

## MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

### **RULE 1301 – DEFINITIONS**

*(Adopted: 7/21/80) (Amended: 10/27/93, 03/25/96, and 09/24/01)*

For the purposes of this Regulation, the following definitions shall apply:

- (A) "Actual Emissions" - The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable.
- (B) "Actual Emissions Reductions (AERs)" - Emissions reductions which result from modifications to or shutdowns of existing Emissions Unit(s) which have been banked pursuant to District Regulation XIV or which are simultaneous reductions within the same Facility as calculated pursuant to District Rule 1305(B)(2). AERs shall be real, enforceable, quantifiable, surplus and permanent and shall be calculated pursuant to provisions of District Rules 1305(B)(2) or 1404(A) as applicable.
- (C) "Affected State" - Any State or local air pollution control agency whose air quality may be affected by the granting of a permit to a Facility or an Emissions Unit and which is contiguous to the District; or any State which is located within 50 miles of the Facility.
- (D) "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.
- (E) "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.
- (F) "Air Quality Attainment Plan" (AQAP) - A planning document submitted and periodically revised by the District pursuant to the provisions of the California Health & Safety Code §§40910 et seq. and approved by CARB.
- (G) "Ambient Air Quality Standards" - Any National Ambient Air Quality Standard promulgated pursuant to the provisions of 42 U.S.C. §7409 (Federal Clean Air Act §109) or any State Ambient Air Quality Standard promulgated to California Health & Safety Code §39606 unless the particular Ambient Air Quality Standard (either National or State) is specified.

- (H) "Application for Certification" (AFC) - A document submitted to the CEC requesting certification of an EEGF pursuant to the provisions of Division 15 of the California Public Resources Code (commencing with section 25000).
- (I) "Authority to Construct Permit" (ATC) - A District permit required pursuant to the provisions of District Rule 201 which must be obtained prior to the building, erecting, installation, alteration or replacement of any Permit Unit. Such permit may act as a temporary PTO pursuant to the provisions of District Rule 202.
- (J) "Begin Actual Construction" - The general initiation of physical on-site construction activities on an Emissions Unit which are of a permanent nature. Actual construction activities include, but are not limited to, the following:
- (1) Installation of building supports and foundations;
  - (2) Laying of underground pipe work;
  - (3) Construction of permanent storage structures; and
  - (4) With respect to a change in operating method, those on-site activities, other than preparatory activities, which mark the initiation of the change.
- (K) "Best Available Control Technology (BACT)" - For any Permit Unit at Facilities as indicated below:
- (1) For a new or Modified Major Facility as defined in District Rule 1301(DD) the most stringent of:
    - (a) The most stringent emission limit or control technique which has been achieved in practice, for such permit unit class or category of source; or
    - (b) Any other emission limitation or control technique, and/or different fuel demonstrated in practice to be technologically feasible and cost-effective by the APCO or by CARB.
  - (2) For a new or Modified non-major Facility:
    - (a) The most stringent emission limit or control technique which has been achieved in practice for such category or class of source. Economic and technical feasibility may be considered in establishing the class or category of source; or
    - (b) Any other emission limitation or control technique found by the APCO to be

technologically feasible and cost effective for such class or category of source.

- (3) Under no circumstances shall BACT be determined to be less stringent than the emission limitation or control technique contained in any State Implementation Plan as approved by USEPA, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not achievable. *[Clarifies current practice.]*
- (4) In no event shall the application of BACT result in the emissions of any Regulated Air Pollutant which exceeds the emissions allowed by any applicable standard or other requirement under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder.
- (L) "California Air Resources Board" (CARB) - The California State Air Resources Board the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with section 39500).
- (M) "California Energy Commission" (CEC) - The California Energy Commission the powers and duties of which are described in Division 15 of the California Public Resources Code (commencing with section 25000).
- (N) "Cargo Carriers" - Cargo carriers are trains, trucks and off-road vehicles dedicated to, or an integral part of, a specific Facility. For the purposes of this regulation, trucks and off-road vehicles are those used exclusively at the Facility.
- (O) "Commence Construction" - When the owner or operator of a Facility or of a Facility undergoing a Major Modification has obtained all necessary preconstruction approvals and/or permits and has either:
  - (1) Begun, or caused to begin, a continuous program of actual on-site construction to be completed within a reasonable time; or
  - (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the Facility or Emissions Unit to be completed within a reasonable time.
- (P) "Comprehensive Emission Inventory" - A plan and report prepared pursuant to the most recently published District *"Comprehensive Emissions Inventory Guidelines"* which consists of numerical representations of the existing and proposed emissions from a Facility and the methods utilized to determine such data.

- (Q) "Construction" - Any physical change or change in the method of operation in a Facility (including fabrication, erection, installation, demolition, or modification of an Emissions Unit) which would result in a change in Actual Emissions.
- (R) "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.
- (S) "District" - The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103.
- (T) "Electrical Energy Generating Facility" (EEGF) - Any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto.
- (1) Exploratory, development, and production wells, resource transmission lines and other related facilities used in connection with a geothermal exploratory project or a geothermal field development project are not appurtenant facilities for the purposes of this Regulation.
  - (2) EEGF does not include any wind, hydroelectric or solar photovoltaic electrical generating facility.
- (U) "Emissions Limitation" - One or a combination of Federally Enforceable permit conditions specific to a permit unit which restricts its maximum daily emissions, in pounds per day or other appropriate unit of measure, at or below the emissions associated with the maximum design capacity.
- (V) "Emissions Reduction Credit" (ERC) - A credit for an amount and type of Regulated Air Pollutant granted by the District pursuant to the provisions of District Regulation XIV which is evidenced by recordation in the Registry of emissions reductions and by an ERC Certificate.
- (W) "Emissions Unit" - any article, machine, equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.
- (X) "Executive Officer" - The person appointed to the position of Executive Officer of the California Air Resources Board pursuant to the provisions of California Health & Safety Code §39515 and his or her designee.
- (Y) "Facility" - Any building, structure, Emissions Unit, combination of Emissions Units, or installation which emits or may emit a Regulated Air Pollutant and which are:
- (1) Located on one or more Contiguous or adjacent properties within the District;

- (2) Under the control of the same person (or by persons under common control); and
  - (3) Belong to the same industrial grouping, as determined by being within the same two digit Standard Industrial Classification Code (SIC<sup>2</sup>).
  - (4) For the purpose of this regulation, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.
- (Z) "Federally Enforceable" - any limitation and/or condition which is set forth in permit conditions or in Rules or Regulations which are legally and practically enforceable by USEPA, citizens, and the District; including, but not limited to: [*See CARB Comment #7 of 11/14/00.*]
- (1) Requirements developed pursuant to 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder;
  - (2) Requirements within any applicable state implementation plan;
  - (3) Permit requirements established pursuant to 40 CFR 52.21; 51.160-166; or under regulations approved pursuant to 40 CFR 51, subpart I, including operating permits issued under a USEPA approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under such program.
- (AA) "Fugitive Emissions" - Those emissions which could not reasonably pass through a stack, chimney, or vent. Fugitive emissions are directly or indirectly caused by the activities of man.
- (BB) "Halocarbons" - For the purpose of this rule, halocarbons are 1,1,1-trichloroethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23), methylene chloride, trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115).
- (CC) "Historic Actual Emissions" (HAE) - The Actual Emissions of an Emissions Unit or combination of Emissions Units, including Fugitive Emissions directly related to the Emissions Unit(s), calculated in pounds per year and determined pursuant to the provisions of District Rule 1304(D)(2).

- (DD) "Major Facility" - Any Facility which emits or has the Potential to Emit any Regulated Air Pollutant or its Precursors in an amount greater than or equal to the amounts set forth in District Rule 1303(B)(1).
- (1) Any physical change at a Facility which, by itself, would emit or have the Potential to Emit any Regulated Air Pollutant or its Precursors in an amount greater than or equal to the amounts listed in District Rule 1303(B), shall also constitute a Major Facility.
  - (2) The Fugitive Emissions of a Facility shall not be included in the determination of whether a Facility is a Major Facility unless the Facility belongs to one of the twenty-seven (27) categories of Facilities as listed in 40 CFR 51.165(a)(1)(iv)(C).
- (EE) "Major Modification" - Any Modification in a Facility that would result in a Significant Net Emissions Increase of any Regulated Air Pollutant as set forth in section (DDD) below.  
*[Citation revised.]*
- (FF) "Mobile Source" - A device by which any person or property may be propelled, moved, or drawn upon the surface, waterways, or through the atmosphere, and which emits air contaminants. For the purpose of this Regulation, mobile source includes registered Motor Vehicles which are licensed, or driven on the public roadways of the state of California.
- (GG) "Modeling" - An air quality simulation model based on specific assumptions and data, and which model, assumptions, and data have been approved in advance and in writing by the APCO. Such models shall be from a list of approved air quality simulation models prepared by the CARB and the USEPA.
- (HH) "Modification" (Modified) - Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation which results in a Net Emissions Increase of any Regulated Air Pollutant or which results in the emission of any Regulated Air Pollutant not previously emitted:
- (1) A physical or operational change shall not include:
    - (a) Routine maintenance, repair and/or replacement; or
    - (b) A change in ownership of an existing Facility with valid PTO(s); or

- (c) The replacement or Modification of an Emissions Unit where the following requirements are met:
  - (i) The replacement unit is functionally identical as the Emissions Unit being replaced; and
  - (ii) The maximum rating of the new or modified Emissions Unit will not be greater than that of the Emissions Unit being replaced; and
  - (iii) The Potential to Emit for any Regulated Air Pollutant will not be greater from the new or modified Emissions Unit than from the Emissions Unit being replaced when the replacement Emissions Unit is operated at the same permitted conditions as the original Emissions Unit and as if current BACT had been applied to the original Emissions Unit; and
  - (iv) The replacement does not occur at a Major Facility and is not a Major Modification.
  - (v) An Emissions Unit shall not be considered a functionally identical replacement if USEPA objects to such determination on a case-by-case basis.
  
- (d) The relocation of an existing Facility, utilizing existing equipment where the following requirements are met:
  - (i) The relocation does not result in an increase in emissions from the Facility; and
  - (ii) The relocation is to a site within ten (10) miles of the original Facility location; and
  - (iii) The relocation is to a site within a federal designation which is less than or equal to the designation or classification of the original site; and
  - (iv) The relocation occurs within one (1) year of the Facility ceasing operations at its original location; and
  - (v) The relocation does not occur at a Major Facility and is not a Major Modification; and
  - (vi) Any new or replacement equipment associated with the relocation complies with the applicable provisions of this Rule.

(II) "Motor Vehicle" - For the purpose of this regulation, "Motor Vehicle" includes registered Motor Vehicles which are licensed, or driven on the public roadways of the state of California.

(JJ) "Net Air Quality Benefit" - Any improvement in air quality resulting from Actual Emission Reductions.

(KK) "Net Emissions Increase" - An emissions change as calculated pursuant to District Rule 1304(B) which exceeds zero.

- (LL) "New Source Review Document" (NSR Document) - A document issued by the APCO pursuant to the procedures of District Rule 1302 for a Facility subject to the provisions of District Rule 1303(B) which includes, but is not limited to, all analysis relating to the project, Offsets required for the project, and proposed conditions for any required ATC(s) or PTO(s).
- (MM) "Nonattainment Air Pollutant" - Any Regulated Air Pollutant for which the District has been designated "nonattainment" pursuant to final rule-making by the USEPA as published in the Federal Register, or for which the District has been designated nonattainment by the CARB pursuant to California Health and Safety Code §39607. Any pollutant which is a Precursor to a Nonattainment Air Pollutant is also a Nonattainment Air Pollutant.
- (NN) "Nonpermitted Exempt Unit" - An Emissions Unit or group of Emissions Units which are exempt from the requirement to have a permit pursuant to the provisions of District Rule 219 or the provisions of California Health & Safety Code §42310.
- (OO) "Notice of Intention" (NOI) - A notice regarding an EEGF produced pursuant to the provisions of Division 15 of the California Public Resources Code (commencing with section 25000).
- (PP) "Off-road Vehicle" - Any vehicle which is not licensed for use on the public roadways in the State of California and is used exclusively at the Facility.
- (QQ) "Offset Emission Reductions" (Offsets) - Actual Emissions Reductions (AERs) or Emission Reduction Credits (ERCs) used to offset emission increases of Regulated Air Pollutants on a pollutant category specific basis. AERs shall be calculated pursuant to the criteria set forth in District Rules 1304(C). ERCs shall comply with the provisions of District Regulation XIV. AERs or ERCs shall be adjusted, if necessary, pursuant to the provisions of District Rule 1305(C)(4). *[Corrects typographical error.]*
- (RR) "Permit to Operate" (PTO) - A District permit required pursuant to the provisions of District Rule 203 which must be obtained prior to operation of a Permit Unit. An ATC may function as a temporary PTO pursuant to the provisions of District Rule 202.
- (SS) "Permit Unit" - Any Emissions Unit which is required to have a PTO pursuant to the provisions of District Rule 203.
- (TT) "PM10" - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR 50 Appendix J and designated in accordance with 40 CFR 53; or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with section 94100); or any equivalent method designated in accordance with 40 CFR 53.



- (UU) "Potential to Emit" (PTE) - The maximum capacity of a Facility or Emissions Unit(s) to emit any Regulated Air Pollutant under its physical and operational design.
- (1) Any physical or operational limitation on the capacity of the Facility or Emissions Unit(s) to emit an Air Pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processes, shall be treated as part of its design only if the limitation or the effect it would have on emissions is Federally Enforceable. *[See 1301(Z). CARB Comment #7 of 11/14/00]*
  - (2) Fugitive Emissions of Hazardous Air Pollutants shall be included in the calculation of a Facility's or Emission Unit(s)' Potential to Emit.
  - (3) Fugitive Emissions of other Air Pollutants shall not be included in the calculations of a Facility's or Emissions Unit(s)' Potential to Emit unless the Facility belongs to one of the 27 categories listed in 40 CFR 51.165(a)(1)(iv)(C).
  - (4) Secondary Emissions shall not be included in the calculations of a Facility's or Emissions Unit(s)' Potential to Emit.
- (VV) "Precursor" - A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

Precursors

Hydrocarbons and substituted hydrocarbons  
(Reactive Organic Compounds)

Nitrogen oxides (NOx)

Sulfur oxides (SOx)

Hydrogen Sulfide (H2S)

Secondary Pollutants

a) Photochemical oxidant (ozone)  
b) The organic fraction of PM10

a) Nitrogen dioxide (NO2)  
b) The nitrate fraction of PM10  
c) Photochemical oxidant (ozone)

a) Sulfur dioxide (SO2)  
b) Sulfates (SO4)  
c) The sulfate fraction of PM10

- (WW) "Proposed Emissions" (PE) - The Potential to Emit for a new or modified Facility or Emissions Unit, as constructed or modified, calculated pursuant to the provisions of District Rule 1304(D)(3).

- (XX) "Reactive Organic Compound" (ROC) - Any compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, which participates in atmospheric photochemical reactions and those compounds listed in 17 California Code of Regulations §94508(a)(90)(1-2).
- (YY) "Reasonably Available Control Technology" (RACT) - Any device, system, process modification, apparatus, technique or combination of the above which results in the lowest emissions rate and which is reasonably available considering technological and economic feasibility.
- (ZZ) "Reduced Sulfur Compounds" - Hydrogen sulfide, carbon disulfide and carbonyl sulfide.
- (AAA) "Regulated Air Pollutant" - Any of the following Air Pollutants:
- (1) Any Air Pollutant, and its Precursors, for which an Ambient Air Quality Standard has been promulgated.
  - (2) Any Air Pollutant that is subject to a standard under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or the regulations promulgated thereunder.
  - (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 the regulations promulgated thereunder.
  - (4) Any Air Pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder.
- (BBB) "Seasonal Source" - Any Facility or permit unit with more than seventy-five percent (75%) of its annual emissions within a consecutive 120 day period.
- (CCC) "Secondary Emissions" - Emissions which would occur as a result of the Construction or operation of a Facility or Major Modification to a Facility but which do not come from the Facility or the Major Modification itself.
- (1) These emissions must be specific, well defined, quantifiable, and impact the same general area as the Facility or the Major Modification which causes the Secondary Emissions.

- (2) Secondary Emissions shall include emissions from any offsite support Facility which would not be constructed or increase its emissions except as the result of the construction or operation of the Facility or Major Modification.
- (3) Secondary Emissions shall not include any emissions which come directly from a Mobile Source.

(DDD) "Significant" - A Net Emissions Increase from a Major Modification which would be greater than or equal to the following emissions rates for those Air Pollutants and their Precursors dependant upon Facility location.

<u>POLLUTANT</u>	<u>EMISSION RATE</u> (Within an attainment or unclassified area)	<u>EMISSION RATE</u> (Within a Severe-17 ozone nonattainment area)	<u>EMISSION RATE</u> (Within a moderate PM10 nonattainment area)
Carbon Monoxide (CO)	100 tpy	100 tpy	100 tpy
Lead (Pb)	0.6 tpy	0.6 tpy	0.6 tpy
Oxides of Nitrogen (NOx)	40 tpy	25 tpy	40 tpy
PM10	N/A	N/A	15 tpy
Reactive Organic Compounds (ROC)	40 tpy	25 tpy	40 tpy
Sulfur Dioxide (SO2)	40 tpy	40 tpy	40 tpy

- (1) If a Facility is located in more than one federal nonattainment area then the lower of the limits listed above shall apply on a pollutant category specific basis.

(EEE) "Simultaneous Emission Reduction" (SER) - A Federally Enforceable reduction in the emissions of an existing Emissions Unit, calculated pursuant to the provisions of District Rule 1304(C), which occurs at the same time as a permitting action pursuant to this Regulation and is a reduction in the Historic Actual Emissions of the Emissions Unit.

(FFF) "Total Organic Compounds" (TOC) - Compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate.

(GGG) "United States Environmental Protection Agency" (USEPA) - The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.

(HHH) "Volatile Organic Compounds" (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 and those compounds listed in 40 CFR 51.100(s)(1).

[SIP: Submitted as amended 09/24/01 on \_\_\_\_\_; Submitted as amended 03/25/96 on \_\_\_\_\_;  
Submitted as amended 10/27/93 on 03/29/94; Conditional Approval 47 FR 25013, 06/09/82]