

RULE 902 REQUEST FOR SYNTHETIC MINOR SOURCE STATUS
(Adopted 08-22-95)

A. PURPOSE

This rule authorizes the owners or operators of specified stationary sources that would otherwise be major sources to request and accept federally-enforceable emissions limits sufficient to allow the sources to be considered "synthetic minor sources."

A synthetic minor source is not subject to Rule 900 unless it is subject to that rule for any reason other than being a major source. A synthetic minor source is subject to all applicable federal requirements for non-major stationary sources and to all federally-enforceable conditions and requirements pursuant to this rule. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.

B. APPLICABILITY

B.1 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 herein.

B.2 Exclusion

This rule shall not apply to any source subject to Rule 900 for any reason other than being a major source.

C. DEFINITIONS

All terms shall retain the definitions provided under Rule 900, unless otherwise defined herein.

C.1 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 900.

C.2 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.

- C.3 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.
- C.4 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.
- C.5 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.

D. REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

A request for synthetic minor source status shall not relieve a source of the responsibility to comply with the application requirements of Rule 900 within the specified time frames. A major source subject to this rule may request synthetic minor source status in accordance with the following:

D.1 Content of Request

A request for designation as a synthetic minor source shall include:

- D.1.a The identification and description of all existing emission units at the source;
- D.1.b The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for limits established by a mechanism other than this rule;
- D.1.c Proposed federally-enforceable conditions which:
 - D.1.c.1 Limit source-wide emissions to below major source thresholds, and
 - D.1.c.2 Are permanent, quantifiable, and otherwise enforceable as a practical matter;
- D.1.d Proposed federally-enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;
- D.1.e Any additional information requested by the APCO; and
- D.1.f Certification by a responsible official that the contents of the

request are true, accurate, and complete.

D.2 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 time frames:

- D.2.a For any major source that is operating or is scheduled to commence operating on the effective date of Rule 900, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 900;
- D.2.b For any major source that commences operating after the effective date of Rule 900, the operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 900; or
- D.2.c For any major source that is operating in compliance with a permit pursuant to Rule 900, the owner or operator shall request synthetic minor source status at any time, but no later than eight months prior to permit renewal.

D.3 Synthetic Minor Source Modification Requirements

The following requirements apply to any modification of a synthetic minor source:

- D.3.a 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 207.
- D.3.b 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 E.2.b of this rule, the owner or operator shall comply with the applicable requirements of Rule 207, and shall:
 - D.3.b.1 Submit a revised request for synthetic minor source status in accordance with section D.1 of this rule no later than 180 days prior to the intended modification; or
 - D.3.b.2 Submit an application in accordance with the

requirements of Rule 900 no later than 180 days prior to the intended modification.¹

E. DISTRICT PROCEDURES AND FEDERALLY-ENFORCEABLE CONDITIONS

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

E.1 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.

E.2 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 201 and sections E.3 through E.5 of this rule, and shall be:

E.2.a 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;

E.2.b Monitoring, recordkeeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits set forth pursuant to section E.2.a of this rule; and

E.2.c Subject to public notice and U.S. EPA review pursuant to sections E.3 and E.4 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

¹ The requirements of Rule 900 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.

forth criteria for federal-enforceability may be deemed not federally-enforceable by the U.S. EPA.

E.3 Public Notification and Review

After a request for synthetic minor source status is determined to be complete, the APCO shall:

E.3.a Publish a notice of the request in one or more major newspapers in the area where the source is located;

E.3.b In the public notice:

E.3.b.1 State that conditions identified as federally enforceable in the source's permit will establish a voluntary emissions limit in accordance with Rule 902, and

E.3.b.2 Describe how the public may obtain copies of the proposed permit including the federally-enforceable conditions addressing the emissions limit; and

E.3.c Provide 30 days for public review of the proposed permit prior to final permit action.

E.4 U.S. EPA Review

After a request for synthetic minor source status is determined to be complete, the APCO shall:

E.4.a Provide the U.S. EPA with copies of the proposed permit including the conditions which:

E.4.a.1 Are identified as federally enforceable, and

E.4.a.2 Limit emissions to below major source thresholds;

E.4.b Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and

E.4.c Provide the U.S. EPA with copies of the final permit.

E.5 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 900 within the specified time frames.

Upon fulfilling the requirements of sections E.1 through E.4 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 of deeming such request complete or within three years of the effective date of Rule 900, 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.

E.6 Renewal of Synthetic Minor Source Status

Renewal of synthetic minor source status shall be made in accordance with Rule 212. In addition, at permit renewal, any revision of conditions identified as federally enforceable shall be subject to sections D.1 and E.1 through E.5 of this rule.

F. COMPLIANCE

The owner or operator of a synthetic minor source which exceeds the conditions identified as federally enforceable and established pursuant to section E.2.a of this rule shall report such exceedances to the APCO in accordance with Rule 111.

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 Clean Air Act and District rules and regulations. A non-complying 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.