVE REQUIREMENTS**

**2-1-401 Persons Affected:** Any person who has been granted or requires an authority to construct shall secure a permit to operate. Any person who is not required to obtain an authority to construct and who is required to obtain a permit to operate shall secure a permit to operate. In addition, the following shall apply for a permit to operate for any source which is not subject to an exemption per Sections 2-1-103, 105, or 113 through 2-1-129:

- 401.1 On or before July 1, 1980, persons who operate a facility causing emissions of 2.5 tons per year or more of a regulated air pollutant.
- 401.2 On or before July 1, 1980, persons who operate gasoline terminals, bulk plants and facilities that dispense gasoline for sale or dispense more than 60,000 gallons of gasoline per year.
- 401.3 Persons who operate coating, adhesive, dipping, laminating, printing, screening, masking, electrodeposition, resist application, or similar source or equipment at any facility whose coating, adhesive, dipping, laminating, printing, screening, masking, electrodeposition, resist application, or similar source or equipment consume greater than 30 gallons of coating and emit



150 pounds of VOC per year or more on a facility wide basis, resulting from the applications of coatings. Upon request of the applicant, the APCO may group coating operations which individually emit less than 150 lb/yr into a single facility-wide source, or other convenient grouping.

- 401.4 Persons who operate surface preparation and cleaning equipment or operations which use unheated solvent solutions containing more than 10 percent VOC and which contain more than 1 gallon of solvent or have a liquid surface area of more than 1 ft.<sup>2</sup>, including wipe cleaning operations with a net solvent usage greater than 20 gallons per year, and that emit 150 pounds of VOC per year or more, on a facility-wide basis. Upon request of the applicant, the APCO may group wipe cleaning operations into a single facility-wide source, or other convenient groupings.
- 401.5 Persons who plan to modify an existing source or install a new source which qualifies for the Accelerated Permitting Program in Section 2-1-106 shall first submit a complete permit application, in accordance with Section 2-1-302.2.
- 401.6 Persons who operate a source that is subject to either loss of exemption or exclusion per section 2-1-414 or 2-1-424.
- 401.7 Persons who operate a source constructed after July 1, 1972.
- 401.8 On or before July 1, 2005, any person who operates a crematorium for the cremation of human remains.

*(Amended 4/16/86; 1/7/87; 7/17/91; 6/7/95; 10/7/98; 5/17/00; 12/21/04)*

**2-1-402 Applications:** 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 following information:

- 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.
- 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.
- 402.3 All applicable fees, as described in Regulation 3.
- 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.
- 402.5 CEQA-related information that satisfies the requirements of Section 2-1-426.
- 402.6 A certification stating whether the source triggers the requirements of Section 2-1-412.
- 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.

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.

The application must contain sufficient information 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.

**2-1-403 Permit Conditions:** Except as to permit applications reviewed in accordance with Section 2-1-311, the APCO may impose any permit condition that he deems reasonably necessary to insure compliance with federal or California law or District regulations. For any permit application which was reviewed as a ministerial project in accordance with Section 2-1-311, the APCO shall only impose permit conditions as set forth in the District's Permit Handbook for the type of source being permitted. The APCO may require the installation of devices for measurement or analysis of source emissions or ground-level concentrations of air contaminants.

*(Amended 7/17/91; 10/7/98)*

**2-1-404 Changes in Throughput and Hours of Operation:** After a permit to operate has been issued, in accordance with subsections 2-1-401.1 through 401.4, changes in hours of operation, fuels, process materials or throughput are allowed only if emissions resulting from such changes are not of such quantity as would cause denial of an authority to construct after an air quality permit analysis made pursuant to the provisions of Rule 2 of this Regulation. "Change" is the use of a process or fuel not used in the prior 12 months, or a throughput level higher than the highest level in the prior 12 months or total monthly operating hours higher than any month in the prior 12 months.

404.1 The holder of a permit to operate shall advise the APCO not more than 30 days after any changes in hours of operation, fuels, process materials or throughput which might increase emissions.

404.2 The APCO shall act to revoke the permit to operate of any person who fails to comply with the requirements of this Section.

*(Amended July 17, 1991)*

**2-1-405 Posting of Permit to Operate:** A copy of the permit to operate, including all relevant permit conditions, shall be accessible to personnel who operate the equipment for which the permit has been issued. These documents shall be included on site in the operator's manual, or shall be accessible to the operators electronically.

*(Amended 5/17/00; 11/15/00)*

**2-1-406 Transfer:** An authority to construct or a permit to operate shall not be transferable from one facility to another. An authority to construct or a permit to operate shall not be transferable from one person to another without obtaining written permission of the APCO.

**2-1-407 Authority to Construct Expiration:** An authority to construct shall expire two years after the date of issuance, unless the authority to construct has been renewed. Upon receipt of a written request and any required fees prior to the expiration of the authority to construct, the APCO shall renew the authority to construct in writing if the APCO determines that the renewal complies with this section and that the holder of the authority to construct is not violating any provision or condition of the authority. If the APCO does not act on such a request prior to expiration of the authority to construct, the authority shall remain in effect until the APCO has acted to approve or deny the renewal request (up to a maximum of an additional 12 months).

- 407.1 The following requirements shall apply to renewals:
- 1.1 Except as provided in Sections 2-1-407.2 and 407.3, an authority to construct may be renewed one time for an additional two years.
  - 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.
  - 1.3 Except as provided in Sections 2-1-407.2 and 407.3, an authority to construct that has been renewed shall expire four years after the date of original issuance.
- 407.2 If the authority to construct was issued pursuant to an environmental impact report (EIR) that explicitly covered a construction period longer than four years, the authority to construct shall, upon request by the applicant, be renewed for additional two-year terms throughout the construction period covered by the EIR.
- 407.3 If substantial use of the authority to construct has begun, either during the initial term or during a renewal term, the authority to construct shall, upon request by the applicant, be renewed for additional two-year terms until the permit to operate is issued, or, if a term of less than two years is requested, for such term as is requested.

*(Amended 7/17/91; Amended 10/7/98; 6/1/05)*

**2-1-408 Action on Applications:** Except for applications subject to Section 2-1-412, the publication and public notice requirements of Section 2-2-404 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 ~~45~~<sup>35</sup> working days of receipt of a completed application, unless the time is extended with the written consent of the applicant.

- 408.1 Notwithstanding this ~~45~~<sup>35</sup>-working-day limit, the APCO shall not take final action for any project for which an Environmental Impact Report or a Negative Declaration has been prepared until a Final EIR for that project has been certified or a Negative Declaration for that project has been approved, and the APCO has considered the information in that Final EIR or Negative Declaration. For cases in which the ~~45~~<sup>35</sup> working-day time period has elapsed, the APCO shall take final action on the application within 30 days after the certification of the Final EIR or approval of the Negative Declaration, or after final resolution of any appeals from such certification or approval. This subsection shall not apply to any project that is exempt from the District's CEQA requirements pursuant to Section 2-1-311 or 2-1-312. Any substantive change to an application which occurs after the evaluation period has begun shall allow the APCO to start a new completeness review period, and to reset the ~~45~~<sup>35</sup> working-day limit after the application has been deemed complete.

*(Amended 11/1/89; 7/17/91; 11/20/91; 11/3/93; 6/7/95; 10/7/98; 12/21/04; 7/19/06)*

**2-1-409 Regulations in Force Govern:** The decision as to whether an authority to construct shall be granted or denied shall be based on federal, state and District BACT, offset, TBACT, and project risk regulations or standards in force on the date the application is declared by the APCO to be complete.

*(Amended June 15, 2005)*

**2-1-410 Appeal:** The following actions of the APCO may be appealed:

410.1 In accordance with Section 42302 of the Health and Safety Code an applicant for an authority to construct which has been denied may request,

within 30 days after receipt of the written notice to deny, the Hearing Board of the District to hold a hearing on whether or not the authority to construct was properly denied.

410.2 In accordance with Section 42302.1 of the Health and Safety Code, within 30 days of any decision of the APCO, pertaining to the issuance of an authority to construct, any aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in the action before the District may request the Hearing Board of the District to hold a public hearing to determine whether the authority to construct was properly issued or for an order modifying or reversing that decision. Such appeals shall be filed in writing and contain a summary of the issues to be raised. The Hearing Board shall consider the appeal at a public hearing within 30 days of the filing of the appeal. The Hearing Board may reverse or modify the decision of the APCO if it determines that the decision was erroneous.

410.3 In accordance with Section 40724.6(g) of the Health and Safety Code, a permit holder of a large confined animal facility may appeal any District determination or decision made under Regulation 2, Rule 10, in accordance with Section 2-1-410.2.

*(Amended 7/17/91; 11/20/91; 5/17/00; 7/19/06)*

**2-1-411 Permit to Operate, Final Action:** The APCO shall take final action to approve, approve with conditions, or disapprove a permit to operate a source subject to this rule within 90 days after the initial date of the start-up period of the new or modified source, unless such time period is extended with the written concurrence of the APCO and the applicant. 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.

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.

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.

*(Adopted 10/19/83; Amended 7/17/91; 11/3/93; 10/7/98; 12/21/04)*

**2-1-412 Public Notice, Schools & Overburdened Communities:** Prior to approving an application for an authority to construct or permit to operate for (i) a new or modified source located within 1000 feet of the outer boundary of a K-12 schoolsite and which results in the increase in emissions of any substance into the ambient air which has been identified by the California Air Resources Board or the APCO as a toxic air contaminant or a hazardous air contaminant or which is on the list required to be prepared pursuant to subdivision (a) of Section 25532 or Section 44321 subsections (a) to (f) inclusive of the Health and Safety Code; or (ii) a new or modified source located within an Overburdened Community as defined in Regulation 2-1-243 and for which a Health Risk Assessment is required pursuant to Regulation 2-5-401; the APCO shall:

412.1 Prepare a public notice in which the proposed new or modified source, and the proposed emissions, are fully described.

412.2 Distribute the notice, prepared in accordance with subsection 2-1-412.1 at the expense of the applicant, to the parents or guardians of children enrolled

in any school within one-quarter mile of the source if there is a school within 1000 feet of the source and to each address within a radius of 1000 feet of the source. This notice shall be distributed at least 30 days prior to the date final action on the application is to be taken by the APCO. The APCO shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to the comments in the permit application file prior to taking final action on the application.

- 412.3 Failure of any person to receive the notice shall not affect the validity of the authority to construct or permit to operate issued by the APCO, if the APCO or applicant responsible for giving the notice has made a good faith effort to follow the procedures for giving the notice prescribed by law.

*(Adopted 11/1/89; Amended 10/7/98; 5/17/00)*

**2-1-413 Permits for Operation of Equipment at Multiple Locations Within the District:** Any person required to obtain an authority to construct and/or permit to operate under Sections 2-1-301 and/or 302 for a source that may be operated at multiple locations within the District can apply for a single multiple-location permit that will allow the source to operate at more than one location in the District. 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:

- 413.1 The source will not emit more than 10 tons per year of any regulated air pollutant, including POC, CO, NO<sub>x</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, NPOC or SO<sub>2</sub>, but excluding greenhouse gases. For PM<sub>2.5</sub> and PM<sub>10</sub>, fugitive particulate emissions from haul road traffic shall not be counted toward the annual limit.
- 413.2 The source will comply with all applicable provisions of Regulation 2, Rule 5.
- 413.3 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.
- 413.4 Operation of the source will not cause a public nuisance per Regulation 1-301.
- 413.5 The operation must be exempt from CEQA, or must be covered by a chapter in the District's Permit Handbook.
- 413.6 The equipment will not cause a Synthetic Minor Facility to exceed a federally enforceable emission limit.
- 413.7 The source will not remain at the same facility for more than 12 consecutive months following initial operation (or, in the case a source that is used in seasonal operations that last less than 12 months, for more than the full length of a normal operating season). If multiple temporary sources are used in succession at the facility to serve the same function at the same facility source, the total time period that all such temporary sources remain at the facility is counted towards the 12-month (or operating season) limit.

If the source no longer satisfies any of these requirements, it shall be subject to the requirements of Regulation 2, Rules 1, 2, and 5, as if it were a new source.

*(Adopted June 7, 1995; Amended 12/06/17)*

**2-1-414 Loss of Exemption, Public Nuisance:** Any source subject to Section 2-1-317 shall be subject to permit conditions deemed necessary by the District to minimize the potential for future violations. If the owner/operator can demonstrate that the source has neither received a public nuisance violation nor received a confirmed complaint for a two year period after the permit was issued, then the owner/operator may



submit a written petition to the APCO to remove the permit requirement. Such a petition is subject to APCO approval.

*(Adopted June 7, 1995)*

**2-1-415 Source Pre-Certification Procedure:** Any person may submit a written request to pre-certify a source as complying with applicable BACT requirements, for the purposes of qualifying the source for the Accelerated Permitting Program under Section 2-1-302.2.1.1. Such a request will be evaluated within 60 days of receipt of the information listed below. The APCO may also independently pre-certify a source. The APCO shall maintain a list of pre-certified equipment, and shall make this list available to industry through the Public Information & Education Division. A pre-certification request shall include all of the following:

415.1 A complete description of the source, including make, model number, rated capacity and emission calculations at maximum operating rate;

415.2 Applicable BACT requirements;

415.3 Proposed permit conditions governing operation of the source; and

415.4 Applicable fees, as described in Regulation 3, Section 323.

*(Adopted June 7, 1995)*

**2-1-416 Temporary Amnesty for Unpermitted Sources:** The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the penalty fees, including late fees and retroactive permit fees, for sources that are currently operating without valid Permits to Operate.

*(Adopted 6/7/95; 12/21/04)*

**2-1-420 Suspension:** The APCO may suspend a permit if, within a reasonable time, the holder of the permit willfully fails or refuses to furnish requested information, analyses, plans or specifications relating to emissions from the source for which the permit was issued. The APCO shall serve notice in writing of a suspension, and the reasons therefor, on the holder of the permit. A suspension shall become effective 5 days after notice has been served.

**2-1-421 Appeal from Suspension:** Within 10 days after the receipt of the notice of suspension, the permit holder may request the Hearing Board to hold a hearing to determine whether or not the permit was properly suspended.

**2-1-422 Revocation:** The APCO may request the Hearing Board to hold a hearing to determine whether an authority to construct and/or permit to operate should be revoked if it is found that the holder of an authority to construct or permit to operate is violating any applicable order, rule or regulation of the District, or is violating any provision or condition of the authority to construct or permit to operate.

*(Amended May 17, 2000)*

**2-1-423 Hearings:** Within 30 days after receipt of requests submitted pursuant to Sections 2-1-421 and 422, the Hearing Board shall hold a hearing as provided by Section 42308 of the California Health and Safety Code and may take action as authorized by Section 42309 of the California Health and Safety Code.

*(Amended July 17, 1991)*

**2-1-424 Loss of Exemption or Exclusion:** Any person who operates a source that does not require a District permit because of a regulatory exemption or exclusion, but which becomes subject to a District permit requirement because it loses its exemption or exclusion as a result of changes in federal, California or District laws or regulations, shall submit a complete permit application, as defined Section 2-1-202, for the subject source within 90 days of written notification by the APCO of the need for a permit. A person who holds a valid permit to operate for the subject source need not reapply.

*(Adopted 4/16/86; Amended 6/7/95; 10/7/98; 7/19/06; 12/06/17)*

**2-1-425 Sources of Toxic Air Contaminants:** Any person who does not hold a valid permit to operate in accordance with Section 2-1-401 and emits, in quantities determined to be appropriate by the APCO, any toxic air contaminant, shall within 90 days of written notice by the APCO of the need for a permit to operate, complete a permit application for the subject source, in accordance with the applicable requirements of Section 2-1-202 or Section 2-1-302.2.

*(Amended June 7, 1995)*

**2-1-426 CEQA-Related Information Requirements:** Unless a project for which an authority to construct is sought is exempt from the District's CEQA requirements pursuant to Section 2-1-311 or 2-1-312 of this Rule, applicants for authorities to construct shall provide, as part of a complete application, the following CEQA-related information:

426.1 A preliminary environmental study which shall describe the proposed project and discuss any potential significant adverse environmental impacts, alternatives to the project, and any necessary mitigation measures to minimize adverse impacts. The preliminary environmental study shall include all activities involved in the project and shall not be limited to those activities affecting air quality. In preparing the preliminary environmental study, the applicant may utilize the Environmental Information Form in Appendix H of the State CEQA Guidelines or an equivalent format specified by the APCO. (see also Appendix G, Significant Effects.) The preliminary environmental study shall list all other local, state and federal governmental agencies that require permits for the project and indicate any environmental documentation required by such agencies; or

426.2 When an agency other than the District is to be the Lead Agency under CEQA, either:

- 2.1 A Draft or Final Environmental Impact Report prepared by or under the supervision of the Lead Agency; or
- 2.2 A contract for the preparation of a Draft Environmental Impact Report executed by the Lead Agency together with the Initial Study prepared by the Lead Agency; or
- 2.3 A Negative Declaration prepared by the Lead Agency; or
- 2.4 A Notice of Preparation of a Draft EIR prepared by the Lead Agency;
- 2.5 A copy of the Initial Study prepared by the Lead Agency, or
- 2.6 A commitment in writing from another agency indicating that it has assumed the role of Lead Agency for the project in question.

*(Adopted 11/20/91; Amended 10/7/98)*

**2-1-427 Procedure for Ministerial Evaluations:** The District shall review each permit application prior to finding that it is complete in order to determine whether its evaluation of the permit application is covered by the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and BACT/TBACT Workbook. If the District determines that its evaluation of the permit application is covered by specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and BACT/TBACT Workbook, the District's evaluation of that permit application will be classified as ministerial and the engineering evaluation of the permit application by the District will be limited to the use of said specific procedures, fixed standards and objective measurements. For such projects, the District will merely apply the law to the facts as presented in the permit application, and the District's decision regarding whether to

issue the permit will be based only on the criteria set forth in Section 2-1-428 and in the District's Permit Handbook and BACT/TBACT Workbook.

*(Adopted 11/20/91; Amended 10/7/98)*

**2-1-428**

**Criteria for Approval of Ministerial Permit Applications:** If the District classifies a permit application as ministerial pursuant to Section 2-1-427, and as a result of its evaluation of that permit application, the District determines that all of the following criteria are met, the issuance by the District of an Authority to Construct for the proposed new or modified source will be a mandatory ministerial duty.

- 428.1 The proposed new or modified source will comply with all applicable provisions of the District's Rules and Regulations and with all applicable provisions of state and federal law and regulations which the District has the duty to enforce;
- 428.2 The emissions from the proposed project can be calculated using standardized emission factors from published governmental sources, District source test results, established formulas from published engineering and scientific handbooks, material safety data sheets or other similar published literature, manufacturer's warranties or other fixed standards as set forth in the District's Permit Handbook and BACT/TBACT Workbook;
- 428.3 Where Best Available Control Technology is required, BACT for the proposed new or modified source can be determined based on the latest edition of the ARB's BACT/LAER Clearinghouse, on the District's own compilations of BACT levels for specific types of sources as set forth in the District's Permit Handbook and BACT/TBACT Workbook or on a more stringent BACT level proposed by the project proponent; and
- 428.4 If the proposed new or modified source involves the shutdown of an existing source, the Reasonably Available Control Technology applicable to the source to be shut down can be determined from existing provisions of the District's Rules and Regulations or from the District's own compilations of BACT levels for specific types of sources as set forth in District's Permit Handbook and BACT/TBACT Workbook.
- 428.5 For proposed new and modified sources that are subject to Regulation 2, Rule 5, the project meets the project risk requirement of Regulation 2-5-302.
- 428-6 Where Best Available Control Technology for Toxics (TBACT) is required pursuant to Regulation 2-5-301, TBACT for the proposed new or modified source can be determined based on TBACT determinations in the District's BACT/TBACT Workbook, an EPA MACT standard, a CARB ATCM, or a more stringent TBACT level proposed by the applicant that is applicable to the specific source type or source category being evaluated.

In addition, when the District has issued an authority to construct for a proposed new or modified source as a ministerial project, the issuance of the permit to operate for that source will also be a mandatory ministerial duty if the source will meet all the conditions imposed in connection with the issuance of the authority to construct and all applicable laws, rules and regulations enforced by the District.

*(Adopted 11/20/91; Amended 10/7/98; 6/15/05)*

**2-1-429**

**Federal Emissions Statement:** The owner or operator of any facility that emits or may emit oxides of nitrogen or volatile organic compounds shall provide the APCO with a written statement, in such form as the APCO prescribes, showing actual emissions of oxides of nitrogen and volatile organic compounds from that facility. At a minimum the emission statement shall contain all of the information contained in the



Air Resources Board's Emission Inventory Turn Around Document as described in Instructions for the Emission Data System Review and Update Report. The statement shall also contain a certification by a responsible official of the company or facility that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Effective November 1, 1994, the statement shall be submitted to the District each year with the annual permit renewal. The APCO may waive this requirement for any class or category of facilities that emit less than 25 tons per year of oxides of nitrogen and volatile organic compounds, each taken separately, if the District provides the Air Resources Board with emission inventories of facilities emitting greater than 10 tons per year of either oxides of nitrogen or volatile organic compounds based on the use of emission factors acceptable to the Air Resources Board and the U.S. Environmental Protection Agency (EPA). A current list of classes and categories of facilities for which this requirement has been waived by the APCO will be kept by the District and made available upon request. Also, for purposes of reporting emission data to the Air Resources Board and to the EPA, the District will provide calendar year and peak ambient ozone season data determined through weighted averaging of current and prior year (if available) company/facility reported certified information. This Section is required by the provisions of Section 182(a)(3)(B) of the Clean Air Act.

*(Adopted 11/4/92; Amended 6/15/94; 6/7/95; 12/21/04)*

**2-1-430 Maintenance of the Permit Handbook and BACT/TBACT Workbook:** The APCO shall publish and maintain the Permit Handbook and BACT/TBACT Workbook as needed to reflect the current procedure for review and issuance of permits, and the most recent determination of BACT/TBACT for a given source category.

*(Adopted October 7, 1998)*

**2-1-431 Date of Completion:** The APCO shall deem an application to be complete on the date that the information and fees required to complete the application were received by the District.

*(Adopted May 17, 2000)*

**2-1-432 Determination of Complete Application:** Except for an application which is subject to the publication and public comment requirements of Section 2-2-404, 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 2-2-404 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.

*(Adopted 12/21/04; Amended 6/19/06)*

**2-1-500 MONITORING AND RECORDS**

**2-1-501 Monitors:** Continuous emission monitors required pursuant to Section 2-1-403 shall comply with the provisions of Volume V of the Manual of Procedures.

*(Adopted March 17, 1982)*

**2-1-502 Burden of Proof:** Any person asserting that a source is exempt from the requirements of Regulation 2, Rule 1, Section 301 and/or 302, shall, upon the request of the APCO, provide substantial credible evidence proving to the APCO that the source meets all requirements necessary to qualify for the exemption.

*(Adopted May 17, 2000)*

**2-1-600 MANUAL OF PROCEDURES**

**2-1-601 Engineering Permitting Procedures:** The specific procedures for the engineering evaluation of particular types of sources as well as specific fixed standards and objective measurements upon which the District will rely in its evaluation of ministerial permit applications are set forth in the District's Permit Handbook and BACT/TBACT Workbook.

*(Adopted 7/17/91; Amended 10/7/98)*

**2-1-602 CEQA Guidelines:** The District's Guidelines for Environmental Processes under CEQA for those cases in which the District assumes the role of Lead Agency are set forth in Volume VII to the District's Manual of Procedures and in the Permit Handbook.

*(Adopted 11/20/91; Amended 6/7/95)*

**2-1-603 Particulate Matter Measurements:** PM<sub>2.5</sub> and PM<sub>10</sub> 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). If such test methods cannot be used because the physical characteristics of the emissions being measured render such methods inappropriate (e.g., because of the emissions' high moisture content or high temperature), then another appropriate test method may be used upon prior written approval of the APCO and EPA.

*(Adopted December 19, 2012)*

**2-1-604 Determining Compliance With Historical PM<sub>10</sub> and PM<sub>2.5</sub> Emission Limits:** For purposes of determining a source's compliance with any PM<sub>10</sub> or PM<sub>2.5</sub> emission limit established as a permit condition pursuant to Regulation 2 prior to August 31, 2016, the condensable portion of the source's PM<sub>10</sub> or PM<sub>2.5</sub> emissions shall not be included, unless there is an affirmative indication that such condensable portion was intended to be included at the time the permit condition was adopted.

*(Adopted December 19, 2012)*

**2-1-605 Finality of Historical PM<sub>10</sub> and PM<sub>2.5</sub> Regulatory Determinations:** Regulatory determinations regarding the applicability of or compliance with any of the requirements of Regulation 2 made before August 31, 2016, shall be final and shall not be invalid because they did not take into account the condensable portion of a source's PM<sub>2.5</sub> or PM<sub>10</sub> emissions. Such historical determinations include (but are not limited to) prior determinations whether BACT and offsets requirements apply, prior determinations of the amount of a facility's cumulative increase, and prior determinations whether Title V permit requirements applied to a facility's operation. All such determinations made on or after August 31, 2016, shall include the condensable portion per the requirements of Sections 2-1-229 and 2-1-241, including

(but not limited to) determinations regarding whether an existing facility's ongoing operations are subject to any applicable operating requirements such as Title V Major Facility Review requirements.

*(Adopted December 19, 2012)*

Regulation 2, Rule 1  
Permit / Exemption Flow Chart

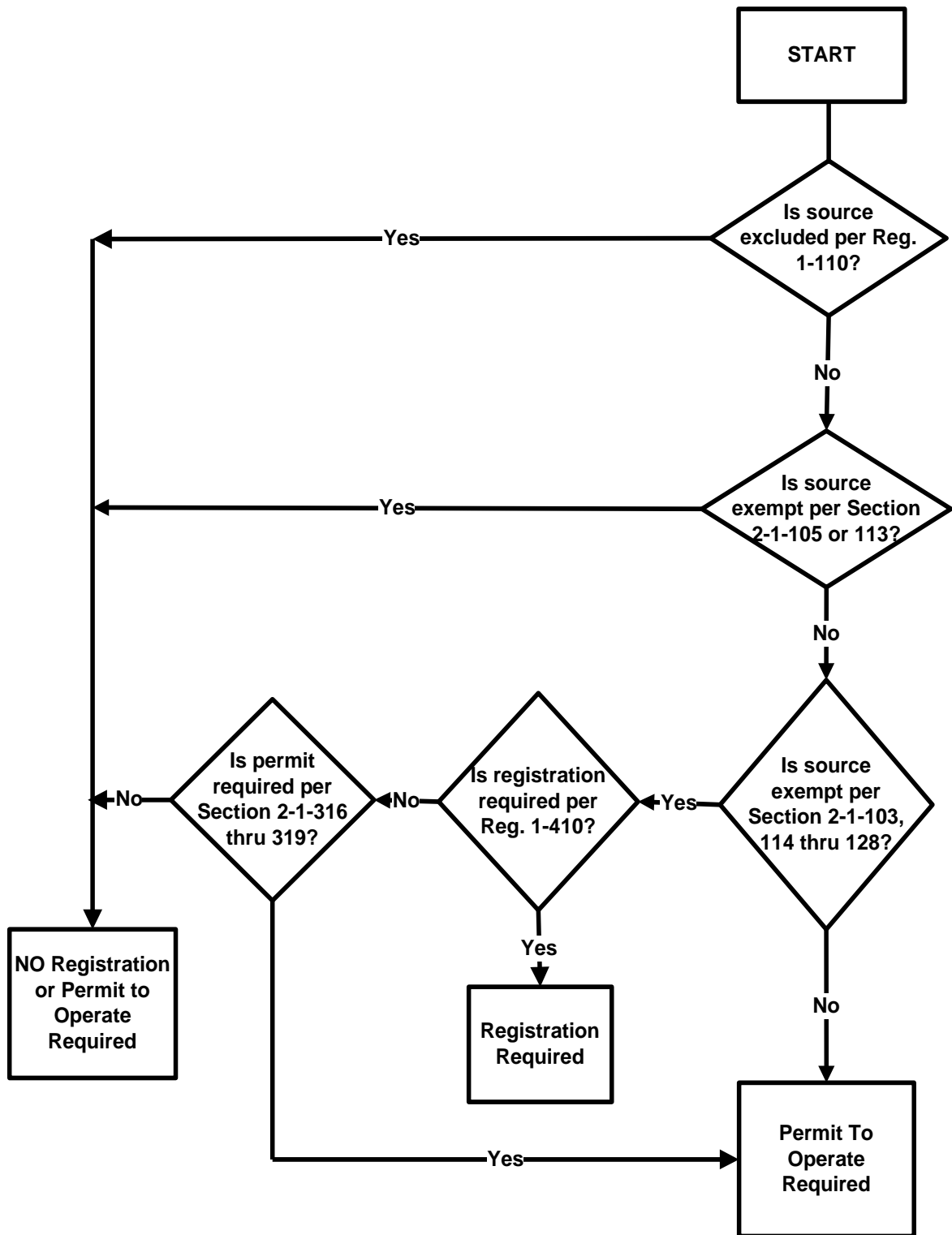


Figure 2-1-101

