

How to Get Air Quality Permits and Stay in Compliance



Association of Energy Engineers

Presented by:

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Overview

- Why do we have air quality permits?
 - Enforce air quality laws and regulations
 - Manage new project development
- What types of AQ permits are there?
 - Permits/authorities to construct
 - State/local permits to operate
 - Registration
 - Title V permits to operate



SCAQMD New Source Review

- Regulation XIII, Formerly Rule 213
 - First Adopted 1976
 - Based on Federal requirements
- Required By Federal NSR For Major Sources
- NSR Designed To Control New Project Development
- Prevent Significant Emissions Increases
- Prevent Significant Local Impacts From Projects
- SCAQMD NSR In SIP, Federally Enforceable




Key NSR Requirements

- New, Modified, Or Relocated Permit Units Must Apply:
 - BACT -- Best Available Control Technology
 - Minor Sources
 - LAER -- Lowest Achievable Emission Rate
 - Major Sources
 - Criteria Pollutant Modeling -- Demonstrate Emissions Will Not Contribute To A Significant Degradation Of Ambient Air Quality
 - Offsets -- Mitigate Increased Emissions
 - Visibility modeling if close to Class I areas



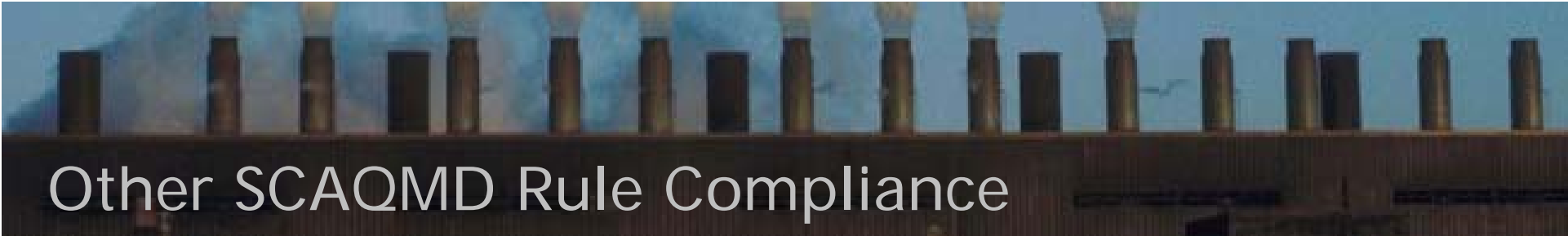
Offset Requirements

- All Non-attainment Increases Must be Offset Unless 1304 Exempt
 - CO, possibly PM₁₀ in the future
- Must Comply With Zone Restrictions
- Several Mechanisms For Purchase
- Use ERCs or STERCs
- ERCs expensive and getting scarcer
- Permit Moratorium Until June 25, 2012



Rule 1304 Table A

Pollutant	Tons/Year
Volatile Organic Compounds (VOC)	4
Nitrogen Oxides (NO _x)	4
Sulfur Oxides (SO _x)	4
Particulate Matter (PM ₁₀)	4
Carbon Monoxide (CO)	29



Other SCAQMD Rule Compliance

- Compliance demonstration required for permit issuance
 - 1110.2, 1146, 1147, many others
- Can apply to equipment not needing written permits
 - 1146.2, 442, 1113.



SCAQMD Rule 1401 NSR For Air Toxics

- Frequently Amended, Last September 10, 2010
- New Source Review of Toxic Air Contaminants
- Permit Apps Received on or after June 1, 1990
- MICR Of 1 in one million Without T-BACT *
- MICR Of 10 in one million With T-BACT
- Cancer Burden, Excess Cancer Cases of 0.5
- Acute and Chronic Hazard Index Of 1

* T-BACT Criteria Often Similar to Criteria Pollutant
BACT



SCAQMD Rule 1401.1 New and Relocated Facilities Near Schools

- Adopted November 4, 2005
- Same TAC List as Rule 1401, as amended
- For facilities within 500' of schools; and
- For new facilities within 500' – 1000' of a school
 - Facility Cancer Risk Limit of 1×10^{-6}
 - Acute and Chronic Hazard Index Limits of 1.0
 - T-BACT for Risk $\triangleright 1 \times 10^{-6}$



Expediting Permits

- Certified Permitting Professionals
 - Due to better applications
 - Separate tracking of applications by CPP unit
 - Access to district database information
- Rule 301(v) program
 - 50% additional fee to allow processing on OT
- Be Responsive to SCAQMD engineer questions
 - Or you go to the bottom of the pile




NTC's

- Notice to Comply (NTC)
 - Alleges minor violations of rule or permit conditions; or
 - Requesting information
 - Fix it ticket
- Comply with the instructions
- Correct the issues by specified deadlines
 - 30 day extensions can be obtained
- Complete and sign the NTC when compliance is achieved
- NOV may be issued if compliance is not certified within the allotted time



NOV's

- Notice of Violation (NOV)
 - Alleges out of compliance and significant violations of a rule or permit conditions;
 - Could follow an NTC(s)
- Immediately stop activity, each day can be a separate violation/civil penalty;
- Obtain a variance before resuming operation; if necessary
- Bring facility or operation into compliance
- Correct actions or operations for future compliance



Penalties and Fines

- Penalties defined in H&S Code 42400 et seq.
 - Generally, misdemeanor to violate a rule, permit, order. Fine not more than \$1,000 or six months or both
 - For “knowing violation” of rule re TAC, not more than \$10,000 fine and/or 6 months in jail
 - Negligent emissions subject to \$25,000 fine and/or nine months in jail
 - Penalties increase with “actual injury” to “considerable number” of persons



Variations

- Emergency, interim, short and regular: differ depending on amount of time needed
 - Special issue with interim variance – need to show “good cause,” i.e., no delay in seeking relief
 - Interim variance held without public notice
- Product variance
 - Used by manufacturers, normally dealing with technology forcing rules



Variations-Findings Required (H&S Code 42352)

- Petitioner is or will be in non-compliance
- Non-compliance is due to circumstances beyond petitioner's reasonable control
- Requiring compliance would result in a taking without corresponding benefit in reducing air pollution
- Petitioner has considered curtailing operations and shutdown in lieu of variance
- Petitioner will reduce excess emissions to the maximum extent possible
- Petitioner will monitor and report emissions, if requested



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