

Proposed Changes to Regulation 2-6

Section	Change
2-6-206	<p>Changed definition of Facility to the one in Regulation 2-1 to make all definitions for facility the same:</p> <p>Facility: As defined in Section 2-1-213. Any property, building, structure, or installation (or any aggregation of facilities) located on one or more contiguous or adjacent properties and under common ownership or control of the same person that emits or may emit any air pollutant and is considered a single major industrial grouping (identified by the first two digits of the applicable code in <i>The Standard Industrial Classification Manual</i>). In addition, facilities whose operations include cargo loading or unloading from cargo carriers other than motor vehicles shall include the cargo carriers as part of the source that receives or loads the cargo. Accordingly, all emissions from such carriers while operating in the District, or within California Coastal Waters adjacent to the District, shall be included as part of the source emissions.</p> <p>206.1 Notwithstanding the definition in Section 2-6-206 above, the emissions related to cargo carriers will not be included when determining applicability of the requirements of Sections 2-6-301, 307, 310, and 312.</p>
2-6-207	<p>Changed definition of Federally Enforceable to the one in Regulation 2-1 to make all definition for it the same:</p> <p>Federally Enforceable: As defined in Section 2-1-214. All limitations and conditions which are enforceable by the Administrator of the U. S. EPA, including requirements developed pursuant to 40 CFR Parts 60 (NSPS), 61 (NESHAPS), 63 (HAP), 70 (State Operating Permit Programs), and 72 (Permits Regulation, Acid Rain), requirements contained in the State Implementation Plan (SIP) that are applicable to sources located in the District, any District permit requirements established pursuant to 40 CFR 52.21 (PSD) or District regulations approved pursuant to 40 CFR Part 51, Subpart I (NSR), and any operating permits issued under an EPA-approved program that is a part of the SIP and expressly requires adherence to any permit issued under such program.</p>
2-6-212	<p>Add reference of regulated air pollutant to the definition of Major Facility for Regulated Air Pollutants) and clarify definition of Major Facility with regards to Greenhouse Gases.</p> <p>Major Facility: For the purposes of Regulation 2, Rule 6, a major facility is either of the following:</p> <p>212.1 Major Facility (Regulated Air Pollutants): A facility that has the potential to emit 100 tons per year or more of any regulated air pollutant, <u>as defined in Section 2-6-222*except total suspended particulate</u>. For fugitive emissions of regulated air pollutants, only the fugitive emissions from facility categories listed in 40 CFR 70.2 "Definitions - Major source (2)" shall be included in determining whether the facility is a major facility. Once any facility is determined to be a major facility, all fugitive emissions from the facility shall be included in calculating the facility's emissions.</p> <p>212.2 Major Facility (Hazardous Air Pollutants): A facility that has the potential to emit 10 tons per year or more of a single hazardous air pollutant, 25 tons per year or more of a combination of hazardous air pollutants, or such lesser quantity as the EPA Administrator may establish by rule. All fugitive emissions of hazardous air pollutants are included in determining a facility's potential to emit. For radionuclides, the definition of a major facility shall be specified by the EPA Administrator by rule.</p> <p><small>*Note that GHG is a "regulated air pollutant" only if emitted from a facility in an amount of 100,000 tons per year or more of CO₂e. See Section 2-6-222.6. Thus, for a facility to a major facility for GHG, it must emit (i) 100 tons per year or more on an absolute mass basis in order to be a "major" emitter, and (ii) 100,000 tons per year or more of CO₂e in order to be a major emitter of a "regulated air pollutant".</small></p> <p>212.3 A facility with permit conditions that limit emissions to a level that is</p>

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	greater than the above thresholds is defined as a major facility.
2-6-215	<p>Minor grammatical change.</p> <p>Minor Permit Revision: Any revision to a federally enforceable condition on a major facility review permit that <u>which</u>:</p> <p style="padding-left: 40px;">215.1 is not a significant permit revision; and</p> <p style="padding-left: 40px;">215.2 is not an administrative permit amendment.</p> <p style="padding-left: 40px;">215.3 Deleted 10/20/99</p>
2-6-218	<p>Changed definition of Potential to Emit to that in Regulation 2-1-217 to make all definitions of it the same:</p> <p>Potential to Emit: As defined in Section 2-1-217. The maximum capacity of a facility to emit a pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the 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 federally enforceable or legally and practicably enforceable by the District. A facility that exceeds an enforceable limitation is considered to have a potential to emit that is unconstrained by any such exceeded limit.</p>
2-6-221	<p>Minor grammatical change.</p> <p>Qualifying Power Purchase Agreement: As a <u>Defined</u> in 40 CFR 72.2.</p>
2-6-222	<p>Changed definition of Regulated Air Pollutant to reflect that of the federal definition for Major Facility Review:</p> <p>Regulated Air Pollutant: For the purposes of <u>Major Facility Review under Regulation 2, Rule 6</u> this rule, the following <u>are</u> regulated air pollutants (as defined in Regulation 1) <u>are regulated</u>:</p> <p style="padding-left: 40px;">222.1 Nitrogen oxides and volatile organic compounds;</p> <p style="padding-left: 40px;">222.2 Any pollutant for which a national ambient air quality standard has been promulgated;</p> <p style="padding-left: 40px;">222.3 Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the Clean Air Act; and</p> <p style="padding-left: 40px;">222.4 Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.</p> <p style="padding-left: 40px;">222.5 Any pollutant that is subject to any standard or requirement promulgated under Section 112 of the Clean Air Act including sections 112(g), (j), and (r).</p> <p style="padding-left: 40px;"><u>222.6 Greenhouse gases, but only at facilities that have the potential to emit 100,000 tons per year or more CO₂e.</u></p> <p style="padding-left: 40px;"><u>Total suspended particulate is not a regulated air pollutant for purposes of major facility review under this Rule.</u></p>
2-6-239	<p>Amend definition of Significant Source:</p> <p>Significant Source: A source that has a potential to emit of more than 2 tons per year of any regulated air pollutant except GHG <u>more than 2,000 tons per year of GHG (measured as CO₂e)</u>, or more than 400 pounds <u>tons</u> per year of any hazardous air pollutant.</p>
2-6-245	<p>Added definition for GHG:</p> <p>Greenhouse Gases (GHG): <u>The air pollutant that is defined in 40 CFR Section 86.1818-12(a), which is a single air pollutant made up of a combination of the following six constituents: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHG emissions shall be measured (i) based on total mass for purposes of determining whether a facility exceeds the 100-ton major facility threshold under</u></p>

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	<p>Section 2-6-212.1; and (ii) as CO₂ equivalent emissions (CO₂e) calculated in accordance with Section 2-6-246 for purposes of determining whether the emissions constitute a regulated air pollutant as defined in Section 2-2-222.6, as well as for applying the provisions of Sections 2-6-239 (significant source definition), 2-6-312 (major facility review, smaller facilities), and 2-6-423.2 (permit content for synthetic minor operating permits).</p>
2-6-246	<p>Added definition for CO₂e:</p> <p>CO₂ equivalent emissions (CO₂e): A measure of GHG emissions computed by multiplying the mass of emissions of each of the six greenhouse gases in the pollutant GHGs by the gas' associated global warming potential as set forth in Table A-1 to subpart A of 40 CFR 98, Global Warming Potentials; and then summing the resultant value for each gas to compute of the amount of GHG emissions measured as CO₂e.</p>
2-6-247	<p>Add definition for MACT to include new section on Case-by-Case MACT Requirement (new Section 2-6-315):</p> <p>Maximum Achievable Control Technology (MACT): A limit on emissions of hazardous air pollutants that reflects the maximum degree of reduction in emissions that the APCO determines is achievable, taking into consideration the cost of achieving such emission reduction and any non-air-quality health and environmental impacts and energy requirements. A determination of what constitutes Maximum Achievable Control Technology shall be made on a case-by-case basis in accordance with the provisions of Section 112(j) of the Clean Air Act.</p>
2-6-302	<p>Amended section to remove date which is past:</p> <p>Major Facility Review Requirements for Phase II Acid Rain Facilities: Any Phase II acid rain facility shall undergo major facility review in accordance with the requirements of this rule, even if such facility is not classified as a major facility under Section 2-6-212.;</p> <p>302.1 After January 1, 2000, all Phase II acid rain facilities and shall comply with the requirements of Sections 405, 406, 408, 409, 411, and 412 of the Clean Air Act.</p>
2-6-303	<p>Amended section to remove date which is past:</p> <p>Major Facility Review Requirements for Subject Solid Waste Incinerator Facilities: Any subject solid waste incinerator facility shall undergo major facility review in accordance with the requirements of this rule, even if such facility is not classified as a major facility under Section 2-6-212. Major facility review permits issued under the Section for such facilities including new, modified and existing facilities, shall include all applicable New Source Performance Standards.</p> <p>303.1 Any relevant Standard of Performance for New Stationary Sources that is adopted by EPA on or after November 15, 1990 shall apply to existing solid waste incinerators as well as to new or modified solid waste incinerators in the District and shall be included in the major facility review permits for such sources.</p>
2-6-312.2	<p>Add GHG trigger Review Requirement for Smaller Facilities:</p> <p>Major Facility Review, Smaller Facilities: Any facility with actual emissions as defined by Section 2-6-235 that exceed any threshold below shall apply for a major facility review permit unless the facility demonstrates that its potential to emit is below the major facility thresholds defined in Section 2-6-212, or the facility has applied for and received a synthetic minor permit.</p> <p>312.1 25 tons per year of any regulated air pollutant <u>except GHG</u>, excluding fugitive emissions per Section 2-6-212;</p> <p>312.2 2.5 tons of any hazardous air pollutant per year including all fugitive emissions of the hazardous air pollutant;</p>

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	<p>312.3 6.25 tons of all hazardous air pollutants per year including all fugitive emissions of hazardous air pollutants.</p> <p><u>312.4 25,000 tons of GHG (measured as CO₂e) excluding fugitive emissions per Section 2-6-212.</u></p> <p>For the purpose of this Section, “actual emissions” shall be the maximum emissions for any consecutive 12-month period ending on or after July 24, 1995. <u>A permit application or potential-to-emit demonstration required under this Section shall be submitted within 12 months after actual emissions first exceed the threshold levels specified in subsection 312.4, or within 12 months after [effective date of regulation], whichever is later.</u></p>
2-6-315	<p>Added Case-by-Case MACT Requirement (moved from Section 2-2-317).</p> <p><u>Case-by-Case MACT Requirement:</u> The APCO shall require the Maximum Achievable Control Technology to limit emissions of hazardous air pollutants in any major facility review permit issued for a facility that meets the following criteria:</p> <p><u>315.1 the facility has the potential to emit 10 tons per year or more of any single hazardous air pollutant, or 25 tons per year or more of any combination of hazardous air pollutant; and</u></p> <p><u>315.2 the facility is in a category or subcategory of sources listed by EPA under Section 112(c) of the Clean Air Act; and</u></p> <p><u>315.3 EPA has not promulgated a National Emission Standard for Hazardous Air Pollutants for the category or subcategory of sources by the deadline established under Section 112(e) of the Clean Air Act.</u></p>
2-6-404	<p>Removed past requirement.</p> <p>404.8 Deleted / /2012. The initial application for a major facility review permit for an existing major facility with actual emissions lower than 50 tons per year of each regulated air pollutant and 7 tons per year of any hazardous air pollutant shall be submitted by the applicant by October 20, 2000.</p>
2-6-405.6	<p>Added regulated air pollutant and GHG to subsection:</p> <p>405.6 A calculation and summary of annual emissions (including fugitive emissions) of any regulated air pollutants, or hazardous air pollutants, <u>and GHGs</u> from each source or any emission producing activity if the source <u>or activity</u> is a significant source of an air pollutant as defined by Section 2-6-239. Emission calculations and summaries for pollutants emitted below the significance thresholds are not required for such sources or activities that have emissions of other pollutants above these thresholds. The above emission calculations shall also be submitted for any alternate operating scenarios that are submitted with the application;</p>
2-6-423.2	<p>Include requirements for GHG:</p> <p>423.2 Permit Content: The synthetic minor operating permit shall contain all information and provisions pertaining to synthetic minor operating permits as set forth in Volume II of the District's Manual of Procedures including:</p> <p>2.1 Quantifiable and practically enforceable permit conditions limiting the facility's potential to emit to no greater than 95 tons per year of any regulated air pollutant <u>except GHG, 95,000 tons per year of GHG (measured as CO₂e), 9 tons per year of any single hazardous air pollutant, and 23 tons per year of any combination of hazardous air pollutants, or;</u></p>