

RULE 3.10
LIMIT POTENTIAL TO EMIT

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100 GENERAL

101 **APPLICABILITY:** This Rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this Rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of Hazardous Air Pollutants (HAPs) and which meets one of the following conditions:

101.1 In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in Section 301; or

101.2 In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in Section 601.

102 **EXEMPTION RECORDKEEPING AND REPORTING FOR A STATIONARY SOURCE WITH DE MINIMIS EMISSIONS:** The recordkeeping and reporting provisions in Sections 400, 500 and 600 shall not apply to a stationary source with de minimis emissions or operations as specified in either Section 102.1 or 102.2:

102.1 In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:

- a. 5 tons per year of a regulated air pollutant (excluding HAPs);
- b. 2 tons per year of a single HAP;
- c. 5 tons per year of any combination of HAPs; and
- d. 20 percent of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.

102.2 In every 12-month period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in subsections (a) through (i):

- a. 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;
- b. 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane),

- c. tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent containing material; 2,860 gallons or any lesser quantity that the U.S. EPA may establish, of solvent-containing (or, volatile organic compounds containing) material used at a paint spray unit(s);¹
- d. 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;
- e. 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;
- f. 1,400 gallons of gasoline combusted;
- g. 16,600 gallons of diesel fuel combusted;
- h. 500,000 gallons of distillate oil combusted; or
- i. 71,400,000 cubic feet of natural gas combusted.

103 **PROVISION FOR AIR POLLUTION CONTROL EQUIPMENT:** The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District Rules and Regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. This provision shall not apply after January 1, 1999, unless such operational limitation is federally-enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.

104 **EXEMPTION, STATIONARY SOURCE SUBJECT TO RULE 3.8, FEDERAL OPERATING PERMITS:** This Rule shall not apply to the following stationary sources:

- 104.1 Any stationary source whose actual emissions, throughput, or operation, at any time after the effective date of this Rule, is greater than the quantities specified in Sections 301 or 601 and which meets both of the following conditions:
- a. The owner or operator has notified the District at least 30 days prior to any exceedance that he/she will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits; and
 - b. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.

¹ Based on the SIP rules - District Rule 2.25 and Rule 2.26, which were adopted by the Board in 1994 and are awaiting EPA's approval. The rules allow the use of coatings that have volatile organic compounds (VOC) content of 3.5 Lbs./gallon. The projected emission cap is 5 tons/year.

However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

104.2 Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Rule 3.8, FEDERAL OPERATING PERMITS, and is awaiting final action by the District and the U.S. EPA.

104.3 Any stationary source required to obtain an operating permit under Rule 3.8, FEDERAL OPERATING PERMITS, for any reason other than being a major source.

104.4 Any stationary source with a valid Part 70 permit.

Notwithstanding Sections 104.2 and 104.4, nothing in this section shall prevent any stationary source which has had a Part 70 permit from qualifying to comply with this Rule in the future in lieu of maintaining an application for a Part 70 permit or upon rescission of a Part 70 permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in Section 301 or an applicable alternative operational limit in Section 601.

105 **EXEMPTION, STATIONARY SOURCE WITH A LIMITATION ON POTENTIAL TO EMIT:** This Rule shall not apply to any stationary source which has a valid operating permit with federally-enforceable conditions or other federally-enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in Sections 206 and 207.

106 **APPLICABLE PUBLIC INFORMATION REQUESTS:** Within three years of the effective date of Rule 3.8, FEDERAL OPERATING PERMITS, the District shall maintain and make available to the public upon request, for each stationary source subject to this Rule, information identifying the provisions of this Rule applicable to the source.

107 **PRE-CONSTRUCTION PERMIT APPLICABILITY:** This Rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program.² This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this Rule.

² For example, Prevention of Significant Deterioration (PSD), New Source Review (NSR), and Authority to Construct (ATC).

200 DEFINITIONS: All terms shall retain the definitions provided under Rule 3.8, FEDERAL OPERATING PERMITS unless otherwise defined herein.

201 **ACTUAL EMISSIONS:** The emissions of a regulated air pollutant from a stationary source for any 12-month period. Verifiable continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of verifiable continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughput of process materials; throughput of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compounds (VOC) content reports or laboratory analyses; other information required by this Rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including emission factors and assumptions.

202 **ALTERNATIVE OPERATIONAL LIMIT:** A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section 600, Alternative Operational Limit and Requirements.

203 **EMISSION UNIT:** Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or Hazardous Air Pollutant.

204 **FEDERAL CLEAN AIR ACT:** The Federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.

205 **HAZARDOUS AIR POLLUTANT:** Any air pollutant listed pursuant to section 112(b) of the Federal Clean Air Act.

206 **MAJOR SOURCE OF REGULATED AIR POLLUTANTS (excluding HAPs):** A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:

206.1 100 tons per year (tpy) of any regulated air pollutant;

206.2 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and

206.3 70 tpy of PM10 for a federal PM10 nonattainment area classified as serious.

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions-Major source (2)."

- 207 **MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS:** A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in Section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radionuclides shall be specified by rule by the U.S. EPA.
- 208 **ORGANIC LIQUIDS:** All precursor organic compounds which contain hydrogen and which would exist as liquids at actual conditions of use or storage. An organic compound is any compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate.
- 209 **PART 70 PERMIT:** An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.
- 210 **POTENTIAL TO EMIT:** The maximum capacity of a stationary source to emit a regulated air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the stationary source 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 part of its design only if the limitation is federally-enforceable.
- 211 **PROCESS STATEMENT:** An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughput of process materials; throughput of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this Rule or requested in writing by the District.
- 212 **REGULATED AIR POLLUTANT:** The following air pollutants are regulated:
- 212.1 Oxides of nitrogen and volatile organic compounds;

- 212.2 Any pollutant for which a national ambient air quality standard has been promulgated;
- 212.3 Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the Federal Clean Air Act;
- 212.4 Any pollutant that is subject to any standard promulgated under Section 111 of the Federal Clean Air Act; and
- 212.5 Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including:
- a. Any pollutant listed pursuant to Section 112(r) (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list.
 - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) shall be considered a regulated air pollutant for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3).
 - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a regulated air pollutant when the determination is made pursuant to Section 112(g)(2). In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

213 **TWELVE MONTH PERIOD:** A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

300 STANDARDS

301 **EMISSION LIMITATIONS:** Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section 601, no stationary source subject to this Rule shall emit in any 12-month period more than the following quantities of emissions:

- 301.1 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);

301.2 5 tons per year of a single HAP;

301.3 12.5 tons per year of any combination of HAPs; and

301.4 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

302 **EVALUATION OF COMPLIANCE:** The APCO shall evaluate a stationary source's compliance with the emission limitations in Section 301 above as part of the District's annual permit renewal process required by the California Health & Safety Code, Section 42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section 500, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using methods specified in Section 201 of this Rule.

303 **OBTAINING NECESSARY PERMITS:** Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section 601, the owner or operator of a stationary source subject to this Rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in Section 301 above.

400 RECORDKEEPING REQUIREMENTS: Immediately after adoption of this Rule, the owner or operator of a stationary source subject to this Rule shall comply with any applicable recordkeeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Section 600, Alternative Operational Limit and Requirements. The recordkeeping requirements of this Rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal Rule or Regulation.

401 **APPLICABLE PROVISIONS:** A stationary source previously covered by the provisions in Section 102 shall comply with the applicable provisions of Section 400 and Sections 500 and 600 if the stationary source exceeds the quantities specified in section 102.1.

402 **PERMITTED EMISSION UNITS RECORDS:** The owner or operator of a stationary source subject to this Rule shall keep and maintain records for each permitted

emission unit or groups of permitted emission units,³ sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, CARB, or U.S. EPA staff upon request.

402.1 Coating/Solvent Emission Unit: The owner or operator of a stationary source subject to this Rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

- a. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer name or product brand name, product code or number, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;
- b. A description of all process-related equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;
- c. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and
- d. All purchase orders, invoices, and other documents to support information in the monthly log.

402.2 Organic Liquid Storage Unit: The owner or operator of a stationary source subject to this Rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:

- a. A monthly log identifying the liquid stored and monthly throughput; and
- b. Information on the tank design and specifications including control equipment.

402.3 Combustion Emission Unit: The owner or operator of a stationary source subject to this Rule that contains a combustion emission unit shall keep and maintain the following records:

- a. Information on equipment type, make and model, maximum design process rate or maximum continuous power input/output,

³ In some cases it may be appropriate to keep records on groups of emission units which are connected in series. Examples are internal combustion engines in the oil fields with a common fuel line, or a series of paint spray booths with a common feed.

minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and

- b. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

402.4 Emission Control Unit: The owner or operator of a stationary source subject to this Rule that contains an emission control unit shall keep and maintain the following records:

- a. Information on equipment type and description, make and model, and emission units served by the control unit;
- b. Information on equipment design including where applicable: pollutant(s) controlled; system control effectiveness including capture efficiency as well as control efficiency; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and
- c. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

402.5 General Emission Unit: The owner or operator of a stationary source subject to this Rule that contains an emission unit not included in Sections 402.1, 402.2 or 402.3 shall keep and maintain the following records:

- a. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);
- b. Any additional information requested in writing by the APCO;
- c. A monthly log of operating hours, each raw material used and its amount, each product produced and its average production rate; and
- d. Purchase orders, invoices, and other documents to support information in the monthly log.

500 REPORTING REQUIREMENTS

501 **PROCESS STATEMENT RECORDS:** At the time of annual renewal of a permit to operate under District Rule 3.1, GENERAL PERMIT REQUIREMENTS, each owner or operator of a stationary source subject to this Rule shall submit to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

502 **EXEMPTION, REPORTING REQUIREMENTS:** For the purpose of determining compliance with this Rule, this requirement shall not apply to stationary sources which emit in any 12-month period less than or equal to the following quantities:

502.1 For any regulated air pollutant (excluding HAPs):

- a. 25 tons per year including a regulated air pollutant for which the District has a federal area designation of attainment, unclassified, transitional, or moderate nonattainment;
- b. 12.5 tons per year for a regulated air pollutant for which the District has a federal area designation of serious nonattainment;
- c. 6.25 tons per year for a regulated air pollutant for which the District has a federal area designation of severe nonattainment;

502.2 2.5 tons per year of a single HAP;

502.3 6.25 tons per year of any combination of HAPs; and

502.4 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

503 **PREVIOUSLY EXEMPTED STATIONARY SOURCES:** A stationary source previously covered by provisions in Section 502 shall comply with the provisions of Section 501 if the stationary source exceeds the quantities specified in Section 502.

504 **ADDITIONAL INFORMATION REQUESTED:** Any additional information requested by the APCO under Section 501 shall be submitted to the APCO within 30 days of the date of request.

505 **DE MINIMIS EMISSIONS:** Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to Sections 400 or 600 shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in Section 102.1 or 102.2.

600 ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS: The owner or operator may operate the permitted emission units at a stationary source subject to this Rule under

any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in any 12-month period are associated with the operation(s) limited by the alternative operational limit.

601 COMPLIANCE WITH ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS:

Upon choosing to operate a stationary source subject to this Rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.

601.1 The owner or operator shall report to the APCO in writing any exceedance of the alternative operational limit within 24 hours of having knowledge of such exceedance.

601.2 The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.

601.3 Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems: The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:

- a. No more than 18,000,000 gallons of gasoline shall be dispensed in any 12-month period.
- b. A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.
- c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

601.4 Degreasing or Solvent-Using Unit: The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:

- a. (i) If the solvents do not include methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be consumed in any 12-month period.
- (ii) If the solvents include methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane),

tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be consumed in any 12-month period.

- b. A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons consumed in the previous 12 months shall be kept on site.
- c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

601.5 Paint Spray Unit(s): The owner or operator shall operate the paint spray unit(s) in compliance with the following requirements:

- a. The total usage rate of all VOC-containing materials, including but not limited to, coatings, thinners, reducers, and cleanup solution shall not exceed 11,430 gallons or any lesser quantity that the U.S. EPA may establish, in any 12-month period.⁴
- b. A monthly log of the gallons of VOC-containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
- c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

601.6 Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower: The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:

- a. The emergency standby engine(s) shall not operate more than 1,300 hours in 12-month period and shall not use more than 66,000 gallons of diesel fuel in any 12-month period.
- b. A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.
- c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

602 **OBTAINING NECESSARY PERMITS:** The owner or operator of a stationary source subject to this Rule shall obtain any necessary permits prior to commencing any

⁴ Based on the SIP rules - District Rule 2.25 and Rule 2.26, which were adopted by the Board in 1994 and are awaiting EPA's approval. The rules allow the use of coatings that have volatile organic compounds (VOC) content of 3.5 Lbs./gallon. The projected emission cap is 20 tons/year.

physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in Section 601.

700 COMPLIANCE SCHEDULE AND VIOLATIONS

- 701 **COMPLIANCE SCHEDULE:** The reporting requirements in Sections 501 and 601 of this Rule shall become effective on January 25, 1997.
- 702 **FAILURE TO COMPLY:** Failure to comply with any of the applicable provisions of this Rule shall constitute a violation of this Rule. Each day during which a violation of this Rule occurs is a separate offense.
- 703 **SUBJECT TO APPLICABLE FEDERAL REQUIREMENTS:** A stationary source subject to this Rule shall be subject to applicable federal requirements for a major source, including Rule 3.8, FEDERAL OPERATING PERMITS when the conditions specified in either Sections 703.1 or 703.2, occur:
- 703.1 Commencing on the first day following any 12-month period in which the stationary source exceeds a limit specified in Section 301 and any applicable alternative operational limit specified in Section 601; or
- 703.2 Commencing on the first day following any 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in Section 301 or any applicable alternative operational limit specified in Section 601.