

RULE 512 REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

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100 APPLICABILITY

- 101 GENERAL APPLICABILITY:** 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 this rule.
- 102 EXCLUSION:** This rule shall not apply to any source subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM for any reason other than being a major source.

200 DEFINITIONS

All terms shall retain the definitions provided under Rule 507, FEDERAL OPERATING PERMIT PROGRAM, unless otherwise defined herein.

- 201 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 507, FEDERAL OPERATING PERMIT PROGRAM.
- 202 MODIFICATION:** For the purposes 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.
- 203 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.
- 204 OWNER OR OPERATOR:** For the purposes of this rule, an owner or operator is any person who owns, operates, controls, or supervises a stationary source.
- 205 SYNTHETIC MINOR SOURCE:** A synthetic minor source is a stationary source which, pursuant to this rule or another mechanism, is subject to federally-enforceable conditions that limit its potential to emit to below major source thresholds. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.

300 ADMINISTRATIVE REQUIREMENTS

A request for synthetic minor source status shall not relieve a source of the responsibility to comply with the application requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM within the specified timeframes. A major source subject to this rule may request synthetic minor source status in accordance with the following:

- 301 CONTENT OF REQUEST:** A request for designation as a synthetic minor source shall include:
- 301.1 The identification and description of all existing emission units at the source;
 - 301.2 The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted,¹ including any existing federally-enforceable limits established by a mechanism other than this rule;
 - 301.3 Proposed federally-enforceable conditions which:

¹ The calculated emissions for each emissions unit shall include the following fugitive emissions: 1) hazardous air pollutant fugitive emissions for all sources, and 2) other regulated air pollutant fugitive emissions for sources specified in 40 CFR Part 70.2 Major Sources (2).

- a. Limit source-wide emissions to below major source thresholds, and
- b. Are permanent, quantifiable, and otherwise enforceable as a practical matter;

301.4 Proposed federally-enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;

301.5 Any additional information requested by the APCO; and

301.6 Certification by a responsible official that the contents of the request are true, accurate, and complete.

302 TIMELY REQUEST: The owner or operator of a major source who chooses to request synthetic minor source status shall make such a request within the following timeframes:

302.1 For any major source that is operating or is scheduled to commence operating on the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 507, FEDERAL OPERATING PERMIT PROGRAM;

302.2 For any major source that commences operating after the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

302.3 For any major source that is operating in compliance with a permit pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator may request synthetic minor source status at any time, but shall make such request no later than eight months prior to Title V permit renewal.

303 SYNTHETIC MINOR SOURCE MODIFICATION REQUIREMENTS: The following requirements apply to any modification of a synthetic minor source:

303.1 For a modification which would not increase the synthetic minor source's potential to emit to equal or exceed any major source threshold, the source shall comply with the requirements of Rule 502, NEW SOURCE REVIEW.

303.2 For a modification which 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 502, NEW SOURCE REVIEW shall:

- a. Submit a revised request for synthetic minor source status in accordance with Section 301 of this rule no later than 180 days prior to the intended modification, unless a shorter period of time is agreed to by the APCO; or
- b. Submit an application in accordance with the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM no later than 180 days prior to the intended modification unless a shorter period of time is agreed to by the APCO².

² The requirements of Rule 507 FEDERAL OPERATING PERMIT PROGRAM for permit application after the date the rule becomes effective, i.e., within 12 months of commencing operation, do not apply to modifying synthetic minor sources subject to this provision.

400 DISTRICT PROCEDURES AND FEDERALLY-ENFORCEABLE CONDITIONS

The District shall take the following actions on requests for synthetic minor source status.

- 401 COMPLETENESS DETERMINATION:** The APCO 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 APCO and the source's owner or operator.

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

Upon request by the APCO, 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 identified as federally-enforceable and included in the source's permit-to-operate issued by the District pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS Sections 403 through 405 of this rule, and shall be:

- 402.1 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 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 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 source status is determined to be complete, the APCO 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:
- a. State that conditions identified as federally-enforceable in the source's permit will establish a voluntary emissions limit in accordance with Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS; and
 - b. 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 of the proposed permit prior to final permit action.

- 404 U.S. EPA REVIEW:** After a request for synthetic minor source status is determined to be complete, the APCO 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: 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 507, FEDERAL OPERATING PERMIT PROGRAM, within the specified timeframes. Upon fulfilling the requirements of Sections 401 through 404 of this rule, the APCO shall consider any written comments received during public and U.S. EPA review and take final action on the permit-to-operate of a source requesting synthetic minor source status within 90 days after closure of both the public and U.S. EPA review process or within three years of the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, whichever is later.

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 SOURCE STATUS: Renewal of synthetic minor source status shall be made in accordance with Rule 501, GENERAL PERMIT REQUIREMENTS. In addition, at permit renewal, any revision of conditions identified as federally-enforceable shall be subject to Sections 301 and 401 through 405 of this rule.

500 COMPLIANCE

The owner or operator of a synthetic minor source which exceeds the conditions identified as federally-enforceable and established pursuant to section 402.1 of this rule shall report such

exceedances to the APCO in accordance with Rule 404, UPSET CONDITIONS, BREAKDOWN OR SCHEDULED MAINTENANCE.

The owner or operator of a synthetic minor source that is not in compliance with any condition identified as federally-enforceable or with any 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 Federal Clean Air Act and District rules and regulations. A noncomplying synthetic minor source may be subject to any one or combination of the following actions: enforcement action, permit termination, permit revocation and reissuance, and permit renewal denial.