

PROPOSED AMENDED RULE 3008. POTENTIAL TO EMIT LIMITATIONS

(a) Purpose

The purpose of this rule is to exempt low-emitting facilities with actual emissions below a specific threshold from federal Title V permit requirements by limiting the facility's potential to emit.

(b) Applicability

This rule shall apply to any facility which would, if it did not comply with the limitations set forth in either paragraphs (d)(1) or (d)(2) of this rule, have the potential to emit air contaminants equal to or in excess of the thresholds specified in Table 2, subdivision (b) of Rule 3001 — Applicability, [or for GHGs 100,000 or more tpy CO₂e](#).

(c) Definitions

All terms shall retain the definitions in Rule 3000 - General, unless otherwise defined herein.

- (1) 12-MONTH PERIOD means a period of twelve (12) consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.
- (2) ACTUAL EMISSIONS means the emissions of regulated air pollutants from a facility on an [annual 12-month](#) basis. 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 District, state, and federal regulations; or information requested by or available to the District. All calculations of actual emissions shall use United States Environmental Protection Agency (EPA), California Air

Resources Board (CARB) or District approved methods, including emission factors and assumptions.

- (3) 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 paragraph (d)(2).
- (4) DE MINIMIS FACILITY means any facility that emits in every 12-month period quantities of actual emissions as specified in either subparagraph (A) or (B) below:

(A) The facility emits ~~less than or equal to all of the following:~~

- (i) ~~less than or equal to F~~four (4) tons per year of each regulated air pollutant (excluding hazardous air pollutants (HAPs)); ~~and~~
- (ii) ~~less than or equal to F~~four (4) tons per year of any single HAP, or twenty (20) percent of any newly adopted major source threshold for a single HAP that EPA may establish by rule, whichever is less; and
- (iii) ~~less than or equal to F~~five (5) tons per year of any combination of HAPs; ~~and~~
- (iv) less than 25,000 tons per year CO₂e for GHG emission.

(B) At least 90 percent of the facility's emissions are associated with an operation for which the throughput is less than or equal to any of the following quantities specified:

- (i) 1,120 gallons of any combination of solvent-containing materials but no more than 440 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;
- (ii) 600 gallons of the combination of all 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 240 gallons of any one solvent-containing material;

- (iii) 960 gallons of solvent-containing (or VOC containing) material, used at a paint spray unit(s);
 - (iv) 5,722,667 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery system as defined in Rule 461;
 - (v) 972,000 gallons of gasoline dispensed from equipment with only Phase I vapor recovery system as defined in Rule 461.
 - (vi) 376,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery system as defined in Rule 461;
 - (vii) 1,120 gallons of gasoline combusted;
 - (viii) 13,280 gallons of diesel fuel combusted;
 - (ix) 56,800,000 cubic feet of natural gas combusted
 - (x) 19,184 gallons of ultraviolet/electron beam materials not to exceed 50 grams/liter
- (5) 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 HAP.
- (6) MAJOR SOURCE means any facility with a potential to emit, measured in tons per year per facility location, exceeding the emission threshold levels in Table 2, subdivision (b) of Rule 3001.
- (7) POTENTIAL TO EMIT means the maximum capacity of a facility to emit an air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the facility 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 legally and practically enforceable by the EPA and citizens or by the District.
- (8) PROCESS STATEMENT means a Declaration of Total Emissions filed pursuant to Rule 301(e)(7) or ~~an annual~~ annual-12-month report on permitted emission units from an operator of a facility 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 by the District.

(d) Requirements

Any facility subject to this rule shall comply with either one of the following requirements:

(1) Emission Limitations

A facility subject to this rule has the following limits on emissions in every 12-month period:

- (A) 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs and GHGs);
- (B) 5 tons per year of any single HAP, or fifty (50) percent of any newly adopted major source threshold for a single HAP that EPA may establish by rule, whichever is less;
- (C) 12.5 tons per year of any combination of HAPs; and
- (D) less than 50,000 tons per year CO₂e for GHG emissions.

(2) Alternative Operational Limits

Any facility for which 90 percent of the facility's emissions from the permitted emission units in every 12-month period are associated with one of the operations identified in Table 1 shall comply with the corresponding operational limits in Table 1.

(e) Recordkeeping

- (1) The recordkeeping provisions below shall not apply to De Minimis facilities.
- (2) On and after May 15, 2001, the operator operating a facility subject to this rule under any one alternative operational limit, shall operate the facility in compliance with the alternative operational limit and comply with the following recordkeeping requirements as applicable:
 - (A) The 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 the District, CARB, or the EPA upon request.
 - (B) The operator of a Gasoline Dispensing Facility equipped with Phase I and Phase II Vapor Recovery Systems shall maintain on site a monthly log of gallons of gasoline dispensed in the preceding month with a calculation of the total gallons dispensed in the previous 12 months.

- (C) The operator of a Degreasing or Solvent-Using unit shall maintain on site a monthly log of amount and type of solvent used in the preceding month with a calculation of the total gallons used in the previous 12 months.
 - (D) The operator of a Paint-Spraying Unit shall maintain on site a monthly log of the gallons of VOC-containing materials used in the preceding 12 months with a calculation of the gallons of volatile organic compound-containing materials that also contain hazardous air pollutants used in the previous 12 months, and a calculation of the total gallons of volatile organic compound-containing materials used in the previous 12 months.
 - (E) The operator of an Emergency Standby Engine with output less than 1,000 brake horsepower shall maintain on site a monthly log of hours of operation, amount of fuel used, and a calculation of the total hours operated and amount of fuel used in the previous 12 months shall be kept on site.
- (3) On and after May 15, 2001, the operator of a facility not operating under any alternative operational limit, shall comply with the following applicable recordkeeping requirements. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.
- (A) The operator of a facility 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 shall be made available to the District, CARB, or EPA staff upon request.
 - (B) **Coating/Solvent Emission unit**
The operator of a facility subject to this rule that operates a coating/solvent emission unit or uses a coating, solvent, ink, or adhesive shall keep and maintain the records in accordance with Rule 109.
 - (C) **Organic Liquid Storage Unit**
The operator of a facility subject to this rule that contains an organic liquid storage unit shall keep and maintain the following records:

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

(D) Combustion Emission Unit

The operator of a facility subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

- (i) 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
- (ii) A monthly log of hours of operation, fuel type, fuel usage, and fuel heating value.

(E) Emission Control Unit

The operator of a facility subject to this rule that contains an emission control unit shall keep and maintain the following records:

- (i) Information on equipment type and description, make and model, and emission units served by the control unit;
- (ii) 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
- (iii) A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs,

maintenance and any other deviations from design parameters.

(F) General Emission Unit

The operator of a facility subject to this rule that contains an emission unit not included in subdivision (e) of this rule shall keep and maintain the following records:

- (i) 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);
- (ii) Any additional information requested in writing by the Executive Officer;
- (iii) A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
- (iv) Purchase orders, invoices, and other documents to support information in the monthly log.

(f) Reporting

- (1) The reporting provisions below shall not apply to De Minimis facilities.
- (2) Notwithstanding the provisions in paragraph (f)(1), within 30 days of a written request by the District or the EPA, the operator of a facility not maintaining records pursuant to subdivision (e) shall demonstrate that the facility's emissions or throughput are not in excess of the applicable quantities set forth in the definition of De Minimis facility.
- (3) The operator of a facility subject to this rule shall provide to the District a process statement or monthly log at the time of ~~annual~~ 12-month renewal for the previous 12 months of operation. The operator shall certify that the monthly log is true, accurate and complete.
- (4) Any additional information requested by the Executive Officer shall be submitted to the Executive Officer within 30 days of the date of request.
- (5) The operator shall notify the Executive Officer within 7 days of any exceedance of the alternative operational limit.
- (6) Notwithstanding the provisions in paragraph (f)(3), a current Declaration of Total Emissions submitted in accordance with paragraph (e)(7)(A) of

Rule 301 - Permitting and Associated Fees shall be deemed to meet the reporting requirements of this rule.

(g) 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 facility subject to this rule shall be subject to applicable federal requirements for a major source, including all other applicable rules of Regulation XXX, when the conditions specified in either subparagraph (g)(2)(A) or (g)(2)(B) below, occur;
 - (A) Commencing on the first day following every ~~annual~~-12-month period in which the facility exceeds a limit specified in paragraph (d)(1) and any applicable alternative operational limit specified in paragraph (d)(2), or
 - (B) Commencing on the first day following every ~~annual~~-12-month period in which the operator cannot demonstrate that the facility is in compliance with the limits in paragraph (d)(1) or any applicable alternative operational limit specified in paragraph (d)(2).

(h) Exemptions

This rule shall not apply to the following facilities:

- (1) Any facility, whose emissions, throughput, or operation, at any time after March 16, 2001 are greater than the quantities specified in paragraphs (d)(1) and (d)(2) and which meets both of the following conditions:
 - (A) The operator has notified the District at least 30 days prior to any exceedance that the operator intends to submit an application for a Title V permit, or otherwise obtain permit limits that are legally and practically enforceable by the EPA and citizens or by the District; and
 - (B) A complete Title V permit application is received by the District, or the permit action to otherwise obtain limits that are legally and practically enforceable by the EPA and citizens, or by the District is completed, within 12 months of the date of notification.

- (2) Any facility that has applied for a Title V permit in a timely manner and in conformance with Rule 3003 - Applications, and is awaiting final action by the District and EPA.
- (3) Any facility required to obtain an operating permit under Rule 3001 - Applicability for any reason other than being a major source.
- (4) Any facility with a valid Title V permit.
- (5) Notwithstanding paragraphs (h)(2) and (h)(4) of this rule, nothing in this subdivision shall prevent any facility which has applied for or had a Title V permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Title V permit, or upon rescission of a Title V permit provided ~~if~~ the operator demonstrates to the satisfaction of the Executive Officer that the facility's emissions have been permanently reduced by accepting an enforceable permit change and is in compliance with the emission limitations in paragraph (d)(1) or an applicable alternative operational limit in paragraph (d)(2).
- (6) Any facility which has a valid operating permit with conditions limiting facility emissions that are legally and practically enforceable by the EPA and citizens or the District to below the applicable threshold(s) for a major source as defined in paragraph (c)(6).

**Table 1
Alternative Operational Limits**

Type of Operation	Usage Limit in Every 12-Month Period
Printing, Publishing, and Packaging Flexography and Rotogravure (using water-based or UV-cured inks, coatings, and adhesives) Flexography and Rotogravure (using solvent-based inks) Heatset Offset Lithography Non-Heatset Offset Lithography (web- or sheet-fed) Screen Printers	In addition to the individual equipment usage limits listed, all Printing, Publishing, and Packaging operations have usage limits of 1,333 gallons of materials containing any one HAP, and 3,333 gallons of materials containing combination HAPs. 40,000 pounds inks, coatings, adhesives, dilution solvents, & cleaning solvents 10,000 pounds (before controls) of inks, coatings, adhesives, dilution solvents & cleaning solvents 10,000 pounds (before controls) of ink, cleaning solvent, & fountain solution additives 1,425 gallons of cleaning solvent & fountain solution additives 1,425 gallons of solvent-based inks, cleaning solvents, adhesives, & coatings
Boilers ($\leq 100,000,000$ Btu/hr)	71,000,000 cubic feet of natural gas consumed
Bulk Gasoline Plants (equipped with vapor-balance system)	20,000 gallons per day of gasoline loaded & unloaded
Degreasers & Other Units if the solvents do not include: 1,1,1-trichloroethane, dichloromethane, tetrachloroethylene, or trichloroethylene	5,400 gallons of any combination of solvent-containing materials 2,200 gallons of any one solvent-containing material
Degreasers & Other Units if the solvents include: 1,1,1-trichloroethane, dichloromethane, tetrachloroethylene, or trichloroethylene	2,900 gallons of any combination of VOC-containing materials 1,200 gallons of any one solvent-containing material
Emergency Standby Engines ($< 1,000$ brake horsepower)	< 200 hours of operation
Gasoline Dispensing Facilities (Equipped with Phase I and Phase II vapor recovery systems)	7,150,000 gallons of gasoline dispensed
Hot Mix Asphalt Plants	125,000 tons of hot mix asphalt produced
Spray Booths	1,100 gallons of all VOC-containing materials, with no more than 110 gallons of VOC- & HAP-containing materials and the VOC content ≤ 1000 gram/liter, less water and exempt compounds
Ultraviolet/Electron Beam Cured Operations	21,582 gallons of ultraviolet/electron beam materials not to exceed 50 grams/liter.