

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

RULE 1310 – FEDERAL MAJOR FACILITIES AND FEDERAL MAJOR MODIFICATIONS

(Adopted: 08/28/06)

(A) Purpose

- (1) The purpose of this Rule is to:
 - (a) Set forth the additional requirements and procedures for Federal Major Modifications and Presumptive Federal Major Modifications.
 - (b) Set forth the requirements and procedures for the implementation of Plant Wide Applicability Limits.

(B) Applicability

- (1) The provisions of this Rule apply to:
 - (a) Any Federal Major Modification
 - (b) Any Presumptive Federal Major Modification
 - (c) Any Federal Major Facility which requests a Plant Wide Applicability Limit pursuant to section (F).

(C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

- (1) “Baseline Actual Emissions” – The rate of emissions, in tons per year, of a Regulated NSR pollutant, as calculated pursuant to subsection (E)(2).
- (2) “Contemporaneous” – An increase or decrease in Actual Emissions of an Emissions Unit which occurs before the date of any increase from the proposed Modification.
- (3) “Creditable” – An increase or decrease in Actual Emissions of an Emissions Unit which:
 - (a) Occurs within a reasonable time period before the proposed Modification; and
 - (b) Has not been used in a prior permitting action by the District.

- (4) “Electric Utility Steam Generating Unit” - Any steam electric generating unit that supplies more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
- (5) “Existing Emissions Unit” – An Emissions Unit which has existed for 2 years or more from the date the Emissions Unit first operated.
- (6) “Federal Major Facility” – Any Facility which emits or has the Potential to Emit any Regulated NSR Pollutant in an amount greater than or equal to the amounts set forth in subsection (D)(1).
 - (a) 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 subsection (D)(1), shall also constitute a Major Facility.
 - (b) 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).
- (7) “Federal Major Modification” – Any Modification that would result in a Federally Significant Emissions Increase of a Regulated NSR Pollutant.
- (8) “Federal Significant Emission Increase” - A Net Emissions Increase of a Regulated NSR Pollutant from a Facility which would be greater than or equal to the emissions rates listed in subsection (D)(2) below for those Air Pollutants and their Precursors dependant upon Facility location.
- (9) “Net Emissions Increase” – With respect to any regulated NSR pollutante emitted by a Major Facility, the amount by which the sum of the following exceeds zero:
 - (a) The increase in emissions from a particular physical change or change in the method of operation at a Facility as calculated pursuant to subsection (E)(1) of this rule; and
 - (b) Any other increases and decreases in actual emissions at the Facility that are Contemporaneous with the particular change and are otherwise creditable.
 - (i) Baseline emissions used to determine contemporaneous increases and decreases shall be calculated pursuant to subsection (E)(2) of this rule except that the provisions of subsection (E)(2)(a)(iv) and (E)(2)(b)(v) shall not apply.

- (10) “New Emissions Unit” – Any Emissions Unit which:
- (a) Is or will be newly constructed; or
 - (b) Has existed for less than 2 years from the date such Emissions Unit first operated; or
 - (c) A Replacement Emissions Unit for which the Emissions Unit it replace has been brought back into operation.
- (11) “Plantwide Applicability Limit” (PAL) – An emission limitation expressed in tons per year for a Regulated Air Pollutant at a Federal Major Facility that is enforceable as a practical matter and established for the entire Facility in accordance with the provisions of section (F) below.
- (12) “Presumptive Federal Major Modification” – A Modification as defined in District Rule 1301(HH) which requires offsets pursuant to the provisions of 1303(B) but which has not been determined by the APCO to be below the threshold of subsection (D)(2).
- (13) “Projected Actual Emissions” – The maximum annual rate, in tons per year, at which an Existing Emissions Unit is projected to emit a Regulated NSR Pollutant as calculated pursuant to subsection (E)(3).
- (14) “Regulated NSR Pollutant” – Any Air Pollutant and its Precursors for which an Ambient Air Quality Standard has been promulgated, including but not limited to:
- (a) Oxides of Nitrogen (NO_x) and their precursors;
 - (b) Volatile Organic Compounds (VOC) and their precursors;

(D) Requirements

- (1) Federal Major Facility Threshold
- (a) Any Facility that has a Potential to Emit rate of a Regulated NSR Pollutant, calculated pursuant to District Rule 1304, which is greater than or equal to the following Federal Major Facility Threshold is a Federal Major Facility.

Table 1
FEDERAL MAJOR FACILITY THRESHOLD AMOUNTS

POLLUTANT	FEDERAL MAJOR FACILITY THRESHOLD
Carbon Monoxide (CO)	100 tpy
Lead (Pb)	25 tpy

POLLUTANT	FEDERAL MAJOR FACILITY THRESHOLD
PM10	100 tpy
Oxides of Nitrogen (NOx)	100 tpy
Oxides of Sulfur (SOx)	100 tpy
Volatile Organic Compounds (VOC)	100 tpy

(2) Federal Major Modification Threshold

- (a) A Modification to any Facility that has a Net Emissions Increase of a Regulated NSR Pollutant, calculated pursuant to section (E)(1) below, which is greater than or equal to the following Federal Significant Emissions Increase Threshold amount is a Federal Major Modification.

Table 2
FEDERAL SIGNIFICANT EMISSIONS INCREASE THRESHOLD

<u>POLLUTANT</u>	<u>EMISSION RATE</u> (Within an attainment or unclassified area)	<u>EMISSION RATE</u> (Within an ozone nonattainment area)	<u>EMISSION RATE</u> (Within a moderate PM ₁₀ 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	40 tpy	40 tpy
PM10	15 tpy	15 tpy	15 tpy
Volatile Organic Compounds (VOC)	40 tpy	40 tpy	40 tpy
Sulfur Dioxide (SO2)	40 tpy	40 tpy	40 tpy

- (b) 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 specific basis.

(3) Any Federal Major Modification shall:

- (a) Perform an alternative site analysis under 42 U.S.C. §7530(a)(5) (Federal Clean Air Act §173(a)(5)).

(E) Calculations

(1) General Emissions Calculations

- (a) To determine if a Modification is a Federal Major Modification the emissions increase resulting from the Modification shall be calculated as follows:

(Projected Actual Emissions) – (Baseline Actual Emissions)

(2) Calculating Baseline Actual Emissions

- (a) For any Existing Electric Utility Steam Generating Unit:

- (i) The Baseline Actual Emissions of an Emissions Unit or combination of Emissions Units averaged from either
 - a. Any consecutive 24-month period within 5-years immediately preceding beginning actual construction of the Modification; or
 - b. Any period within 5-years immediately preceding beginning the actual construction of the Modification which the APCO has determined is more representative of Facility operations than subsection (E)(2)(a)(i)a. above.
- (ii) The Baseline Actual Emissions shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
- (iii) The Baseline Actual Emissions shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
- (iv) When a Modification involves multiple Emissions Units only one period as specified in subsection (E)(2)(a)(i) may be used for each Regulated NSR Pollutant.
- (v) When a Modification involves multiple Regulated NSR Pollutants a different period as specified in subsection (E)(2)(a)(i) above may be used for each pollutant.
- (vi) The Baseline Actual Emissions shall not be based on any period specified in subsection (E)(2)(a)(i) above for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount.

- (b) For an Existing Emissions Unit (other than an Electric Utility Steam Generating Unit)

- (i) The Baseline Actual Emissions of an Emissions Unit or combination of Emissions Units averaged from
 - a. Any consecutive 24-months within 10-year period immediately preceding the date the application for the Modification is determined to be complete by the District.
- (ii) The Baseline Actual Emissions shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

- (iii) The Baseline Actual Emissions shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the period specified in subsection (E)(2)(b)(i) above.
- (iv) The Baseline Actual Emissions shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the Federal Major Facility must currently comply, had such Federal Major Facility been required to comply with such limitations during the period specified in subsection (E)(2)(b)(i) above unless:
 - a. The emission limitation is part of a maximum achievable control technology standard proposed or promulgated under 40 CFR 63 by USEPA; and
 - b. The District has not taken credit for such emissions reductions in an attainment demonstration or maintenance plan promulgated pursuant to the provisions of Title I of the Federal Clean Air Act (42 U.S.C. §§7401 et seq)
- (v) When a Modification involves multiple Emissions Units only one period as specified in subsection (E)(2)(b)(i) may be used for each Regulated NSR Pollutant.
- (vi) When a Modification involves multiple Regulated NSR Pollutants a different period as specified in subsection (E)(2)(b)(i) above may be used for each pollutant.
- (vii) The Baseline Actual Emissions shall not be based on any period specified in subsection (E)(2)(b)(i) above for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount.

(c) For a New Emissions Unit

- (i) For purposed of determining emissions increases resulting from the initial construction and operation of the new Emissions Unit the baseline emissions shall be equal to zero.
- (ii) For all other purposes the baseline emissions shall be the Emissions Unit's PTE.

(3) Calculating Projected Actual Emissions

- (a) The Projected Actual Emissions for proposed Federal Major Modifications shall be calculated using any of the following periods:
 - (i) Any 12-month period in the 5-years following the date the Emissions Unit resumes regular operation after the Modification;
 - or
 - (ii) Any 12-month period in the 10-years following the date the Emissions Unit resumes regular operation after the Modification if:

- a. The Modification involves increasing the Emissions Unit's design capacity or PTE of the Regulated NSR Pollutant; and
 - b. The full utilization of the Emissions Unit would result in a Federal Significant Emissions Increase or a Federal Significant Net Emissions Increase.
- (b) The Projected Actual Emissions calculation shall:
 - (i) Include all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved plan; and
 - (ii) Include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions.
 - (iii) Exclude that portion of the Emission Unit's emissions following the modification that the pre-modification Emissions Unit could have accommodated during the consecutive 24-month period used to establish the baseline actual and that are also unrelated to the particular modification.
- (c) In lieu of calculating Projected Actual Emissions the owner/operator of the Facility may elect to use the PTE of the Emissions Unit as calculated pursuant to the provisions of District Rule 1304(D).

(F) Plant Wide Applicability Limits

- (1) Application
 - (a) Any Federal Major Facility may apply to the APCO for the issuance of a PAL.
 - (b) Such application shall be subject to the applicable provisions of District Rule 301.
- (2) Issuance
 - (a) The APCO shall approve a PAL if the owner or operator of the Federal Major Facility demonstrates that the PAL conforms with all the provisions specified in 40 CFR 51.165(f)(1-15).
 - (b) The APCO shall include on any and all appropriate permits held by the Federal Major Facility conditions sufficient to implement and enforce the PAL.

(3) Effect of a PAL

- (a) A Federal Major Facility with a PAL shall not be subject to the provisions of Rule 1310(D)(3) above only for:
 - (i) The pollutant for which the PAL is approved; and
 - (ii) The transactions which are allowable under the PAL