

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 1201 - DEFINITIONS

(Adopted: 12/21/94; Amended 09/26/05)

For the purpose of Regulation XII the following definitions shall apply:

- (A) "Acid Rain Facility" - Any Facility containing an affected unit as defined in Title IV of the Federal Clean Air Act (42 U.S.C. §§7651-7651o) or regulations promulgated thereunder.
- (B) "Acid Rain Program" - Any program or requirement under Title IV of the Federal Clean Air Act (42 U.S.C. §§7651-7651o) or under any regulations promulgated thereunder.
- (C) "Administrative Permit Amendment" - A revision to a FOP which includes, but is not necessarily limited to, the following:
 - (1) Correction of typographical errors.
 - (2) Identification of an administrative change at a Facility such as a change in name, address, or phone number of persons identified in the permit, or other similar change as long as the change involve no physical or operational changes to the Facility.
 - (3) The imposition of more frequent emission monitoring or reporting requirements.
 - (4) A change in ownership, operation or control of the Facility as long as no other change to the permit is necessary and a written agreement containing a specific date for transfer of the permit responsibility, coverage, and liability between the parties involved in the change has been provided to the District.
 - (5) The incorporation of requirements imposed by a permit issued pursuant to the provisions of Regulation XIII, if and when USEPA has determined that Regulation XIII has met the requirements of an enhanced new source review program pursuant to the provisions of 40 CFR 70.7(d)(1)(v).
 - (6) For any requirement under Title IV of the Federal Clean Air Act (42 U.S.C. §§7651-7651o) an administrative permit amendment is any change listed in 40 CFR 72.83(a).
- (D) "Affected State(s)" - Any state, whose air quality may be affected by the granting of a FOP to the Facility and is contiguous to the District; or Any state which is located within 50 miles of the Facility.
- (E) "Air Pollutant" - Any air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive (including source material, special nuclear material and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air.

- (F) "Air Pollution Control Officer" (APCO) - The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health & Safety Code §40750 and his or her designee.
- (G) "Applicable Requirement" - Any of the following requirements, including requirements that have been promulgated or approved by USEPA through rulemaking at the time of permit issuance but have future effective dates, as they apply to a Facility or Permit Unit:
- (1) Any standard or other requirement contained in the applicable implementation plan for the District, and any amendments thereto, approved or promulgated pursuant to the provisions of Title I of the Federal Clean Air Act (42 U.S.C. §§7401-7515).
 - (2) Any term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated under Title I of the Federal Clean Air Act (42 U.S.C. §§7401-7515).
 - (3) Any standard or other requirement under 42 U.S.C. §§7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111); 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112); and any regulations promulgated thereunder.
 - (4) Any standard or other requirement under Title IV of the Federal Clean Air Act (42 U.S.C. §§7651-7651o) or the regulations promulgated thereunder.
 - (5) Any requirements regarding monitoring, analysis, and compliance established pursuant to 42 U.S.C. §7414(a)(3), Record keeping, Inspections, Monitoring and Entry (Federal Clean Air Act §114); 42 U.S.C. §7661c(b), Permit Requirements and Conditions (Federal Clean Air Act §504); and the regulations promulgated thereunder.
 - (6) Any standard or other requirement governing Solid Waste Incineration Units under 42 U.S.C. §7429, Solid Waste Combustion (Federal Clean Air Act §129) and the regulations promulgated thereunder.
 - (7) Any standard or other requirement for consumer or commercial products under 42 U.S.C. §7511b(e) (Federal Clean Air Act §183) and the regulations promulgated thereunder.
 - (8) Any standard or other requirement of the regulations promulgated under Title VI of the Federal Clean Air Act (42 U.S.C. §§7671-7671q) unless the USEPA has determined that such requirement need not be contained in a FOP.
 - (9) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Federal Clean Air Act (42 U.S.C. §§7401-7515), but only as it would apply to temporary sources pursuant to the provisions of 42 U.S.C. §7661c(e) (Federal Clean Air Act §504(e)).
- (H) "Compliance Certification" - A document certifying that a Facility complies with all Applicable Requirements which shall be submitted with an application and at least

annually during the permit term pursuant to Rule 1203(D)(1)(g)(vii). Compliance Certifications shall include:

- (1) A certification of the compliance status made by a Responsible Official of the Facility consistent with District Rule 1208.
 - (2) Identification of each term or condition contained in the FOP that is the basis for the certification.
 - (3) A statement of the compliance status and whether compliance was continuous or intermittent.
 - (4) A statement describing methods used for determining that the Facility is in compliance.
 - (5) A statement indicating the Facility's compliance status in regard to any enhanced monitoring and compliance requirements.
- (I) "Compliance Plan" - A document detailing the compliance status of a Facility with respect to all Applicable Requirements. Compliance Plans shall include:
- (1) For Applicable Requirements for which the Facility is in compliance, a statement that the compliance will continue.
 - (2) For Applicable Requirements which will become effective during the permit term, a statement that the Facility will comply with these requirements on a timely basis.
 - (3) For Applicable Requirements for which the Facility is not in compliance the following information:
 - (a) A narrative description of how the Facility will achieve compliance with such requirements; and
 - (b) A schedule of compliance which contains a list of remedial measures to be taken for the Facility to come into compliance with such requirements, an enforceable sequence of actions, with milestones, leading to compliance with such requirements and provisions for the submission of progress reports at least every six (6) months. The schedule shall include any judicial order, administrative order, and/or increments of progress or any other schedule as issued by any appropriate judicial or administrative body or by the District Hearing Board pursuant to the provisions of Health & Safety Code §42350 et seq.
 - (c) Progress reports submitted under the provisions of a schedule of compliance shall include: Dates for achieving the activities, milestone, or compliance required in the schedule of compliance; and dates when such activities, milestones or compliance were achieved; and an explanation of why any dates in the schedule of compliance were not or will not be met; and any preventive or corrective measures adopted due to the failure to meet dates in the schedule of compliance.

- (J) "Contiguous Property" - Two or more parcels of land with a common boundary or separated solely by a public or private roadway, or other public or private right-of-way.
- (K) "District" - The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103.
- (L) "District Hearing Board" - The five (5) member board created by the provisions of Health & Safety Code §§40800 et seq. to hear variance petitions, appeals of certain permit decisions by the APCO, and abatement actions.
- (M) "Facility" - Any permit unit, group of permit units, non-permitted equipment, or any combination thereof which emits or may emit an Air Pollutant; and belongs to a single major industrial group in the Standard Industrial Classification Manual; and is located on a single parcel of land or on contiguous property within the District; and which is owned or operated by the same person or by persons under common control.
- (N) "Federal Clean Air Act" - The Federal Clean Air Act (codified at 42 U.S.C. §§7401-7671q) as well as any amendments thereto and any implementing regulations promulgated thereunder.
- (O) "Federal Operating Permit" (FOP) - Any permit which is issued by the District pursuant to the provisions of this regulation.
- (P) "Federally Enforceable" - Any requirement, condition or other term which is fully enforceable by USEPA pursuant to the provisions of 42 U.S.C. §7413 (Federal Clean Air Act §113) or the public pursuant to the provisions of 42 U.S.C. §7604 (Federal Clean Air Act §304).
- (Q) "Fugitive Emissions" - Any Air Pollutant which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.
- (R) "Hazardous Air Pollutant" - Any air pollutant listed pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112) or in regulations promulgated thereunder.
- (S) "Major Facility" - Any Facility which emits or has the potential to emit the following amounts and types of Air Pollutants:
- (1) For any Facility located in Zone A (Any area within the District which is designated Federal Severe-17 Non-attainment area for Ozone):
 - (a) 100 tons per year or more of any Air Pollutants other than those indicated in subparts (b) and (c) below.
 - (b) 25 tons per year or more of the following Air Pollutants:
 - (i) NO_x (nitrogen oxides)
 - (ii) VOC (volatile organic compounds)
 - (c) 10 tons per year or more of any Hazardous Air Pollutant or 25 tons per year or more of any combination of Hazardous Air Pollutants or such lesser quantity as the USEPA may establish by rule.

- (2) For any Facility located in Zone B (Any area within the District which is designated Federal Ozone Attainment or Unclassified):
 - (a) 100 tons per year or more of any Air Pollutants other than those indicated in subpart (b) below.
 - (b) 10 tons per year or more of any Hazardous Air Pollutant or 25 tons per year or more of any combination of Hazardous Air Pollutants or such lesser quantity as the USEPA may establish by rule.
- (T) "Minor Permit Modification" - A revision to a FOP which is not an Administrative Permit Amendment and meets all of the following criteria:
 - (1) The proposed modification does not violate or cause a violation of any Applicable Requirement; and
 - (2) The proposed modification does not relax any monitoring reporting or record keeping requirements; and
 - (3) The proposed modification does not require or change a federally mandated case-by-case determination of an emission limitation, or other standard, a facility specific determination of ambient impacts for temporary facilities, or a visibility or increment analysis or require or change a case-by-case determination of an emissions limitation or other standard required or imposed pursuant to District Regulation XIII – *New Source Review*; and
 - (4) The proposed modification does not impose or change a permit condition which allows the facility, or any permit unit at the facility, to operate below the threshold of applicability for any Applicable Requirement or of this regulation; and
 - (5) The proposed modification is not a modification under Title I of the Federal Clean Air Act; and
- (U) "Permit Modification" - Any action taken to modify a FOP. These include, but are not limited to, Administrative Permit Amendments, Minor Permit Modifications, Significant Permit Modifications.
- (V) "Permit Unit" - Any equipment which is required to have a permit to operate under District Rule 203.
- (W) "Potential to Emit" - The maximum capacity of a Facility to emit any air pollutant under its physical and operational design.
 - (1) Any physical or operational limitation on the capacity of the unit to emit a pollutant including air pollution control equipment; restrictions on hours of operation; or restrictions on the type and/or amount of material combusted, stored or processed shall be treated as part of the design if such limitation is Federally Enforceable.

- (2) Fugitive Emissions of Hazardous Air Pollutants shall be included in the calculation of a Facility's Potential to Emit.
 - (3) Fugitive Emissions of other Air Pollutants shall not be included in the calculations of a Facility's Potential to Emit unless the Facility belongs to a category listed in 40 CFR 70.2 "Major Source" paragraph (2).
 - (4) Emissions of Hazardous Air Pollutants from any oil or gas exploration well (with its associated equipment) and emissions from any pipeline compressor or pump stations shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area.
- (X) "Regulated Air Pollutant" - Any of the following Air Pollutants:
- (1) Any pollutant, and its precursors, for which a national ambient air quality standard has been promulgated.
 - (2) Any pollutant that is subject to a standard under 42 U.S.C. §7411 (Federal Clean Air Act §111) or any regulation promulgated pursuant to that section.
 - (3) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or any regulation promulgated pursuant to that section.
 - (4) Any pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412 (Federal Clean Air Act §112).
- (Y) "Responsible Official" - One of the following persons with the authority to certify that a Facility complies with the provisions of this Regulation and all Applicable Requirements.
- (1) For a corporation:
 - (a) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) A duly authorized representative of a person listed in section (a) above if the representative is responsible for the overall operation of one or more manufacturing, production or operating Facilities which are applying for or subject to a Federal Operating permit and:
 - (i) The Facility employs more than 250 persons; or
 - (ii) The Facility has gross annual sales or expenditures exceeding Twenty-Five Million (25,000,000) dollars (in second quarter 1980 dollars); or
 - (iii) The delegation of the authority is approved in advance by the APCO.
 - (2) For a partnership or sole proprietorship:
 - (a) A general partner or the sole proprietor, respectively.

- (3) For a municipality, state, federal or other public agency:
 - (a) A principle executive officer or a ranking elected official.
- (4) For an Acid Rain Facility:
 - (a) A designated representative as defined in 40 CFR 72.20.
- (Z) "Reopening" - The process of modification of a FOP which is commenced by the District pursuant to the provisions of District Rule 1206.
- (AA) "Solid Waste Incineration Unit" - Any Facility which burns solid waste material from commercial, industrial, or the general public sources for which a Performance Standard has been promulgated pursuant to 42 U.S.C. §§7411 or 7429 (Federal Clean Air Act §§111 or 129) or regulations promulgated thereunder, except:
 - (1) Facilities which burn hazardous waste and are required to have a permit under 42 U.S.C. §6925 (Solid Waste Disposal Act §3005); or
 - (2) A materials recovery Facility which primarily recovers metals; or
 - (3) Any qualifying small power production facility as defined in 16 U.S.C. §796(17)(C); or,
 - (4) Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C. §796(18)(B); or
 - (5) Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the USEPA.
- (BB) "Significant Permit Modification" - A revision or proposed revision to a FOP which does not meet the qualifications for an Administrative Permit Amendment or a Minor Permit Modification.
- (CC) "United States Environmental Protection Agency" (USEPA) - Refers to the Administrator or the appropriate designee of the United States Environmental Protection Agency.
- (DD) "Volatile Organic Compound" (VOC) - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions excluding those compounds listed in 40 CFR 51.100(s)(1).

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