

RULE 3.9
REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

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100 GENERAL

101 **PURPOSE:** The purpose of this Rule is to provide authorization to owners or operators of specified stationary sources that would otherwise be major sources to request and accept federally-enforceable emissions limits sufficient to allow the sources to be considered “synthetic minors”. A synthetic minor source is not subject to Rule 3.8, FEDERAL OPERATING PERMITS, unless it is subject to that Rule for any reason other than being a major source. A synthetic minor source is subject to all applicable federal requirements for non-major stationary sources and to all federally-enforceable conditions and requirements pursuant to this Rule. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.

102 **APPLICABILITY:**

102.1 This Rule applies to any major source for which the owner or operator requests, and would be able to comply with, federally-enforceable conditions that qualify the source to be a synthetic minor source, as defined in Section 205 of this Rule.

102.2 This Rule shall not apply to any source subject to Rule 3.8, FEDERAL OPERATING PERMITS, for any reason other than being a major source.

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

201 **FINAL ACTION:** The action taken by the District to either issue the Permit to Operate or disapprove the request for synthetic minor source status.

202 **MAJOR SOURCE THRESHOLD:** A major source threshold is the potential to emit a regulated air pollutant in the amounts specified in the definition of major source as defined in Rule 3.8, FEDERAL OPERATING PERMITS.

203 **MODIFICATION:** For the purpose of this Rule, a modification is any physical or operational change at a source or facility which necessitates a revision of any federally-enforceable condition, established pursuant to this Rule or by any other mechanism, that enables a source to be a synthetic minor source.

204 **OPERATING SCENARIO:** An operating scenario is any mode of operation to be permitted, including: normal operation, start-up, shutdown, and reasonably foreseeable changes in process, feed, or product.

205 **OWNER OR OPERATOR:** For the purpose of this Rule, an owner or operator is any person who owns, operates, controls, or supervises a stationary source.

206 **SYNTHETIC MINOR SOURCE:** A synthetic minor source is a stationary source which, pursuant to this Rule or other mechanism, is subject to federally-enforceable conditions that limit is potential to emit to below major source thresholds.

300 STANDARDS

301 **SYNTHETIC MINOR STATUS:** A request for synthetic minor status shall not relieve a source of the responsibility to comply with the application requirements of Rule 3.8, FEDERAL OPERATING PERMITS, within the specified time frames. A major source subject to this Rule may request synthetic minor source status in accordance with the following:

301.1 A request for designation as a synthetic minor source shall include:

- a. The identification and description of all existing emission units at the source, except those emission units that are contained in District Rule 3.2, EXEMPTIONS and ones that are listed in Attachment A of the U.S. EPA guidance document entitled "WHITE PAPER FOR STREAMLINED DEVELOPMENT OF PART 70 PERMIT APPLICATIONS" (July 10, 1995);
- b. The calculation of each emission unit's maximum annual and maximum monthly emissions scenarios to be permitted, including any existing federally-enforceable limits established by a mechanism other than this Rule. The calculated emissions for each emissions unit shall include the following fugitive emissions:
 - i) Hazardous Air Pollutant fugitive emissions for all sources; and
 - ii) Other regulated air pollutant fugitive emissions for sources specified in 40 CFR part 70.2 Major Sources (2);
- c. Proposed federally-enforceable conditions which:

- i) Limit source-wide emissions to below major source thresholds, and
 - ii) Are permanent, quantifiable, and otherwise enforceable as a practical matter;
- d. Proposed federally-enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;
- e. Any additional information requested by the Air Pollution Control Officer; and
- f. Certification by a responsible official that the contents of the request are true, accurate, and complete.

301.2 The owner or operator of a major source who elects to request synthetic minor source status shall make such a request within the following timelines:

- a. For any major source that is operating on the effective date of Rule 3.8, FEDERAL OPERATING PERMITS, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 3.8, FEDERAL OPERATING PERMITS,
- b. For any major source that commences operating after the effective date of Rule 3.8, FEDERAL OPERATING PERMITS; or
- c. For any major source that is operating in compliance with a permit pursuant to Rule 3.8, FEDERAL OPERATING PERMITS, the owner or operator shall request synthetic minor status at any time, but no later than 180 days prior to permit renewal.

302 **MODIFICATION REQUIREMENTS:** The following requirements apply to any modification of a synthetic minor source:

302.1 For a modification which would not increase the synthetic minor source's potential to emit or exceed any major source threshold, the source shall comply with the requirements of Rule 3.4, NEW SOURCE REVIEW.

302.2 For a modification that would increase the synthetic minor source's potential to emit to equal or exceed any major source threshold or would affect a monitoring, recordkeeping, or reporting requirement pursuant to Section 402.2 of this Rule, the owner or operator shall comply with the applicable requirements of Rule 3.4, NEW SOURCE REVIEW, and shall:

- a. Submit a revised request for synthetic minor source status in accordance with Section 301.1 of this Rule no later than 180 days prior to the intended modification; or
- b. Submit an application in accordance with the requirements of Rule 3.8, FEDERAL OPERATING PERMITS, no later than 180 days prior to the intended modification.¹

400 ADMINISTRATIVE REQUIREMENTS

401 **COMPLETENESS DETERMINATION:** The Air Pollution Control Officer shall determine if the request for synthetic minor source status is complete within 30 days of receipt, unless a longer period of time is agreed upon by the Air Pollution Control Officer and the source's owner or operator.

Thirty-one days after the request has been submitted, it may not be considered complete unless the Air Pollution Control Officer so notifies the owner or operator.

Upon request by the Air Pollution Control Officer, the owner or operator shall provide additional information whether or not the request for synthetic minor source status has been deemed complete.

402 **FEDERALLY-ENFORCEABLE CONDITIONS:** Federally-enforceable conditions enabling a source to become a synthetic minor source shall be included in the source's Permit to Operate issued by the District pursuant to Rule 3.1, GENERAL PERMIT REQUIREMENTS, and Sections 403 through 405 of this Rule and shall:

¹ The requirements of Rule 3.8, FEDERAL OPERATING PERMITS, for permit application after the date that the Rule becomes effective, i.e., within 12 months of commencing operation, do not apply to modifying synthetic minor sources subject to this provision.

402.1 Have permanent, quantifiable, and practically enforceable permit conditions, including any operational limitations or conditions, which limit the source's potential to emit to below major source thresholds;

402.2 Have monitoring, recordkeeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits set forth pursuant to Section 402.1 of this Rule; and

402.3 Be subject to public notice and U.S. EPA review pursuant to Sections 403 and 404 of this Rule.

Permits that do not conform to the requirements of this Section, any other requirements of this Rule, or any underlying federal regulations which set forth criteria for federal-enforceability may be deemed not federally-enforceable by the U.S. EPA.

403 **PUBLIC NOTIFICATION AND REVIEW:** After a request for synthetic minor status is determined to be complete, the Air Pollution Control Officer shall:

403.1 Publish a notice of the request in one or more major newspapers in the area where the source is located;

403.2 In the public notice, state that conditions identified as federally enforceable in the source's permit will establish a voluntary emission limit in accordance with this Rule and describe how the public may obtain copies of the proposed permit including the federally-enforceable conditions addressing the emissions limit; and

403.3 Provide 30 days for public review prior to final permit action.

404 **U.S. EPA REVIEW:** After a request for synthetic minor source status is determined to be complete, the Air pollution Control Officer shall:

404.1 Provide the U.S. EPA with copies of the proposed permit including the conditions which:

- a. Are identified as federally-enforceable; and
- b. Limit emissions to below major source thresholds;

404.2 Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and

404.3 Provide the U.S. EPA with copies of the final permit.

405 FINAL ACTION:

405.1 Until the District takes final action to issue the Permit to Operate pursuant to this Section, a source requesting synthetic minor source status shall not be relieved of the responsibility to comply with the application or other requirements of Rule 3.8, FEDERAL OPERATING PERMITS, within specified timeframes.

405.2 Upon fulfilling the requirements of Sections 401 through 404 of this Rule, the Air Pollution Control officer shall consider any written comments received during the public and U.S. EPA review period prior to taking final action on a request for synthetic minor source status. The District shall issue the Permit to Operate or disapprove the request for synthetic minor source status within 90 days of deeming such request complete or within three years of the effective date of Rule 3.8, FEDERAL OPERATING PERMITS, whichever is later.

405.3 The District shall maintain a public record of all pertinent documents regarding a request for synthetic minor source status, including: the request, proposed permit, all written comments and responses, and the final permit.

406 RENEWAL OF SYNTHETIC MINOR STATUS: Renewal of synthetic minor source status shall be made in accordance with Rule 3.1, GENERAL PERMIT REQUIREMENTS. In addition, any revision of the federally-enforceable conditions at renewal shall be subject to Sections 301.1 and 401 through 405 of this Rule.

500 Compliance:

500.1 The owner or operator of a synthetic minor source which exceeds the federally-enforceable conditions established pursuant to Section 402.1 of this Rule shall report such exceedances to the Air Pollution Control Officer in accordance with Rule 5.2, UPSET/BREAKDOWN CONDITIONS: EMERGENCY VARIANCE.

500.2 The owner or operator of a synthetic minor source that is not in compliance with any federally-enforceable condition or requirement set forth in this Rule, or that files false information with the District to obtain synthetic minor source designation, is in violation of the Clean Air Act and District Rules and Regulations. A non-complying synthetic minor source may be subject to any one or combination of the following actions:

- a. Enforcement action;
- b. Permit termination;
- c. Permit revocation and reissuance; and
- d. Permit renewal denial