

US EPA ARCHIVE DOCUMENT

RULE 370. POTENTIAL TO EMIT -- LIMITATIONS FOR PART 70 SOURCES (Adopted June 15, 1995)

A. Applicability

1. General 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:

- a. In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in section D.1 below; or
- b. 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 G.1 below.

2. Stationary Source with De Minimis Emissions:

The recordkeeping and reporting provisions in sections E, F and G below shall not apply to a stationary source with de minimis emissions or operations as specified in either subsection a. or b. below:

- a. In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:
 - 1) 5 tons per year of a regulated air pollutant (excluding HAPs).
 - 2) 2 tons per year of a single HAP.
 - 3) 5 tons per year of any combination of HAPs, and
 - 4) 20 percent of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.
- b. 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 1) through 9) below:
 - 1) 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;
 - 2) 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent-containing material;
 - 3) (a) 1,200 gallons of solvent-containing (or, volatile organic compound containing) material, including no more than 480 gallons of solvent-containing (or, volatile organic compound containing) material that also contains any hazardous air pollutants, used at a paint spray unit(s);

- (b) The volatile organic compound/solvent content of the material used at a paint spray unit(s) shall not exceed 1000 gms solvent per liter coating, as applied, less water and exempt compounds.
- 4) 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;
 - 5) 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;
 - 6) 1,400 gallons of gasoline combusted;
 - 7) 16,600 gallons of diesel fuel combusted;
 - 8) 500,000 gallons of distillate oil combusted, or
 - 9) 71,400,000 cubic feet of natural gas combusted.

Within 30 days of a written request by the Air Pollution Control District (APCD) or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to sections E or G shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in subsection a, or b, above.

3. 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 APCD 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 APCD 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.

4. List of Sources to Which This Rule Applies

Within three years of the effective date of Regulation XIII (Part 70 Operating Permit Program), the Air Pollution Control 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.

5. Compliance by Sources with Pre-construction Permit Conditions

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, e.g., Prevention of Significant Deterioration, New Source Review or Authority to Construct. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

B. Exemptions

1. Stationary Source Subject to Regulation XIII (Part 70 Operating Permit Program)

This rule shall not apply to the following stationary sources:

- a. 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 D.1 or G.1 below and which meets both of the following conditions:

- 1) The owner or operator has notified the APCD at least 30 days prior to any exceedance that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits, and
- 2) A complete Part 70 permit application is received by the APCD, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.

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

- b. Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Regulation XIII, and is awaiting final action by the APCD and U.S. EPA.
- c. Any stationary source required to obtain an operating permit under Regulation XIII for any reason other than being a major source.
- d. Any stationary source with a valid Part 70 permit.

Notwithstanding subsections b. and d. above, 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 D.1 below or an applicable alternative operational limit in section G.1 below.

2. 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 major sources of regulated air pollutants and HAPs as defined in section C (Definitions) below.

C. Definitions

All terms shall retain the definitions provided under 40 CFR Part 70.2 or APCD Rule 1301, as applicable, unless otherwise defined herein.

"12-month period" means 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.

"Actual Emissions" means the emissions of a regulated air pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses; other information required by this rule and applicable APCD, State and Federal regulations; or information

requested in writing by the APCD. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or APCD approved methods, including emission factors and assumptions.

"Alternative Operational Limit" means 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 G, Alternative Operational Limit and Requirements.

"Emission Unit" means 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.

"Federal Clean Air Act" means the federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.

"Hazardous Air Pollutant" means any air pollutant listed pursuant to section 112(b) of the federal Clean Air Act.

"Major Source of Regulated Air Pollutants (excluding HAPs)" means a stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the following threshold:

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

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)."

"Major Source of Hazardous Air Pollutants" means 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.

"Part 70 Permit" means an operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

"Potential to Emit" means 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.

"Process Statement" means an annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of process materials; throughputs 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 APCD.

"Regulated Air Pollutant" means the following air pollutants as regulated under the federal Clean Air Act:

- a. Oxides of nitrogen and volatile organic compounds;
- b. Any pollutant for which a national ambient air quality standard has been promulgated;

- c. Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the Federal Clean Air Act;
- d. Any pollutant that is subject to any standard promulgated under section 111 of the federal Clean Air Act; and
- e. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the federal Clean Air Act, including:
 - 1) Any pollutant listed pursuant to section 112(r) (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list.
 - 2) Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(j) or adopted by the APCD pursuant to 112(g) and (i) shall be considered a regulated air pollutant for all sources or categories of sources: (i) upon promulgation of the standard or requirement, or (ii) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3).
 - 3) Any HAP subject to a APCD 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.

D. Emission Limitations

- 1. Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section G.1 below, no stationary source subject to this rule shall emit in every 12-month period more than the following quantities of emissions:
 - a. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs),
 - b. 5 tons per year of a single HAP.
 - c. 12.5 tons per year of any combination of HAPs, and
 - d. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
- 2. The Air Pollution Control Officer shall evaluate a stationary source's compliance with the emission limitations in section D.1 above annually. In performing the evaluation, the Air Pollution Control Officer shall consider any annual process statement submitted pursuant to Section F, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA, CARB, or the Air Pollution Control Officer.
- 3. Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section G.1 below, 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 D.1 above.

E. Recordkeeping Requirements

Immediately after the date of 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 G, Alternative Operational Limit and Requirements. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in an APCD, State, or Federal rule or regulation.

1. A stationary source previously covered by the provisions in section A.2 above shall comply with the applicable provisions of section E above and sections F and G below if the stationary source exceeds the quantities specified in section A.2.a above.
2. 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 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 APCD, CARB, or U.S. EPA staff upon request.

a. 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:

- 1) A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, 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;
- 2) A description of any 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;
- 3) A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and
- 4) All purchase orders, invoices, and other documents to support information in the monthly log.

b. 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:

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

c. 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:

- 1) Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and
- 2) 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.

d. 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:

- 1) Information on equipment type and description, make and model, and emission units served by the control unit;
- 2) Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; 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
- 3) A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

e. General Emission Unit

The owner or operator of a stationary source subject to this rule that contains an emission unit not included in subsections a, b or c above shall keep and maintain the following records:

- 1) 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);
- 2) Any additional information requested in writing by the Air Pollution Control Officer;
- 3) A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
- 4) Purchase orders, invoices, and other documents to support information in the monthly log.

F. Reporting Requirements

1. At the time of annual renewal of a permit to operate under Regulation 11 (Permits), each owner or operator of a stationary source subject to this rule shall submit to the APCD a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.
2. For the purpose of determining compliance with this rule, this requirement shall not apply to stationary sources which emit in every 12-month period less than or equal to the following quantities:

- a. For any regulated air pollutant (excluding HAPs), 25 tons per year including a regulated air pollutant.
 - b. 2.5 tons per year of a single HAP.
 - c. 6.25 tons per year of any combination of HAPs, and
 - d. 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
3. A stationary source previously covered by provisions in section F.2 above shall comply with the provisions of section F.1 above if the stationary source exceeds the quantities specified in section F.2.
 4. Any additional information requested by the Air Pollution Control Officer under section F.1 above shall be submitted to the Air Pollution Control Officer within 30 days of the date of request.

G. 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 every 12-month period are associated with the operation(s) limited by the alternative operational limit.

1. 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.
 - a. The owner or operator shall report within 24 hours to the Air Pollution Control Officer any exceedance of the alternative operational limit.
 - b. 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 APCD or U.S. EPA staff upon request.
 - c. 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:
 - 1) No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.
 - 2) 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.
 - 3) A copy of the monthly log shall be submitted to the Air Pollution Control Officer at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

d. Degreasing or Solvent-Using Unit

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

- 1) (a) 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 used in every 12-month period.
- (b) 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 used in every 12-month period.
- 2) A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
- 3) A copy of the monthly log shall be submitted to the Air Pollution Control Officer at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

e. Paint Spraying Unit

The owner or operator shall operate the paint spraying unit(s) in compliance with the following requirements:

- 1) (a) The total usage rate of all volatile organic compound-containing materials at the paint spray units shall not exceed 19,200 gallons in every 12-month period, with no more than 1,920 gallons of volatile organic compound-containing materials that also contain any hazardous air pollutant in every 12-month period.
- (b) The volatile organic compound/solvent content of the material used at a paint spray unit(s) shall not exceed 1000 gms solvent per liter of coating, as applied, less water and exempt compounds.
- 2) A monthly log of the gallons of VOC-containing materials used in the preceding month with a monthly calculation of the gallons of volatile organic compound-containing materials that also contain hazardous air pollutants used in the previous 12 months, and of the total gallons of volatile organic compound-containing materials used in the previous 12 months, shall be kept on site.
- 3) A copy of the monthly log shall be submitted to the Air Pollution Control Officer at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

f. 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:

- 1) For a federal ozone area designation of attainment, unclassified, transitional, or moderate nonattainment, the emergency standby engine(s) shall not operate more than 5,200 hours in every 12-month period and shall not use more than 265,000 gallons of diesel fuel in every 12-month period.
 - 2) 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.
 - 3) A copy of the monthly log shall be submitted to the Air Pollution Control Officer at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
2. 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 an exceedance of an applicable operational limit specified in section G.1 above.

H. Violations

1. 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.
2. A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Regulation XIII (APCD Title V rules) when the conditions specified in either subsections a. or b. below, occur:
 - a. Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in section D.1 above and any applicable alternative operational limit specified in section G.1, above, or
 - b. Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in section D.1 above or any applicable alternative operational limit specified in section G.1 above.

I. Applicability Review

The owner or operator of a stationary source may request the APCD (Attn: Engineering Manager) to review the applicability of this rule to the source. Such request shall be submitted with appropriate support materials, as follows:

1. Sources subject to Section D (Emission Limitations) will submit appropriate information providing data for "actual emissions" from the source, as specified in Section C of this rule. All work performed by the Air Pollution Control District staff to process such request shall be cost-reimbursable and subject to the provisions of the Air Pollution Control District Rule 210.I.C.
2. Sources subject to Section G (Alternative Operational Limit and Requirements) will submit information providing data on "operational parameters" appropriate for the source as listed in Section E of this rule. A fee for work performed by the Air Pollution Control District staff to process such request shall be charged to the source, based on the provisions listed in the Air Pollution Control District Rule 210.II.B.

I. Effective Date of Rule

This rule becomes effective on the date of its adoption by the APCD Board.