

# Table of Contents

## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### **16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

000. LEGAL AUTHORITY. ....	8
001. TITLE AND SCOPE. ....	8
002. WRITTEN INTERPRETATIONS. ....	8
003. ADMINISTRATIVE APPEALS. ....	8
004. CATCHLINES. ....	8
005. DEFINITIONS. ....	8
006. GENERAL DEFINITIONS. ....	8
007. DEFINITIONS FOR THE PURPOSES OF SECTIONS 200 THROUGH 225 AND 400 THROUGH 461. ....	20
008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 387. ....	22
009. DEFINITIONS FOR THE PURPOSES OF 40 CFR PART 60. ....	25
010. DEFINITIONS FOR THE PURPOSES OF 40 CFR PART 61 AND 40 CFR PART 63. ....	25
011. -- 105. (RESERVED). ....	26
106. ABBREVIATIONS. ....	26
107. INCORPORATIONS BY REFERENCE. ....	26
108. -- 120. (RESERVED). ....	28
121. COMPLIANCE REQUIREMENTS BY DEPARTMENT. ....	28
122. INFORMATION ORDERS BY THE DEPARTMENT. ....	29
123. CERTIFICATION OF DOCUMENTS. ....	30
124. TRUTH, ACCURACY AND COMPLETENESS OF DOCUMENTS. ....	30
125. FORMAT OF RESPONSES. ....	30
126. CONFIDENTIAL INFORMATION. ....	30
127. -- 129. (RESERVED). ....	30
130. STARTUP, SHUTDOWN, SCHEDULED MAINTENANCE, SAFETY MEASURES, UPSET AND BREAKDOWN. ....	30
131. EXCESS EMISSIONS. ....	30
132. CORRECTION OF CONDITION. ....	30
133. STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS. ....	31
134. UPSET, BREAKDOWN AND SAFETY REQUIREMENTS. ....	32
135. EXCESS EMISSIONS REPORTS. ....	34
136. EXCESS EMISSIONS RECORDS. ....	34
137. -- 139. (RESERVED). ....	35
140. VARIANCES. ....	35
141. PETITION. ....	35
142. NOTICE. ....	35
143. INVESTIGATION AND RECOMMENDATION. ....	35
144. OBJECTIONS TO PETITION. ....	36
145. AUTHORIZATION OF HEARING. ....	36

146. NOTICE OF HEARING. ....	36
147. DECISION. ....	36
148. PROOF OF HARDSHIP. ....	36
149. VARIANCE FROM NEW RULE. ....	36
150. -- 154. (RESERVED). ....	37
155. CIRCUMVENTION. ....	37
156. TOTAL COMPLIANCE. ....	37
157. SAMPLING AND ANALYTICAL PROCEDURES. ....	37
158. -- 159. (RESERVED). ....	37
160. PROVISIONS GOVERNING SPECIFIC ACTIVITIES AND CONDITIONS. ...	37
161. TOXIC SUBSTANCES. ....	37
162. MODIFYING PHYSICAL CONDITIONS. ....	37
163. SOURCE DENSITY. ....	37
164. POLYCHLORINATED BIPHENYLS (PCBS). ....	37
165. -- 199. (RESERVED). ....	38
200. PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT. ....	38
201. PERMIT TO CONSTRUCT REQUIRED. ....	38
202. APPLICATION PROCEDURES. ....	38
203. PERMIT REQUIREMENTS FOR NEW AND MODIFIED STATIONARY SOURCES. ....	40
204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS. ....	40
205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS. ....	41
206. OPTIONAL OFFSETS FOR PERMITS TO CONSTRUCT. ....	43
207. REQUIREMENTS FOR EMISSION REDUCTION CREDIT. ....	43
208. DEMONSTRATION OF NET AIR QUALITY BENEFIT. ....	43
209. PROCEDURE FOR ISSUING PERMITS. ....	43
210. DEMONSTRATION OF PRECONSTRUCTION COMPLIANCE WITH TOXIC STANDARDS. ....	45
211. CONDITIONS FOR PERMITS TO CONSTRUCT. ....	52
212. OBLIGATION TO COMPLY. ....	53
213. -- 219. (RESERVED). ....	53
220. CATEGORY I EXEMPTION. ....	53
221. CATEGORY II EXEMPTION. ....	54
222. CATEGORY III EXEMPTION. ....	54
223. CATEGORY IV EXEMPTION. ....	55
224. CATEGORY V EXEMPTION. ....	56
225. EXEMPTION CRITERIA, RECORDKEEPING AND REPORTING REQUIREMENTS FOR TOXIC AIR POLLUTANT EMISSIONS. ....	56
226. -- 299. (RESERVED). ....	58
300. PROCEDURES AND REQUIREMENTS FOR TIER I OPERATING PERMITS. 58	
301. REQUIREMENT TO OBTAIN TIER I OPERATING PERMIT. ....	58
302. -- 310. (RESERVED). ....	58

311. STANDARD PERMIT APPLICATIONS. ....	58
312. DUTY TO APPLY. ....	59
313. TIMELY APPLICATION. ....	59
314. REQUIRED STANDARD APPLICATION FORM AND REQUIRED INFORMATION. ....	60
315. DUTY TO SUPPLEMENT OR CORRECT APPLICATION. ....	64
316. EFFECT OF INACCURATE INFORMATION IN APPLICATIONS OR FAILURE TO SUBMIT RELEVANT INFORMATION. ....	64
317. INSIGNIFICANT ACTIVITIES. ....	64
318. -- 320. (RESERVED). ....	71
321. TIER I OPERATING PERMIT CONTENT. ....	71
322. STANDARD CONTENTS OF TIER I OPERATING PERMITS. ....	71
323. -- 324. (RESERVED). ....	77
325. ADDITIONAL CONTENTS OF TIER I OPERATING PERMITS - PERMIT SHIELD. ....	77
326. -- 331. (RESERVED). ....	77
332. EMERGENCY AS AN AFFIRMATIVE DEFENSE REGARDING EXCESS EMISSIONS. ....	77
333. -- 334. (RESERVED). ....	78
335. GENERAL TIER I OPERATING PERMITS AND AUTHORIZATIONS TO OPERATE. ....	78
336. TIER I OPERATING PERMITS FOR TIER I PORTABLE SOURCES. ....	79
337. -- 359. (RESERVED). ....	79
360. STANDARD PROCESSING OF TIER I OPERATING PERMIT APPLICATIONS. ....	79
361. COMPLETENESS OF APPLICATIONS. ....	79
362. TECHNICAL MEMORANDUMS FOR TIER I OPERATING PERMITS. ....	80
363. PREPARATION OF DRAFT PERMIT OR DRAFT DENIAL. ....	80
364. PUBLIC NOTICES, COMMENTS AND HEARINGS. ....	80
365. PREPARATION OF PROPOSED PERMIT OR PROPOSED DENIAL. ....	81
366. EPA REVIEW PROCEDURES. ....	81
367. ACTION ON APPLICATION. ....	82
368. EXPIRATION OF PRECEDING PERMITS. ....	83
369. TIER I OPERATING PERMIT RENEWAL. ....	83
370. -- 379. (RESERVED). ....	83
380. ALTERATIONS. ....	83
381. ALTERATIONS GENERALLY. ....	83
382. OFF-PERMIT CHANGES. ....	84
383. PERMIT DEVIATIONS. ....	85
384. ADMINISTRATIVE PERMIT AMENDMENTS. ....	87
385. MINOR PERMIT MODIFICATIONS. ....	89
386. SUBSTANTIVE PERMIT MODIFICATIONS. ....	92
387. REOPENINGS. ....	93
388. -- 399. (RESERVED). ....	95
400. PROCEDURES AND REQUIREMENTS FOR TIER II OPERATING	

PERMITS. ....	95
401. TIER II OPERATING PERMIT. ....	95
402. APPLICATION PROCEDURES. ....	95
403. PERMIT REQUIREMENTS FOR TIER II SOURCES. ....	96
404. PROCEDURE FOR ISSUING PERMITS. ....	96
405. CONDITIONS FOR TIER II OPERATING PERMITS. ....	98
406. OBLIGATION TO COMPLY. ....	99
407. -- 439. (RESERVED). ....	99
440. REQUIREMENTS FOR ALTERNATIVE EMISSION LIMITS (BUBBLES). ....	99
441. DEMONSTRATION OF AMBIENT EQUIVALENCE. ....	99
442. -- 459. (RESERVED). ....	100
460. REQUIREMENTS FOR EMISSION REDUCTION CREDIT. ....	100
461. REQUIREMENTS FOR BANKING EMISSION REDUCTION CREDITS (ERC'S). ....	100
462. -- 469. (RESERVED). ....	101
470. PERMIT APPLICATION FEES FOR TIER II PERMITS. ....	101
471. -- 499. (RESERVED). ....	101
500. REGISTRATION PROCEDURES AND REQUIREMENTS FOR PORTABLE EQUIPMENT. ....	101
501. -- 509. (RESERVED). ....	101
510. STACK HEIGHTS AND DISPERSION TECHNIQUES. ....	101
511. APPLICABILITY. ....	101
512. DEFINITIONS. ....	101
513. REQUIREMENTS. ....	104
514. OPPORTUNITY FOR PUBLIC HEARING. ....	104
515. APPROVAL OF FIELD STUDIES AND FLUID MODELS. ....	104
516. NO RESTRICTION ON ACTUAL STACK HEIGHT. ....	104
517. -- 524. (RESERVED). ....	104
525. REGISTRATION AND REGISTRATION FEES. ....	104
526. APPLICABILITY. ....	104
527. REGISTRATION. ....	104
528. REQUEST FOR INFORMATION. ....	105
529. REGISTRATION COMPLIANCE. ....	105
530. REGISTRATION FEE. ....	105
531. REGISTRATION BY THE DEPARTMENT. ....	105
532. PAYMENT DUE. ....	105
533. EFFECT OF DELINQUENCY ON APPLICATIONS. ....	105
534. APPEALS. ....	105
535. AMENDING REGISTRATION. ....	106
536. CHECKS SHOULD BE MADE OUT TO "DEPARTMENT OF HEALTH AND WELFARE-AQ REGISTRATION FEE". ....	106
537. EXEMPTIONS. ....	106
538. LUMP SUM PAYMENTS OF REGISTRATION FEES. ....	106
539. -- 549. (RESERVED). ....	107

550. AIR POLLUTION EMERGENCY RULE. ....	107
551. EPISODE CRITERIA. ....	107
552. STAGES. ....	107
553. EFFECT OF STAGES. ....	107
554. CRITERIA FOR DEFINING EPISODE STAGES. ....	107
555. (RESERVED). ....	107
556. CRITERIA FOR DEFINING LEVELS WITHIN STAGES. ....	107
557. PUBLIC NOTIFICATION. ....	108
558. INFORMATION TO BE GIVEN. ....	108
559. MANNER AND FREQUENCY OF NOTIFICATION. ....	109
560. NOTIFICATION TO SOURCES. ....	109
561. GENERAL RULES. ....	109
562. SPECIFIC EMERGENCY EPISODE ABATEMENT PLANS FOR POINT SOURCES. ....	110
563. -- 574. (RESERVED). ....	111
575. AIR QUALITY STANDARDS AND AREA CLASSIFICATION. ....	111
576. GENERAL PROVISIONS FOR AMBIENT AIR QUALITY STANDARDS. ....	111
577. AMBIENT AIR QUALITY STANDARDS FOR SPECIFIC AIR POLLUTANTS. ....	111
578. DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS. ....	112
579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION. ....	113
580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS. ....	113
581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS. ....	114
582. -- 584. (RESERVED). ....	116
585. TOXIC AIR POLLUTANTS NON-CARCINOGENIC INCREMENTS. ....	116
586. TOXIC AIR POLLUTANTS CARCINOGENIC INCREMENTS. ....	134
587. LISTING OR DELISTING TOXIC AIR POLLUTANT INCREMENTS. ....	137
588. -- 589. (RESERVED). ....	137
590. NEW SOURCE PERFORMANCE STANDARDS. ....	137
591. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS. ....	137
592. -- 599. (RESERVED). ....	137
600. RULES FOR CONTROL OF OPEN BURNING. ....	137
601. FIRE PERMITS, HAZARDOUS MATERIALS AND LIABILITY. ....	137
602. NONPREEMPTION OF OTHER JURISDICTIONS. ....	137
603. GENERAL RESTRICTIONS. ....	137
604. ALTERNATIVES TO OPEN BURNING. ....	138
605. (RESERVED). ....	138
606. CATEGORIES OF ALLOWABLE BURNING. ....	138
607. RECREATIONAL AND WARMING FIRES. ....	138
608. WEED CONTROL FIRES. ....	138
609. TRAINING FIRES. ....	138

610. INDUSTRIAL FLARES. ....	139
611. RESIDENTIAL SOLID WASTE DISPOSAL FIRES. ....	139
612. LANDFILL DISPOSAL SITE FIRES. ....	139
613. ORCHARD FIRES. ....	139
614. PRESCRIBED BURNING. ....	139
615. DANGEROUS MATERIAL FIRES. ....	140
616. INFECTIOUS WASTE BURNING. ....	140
617. -- 624. (RESERVED). ....	140
625. VISIBLE EMISSIONS. ....	140
626. GENERAL RESTRICTIONS ON VISIBLE EMISSIONS FROM WIGWAM BURNERS. ....	141
627. -- 649. (RESERVED). ....	141
650. RULES FOR CONTROL OF FUGITIVE DUST. ....	141
651. GENERAL RULES. ....	141
652. -- 674. (RESERVED). ....	141
675. FUEL BURNING EQUIPMENT -- PARTICULATE MATTER. ....	141
676. STANDARDS FOR NEW SOURCES. ....	141
677. STANDARDS FOR MINOR AND EXISTING SOURCES. ....	142
678. COMBINATIONS OF FUELS. ....	142
679. AVERAGING PERIOD. ....	142
680. ALTITUDE CORRECTION. ....	142
681. -- 699. (RESERVED). ....	142
700. PARTICULATE MATTER--PROCESS WEIGHT LIMITATIONS. ....	142
701. EMISSION LIMITATIONS. ....	142
702. PARTICULATE MATTER -- NEW EQUIPMENT PROCESS WEIGHT LIMITATIONS. ....	143
703. PARTICULATE MATTER -- EXISTING EQUIPMENT PROCESS WEIGHT LIMITATIONS. ....	144
704. -- 724. (RESERVED). ....	145
725. RULES FOR SULFUR CONTENT OF FUELS. ....	145
726. DEFINITIONS AS USED IN SECTIONS 727 THROUGH 729. ....	146
727. RESIDUAL FUEL OILS. ....	146
728. DISTILLATE FUEL OIL. ....	146
729. COAL. ....	146
730. -- 749. (RESERVED). ....	146
750. RULES FOR CONTROL OF FLUORIDE EMISSIONS. ....	146
751. GENERAL RULES. ....	146
752. -- 774. (RESERVED). ....	147
775. RULES FOR CONTROL OF ODORS. ....	147
776. GENERAL RULES. ....	147
777. -- 784. (RESERVED). ....	147
785. RULES FOR CONTROL OF INCINERATORS. ....	147
786. EMISSION LIMITS. ....	147
787. DESIGN STANDARDS. ....	148

788. EXCEPTIONS. ....	148
789. -- 794. (RESERVED). ....	148
795. RULES FOR CONTROL OF MOTOR VEHICLE EMISSIONS. ....	148
796. POLLUTION CONTROL DEVICES. ....	148
797. VISIBLE EMISSION STANDARDS. ....	148
798. -- 804. (RESERVED). ....	148
805. RULES FOR CONTROL OF HOT-MIX ASPHALT PLANTS. ....	148
806. EMISSION LIMITS. ....	148
807. MULTIPLE STACKS. ....	148
808. FUGITIVE DUST CONTROL. ....	148
809. -- 814. (RESERVED). ....	148
815. RULES FOR CONTROL OF KRAFT PULPING MILLS. ....	149
816. STATEMENT OF POLICY. ....	149
817. GENERAL RULES. ....	149
818. RECOVERY FURNACE STANDARDS. ....	149
819. RECOVERY FURNACE TRS STANDARDS. ....	149
820. DIGESTER AND EVAPORATOR STANDARDS. ....	149
821. RECOVERY FURNACE PARTICULATE STANDARDS. ....	149
822. LIME KILN STANDARDS. ....	149
823. SMELT TANK STANDARDS. ....	150
824. MONITORING AND REPORTING. ....	150
825. SPECIAL STUDIES. ....	150
826. EXCEPTIONS. ....	151
827. -- 834. (RESERVED). ....	151
835. RULES FOR CONTROL OF RENDERING PLANTS. ....	151
836. CONTROL OF COOKERS. ....	151
837. CONTROL OF EXPELLERS. ....	151
838. CONTROL OF PLANT AIR. ....	151
839. EXCEPTIONS. ....	151
840. -- 844. (RESERVED). ....	151
845. RULES FOR CONTROL OF SULFUR OXIDE EMISSIONS FROM SULFURIC ACID PLANTS. ....	151
846. GENERAL RESTRICTIONS. ....	151
847. MONITORING AND TESTING. ....	152
848. COMPLIANCE SCHEDULE. ....	152
849. -- 854. (RESERVED). ....	152
855. COMBINED ZINC AND LEAD SMELTERS. ....	152
856. COMBINED ZINC AND LEAD SMELTERS -- CONTROL OF FUGITIVE SULFUR DIOXIDE EMISSIONS. ....	152
857. COMBINED ZINC AND LEAD SMELTERS -- OXIDES OF SULFUR. ....	152
858. STACK MONITORING REQUIREMENTS. ....	154
859. -- 999. (RESERVED). ....	154

**IDAPA 16  
TITLE 01  
Chapter 01**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**000. LEGAL AUTHORITY.**

The Board of Health and Welfare is authorized to promulgate rules for the Department of Health and Welfare governing air pollution pursuant to Sections 39-105 and 39-107, Idaho Code. (5-1-94)

**001. TITLE AND SCOPE.**

These rules shall be cited as IDAPA 16.01.01, Rules of the Department of Health and Welfare, IDAPA 16, Title 01, Chapter 01, "Rules for the Control of Air Pollution in Idaho." These rules provide for the control of air pollution in Idaho. (5-1-94)

**002. WRITTEN INTERPRETATIONS.**

The Department of Health and Welfare has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. The written statements are available for public inspection and copying at cost at the Central Office of the Division of Environmental Quality, Department of Health and Welfare, 1410 N. Hilton, Boise, Idaho 83706 at (208) 334-5898. (5-1-94)

**003. ADMINISTRATIVE APPEALS.**

Persons may be entitled to appeal final agency actions authorized under this chapter pursuant to IDAPA 16.05.03, Rules of the Department of Health and Welfare, Title 05, Chapter 03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (5-1-94)

**004. CATCHLINES.**

Catchlines within this chapter are not to be utilized in the interpretation of the rules. (5-1-94)

**005. DEFINITIONS.**

The purpose of Sections 005 through 008 is to assemble definitions used throughout this chapter. (5-1-94)

**006. GENERAL DEFINITIONS.**

01. (RESERVED). (3-7-95)L

02. Act. The Environmental Protection and Health Act of 1972 as amended (Sections 39-101 through 39-130, Idaho Code). (5-1-94)

03. Actual Emissions. The emission rate, in mass per unit time, of an air pollutant from a stationary source or emissions unit, averaged over the two (2) year period which is representative of normal operation and which precedes a particular date or the date on which an application for a permit was filed. Actual emissions shall be calculated using actual operating hours, production rates, and types of materials processed, stored, or combusted during this time period, except that: (5-1-94)

a. The Department may allow the use of a different time period upon a determination that it is more representative of normal operation; (5-1-94)

b. The Department may consider emission rates specifically allowed in a permit to construct or operating permit to be equivalent to actual emissions if the State Implementation Plan demonstration of attainment and/or maintenance is explicitly based on the permitted emissions; and (5-1-94)

c. For any stationary source or emissions unit which has not yet begun normal operations, actual emissions shall be considered to be those allowed in the applicable permit to construct or operating permit. (5-1-94)

04. Air Pollutant/Air Contaminant. Any substance, including but not limited to, dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon or particulate matter or any combination thereof, regulated under the Act, 42 U.S.C. Sections 7401 through 7671q, these rules or any federal air quality regulation. (5-1-94)



05. Air Quality. The specific measurement in the ambient air of a particular air pollutant at any given time. (5-1-94)
06. Air Quality Criterion. The information used as guidelines for decisions when establishing air quality goals and air quality standards. (5-1-94)
07. Ambient Air. That portion of the atmosphere, external to buildings, to which the general public has access. (5-1-94)
08. Ambient Air Quality Violation. Any single ambient concentration of any air pollutant that exceeds any national, state or local ambient air quality standard at any point in an area outside the source property line. (5-1-94)
09. Atmospheric Stagnation Advisory. An air pollution alert declared by the Department when air pollutant impacts have been observed and/or meteorological conditions are conducive to additional air pollutant buildup. (5-1-94)
10. Attainment Area. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as having ambient concentrations equal to or less than national primary or secondary ambient air quality standards for a particular air pollutant or air pollutants. (5-1-94)
11. Baseline (Area, Concentration, Date). See Section 579. (5-1-94)
12. Best Available Control Technology (BACT). An emission standard (including a visible emissions standard) based on the maximum control of emissions achievable through application of production processes or available methods, systems, and techniques (including fuel cleaning or treatment or innovative fuel combination techniques) for control of such contaminants. BACT shall be determined on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, and shall be at least as stringent as any applicable Sections of 40 CFR Part 60, 40 CFR Part 61 and 40 CFR Part 63. If an emissions standard is infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed as BACT. (5-1-94)
13. Board. Idaho Board of Health and Welfare. (5-1-94)
14. Breakdown. An unplanned and unforeseeable failure of any air pollution control equipment or emissions unit, including process equipment, which may cause excess emissions where such failure is not intentional or the result of negligence or improper maintenance. (5-1-94)
15. BTU. British thermal unit. (5-1-94)
16. Clean Air Act. The federal Clean Air Act, 42 U.S.C. Sections 7401 through 7671q. (5-1-94)
17. Collection Efficiency. The overall performance of the air cleaning device in terms of ratio of materials collected to total input to the collector unless specific size fractions of the contaminant are stated or required. (5-1-94)
18. Commence Construction or Modification. To engage in a continuous program of construction or modification, or to engage in a program of planned grading, dredging, or landfilling, specifically designed for the stationary source or facility in preparation of the fabrication, erection, or installation of the building components of the stationary source or facility. For the purpose of this definition, delays or interruptions resulting from natural disasters, strikes, litigation, and other matters beyond the control of the owner, shall be disregarded in determining whether a construction or a modification program has commenced and/or is continuous. (5-1-94)
19. Complete. A determination made by the Department that all information needed to process a permit application has been submitted for review. (5-1-94)
20. Construction. Fabrication, erection, installation, or modification of a stationary source or facility. (5-1-94)

21. Control Equipment. Any method, process or equipment which removes, reduces or renders less noxious, air pollutants discharged into the atmosphere. (5-1-94)
22. Controlled Emission. An emission which has been treated by control equipment to remove all or part of an air pollutant before release to the atmosphere. (5-1-94)
23. Criteria Air Pollutant. Any of the following: PM-10; total suspended particulates (TSP), sulfur oxides; ozone, nitrogen dioxide; carbon monoxide; fluorides; lead. (5-1-94)
24. Department. The Department of Health and Welfare. (5-1-94)
25. Designated Facility. Any of the following facilities: (5-1-94)
- a. Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input; (5-1-94)
  - b. Coal cleaning plants (thermal dryers); (5-1-94)
  - c. Kraft pulp mills; (5-1-94)
  - d. Portland cement plants; (5-1-94)
  - e. Primary zinc smelters; (5-1-94)
  - f. Iron and steel mill plants; (5-1-94)
  - g. Primary aluminum ore reduction plants; (5-1-94)
  - h. Primary copper smelters; (5-1-94)
  - i. Municipal incinerators capable of charging more than two hundred and fifty (250) tons of refuse per day; (5-1-94)
  - j. Hydrofluoric, sulfuric, and nitric acid plants; (5-1-94)
  - k. Petroleum refineries; (5-1-94)
  - l. Lime plants; (5-1-94)
  - m. Phosphate rock processing plants; (5-1-94)
  - n. Coke oven batteries; (5-1-94)
  - o. Sulfur recovery plants; (5-1-94)
  - p. Carbon black plants (furnace process); (5-1-94)
  - q. Primary lead smelters; (5-1-94)
  - r. Fuel conversion plants; (5-1-94)
  - s. Sintering plants; (5-1-94)
  - t. Secondary metal production facilities; (5-1-94)
  - u. Chemical process plants; (5-1-94)

- v. Fossil-fuel boilers (or combination thereof) of more than two hundred and fifty (250) million BTU's per hour heat input; (5-1-94)
- w. Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels; (5-1-94)
- x. Taconite ore processing facilities; (5-1-94)
- y. Glass fiber processing plants; and (5-1-94)
- z. Charcoal production facilities. (5-1-94)
26. Director. The Director of the Department of Health and Welfare or his designee. (5-1-94)
27. Effective Dose Equivalent. The sum of the products of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body of reference man. The unit of the effective dose equivalent is the rem. It is generally calculated as an annual dose. (5-1-94)
28. Emission. Any controlled or uncontrolled release or discharge into the outdoor atmosphere of any air pollutants or combination thereof. Emission also includes any release or discharge of any air pollutant from a stack, vent, or other means into the outdoor atmosphere that originates from an emission unit. (5-1-94)
29. Emission Standard. A permit or regulatory requirement established by the Department, or a requirement contained in 40 CFR Part 60, 40 CFR Part 61, 40 CFR Part 63 or the State Implementation Plan (SIP), which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures to assure continuous emission control. (5-1-94)
30. Emission Standard Violation. Any emission rate that exceeds the applicable source-specific emission standard or any action or inaction that contravenes any source-specific opacity limit, equipment requirement, fuel specification or required operation or maintenance procedures. (5-1-94)
31. Emissions Unit. An identifiable piece of process equipment or other part of a facility which emits or may emit any air pollutant. This definition does not alter or affect the term "unit" for the purposes of 42 U.S.C. Sections 7651 through 7651o. (5-1-94)
32. EPA. The United States Environmental Protection Agency and its Administrator or designee. (5-1-94)
33. Environmental Remediation Source. A stationary source that functions to remediate or recover any release, spill, leak, discharge or disposal of any petroleum product or petroleum substance, any hazardous waste or hazardous substance from any soil, ground water or surface water, and shall have an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. Nothing in this definition shall be construed so as to actually limit remediation projects to five (5) years or less of total operation. (5-1-95)
34. Existing Stationary Source or Facility. Any stationary source or facility that exists, is installed, or is under construction on the original effective date of any applicable provision of this chapter. (5-1-94)
35. Facility. All of the combined sources which emit air pollutants, belong to the same industrial grouping (using the Major Groups as described in the Standard Industrial Classification Manual), are located on one (1) or more contiguous or adjacent properties, and are owned or operated by the same person or by persons under common control. (5-1-94)
36. Federal Class I Area. Any federal land that is classified or reclassified "Class I" pursuant to Section 580. (5-1-94)

37. Federal Land Manager. The Secretary of the federal department with authority over any federal lands in the United States. (5-1-94)
38. Fire Hazard. The presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare or adjacent lands. (5-1-94)
39. Fuel-Burning Equipment. Any furnace, boiler, apparatus, stack and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. (5-1-94)
40. Fugitive Dust. Fugitive emissions composed of particulate matter. (5-1-94)
41. Fugitive Emissions. Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (5-1-94)
42. Garbage. Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products. (5-1-94)
43. Grain Elevator. Any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded. (5-1-94)
44. Grain Storage Elevator. Any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean extraction plant which has a permanent grain storage capacity of 35,200 cubic meters (ca. 1 million bushels). (5-1-94)
45. Grain Terminal Elevator. Any grain elevator which has a permanent storage capacity of more than eighty-eight thousand one hundred (88,100) cubic meters (ca. 2.5 million bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots. (5-1-94)
46. Hazardous Air Pollutant (HAP). Any air pollutant which is regulated at its emitting source by 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63. (5-1-94)
47. Hazardous Waste. Any waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:
- a. Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible, or incapacitating reversible illnesses; or (5-1-94)
  - b. Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties; provided that such wastes do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are allowed under a national pollution discharge elimination system permit, or source, special nuclear, or by-product material as defined by 42 U.S.C. Sections 2014(e),(z) or (aa). (5-1-94)
48. Hot-Mix Asphalt Plant. Those facilities conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use. (5-1-94)
49. Incinerator. Any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration. (5-1-94)

50. Indian Governing Body. The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government. (5-1-94)
51. Indian Reservation. Any federally recognized reservation established by treaty, agreement, executive order, or act of Congress. (5-1-94)
52. Kraft Pulping. Any pulping process which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide. (5-1-94)
53. Lowest Achievable Emission Rate (LAER). The rate of emissions based on the most stringent of the following: (5-1-94)
- a. The most stringent emission standard which has been demonstrated in practice by similar stationary sources, facilities, or operations; (5-1-94)
  - b. The most stringent emission standard in any state implementation plan for similar stationary sources, facilities or operations, unless the owner or operator of the proposed facility demonstrates that such standards are not achievable; or (5-1-94)
  - c. Any applicable provision in 40 CFR Part 60. (5-1-94)
54. Major Facility. (5-1-94)
- a. Any facility which has actual or allowable emissions of one hundred (100) tons per year or more of any air pollutant. (5-1-94)
  - b. Fugitive dust shall be included in the determination of emissions only for designated facilities and those source categories regulated under 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63. (5-1-94)
55. Major Modification. (5-1-94)
- a. Any modification of a major facility that would result in a significant net emission increase of any air pollutant; or (5-1-94)
  - b. Any modification of a facility that would result in a potential emissions increase of any air pollutant of one hundred (100) tons per year or more; (5-1-94)
  - c. Fugitive dust shall be included in the determination of emissions only for designated facilities and those source categories regulated under 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63. (5-1-94)
56. Member of the Public. For purposes of Subsection 006.88.a.xx., a person located at any off-site point where there is a residence, school, business or office. (11-20-95)T
57. Modification. Any physical change in, or change in the method of operation of, a stationary source or facility which increases the amount of any air pollutant to which an emission or ambient air quality standard applies emitted by such stationary source or facility or which results in the emission of any air pollutant to which an emission or ambient air quality standard applies not previously emitted except that routine maintenance, repair and replacement shall not be considered physical changes, and the following shall not be considered a change in the method of operation: (5-1-94)
- a. An increase in the production rate if such increase does not exceed the operating design capacity of the affected stationary source, and if a more restrictive production rate is not specified in a permit; (5-1-94)
  - b. An increase in hours of operation if more restrictive hours of operation are not specified in a permit; and (5-1-94)

- c. Use of an alternative fuel or raw material if prior to January 6, 1975 and the date any emission or ambient air quality standard becomes applicable to such stationary source, the affected stationary source is specifically designed to accommodate such alternative use and is not specifically prohibited in a permit. (5-1-94)
58. Monitoring. Sampling and analysis, in a continuous or noncontinuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air pollutants. (5-1-94)
59. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned. (5-1-94)
60. New Stationary Source or Facility. (5-1-94)
- a. Any stationary source or facility, the construction or modification of which is commenced after the original effective date of any applicable provision of this chapter; or (5-1-94)
- b. The restart of a nonoperating facility shall be considered a new stationary source or facility if:
- i. The restart involves a modification to the facility; or (5-1-94)
- ii. After the facility has been in a nonoperating status for a period of two (2) years, and the Department receives an application for a Permit to Construct in the area affected by the existing nonoperating facility, the Department will, within five (5) working days of receipt of the application notify the nonoperating facility of receipt of the application for a Permit to Construct. Upon receipt of this Departmental notification, the nonoperating facility will comply with the following restart schedule or be considered a new stationary source or facility when it does restart: Within thirty (30) working days after receipt of the Department's notification of the application for a Permit to Construct, the nonoperating facility shall provide the Department with a schedule detailing the restart of the facility. The restart must begin within sixty (60) days of the date the Department receives the restart schedule. (5-1-94)
61. Nonattainment Area. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as not meeting (or contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. (5-1-94)
62. Noncondensibles. Gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified. (5-1-94)
63. Odor. The sensation resulting from stimulation of the human sense of smell. (5-1-94)
64. Opacity. A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view, expressed as percent. (5-1-94)
65. Open Burning. The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney. (5-1-94)
66. Operating Permit. A permit issued by the Director pursuant to Sections 300 through 387 and/or 400 through 461. (5-1-94)
67. Particulate Matter. Any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions. (5-1-94)
68. Particulate Matter Emissions. All particulate matter emitted to the ambient air as measured by an applicable reference method, or any equivalent or alternative method, specified in the Procedures Manual for Air Pollution Control. (5-1-94)

69. Permit to Construct. A permit issued by the Director pursuant to Sections 200 through 225. (5-1-94)
70. Person. Any individual, association, corporation, firm, partnership or any federal, state or local governmental entity. (5-1-94)
71. PM-10. All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53. (5-1-94)
72. PM-10 Emissions. All particulate matter, including condensable particulates, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in the Procedures Manual for Air Pollution Control. (5-1-94)
73. Potential to Emit/Potential Emissions. The maximum capacity of a facility to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an air pollutant, provided the limitation or its effect on emissions is state and federally enforceable, shall be treated as part of its design. Limitations may include, but are not limited to, air pollution control equipment, restrictions on hours of operation and restrictions on the type or amount of material combusted, stored or processed. This definition does not alter or affect the term "capacity factor" as defined in 42 U.S.C. Sections 7651 through 7651o. (5-1-94)
74. Portable Equipment. Equipment which is designed to be dismantled and transported from one job site to another job site. (5-1-94)
75. PPM (parts per million). Parts of a gaseous contaminant per million parts of gas by volume. (5-1-94)
76. Prescribed Fire Management Burning. The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)
- a. Fire hazard reduction; (5-1-94)
  - b. The control of pests, insects, or diseases; (5-1-94)
  - c. The promotion of range forage improvements; (5-1-94)
  - d. The perpetuation of natural ecosystems; (5-1-94)
  - e. The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
  - f. The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
  - g. Other accepted natural resource management purposes. (5-1-94)
77. Primary Ambient Air Quality Standard. That ambient air quality which, allowing an adequate margin of safety, is requisite to protect the public health. (5-1-94)
78. Process or Process Equipment. Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air pollutant into the ambient air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment. (5-1-94)

79. Process Weight. The total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water which occurs naturally in the feed material shall be considered part of the process weight. (5-1-94)

80. Process Weight Rate. The rate established as follows: (5-1-94)

a. For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; (5-1-94)

b. For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. (5-1-94)

81. Radionuclide. A type of atom which spontaneously undergoes radioactive decay. (5-1-94)

82. Responsible Official. One of the following: (5-1-94)

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (5-1-94)

i. The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25) (in second quarter 1980 dollars); or (5-1-94)

ii. The delegation of authority to such representative is approved in advance by the Department. (5-1-94)

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively. (5-1-94)

c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Section 122, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA). (5-1-94)

d. For Phase II sources: (5-1-94)

i. The designated representative in so far as actions, standards, requirements, or prohibitions under 42 U.S.C. Sections 7651 through 7651o or the regulations promulgated thereunder are concerned; and (5-1-94)

ii. The designated representative for any other purposes under 40 CFR Part 70. (5-1-94)

83. Safety Measure. Any shutdown (and related startup) or bypass of control equipment, process equipment or normal processes undertaken to prevent imminent injury or death to employees or severe damage to equipment which may cause excess emissions where such measure is not necessitated by negligence or improper maintenance. (11-20-95)T

84. Salvage Operation. Any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards. (5-1-94)



85. Scheduled Maintenance. Planned upkeep, repair activities and preventative maintenance on any air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment. (11-20-95)T
86. Secondary Ambient Air Quality Standard. That ambient air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air. (5-1-94)
87. Shutdown. The normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed. (5-1-94)
88. Significant. A rate of air pollutant emissions that would equal or exceed any of the following: (5-1-94)
- a. Air pollutant emissions and rate: (5-1-94)
    - i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)
    - ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)
    - iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)
    - iv. Particulate matter, twenty-five (25) tons per year; (5-1-94)
    - v. Ozone, forty (40) tons per year of volatile organic compounds as a measure of ozone; (5-1-94)
    - vi. Lead, six-tenths (0.6) of a ton per year; (5-1-94)
    - vii. Asbestos, seven-thousandths (0.007) of a ton per year; (5-1-94)
    - viii. Beryllium, four ten-thousandths (0.0004) of a ton per year; (5-1-94)
    - ix. Mercury, one-tenth (0.1) of a ton per year; (5-1-94)
    - x. Vinyl chloride, one (1) ton per year; (5-1-94)
    - xi. Fluorides, three (3) tons per year; (5-1-94)
    - xii. Sulfuric acid mist, seven (7) tons per year; (5-1-94)
    - xiii. Hydrogen sulfide (H<sub>2</sub>S), ten (10) tons per year; (5-1-94)
    - xiv. Total reduced sulfur (including H<sub>2</sub>S), ten (10) tons per year; (5-1-94)
    - xv. Reduced sulfur compounds (including H<sub>2</sub>S), ten (10) tons per year; (5-1-94)
    - xvi. PM-10, fifteen (15) tons per year; (5-1-94)
    - xvii. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans), thirty-five ten-millionths (0.0000035) tons per year; (5-1-94)
    - xviii. Municipal waste combustor metals (measured as particulate matter), 15 tons per year; (5-1-94)
    - xix. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride), forty (40) tons per year; (5-1-94)

xx. Radionuclides, a quantity of emissions, from source categories regulated by 40 CFR Part 61, Subpart H, that have been determined in accordance with 40 CFR Part 61, Appendix D and by Department approved methods, that would cause any member of the public to receive an annual effective dose equivalent of at least 0.1 mrem per year, if total facility-wide emissions contribute an effective dose equivalent of less than three (3) mrem per year; or any radionuclide emission rate, if total facility-wide radionuclide emissions contribute an effective dose equivalent of greater than or equal to three (3) mrem per year; (5-1-95)

b. In reference to a net emissions increase or the potential of a source or facility to emit an air pollutant not listed in (a) above and not a toxic air pollutant, any emission rate; or (5-1-94)

c. For a major facility or major modification which would be constructed within ten (10) kilometers of a Class I area, the emissions rate which would increase the ambient concentration of an emitted air pollutant in the Class I area by one (1) microgram per cubic meter, twenty-four (24) hour average, or more. (5-1-94)

89. Significant Contribution. Any increase in ambient concentrations which would exceed the following: (5-1-94)

a. Sulfur dioxide: (5-1-94)

i. One (1.0) microgram per cubic meter, annual average; (5-1-94)

ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average; (5-1-94)

iii. Twenty-five (25) micrograms per cubic meter, three (3) hour average; (5-1-94)

b. Total suspended particulates: (5-1-94)

i. One (1.0) microgram per cubic meter, annual average; (5-1-94)

ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average; (5-1-94)

c. Nitrogen dioxide, one (1.0) microgram per cubic meter, annual average; (5-1-94)

d. Carbon monoxide: (5-1-94)

i. One-half (0.5) milligrams per cubic meter, eight (8) hour average; (5-1-94)

ii. Two (2) milligrams per cubic meter, one (1) hour average; (5-1-94)

e. PM-10: (5-1-94)

i. One (1.0) microgram per cubic meter, annual average; (5-1-94)

ii. Five (5.0) micrograms per cubic meter, twenty-four (24) hour average. (5-1-94)

90. Small Fire. A fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high. (5-1-94)

91. Smoke. Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material. (5-1-94)

92. Smoke Management Plan. A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)

93. Smoke Management Program. A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location,

amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)

94. Source. A stationary source. (5-1-94)
95. Source Operation. The last operation preceding the emission of air pollutants, when this operation: (5-1-94)
- a. Results in the separation of the air pollutants from the process materials or in the conversion of the process materials into air pollutants, as in the case of fuel combustion; and (5-1-94)
  - b. Is not an air cleaning device. (5-1-94)
96. Stack. Any point in a source arranged to conduct emissions to the ambient air, including a chimney, flue, conduit, or duct but not including flares. (5-1-94)
97. Standard Conditions. Except as specified in Subsection 576.02 for ambient air quality standards, a dry gas temperature of 20C (68F) and a gas pressure of 760 millimeters of mercury (14.7 pounds per square inch) absolute. (5-1-94)
98. Startup. The normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation. (5-1-94)
99. Stationary Source. Any building, structure, emissions unit, or installation which emits or may emit any air pollutant. (5-1-94)
100. Tier I Source. Any of the following: (5-1-94)
- a. Any source located at any major facility; (5-1-94)
  - b. Any source, including an area source, subject to a standard, limitation, or other requirement under 42 U.S.C. Section 7411 or 40 CFR Part 60; (5-1-94)
  - c. Any source, including an area source, subject to a standard or other requirement under 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63, except that a source is not required to obtain a permit solely because it is subject to requirements under 42 U.S.C. Section 7412(r); (5-1-94)
  - d. Any Phase II source; and (5-1-94)
  - e. Any source in a source category designated by the Department. (5-1-94)
101. Time Intervals. Where applicable, time intervals are defined as follows: (5-1-94)
- a. "Annual" means calendar year; (5-1-94)
  - b. "Year" means calendar year; (5-1-94)
  - c. "Month" means calendar month; (5-1-94)
  - d. "Week" means calendar week; (5-1-94)
  - e. "Twenty-four (24) hour concentration" means twenty-four (24) hour average concentration starting at midnight and continuing until the following midnight; (5-1-94)
  - f. "Eight (8) hour concentration" means running eight (8) hour average concentration starting at each clock hour; (5-1-94)

g. "Three (3) hour concentration" means running three (3) hour average concentration starting at each clock hour; and (5-1-94)

h. "One (1) hour concentration" means one (1) hour average concentration starting at each clock hour. (5-1-94)

102. Total Suspended Particulates. All particulate matter in the ambient air as measured by the method described in Appendix B of 40 CFR Part 50. (5-1-94)

103. Toxic Air Pollutant. An air pollutant that has been determined by the Department to be by its nature, toxic to human or animal life or vegetation and listed in Section 585 or 586. (5-1-94)

104. Toxic Air Pollutant Carcinogenic Increments. Those ambient air quality increments based on the probability of developing excess cancers over a seventy (70) year lifetime exposure to one microgram per cubic meter (1 ug/m<sup>3</sup>) of a given carcinogen and expressed in terms of a screening emission level or an acceptable ambient concentration for a carcinogenic toxic air pollutant. They are listed in Section 586. (5-1-94)

105. Toxic Air Pollutant Non-carcinogenic Increments. Those ambient air quality increments based on occupational exposure limits for airborne toxic chemicals expressed in terms of a screening emission level or an acceptable ambient concentration for a non-carcinogenic toxic air pollutant. They are listed in Section 585. (5-1-94)

106. Toxic Substance. Any air pollutant that is determined by the Department to be by its nature, toxic to human or animal life or vegetation. (5-1-94)

107. Trade Waste. Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood. (5-1-94)

108. TRS (Total Reduced Sulfur). Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present. (5-1-94)

109. Unclassifiable Area. An area which, because of a lack of adequate data, is unable to be classified pursuant to 42 U.S.C. Section 7407(d) as either an attainment or a nonattainment area. (5-1-94)

110. Uncontrolled Emission. An emission which has not been treated by control equipment. (5-1-94)

111. Upset. An unplanned and unforeseeable disruption in the normal operations of any air pollution control equipment or emissions unit, including process equipment, which may cause excess emissions where such disruption is not intentional or the result of negligence or improper maintenance. (5-1-94)

112. Wigwam Burner. Wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes. (5-1-94)

113. Wood Stove Curtailment Advisory. An air pollution alert issued through local authorities and/or the Department to limit wood stove emissions during air pollution episodes. (5-1-94)

**007. DEFINITIONS FOR THE PURPOSES OF SECTIONS 200 THROUGH 225 AND 400 THROUGH 461.**

01. Adverse Effect on Visibility. Impairment of visibility in a Class I area which the Department determines to be unacceptable. This determination is made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and times of visibility impairment, and how these factors correlate with times of visitor use of the area and the frequency and times of naturally occurring phenomena that reduce visibility. (5-1-94)

02. Agricultural Activities and Services. For the purposes of Subsection 223.03.f., the usual and customary activities of cultivating the soil, producing crops and raising livestock for use and consumption.

Agricultural activities and services do not include manufacturing, bulk storage, handling for resale or the formulation of any agricultural chemical listed in Sections 585 or 586. (5-1-94)

03. Allowable Emissions. The emission rate, at maximum rated capacity (unless the operating rate, or hours of operation, or both are restricted by enforceable limits), allowed by current state rules, federal regulations or by permit condition, whichever is most stringent. (5-1-94)

04. Innovative Control Technology. Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental effects. (5-1-94)

05. Integral Vista. A view perceived from within the mandatory federal Class I area of a specific landmark or panorama located outside the boundary of the mandatory federal Class I area. Integral vistas are identified by the responsible federal land manager in accordance with criteria adopted pursuant to 40 CFR Part 51.304(a). (5-1-94)

06. Mandatory Federal Class I Area. Any area designated under 42 U.S.C. Section 7472(a) as Class I and never to be redesignated. (5-1-94)

07. Net Emissions Increase. Any increase in actual emissions from a particular modification plus any other increases and creditable decreases in actual emissions at the facility that are contemporary with the particular modification, where: (5-1-94)

a. An increase or decrease in actual emissions is contemporary with a particular modification if it occurs within ten (10) years prior to the date that the new or modified emissions unit(s) becomes operational, except that decreases which occurred prior to one (1) year before the date of application for a particular modification must have been approved by the Department pursuant to Section 461. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred and eighty (180) days; (5-1-94)

b. A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits (Section 460) and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular modification. (5-1-94)

c. The increase in toxic air pollutant emissions from an already operating or permitted source is not included in the calculation of the net emissions increase for a proposed new source or modification if: (5-1-95)

i. The already operating or permitted source commenced construction or modification prior to July 1, 1995; or (5-1-95)

ii. The uncontrolled emission rate from the already operating or permitted source is ten per cent (10%) or less of the applicable screening emissions level listed in Section 585 or 586; or (6-30-95)

iii. The already operating or permitted source is an environmental remediation source subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and Idaho Rules and Standards for Hazardous Waste (IDAPA 16.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order. (6-30-95)

08. Pilot Plant. A stationary source located at least 1/4 mile from any sensitive receptor that functions to test processing, mechanical, or pollution control equipment to determine full-scale feasibility and which does not produce products that are offered for sale except in developmental quantities. (5-1-94)

09. Reasonable Further Progress (RFP). Annual incremental reductions in emissions of the applicable air pollutant as identified in the SIP which are sufficient to provide for attainment of the applicable ambient air quality standard by the required date. (5-1-94)

10. Secondary Emissions. Emissions which would occur as a result of the construction, modification, or operation of a stationary source or facility, but do not come from the stationary source or facility itself. Secondary emissions must be specific, well defined, quantifiable, and affect the same general area as the stationary source, facility, or modification which causes the secondary emissions. Secondary emissions include emissions from trains or marine vessels at the stationary source or facility and from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the primary stationary source, facility or modification. Secondary emissions do not include any emissions which come directly from a mobile source regulated under 42 U.S.C. Sections 7521 through 7590. (5-1-94)

11. Sensitive Receptor. Any residence, building or location occupied or frequented by persons who, due to age, infirmity or other health based criteria, may be more susceptible to the deleterious effects of a toxic air pollutant than the general population including, but not limited to, elementary and secondary schools, day care centers, playgrounds and parks, hospitals, clinics and nursing homes. (5-1-94)

12. Short Term Source. Any new stationary source or modification to an existing source, with an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. (5-1-94)

13. Toxic Air Pollutant Reasonably Available Control Technology (T-RACT). An emission standard based on the lowest emission of toxic air pollutants that a particular source is capable of meeting by the application of control technology that is reasonably available, as determined by the Department, considering technological and economic feasibility. If control technology is not feasible, the emission standard may be based on the application of a design, equipment, work practice or operational requirement, or combination thereof. (5-1-94)

14. Visibility Impairment. Any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under naturally occurring phenomena that reduced visibility. (5-1-94)

**008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 387.**

01. Accountable. Any SIP emission trading program must account for the aggregate effect of the emissions trades in the demonstration of reasonable further progress, attainment, or maintenance. (5-1-94)

02. Affected States. All States: (5-1-94)

a. Whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho; or (5-1-94)

b. That are within fifty (50) miles of the Tier I source. (5-1-94)

03. Air Pollution. The presence in the outdoor atmosphere of any air pollutant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property. (5-1-94)

04. Allowance. An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one ton of sulfur dioxide. (5-1-94)

05. Applicable Requirement. All of the following if approved or promulgated by EPA as they apply to emissions units in a Tier I source (including requirements that have been promulgated through rulemaking at the time of permit issuance but which have future-effective compliance dates): (5-1-94)

a. Any standard or other requirement provided for in the applicable state implementation plan, including any revisions to that plan that are specified in 40 CFR Parts 52.670 through 52.690. (5-1-94)

b. Any term or condition of any permits to construct issued by the Department pursuant to Sections 200 through 225 or by EPA pursuant to 42 U.S.C. Sections 7401 through 7515; provided that terms or conditions relevant only to toxic air pollutants are not applicable requirements. (5-1-94)

- c. Any standard or other requirement under 42 U.S.C. Section 7411 including 40 CFR Part 60; (5-1-94)
- d. Any standard or other requirement under 42 U.S.C. Section 7412 including 40 CFR Part 61 and 40 CFR Part 63; (5-1-94)
- e. Any standard or other requirement of the acid rain program under 42 U.S.C. Sections 7651 through 7651o; (5-1-94)
- f. Any requirements established pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661a(b) or Sections 120 through 126 of these rules; (5-1-94)
- g. Any standard or other requirement governing solid waste incineration, under 42 U.S.C. Section 7429; (5-1-94)
- h. Any standard or other requirement for consumer and commercial products and tank vessels, under 42 U.S.C. Sections 7511b(e) and (f); and (5-1-94)
- i. Any standard or other requirement under 42 U.S.C. Sections 7671 through 7671q including 40 CFR Part 82. (5-1-94)
- j. Any ambient air quality standard or increment or visibility requirement provided in 42 U.S.C. Sections 7470 through 7492, but only as applied to temporary sources receiving Tier I operating permits under Section 324. (5-1-94)
06. Designated Representative. A responsible person or official authorized by the owner or operator of a Phase II unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a Phase II unit, and the submission of and compliance with permits, permit applications, and compliance plans for the Phase II unit. (5-1-94)
07. Draft Permit. The version of a Tier I operating permit that is made available by the Department for public participation and affected State review. (5-1-94)
08. Emergency. (5-1-94)
- a. For the purposes of Sections 326 through 332, an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including natural disasters, which situation requires immediate corrective action to restore normal operation, and that causes the Tier I source to exceed a technology-based emission limitation under the Tier I operating permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. (5-1-94)
- b. For the purposes of Sections 380 through 387 an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including natural disasters, which situation requires immediate corrective action to restore normal operation. (5-1-94)
09. Emissions Allowable Under the Tier I Operating Permit. A federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emission cap that the facility has assumed to avoid an applicable requirement to which the source would otherwise be subject. (5-1-94)
10. Excess Emissions. Emissions of an air pollutant in excess of any applicable air quality standard, emission standard emission limit or permit terms or conditions. (5-1-94)
11. Final Permit. The version of a Tier I permit issued by the Department that has completed all review procedures required in Sections 364 and 366. (5-1-94)

12. General Permit. A Tier I permit issued pursuant to Section 323. (5-1-94)
13. Insignificant Activity. Categorically exempt insignificant activities as determined in Section 317. (3-3-95)L
14. Major Facility. A facility (as defined in Subsection 006.34) is major if the facility meets any of the following criteria: (5-1-94)
- a. The facility emits or has the potential to emit ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, which has been listed pursuant to 42 U.S.C. Section 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)
- b. The facility emits or has the potential to emit twenty five (25) tpy or more of any combination of any hazardous air pollutants, other than radionuclides, which have been listed pursuant to 42 U.S.C. 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)
- c. The facility directly emits or has the potential to emit, one hundred (100) tpy or more of any air pollutant. Fugitive emissions from emissions units within the facility shall be included as provided in any or all of the following: (5-1-94)
- d. The facility is located in a "serious" particulate matter (PM-10) nonattainment area and the facility has the potential to emit seventy (70) tpy or more of PM-10. (5-1-94)
- e. The facility is located in a "serious" carbon monoxide nonattainment area in which stationary sources are significant contributors to carbon monoxide levels and the facility has the potential to emit fifty (50) tpy or more of carbon monoxide. (5-1-94)
- f. The facility is located in an ozone transport region established pursuant to 42 U.S.C. Section 7511c and the facility has the potential to emit fifty (50) tpy or more of volatile organic compounds. (5-1-94)
- g. The facility is located in an ozone nonattainment area and, depending upon the classification of the nonattainment area, the facility has the potential to emit the following amounts of volatile organic compounds or oxides of nitrogen; provided that oxides of nitrogen shall not be included if the facility has been identified in accordance with 42 U.S.C. Section 7411a(f)(1) or (2): (5-1-94)
- i. If the area is "marginal" or "moderate," one hundred (100) tpy or more. (5-1-94)
- ii. If the area is "serious," fifty (50) tpy or more. (5-1-94)
- iii. If the area is "severe," twenty five (25) tpy or more. (5-1-94)
- iv. If the area is "extreme," ten (10) tpy or more. (5-1-94)
- h. For facilities addressed in Subsections 008.14.c. through 14.g. above, fugitive emissions from emissions units within the facility shall not be considered in determining whether a facility is major except in the following cases: (3-7-95)L
- i. For designated facilities. (3-7-95)L
- ii. For fossil-fuel-fired steam electric plants of more than two hundred fifty million (250,000,000) BTU's per hour heat input. (3-7-95)L



iii. For any emissions units in a source category regulated, as of August 7, 1980, by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, but only to the extent the fugitive emissions are regulated by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63 for the particular source category. (3-7-95)L

15. Permit Revision. Any minor permit modification, substantive permit modification, administrative permit amendment or reopening. (5-1-94)

16. Phase II Source. A source that is subject to emissions reduction requirements of 42 U.S.C. Section 7651 through 7651o and shall have the meaning given to it pursuant to those sections. (5-1-94)

17. Phase II Unit. A unit that is subject to emissions reduction requirements of 42 U.S.C. Sections 7651 through 7651o and the term shall have the meaning given to it pursuant to those sections. (5-1-94)

18. Proposed Permit. The version of a permit that the Department proposes to issue and forwards to the EPA for review. (5-1-94)

19. Quantifiable. The Department must be able to determine the emissions impact of any SIP trading programs requirement(s) or emission limit(s). (5-1-94)

20. Regulated Air Pollutant. The following air pollutants: (5-1-94)

a. Nitrogen oxides including nitrogen dioxide, volatile organic compounds, ozone, lead, carbon monoxide, total suspended particulates, PM-10 and sulfur oxides. (5-1-94)

b. Any air pollutant that is regulated in 40 CFR Part 60. (5-1-94)

c. Any Class I or II substance listed in, or listed in accordance with 42 U.S.C. Sections 7671a(a) or 7671a(b). (5-1-94)

d. Any air pollutant subject to a standard promulgated under 42 U.S.C. Section 7412 or other requirements established under 42 U.S.C. Section 7412, including 42 U.S.C. Section 7412(g), (j), and (r), including the following: (5-1-94)

i. Any air pollutant subject to requirements under 42 U.S.C. Section 7412(j). If the EPA fails to promulgate a standard by the date established pursuant to 42 U.S.C. Section 7412(e), any air pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to 42 U.S.C. Section 7412(e); and (5-1-94)

ii. Any air pollutant for which the requirements of 42 U.S.C. Section 7412(g)(2) have been met, but only with respect to the individual source subject to 42 U.S.C. Section 7412(g)(2) requirement. (5-1-94)

21. Replicable. Any SIP procedures for applying emission trading shall be structured so that two independent entities would obtain the same result when determining compliance with the emission trading provisions. (5-1-94)

22. Tier I Operating Permit. Any permit covering a Tier I source that is issued, renewed, amended, or revised pursuant to Sections 300 through 387. (5-1-94)

**009. DEFINITIONS FOR THE PURPOSES OF 40 CFR PART 60.**

Notwithstanding the definitions listed in Sections 006 through 008, the definitions in 40 CFR Part 60 shall have the meaning given in that Part, except that the term "Administrator" shall mean "Department." (5-1-94)

**010. DEFINITIONS FOR THE PURPOSES OF 40 CFR PART 61 AND 40 CFR PART 63.**

Notwithstanding the definitions listed in Sections 006 through 008, the definitions in 40 CFR Part 61 and 40 CFR Part 63 shall have the meaning given in those Parts, except that the term "Administrator" shall mean "Department." (5-1-94)

**011. -- 105. (RESERVED).**

**106. ABBREVIATIONS.**

01. AAC. Acceptable Ambient Concentration. (5-1-94)
02. AACC. Acceptable Ambient Concentration for a Carcinogen. (5-1-94)
03. ACGIH. American Conference of Government Industrial Hygienists. (5-1-94)
04. CAS. Chemical Abstract Service. (5-1-94)
05. CL. Derived form ACGIH ceiling Limit UF = 10. (5-1-94)
06. EL. Emissions Screening Level. (5-1-94)
07. ID. Idaho Division of Environmental Quality. Not OEL based. (5-1-94)
08. LA. From LA Dept. of Environmental Quality. Not OEL based 8 hr TWA. (5-1-94)
09. MA. From MA Dept. of Environmental Protection, Div. of Air Quality Control. Not OEL based, annual averaging time, no uf. (5-1-94)
10. MI. From MI Dept. of Natural Resources, Air Quality Div. Based on toxicological data, annual av. time, no uf. (5-1-94)
11. NY. From New York Dept. of Conservation, Div. of Air Quality. Not OEL based, 1 yr. Av. time no uncertainty factor (uf). (5-1-94)
12. OEL. Reference Occupational Exposure Level. (5-1-94)
13. PL. From Phil. Dept. of Air Management Services. Not OEL based, 1 yr. averaging time no uf. (5-1-94)
14. PL1. From Phil. Dept. of Air Management Services. Unspecified OEL based, 1 yr. averaging time, uf=10. (5-1-94)
15. PL2. From Phil. Dept. of Air Management Services. Not OEL based 1 yr. Av. time, uf=10. (5-1-94)
16. PL3. From Phil. Dept. of Air Management Services. Not OEL based, 1 yr. av. time, uf=1000. (5-1-94)
17. TWA. Time Weighted Average. (5-1-94)
18. UF. Uncertainty Factor. (5-1-94)
19. URF. Unit Risk Factor from the US Environmental Protection Agency. (5-1-94)
20. WA. From Washington Dept. of Ecology, Air Programs. Acceptable Source Impact Level based. (5-1-94)

**107. INCORPORATIONS BY REFERENCE.**

01. General. Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally

- recognized organization or association. (5-1-94)
02. Availability of Referenced Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)
- a. All federal publications: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at (202) 783-3238; and (5-1-94)
- b. All documents herein incorporated by reference: Central Office, Division of Environmental Quality, Department of Health and Welfare, 1410 N. Hilton, Boise, Idaho 83706 at (208) 373-0502. (5-1-94)
03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)
- a. Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget, 1987. (5-1-94)
- b. Guideline on Air Quality Models, Revised 2-93 including Supplements A 7-87 and B 2-93 (EPA 450/2-78-027R July 1986). (5-1-94)
- c. Interim Procedures for Evaluating Air Quality Models, EPA, September 1984. (5-1-94)
- d. Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. Section 792 (1988). (5-1-94)
- e. Federal Power Act, 16 U.S.C.A. Sections 791a et seq. (West 1985 & Supp. 1993). (5-1-94)
- f. Idaho Forestry Act, Idaho Code Sections 38-101 et seq. (1977 & Supp. 1993). (5-1-94)
- g. Idaho Environmental Protection and Health Act, Idaho Code Sections 39-101 through 130 (1993). (5-1-94)
- h. Idaho Administrative Procedure Act, Idaho Code Sections 67-5201 through 5292 (Supp. 1992). (5-1-94)
- i. Fire Hazard Reduction Law, Idaho Code Sections 38-401 through 414 (1977 & Supp. 1993). (5-1-94)
- j. IDAPA 20.04.01, Rules of the Department of Lands, "Rules Pertaining to Forest Fire Protection," (1993). (5-1-94)
- k. IDAPA 16.05.03, Rules of the Department of Health and Welfare, Title 05, Chapter 03, "Rules Governing Contested Cases and Declaratory Rulings," (1993). (5-1-94)
- l. IDAPA 16.01.06, Rules of the Department of Health and Welfare, Title 01, Chapter 06, "Solid Waste Management Rules and Standards," (1993). (5-1-94)
- m. Implementation Plan for the Control of Air Pollution in the State of Idaho (SIP), Division of Environmental Quality, Department of Health and Welfare, March 1994. (5-1-94)
- n. Atomic Energy Act of 1954, 42 U.S.C.A. Sections 2014 (e), (z) and (aa) (West 1973 & Supp. 1993). (5-1-94)
- o. Procedures Manual for Air Pollution Control, Idaho Air Quality Bureau, Division of Environment, Department of Health and Welfare, September 1986. (5-1-94)
- p. "Ringelmann Smoke Chart", Manual Evaluation of Visible Emissions, Idaho Department of Health

- and Welfare, Division of Environment, Air Quality Bureau, Sections 6.1-6.10, September 1977. (5-1-94)
- q. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of April 1, 1994. (5-1-94)
  - r. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, Identification of Integral Vistas, Subsection a, 40 CFR Part 51.304(a), revised as of April 1, 1994. (5-1-94)
  - s. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, revised as of April 1, 1994. (5-1-94)
  - t. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of April 1, 1994. (5-1-94)
  - u. Ambient Air Quality Surveillance, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD Air Monitoring), 40 CFR Part 58, Appendix B, revised as of April 1, 1994. (5-1-94)
  - v. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of April 1, 1994. (5-1-94)
  - w. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of April 1, 1994. (5-1-94)
  - x. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of April 1, 1994. (5-1-94)
  - y. Permits, 40 CFR Part 72, revised as of April 1, 1994. (5-1-94)
  - z. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of April 1, 1994. (5-1-94)
  - aa. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of April 1, 1994. (5-1-94)
  - bb. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1993). See Appendix A, shown at the end of this chapter. (5-1-94)
  - cc. Emergency Episode Air Pollution Criteria, Division of Environmental Quality, Idaho Department of Health and Welfare, April 1972. (5-1-94)

**108. -- 120. (RESERVED).**

**121. COMPLIANCE REQUIREMENTS BY DEPARTMENT.**

Any person engaged in an activity which may violate the air quality provisions of the Act, violate an air quality order issued or entered in accordance with the Act or these rules, or violate any of these rules, may be required by the Department to do any of the following: (5-1-94)

- 01. Schedule. Prepare a proposed schedule whereby the unlawful activity will be brought into compliance over a specified period of time. (5-1-94)
- 02. Report. Submit periodic reports to the Department indicating progress in achieving compliance. (5-1-94)
- 03. Records. Submit, keep and maintain appropriate records. (5-1-94)
- 04. Monitoring. Monitor air pollutants at the source, in the ambient air, or in vegetation to demonstrate compliance. (5-1-94)

05. Episode Plans. Develop emergency episode plans to help prevent ambient air pollution concentrations from reaching levels which would cause substantial endangerment to health or the environment. (5-1-94)

**122. INFORMATION ORDERS BY THE DEPARTMENT.**

The Department may issue information orders as follows: (5-1-94)

01. Purpose. For the purpose of: (5-1-94)
  - a. Developing or assisting in the development of any implementation plan, any standard of performance, any emission standard or any rule; (5-1-94)
  - b. Determining whether any person is in violation of any standard of performance, any emission standard, any implementation plan or any rule; or (5-1-94)
  - c. Carrying out any air quality provisions of the Act, any air quality order issued or entered in accordance with the Act or rules, or any of these rules. (5-1-94)
02. Persons. The Department may issue an information order to any person who: (5-1-94)
  - a. Owns or operates any emission source; (5-1-94)
  - b. Manufactures emission control equipment; (5-1-94)
  - c. The Department believes may have information necessary to meet the intent of these rules; or (5-1-94)
  - d. Is subject to any requirement of these rules. (5-1-94)
03. Requirements. The information order may require the person to perform the following on a one-time, periodic or continuous basis: (5-1-94)
  - a. Establish, maintain and submit records; (5-1-94)
  - b. Make reports; (5-1-94)
  - c. Install, use, and maintain monitoring equipment, and use audit procedures, or methods; (5-1-94)
  - d. Sample emissions in accordance with procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Department shall prescribe; (5-1-94)
  - e. Keep records on control equipment parameters, production variables or other indirect data when the Department determines that direct monitoring of emissions is impractical; (5-1-94)
  - f. Submit compliance certifications including: (5-1-94)
    - i. Identification of the applicable requirement that is the basis of the certification; (5-1-94)
    - ii. The method used for determining the compliance status of the source; (5-1-94)
    - iii. The compliance status; (5-1-94)
    - iv. Whether compliance is continuous or intermittent; and (5-1-94)
    - v. Such other facts as the Department may require. (5-1-94)
  - g. Provide such other information as the Department may require. (5-1-94)

**123. CERTIFICATION OF DOCUMENTS.**

All documents, including but not limited to, application forms for permits to construct, application forms for operating permits, progress reports, records, monitoring data, supporting information, requests for confidential treatment, testing reports or compliance certifications submitted to the Department shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. (5-1-94)

**124. TRUTH, ACCURACY AND COMPLETENESS OF DOCUMENTS.**

All documents submitted to the Department shall be truthful, accurate and complete. (5-1-94)

**125. FORMAT OF RESPONSES.**

All responses and information submitted to the Department shall be provided in a format approved by the Department. (5-1-94)

**126. CONFIDENTIAL INFORMATION.**

Persons may request that information submitted to the Department be treated as confidential information by separating the confidential information from non-confidential information, clearly identifying each page or portion of the information as confidential and certifying that the information qualifies for confidential treatment in accordance with Idaho Code 39-111. If the information for which the person is requesting confidential treatment is submitted to the Department under Sections 300 through 387 or the terms or conditions of a Tier I operating permit, the person shall also submit the same information directly to the EPA. All documents shall be subject to disclosure in accordance with Idaho Code Sections 9-301 through 9-350 and, if it is applicable, Idaho Code Section 39-111. (5-1-94)

**127. -- 129. (RESERVED).**

**130. STARTUP, SHUTDOWN, SCHEDULED MAINTENANCE, SAFETY MEASURES, UPSET AND BREAKDOWN.**

The purpose of Sections 130 through 136 is to establish procedures and requirements for excess emissions events due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns. (11-20-95)T

**131. EXCESS EMISSIONS.**

01. Applicability. Emissions exceeding any of the limits established in this chapter or established in a preconstruction permit or operating permit (Tier I or Tier II), or modification thereof, issued pursuant to this chapter, which emissions occur as a direct result of a startup, shutdown, scheduled maintenance, upset, or breakdown of any air pollution control equipment or emissions unit, including process equipment and processes, or as a direct result of implementation of any safety measure, shall be referred to herein as "excess emissions." Except as provided in Section 131.02, excess emissions shall be a violation of the rule or permit establishing such limits unless and until the requirements in Sections 132 through 136 are met. If the requirements in Sections 132 through 136 are met to the satisfaction of the Department, the excess emissions violation shall be excused and no penalties shall be imposed. The burden shall be on the owner or operator of the facility or source seeking to excuse the excess emissions violation to demonstrate that all of the relevant requirements in Sections 132 through 136 have been met and that the excess emissions event is or was reasonably unavoidable and the result of a startup, shutdown, scheduled maintenance, upset, breakdown, or safety measure. Any excuse of violation under this Section shall not excuse the owner or operator from compliance with the emissions limit in the future. (11-20-95)T

02. Exemptions. Sections 131 through 136 shall not apply to limits established by EPA and incorporated by reference into Section 107 of this chapter or to any such limits established by EPA which are included in preconstruction or operating permits issued pursuant to this chapter. (11-20-95)T

**132. CORRECTION OF CONDITION.**

The person responsible for, or in charge of a facility during, an excess emissions event shall, with all practicable speed, initiate and complete appropriate reasonable action to correct the conditions causing such excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which regulatory or permit limits are exceeded; and shall, as provided below or upon request of the Department, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken.

(11-20-95)T

**133. STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS.**

The requirements in this section shall apply in all cases where startup, shutdown, or scheduled maintenance of air pollution control equipment or an emissions unit, including process equipment or process, may result in an excess emissions event. A demonstration of compliance with the following requirements, and adherence to any procedures developed pursuant this Section 133, shall be a prerequisite to any excuse of excess emissions violation under Section 131 for startup, shutdown or scheduled maintenance. (11-20-95)T

01. Excess Emissions Procedures. For all air pollution control equipment and emissions units, including process equipment and processes, from which excess emissions may occur during startup, shutdown, or scheduled maintenance, the facility owner or operator shall establish and file with the Department specific procedures which will be used to minimize excess emissions during such events. Specific information for each of the types of excess emissions events (i.e. startup, shutdown and scheduled maintenance) shall be established or documented for each piece of control equipment and emissions unit (including process equipment or process) and shall include all of the following (which may be based upon the facility owner or operator's knowledge of the process or emissions where measured data is unavailable): (11-20-95)T

- a. Identification of the specific air pollution control equipment or emissions unit. (11-20-95)T
- b. Identification of the specific air pollutants likely to be emitted in excess of applicable standards or limits during the startup, shutdown, or scheduled maintenance period. (11-20-95)T
- c. The estimated amount of excess emissions expected to be released during each event. (11-20-95)T
- d. The expected duration of each excess emissions event. (11-20-95)T
- e. An explanation of why the excess emissions are reasonably unavoidable for each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance). (11-20-95)T
- f. Specification of the frequency at which each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance) are expected to occur. (11-20-95)T
- g. For scheduled maintenance of control equipment, the owner or operator shall also document detailed explanations of: (11-20-95)T
  - i. Why the maintenance is needed. (11-20-95)T
  - ii. Why it is impractical to reduce or cease operation of the emissions unit(s) or other source(s) during the scheduled maintenance period. (11-20-95)T
  - iii. Why the excess emissions are not reasonably avoidable through better scheduling of the maintenance or through better operation and maintenance practices. (11-20-95)T
  - iv. Why, where applicable, it is necessary to by-pass, take off line, or operate the air pollution control equipment at reduced efficiency while the maintenance is being performed. (11-20-95)T
  - h. Justification to explain why the piece of control equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the excess emissions which occur during startup, shutdown, and scheduled maintenance. (11-20-95)T
  - i. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during startup, shutdown, and scheduled maintenance. These procedures may include such measures as preheating or otherwise conditioning the emissions unit prior to its use or the application of auxiliary air pollution control equipment to reduce the excess emissions. (11-20-95)T

02. Amendments to Procedures. The owner or operator shall amend the procedures established

pursuant to Section 133 from time to time and as deemed reasonably necessary to ensure that the procedures are and remain consistent with good pollution control practices. (11-20-95)T

03. Effect of Procedures. The preparation and filing of startup, shutdown, or scheduled maintenance procedures shall not absolve the owner or operator from an enforcement action by the Department if the procedures are not followed or the burden under Section 131 is not met. Unless otherwise required by these Rules, the failure to establish or file procedures under this Section shall not be a violation of these Rules in and of itself, but shall preclude the excuse of an excess emissions violation under Section 131 for emissions resulting from startup, shutdown, or scheduled maintenance. (11-20-95)T

04. Filing of Procedures. To the extent procedures or plans for excess emissions resulting from startup, shutdown, or scheduled maintenance are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate, shall fulfill the requirement under this Section to file plans and procedures with the Department. (11-20-95)T

05. General Provisions. The following shall pertain to all startup, shutdown, and scheduled maintenance activities: (11-20-95)T

a. No scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory and/or a Wood Stove Curtailment Advisory has been declared by the Department within an area designated by the Department as a PM-10 nonattainment area, unless the permittee demonstrates that such is reasonably necessary to facility operations and cannot be reasonably avoided and the Department approves such activity in advance, to the extent advance approval by the Department is feasible. This prohibition on scheduled startup, shutdown or maintenance activities during Advisories does not apply to situations where shutdown is necessitated by urgent situations, such as imminent equipment failure, power curtailment, worker safety concerns or similar situations. (11-20-95)T

b. The owner or operator of a source of excess emissions shall notify the Department of any startup, shutdown, or scheduled maintenance event that is expected to cause an excess emissions event. Such notification shall identify the time of the excess emissions, specific location, equipment involved, and type of excess emissions event (i.e. startup, shutdown, or scheduled maintenance). The notification shall be given as soon as reasonably possible, but no later than two (2) hours prior to the start of the excess emissions event unless the owner or operator demonstrates to the Department's satisfaction that a shorter advanced notice was necessary. (11-20-95)T

c. The owner or operator of a source of excess emissions shall report and record the information required pursuant to Sections 135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance. (11-20-95)T

d. No excuse of excess emissions violation under Section 131 may apply to scheduled maintenance on pollution control equipment, except in those cases where the maximum reasonable effort, including off-shift labor where required, has been made to accomplish such maintenance during periods of nonoperation of any related source operations or equipment. (11-20-95)T

**134. UPSET, BREAKDOWN AND SAFETY REQUIREMENTS.**

The requirements in this section shall apply in all cases where upset or breakdown of air pollution control equipment or an emissions unit, including process equipment and processes, or the initiation of safety measures may result in an excess emissions event. A demonstration of compliance with the following requirements shall be a prerequisite to any excuse of an emissions standard violation under Section 131 for upset, breakdown or safety measures. (11-20-95)T

01. Routine Maintenance and Repairs. For all air pollution control equipment and emissions units, including process equipment and processes, from which excess emissions may occur during upset conditions or breakdowns or implementation of safety measures, the facility owner or operator shall: (11-20-95)T

a. Implement routine preventative maintenance and operating procedures consistent with good pollution control practices for minimizing upsets and breakdowns or events requiring implementation of safety measures, and (11-20-95)T



b. Make routine repairs in an expeditious fashion when the owner or operator knew or should have known that an excess emissions event was likely to occur. Off-shift labor and overtime shall be utilized, to the extent practicable, to ensure that such repairs are made expeditiously. (11-20-95)T

02. Foreseeable Excess Emissions Procedures. For equipment and process upsets and breakdowns and situations that require implementation of safety measures, which events can reasonably be anticipated to occur periodically but which cannot be reasonably avoided or predicted with certainty, the owner or operator shall establish and file with the Department specific procedures which will be used to minimize such events and excess emissions during such events. To the extent possible and reasonably practicable (and based upon knowledge of the process or emissions where measured data is not available), specify the following information for each type of anticipated upset/breakdown/safety event: (11-20-95)T

- a. The specific air pollution control equipment or emissions unit and the type of event anticipated. (11-20-95)T
- b. The specific air pollutants likely to be emitted in excess of applicable standards or limits during the event. (11-20-95)T
- c. The estimated amount of excess emissions expected to be released during each event. (11-20-95)T
- d. The expected duration of each excess emissions event. (11-20-95)T
- e. An explanation of why the excess emissions are reasonably unavoidable. (11-20-95)T
- f. The frequency of the type of event, based on historic occurrences. (11-20-95)T
- g. Justification to explain why the piece of control equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the particular type of event. (11-20-95)T
- h. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during such events, including without limitation those procedures listed under Section 134.02. (11-20-95)T

03. Effect of Procedures. The preparation and filing of procedures pursuant to Section 134.02 shall not absolve the owner or operator from an enforcement action by the Department if the procedures are not followed or the burden under Section 131 is not met. Notwithstanding the foregoing, failure to follow procedures filed with the Department shall not preclude the excuse of an excess emissions violation if the owner or operator demonstrates to the Department's satisfaction that alternate and equivalent procedures were used and necessitated by the exigency of the circumstances. Unless otherwise required by these Rules, the failure to establish or file procedures under Section 134.02 shall not be a violation of these Rules in and of itself, but shall preclude the excuse of an excess emissions violation under Section 131 for emissions resulting from foreseeable upset/breakdown/safety events. (11-20-95)T

04. Filing of Procedures. To the extent procedures or plans for excess emissions resulting from upsets, breakdowns or safety measures are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate, shall fulfill the requirement under this Section to file plans and procedures with the Department. (11-20-95)T

05. Excess Emissions Minimization and Notification. For all air pollution control equipment and emissions units, including process equipment and processes, from which excess emissions may occur during upset or breakdown conditions or other situations that may necessitate the implementation of safety measures, the facility owner or operator shall establish specific procedures which will be used to minimize excess emissions during such events. Specific procedures shall include all of the following: (11-20-95)T

- a. The owner or operator shall immediately undertake appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event. (11-20-95)T
- b. The owner or operator shall notify the Department of any upset/breakdown/safety event resulted in

excess emissions. Such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than twenty-four (24) hours after the event, unless the owner or operator demonstrates to the Department's satisfaction that the longer reporting period was necessary. (11-20-95)T

c. The owner or operator shall report and record the information required pursuant to Sections 135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure. (11-20-95)T

06. Discretionary Reduction or Cessation Provisions. During any period of excess emissions due to upset or breakdown, or for continued operation under facility safety measures, the Department may require that the owner or operator immediately proceed to reduce or cease operation of the emissions unit(s) or facility, until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by the Department will be taken upon consideration of the following factors and after consultation with the facility owner or operator: (11-20-95)T

a. Potential risk to the public or the environment. (11-20-95)T

b. Whether ceasing operations could result in physical damage to the equipment or facility, or cause injury to employees. (11-20-95)T

c. If continued excess emissions were determined by the Department to be reasonably avoidable. (11-20-95)T

d. The effect of the increase in pollution resulting from the shutdown and subsequent restart of the emission(s) or facility. (11-20-95)T

e. The owner or operator shall not be required to reduce or cease operations at the entire facility if reducing or ceasing operations at a portion of the facility terminates the excess emissions. (11-20-95)T

**135. EXCESS EMISSIONS REPORTS.**

01. Deadline for Excess Emissions Reports. A written report for each excess emissions event shall be submitted to the Department by the owner or operator no later than fifteen (15) days after the beginning of each such event. (11-20-95)T

02. Contents of Excess Emissions Reports. Each report shall contain the following information: (11-20-95)T

a. The time period during which the excess emissions occurred; (11-20-95)T

b. Identification of the specific equipment or emissions unit which caused the excess emissions; (11-20-95)T

c. An explanation of the cause, or causes, of the excess emissions and whether the excess emissions occurred as a result of startup, shutdown, scheduled maintenance, upset, breakdown or a safety measure; (11-20-95)T

d. An estimate of the quantity of each air pollutant emitted in excess of any applicable standard or emission limit (based on knowledge of the process and facility where emissions data is unavailable); (11-20-95)T

e. A description of the activities carried out to eliminate the excess emissions; and (11-20-95)T

f. Statements demonstrating compliance with the requirements of Sections 132 through 136, as appropriate. (11-20-95)T

**136. EXCESS EMISSIONS RECORDS.**

01. Maintenance of Excess Emissions Records. The owner or operator shall maintain excess emissions records at the facility for the most recent five (5) calendar year period. (11-20-95)T

02. Availability of Excess Emissions Records. The excess emissions records shall be made available to the Department upon request. (11-20-95)T

03. Contents of Excess Emissions Records. The excess emissions records shall include the following: (11-20-95)T

a. An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to the Department pursuant to Section 135 for the particular unit or equipment; and (11-20-95)T

b. Copies of all startup, shutdown, and scheduled maintenance procedures and upset/breakdown/safety preventative maintenance plans which have been developed by the owner or operator in accordance with Sections 133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans. (11-20-95)T

04. Protections Under Section 126. The protections under Section 126 for confidential information shall be available for excess emissions reports and records upon proper request of the owner or operator in accordance with Section 126. (11-20-95)T

**137. -- 139. (RESERVED).**

**140. VARIANCES.**

The purpose of Sections 140 through 149 is to establish procedures for obtaining variances. (5-1-94)

**141. PETITION.**

A variance proceeding shall be commenced by filing three (3) copies of a petition for variance with the Department. The complaint may be accompanied by such affidavits or other proof as the petitioner may submit in order to make it possible for the Department, if it so desires, to dispose of the matter without a hearing. The petition shall contain the following: (5-1-94)

01. Statement of Facts. A concise statement of the facts upon which the variance is requested, including a description of the business or activity in question; the quantity and type of raw materials processed; an estimate of the quantity and type of contaminants discharged; a description of existing and proposed equipment for the control of discharges; and a time schedule for bringing the activity into compliance. (5-1-94)

02. Statement of Reasons. A concise statement of why the petitioner believes that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship, including a description of the costs that compliance would impose on the petitioner and others, and of the injury that the grant of the variance would impose on the public. (5-1-94)

03. Requested Relief. A clear statement of the precise extent of the relief sought. (5-1-94)

**142. NOTICE.**

The Department shall give notice of all variance petitions as required by law. (5-1-94)

**143. INVESTIGATION AND RECOMMENDATION.**

After investigating the variance petition and considering the views of persons who might be adversely affected by the grant of the variance, the Department staff shall, within twenty-one (21) days after the filing of the petition, make a recommendation to the Department as to the disposition of the petition. The recommendation, a copy of which shall be served on the petitioner, shall include: (5-1-94)

01. Efforts. A description of the efforts made by the staff to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained. (5-1-94)

02. Disputed Facts. A statement of the degree to which, if at all, the staff disagrees with the facts as alleged in the petition. (5-1-94)

03. Other Facts. Allegations of any other facts the staff believes relevant to the disposition of the petition. (5-1-94)

04. Costs. The staff's assessment of the costs that compliance would impose on the petitioner and on others and of the injury that the grant of the variance would impose on the public. (5-1-94)

05. Recommendations. The staff's reasoned recommendations as to what disposition should be made of the petition. (5-1-94)

**144. OBJECTIONS TO PETITION.**

Any person may file with the Department, within twenty-one (21) days after the filing of the petition, a written objection to the grant of the variance. A copy of such objection shall be provided by the Department to the petitioner. (5-1-94)

**145. AUTHORIZATION OF HEARING.**

01. No Objection. If no objection is made by the staff or by any other person to the grant of the variance within twenty-one (21) days after the filing of the petition, the Department shall authorize a hearing unless it determines either: (5-1-94)

a. That even if all the facts alleged in the petition are true, the petitioner is not entitled to variance; or (5-1-94)

b. That the petitioner has shown from affidavits or other proof that compliance with the provision from which variance is sought would impose an arbitrary or unreasonable hardship. (5-1-94)

02. No Hearing. If the Department decides not to hold a hearing, it shall pass upon the petition and shall prepare an opinion stating its reasons both for the grant or denial of the petition and for its decision not to hold a hearing. (5-1-94)

03. Early Hearing. The Department may authorize a hearing without waiting for the expiration of the twenty-one (21) days during which objections may be filed; provided that if a hearing is not held the Department shall not rule upon the petition until the twenty-one (21) days have elapsed. (5-1-94)

**146. NOTICE OF HEARING.**

The Hearing Officer, after appropriate consultation with the parties, shall set a time and place for hearing and give notice to the petitioner, the EPA, and anyone who has filed an objection to the petition at least twenty-one (21) days prior to the date of the hearing. The hearing shall be set for a date no later than sixty (60) days after the filing of the petition. Any request by the petitioner for a continuance shall constitute a waiver of the right to a decision within ninety (90) days for the period of the continuance. (5-1-94)

**147. DECISION.**

The Department shall render a final decision upon the petition within ninety (90) days after the filing of the petition, except that time included in a continuance granted at the request of the petitioner shall not be counted. When exigencies of time require, the Department may delay the filing of an opinion until not more than thirty (30) days after the filing of its final order. (5-1-94)

**148. PROOF OF HARDSHIP.**

No variance shall be granted, with or without hearing, without adequate proof by the petitioner that compliance would impose an arbitrary or unreasonable hardship. (5-1-94)

**149. VARIANCE FROM NEW RULE.**

If any person files a petition for variance from a rule within twenty (20) days after the original effective date of such a rule, the operation of such rule shall be stayed as to such person, pending the disposition of the petition. The

Department may hold a hearing upon said petition within five (5) days from the notice of such hearing, but in all other respects, the rules in Sections 140 through 149 shall apply to the extent they are consistent with the hearing date set by the hearing officer. (5-1-94)

**150. -- 154. (RESERVED).**

**155. CIRCUMVENTION.**

No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air pollutants emitted, conceals an emission of air pollutants which would otherwise violate the provisions of this chapter. (5-1-94)

**156. TOTAL COMPLIANCE.**

Where more than one section of these rules applies to a particular situation, all such rules must be met for total compliance, unless otherwise provided for in these rules. (5-1-94)

**157. SAMPLING AND ANALYTICAL PROCEDURES.**

All sampling and analytical procedures shall be as approved by the Department. A procedures manual to be entitled Procedures Manual for Air Pollution Control shall be published and maintained by the Department staff. The procedures manual is available upon request at no charge. (5-1-94)

**158. -- 159. (RESERVED).**

**160. PROVISIONS GOVERNING SPECIFIC ACTIVITIES AND CONDITIONS.**

Sections 160 through 164 establish provisions governing specific activities and conditions. (5-1-94)

**161. TOXIC SUBSTANCES.**

Any contaminant which is by its nature toxic to human or animal life or vegetation shall not be emitted in such quantities or concentrations as to alone, or in combination with other contaminants, injure or unreasonably affect human or animal life or vegetation. (6-30-95)

**162. MODIFYING PHYSICAL CONDITIONS.**

When physical conditions such as tall adjacent buildings, valley and mountain terrain, etc., are such as to limit the normal dispersion of air pollutants, the Board may set more restrictive emission limitations on those sources affected by the unusual conditions when air quality standards would reasonably be expected to be exceeded. (5-1-94)

**163. SOURCE DENSITY.**

Should areas develop where each individual source is meeting the requirements of this chapter, yet the ambient air quality standards are being exceeded or might reasonably be expected to be exceeded, the Board may set more restrictive emission limits than are contained in this chapter. (5-1-94)

**164. POLYCHLORINATED BIPHENYLS (PCBS).**

01. Prohibition on Burning. Burning any material containing greater than five (5) parts per million of polychlorinated biphenyls (PCBs) is prohibited, except for incineration for the purpose of disposal. Incineration for disposal shall comply with the following provisions: (5-1-94)

a. No person shall commence construction or modification of a PCB incinerator without a permit issued according to Sections 200 through 225. (5-1-94)

b. The Department must provide opportunity for public comments prior to a final decision for a permit to construct or modify a new PCB incinerator. (5-1-94)

c. A permit issued according to Sections 200 through 225 for construction or modification of a PCB incinerator shall require, as a minimum, best available control technology and monitoring instrumentation. (5-1-94)

d. No permit to operate, construct or modify a PCB incinerator shall be processed or issued prior to March 16, 1987, or such earlier date as shall be determined by the State Board of Health and Welfare. (5-1-94)

02. Prohibition on Sales. No person shall sell, distribute or provide any materials containing greater than five (5) parts per million PCBs for home or commercial heating equipment. (5-1-94)

**165. -- 199. (RESERVED).**

**200. PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT.**

The purposes of Sections 200 through 225 is to establish uniform procedures and requirements for the issuance of "Permits to Construct." (5-1-94)

**201. PERMIT TO CONSTRUCT REQUIRED.**

No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department which satisfies the requirements of Sections 200 through 225 unless the source is exempted in any of Sections 220 through 225. (5-1-94)

**202. APPLICATION PROCEDURES.**

Application for a permit to construct must be made using forms furnished by the Department, or by other means prescribed by the Department. The application shall be certified by the responsible official in accordance with Section 123 and shall be accompanied by all information necessary to perform any analysis or make any determination required under Sections 200 through 225. (5-1-94)

01. Required Information. Depending upon the proposed size and location of the new or modified stationary source or facility, the application for a permit to construct shall include all of the information required by one or more of the following provisions: (5-1-94)

- a. For any new or modified stationary source or facility: (5-1-94)
  - i. Site information, plans, descriptions, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled. (5-1-94)
  - ii. A schedule for construction of the stationary source, facility, or modification. (5-1-94)
- b. For any new major facility or major modification in a nonattainment area which would be major for the nonattainment air pollutant(s): (5-1-94)
  - i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the lowest achievable emission rate would be applied. (5-1-94)
  - ii. A description of the emission offsets proposed for the new major facility or major modification, including information on the stationary sources or facilities providing the offsets, emission estimates, and other information necessary to determine that a net air quality benefit would result. (5-1-94)
  - iii. Certification that all other facilities in Idaho, owned or operated by (or under common ownership of) the proposed new major facility or major modification, are in compliance with all local, state or federal requirements or are on a schedule for compliance with such. (5-1-94)
  - iv. An analysis of alternative sites, sizes, production processes, and environmental control techniques which demonstrates that the benefits of the proposed major facility or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. (5-1-94)
  - v. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would impact (including the monitoring of visibility in any Class I area near the new major facility or major modification, if requested by the Department), except for those new major facilities and major modifications exempted by Subsection 204.04. (5-1-94)

- c. For any new major facility or major modification in an attainment or unclassifiable area for any air pollutant, except for those new major facilities and major modifications exempted under Subsections 205.04.a. and 205.04.b. (5-1-94)
- i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the best available control technology would be applied. (5-1-94)
- ii. An analysis of the effect on air quality by the new major facility or major modification, including meteorological and topographical data necessary to estimate such effects. (5-1-94)
- iii. An analysis of the effect on air quality projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new major facility or major modification. (5-1-94)
- iv. A description of the nature, extent, and air quality effects of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the new major facility or major modification would affect. (5-1-94)
- v. An analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the new major facility or major modification and general commercial, residential, industrial, and other growth associated with establishment of the new major facility or major modification. The owner or operator need not provide an analysis of the impact on vegetation or soils having no significant commercial or recreational value. (5-1-94)
- vi. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would affect. (5-1-94)
- vii. An analysis of the existing ambient air quality in the area that the new major facility or major modification would affect for each air pollutant that a new major facility would emit in significant amounts or for which a major modification would result in a significant net emissions increase. (5-1-94)
- viii. No analyses is needed if the projected increases in ambient concentrations or existing ambient concentrations of a particular air pollutant in any area that the new major facility or major modification would affect are less than the following amounts, or the air pollutant is not listed herein: carbon monoxide - five hundred and seventy-five (575) micrograms per cubic meter, eight (8) hour average; nitrogen dioxide - fourteen (14) micrograms per cubic meter, annual average; PM-10 - ten (10) micrograms per cubic meter, twenty-four (24) hour average; total suspended particulates - ten (10) micrograms per cubic meter, twenty-four (24) hour average; sulfur dioxide - thirteen (13) micrograms per cubic meter, twenty-four (24) hour average; ozone - any net increase of one hundred (100) tons per year or more of volatile organic compounds, as a measure of ozone; lead - one-tenth (0.1) of a microgram per cubic meter, calendar quarterly average; mercury - twenty-five hundredths (0.25) of a microgram per cubic meter, twenty-four (24) hour average; beryllium - one-thousandth (0.001) of a microgram per cubic meter, twenty-four (24) hour average; fluorides - twenty-five hundredths (0.25) of a microgram per cubic meter, twenty-four (24) hour average; vinyl chloride - fifteen (15) micrograms per cubic meter, twenty-four (24) hour average; hydrogen sulfide - two-tenths (0.2) of a microgram per cubic meter, one (1) hour average. (5-1-94)
- ix. For any air pollutant which has an ambient air quality standard, the analysis shall include continuous air monitoring data, gathered over the year preceding the submittal of the application, unless the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year, but not less than four (4) months, which is adequate for determining whether the emissions of that air pollutant would cause or contribute to a violation of the ambient air quality standard or any PSD increment. (5-1-94)
- x. For any air pollutant which does not have an ambient air quality standard, the analysis shall contain such air quality monitoring data that the Department determines is necessary to assess ambient air quality for that air pollutant in any area that the emissions of that air pollutant would affect. (5-1-94)

xi. If requested by the Department, monitoring of visibility in any Class I area the proposed new major facility or major modification would affect. (5-1-94)

xii. Operation of monitoring stations shall meet the requirements of Appendix B to 40 CFR Part 58 or such other requirements as extensive as those set forth in Appendix B as may be approved by the Department. (5-1-94)

02. Estimates of Ambient Concentrations. All estimates of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in the U.S. Environmental Protection Agency's "Guideline on Air Quality Models (Revised 2-92)" (EPA 450/2-78-027R, July 1986), including Supplement A and B (July 1987). (5-1-94)

a. Where an air quality model specified in the "Guideline on Air Quality Models (Revised)", including "Supplement A" and "Supplement B" is inappropriate, the model may be modified or another model substituted, subject to written approval of the Administrator of the U.S. Environmental Protection Agency and public comment pursuant to Subsection 209.01.c.; provided that modifications and substitutions of models used for toxic air pollutants will be reviewed by the Department. (5-1-94)

b. Methods like those outlined in the U.S. Environmental Protection Agency's "Interim Procedures for Evaluating Air Quality Models (Revised)" (September 1984) should be used to determine the comparability of air quality models. (5-1-94)

03. Additional Information. Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 200 through 225 shall be furnished upon request. (5-1-94)

**203. PERMIT REQUIREMENTS FOR NEW AND MODIFIED STATIONARY SOURCES.**

No permit to construct shall be granted for a new or modified stationary source unless the applicant shows to the satisfaction of the Department all of the following: (5-1-94)

01. Emission Standards. The stationary source or modification would comply with all applicable local, state or federal emission standards. (5-1-94)

02. NAAQS. The stationary source or modification would not cause or significantly contribute to a violation of any ambient air quality standard. (5-1-94)

03. Toxic Air Pollutants. Using the methods provided in Section 210, the emissions of toxic air pollutants from the stationary source or modification would not injure or unreasonably affect human or animal life or vegetation as required by Section 161. Compliance with all applicable toxic air pollutant carcinogenic increments and toxic air pollutant non-carcinogenic increments will also demonstrate preconstruction compliance with Section 161 with regards to the pollutants listed in Sections 585 and 586. (6-30-95)

**204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS.**

No permit to construct shall be granted for a new major facility or major modification which is proposed for location in a nonattainment area and which would be major for the nonattainment air pollutant(s) unless the applicant shows to the satisfaction of the Department all of the following: (5-1-94)

01. LAER. The new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment air pollutant, specifically: (5-1-94)

a. A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment air pollutant; and (5-1-94)

b. A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment air pollutant. (5-1-94)



02. Required Offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources or facilities in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (5-1-94)

03. Compliance Status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

04. Effect on Visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward remedying existing and preventing future visibility impairment, except that: (5-1-94)

a. New major facilities, or major modifications to new major facilities, which have actual or potential emissions of less than two-hundred fifty (250) tons per year of any air pollutant and which are not a designated facility are exempt. (5-1-94)

b. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted by the Department. (5-1-94)

**205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.**

01. Requirements for Issuance. No permit to construct shall be granted for a new major facility or major modification which is proposed for location in an attainment or unclassifiable area for any air pollutant, except as specifically exempted in Sections 220 through 224 unless the applicant shows to the satisfaction of the Department that: (5-1-94)

a. The new major facility or major modification would use the best available control technology (BACT): (5-1-94)

i. For each air pollutant for which a new major facility would have significant allowable emissions; and (5-1-94)

ii. At each new or modified emissions unit which has a net emissions increase of each air pollutant for which a major modification has a significant net emissions increase. (5-1-94)

b. The allowable emission increases from the new major facility or major modification, in conjunction with all other applicable emissions increases or reductions, including secondary emissions, would not: (5-1-94)

i. Cause or significantly contribute to violations of any ambient air quality standard; and (5-1-94)

ii. Cause or contribute to violations of any applicable prevention of significant deterioration (PSD) increment; (5-1-94)

c. The allowable emission increases from the new major facility or major modification would not have an adverse effect on the air quality related values, including visibility, of any federal Class I area or Class I area designated by the Department, and any effect on visibility of any integral vista of a mandatory federal Class I area would be consistent with making reasonable progress toward remedying existing and preventing future visibility impairment. However, any integral vista which the Federal Land Manager has not identified at least six (6) months

prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the required identification criteria, may be exempted by the Department. (5-1-94)

02. Phased Construction Projects. For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at least eighteen (18) months prior to commencement of each independent phase of the project. (5-1-94)

03. Innovative Control Technology. If requested by the owner or operator of the new major facility or major modification, the Department may, with the consent of the Governor of any other affected state, approve a system of innovative control technology. (5-1-94)

a. A proposed system of innovative control technology may be approved if: (5-1-94)

i. The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function; (5-1-94)

ii. The owner or operator agrees to achieve a level of continuous emissions control equivalent to that which would have been required for BACT by a date specified by the Department, but not later than four (4) years from the time of start-up or seven (7) years from permit issuance; (5-1-94)

iii. The allowable emissions for the facility employing the system of innovative control technology satisfy all other applicable requirements; (5-1-94)

iv. Prior to the date established pursuant to Subsection 205.03.a.ii., the new major facility or major modification would not cause or significantly contribute to any violation of an ambient air quality standard, impact any Class I area, or impact any area where a PSD increment is known to be violated. (5-1-94)

b. The Department shall withdraw its approval to employ a system of innovative control technology if: (5-1-94)

i. The proposed system fails by the specified date to achieve the required continuous emission control; (5-1-94)

ii. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or (5-1-94)

iii. The Department decides that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety. (5-1-94)

c. If the system of innovative control technology fails to meet the required level of continuous emission control or if approval for the system is withdrawn by the Department, the Department may allow the new major facility or major modification up to three (3) years from the date of withdrawal to meet the requirement for the application of BACT through the use of a demonstrated system of control. (5-1-94)

04. Exemptions. (5-1-94)

a. New major facilities, or major modifications to major facilities, which have actual or potential emissions of less than two-hundred fifty (250) tons per year of any air pollutant and which are not designated facilities are exempt from complying with the conditions of Subsections 205.01.a., 205.01.b.ii., and 205.01.c., for obtaining a permit to construct. (5-1-94)

b. Temporary emissions (one (1) year or less in duration unless otherwise approved by the Department) from a new major facility or major modification that would not impact a Class I area or area where an applicable PSD increment is known to be violated are exempt from complying with the conditions of Subsections 205.01.b. and 205.01.c. for obtaining a permit to construct. (5-1-94)

**206. OPTIONAL OFFSETS FOR PERMITS TO CONSTRUCT.**

The owner or operator of any proposed new or modified stationary source, new major facility, or major modification, which cannot meet the requirements of Subsections 203.02, 203.03, 204.04, 205.01.b. or 205.01.c., may propose the use of an emission offset in order to meet those requirements and thereby obtain a permit to construct. Any proposed emission offset must satisfy the requirements for emission reduction credits, Section 460, and demonstrate, through appropriate dispersion modeling, that the offset will reduce ambient concentrations sufficiently to meet the requirements at all modeled receptors which could not otherwise have met the requirements. (6-30-95)

**207. REQUIREMENTS FOR EMISSION REDUCTION CREDIT.**

In order to be credited in a permit to construct, any emission reduction credit must satisfy the requirements of Section 460. (5-1-94)

**208. DEMONSTRATION OF NET AIR QUALITY BENEFIT.**

The demonstration of net air quality benefit shall: (5-1-94)

01. VOCs. For trades involving volatile organic compounds, show that total emissions are reduced for the air basin in which the stationary source or facility is located; (5-1-94)

02. Other Air Pollutants. For trades involving any other air pollutant, show through appropriate dispersion modeling that the trade will not cause an increase in ambient concentrations at any modeled receptor. (5-1-94)

**209. PROCEDURE FOR ISSUING PERMITS.**

01. General Procedures. General procedures for permits to construct. (5-1-94)

a. Within thirty (30) days after receipt of the application for a permit to construct, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)

b. Within sixty (60) days after the application is determined to be complete the Department shall: (5-1-94)

i. Notify the applicant in writing of the approval, conditional approval, or denial of the application if an opportunity for public comment is not required pursuant to Subsection 209.01.c. The Department shall set forth reasons for any denial; or (5-1-94)

ii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)

c. An opportunity for public comment shall be provided on an application for any new major facility or major modification, any new facility or modification which would cause a significant contribution to existing ambient concentrations or affect any Class I area, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516, any application which uses an interpollutant trade pursuant to Subsection 210.17, and any other application which the Director determines an opportunity for public comment should be provided. (6-30-95)

i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)

ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)

iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)

iv. There shall be a thirty (30) day period after initial publication for comment on the Department's

proposed action, such comment to be made in writing to the Department. (5-1-94)

v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, or notice of public hearing if one is requested under Subsections 209.02.b.iv. or 209.02.a.ii., unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)

vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)

d. A copy of each permit will be sent to the U.S. Environmental Protection Agency. (5-1-94)

02. Additional Procedures for Specified Sources. (5-1-94)

a. For any new major facility or major modification in an attainment or unclassifiable area for any air pollutant, except for those new major facilities and major modifications exempted under Subsections 205.04.a. and 205.04.b. (5-1-94)

i. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the degree of increment consumption that is expected from the new major facility or major modification; and (5-1-94)

ii. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effects of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. (5-1-94)

b. For any new major facility or major modification which would affect a federal Class I area or an integral vista of a mandatory federal Class I area. (5-1-94)

i. If the Department is notified of the intent to apply for a permit to construct, it shall notify the appropriate Federal Land Manager within thirty (30) days; (5-1-94)

ii. A copy of the permit application and all relevant information, including an analysis of the anticipated effects on visibility in any federal Class I area, shall be sent to the Administrator of the U.S. Environmental Protection Agency and the Federal Land Manager within thirty (30) days of receipt of a complete application and at least sixty (60) days prior to any public hearing on the application; (5-1-94)

iii. Notice of every action related to the consideration of the permit shall be sent to the Administrator of the U.S. Environmental Protection Agency; (5-1-94)

iv. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effect of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. (5-1-94)

v. The notice of public hearing, if required, shall explain any differences between the Department's preliminary determination and any visibility analysis performed by the Federal Land Manager and provided to the Department within thirty (30) days of the notification pursuant to Subsection 209.02.b.ii. (5-1-94)

vi. Upon a sufficient showing by the Federal Land Manager that a proposed new major facility or major modification will have an adverse impact upon the air quality related values (including visibility) of any federal mandatory Class I area, the Director may deny the application notwithstanding the fact that the concentrations of air pollutants would not exceed the maximum allowable increases for a Class I area. (5-1-94)

03. Establishing a Good Engineering Stack Height. The Department will notify the public of the

availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

04. Revisions of Permits to Construct. The Director may approve a revision of any permit to construct provided the stationary source or facility continues to meet all applicable requirements of Sections 200 through 225. Revised permits will be issued pursuant to procedures for issuing permits (Section 209), except that the requirements of Subsections 209.01.c., 209.02.a., 209.02.b. and 209.04, shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. (5-1-94)

05. Permit to Construct Procedures for Tier I Sources. For Tier I sources that require a permit to construct, the owner or operator shall either: (5-1-94)

a. Submit only the information required by Sections 200 through 225 for a permit to construct, in which case: (5-1-94)

i. A permit to construct or denial will be issued in accordance with Subsections 209.01.a. and 209.01.b. (5-1-94)

ii. The owner or operator may construct the source after permit to construct issuance. (5-1-94)

iii. Within twelve (12) months after commencing operation, the owner or operator shall submit an application for a Tier I operating permit or a request for a substantive permit modification, whichever is appropriate. (5-1-94)

iv. The application or substantive permit modification request shall be processed in accordance with timelines: Section 361 and Subsections 367.02 through 367.05. (5-1-94)

v. The final Tier I operating permit action shall supersede the permit to construct. (5-1-94)

b. Submit all information required by Sections 200 through 299 and 300 through 387 for a permit to construct and a Tier I operating permit, in which case: (5-1-94)

i. Completeness of the application shall be determined within thirty (30) days. (5-1-94)

ii. The Department shall prepare a proposed permit to construct or denial, in accordance with Sections 200 through 299 and 300 through 387, within sixty (60) days. (11-20-95)T

iii. The Department shall provide for public comment in accordance with Section 364 on the proposed permit to construct or denial. (5-1-94)

iv. Except as otherwise provided by these rules, the Department shall prepare a final permit to construct or denial within fifteen (15) days after the close of the public comment period. (5-1-94)

v. The final permit to construct will be sent to EPA as the proposed Tier I operating permit for review in accordance with Section 366. (5-1-94)

vi. The permittee shall request that the permit to construct requirements be incorporated into the Tier I operating permit through an administrative amendment in accordance with Section 384. (5-1-94)

**210. DEMONSTRATION OF PRECONSTRUCTION COMPLIANCE WITH TOXIC STANDARDS.**

In accordance with Subsection 203.03, the applicant shall demonstrate preconstruction compliance with Section 161 to the satisfaction of the Department. The accuracy, completeness, execution and results of the demonstration are all subject to review and approval by the Department. (6-30-95)

01. Identification of Toxic Air Pollutants. The applicant may use process knowledge, raw materials inputs, EPA and Department references and commonly available references approved by EPA or the Department to identify the toxic air pollutants emitted by the stationary source or modification. (6-30-95)

02. Quantification of Emission Rates. (6-30-95)
- a. The applicant may use standard scientific and engineering principles and practices to estimate the emission rate of any toxic air pollutant at the point(s) of emission. (6-30-95)
- i. Screening engineering analyses use unrefined conservative data. (6-30-95)
- ii. Refined engineering analyses utilize refined and less conservative data including, but not limited to, emission factors requiring detailed input and actual emissions testing at a comparable emissions unit using EPA or Department approved methods. (6-30-95)
- b. The uncontrolled emissions rate of a toxic air pollutant from a source or modification is calculated using the maximum capacity of the source or modification under its physical and operational design without the effect of any physical or operational limitations. (6-30-95)
- i. Examples of physical and operational design include but are not limited to: the amount of time equipment operates during batch operations and the quantity of raw materials utilized in a batch process. (6-30-95)
- ii. Examples of physical or operational limitations include but are not limited to: shortened hours of operation, use of control equipment, and restrictions on production which are less than design capacity. (6-30-95)
- c. The controlled emissions rate of a toxic air pollutant from a source or modification is calculated using the maximum capacity of the source or modification under its physical and operational design with the effect of any physical or operational limitation that has been specifically described in a written and certified submission to the Department. (6-30-95)
- d. The T-RACT emissions rate of a toxic air pollutant from a source or modification is calculated using the maximum capacity of the source or modification under its physical and operational design with the effect of:
- i. Any physical or operational limitation other than control equipment that has been specifically described in a written and certified submission to the Department; and (6-30-95)
- ii. An emission standard that is T-RACT (6-30-95)
03. Quantification of Ambient Concentrations. (6-30-95)
- a. The applicant may use the modeling methods provided in Subsection 202.02 to estimate the ambient concentrations at specified receptor sites for any toxic air pollutant emitted from the point(s) of emission. (6-30-95)
- i. For screening modeling, the models use arbitrary meteorological data and predict maximum one (1) hour concentrations for all specified receptor sites. For toxic air pollutants listed in Section 586, multiply the maximum hourly concentration output from the model by a persistence factor of one hundred twenty five one-thousandths (0.125) to convert the hourly average to an annual average. For toxic air pollutants listed in Section 585, multiply the maximum hourly concentration output from the model by a persistence factor of four tenths (0.4) to convert the hourly concentration to a twenty-four (24) hour average. (6-30-95)
- ii. For refined modeling, the models use site specific information. If actual meteorological data is used and the model predicts annual averages for toxic air pollutants listed in Section 586 and twenty-four (24) hour averages for toxic air pollutants listed in Section 585, persistence factors need not be used. (6-30-95)
- b. The point of compliance is the receptor site that is estimated to have the highest ambient concentration of the toxic air pollutant of all the receptor sites that are located either at or beyond the facility property boundary or at a point of public access; provided that, if the toxic air pollutant is listed in Section 586, the receptor site is not considered to be at a point of public access if the receptor site is located on or within a road, highway or

other transportation corridor transecting the facility. (6-30-95)

c. The uncontrolled ambient concentration of the source or modification is estimated by modeling the uncontrolled emission rate. (6-30-95)

d. The controlled ambient concentration of the source or modification is estimated by modeling the controlled emission rate. (6-30-95)

e. The approved net ambient concentration from a modification for a toxic air pollutant at each receptor is calculated by subtracting the estimated decreases in ambient concentrations for all sources at the facility contributing an approved creditable decrease at the receptor site from the estimated ambient concentration from the modification at the receptor. (6-30-95)

f. The approved offset ambient concentration from a source or modification for a toxic air pollutant at each receptor is calculated by subtracting the estimated decreases in ambient concentrations for all sources contributing an approved offset at the receptor from the estimated ambient concentration for the source or modification at the receptor. (6-30-95)

g. The T-RACT ambient concentration of the source or modification is estimated by using refined modeling and the T-RACT emission rate. (6-30-95)

h. The approved interpollutant ambient concentration from a source or modification for a toxic air pollutant at each receptor is calculated as follows: (6-30-95)

i. Step 1: Calculate the estimated decrease in ambient concentrations for each toxic air pollutant from each source contributing an approved interpollutant trade at the receptor by multiplying the approved interpollutant ratio by the overall decrease in the ambient concentration of the toxic air pollutant at the receptor site. (6-30-95)

ii. Step 2: Calculate the total estimated decrease at the receptor by summing all of the individual estimated decreases calculated in Subsection 210.03.h.i. for that receptor. (6-30-95)

iii. Step 3: Calculate the approved interpollutant ambient concentration by subtracting the total estimated decrease at the receptor from the estimated ambient concentration for the source or modification at the receptor. (6-30-95)

04. Preconstruction Compliance Demonstration. The applicant may use any of the Department approved standard methods described in Subsections 210.05 through 210.08, and may use any applicable specialized method described in Subsections 210.09 through 210.12 to demonstrate preconstruction compliance for each identified toxic air pollutant. (6-30-95)

05. Uncontrolled Emissions. (6-30-95)

a. Compare the source's or modification's uncontrolled emissions rate for the toxic air pollutant to the applicable screening emission level listed in Sections 585 or 586. (6-30-95)

b. If the source's or modification's uncontrolled emission rate is less than or equal to the applicable screening emission level, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

06. Uncontrolled Ambient Concentration. (6-30-95)

a. Compare the source's or modification's uncontrolled ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586. (6-30-95)

b. If the source's or modification's uncontrolled ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating

preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

07. Controlled Emissions and Uncontrolled Ambient Concentration. (6-30-95)

a. Compare the source's or modification's controlled emissions rate for the toxic air pollutant to the applicable screening emission level listed in Sections 585 or 586 and compare the source's or modification's uncontrolled ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586. (6-30-95)

b. If the source's or modification's controlled emission rate is less than or equal to the applicable screening emission level and if the source's or modification's uncontrolled ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

08. Controlled Ambient Concentration. (6-30-95)

a. Compare the source's or modification's controlled ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586. (6-30-95)

b. If the source's or modification's controlled ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

c. The Department shall include an emission limit for the toxic air pollutant in the permit to construct that is equal to or, if requested by the applicant, less than the emission rate that was used in the modeling. (6-30-95)

09. Net Emissions. (6-30-95)

a. As provided in Subsection 007.07 and Sections 460 and 461, the owner or operator may net emissions to demonstrate preconstruction compliance. (6-30-95)

b. Compare the modification's approved net emissions increase (expressed as an emission rate) for the toxic air pollutant to the applicable screening emission level listed in Sections 585 or 586. (6-30-95)

c. If the modification's approved net emissions increase is less than or equal to the applicable screening emission level, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

d. The Department shall include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration. (6-30-95)

10. Net Ambient Concentration. (6-30-95)

a. As provided in Subsections 007.07 and Sections 460 and 461, the owner or operator may net ambient concentrations to demonstrate preconstruction compliance. (6-30-95)

b. Compare the modification's approved net ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586. (6-30-95)

c. If the modification's approved net ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

d. The Department shall include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction



- compliance demonstration. (6-30-95)
11. Toxic Air Pollutant Offset Ambient Concentration. (6-30-95)
- a. As provided in Sections 206 and 460, the owner or operator may use offsets to demonstrate preconstruction compliance. (6-30-95)
- b. Compare the source's or modification's approved offset ambient concentration at the point of compliance for the toxic air pollutant to the applicable acceptable ambient concentration listed in Sections 585 or 586. (6-30-95)
- c. If the source's or modification's approved offset ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)
- d. The Department shall include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration. (6-30-95)
12. T-RACT Ambient Concentration for Carcinogens. (6-30-95)
- a. As provided in Subsections 210.12 and 210.13, the owner or operator may use T-RACT to demonstrate preconstruction compliance for toxic air pollutants listed in Section 586. (6-30-95)
- i. This method may be used in conjunction with netting (Subsection 210.09), and offsets (Subsection 210.11). (6-30-95)
- ii. This method is not to be used to demonstrate preconstruction compliance for toxic air pollutants listed in Section 585. (6-30-95)
- b. Compare the source's or modification's approved T-RACT ambient concentration at the point of compliance for the toxic air pollutant to the amount of the toxic air pollutant that would contribute an ambient air cancer risk probability of less than 1:100,000 (which amount is equivalent to ten times the applicable acceptable ambient concentration listed in Section 586). (6-30-95)
- c. If the source's or modification's approved T-RACT ambient concentration at the point of compliance is less than or equal to the amount of the toxic air pollutant that would contribute an ambient air cancer risk probability of less than 1:100,000, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)
- d. The Department shall include emission limits and other permit terms for the toxic air pollutant in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration. (6-30-95)
13. T-RACT Determination Processing. (6-30-95)
- a. The applicant may submit all information necessary to the demonstration at the time the applicant submits the complete initial application or the applicant may request the Department to review a complete initial application to determine if Subsection 210.12 may be applicable to the source or modification. (6-30-95)
- b. Notwithstanding Subsections 209.01.a. and 209.01.b., if the applicant requests the Department to review a complete initial application and Subsection 210.12 is determined to be applicable, the completeness determination for the initial application will be revoked until a supplemental application is submitted and determined complete. When the supplemental application is determined complete, the timeline for agency action shall be reinitiated. (6-30-95)
14. T-RACT Determination. T-RACT shall be determined on a case-by-case basis by the Department

as follows: (6-30-95)

a. The applicant shall submit information to the Department identifying and documenting which control technologies or other requirements the applicant believes to be T-RACT. (5-1-94)

b. The Department shall review the information submitted by the applicant and determine whether the applicant has proposed T-RACT. (5-1-94)

c. The technological feasibility of a control technology or other requirements for a particular source shall be determined considering several factors including, but not limited to: (5-1-94)

i. Process and operating procedures, raw materials and physical plant layout. (5-1-94)

ii. The environmental impacts caused by the control technology that cannot be mitigated, including, but not limited to, water pollution and the production of solid wastes. (5-1-94)

iii. The energy requirements of the control technology. (5-1-94)

d. The economic feasibility of a control technology or other requirement, including the costs of necessary mitigation measures, for a particular source shall be determined considering several factors including, but not limited to: (5-1-94)

i. Capital costs. (5-1-94)

ii. Cost effectiveness, which is the annualized cost of the control technology divided by the amount of emission reduction. (5-1-94)

iii. The difference in costs between the particular source and other similar sources, if any, that have implemented emissions reductions. (5-1-94)

e. If the Department determines that the applicant has proposed T-RACT, the Department shall determine which of the options, or combination of options, will result in the lowest emission of toxic air pollutants, develop the emission standards constituting T-RACT and incorporate the emission standards into the permit to construct. (5-1-94)

f. If the Department determines that the applicant has not proposed T-RACT, the Department shall disapprove the submittal. If the submittal is disapproved, the applicant may supplement its submittal or demonstrate preconstruction compliance through a different method provided in Section 210. If the applicant does not supplement its submittal or demonstrate preconstruction compliance through a different method provided in Section 210, the Department shall deny the permit. (6-30-95)

15. Short Term Source Factor. For short term sources, the applicant may utilize a short term adjustment factor of ten (10). Multiply either the applicable acceptable ambient concentration, or the screening emission rate, but not both, by ten (10), to demonstrate preconstruction compliance. This method may be utilized in conjunction with standard methods for quantification of emission rates, (Subsections 210.05 through 210.08). (6-30-95)

16. Environmental Remediation Source. (6-30-95)

a. For Remediation sources subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 16.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order, if the estimated ambient concentration at the point of impact is greater than the acceptable ambient impacts listed in Sections 585 and 586, Best Available Control Technology shall be applied and operated until the estimated uncontrolled emissions from the remediation source are below the acceptable ambient concentration. (6-30-95)

b. For Remediation sources not subject to or regulated by the Resource Conservation and Recovery

Act (42 U.S.C. Sections 6901-6992k) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 16.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order, shall, for the purposes of these rules, be considered the same as any other new or modified source of toxic air pollution. (6-30-95)

17. Interpollutant Trading Ambient Concentration. (6-30-95)

a. As provided in Subsections 209.01.c., 210.17 through 210.19, the owner or operator may use interpollutant trading to demonstrate preconstruction compliance. This method may be used in conjunction with netting (Subsection 210.10), and offsets (Subsection 210.11) (6-30-95)

b. Compare the source's or modification's approved interpollutant ambient concentration at the point of compliance for the toxic air pollutant emitted by the source or modification to the applicable acceptable ambient concentration listed in Sections 585 or 586. (6-30-95)

c. If the source's or modification's approved interpollutant ambient concentration at the point of compliance is less than or equal to the applicable acceptable ambient concentration listed in Sections 585 or 586, no further procedures for demonstrating preconstruction compliance will be required for that toxic air pollutant as part of the application process. (6-30-95)

d. The Department shall include emission limits for all of the toxic air pollutants involved in the trade in the permit to construct. The Department shall also include other permit terms in the permit to construct that assure that the facility will be operated in the manner described in the preconstruction compliance demonstration. (6-30-95)

18. Interpollutant Trading Determination Processing. (6-30-95)

a. The applicant may submit all information necessary to the demonstration at the time the applicant submits the complete initial application or the applicant may request the Department to review a complete initial application to determine if Subsection 210.17 may be applicable to the source or modification. (6-30-95)

b. Notwithstanding Subsections 209.01.a. and 209.01.b., if the applicant requests the Department to review a complete initial application and Subsection 210.17 is determined to be applicable, the completeness determination for the initial application will be revoked until a supplemental application is submitted and determined complete. When the supplemental application is determined complete, the timeline for agency action shall be reinitiated. (6-30-95)

19. Interpollutant Determination. (6-30-95)

a. The applicant may request an interpollutant trade if the Department determines that: (6-30-95)

i. The facility complies with an emission standard at least as stringent as best available control technology (BACT); and (6-30-95)

ii. The owner or operator has instituted all known and available methods of pollution prevention at the facility to reduce, avoid or eliminate toxic air pollution prior to its generation including, but not limited to, recycling, chemical substitution, and process modification provided that such pollution prevention methods are compatible with each other and the product or service being produced; and (6-30-95)

iii. The owner or operator has taken all available offsets; and (6-30-95)

iv. The owner or operator has identified all geographical areas and populations that may be impacted by the proposed interpollutant trade. (6-30-95)

b. Interpollutant trades shall be approved or denied on a case-by-case basis by the Department. Denials shall be within the discretion of the Department. Approvals shall be granted only if: (6-30-95)

i. The Division of Health approves the interpollutant trade; and (6-30-95)

ii. The Division of Environmental Quality determines that the interpollutant trade will result in a overall benefit to the environment; and (6-30-95)

iii. An EPA approved database or other EPA approved reference provides relative potency factors, or comparable factors, or other data that is sufficient to allow for adequate review and approval of the proposed trade by the Department and the Division of Health is submitted for all of the toxic air pollutants being traded; and (6-30-95)

iv. The reductions occur at the same facility where the proposed source or modification will be constructed; and (6-30-95)

v. The interpollutant trade will not cause an increase in sum of the ambient concentrations of the carcinogenic toxic air pollutants involved in the particular interpollutant trade at any receptor site; and (6-30-95)

vi. The total cancer risk with the interpollutant trade will be less than the total cancer risk without the interpollutant trade; and (6-30-95)

vii. The total non-cancer health risk with the interpollutant trade will be less than the total non-cancer health risk without the interpollutant trade. (6-30-95)

20. NSPS and NESHAP Sources. (6-30-95)

a. If the owner or operator demonstrates that the toxic air pollutant from the source or modification is regulated by the Department at the time of permit issuance under 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, no further procedures for demonstrating preconstruction compliance will be required under Section 210 for that toxic air pollutant as part of the application process. (6-30-95)

b. If the owner or operator demonstrates that the toxic air pollutant from the source or modification is regulated by the EPA at the time of permit issuance under 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63 and the permit to construct issued by the Department contains adequate provisions implementing the federal standard, no further procedures for demonstrating preconstruction compliance will be required under Section 210 for that toxic air pollutant as part of the application process. (6-30-95)

21. Permit Compliance Demonstration. Additional procedures and requirements to demonstrate and ensure actual and continuing compliance may be required by the Department in the permit to construct. (5-1-94)

22. Interpretation and Implementation of Other Sections. Except as specifically provided in other sections of these rules, the provisions of Section 210 are not to be utilized in the interpretation or implementation of any other section of these rules. (6-30-95)

## **211. CONDITIONS FOR PERMITS TO CONSTRUCT.**

01. Reasonable Conditions. The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with: (5-1-94)

a. Sampling ports of a size, number, and location as the Department may require; (5-1-94)

b. Safe access to each port; (5-1-94)

c. Instrumentation to monitor and record emissions data; (5-1-94)

d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and (5-1-94)

e. Any other sampling and testing facilities as may be deemed reasonably necessary. (5-1-94)

02. Cancellation. The Department may cancel a permit to construct if the construction is not begun within two (2) years from the date of issuance, or if during the construction, work is suspended for one (1) year. (5-1-94)

03. Notification to the Department. Any owner or operator of a stationary source or facility subject to a permit to construct shall furnish the Department written notifications as follows: (5-1-94)

a. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty (60) days or less than thirty (30) days prior to such date; and (5-1-94)

b. A notification of the actual date of initial start-up of the stationary source or facility within fifteen (15) days after such date. (5-1-94)

04. Performance Test. Within sixty (60) days after achieving the maximum production rate at which the stationary source or facility will be operated but not later than one hundred eighty (180) days after initial start-up of such stationary source or facility, the owner or operator of such stationary source or facility may be required to conduct a performance test in accordance with methods and under operating conditions approved by the Department and furnish the Department a written report of the results of such performance test. (5-1-94)

a. Such test shall be at the expense of the owner or operator. (5-1-94)

b. The Department may monitor such test and may also conduct performance tests. (5-1-94)

c. The owner or operator of a stationary source or facility shall provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present. (5-1-94)

## **212. OBLIGATION TO COMPLY.**

01. Responsibility to Comply With All Requirements. Receiving a permit to construct shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal statutes, rules and regulations. (5-1-94)

02. Relaxation of Standards or Restrictions. At such time that a particular facility or modification becomes a major facility or major modification solely by virtue of a relaxation in any enforceable emission standard or restriction on the operating rate, hours of operation or on the type or amount of material combusted, stored or processed, which was used to exempt the facility or modification from certain requirements for a permit to construct, the requirements for new major facilities or major modifications shall apply to the facility or modification as though construction had not yet commenced. (5-1-94)

## **213. -- 219. (RESERVED).**

## **220. CATEGORY I EXEMPTION.**

No permit to construct is required for Category I sources. Category I sources must comply with all of the following requirements. (5-1-94)

01. Less Than One Hundred (100) Tons. Have actual and potential emissions of less than one hundred (100) tons per year of any air pollutant. (5-1-94)

02. Significant Increases. Not significantly increase the emissions of a major facility. (5-1-94)

03. NAAQS. As demonstrated using Department approved methods, not cause or significantly contribute to a violation of an ambient air quality standard. (5-1-94)

04. BRC. Have emissions that are less than ten percent (10%) of the emission rates specified in Section 006.88.a: (11-20-95)T

05. Toxic Air Pollutants. Qualify under and comply with Section 225. (6-30-95)
06. Radionuclides. Not be regulated by any radionuclide standard in 40 CFR Part 61 or 40 CFR Part 63. (5-1-94)

**221. CATEGORY II EXEMPTION.**

No permit to construct is required for Category II sources; provided however that the owner or operator of the Category II source shall maintain documentation on-site verifying that the source is a Category II source and submit the documentation to the Department immediately upon request. Category II sources must comply with all of the following requirements. (5-1-94)

01. Less Than One Hundred (100) Tons. Have actual and potential emissions of less than one hundred (100) tons per year of any air pollutant. (5-1-94)
02. Significant Increase. Not significantly increase the emissions of a major facility. (5-1-94)
03. NAAQS. As demonstrated using department approved methods, not cause or significantly contribute to a violation of an ambient air quality standard. (5-1-94)
04. Specified Sources. Be any of the below listed sources: (5-1-94)
- a. Laboratory equipment used exclusively for chemical and physical analyses, research or education, including, but not limited to, ventilating and exhaust systems for laboratory hoods. To qualify for this exemption, the source shall: (5-1-94)
- i. Qualify under and comply with Section 225. (6-30-95)
- ii. Not be regulated by any radionuclide standard in 40 CFR Part 61 or 40 CFR Part 63. (5-1-94)
- b. Environmental characterization activities including emplacement and operation of field instruments, drilling of sampling and monitoring wells, and any other environmental characterization activities specifically exempted by the Director. (5-1-94)
- c. Stationary internal combustion engines of less than or equal to six hundred (600) horsepower and which are fueled by natural gas, propane gas, liquefied petroleum gas, distillate fuel oils, residual fuel oils, and diesel fuel; waste oil, gasoline, or refined gasoline shall not be used. To qualify for this exemption, the source must be operated in accordance with the following: (5-1-94)
- i. One hundred (100) horsepower or less -- unlimited hours of operation. (5-1-94)
- ii. One hundred one (101) to two hundred (200) horsepower -- less than four hundred fifty (450) hours per month. (5-1-94)
- iii. Two hundred one (201) to four hundred (400) horsepower -- less than two hundred twenty-five (225) hours per month. (5-1-94)
- iv. Four hundred one (401) to six hundred (600) horsepower -- less than one hundred fifty (150) hours per month. (5-1-94)
- d. Stationary internal combustion engines used exclusively for emergency power generation which are operated less than two hundred (200) hours per year and are fueled by natural gas, propane gas, liquefied petroleum gas, distillate fuel oils, residual fuel oils, and diesel fuel; waste oil, gasoline, or refined gasoline shall not be used. (5-1-94)

**222. CATEGORY III EXEMPTION.**

No permit to construct is required for Category III sources; provided however that the owner or operator of the Category III source shall maintain documentation on-site verifying that the source is a Category III source and submit

the documentation to the Department immediately upon request; provided further that this exemption shall terminate one (1) year after the inception of any operations and shall not be renewed. Category III sources must comply with all of the following requirements. (5-1-94)

01. Less Than One Hundred (100) Tons. Have actual and potential emissions of less than one hundred (100) tons per year of any air pollutant. (5-1-94)
02. Significant Increase. Not significantly increase the emissions of a major facility; and (5-1-94)
03. NAAQS. As demonstrated using department approved methods, not cause or significantly contribute to a violation of an ambient air quality standard. (5-1-94)
04. Pilot Plants. Be a pilot plant which uses a slip stream from an existing process stream not to exceed ten percent (10%) of that existing process stream or which complies with all of the following requirements. (5-1-94)
  - a. Not have a potential to emit emissions which are significant as defined in Subsection 006.88. (11-20-95)T
  - b. Qualify under and comply with Section 225. The owner or operator may utilize a short term adjustment factor of ten (10) by multiplying either the acceptable ambient concentration or the screening emissions level, but not both, by 10. (6-30-95)
  - c. Not be regulated by any radionuclide standard in 40 CFR Part 61 or 40 CFR Part 63. (5-1-94)

**223. CATEGORY IV EXEMPTION.**

No permit to construct is required for Category IV sources. Category IV sources must comply with all of the following requirements. (5-1-94)

01. Less Than One Hundred (100) Tons. Have actual and potential emissions of less than one hundred (100) tons per year of any air pollutant. (5-1-94)
02. Significant Increase. Not significantly increase the emissions of a major facility. (5-1-94)
03. Specified Sources. Be any of the below listed sources: (5-1-94)
  - a. Air conditioning or ventilating equipment not designed to remove air pollutants generated by or released from equipment. (5-1-94)
  - b. Air pollutant detectors or recorders, combustion controllers, or combustion shutoffs. (5-1-94)
  - c. Fuel burning equipment for indirect heating and for heating and reheating furnaces using natural gas, propane gas, liquified petroleum gas exclusively with a capacity of less than fifty (50) million btu's per hour input. (5-1-94)
  - d. Other fuel burning equipment for indirect heating with a capacity of less than one million (1,000,000) btu's per hour input. (5-1-94)
  - e. Mobile internal combustion engines, marine installations and locomotives. (5-1-94)
  - f. Agricultural activities and services. (5-1-94)
  - g. Retail gasoline, natural gas, propane gas, liquified petroleum gas, distillate fuel oils and diesel fuel sales. (5-1-94)
  - h. Used Oil Fired Space Heaters which comply with all the following requirements: (3-1-96)T
  - i. The used oil fired space heater burns only used oil that the owner or operator generates on site, that

is derived from households, such as used oil generated by individuals maintaining their personal vehicles, or on-specification used oil that is derived from commercial generators provided that the generator, transporter and owner or operator burning the oil for energy recovery comply fully with IDAPA 16.01.05.015, Rules and Standards for Hazardous Waste; (3-1-96)T

(1) For the purposes of Section 223.03.h., "used oil" refers to any oil that has been refined from crude oil or any synthetic oil that has been used and, as a result of such use, is contaminated by physical or chemical impurities. (3-1-96)T

(2) For the purposes of Section 223.03.h., "used oil fired space heater" refers to any furnace or apparatus and all appurtenances thereto, designed, constructed and used for combusting used oil for energy recovery to directly heat an enclosed space. (3-1-96)T

ii. Any used oil burned is not contaminated by added toxic substances such as solvents, antifreeze or other household and industrial chemicals; (3-1-96)T

iii. The used oil fired space heater is designed to have a maximum capacity of not more than 0.5 million BTU per hour; (3-1-96)T

iv. The combustion gases from the used oil fired space heater are vented to the ambient air through a stack equivalent to the type and design specified by the manufacturer of the heater and installed to minimize down wash and maximize dispersion; and (3-1-96)T

v. The used oil fired space heater is of modern commercial design and manufacture, except that a homemade used oil fired space heater may be used if, prior to the operation of the homemade unit, the owner or operator submits documentation to the Department demonstrating, to the satisfaction of the Department, that emissions from the homemade unit are no greater than those from modern commercially available units. (3-1-96)T

i. Any other source specifically exempted by the Department. A list of those sources unconditionally exempted by the Department will be maintained by the Department and made available upon written request. (5-1-94)

**224. CATEGORY V EXEMPTION.**

No permit to construct is required for modifications that are fully authorized as an alternative operating scenario or trading scenario in an effective Tier I operating permit. (5-1-94)

**225. EXEMPTION CRITERIA, RECORDKEEPING AND REPORTING REQUIREMENTS FOR TOXIC AIR POLLUTANT EMISSIONS.**

The following provisions are the permit to construct exemption criteria, recordkeeping and reporting requirements for toxic air pollutants. (6-30-95)

01. BRC. The source or modification is below regulatory concern for toxic air pollutants if the source's or modification's uncontrolled emission rate (refer to Subsection 210.02.b.) for all toxic air pollutants is less than or equal to ten percent (10%) of all applicable screening emission levels listed in Sections 585 and 586. Notwithstanding any recordkeeping requirements in Sections 220 through 224, the owner or operator is advised, but not required, to maintain documentation on-site that states which exemption has been determined to apply to the source or modification and that verifies that the source or modification qualifies for the identified exemption. It is further advised that retention of any documentation be in compliance with the requirements of Subsection 225.06. (6-30-95)

02. Level I. (6-30-95)

a. The source or modification is level I for toxic air pollutants if the source's or modification's: (6-30-95)

i. Uncontrolled emission rate (refer to Subsection 210.02.c.) for all toxic air pollutants is less than or equal to all applicable screening emission levels listed in Sections 585 and 586; or (6-30-95)



ii. Uncontrolled ambient concentration (refer to Section 210.03.c.) for all toxic air pollutants at the point of compliance is less than or equal to all applicable acceptable ambient concentrations listed in Sections 585 and 586. (6-30-95)

b. Notwithstanding any recordkeeping requirements in Sections 220 through 224, the owner or operator of the level I source or modification shall: (6-30-95)

i. Maintain certified documentation on-site that states which exemption has been determined to apply to the source or modification and that verifies that the source or modification qualifies for the identified exemption in compliance with the requirements of Subsection 225.06; and (6-30-95)

ii. Submit the documentation to the Department immediately upon request; and (6-30-95)

iii. Submit a certified report to the Department as provided in Subsection 225.05. (6-30-95)

03. Level II. (6-30-95)

a. The source or modification is level II for toxic air pollutants if: (6-30-95)

i. The source's or modification's uncontrolled ambient concentration (refer to Subsection 210.03.c.) for all toxic air pollutants at the point of compliance is less than or equal to all applicable acceptable ambient concentrations listed in Sections 585 and 586; and (6-30-95)

ii. The owner or operator installs and operates control equipment that is not otherwise required to qualify for an exemption and the source's or modification's controlled emission rate (refer to Subsection 210.03.d. for all toxic air pollutants is less than or equal to ten percent (10%) of all applicable screening emission levels listed in Sections 585 and 586. (6-30-95)

b. Notwithstanding any recordkeeping requirements in Sections 220 through 224, the owner or operator of the level II source or modification shall: (6-30-95)

i. Maintain certified documentation on-site that states which exemption has been determined to apply to the source or modification and that verifies that the source or modification qualifies for the identified exemption in compliance with the requirements of Subsection 225.06; and (6-30-95)

ii. Submit the documentation to the Department immediately upon request; and (6-30-95)

iii. Submit a certified annual report to the Department as provided in Subsection 225.05. (6-30-95)

04. Level III. (6-30-95)

a. The source or modification is level III for toxic air pollutants if the source's or modification's: (6-30-95)

i. Uncontrolled ambient concentration (refer to Subsection 210.03.c.) for all toxic air pollutants at the point of compliance is less than or equal to all applicable acceptable ambient concentrations listed in Sections 585 and 586; and (6-30-95)

ii. Controlled emission rate (refer to Subsection 210.03.d.) for all toxic air pollutants is less than or equal to all applicable screening emission levels listed in Sections 585 and 586. (6-30-95)

b. Notwithstanding any recordkeeping requirements in Sections 220 through 224, the owner or operator of the level III source or modification shall: (6-30-95)

i. Maintain certified documentation on-site that states which exemption has been determined to apply to the source or modification and that verifies that the source or modification qualifies for the identified exemption in compliance with the requirements of Subsection 225.06; and (6-30-95)

ii. Submit the documentation to the Department immediately upon request; and (6-30-95)

iii. Submit a certified report to the Department as provided in Subsection 225.05. (6-30-95)

05. Reporting Requirements for Toxic Air Pollutant Exemption. Commencing on May 1, 1996, submit an annual report to the Department for each Level I, II, III exemption determination. The report shall be labeled "Toxic Air Pollutant Exemption Report" and shall state the date construction has or will commence and shall include copies of all exemption determinations done for Levels I, II, and III exemptions. (6-30-95)

06. Record Retention. All records and documentation of BRC, Level I, Level II, and Level III exemption determinations shall be kept on site and shall state which exemption has been determined to apply to the source or modification and verify that the source or modification qualifies for the identified exemption. The records and documentation shall be kept for a period of time not less than five (5) years from the date the exemption determination has been made or for the life of the source or modification for which the exemption has been determined to apply, which ever is greater. (6-30-95)

**226. -- 299. (RESERVED).**

**300. PROCEDURES AND REQUIREMENTS FOR TIER I OPERATING PERMITS.**

The purposes of Sections 300 through 387 are to establish requirements and procedures for the issuance of Tier I operating permits. (5-1-94)

**301. REQUIREMENT TO OBTAIN TIER I OPERATING PERMIT.**

01. Prohibition. No owner or operator shall operate, or allow or tolerate the operation of, any Tier I source without an effective Tier I operating permit. (5-1-94)

02. Exemptions. (5-1-94)

a. No Tier I operating permit is required if the owner or operator is in compliance with Sections 311 through 315 and the Department has not taken final action on the application. (5-1-94)

b. The following Tier I sources do not require a Tier I operating permit until June 1, 1999: (5-1-94)

i. Tier I sources not located at major facilities; (5-1-94)

ii. Phase II sources; and (5-1-94)

iii. Solid waste incineration units required to obtain a permit pursuant to 42 U.S.C. Section 7429(e). (5-1-94)

c. No Tier I operating permit is required for the following Tier I sources: (5-1-94)

i. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA; and (5-1-94)

ii. All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61.145. (5-1-94)

**302. -- 310. (RESERVED).**

**311. STANDARD PERMIT APPLICATIONS.**

The purpose of Sections 311 through 315 is to establish standard Tier I operating permit application procedures. (5-1-94)

**312. DUTY TO APPLY.**

For each Tier I source, the owner or operator shall submit a timely and complete permit application in accordance with Sections 311 through 315. (5-1-94)

**313. TIMELY APPLICATION.**

01. Original Tier I Operating Permits. (5-1-94)
- a. For Tier I sources existing on May 1, 1994, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than June 1, 1996, or within twelve (12) months of EPA approval of the Tier I operating program, whichever is earlier, unless: (11-20-95)T
- i. The Department provides written notification of an earlier date to the owner or operator. (5-1-94)
- ii. The Tier I source is identified in Subsections 301.02.b. or 301.02.c. (5-1-94)
- b. For Tier I sources identified in Subsections 301.02.b.i. or 301.02.b.iii. existing on November 1, 1997, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit by no later than January 1, 1998, unless the Department provides written notification of an earlier date to the owner or operator. (5-1-94)
- c. For sources that become Tier I sources due to construction, reconstruction or modification after May 1, 1994, that are located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit within twelve (12) months after commencing operation, unless: (5-1-94)
- i. The Department provides written notification of an earlier date to the owner or operator. (5-1-94)
- ii. The Tier I source is identified in Subsections 301.02.b. or 301.02.c. (5-1-94)
- d. For sources that become Tier I sources identified in Subsections 301.02.b.i. or 301.02.b.iii. due to construction, reconstruction or modification after November 1, 1997, that are located at a facility not previously authorized by a Tier I operating permit, the owner or operator of the Tier I source shall submit to the Department a complete application for an original Tier I operating permit within twelve (12) months after commencing operation, unless the Department provides written notification of an earlier date to the owner or operator. (5-1-94)
- e. For initial phase II acid rain sources identified in Subsection 301.02.b.ii., the owner or operator of the initial Phase II acid rain source shall submit to the Department a complete application for an original Tier I operating permit by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides. (5-1-94)
02. Earlier Dates During Initial Period. Except as otherwise provided in these rules, during the initial period which begins May 1, 1994 and ends three (3) years after EPA approval of the Tier I operating program, the Department may designate Tier I sources for processing as follows: (5-1-94)
- a. The Department may develop a general estimate of the total work load and benefits associated with the Tier I operating permit applications that are predicted to be submitted during the initial period including, but not limited to, original permit applications and substantive permit modification applications. (5-1-94)
- b. Considering the complexity of the applications, air quality benefits of permitting and requests for early actions from owners and operators, the Department may divide the applications into three groups each representing approximately one-third of the total work load and benefits. (5-1-94)
- c. The Department may prioritize the three groups and the Tier I sources within each group for processing, establish early application deadlines and notify the owners or operators of the Tier I sources in the group in writing of a required submittal date earlier than the general deadlines provided in Subsection 313.01. (5-1-94)

03. Renewals of Tier I Operating Permits. The owner or operator of the Tier I source shall submit a complete application to the Department for a renewal of the Tier I operating permit at least nine (9) months before the expiration date of the existing Tier I operating permit. (5-1-94)

04. Alterations to Tier I Operating Permits. Sections 380 through 387 provide the requirements and procedures for alterations at Tier I sources or to Tier I operating permits. (5-1-94)

**314. REQUIRED STANDARD APPLICATION FORM AND REQUIRED INFORMATION.**

01. General Requirements. (5-1-94)

a. Applications shall be submitted on a form or forms provided by the Department or by other means prescribed by these rules or the Department. The application shall be certified by the responsible official in accordance with Section 123. (5-1-94)

i. If the Tier I source is regulated under 42 U.S.C. Sections 7651 through 7651o, the owner or operator shall also submit nationally-standardized acid rain forms provided by EPA. (5-1-94)

b. All information shall be in sufficient detail so that the Department may efficiently and effectively determine the applicability of requirements and make all other necessary evaluations and determinations. (5-1-94)

02. General Information for the Facility. (5-1-94)

a. Provide identifying information, including the name, address and telephone number of: (5-1-94)

i. The owner; (5-1-94)

ii. The operator; (5-1-94)

iii. The facility where the Tier I source is located; (5-1-94)

iv. The registered agent of the owner, if any; (5-1-94)

v. The registered agent of the operator, if any; (5-1-94)

vi. The responsible official, if other than the owner or operator; and (5-1-94)

vii. The contact person. (5-1-94)

b. Provide a general description of the processes used and products produced by the facility where the Tier I source is located, including any associated with each requested alternative operating scenario and trading scenario. The description shall include narrative and applicable SIC codes. (5-1-94)

c. Provide a general description of each process line affecting a Tier I source. (5-1-94)

03. Excess Emissions Procedures. For all air pollution control equipment, emissions units, or other sources from which excess emissions may occur during startup, shutdown, and scheduled maintenance, provide detailed descriptions of the specific procedures which will be used to minimize excess emissions. Specific information for each of these three (3) types of excess emissions events (i.e. startup, shutdown and scheduled maintenance) shall be described in full detail for each piece of control equipment, emissions unit or other source and shall include all of the following: (5-1-94)

a. Identification of the specific air pollution control equipment, emissions unit, or other source. (5-1-94)

b. Identification of the specific air pollutants likely to be emitted in excess of applicable standards or limits during the startup, shutdown, or scheduled maintenance period. (5-1-94)

- c. The estimated amount of excess emissions expected to be released during each event. (5-1-94)
- d. The expected duration of each excess emissions event. (5-1-94)
- e. An explanation of why the excess emissions are unavoidable for each of the three types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance). (5-1-94)
- f. Specification of the frequency at which each of the three types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance) are expected to occur. (5-1-94)
- g. For scheduled maintenance, the owner or operator shall also provide detailed explanations of: (5-1-94)
  - i. Why the maintenance is needed. (5-1-94)
  - ii. Why it is impractical to reduce or cease operation of the emissions unit(s) or other source(s) during the scheduled maintenance period. (5-1-94)
  - iii. Why the excess emissions are not avoidable through better scheduling of the maintenance or through better operation and maintenance practices. (5-1-94)
  - iv. Why, where applicable, it is necessary to by-pass, take off line, or operate the air pollution control equipment at reduced efficiency while the maintenance is being performed. (5-1-94)
  - v. Why auxiliary air pollution control equipment is not used during the scheduled maintenance period to eliminate the excess emissions. (5-1-94)
  - h. Justification to explain why the piece of control equipment, emissions unit or other source can not be modified or redesigned to eliminate or reduce the excess emissions which occur during startup, shutdown, and scheduled maintenance. (5-1-94)
  - i. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during startup, shutdown, and scheduled maintenance. These procedures may include such measures as preheating or otherwise conditioning the emissions unit prior to its use or the application of auxiliary air pollution control equipment to reduce the excess emissions. (5-1-94)
- 04. Specific Information for Each Emissions Unit. The owner or operator shall provide, in an itemized format, all of the information identified in Subsections 314.05 through 314.12 for each emissions unit, unless the emissions unit is an insignificant activity. (3-3-95)
- 05. Emissions. (5-1-94)
  - a. Identify and describe all emissions of pollutants for which the source is major and all emissions of regulated air pollutants from each emissions unit. (11-20-95)T
  - b. Emissions rates shall be quantified in tons per year (tpy) and in such additional terms as are necessary to determine compliance consistent with the applicable test method. (11-20-95)T
  - c. Identify and describe all points of emissions in sufficient detail to establish the basis for fees and applicability of requirements of the Clean Air Act. (11-20-95)T
  - d. To the extent it is needed to determine or regulate emissions, identify and quantify all fuels, fuel use, raw materials, production rates, and operating schedules. (5-1-94)
  - e. Identify and describe all air pollution control equipment and compliance monitoring devices or activities. (5-1-94)

- f. Identify and describe all limitations on source operation or any work practice standards affecting emissions. (5-1-94)
- g. Provide the calculations on which the information provided under Subsections 314.05.a. through 314.05.e. is based. (5-1-94)
06. Applicable Requirements. (5-1-94)
- a. Cite and describe all applicable requirements affecting the emissions unit; and (5-1-94)
- b. Describe or reference all methods required by each applicable requirement for determining the compliance status of the emissions unit with the applicable requirement, including any applicable monitoring, recordkeeping and reporting requirements or test methods. (5-1-94)
07. Other Requirements. Other specific information that may be necessary to determine the applicability of, implement or enforce any requirement of the Act, these rules, 42 U.S.C. Sections 7401 through 7671q or federal regulations. (5-1-94)
08. Proposed Exemptions and Determinations of Nonapplicability. (5-1-94)
- a. Identify and provide an explanation of any proposed exemptions from applicable requirements. (5-1-94)
- b. Identify any other requirements for which the applicant seeks a determination of nonapplicability and provide an explanation of why the requirement is not applicable to the Tier I source. (5-1-94)
09. Alternative Operating Scenarios. (5-1-94)
- a. Identify all requested alternative operating scenarios. (5-1-94)
- b. Provide a detailed description of all requested alternative operating scenarios. Include all the information required by Section 314 that is relevant to the alternative operating scenario. (5-1-94)
10. Compliance Certifications. (5-1-94)
- a. Provide a compliance certification regarding the compliance status of each emissions unit at the time the application is submitted to the Department that: (5-1-94)
- i. Identifies all applicable requirements affecting each emissions unit. (5-1-94)
- ii. Certifies the compliance status of each emissions unit with each of the applicable requirements. (5-1-94)
- iii. Provides a detailed description of the method(s) used for determining the compliance status of each emissions unit with each applicable requirement, including a description of any monitoring, recordkeeping, reporting and test methods that were used. Also provide a detailed description of the method(s) required for determining compliance. (5-1-94)
- iv. Certifies the compliance status of the emissions unit with any applicable enhanced monitoring requirements. (5-1-94)
- v. Certifies the compliance status of the emissions unit with any applicable enhanced compliance certification requirements. (5-1-94)
- vi. Provides all other information necessary to determining the compliance status of the emissions unit. (5-1-94)

- b. Provide a schedule for submission of compliance certifications during the term of the Tier I operating permit. The schedule shall require compliance certifications to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)
11. Compliance Plans. (5-1-94)
- a. Provide a compliance description as follows: (5-1-94)
- i. For each applicable requirement with which the emissions unit is in compliance, state that the emissions unit will continue to comply with the applicable requirement. (5-1-94)
- ii. For each applicable requirement that will become effective during the term of the Tier I operating permit that does not contain a more detailed schedule, state that the emissions unit will meet the applicable requirement on a timely basis. (5-1-94)
- iii. For each applicable requirement that will become effective during the term of the Tier I operating permit that contains a more detailed schedule, state that the emissions unit will comply with the applicable requirement on the schedule provided in the applicable requirement. (5-1-94)
- iv. For each applicable requirement with which the emission unit is not in compliance, state that the emissions unit will be in compliance with the applicable requirement by the time the Tier I operating permit is issued or provide a compliance schedule in accordance with Subsection 314.11.b. (5-1-94)
- b. All compliance schedules shall: (5-1-94)
- i. Include a schedule of remedial measures leading to compliance, including a verifiable sequence of actions and specific dates for achieving milestones and achieving compliance. (5-1-94)
- ii. Include a schedule for submission to the Department of periodic progress reports no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying applicable requirement or by the Department. (5-1-94)
- iii. Incorporate the terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment. (5-1-94)
- iv. Be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based. (5-1-94)
- c. Provide a schedule for submission of compliance plans during the term of the Tier I operating permit. The schedule shall require compliance plans to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)
12. Trading Scenarios. (5-1-94)
- a. Identify all requested trading scenarios, including alternative emissions limits (bubbles) authorized by Section 440. (5-1-94)
- b. Provide a detailed description of all requested trading scenarios. Include all the information required by Section 314 that is relevant to the trading scenario and all the information required by Section 440, if applicable. (5-1-94)
13. Additional Information. Provide all additional information that the Department determines is necessary for the Department to efficiently and effectively perform its functions. Such functions include, but are not limited to, determining the applicability of requirements for all air pollutants, determining compliance with applicable requirements, developing or defining Tier I operating permit terms and conditions, defining all approved alternative operating scenarios, evaluating excess emissions procedures or making all necessary evaluations and

determinations. (5-1-94)

**315. DUTY TO SUPPLEMENT OR CORRECT APPLICATION.**

01. Failure to Submit. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. (5-1-94)

02. Necessary Additional Information. If, while processing an application that has been determined or deemed to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, the Department may request such information in writing and set a deadline for a response. The applicant shall submit the requested information on or before the deadline set by the Department. (5-1-94)

03. Additional Information After Completeness. The applicant shall promptly provide additional information as necessary to address any requirements that become applicable to the Tier I source after the date a complete application was filed but prior to release of a proposed action. (5-1-94)

**316. EFFECT OF INACCURATE INFORMATION IN APPLICATIONS OR FAILURE TO SUBMIT RELEVANT INFORMATION.**

In addition to other effects provided in these rules, submittal of inaccurate information or failure to submit relevant information in the application may, in the Department's discretion, result in elimination, modification or suspension of any permit shield in the corresponding Tier I operating permit without the reopening of the Tier I operating permit. (5-1-94)

**317. INSIGNIFICANT ACTIVITIES.**

01. Insignificant Activities. This Section contains the criteria for identifying insignificant activities for the purposes of the operating permit program. Notwithstanding any other provision of this rule, no emission unit or activity subject to an applicable requirement shall qualify as an insignificant emission unit or activity. (3-3-95)L

a. Categorically exempt insignificant emission units. (3-3-95)L

i. This Section contains lists of units and activities that are categorically exempt from this chapter. The activities listed in this section may be omitted from the permit application. (3-3-95)L

(1) Alterations that do not constitute a modification or require a permitting action under Sections 200 through 225, or are permitting actions that pertain only to Toxic Air Pollutants. (3-3-95)L

(2) Mobile transport tanks on vehicles except for those containing asphalt. (3-3-95)L

(3) Lubricating oil storage tanks. (3-3-95)L

(4) Storage tanks, reservoirs and pumping and handling equipment of any size, limited to soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter. (3-3-95)L

(5) Pressurized storage of oxygen, nitrogen, carbon dioxide, air, or inert gases. (3-3-95)L

(6) Storage of solid material, dust-free handling. (3-3-95)L

(7) Vehicle exhaust from auto maintenance and repair shops. (3-3-95)L

(8) Vents from continuous emission monitors and other analyzers. (3-3-95)L

(9) Vents from rooms, buildings and enclosures that contain permitted emissions units or activities from which local ventilation, controls, and separate exhaust are provided. (3-3-95)L



- (10) Internal combustion engines for propelling or powering a vehicle. (3-3-95)L
- (11) Recreational fireplaces including the use of barbecues, campfires and ceremonial fires. (3-3-95)L
- (12) Brazing, soldering, and welding equipment and oxygen-hydrogen cutting torches for use in cutting metal wherein components of the metal do not generate HAPs or HAP precursors. (3-3-95)L
- (13) Atmospheric generators used in connection with metal heat treating processes. (3-3-95)L
- (14) Metal finishing or cleaning using tumblers. (3-3-95)L
- (15) Metal casting molds and molten metal crucibles that do not contain potential HAPs. (3-3-95)L
- (16) Die casting. (3-3-95)L
- (17) Metal or glass heat-treating, in the absence of molten materials, oils, or VOCs. (3-3-95)L
- (18) Drop hammers or hydraulic presses for forging or metalworking. (3-3-95)L
- (19) Electrolytic deposition, used to deposit brass, bronze, copper, iron, tin, zinc, precious and other metals not listed as the parents of HAPs. (3-3-95)L
- (20) Metal fume vapors from electrically heated foundry/forge operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are excluded from consideration for listing as insignificant. (3-3-95)L
- (21) Metal melting and molten metal holding equipment and operations wherein the components of the metal do not generate HAPs or HAP precursors. Electric arc furnaces are not considered for listing as insignificant. (3-3-95)L
- (22) Inspection equipment for metal products. (3-3-95)L
- (23) Plastic and resin curing equipment, excluding FRP. (3-3-95)L
- (24) Extrusion equipment, metals, minerals, plastics, grain or wood. (3-3-95)L
- (25) Presses and vacuum forming, for curing rubber and plastic products or for laminating plastics. (3-3-95)L
- (26) Roller mills and calendars, rubber and plastics. (3-3-95)L
- (27) Conveying and storage of plastic pellets. (3-3-95)L
- (28) Plastic compression, injection, and transfer molding and extrusion, rotocasting, pultrusion, blowmolding, excluding acrylics, PVC, polystyrene and related copolymers and the use of plasticizer. Only oxygen, carbon dioxide, nitrogen, air or inert gas allowed as blowing agent. (3-3-95)L
- (29) Plastic pipe welding. (3-3-95)L
- (30) Nonmetallic mineral mines and screening plants except for crushing and associated activities that are not subject to 40 CFR Part 60 Subpart 000. Quarrying of silica rock and associated activities are not considered for listing as insignificant. (3-3-95)L
- (31) Wet sand and gravel screening. (3-3-95)L
- (32) Wax application. (3-3-95)L

- (33) Plant upkeep including routine housekeeping, cleaning and preservation of equipment, preparation for and painting of structures or equipment, retarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements and paving or stripping parking lots. (3-3-95)L
- (34) Agricultural activities on a facility's property that are not subject to registration or new source review by the permitting authority. (3-3-95)L
- (35) Maintenance of paved streets and parking lots including cleaning and sweeping of streets and paved surfaces and salting and sanding. (3-3-95)L
- (36) Ultraviolet curing processes. (3-3-95)L
- (37) Hot melt adhesive application with no VOCs in the adhesive formula. (3-3-95)L
- (38) Laundering, dryers, extractors, tumblers for fabrics, using water solutions of bleach and/or detergents. (3-3-95)L
- (39) Steam cleaning operations. (3-3-95)L
- (40) Steam sterilizers. (3-3-95)L
- (41) Food preparing for human consumption including cafeterias, kitchen facilities and barbecues located at a source for providing food service on premises. (3-3-95)L
- (42) Portable drums and totes. (3-3-95)L
- (43) Lawn, landscaping and groundskeeping activities. (3-3-95)L
- (44) Flares used to indicate danger to the public. (3-3-95)L
- (45) General vehicle maintenance including vehicle exhaust from repair facilities. (3-3-95)L
- (46) Comfort air conditioning or air cooling systems, not used to remove air contaminants from specific equipment. (3-3-95)L
- (47) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves, and storage tanks subject to size and service limitations expressed elsewhere in this section. (3-3-95)L
- (48) Natural and forced air vents for bathroom/toilet facilities. (3-3-95)L
- (49) Office activities. (3-3-95)L
- (50) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing. (3-3-95)L
- (51) Fire fighting and similar safety equipment and equipment used to train firefighters including fire drill pits. (3-3-95)L
- (52) Materials and equipment used by, and activity related to operation of infirmary; infirmary is not the source's business activity. (3-3-95)L
- (53) Fuel and exhaust emissions from vehicles in parking lots. (3-3-95)L
- (54) Carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, sintering, or polishing: Ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock, or wood provided that: (3-3-95)L

- (a) Activity is performed indoors. (3-3-95)L
- (b) Particulate emissions control is in the immediate vicinity of activity. (3-3-95)L
- (c) Exhaust from the particulate control is within the building housing the activity. (3-3-95)L
- (d) Only de minimis levels of fugitive particulate emissions enter the environment. (3-3-95)L
- (55) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment subject to other exemption limitation, e.g., internal and external combustion equipment. (3-3-95)L
- (56) Slaughterhouse equipment except rendering cookers. (3-3-95)L
- (57) Ozonation equipment. (3-3-95)L
- (58) Nonasbestos brake shoe bonding. (3-3-95)L
- (59) Batch loading and unloading of solid phase catalysts. (3-3-95)L
- (60) Demineralization and oxygen scavenging (deaeration) of water. (3-3-95)L
- (61) Pulse capacitors. (3-3-95)L
- (62) Laser trimmers, using dust collection to prevent fugitive emissions. (3-3-95)L
- (63) Plasma etcher, using dust collection to prevent fugitive emissions and using only oxygen, nitrogen, carbon dioxide, or inert gas. (3-3-95)L
- (64) Gas cabinets using only gases that are not regulated air pollutants. (3-3-95)L
- (65) CO2 lasers, used only on metals and other materials which emit only de minimis levels of HAPs in the process. (3-3-95)L
- (66) Structural changes not having air contaminant emissions. (3-3-95)L
- (67) Confection cooking equipment. (3-3-95)L
- (68) Mixing, packaging, storage and handling activities of any size, limited to soaps, lubricants, vegetable oil, grease, animal fat, aqueous salt solutions. (3-3-95)L
- (69) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy, e.g., blueprint activity, photocopiers, mimeograph, telefax, photographic developing, and microfiche. (3-3-95)L
- (70) Pharmaceutical and cosmetics packaging equipment. (3-3-95)L
- (71) Paper trimmers/binders. (3-3-95)L
- (72) Sample gathering, preparation and management. (3-3-95)L
- (73) Repair and maintenance activities, not involving installation of an emission unit and not increasing potential emissions of a regulated air pollutant. (3-3-95)L
- (74) Handling equipment and associated activities for glass and aluminum which is destined for recycling, not the re-refining process itself. (3-3-95)L

- (75) Hydraulic and hydrostatic testing equipment. (3-3-95)L
- (76) Batteries and battery charging. (3-3-95)L
- (77) Porcelain and vitreous enameling equipment. (3-3-95)L
- (78) Solid waste containers. (3-3-95)L
- (79) Salt baths using nonvolatile salts and not used in operations which result in air emissions. (3-3-95)L
- (80) Shock chambers. (3-3-95)L
- (81) Wire strippers. (3-3-95)L
- (82) Humidity chambers. (3-3-95)L
- (83) Solar simulators. (3-3-95)L
- (84) Environmental chambers not using hazardous air pollutant (HAPs) gases. (3-3-95)L
- (85) Totally enclosed conveyors. (3-3-95)L
- (86) Steam vents and safety relief valves. (3-3-95)L
- (87) Air compressors, pneumatically operated equipment, systems, and hand tools. (3-3-95)L
- (88) Steam leaks. (3-3-95)L
- (89) Boiler blow-down tank. (3-3-95)L
- (90) Salt cake mix tanks. (3-3-95)L
- (91) Digester chip feeders. (3-3-95)L
- (92) Weak liquor and filter tanks. (3-3-95)L
- (93) Process water and white water storage tanks. (3-3-95)L
- (94) Demineralizer tanks. (3-3-95)L
- (95) Clean condensate tanks. (3-3-95)L
- (96) Alum tanks. (3-3-95)L
- (97) Broke beaters, repulpers, pulp and repulping tanks, stock chests and pulp handling. (3-3-95)L
- (98) Lime and mud filtrate tanks. (3-3-95)L
- (99) Hydrogen peroxide tanks. (3-3-95)L
- (100) Lime mud washer. (3-3-95)L
- (101) Lime mud filter. (3-3-95)L
- (102) Liquor clarifiers or filters and storage tanks and associated pumping, piping, and handling. (3-3-95)L

- (103) Lime grits washers, filters, and handing. (3-3-95)L
- (104) Lime silos and feed bins. (3-3-95)L
- (105) Paper forming. (3-3-95)L
- (106) Dryers including yankee, after dryer, curing systems, and cooling systems and nonprocess related dryers. (3-3-95)L
- (107) Vacuum system exhausts. (3-3-95)L
- (108) Starch cooking. (3-3-95)L
- (109) Stock cleaning and pressurized pulp washing. (3-3-95)L
- (110) Winders or other paper converting equipment. (3-3-95)L
- (111) Chipping. (3-3-95)L
- (112) Debarking. (3-3-95)L
- (113) Sludge dewatering and handling. (3-3-95)L
- (114) Screw press vents. (3-3-95)L
- (115) Pond dredging. (3-3-95)L
- (116) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation. (3-3-95)L
- (117) Non-PCB oil filled circuit breakers, oil filled transformers and other equipment that is analogous to, but not considered to be, a tank. (3-3-95)L
- (118) Electric or steam-heated drying ovens and autoclaves. (3-3-95)L
- (119) Sewer manholes, junction boxes, sumps and lift stations associated with waste water treatment systems. (3-3-95)L
- (120) Water cooling towers processing exclusively noncontact cooling water. (3-3-95)L
- (121) Paper coating and sizing. (3-3-95)L
- (122) Space heating, if the capacity of the heating unit is less than five hundred thousand (500,000) BTU's per hour input. (3-3-95)L
- (123) Process waste water and ponds. (3-3-95)L
- (124) Outdoor firearms practice ranges. (3-3-95)L
- b. Units and activities defined as insignificant on the basis of size or production rate. (3-3-95)L
  - i. This section contains lists of units or activities that are exempt from this chapter on the basis of size or production rate. Units and activities listed in this section must be listed in the permit application. The following units and activities are determined to be insignificant based on their size or production rate: (3-3-95)L
    - (1) Operation, loading and unloading of storage tanks and storage vessels, with lids or other

appropriate closure and less than two hundred sixty (260) gallon capacity thirty five cubic feet (35cft), heated only to the minimum extend to avoid solidification if necessary. (3-3-95)L

(2) Operation, loading and unloading of storage tanks, not greater than one thousand one hundred (1,100) gallon capacity, with lids or other appropriate closure, not for use with hazardous air pollutants (HAPs), maximum (max.) vp five-hundred (550) mm Hg. (3-3-95)L

(3) Operation, loading and unloading of VOC storage tanks (including gasoline storage tanks), ten thousand (10,000) gallons capacity or less, with lids or other appropriate closure, vp not greater than eighty (80) mm Hg at twenty-one (21) degrees C. (3-3-95)L

(4) Operation, loading and unloading storage of butane, propane, or liquified petroleum gas (LPG), storage tanks, vessel capacity under forty thousand (40,000) gallons. (3-3-95)L

(5) Combustion source, less than five million (5,000,000) Btu/hr, exclusively using natural gas, butane, propane, and/or LPG. (3-3-95)L

(6) Combustion source, less than five hundred thousand (500,000) Btu/hr, using any commercial fuel containing less than four-tenths percent (.4%) by weight sulfur for coal or less than one percent (1%) by weight sulfur for other fuels. (3-3-95)L

(7) Combustion source, of less than one million (1,000,000) Btu/hr, if using kerosene, No. 1 or No. 2 fuel oil. (3-3-95)L

(8) Combustion source, not greater than five hundred thousand (500,000) Btu/hr, if burning waste wood, wood waste or waste paper. (3-3-95)L

(9) Welding using not more than one (1) ton per day of welding rod. (3-3-95)L

(10) Foundry sand molds, unheated and using binders with less than twenty-five hundredths percent (.25%) free phenol by sand weight. (3-3-95)L

(11) "Parylene" coaters using less than five hundred (500) gallons of coating per year. (3-3-95)L

(12) Printing and silkscreening, using less than two (2) gallon/day of any combination of the following: Inks, coatings, adhesives, fountain solutions, thinners, retarders, or nonaqueous cleaning solutions. (3-3-95)L

(13) Water cooling towers and ponds, not using chromium-based corrosion inhibitors, not used with barometric jets or condensers, not greater than ten thousand (10,000) gpm, not in direct contact with gaseous or liquid process streams containing regulated air pollutants. (3-3-95)L

(14) Combustion turbines, of less than five hundred (500) HP. (3-3-95)L

(15) Batch solvent distillation, not greater than fifty-five (55) gallons batch capacity. (3-3-95)L

(16) Municipal and industrial water chlorination facilities of not greater than twenty million (20,000,000) gallons per day capacity. The exemption does not apply to waste water treatment. (3-3-95)L

(17) Surface coating, using less than two (2) gallons per day. (3-3-95)L

(18) Space heaters and hot water heaters using natural gas, propane or kerosene and generating less than five million (5,000,000) Btu/hr. (3-3-95)L

(19) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids excluding:

(a) Ninety-nine percent (99%) or greater H<sub>2</sub>SO<sub>4</sub> or H<sub>3</sub>PO<sub>4</sub>. (3-3-95)L

- (b) Seventy percent (70%) or greater HNO<sub>3</sub>. (3-3-95)L
- (c) Thirty percent (30%) or greater HC1. (3-3-95)L
- (d) More than one (1) liquid phase where the top phase is more than one percent (1%) VOCs. (3-3-95)L
- (20) Equipment used exclusively to pump, load, unload, or store high boiling point organic material, material with initial boiling point (IBP) not less than one hundred fifty (150) degrees C or vapor pressure (vp) not more than five (5) mm Hg at twenty-one (21) degrees C with lids or other appropriate closure. (3-3-95)L
- (21) Smokehouses under twenty (20) square feet. (3-3-95)L
- VOCs. (22) Milling and grinding activities, using paste-form compounds with less than one percent (1%) (3-3-95)L
- (23) Rolling, forging, drawing, stamping, shearing, or spinning hot or cold metals. (3-3-95)L
- (24) Dip-coating operations, using materials with less than one percent (1%) VOCs. (3-3-95)L
- (25) Surface coating, aqueous solution or suspension containing less than one percent (1%) VOCs. (3-3-95)L
- (26) Cleaning and stripping activities and equipment, using solutions having less than one percent (1%) VOCs by weight. On metallic substrates, acid solutions are not considered for listing as insignificant. (3-3-95)L
- (27) Storage and handling of water based lubricants for metal working where the organic content of the lubricant is less than ten percent (10%). (3-3-95)L
- (28) Municipal and industrial waste water chlorination facilities of not greater than one million (1,000,000) gallons per day capacity. (3-3-95)L
- (29) Any other activity that is requested to be listed as insignificant by the applicant and agreed to by the department. (3-3-95)L
- (30) An emission unit or activity with emissions less than or equal to five percent (5%) of the levels contained in Subsection a. of the definition of significant and no more than one (1) ton per year of any HAP. (3-3-95)L

**318. -- 320. (RESERVED).**

**321. TIER I OPERATING PERMIT CONTENT.**

The purpose of Sections 321 through 336 is to mandate and authorize the contents of Tier I operating permits. (5-1-94)

**322. STANDARD CONTENTS OF TIER I OPERATING PERMITS.**

All Tier I operating permits shall contain and the Department shall have the authority to impose, implement and enforce, the following elements for all permitted operating scenarios and emissions trading scenarios. (5-1-94)

01. Emission Limitations and Standards. All Tier I operating permits shall contain mission limitations and standards, including, but not limited to, those operational requirements and limitations that assure compliance with the applicable requirements identified in the application at the time the Tier I operating permit is issued. (5-1-94)

02. Authority For and Form of Terms and Conditions. All Tier I operating permits shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to

the applicable requirement upon which the term or condition is based. (5-1-94)

03. Terms or Conditions For Applicable Requirements. All Tier I operating permits shall contain at least one (1) permit term or condition for every applicable requirement specifically identified in the application. (5-1-94)

04. Alternative Operating Scenarios. All Tier I operating permits shall contain terms and conditions to ensure compliance with all applicable requirements for each alternative operating scenario that was requested by the applicant and approved by the Department, including, but not limited to, a requirement that the owner or operator of the source, contemporaneously with making a change from one operating scenario to another, record the change in an operating scenario log located and retained at the permitted facility. (5-1-94)

05. Trading Scenarios. All Tier I operating permits shall contain terms and conditions for each trading scenario that was requested by the applicant and approved by the Department including, but not limited to, terms and conditions which ensure that any emission trade is quantifiable, accountable, enforceable and based on replicable procedures. If the applicable state implementation plan allows trading scenarios without a permit revision, the Tier I operating permit shall, at a minimum, include a requirement that the owner or operator of the source, contemporaneously with making a change from one trading scenario to another, record the change in a trading scenario log located and retained at the permitted facility. (5-1-94)

06. Monitoring. All Tier I operating permits shall contain the following with respect to monitoring: (5-1-94)

a. Sufficient monitoring to ensure compliance with all of the terms and conditions of the Tier I operating permit; (5-1-94)

b. All emissions monitoring and analysis procedures or test methods required under the applicable requirements; (5-1-94)

c. If the applicable requirement does not require specific periodic testing or monitoring, terms and conditions requiring periodic monitoring, recordkeeping, or both, that is sufficient to yield reliable data for the relevant time periods that are representative of the emissions unit's compliance with the Tier I operating permit, as reported pursuant to Subsection 322.08, and ensuring the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement; and (5-1-94)

d. Requirements that the Department determines are necessary, concerning the use, maintenance and installation of monitoring equipment or methods. (5-1-94)

07. Recordkeeping. All Tier I operating permits shall incorporate by reference all applicable requirements regarding recordkeeping and require all of the following: (5-1-94)

a. Sufficient recordkeeping to assure compliance with all of the terms and conditions of the Tier I operating permit. (5-1-94)

b. Recording of monitoring information including but not limited to the following: (5-1-94)

i. The date, place (as defined in the Tier I operating permit) and time of sampling or measurements; (5-1-94)

ii. The date(s) analyses were performed; (5-1-94)

iii. The company or entity that performed the analyses; (5-1-94)

iv. The analytical techniques or methods used; (5-1-94)

v. The results of such analyses; and (5-1-94)



- vi. The operating conditions existing at the time of sampling or measurement. (5-1-94)
- c. Retention of all monitoring records and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Supporting information includes but is not limited to all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the Tier I operating permit. (5-1-94)
08. Reporting. All Tier I operating permits shall incorporate by reference all applicable requirements regarding reporting and require all of the following: (5-1-94)
- a. Sufficient reporting to assure compliance with all of the terms and conditions of the Tier I operating permit. (5-1-94)
- b. Submittal of reports for any required monitoring at least every six (6) months. All instances of deviations from Tier I operating permit requirements must be clearly identified in such reports. All required reports must be certified in accordance with Section 123. (5-1-94)
09. Testing. All Tier I operating permits shall contain terms and conditions requiring sufficient testing to assure compliance with all of the terms and conditions of the Tier I operating permit. (5-1-94)
10. Initial Compliance Plan. All Tier I operating permits shall contain terms and conditions regarding the compliance plan submitted in the application in accordance with Subsection 314.11 including all of the following: (5-1-94)
- a. For emissions units triggering the requirement to submit a compliance schedule, terms and conditions consistent with the compliance schedule submitted by the applicant including all of the following: (5-1-94)
- i. A schedule of remedial measures leading to compliance including a variable sequence of actions and specific dates for achieving the milestones and achieving compliance. (5-1-94)
- ii. A requirement that the permittee submit periodic progress reports to the Department no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying applicable requirement or by the Department. (5-1-94)
- iii. A requirement that any progress report shall include a statement of when the milestones and compliance were or will be achieved, an explanation of why any dates in the compliance schedule submitted by the applicant or in the terms or conditions of the Tier I operating permit were not or will not be met and a detailed description of any preventative or corrective measures undertaken by the permittee. (5-1-94)
- iv. All terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment. (5-1-94)
- v. A statement that the terms and conditions regarding the compliance schedule are supplemental to, and do not sanction noncompliance with, the underlying applicable requirement. (5-1-94)
- b. For emissions units not triggering the requirement to submit a compliance schedule, terms and conditions, as applicable, requiring the permittee to continue to comply with applicable requirements, to meet the applicable requirements on a timely basis or on the schedule described in the applicable requirement, or to meet the applicable requirement by the time the Tier I operating permit is issued. (5-1-94)
11. Periodic Compliance Certifications. Each Tier I operating permit shall require submittal of compliance certifications during the term of the permit for each emissions unit to the Department and the EPA as follows: (5-1-94)
- a. Compliance certifications for all emissions units shall be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department. (5-1-94)

- b. The compliance certification for each emissions unit shall address all of the terms and conditions contained in the Tier I operating permit that are applicable to such emissions unit including emissions limitations, standards and work practices. (5-1-94)
- c. The compliance certification shall be in an itemized format providing the following information: (5-1-94)
- i. The identification of each term or condition of the Tier I operating permit for which compliance is being certified; (5-1-94)
- ii. The compliance history of the emissions unit with the identified term or condition, including a statement of the emissions unit's current compliance status; (5-1-94)
- iii. A statement of whether compliance was continuous or intermittent during the reporting period and, if it was intermittent, provide the dates of noncompliance; (5-1-94)
- iv. A description of the method(s) used for determining the compliance status of the emissions unit throughout the reporting period; (5-1-94)
- v. All other information necessary to determining the compliance status of the emissions unit; and (5-1-94)
- vi. Such additional contents and requirements as may be specified by the Department or the EPA pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b), Sections 121 or 122 of these rules. (5-1-94)
- d. All original compliance certifications shall be submitted to the Department and a copy of all compliance certifications shall be submitted to the EPA; (5-1-94)
12. Periodic Compliance Plan. Each Tier I operating permit shall require submittal of compliance plans during the term of the permit for each emissions unit to the Department as follows: (5-1-94)
- a. Compliance plans for all emissions units shall be submitted no less frequently than annually, or more frequently if specified by the underlying term or condition or by the Department. (5-1-94)
- b. The compliance plan shall provide a compliance description as follows: (5-1-94)
- i. For each term or condition with which the emissions unit is in compliance, state that the emissions unit will continue to comply with the term or condition. (5-1-94)
- ii. For each term or condition that will become effective during the term of the Tier I operating permit that does not contain a more detailed schedule, state that the emissions unit will meet the term or condition on a timely basis. (5-1-94)
- iii. For each term or condition that will become effective during the term of the Tier I operating permit that expressly contains a more detailed schedule, state that the emissions unit will comply with the term or condition on the schedule provided in the term or condition. (5-1-94)
- iv. For each term or condition with which the emission unit is not in compliance, state that the emissions unit shall be in compliance during the entire subsequent reporting period or provide a compliance schedule that complies with Subsection 322.12.c. (5-1-94)
- c. All compliance schedules shall: (5-1-94)
- i. Include a schedule of remedial measures leading to compliance, including a verifiable sequence of actions and specific dates for achieving milestones and achieving compliance. (5-1-94)

- ii. Include a schedule for submission to the Department of periodic progress reports no less frequently than every six (6) months or at a more frequent period if one is specified in the underlying permit term or condition or by the Department. (5-1-94)
- iii. Incorporate the terms and conditions of any applicable consent order, judicial order, judicial consent decree, administrative order, settlement agreement or judgment. (5-1-94)
- iv. Be supplemental to, and shall not sanction noncompliance with, the terms or conditions on which it is based. (5-1-94)
- d. The Department may develop terms and conditions consistent with the compliance schedule submitted by the permittee including all of the terms and conditions specified in Subsection 322.10.a. (5-1-94)
- 13. Permit Conditions Regarding Acid Rain Allowances. (5-1-94)
  - a. A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds. (5-1-94)
  - b. No limit shall be placed on the number of allowances held by the source. (5-1-94)
  - c. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement. (5-1-94)
  - d. Any such allowance shall be accounted for according to the procedures established in 40 CFR Part 72 and 40 CFR Part 73. (5-1-94)
- 14. Permit Duration. Each Tier I operating permit shall state that it is effective for a fixed term of five years; except that during the first four years after EPA approval of the Tier I operating permit program, the permit may be issued with an initial term of three (3) years to five (5) years unless the Tier I source is also a Phase II source. (5-1-94)
- 15. Other Specific Requirements. Any terms or conditions determined by the Department to be necessary for approval of the Tier I operating permit. (5-1-94)
- 16. General Requirements. Each Tier I operating permit shall contain provisions stating the following: (5-1-94)
  - a. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit revocation, termination, revocation and reissuance, or revision; or for denial of a permit renewal application. (5-1-94)
  - b. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce any activity in order to maintain compliance with the terms and conditions of this permit. (5-1-94)
  - c. This permit may be revised, revoked, reopened and reissued, or terminated for cause. (5-1-94)
  - d. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. (5-1-94)
  - e. This permit does not convey any property rights of any sort, or any exclusive privilege. (5-1-94)
  - f. The permittee shall furnish all information requested by the Department under Section 122 and any information that the Department may request in writing to determine whether cause exists for modifying, revoking, revoking and reissuing or terminating the permit or to determine compliance with the permit or other requirements. (5-1-94)

- g. Upon request, the permittee shall furnish to the Department copies of records required to be kept by this permit. (5-1-94)
- h. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby. (5-1-94)
- i. The permittee is prohibited from making any alteration without complying with applicable provisions of Sections 380 through 387. Sections 380 through 387 are hereby incorporated by reference into this permit (5-1-94)
- j. Unless specifically identified as a "State Only" provision, all terms and conditions in the this permit, including any terms and conditions designed to limit a source's potential to emit, are enforceable: (5-1-94)
- i. By the Department in accordance with State law; and (5-1-94)
- ii. By the United States or any other person in accordance with Federal law. (5-1-94)
- k. Provisions specifically identified as a "State Only" provision are enforceable by the Department in accordance with State law. (5-1-94)
- l. Upon presentation of credentials, the permittee shall allow the Department or an authorized representative of the Department to do the following: (5-1-94)
- i. Enter upon the permittee's premises where a Tier I source is located or emissions-related activity is conducted, or where records are kept under the conditions of this permit; (5-1-94)
- ii. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit; (5-1-94)
- iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and (5-1-94)
- iv. Sample or monitor at reasonable times substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements. (5-1-94)
- m. Nothing in this permit shall alter or affect the following: (5-1-94)
- i. Any administrative authority or judicial remedy available to prevent or terminate emergencies or imminent and substantial dangers; (5-1-94)
- ii. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; (5-1-94)
- iii. Applicable requirements proposed or promulgated after the date of issuance; (5-1-94)
- iv. The applicable requirements of the acid rain program, consistent with 42 U.S.C. Section 7651g(a); (5-1-94)
- v. The owner or operator's duty to provide information. (5-1-94)
- n. The owner or operator of a Tier I source shall pay registration fees to the Department in accordance with Sections 525 through 538, which are hereby incorporated by reference. (5-1-94)
- o. All documents submitted to the Department shall be certified in accordance with Section 123 and comply with Section 124. (5-1-94)

p. If a timely and complete application for a Tier I operating permit renewal is submitted, but the Department fails to issue or deny the renewal permit before the end of the term of the previous permit, then all the terms and conditions of the previous permit including any permit shield that may have been granted pursuant to Section 325 shall remain in effect until the renewal permit has been issued or denied. (5-1-94)

**323. -- 324. (RESERVED).**

**325. ADDITIONAL CONTENTS OF TIER I OPERATING PERMITS - PERMIT SHIELD.**

Each Tier I operating permit shall include provisions stating: (5-1-94)

01. General Permit Shield. Compliance with the terms and conditions of the Tier I operating permit, including those applicable to all alternative operating scenarios and trading scenarios, shall be deemed compliance with all of the following: (5-1-94)

a. Applicable requirements as of the date of permit issuance that are specifically identified in the Tier I operating permit and have a corresponding term or condition in the Tier I operating permit. (5-1-94)

b. Non-applicable requirements. For a requirement to be a non-applicable requirement, all of the following criteria must be met: (5-1-94)

i. The permittee must have provided the information required by Subsection 314.08.b. in the application. (5-1-94)

ii. The requirement must be specifically identified in the Tier I operating permit as a non-applicable requirement. (5-1-94)

iii. The requirement must have been determined by the Department, in writing and in acting on the permit application or revision, to not be applicable to the Tier I source. (5-1-94)

iv. Tier I operating permit must include the Department's determination or a concise summary thereof. (5-1-94)

c. Exemptions from an otherwise applicable requirement. For the permittee to be exempted from an otherwise applicable requirement, all of the following criteria must be met: (5-1-94)

i. The permittee must have provided the information required by Subsection 314.08.a. in the application. (5-1-94)

ii. The exemption from the requirement must be specifically stated in the Tier I operating permit. (5-1-94)

iii. The Department must have determined, in writing and in acting on the permit application or revision, that the permittee should be exempted from the requirement. (5-1-94)

iv. The Tier I operating permit must include the Department's determination or a concise summary thereof. (5-1-94)

02. Limitation on Permit Shield. Alterations including, but not limited to, permit deviations, permit revisions and off-permit changes, and other actions authorized by Sections 300 through 387 may eliminate, modify or suspend the permit shield. (5-1-94)

**326. -- 331. (RESERVED).**

**332. EMERGENCY AS AN AFFIRMATIVE DEFENSE REGARDING EXCESS EMISSIONS.**

01. General. An emergency, as defined in Subsection 008.08.a., constitutes an affirmative defense to an action brought for emissions exceeding a technology-based emission limitation. (5-1-94)

02. Demonstration of Emergency. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that: (5-1-94)

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency; (5-1-94)
- b. The permitted facility was at the time being properly operated; (5-1-94)
- c. During the period of the emergency, the permittee took all reasonable steps, as determined by the Department, to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and (5-1-94)
- d. The permittee submitted written notice of the emergency to the Department within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. (5-1-94)

03. Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. (5-1-94)

04. Applicability. Section 332 is in addition to any emergency or upset provision contained in any applicable requirement. (11-20-95)T

**333. -- 334. (RESERVED).**

**335. GENERAL TIER I OPERATING PERMITS AND AUTHORIZATIONS TO OPERATE.**

01. Issuance of General Tier I Operating Permits. The Department may, after notice and opportunity for public participation provided in accordance with Section 364, issue a general Tier I operating permit covering numerous similar sources. (5-1-94)

02. Contents of General Tier I Operating Permits. Each general Tier I operating permit: (5-1-94)

- a. Shall include all terms and conditions identified in Sections 322 and 325 and may include any terms or conditions identified in Sections 326 through 332. (5-1-94)
- b. Shall include specific criteria by which sources may qualify for coverage under the general Tier I operating permit; and (5-1-94)
- c. May provide for applications which deviate from the requirements of Sections 311 through 315, provided that such applications include all information necessary to determine qualification for, and to ensure compliance with, the general Tier I operating permit. (5-1-94)

03. Applications for Authorizations to Operate. The owner or operator of a Tier I source may apply for an authorization to operate under the terms and conditions of a general Tier I operating permit by: (5-1-94)

- a. Stating in the application submitted pursuant to Sections 311 through 315 that the owner or operator has determined that the Tier I source qualifies for coverage under a specifically identified general Tier I operating permit and that the owner or operator requests that operations of the Tier I source be authorized under a specifically identified general Tier I operating permit; or (5-1-94)
- b. Complying with the specific application requirements, if any, provided in the general Tier I operating permit. (5-1-94)

04. Procedures for Issuing Authorizations to Operate. Without repeating the public participation procedures required under Section 364, the Department may issue an authorization to operate a Tier I source under a specifically identified general Tier I operating permit if the Department determines that the Tier I source qualifies for coverage. (5-1-94)

05. Review of Authorizations to Operate. The issuance of an authorization to operate shall be a final agency action for purposes of administrative and judicial review of the authorization. The general Tier I operating permit shall not be subject to administrative or judicial review upon the issuance of an authorization to operate. (5-1-94)

06. Effect of Incomplete or Inaccurate Applications. Notwithstanding the shield provisions of Section 325, the owner or operator shall be subject to enforcement action for operation of the Tier I source without a Tier I operating permit if the owner or operator submitted an incomplete or inaccurate application and the Tier I source is later determined not to qualify for coverage under the conditions and terms of the general Tier I operating permit. (5-1-94)

07. Phase II Sources. General Tier I operating permits shall not be authorized for Phase II sources under the acid rain program unless otherwise provided in 40 CFR Part 72. (5-1-94)

**336. TIER I OPERATING PERMITS FOR TIER I PORTABLE SOURCES.**

01. Issuance of Tier I Operating Permits for Portable Tier I Sources. (5-1-94)

a. The Department may issue a single Tier I operating permit authorizing emissions from similar operations of a portable Tier I source by the owner or operator at multiple temporary locations. (5-1-94)

b. The operation must be temporary and involve at least one change of location for the portable Tier I source during the term of the Tier I operating permit. (5-1-94)

02. Phase II Sources. No Phase II source shall be permitted as a portable Tier I source. (5-1-94)

03. Contents of Tier I Operating Permits for Portable Tier I Sources. Tier I operating permits for portable Tier I sources shall include the following: (5-1-94)

a. Terms and conditions that will ensure compliance with all applicable requirements at all authorized locations; (5-1-94)

b. Requirements that the owner or operator notify the Department at least ten (10) days in advance of each change in location in accordance with Section 500; and (5-1-94)

c. All terms and conditions identified in Sections 322 and 325 through 332. (5-1-94)

**337. -- 359. (RESERVED).**

**360. STANDARD PROCESSING OF TIER I OPERATING PERMIT APPLICATIONS.**

The purposes of Sections 360 through 369 is to establish standard procedures and requirements for processing Tier I operating permits. (5-1-94)

**361. COMPLETENESS OF APPLICATIONS.**

01. Criteria for Completeness. Except as otherwise provided by these rules, the application must comply with Section 314 including that the information must be in sufficient detail. (5-1-94)

02. Timelines for Determinations of Completeness. Completeness of applications shall be determined as follows: (5-1-94)

a. For applications received by the Department during the period beginning on May 1, 1994 and ending on the date of EPA approval of the Tier I operating permit program, the Department shall provide written notice to the applicant of whether the application is complete as follows: (5-1-94)

i. If the Department has provided a specific deadline for submittal of the application in accordance

with Subsection 313.01, the Department shall send written notice to the applicant within sixty (60) days of receiving the application. If the Department fails to send the written notice to the applicant within sixty (60) days of receipt, the application shall be deemed complete. (5-1-94)

ii. If the Department has not provided a specific deadline for submittal of the application in accordance with Section 313, the Department shall send the notice to the applicant as promptly as practicable or within ninety (90) days after the date of EPA approval of the Tier I operating permit program, whichever is earlier. (5-1-94)

b. For applications submitted to the Department after the date of EPA approval of the Tier I operating permit program, the Department shall send written notice to the applicant of whether the application is complete within sixty (60) days of receiving the application. If the Department fails to send the written notice to the applicant within sixty (60) days of receipt, the application shall be deemed complete. (5-1-94)

03. Effects of Completeness Determination. (5-1-94)

361.02.a. The submittal of a complete application activates the application shield provided by Subsection (5-1-94)

b. The submittal of a complete Tier I operating permit application shall not affect the permit to construct requirements of Sections 200 through 225 or 42 U.S.C. Sections 7401 through 7515. (5-1-94)

c. The timelines for final agency action provided in Subsections 367.02 and 367.03 begin on the date of the completeness determination. (5-1-94)

### **362. TECHNICAL MEMORANDUMS FOR TIER I OPERATING PERMITS.**

01. Memorandum for Draft Permit. As part of its review of the Tier I operating permit application, the Department shall prepare a technical memorandum that sets forth the legal and factual basis for the draft Tier I operating permit terms and conditions (including references to the applicable statutory or regulatory provisions) or the draft denial. (5-1-94)

02. Revised Memorandum for Proposed Permit. If the Department revises its analysis, its conclusions or the terms or conditions of the Tier I operating permit in response to public comment, the Department may revise the technical memorandum for the proposed permit or the proposed denial. (5-1-94)

03. Release of Memorandum. The technical memorandum(s) shall be made available to the public in accordance with Section 364 and sent to the EPA with the proposed Tier I operating permit or proposed denial. (5-1-94)

### **363. PREPARATION OF DRAFT PERMIT OR DRAFT DENIAL.**

Except as otherwise provided in these rules, the Department shall prepare a draft permit or draft denial as promptly as practicable or one hundred twenty (120) days before the deadline for final action, whichever is earlier. (5-1-94)

### **364. PUBLIC NOTICES, COMMENTS AND HEARINGS.**

01. Generally. Except as otherwise provided in these rules, all Tier I operating permit proceedings shall provide for public notice and public comment, including offering an opportunity for a hearing, on a draft permit or on a draft denial. (5-1-94)

02. Public Comment Package. A public comment package including the draft permit or draft denial, the technical memorandum and the application shall be prepared and distributed to appropriate public locations, the applicant and affected States. (5-1-94)

03. Giving Notice. Notice shall be given: by publication in a newspaper of general circulation in the area where the Tier I source is located or in a State publication designed to give general public notice; by mailing the notice to persons on a mailing list developed by the Department, including those who request in writing to be on the



list; by mailing the notice to all affected States; and by other means if necessary to ensure adequate notice to the affected public. (5-1-94)

04. Content of the Notice. The notice shall identify the affected facility; provide the name and address of the permittee; provide the name and address of the Department, and Division, processing the application; identify the draft permit action; identify the emissions change if the permit action is a permit revision or reopening; provide the locations where the public may locate a copy of the public comment package; provide the name, address, and telephone number of a person from whom interested persons may obtain additional information that is relevant to the permit decision by filing a written public documents request and paying any costs; provide a brief description of the comment procedures, including the deadline for comments and the name and address of the person to whom written comments must be delivered; and state the time and place of any hearing that has been scheduled or provide information regarding how a person may request a hearing. (5-1-94)

05. Public Comment Procedures. (5-1-94)

a. The Department shall provide at least thirty (30) days for public comment. (5-1-94)

b. The Department may designate the person to receive written comments. (5-1-94)

c. The Department shall give notice of any public hearing at least thirty (30) days in advance of the hearing. (5-1-94)

d. The public hearing, if any, shall be an informal meeting, conducted by a hearing officer designated by the Department and transcribed. Written comments or supporting documents may be submitted during the hearing. (5-1-94)

e. The public comments and additional information received during the comment period shall be available to the public upon the filing of a written public documents request and the payment of any costs. (5-1-94)

**365. PREPARATION OF PROPOSED PERMIT OR PROPOSED DENIAL.**

01. Timeline. Except as otherwise provided by these rules, the Department shall prepare a proposed permit or proposed denial within thirty (30) days after the close of the public comment period, unless the Department determines that additional time is required to evaluate comments and information received. (5-1-94)

02. Availability. The proposed permit or proposed denial shall be available to the public upon the filing a written public documents request and the payment of any costs. (5-1-94)

03. Notice to Affected States. If the Department refuses to accept all recommendations that an affected State submitted during the public comment period, the Department shall send a copy of the notice sent to EPA in accordance with Subsection 366.01.d. to the affected State that submitted the recommendation. (5-1-94)

**366. EPA REVIEW PROCEDURES.**

01. Submittal of Proposal to EPA. Except as otherwise provided in these rules and unless EPA waives its opportunity to review a proposed permit, the Department will transmit the following to EPA: (5-1-94)

a. The proposed permit or proposed denial. (5-1-94)

b. The technical memorandum, as revised if appropriate. (5-1-94)

c. The application including all supplements and corrections submitted by the applicant, unless the applicant has submitted the information under a claim of confidentiality or unless the Department has entered an agreement with EPA to submit only a summary form and relevant portions of the permit application. (5-1-94)

d. Notice of any refusal by the Department to accept all recommendations for the proposal that any affected State submitted during the public comment period. The notice shall include the Department's reasons for not

accepting any such recommendation. The Department is not required to accept recommendations that are not based on applicable requirements. (5-1-94)

02. Opportunity for EPA Objection. (5-1-94)

a. EPA may submit to the Department a written objection to the proposal within forty-five (45) days of receipt of the transmittal identified in Subsection 366.01. (5-1-94)

b. The written objection shall state the EPA's reasons for the objection and provide the terms and conditions that the Tier I operating permit must include to respond to the objection or state that the permit must be denied. (5-1-94)

c. EPA shall provide a copy of the written objection to the applicant. (5-1-94)

03. Response to EPA Objections. Within ninety (90) days of receiving a written objection from EPA, the Department shall prepare a revised proposal and submit it to EPA in accordance with Subsection 366.01. If EPA determines that the revised proposal is objectionable, the Department will review the permit action taken by EPA and take a comparable final permit action in accordance with Section 367. (5-1-94)

04. Public Petitions to EPA. (5-1-94)

a. If the EPA does not object in writing under Subsection 366.02, any person may petition the EPA within sixty (60) days after the expiration of the EPA's forty-five (45) day review period to make such objection. (5-1-94)

b. Any such petition shall be based only on objections to the draft permit or draft denial that were raised with specificity during the public comment period provided for in Section 364 unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. (5-1-94)

c. If the EPA objects to the proposal in accordance with Subsection 366.02 as a result of a petition filed under Subsections 366.04.a. and 366.04.b., the Department shall: (5-1-94)

i. Not issue a permit action until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a Tier I operating permit or its requirements pending EPA's review of the petition and Department review of the objection if the Tier I operating permit was issued by the Department after the end of the forty-five (45) day review period and prior to an EPA objection initiated by a petition. (5-1-94)

ii. Process the objection in accordance with Subsection 366.03. (5-1-94)

**367. ACTION ON APPLICATION.**

01. Issuance Conditions. Except as otherwise provided by these rules, a Tier I operating permit, or any portion thereof, may be issued only if all of the following conditions have been met: (5-1-94)

a. The owner or operator has submitted a complete application in accordance with Section 361. (5-1-94)

b. The public has been provided notice and opportunities for comment and a hearing in accordance with Section 364. (5-1-94)

c. Affected States have been provided notice in accordance with Section 364 and Subsection 365.03. (5-1-94)

d. The terms and conditions of the Tier I operating permit comply with Sections 321 through 336 including providing for compliance with all applicable requirements. (5-1-94)

e. The EPA has been provided with the proposal and an opportunity to object and the Department has responded as required by Section 366. (5-1-94)

02. Deadlines for Final Actions During Initial Period. Except as otherwise provided in these rules, during the initial period beginning May 1, 1994 and ending three (3) years after EPA approval of the Tier I operating program, the Department will prioritize all of the applications predicted to be submitted during the initial period considering the groups established in accordance with Subsection 313.02, if any. The prioritization will result in the Department taking final action on one-third (1/3) of all such permit applications during each of the one (1) year periods following EPA approval of the program. (5-1-94)

03. Deadlines for Final Actions After Initial Period. Except as otherwise provided in these rules, during the period beginning three (3) years after EPA approval of the Tier I operating program, the Department shall take final action on complete applications within eighteen (18) months. (5-1-94)

04. Deadline for Tier I Operating Permits With Early Reductions. The Department shall take final action on any complete Tier I operating permit application containing an early reduction demonstration under 42 U.S.C. Section 7412 (i)(5) within nine (9) months of receipt of the complete application. (5-1-94)

05. Deadline for Tier I Operating Permits for Phase II Sources. The permitting of phase II sources shall occur in accordance with the deadlines in 42 U.S.C. Section 7651 through 7651o. (5-1-94)

06. Copy to EPA. The Department shall send a copy of the final Tier I operating permit to EPA. (5-1-94)

07. Original to Permittee. The Department shall send the original Tier I operating permit to the permittee. (5-1-94)

**368. EXPIRATION OF PRECEDING PERMITS.**

If a timely and complete Tier I permit application is received by the Department and is not acted upon in a timely manner as prescribed by these rules, the permit to construct, Tier I operating permit or Tier II operating permit, if any, that has been previously issued to the owner or operator of the Tier I source by the Department or EPA shall continue in full force until the Department has completed action of the permit application. No Tier I operating permit will be considered to have expired due solely to the Department's inaction on a timely Tier I operating permit application. (5-1-94)

**369. TIER I OPERATING PERMIT RENEWAL.**

01. Renewal Procedures. Tier I operating permits being renewed are subject to the same procedural requirements, including those for public participation, including affected State review, and EPA review, that apply to initial Tier I operating permit issuance. (5-1-94)

02. Expiration and Renewal Application Shield. Tier I operating permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted. (5-1-94)

**370. -- 379. (RESERVED).**

**380. ALTERATIONS.**

The purposes of Sections 380 through 387 is to establish procedures and requirements for alterations. (5-1-94)

**381. ALTERATIONS GENERALLY.**

01. Generally. (5-1-94)

a. Alterations are changes at or involving a Tier I source occurring after the issuance of a Tier I operating permit for the Tier I source and changes in the text of a Tier I operating permit including, but not limited to, modifications, new construction, monitoring, compliance procedures, hours of production, production rates, recordkeeping and reporting requirements, trades and typographical corrections. (5-1-94)

b. Alterations may be authorized or accomplished as off-permit changes, permit deviations and permit revisions. Permit revisions are made through administrative permit amendments, minor permit modifications, substantive permit modifications, or reopenings. (5-1-94)

02. Permittee Alterations. Alterations by the permittee are prohibited unless the alteration is authorized as an off-permit change or as a permit deviation or unless the permittee obtains a revision of the Tier I operating permit through an administrative permit amendment, minor permit modification or substantive permit modification. (5-1-94)

03. Required Alterations. Alterations may be required by the Department if the Department revises the Tier I operating permit through an administrative permit amendment, or reopening. (5-1-94)

**382. OFF-PERMIT CHANGES.**

01. Generally. (5-1-94)

a. Off-permit changes are alterations that are neither addressed nor prohibited by the Tier I operating permit, meet all applicable requirements and are not related to whether the Tier I source is being operated in compliance with all applicable requirements. Off-permit changes include, but are not limited to, practices that do not have any relation to air pollution emissions and practices that result only in the emission of pollutants for which the Tier I source is not regulated. (5-1-94)

b. Alterations constituting a modification or requiring a permitting action under Sections 200 through 225, 42 U.S.C. Sections 7651 through 7651o, 42 U.S.C. Sections 7401 through 7515, 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, or otherwise regulated under 42 U.S.C. Sections 7651 through 7651o are not off-permit changes, unless the modification or permitting action only involves toxic air pollutants. (5-1-94)

c. Alterations that violate any Tier I operating permit term or condition are not off-permit changes. (5-1-94)

d. Alterations that result in an exceedance of the emissions allowable under the Tier I operating permit (whether expressed therein as a rate of emissions or in terms of total emissions) are not off-permit changes. (5-1-94)

02. Authorization. A permittee may make an off-permit change if it is an insignificant activity or if: (5-1-94)

a. The permittee provides written notification to the Department and EPA so that the notification is received within seven (7) days of making the off-permit change. (5-1-94)

b. The written notification provided to the Department and EPA: (5-1-94)

i. States at the beginning of the notification "NOTIFICATION OF OFF-PERMIT CHANGE." (5-1-94)

ii. Describes the off-permit change. (5-1-94)

iii. States the date on which the off-permit change will occur or has occurred. (5-1-94)

iv. Describes and quantifies any change in emissions resulting from the off-permit change including, but not limited to, an identification of any new air pollutants that will be emitted. (5-1-94)

v. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)

vi. Identifies any applicable requirement that is applicable to the Tier I source as a result of the off-permit change. (5-1-94)

c. The permittee keeps a record at the facility describing all off-permit changes made at the Tier I source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and identifying the emissions resulting from those changes. All such changes must be recorded within seven (7) days of making the off-permit change. (5-1-94)

03. Permit Shield Applicability. The permit shield described in Section 325 shall not apply to any off-permit change. (5-1-94)

**383. PERMIT DEVIATIONS.**

01. Generally. (5-1-94)

a. Permit deviations are any of the following: (5-1-94)

i. Type I permit deviations are alterations that do not contravene express Tier I operating permit terms regarding monitoring (including test methods), recordkeeping, reporting, or compliance requirements and that do not violate applicable requirements. Type I permit deviations are also known as Section 502(b)(10) changes. (5-1-94)

ii. Type II permit deviations are alterations involving trades of increases and decreases of emissions within the permitted facility where the state implementation plan provides for such emissions trades without requiring a permit revision. (5-1-94)

iii. Type III permit deviations are alterations made under the terms and conditions of the Tier I operating permit that authorize the trading of emissions increases and decreases within the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established by the Department in the Tier I operating permit independent of otherwise applicable requirements. (5-1-94)

b. Alterations constituting a modification or requiring a permitting action under Sections 200 through 225, 42 U.S.C. Sections 7401 through 7515, 42 U.S.C. Sections 7651 through 7651o, 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, or otherwise regulated under 42 U.S.C. Sections 7651 through 7651o are not permit deviations, unless the modification or permitting action only involves toxic air pollutants. (5-1-94)

c. Alterations that result in an exceedance of the emissions allowable under the Tier I operating permit (whether expressed therein as a rate of emissions or in terms of total emissions) are not permit deviations. (5-1-94)

02. Authorization for Type I Permit Deviations. A permittee may make a Type I permit deviation if: (5-1-94)

a. The permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed permit deviation; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed permit deviation. (5-1-94)

b. The permittee attaches the notification to the original Tier I operating permit at least two (2) days in advance of the proposed permit deviation; or, in the event of an emergency, the permittee attaches the notification within two (2) days of making the permit deviation. (5-1-94)

c. The written notification provided to the Department and EPA: (5-1-94)

i. States at the beginning of the notification "NOTIFICATION OF TYPE I PERMIT DEVIATION." (5-1-94)

ii. Describes the proposed permit deviation. (5-1-94)

iii. States the date on which the proposed permit deviation will occur. (5-1-94)

- iv. Describes and quantifies any change in emissions resulting from the permit deviation, including an identification of any new air pollutants that will be emitted. (5-1-94)
- v. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)
- vi. Specifically identifies and describes the emergency, if any. (5-1-94)
- vii. Identifies any applicable requirement that would apply to the Tier I source as a result of the permit deviation. (5-1-94)
- 03. Authorization for Type II Permit Deviations. A permittee may make a Type II permit deviation if: (5-1-94)
  - a. The permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed permit deviation; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed permit deviation. (5-1-94)
  - b. The permittee attaches the notification to the original Tier I operating permit at least two (2) days in advance of the proposed permit deviation; or, in the event of an emergency, the permittee attaches the notification within two (2) days of making the permit deviation. (5-1-94)
  - c. The written notification provided to the Department and EPA: (5-1-94)
    - i. States at the beginning of the notification "NOTIFICATION OF TYPE II PERMIT DEVIATION." (5-1-94)
    - ii. Describes the proposed permit deviation. (5-1-94)
    - iii. States the date on which the proposed permit deviation will occur. (5-1-94)
    - iv. Identifies the provisions in the SIP that provide for the emissions trade. (5-1-94)
    - v. Provides all of the information as may be required by the provision in the SIP authorizing the emissions trade. (5-1-94)
    - vi. Describes and quantifies any change in emissions resulting from the permit deviation including, but not limited to, an identification of any new air pollutants that will be emitted and an identification of the pollutants emitted that are subject to the emissions trade. (5-1-94)
    - vii. Specifically identifies the provisions with which the source will comply in the SIP while operating under the Type II permit deviation. (5-1-94)
    - viii. Identifies any applicable requirement that would apply to the Tier I source as a result of the permit deviation. (5-1-94)
    - ix. Specifically identifies all of the Tier I operating permit terms and conditions with which the permittee will comply while operating under the Type II permit deviation. (5-1-94)
    - x. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)
    - xi. Specifically identifies and describes the emergency, if any. (5-1-94)
- 04. Authorization for Type III Permit Deviations. A permittee may make a Type III permit deviation if: (5-1-94)

- a. The permittee provides written notification to the Department and EPA so that the notification is received at least seven (7) days in advance of the proposed permit deviation; or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed permit deviation. (5-1-94)
- b. The permittee attaches the notification to the original Tier I operating permit at least two (2) days in advance of the proposed permit deviation; or, in the event of an emergency, the permittee attaches the notification within two (2) days of making the permit deviation. (5-1-94)
- c. The written notification provided to the Department and EPA: (5-1-94)
  - i. States at the beginning of the notification "NOTIFICATION OF TYPE III PERMIT DEVIATION." (5-1-94)
  - ii. Describes the proposed permit deviation. (5-1-94)
  - iii. States the date on which the proposed permit deviation will occur. (5-1-94)
  - iv. Describes and quantifies any change in emissions resulting from the permit deviation, including an identification of any new air pollutants that will be emitted. (5-1-94)
  - v. Identifies any permit term or condition that is no longer applicable as a result of the change. (5-1-94)
  - vi. Specifically identifies and describes the emergency, if any. (5-1-94)
  - vii. Identifies any applicable requirement that would apply to the Tier I source as a result of the permit deviation. (5-1-94)
  - viii. Describes how the Type III permit deviation will comply with the terms and conditions of the permit. (5-1-94)
- 05. Permit Shield Applicability. (5-1-94)
  - a. The permit shield described in Section 325 shall not apply to any Type I or Type II permit deviation. (5-1-94)
  - b. Compliance with the Tier I operating permit requirements that the source will meet while operating under a Type II permit deviation shall be determined according to requirements of the SIP authorizing the emissions trade. (5-1-94)
  - c. The permit shield described in Section 325 shall extend to the terms and conditions of the Tier I operating permit that allow Type III permit deviations. (5-1-94)

**384. ADMINISTRATIVE PERMIT AMENDMENTS.**

- 01. Generally. (5-1-94)
  - a. An administrative permit amendment is an alteration that does any of the following: (5-1-94)
    - i. Corrects typographical errors. (5-1-94)
    - ii. Identifies a change in the name, address, or phone number of any person identified in the Tier I operating permit, or provides a similar minor administrative change at the Tier I source. (5-1-94)
    - iii. Requires more frequent monitoring or reporting by the permittee. (5-1-94)

iv. Allows for a change in ownership or operational control of a Tier I source where the Department determines that no other change in the Tier I operating permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department. (5-1-94)

v. Incorporates into the Tier I operating permit the requirements from a permit to construct that was issued by the Department in accordance with Subsection 209.05.b. (5-1-94)

vi. Incorporates terms and conditions consistent with a compliance schedule and developed in accordance with Subsection 322.13.d. (5-1-94)

vii. Incorporates an applicable consent order, judicial consent decree, judicial order, administrative order, settlement agreement or judgment. (5-1-94)

b. Alterations constituting a modification, requiring a permitting action or otherwise regulated under 42 U.S.C. Sections 7651 through 7651o are not administrative permit amendments. (5-1-94)

02. Authorization for Administrative Permit Amendments. (5-1-94)

a. For administrative permit amendments initiated by the permittee, the permittee shall submit a request to the Department. The request shall: (5-1-94)

i. State at the beginning of the request that it is a "REQUEST FOR ADMINISTRATIVE PERMIT AMENDMENT." (5-1-94)

ii. Describe the proposed administrative permit amendment. (5-1-94)

iii. State the date on which the proposed administrative amendment will occur at the facility. (5-1-94)

iv. Identify any Tier I operating permit term or condition that is no longer applicable as a result of the change. (5-1-94)

v. Identify any applicable requirement that would apply to the Tier I source as a result of the change. (5-1-94)

vi. Specifically identify the permit to construct, if any. (5-1-94)

b. For administrative permit amendments initiated by the Department, the Department shall notify the permittee that the Department is initiating an administrative permit amendment and provide a brief summary of the proposed administrative permit amendment. (5-1-94)

03. Procedures. An administrative permit amendment may be made by the Department consistent with the following: (5-1-94)

a. The Department shall, within sixty (60) days of receipt of a request for an administrative permit amendment or within sixty (60) days of sending notice to the permittee, take final action and may incorporate such changes without providing notice to the public or affected States provided that it designates any such administrative permit amendment as having been made pursuant to Section 384. (5-1-94)

b. The Department shall submit a copy of the revised permit, or an addendum, to the EPA and send the original to the permittee. (5-1-94)

c. The permittee may implement the alterations addressed in the request for an administrative permit amendment immediately upon submittal of the request. (5-1-94)

d. The permittee shall implement the alterations addressed in the administrative permit amendment



immediately upon receiving the original revised Tier I operating permit, or an addendum, unless the Department establishes a different date in the administrative permit amendment. (5-1-94)

04. Permit Shield Applicability. (5-1-94)

a. Upon final action by the Department, the permit shield described in Section 325 shall extend to administrative permit amendments identified in Subsection 384.01.a.v. (5-1-94)

b. The permit shield described in Section 325 shall not apply to any administrative permit amendment not identified in Subsection 384.01.a.v. (5-1-94)

**385. MINOR PERMIT MODIFICATIONS.**

01. Generally. A minor permit modification is an alteration that either: (5-1-94)

a. Does not do any of the following: (5-1-94)

i. Violate any applicable requirement. (5-1-94)

ii. Involve significant alterations to existing monitoring (including testing), reporting, or recordkeeping requirements in the Tier I operating permit. (5-1-94)

iii. Require or change: a case-by-case determination of an emission limitation or other standard; a source-specific determination of ambient impacts; or a visibility or increment analysis. (5-1-94)

iv. Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include, but are not limited to, an enforceable emissions cap assumed to avoid classification as a modification under any provision or an alternative emissions limit for an early reduction of hazardous air pollutants that was approved pursuant to regulations promulgated under 42 U.S.C. Section 7412(i)(5). (5-1-94)

v. Constitute a modification or require a permitting action under Sections 200 through 225, 42 U.S.C. Sections 7401 through 7515, 42 U.S.C. Sections 7651 through 7651o, 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, and is not otherwise regulated under 42 U.S.C. Sections 7651 through 7651o, unless the modification or permitting action only involves toxic air pollutants. (5-1-94)

vi. Result in an exceedance of the emissions allowable under the Tier I operating permit (whether expressed therein as a rate of emissions or in terms of total emissions). (5-1-94)

b. Alterations involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches; provided that the SIP or an applicable requirement explicitly provides that such alterations may be made as minor permit modifications. (5-1-94)

02. Significant Alterations. Alterations affecting how the Department determines whether the permittee is in compliance with emission limitations and other Tier I operating permit terms and conditions are significant alterations to existing monitoring (including testing), reporting, or recordkeeping requirements. Such alterations include, but are not limited to, changes that would relax reporting or recordkeeping requirements and changes that switch from direct measurement of emissions to fuel sampling and analysis such as switching from emissions monitoring of SO<sub>2</sub> to sampling and analyzing coal sulfur content. (5-1-94)

03. Authorization for Minor Permit Modifications. A permittee may initiate a minor permit modification by submitting a complete application to the Department. The application shall: (5-1-94)

a. Request the use of minor permit modification procedures and state at the beginning of the request that it is a "REQUEST FOR MINOR PERMIT MODIFICATION - INDIVIDUAL PROCESSING." (5-1-94)

- b. Meet the requirements of Sections 311 through 315. (5-1-94)
- c. Provide a summary sheet: (5-1-94)
  - i. Describing the proposed minor permit modification. (5-1-94)
  - ii. Stating the date on which the proposed minor permit modification will occur at the facility. (5-1-94)
  - iii. Describing and quantifying any change in emissions resulting from the minor permit modification including, but not limited to, an identification of any new air pollutants that will be emitted. (5-1-94)
  - iv. Identifying any Tier I operating permit term or condition that will no longer be applicable as a result of the minor permit modification. (5-1-94)
  - v. Identifying any applicable requirement that is applicable to the Tier I source as a result of the minor permit modification. (5-1-94)
- d. Present suggested revisions to the text of the Tier I operating permit in legislative format. (5-1-94)
- e. Include a certification consistent with Section 123, that the proposed minor permit modification meets the criteria for use of minor permit modification procedures and that the suggested revisions fully and accurately implement and demonstrate compliance with all applicable requirements governing the proposed minor permit modification. (5-1-94)
- f. Include completed forms for the Department to use to notify the EPA and affected States as required under Sections 364 and 366. (5-1-94)
- 04. Procedures. A minor permit modification may be made by the Department consistent with the following: (5-1-94)
  - a. Within five (5) working days of receipt of a complete minor permit modification application, the Department shall forward the forms completed by the applicant and other required information, if any, to the EPA and affected States. Affected States and EPA review shall occur simultaneously. (5-1-94)
  - b. The Department shall promptly notify EPA and any affected States in writing if the Department refuses to accept all the timely recommendations submitted by affected States. (5-1-94)
  - c. Within ninety (90) days of the Department's receipt of a complete minor permit modification application or within fifteen (15) days after the end of EPA's forty-five (45) day review period, whichever is earlier, the Department shall take one of the following actions: (5-1-94)
    - i. Issue the minor permit modification as proposed and submit a copy of the revised Tier I operating permit, or an addendum, to the EPA and the original to the permittee; provided that, the Department may not issue the minor permit modification until after EPA has notified the Department that EPA will not object or until at least sixty (60) days have elapsed since the Department received the complete application. (5-1-94)
    - ii. Deny the minor permit modification application. (5-1-94)
    - iii. Determine that the requested minor permit modification does not meet the minor permit modification criteria and should be reviewed under the substantive modification procedures. (5-1-94)
    - iv. Revise the proposed minor permit modification, transmit the revised proposal to the EPA and affected States in accordance with Sections 364 and 366, notify the permittee and re-initiate the ninety (90) day timeline identified in Subsection 385.04.c. (5-1-94)
  - d. The permittee may make the alteration proposed in its minor permit modification application at any

time after it files such application with the Department and before final action by the Department. (5-1-94)

e. The permittee shall implement the alterations addressed in the minor permit modification immediately upon receiving the original revised Tier I operating permit, or an addendum, unless the Department establishes a different date in the minor permit modification. (5-1-94)

05. Transitional Compliance. If the permittee makes the proposed alteration at any time before final action by the Department, compliance shall be determined as follows until the Department takes any of the actions specified in Subsections 385.04.c.i. through 385.04.c.iii.: (5-1-94)

a. The permittee must comply with both the applicable requirements governing the alteration and the suggested revisions to the text of the Tier I operating permit. (5-1-94)

b. The permittee need not comply with the existing permit terms and conditions it seeks to modify; provided that, if the source fails to comply with the applicable requirements governing the alteration and the suggested revisions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. (5-1-94)

06. Permit Shield Applicability. The permit shield described in Section 325 shall not apply to any minor permit modification. (5-1-94)

07. Group Processing Procedures. The permittee may initiate group processing of its minor permit modification applications and the Department may process minor permit modification applications in groups as follows: (5-1-94)

a. The group may only consist of minor permit modification applications submitted by a single permittee for a single Tier I operating permit. (5-1-94)

b. The increased emissions requested in the minor permit modification applications in the group must not exceed the lesser of the following: (5-1-94)

i. Ten percent (10%) of the emissions allowed by the existing Tier I operating permit for the emissions unit for which the alteration is requested. (5-1-94)

ii. Twenty percent (20%) of the criteria in Subsection 008.14. (5-1-94)

iii. Five (5) tons per year. (5-1-94)

iv. Any threshold developed by the Department on a case-by-case basis. (5-1-94)

c. A permittee may initiate the group processing of minor permit modifications by submitting an application to the Department. The application shall: (5-1-94)

i. Request the use of group processing procedures and state at the beginning of the request that it is a "REQUEST FOR MINOR PERMIT MODIFICATION - GROUP PROCESSING." (5-1-94)

ii. Comply with all of the requirements of Subsections 385.03.b. through 385.03.f. (5-1-94)

iii. List the permittee's other pending minor permit modification applications that are awaiting group processing. (5-1-94)

iv. State whether the minor permit modification, when aggregated with other pending minor permit modification applications awaiting group processing, is less than, equal to, or greater than the threshold provided in Subsection 385.07.b. and provide calculations supporting the statement. (5-1-94)

v. List the permittee's other minor permit modifications that have been approved within the preceding twelve (12) months or that are awaiting individual processing. (5-1-94)

vi. Certify, consistent with Section 123, that the permittee has provided a brief written notification describing the requested minor permit modification to the EPA. (5-1-94)

d. The Department may process minor permit modifications in groups in accordance with Subsection 385.04 except as modified by the following: (5-1-94)

i. Every three (3) months or within five (5) working days of receiving a minor permit modification application in which the permittee states that emissions increases proposed in the minor permit modification applications awaiting group processing are equal to or greater than the threshold provided in Subsection 385.07.b., whichever is the earlier, the Department shall identify the minor permit modification applications that will be processed as a group. (5-1-94)

ii. Promptly after identifying the group of minor permit modification applications that will be processed as a group, the Department shall notify EPA and affected States as provided in Subsection 385.04.a. (5-1-94)

iii. The Department shall take one of the actions provided in Subsections 385.04.c.i. through 04.iv. for each of the proposed minor permit modifications in the group within one hundred eighty (180) days of the Department's receipt of the first complete minor permit modification application processed in the group. (5-1-94)

iv. If the Department takes the action provided in Subsection 385.04.c.i., the Department may not issue the minor permit modification until after EPA has notified the Department that EPA will not object or until at least sixty (60) days have elapsed since the Department identified the group of minor permit modification applications that will be processed as a group. (5-1-94)

v. If the Department takes the action provided in Subsection 385.04.c.iv., the Department shall initiate a new timeline requiring a further action within ninety (90) days. (5-1-94)

### **386. SUBSTANTIVE PERMIT MODIFICATIONS.**

01. Generally. A substantive permit modification is any alteration. Alterations that do not meet the criteria for off-permit changes, permit deviations, administrative permit amendments or minor permit modifications must be processed under Section 386. Nothing in Section 386 shall be construed to preclude the permittee from making alterations consistent with Sections 382 through 385. (5-1-94)

02. Authorization. A permittee may initiate a substantive permit modification by submitting a complete substantive permit modification application to the Department. The application shall: (5-1-94)

a. Request the use of substantive permit modification procedures and state at the beginning of the request that it is a "REQUEST FOR SUBSTANTIVE PERMIT MODIFICATION." (5-1-94)

b. Meet the requirements of Sections 311 through 315. (5-1-94)

c. Provide a summary sheet: (5-1-94)

i. Describing the proposed substantive permit modification. (5-1-94)

ii. Describing and quantifying any change in emissions resulting from the substantive permit modification including, but not limited to, an identification of any new air pollutants that will be emitted. (5-1-94)

iii. Identifying any Tier I operating permit term or condition that will no longer be applicable as a result of the substantive permit modification. (5-1-94)

iv. Identifying any applicable requirement that is applicable to the Tier I source as a result of the substantive permit modification. (5-1-94)

- d. Present suggested revisions to the text of the Tier I operating permit in legislative format. (5-1-94)
- 03. Procedures. (5-1-94)
  - a. Substantive permit modifications shall be issued in accordance with all requirements of Sections 300 through 387 as they apply to Tier I operating permit issuance and Tier I operating permit renewal, including those for applications, public participation, review by affected States, and review by EPA. (5-1-94)
  - b. The Department will process the majority of significant permit modifications within nine (9) months of receiving a complete substantive permit modification application. The Department shall determine which substantive permit modification applications will be processed within nine (9) months. (5-1-94)
  - c. The permittee may not make the alteration proposed in its substantive permit modification application at any time before final action by the Department, unless the alteration is also authorized as an off-permit change, permit deviation, administrative permit amendment or minor permit modification and the permittee complies with all corresponding conditions and requirements. (5-1-94)
  - d. The permittee shall implement the alterations addressed in the substantive permit modification immediately upon receiving the original revised Tier I operating permit, or an addendum, unless the Department establishes a different date in the substantive permit modification. (5-1-94)
- 04. Permit Shield Applicability. Upon final action by the Department, the permit shield described in Section 325 shall extend to substantive permit modifications. (5-1-94)

**387. REOPENINGS.**

- 01. Generally. (5-1-94)
  - a. Reopenings are alterations resulting in the termination, revocation, revision or revocation and reissuance of a Tier I operating permit for cause. (5-1-94)
  - b. Cause for reopening exists under any of the following circumstances: (5-1-94)
    - i. Type 1: Additional applicable requirements become applicable to a major Tier I source with a remaining permit term of three (3) or more years; provided that no such reopening is required if the original effective date of the applicable requirement is later than the date on which the Tier I operating permit is due to expire and the original Tier I operating permit or any of its terms and conditions has not been extended pursuant to Section 368; provided further that the permittee must comply with the additional applicable requirement no later than the effective date. (5-1-94)
    - ii. Type 2: Whenever additional applicable requirements become applicable to an affected source, as defined for the purposes of the acid rain program. (5-1-94)
    - iii. Type 3: The Tier I operating permit contains a material mistake or inaccurate statements were used or considered in establishing the emissions standards or other terms or conditions of the Tier I operating permit. (5-1-94)
    - iv. Type 4: The Tier I operating permit does not ensure compliance with the applicable requirements. (5-1-94)
    - v. Type 5: The Department determines that emissions from the Tier I source are alone or in combination with other contaminants, injuring or unreasonably affecting human or animal life or vegetation. (5-1-94)
    - vi. Type 6: The Department determines that emissions from the source are a danger to human health or the environment. (5-1-94)
    - vii. Type 7: The Department determines that emission rate reductions are necessary to attain or

- maintain any ambient air quality standard or applicable PSD increment. (5-1-94)
- viii. Type 8: The Department determines that specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (5-1-94)
02. Authorization for Reopenings. (5-1-94)
- a. The Department may initiate reopenings for Type 1 through Type 8 causes by notifying the permittee in writing that the Department is initiating a reopening and providing a brief summary of the proposed alterations. (5-1-94)
- i. For Types 1 through 4, 7 and 8 causes, the notice shall be sent at least thirty (30) days prior to the reopening. (5-1-94)
- ii. For Types 5 and 6, the notice shall be sent at least three (3) days prior to the reopening. (5-1-94)
- iii. For any Type when the Department declares an emergency, the notice shall be sent at one (1) day prior to the reopening. (5-1-94)
- b. The EPA may initiate reopenings for Type 1 through Type 4 causes by providing written notification to the Department and the permittee. The notification shall: (5-1-94)
- i. State at the beginning of the notice that it is a "NOTIFICATION OF REOPENING INITIATED BY EPA." (5-1-94)
- ii. State the findings of the EPA that support a determination that cause exists for a reopening. (5-1-94)
- iii. Provide a brief summary of all the alterations recommended by EPA. (5-1-94)
03. Procedures for Reopenings by the Department or EPA. The Department shall process reopenings in accordance with Sections 360 through 379 except as otherwise provided by Subsections 387.04 and 387.05 and the following: (5-1-94)
- a. Proceedings for reopenings shall affect only those parts of the Tier I operating permit for which cause to reopen exists. (5-1-94)
- b. Reopenings for Type 1 causes shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. (5-1-94)
- c. Reopenings for Type 2 causes that are excess emissions offset plans shall be deemed incorporated into the Tier I operating permit without additional procedures upon approval of the plan by EPA. (5-1-94)
- d. As soon as practicable, the Department shall determine whether the Department has sufficient information to process the reopening. If additional information is needed, the Department may: (5-1-94)
- i. Require the permittee to submit a new or revised Tier I operating permit application within forty-five (45) days. (5-1-94)
- ii. Require the permittee to submit additional information as specified by the Department. (5-1-94)
04. Additional Procedures for Reopenings Initiated by the Department. Reopenings shall be made as expeditiously as practicable, unless a different timeline is provided in Subsection 387.03.b. (5-1-94)
05. Additional Procedures for Reopenings Initiated by EPA. (5-1-94)
- a. If the Department determined that it had sufficient information to process the reopening, the

Department shall within ninety (90) days after receipt of notification from EPA forward to EPA a proposed determination of termination, revocation, revision, or revocation and reissuance, as appropriate. (5-1-94)

b. If the Department determined that it did not have sufficient information to process the reopening, the Department may request an extension from EPA and within one hundred and eighty (180) days after receipt of notification from EPA forward to EPA a determination of termination, revocation, revision, or revocation and reissuance, as appropriate. (5-1-94)

c. If EPA submits objections to the Department within ninety (90) days from receipt of the proposed determination, the Department shall review the objections and terminate, revoke, revise, revoke and reissue, or reconfirm the Tier I operating permit within ninety (90) days of receipt of the objection. (5-1-94)

**388. -- 399. (RESERVED).**

**400. PROCEDURES AND REQUIREMENTS FOR TIER II OPERATING PERMITS.**

The purpose of Sections 400 through 406 is to establish uniform procedures for the issuance of "Tier II Operating Permits." (5-1-94)

**401. TIER II OPERATING PERMIT.**

01. Optional Tier II Operating Permits. The owner or operator of any stationary source or facility which is not subject to (or wishes to net out of) Sections 300 through 387 may apply to the Department for an operating permit to: (5-1-94)

a. Authorize the use of alternative emission limits (bubbles) pursuant to Section 440; (5-1-94)

b. Authorize the use of an emission offset pursuant to Sections 204 or 206; (5-1-94)

c. Authorize the use of an emission reduction or netting transaction to exempt a facility or modification from certain requirements for a permit to construct; (5-1-94)

d. Authorize the use of an emission reduction to exempt the facility from Tier I permitting requirements. (5-1-94)

e. Bank an emission reduction credit pursuant to Section 461; (5-1-94)

02. Required Tier II Operating Permits. A Tier II operating permit is required for any stationary source or facility which is not subject to Sections 300 through 387 with a permit to construct which establishes any emission standard different from those in these rules. (5-1-94)

03. Tier II Operating Permits Required by the Department. The Director may require or revise a Tier II operating permit for any stationary source or facility whenever the Department determines that: (5-1-94)

a. Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable PSD increment; or (5-1-94)

b. Specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (5-1-94)

04. Multiple Tier II Operating Permits. The Director may issue one or more Tier II operating permits to a facility which allow any specific stationary source or emissions unit within that facility a future compliance date of up to three (3) years beyond the compliance date of any provision of these rules, provided the Director has reasonable cause to believe such a future compliance date is warranted. (5-1-94)

**402. APPLICATION PROCEDURES.**

Application for a Tier II operating permit must be made using forms furnished by the Department, or by other means prescribed by the Department. The application shall be certified by the responsible official and shall be accompanied

by all information necessary to perform any analysis or make any determination required under Sections 400 through 406. (5-1-94)

01. Required Information. Site information, plans, description, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled. (5-1-94)

02. Additional Specific Information. (5-1-94)

a. A description of the emission reduction credits proposed for use, including descriptions of the stationary sources or facilities providing the reductions, a description of the system of continuous emission control which provides the emission reduction credits, emission estimates, and other information necessary to determine that the emission reductions satisfy the requirements for emission reduction credits (Section 460); and (5-1-94)

b. For alternative emission limits (bubbles) or emission offsets, information on the air quality impacts of the traded emissions as necessary to determine the change in ambient air quality that would occur. (5-1-94)

03. Estimates of Ambient Concentrations. All estimates of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in the U.S. Environmental Protection Agency's "Guideline on Air Quality Models (Revised 2-92)", (EPA 450/2-78-027r, July 1986), including Supplement A and B (July 1987). (5-1-94)

a. Where an air quality model specified in the "Guideline on Air Quality Models (Revised)", including "Supplement A" is inappropriate, the model may be modified or another model substituted, subject to written approval of the Administrator of the U.S. Environmental Protection Agency and public comment pursuant to Subsection 404.01.c. (5-1-94)

b. Methods like those outlined in the U.S. Environmental Protection Agency's "Interim Procedures for Evaluating Air Quality Models (revised)" (1984) should be used to determine the comparability of air quality models. (5-1-94)

04. Additional Information. Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 400 through 406 shall be furnished upon request. (5-1-94)

**403. PERMIT REQUIREMENTS FOR TIER II SOURCES.**

No Tier II operating permit shall be granted unless the applicant shows to the satisfaction of the Department that: (5-1-94)

01. Emission Standards. The stationary source would comply with all applicable local, state or federal emission standards. (5-1-94)

02. NAAQS. The stationary source would not cause or significantly contribute to a violation of any ambient air quality standard. (5-1-94)

**404. PROCEDURE FOR ISSUING PERMITS.**

01. General Procedures. General procedures for Tier II operating permits. (5-1-94)

a. Within thirty (30) days after receipt of the application for a Tier II operating permit, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)

b. Within sixty (60) days after the application is determined to be complete the Department shall: (5-1-94)

i. Notify the applicant in writing of the approval, conditional approval, or denial of the application if



an opportunity for public comment is not required pursuant to Subsection 404.01.c. The Department shall set forth reasons for any denial; or (5-1-94)

ii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)

c. An opportunity for public comment shall be provided on an application for any Tier II operating permit pursuant to Subsection 401.01, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516 and any other application which the Director determines an opportunity for public comment should be provided. (5-1-94)

i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)

ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)

iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)

iv. There shall be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department. (5-1-94)

v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)

vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)

02. Specific Procedures. Procedures for Tier II operating permits required by the Department under Subsection 401.03. (5-1-94)

a. The Director shall send a notification to the proposed permittee by registered mail of his intention to issue a Tier II operating permit for the facility concerned. The notification shall contain a copy of the proposed permit in draft form stating the proposed emission standards and any required action, with corresponding dates, which must be taken by the proposed permittee in order to achieve or maintain compliance with the proposed Tier II operating permit. (5-1-94)

b. The Department's proposed Tier II operating permit shall be made available to the public in at least one (1) location in the region in which the facility is located. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the facility is located. A copy of such notice shall be sent to the applicant. There shall be a thirty (30) day period after publication for comment on the Department's proposed Tier II operating permit. Such comment shall be made in writing to the Department. (5-1-94)

c. A public hearing will be scheduled to consider the standards and limitations contained in the proposed Tier II operating permit if the proposed permittee files a request therefor with the Department within ten (10) days of receipt of the notification, or if the Director determines that there is good cause to hold a hearing. (5-1-94)

d. After consideration of comments and any additional information submitted during the comment period or at any public hearing, the Director shall render a final decision upon the proposed Tier II operating permit within thirty (30) days of the close of the comment period or hearing. At this time the Director may adopt the entire Tier II operating permit as originally proposed or any part or modification thereof. (5-1-94)

e. All comments and additional information received during the comment period, together with the Department's final permit, shall be made available to the public at the same location as the proposed Tier II operating permit. (5-1-94)

f. A copy of each permit will be sent to the U.S. Environmental Protection Agency. (5-1-94)

03. Availability of Fluid Models and Field Studies. The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

04. Permit Revision or Renewal. The Director may approve a revision of any Tier II operating permit or renewal of any Tier II operating permit provided the stationary source or facility continues to meet all applicable requirements of Sections 400 through 406. Revised permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsection 404.01.c. shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. Renewed Tier II operating permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsections 404.01.c., and 404.02.b. through 404.02.e. shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. The expiration of a permit will not affect the operation of a stationary source or a facility during the administrative procedure period associated with the permit renewal process. (5-1-94)

#### **405. CONDITIONS FOR TIER II OPERATING PERMITS.**

01. Reasonable Conditions. The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with: (5-1-94)

a. Sampling ports of a size, number, and location as the Department may require; (5-1-94)

b. Safe access to each port; (5-1-94)

c. Instrumentation to monitor and record emissions data; (5-1-94)

d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and (5-1-94)

e. Any other sampling and testing facilities as may be deemed reasonably necessary. (5-1-94)

02. Performance Tests. Any performance tests required by the permit shall be performed in accordance with methods and under operating conditions approved by the Department. The owner or operator shall furnish to the Department a written report of the results of such performance test. (5-1-94)

a. Such test shall be at the expense of the owner or operator. (5-1-94)

b. The Department may monitor such test and may also conduct performance tests. (5-1-94)

c. The owner or operator of a stationary source or facility shall provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present. (5-1-94)

03. Permit Term. Tier II operating permits shall be issued for a period not to exceed five (5) years. This five (5) year operating permit restriction does not apply to the provisions contained in Section 461.02 (banked emission reduction credits). (5-1-94)

04. Single Tier II Operating Permit. When a facility includes more than one (1) stationary source or emissions unit, a single Tier II operating permit may be issued including all stationary sources and emissions units

located at that facility. Such Tier II operating permit shall separately identify each stationary source and emissions unit to which the Tier II operating permit applies. When a single stationary source or facility is subject to permit modification, suspension or revocation, such action by the Director shall only affect that individual stationary source or emissions unit without thereby affecting any other stationary source or emissions unit subject to that Tier II operating permit. (5-1-94)

**406. OBLIGATION TO COMPLY.**

Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations. (5-1-94)

**407. -- 439. (RESERVED).**

**440. REQUIREMENTS FOR ALTERNATIVE EMISSION LIMITS (BUBBLES).**

The owner or operator of any facility may apply to the Department for a Tier I or Tier II operating permit (or a revision thereto) to authorize an alternative emission limit for any stationary source or emissions unit within the facility. The Department may issue or revise a Tier I operating permit or issue a significant modification to a Tier II operating permit which authorizes an alternative emission limit provided that all of the following are met: (5-1-94)

01. Actual Emissions. There is no increase in actual emissions of the applicable air pollutant at the facility. (5-1-94)

02. Emission Reductions. All emission reductions satisfy the requirements for emission reduction credits (Section 460). (5-1-94)

03. Trade Requirements. All trades involve the same air pollutant and demonstrate ambient equivalence as specified in Subsection 441.02. (5-1-94)

04. Applicable Requirement Prohibition. No applicable Section of 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63, best available control technology requirement, lowest achievable emission rate requirement, or visual emission standard is exceeded. (5-1-94)

05. Actual HAP/TAP Emissions. The actual emissions of any hazardous air pollutant or any toxic air pollutant are not increased. (5-1-94)

06. Fugitive Dust Trades. Where the trade involves fugitive dust, the owner or operator shall undertake an adequate post-approval monitoring program to evaluate the ambient results of the controls. If the monitoring data indicate that the air quality effects are not equivalent, then: (5-1-94)

a. Further reductions must be proposed by the owner or operator; and/or (5-1-94)

b. The applicable emission standards in the operating permit will be adjusted by the Department; (5-1-94)

07. Compliance Schedule Extension. Any compliance schedule extension for a facility in a nonattainment area is consistent with reasonable further progress. (5-1-94)

08. EPA Approval. Approval of the U.S. Environmental Protection Agency, and where necessary the appropriate court, has been obtained for any individual stationary source or facility which is the subject of a federal enforcement action or outstanding enforcement order. (5-1-94)

**441. DEMONSTRATION OF AMBIENT EQUIVALENCE.**

The demonstration of ambient equivalence shall: (5-1-94)

01. VOC Trades. For trades involving volatile organic compounds, show that total emissions are not increased for the air basin in which the stationary source or facility is located. (5-1-94)

02. Other Trades. For trades involving any other air pollutant, show through appropriate dispersion

modeling that the trade will not cause a significant contribution at any modeled receptor. (5-1-94)

**442. -- 459. (RESERVED).**

**460. REQUIREMENTS FOR EMISSION REDUCTION CREDIT.**

In order to be credited in a permit to construct, Tier I operating permit or Tier II operating permit any emission reduction must satisfy the following: (5-1-94)

01. Allowable Emissions. The proposed level of allowable emissions must be less than the actual emissions of the stationary source(s) or emission unit(s) providing the emission reduction credit. No emission reduction(s) can be credited for actual emissions which exceed the allowable emissions of the stationary source(s) or emission unit(s). (5-1-94)

02. Timing of Emission Reduction. In an attainment or unclassifiable area any emission reduction which occurs prior to the minor source baseline date must have been banked with the Department prior to the minor source baseline date in order to be credited; in a nonattainment area the emission reduction must occur after the base year of any control strategy for the particular air pollutant. (5-1-94)

03. Emission Rate Calculation. The emission rate before and after the reduction must be calculated using the same method and averaging time and the characteristics necessary to evaluate any future use of the emission reduction credit must be described; (5-1-94)

04. Permit Issuance. A permit to construct, Tier I operating permit or Tier II operating permit shall be issued which establishes a new emission standard for the facility, or restricts the operating rate, hours of operation, or the type or amount of material combusted, stored or processed for the stationary source(s) or emission unit(s) providing the emission reductions; and (5-1-94)

05. Imposed Reductions. Emission reductions imposed by local, state or federal regulations or permits shall not be allowed for emission reduction credits. (5-1-94)

**461. REQUIREMENTS FOR BANKING EMISSION REDUCTION CREDITS (ERC'S).**

01. Application to Bank an ERC. The owner or operator of any facility may apply to the Department for a Tier I or Tier II operating permit (or a revision thereto) to bank an emission reduction credit. An application to bank an emission reduction credit must be received by the Department no later than one (1) year after the reduction occurs. The Department may issue or revise such a Tier I or Tier II operating permit and a "Certificate of Ownership" for an emission reduction credit, provided that all emission reductions satisfy the requirements for emission reduction credits (Section 460). (5-1-94)

02. Banking Period. Emission reduction credits may be banked with the Department for a period not to exceed ten (10) years from the date the reduction was made. During such period, the banked emission reduction credits may be used for offsets, netting, or alternative emission limits (bubbles), or sold to other facilities. The use of banked emission reduction credits must satisfy the applicable requirements of the program in which they are proposed for use, including approval of a permit to construct or a Tier I or Tier II operating permit. (5-1-94)

03. Certificate of Ownership. Upon issuing or revising a Tier I or Tier II operating permit for an emission reduction credit, the Department will issue a "Certificate of Ownership" which will identify the owner of the credits, quantify the credited emission reduction and describe the characteristics of the emissions which were reduced and emissions unit(s) which previously emitted them. (5-1-94)

04. Adjustment by Department. If at any time the Department, or the owner or operator of a facility which has produced an emission reduction credit, finds that the actual reduction in emissions differs from that in the certificate of ownership, the Department will adjust the amount of banked emission reduction credits to reflect the actual emission reduction and issue a revised certificate of ownership. (5-1-94)

05. Proportional Discounts. If at any time the Department finds that additional emission reductions are necessary to attain and maintain any ambient air quality standard or applicable PSD increment, banked emission

reduction credits at facilities in the affected area may be proportionally discounted by an amount which will not exceed the percentage of emission reduction required for that area. (5-1-94)

06. Transfer of Ownership. Whenever the holder of a certificate of ownership for banked emission reduction credits, sells or otherwise transfers ownership of all or part of the banked credits, the holder shall submit the certificate of ownership to the Department. The Department will issue a revised certificate(s) of ownership which reflects the old and new holder(s) and amount(s) of banked emission reduction credits. (5-1-94)

07. Public Registry. The Department will maintain a public registry of all banked emissions reduction credits, indicating the current holder of each certificate of ownership and the amount and type of credited emissions. (5-1-94)

08. Withdrawal of Unused ERC's. Banked emission reduction credits which are not used by the end of the ten (10) year period shall be withdrawn from possible use and credited towards improving air quality in the area affected by the facility. (5-1-94)

**462. -- 469. (RESERVED).**

**470. PERMIT APPLICATION FEES FOR TIER II PERMITS.**

Any person applying for a Tier II permit shall pay a permit application fee of five hundred dollars (\$500) for each permit requested or amended. (3-7-95)L

**471. -- 499. (RESERVED).**

**500. REGISTRATION PROCEDURES AND REQUIREMENTS FOR PORTABLE EQUIPMENT.**

01. Registration Requirements. All existing portable equipment shall be registered within ninety (90) days after the original effective date of this Section 500 and at least ten (10) days prior to relocating, using forms provided by the Department, except that no registration is required for mobile internal combustion engines, marine installations and locomotives. (5-1-94)

02. Compliance with Rules and Regulations. Possessing a "Certificate of Registration" does not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations. (5-1-94)

**501. -- 509. (RESERVED).**

**510. STACK HEIGHTS AND DISPERSION TECHNIQUES.**

The purpose of Sections 510 through 516 is to establish criteria for good engineering practice for stack heights and dispersion techniques. (5-1-94)

**511. APPLICABILITY.**

The provisions of Sections 500 through 516 shall apply to existing, new, and modified stationary sources and facilities. The provisions of Sections 500 through 516 do not apply to stack heights in existence, or dispersion techniques implemented, on or before December 31, 1970, except where air pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed, or reconstructed, or for which major modifications were carried out, after December 31, 1970. (5-1-94)

**512. DEFINITIONS.**

For the purpose of Sections 500 through 516: (5-1-94)

01. Dispersion Technique. Any technique which attempts to affect the concentration of an air pollutant in the ambient air by: (5-1-94)

- a. Using that portion of a stack which exceeds good engineering practice stack height; (5-1-94)
- b. Varying the rate of emission of an air pollutant according to atmospheric conditions or ambient

concentrations of that air pollutant; or (5-1-94)

c. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; smoke management in agricultural or silvicultural prescribed burning programs; episodic restrictions on residential woodburning and open burning; techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed five thousand (5,000) tons per year; or the merging of exhaust gas streams where: (5-1-94)

i. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; (5-1-94)

ii. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of an air pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the air pollutant affected by such change in operation; or (5-1-94)

iii. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source. (5-1-94)

02. Excessive Concentration. For the purpose of determining good engineering practice stack height in a fluid modeling evaluation or field study as provided for in Subsection 512.03.c. "Excessive Concentration" means: (5-1-94)

a. For sources seeking credit for stack height exceeding that established under Subsection 512.03.b., a maximum ground level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such effects, and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under Subsection 512.02.a., shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Department, an alternative emission rate shall be established in consultation with the source owner or operator. (5-1-94)

b. For sources seeking credit after October 1, 1983, for increases in existing stack heights up to the heights established under Subsection 512.03.b., either: (5-1-94)

i. A maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects as provided in Subsection 512.02.a., except that the emission rate specified by any applicable SIP or, in the absence of such a limit, the actual emission rate shall be used; or (5-1-94)

ii. The actual presence of a local nuisance caused by the existing stack as determined by the authority administering the Department. (5-1-94)

c. For sources seeking credit after January 12, 1979, for a stack height determined under Subsection 512.03.b., where the Department requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in Subsection 512.03.b., a maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects. (5-1-94)

03. Good Engineering Practice (GEP) Stack Height. The greater of: (5-1-94)

a. Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack; (5-1-94)

b. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required,

$$H = 2.5S$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation. For all other stacks provided that the Department may require the use of a field study or fluid model to verify GEP stack height for the source,

$$H = S + 1.5L$$

where:

(5-1-94)

i. H = good engineering practice stack height measured from the ground-level elevation at the base of the stack. (5-1-94)

ii. S = height of nearby structure(s) measured from the ground-level elevation at the base of the stack. (5-1-94)

iii. L = lesser dimension, height or projected width, of nearby structure(s). (5-1-94)

c. The height demonstrated by a fluid model or a field study approved by the Department which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain features. (5-1-94)

04. Nearby Structures or Terrain Features. "Nearby" as applied to a specific structure or terrain feature under the definition of "good engineering practice stack height;" and (5-1-94)

a. For purposes of applying the formulae provided under Subsection 512.03.b., means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half mile (0.8 km); and (5-1-94)

b. For conducting demonstrations under Subsection 512.03.c., means not greater than one-half mile (0.8 km), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if such feature achieves a height one-half mile (0.8 km) from the stack that is at least forty percent (40%) of the GEP stack height determined by the formulae provided in Section 512.03.b., or twenty-six (26) meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack. (5-1-94)

05. Stack in Existence. The owner or operator had: (5-1-94)

a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or (5-1-94)

b. Entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time. (5-1-94)

**513. REQUIREMENTS.**

The required degree of emission control of any air pollutant shall not be affected by the amount of any stack height that exceeds good engineering practice (GEP) or by any other dispersion technique. (5-1-94)

**514. OPPORTUNITY FOR PUBLIC HEARING.**

Whenever a new or revised emission limitation is to be based on a good engineering practice stack height that exceeds the height allowed by the formulae in Subsections 512.03.a. and 512.03.b., the Department will notify the public of the availability of the demonstration study submitted under Subsection 512.03.c., and will provide an opportunity for public hearing on the demonstration study. (5-1-94)

**515. APPROVAL OF FIELD STUDIES AND FLUID MODELS.**

Any field study or fluid model used to demonstrate GEP stack height under Subsection 512.03.b. or 512.03.c., and any determination of "excessive concentration" under Subsection 512.02 must be approved by the EPA prior to an emission limit being established. The construction of any new stack, or any increase to the height of any existing stack to the height determined by the formulae in Subsection 512.03.b., without completing a fluid model and a field study must be approved by the EPA. (5-1-94)

**516. NO RESTRICTION ON ACTUAL STACK HEIGHT.**

The provisions of Sections 510 through 516 do not restrict, in any manner, the actual stack height of any stationary source or facility. (5-1-94)

**517. -- 524. (RESERVED).**

**525. REGISTRATION AND REGISTRATION FEES.**

The purpose of Sections 525 through 538 is to establish criteria for the registration of emissions and the payment of fees for Tier I permits. (3-7-95)L

**526. APPLICABILITY.**

In any given year, Sections 525 through 538 shall apply to all major facilities, as defined in Subsection 008.14. Facilities, sources and emissions exempt under Section 301 are not required to register or pay fees. (3-7-95)L

**527. REGISTRATION.**

Any person owning or operating a facility or source for which Sections 525 through 538 applies shall, by May 1, 1993 and each May 1 thereafter register with the Department and submit the following: (5-1-94)

01. Facility Information. The name, address, telephone number and location of the facility; (5-1-94)
02. Owner/Operator Information. The name, address and telephone numbers of the owners and operators; (5-1-94)
03. Facility Emission Units. The number and type of emission units present at the facility; (5-1-94)
04. Pollutant Registration. The amount, in tons or pounds, for which the facility is to be registered to emit from each source, except that no amount in excess of or less than an existing permit, consent order, or judicial order will be allowed. The facility is to register for following air pollutants: (5-1-94)
  - a. Oxides of sulfur (SO<sub>x</sub>); (5-1-94)
  - b. Oxides of nitrogen (NO<sub>x</sub>); (5-1-94)
  - c. Carbon monoxide (CO); (5-1-94)
  - d. Particulate matter; (5-1-94)
  - e. Volatile organic compounds (VOCs). (5-1-94)



05. Radionuclide Registration. The amount of radionuclides from facilities regulated under 40 CFR Part 61, Subpart H, for which the registrant wishes to be registered to emit from each source in curies per year except that no amount in excess of or less than an existing permit, consent order, or judicial order will be allowed. (5-1-94)

06. Air Pollutant Registration Fee. A registration fee of thirty dollars (\$30) per ton for all air pollutants listed in Subsection 527.04, except carbon monoxide on and after January, 1995. The registration fee may be paid in two installments as provided in Subsection 532.01. (3-7-95)L

07. Radionuclide Registration Fee. A registration fee of five dollars per curie per year (\$5/curie/year) for facilities regulated under 40 CFR Part 61, Subpart H. The registration fee may be paid in two installments as provided in Subsection 532.01. (5-1-94)

**528. REQUEST FOR INFORMATION.**

Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 525 through 538 shall be furnished on request. (5-1-94)

**529. REGISTRATION COMPLIANCE.**

No person shall allow, suffer, cause, or permit the emission of any air pollutant listed in Subsection 527.04 or 527.05 in amounts in excess of those specified in the registration, an existing permit, consent order, or judicial order, whichever is lower; nor does the registration in any way imply, permit, or allow any relief, waiver, or variance from these rules or an existing permit, consent order, or judicial order. (5-1-94)

**530. REGISTRATION FEE.**

All facilities to which this Section 530 applies shall pay to the Department an annual registration fee as required by Subsections 527.06 and 527.07. The Department shall determine the fee based on the information supplied by the registrant and the Department's analysis and engineering and technical practice. In the event of a failure of a facility to submit pertinent registration information, the Department may calculate the fee and shall assess the facility the fee and the costs of calculating the fee. The Department may employ private contractors to determine the registration fee. (3-7-95)L

**531. REGISTRATION BY THE DEPARTMENT.**

Upon receiving registration materials from a facility, the Department shall: (5-1-94)

01. Completeness Review. Review the material for accuracy and thoroughness; (5-1-94)

02. Additional Information. Require the facility to submit additional information, if needed; and (5-1-94)

03. Fee Assessment. Send to the registrant, by certified mail, an assessment of the fee and a receipt showing the amount of payment received by the Department. (5-1-94)

**532. PAYMENT DUE.**

The registration fee shall be paid to and received by the Department: (5-1-94)

01. Annual Registration Payments. Payment by May 1 of each year of at least fifty percent (50%) of the annual registration fee for the following twelve months, the balance of the fee to be paid by August 1. (5-1-94)

02. Amendments In Registrations Fees. Payment within forty-five (45) days of assessment or notification by the Department. (5-1-94)

**533. EFFECT OF DELINQUENCY ON APPLICATIONS.**

No permit to construct or operate, other than those issued at the discretion of the Director, shall be accepted for processing, processed, or issued by the Department for any facility or to any person having fees delinquent in full or in part. (5-1-94)

**534. APPEALS.**

Persons may file an appeal within thirty (30) days of the date the person received the assessment and receipt issued

under Subsection 531.03, or within thirty (30) days of the date the person received an assessment issued under Sections 530 or 535. The appeal shall be filed in accordance with the Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (5-1-94)

**535. AMENDING REGISTRATION.**

Registrations may be subject to amendment and additional or reduced fees: (5-1-94)

01. Department or Owner or Operator. By the Department, or at the request of the owner or operator, should the Department determine that the emissions and fees do not accurately reflect the operation of the facility; or (5-1-94)

02. Board of Health and Welfare. By Action of the Board of Health and Welfare. (5-1-94)

**536. CHECKS SHOULD BE MADE OUT TO "DEPARTMENT OF HEALTH AND WELFARE-AQ REGISTRATION FEE".**

All registration and fee materials should be sent to:

Air Quality Registration Fees  
Division of Environmental Quality  
Idaho Department of Health and Welfare  
1410 N. Hilton, Boise, Idaho 83706 (5-1-94)

**537. EXEMPTIONS.**

01. Registration Fees. The following facilities or sources are exempt from paying registration fees under Sections 525 through 538: (5-1-94)

a. Facilities and sources specified by the Department, after public notice, as exempt from the payment of registration fees; and (5-1-94)

b. Country grain elevators. (5-1-94)

c. Facilities that paid registration fees in good faith for Carbon Monoxide in 1993 and 1994 shall not be subject to additional fees on Carbon Monoxide. (3-7-95)L

d. Insignificant activities as identified in Subsection 317.01.b. (3-7-95)L

02. Registering and Paying Fees. The following facilities or sources are exempt from registering and paying registration fees under Sections 525 through 538: (5-1-94)

a. Facilities and sources specified by the Department, after public notice, as exempt from registration and the payment of registration fees; and (5-1-94)

b. Confined animal feeding operations. (5-1-94)

c. Insignificant activities identified in Subsection 317.01.a. (3-7-95)L

03. Paying Fees. The following emissions are exempt from registering and paying registration fees under Section 525 through 538: (3-7-95)L

a. Fugitive emissions from wood products. (3-7-95)L

b. Fugitive dust emissions, except facilities listed in Subsection 008.14.h. Facilities listed in that section shall not be required to pay fees for fugitive dust emission in excess of one hundred (100) tons. (3-7-95)L

**538. LUMP SUM PAYMENTS OF REGISTRATION FEES.**

01. Agreement. The Department may, in its discretion, enter an agreement with any person for the lump sum payment of all, or any portion of, the registration fees required by Section 527. (5-1-94)

02. Minimum Amount. The minimum amount for any lump sum agreement shall be three hundred thousand dollars (\$300,000). (5-1-94)

03. Payment Waiver. Upon the execution and full performance of the agreement by the person, the Department shall waive the payment requirements of Section 527. All other provisions of Section 527 shall remain applicable to the person. (5-1-94)

**539. -- 549. (RESERVED).**

**550. AIR POLLUTION EMERGENCY RULE.**

The purpose of Sections 550 through 562 is to define criteria for an air pollution emergency, to formulate a plan for preventing or alleviating such an emergency, and to specify rules for carrying out the plan. The procedures for implementing Sections 550 through 562 are delineated in Chapter VI of the SIP. (5-1-94)

**551. EPISODE CRITERIA.**

The purpose of Sections 551 through 556 is to establish criteria for stages of atmospheric stagnation and/or degraded air quality. (5-1-94)

**552. STAGES.**

The Department has defined four (4) stages of atmospheric stagnation and/or degraded air quality. (5-1-94)

01. Stage 1 - Air Pollution Forecast. An internal watch by the Department shall be actuated by a National Weather Service report that an Atmospheric Stagnation Advisory has been issued, or the equivalent local forecast of stagnant atmospheric conditions. (5-1-94)

02. Stage 2 - Alert. This is the first stage at which air pollution control actions by industrial sources are to begin. (5-1-94)

03. Stage 3 - Warning. The warning stage indicates that air quality is further degraded and that control actions are necessary to maintain or improve air quality. (5-1-94)

04. Stage 4 - Emergency. The emergency stage indicates that air quality has degraded to a level that will substantially endanger the public health and that the most stringent control actions are necessary. (5-1-94)

**553. EFFECT OF STAGES.**

Once an episode stage is reached, emergency action corresponding to that stage will remain in effect until air quality measurements indicate that another stage (either lower or higher) has been attained. At such time, actions corresponding to the next stage will go into effect. This procedure will continue until the episode is terminated. (5-1-94)

**554. CRITERIA FOR DEFINING EPISODE STAGES.**

The air quality criteria defining each of these episode stages for particulate and/or SO<sub>2</sub> are presented in Emergency Episode Air Pollution Criteria. The twenty-four (24) hour average ambient concentration of particulate matter, measured either in micrograms per cubic meter (ug/m<sup>3</sup>) or as a coefficient of haze (COHs), is presented along the horizontal axis. The vertical axis presents the twenty-four (24) average ambient concentration of sulfur dioxide measured either in parts per million (ppm) or in micrograms per cubic meter (ug/m<sup>3</sup>). (5-1-94)

**555. (RESERVED).**

**556. CRITERIA FOR DEFINING LEVELS WITHIN STAGES.**

The air quality criteria defining each of these levels for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and photochemical oxidants (O<sub>3</sub>) are: (5-1-94)

01. Stage 1 - Forecast. None. (5-1-94)

02. Stage 2 - Alert.

CO - 17 mg/m3 (15 ppm)	8-hour average
NOx - 1130 ug/m3 (0.6 ppm)	1-hour average
- 282 ug/m3 (0.15 ppm)	24-hour average
O3 - 200 ug/m3 (0.1 ppm)	1-hour average

(5-1-94)

03. Stage 3 - Warning.

CO - 34 mg/m3 (30 ppm)	8-hour average
NOx - 2260 ug/m3 (1.2 ppm),	1-hour average
- 565 ug/m3 (0.3 ppm)	24-hour average
O3 - 800 ug/m3 (0.4 ppm)	1-hour average

(5-1-94)

04. Stage 4 - Emergency.

CO - 46 mg/m3 (40 ppm)	8-hour average
NOx - 3000 ug/m3 (1.6 ppm)	1-hour average
- 750 ug/m3 (0.4 ppm)	24-hour average
O3 - 1000 ug/m3 (0.6 ppm)	1-hour average

(5-1-94)

**557. PUBLIC NOTIFICATION.**

The purpose of Sections 557 through 560 is to establish requirements for public notification regarding atmospheric stagnation and/or degraded air quality. (5-1-94)

**558. INFORMATION TO BE GIVEN.**

On the basis of degrading air quality as determined by the Director, and the criteria for emergency episode stages as shown in Section 556, the Director will utilize appropriate news media to insure that the following information is announced to the public: (5-1-94)

- a. Definition of the extent of the problem; (5-1-94)
- b. Indication of the action taken by the Director; (5-1-94)
- c. Air pollution forecast for next few days; (5-1-94)
- d. Notice of when the next statement from the Department will be issued; (5-1-94)
- e. Listing of all general procedures which the public, commercial, institutional and industrial sectors are required to follow; (5-1-94)

f. Specific warnings and advice to those persons who because of acute health problems, may be most susceptible to the effects of the episode. (5-1-94)

**559. MANNER AND FREQUENCY OF NOTIFICATION.**

Such announcements will be made by the news media during regularly scheduled television and radio news broadcasts and in all editions of specified newspapers. In addition, when the stage 4 emergency level is reached, television and radio stations designated by the Department will repeat these announcements at one (1) hour intervals during normal broadcasting hours. (5-1-94)

**560. NOTIFICATION TO SOURCES.**

The Department will assure that all significant sources of air pollutants are notified of the emergency stage by telephone or other appropriate means. (5-1-94)

**561. GENERAL RULES.**

All persons in the designated stricken area shall be governed by the following rules for each emergency episode stage. The Director may waive one (1) or more of the required measures at each episode stage if, on the basis of information available to him, he judges that a measure is an inappropriate response to the specific episode conditions which then exist. (5-1-94)

01. Stage 1 - Air Pollution Forecast. There shall be no open burning of any kind. (5-1-94)
02. Stage 2 - Alert. (5-1-94)
  - a. There shall be no open burning of any kind. (5-1-94)
  - b. The use of wigwam burners and incinerators for the disposal of any form of solid waste shall be prohibited. (5-1-94)
  - c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m. (5-1-94)
  - d. Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to switch to natural gas or distillate oil if available. (5-1-94)
03. Stage 3 - Warning. (5-1-94)
  - a. There shall be no open burning of any kind. (5-1-94)
  - b. The use of wigwam burners and incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited. (5-1-94)
  - c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m. (5-1-94)
  - d. Commercial, industrial and institutional facilities utilizing coal or residual fuel are required to either: (5-1-94)
    - i. Switch completely to natural gas or distillate oil; or (5-1-94)
    - ii. If these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment. (5-1-94)
04. Stage 4 - Emergency. This will be called only with specific concurrence of Governor. (5-1-94)
  - a. There shall be no open burning of any kind. (5-1-94)
  - b. The use of wigwam burners and incinerators for the disposal of any form of solid or liquid waste

- shall be prohibited. (5-1-94)
- c. All places of employment described below shall immediately cease operations: (5-1-94)
    - i. All mining and quarrying operations; (5-1-94)
    - ii. All construction work except that which must proceed to avoid injury to persons; (5-1-94)
    - iii. All manufacturing establishments except those required to have in force an air pollution emergency plan; (5-1-94)
    - iv. All wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food; (5-1-94)
    - v. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order; (5-1-94)
    - vi. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food; (5-1-94)
    - vii. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices; (5-1-94)
    - viii. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops; (5-1-94)
    - ix. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories; (5-1-94)
    - x. Automobile repair, automobile services, garages except those located adjacent to state or interstate highways; (5-1-94)
    - xi. Establishments rendering amusement and recreational services including motion picture theaters; (5-1-94)
    - xii. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries. (5-1-94)
  - d. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment. These actions include limiting boiler lancing or soot blowing operations for fuel burning equipment to between the hours of 12 noon and 4 p.m. (5-1-94)
  - e. When the emergency episode is declared for carbon monoxide, the use of motor vehicles is prohibited except in emergencies or with the approval of local or state police or the Department. (5-1-94)

**562. SPECIFIC EMERGENCY EPISODE ABATEMENT PLANS FOR POINT SOURCES.**

In addition to the general rules presented in Section 561, the Department shall require that specific point sources adopt and implement their own Emergency Episode Abatement Plans in accordance with the criteria set forth in Sections 551 through 556. An individual plan can be revised periodically by the Department after consultation between the Department and the owners and/or operators of the source. (5-1-94)

**563. -- 574. (RESERVED).**

**575. AIR QUALITY STANDARDS AND AREA CLASSIFICATION.**

Ambient Air Quality Standards. The purpose of Sections 575 through 587 is to establish air quality standards for the state of Idaho which define acceptable ambient concentrations of air pollutants consistent with established air quality criteria. (5-1-94)

**576. GENERAL PROVISIONS FOR AMBIENT AIR QUALITY STANDARDS.**

01. Applicability. The ambient air quality standards established herein shall apply to all of the state. (5-1-94)
02. Standard Conditions. Where applicable, air quality measurements shall be corrected to a reference temperature of twenty-five degrees Celsius (25C) and to a reference pressure of seven hundred and sixty (760) millimeters of mercury absolute. (5-1-94)
03. Revisions. As pertinent air quality criteria information becomes available, such information shall be considered and new or revised air quality standards promulgated as appropriate. (5-1-94)
04. Control of Unregulated Contaminants. The absence of an air quality standard for a specific contaminant shall not preclude action by the Department to control such contaminants to assure the health, welfare and comfort of the people of the State. (5-1-94)
05. Methods. All measurement techniques for determining compliance with 40 CFR Part 50 shall be consistent with those specified in 40 CFR Parts 50 and 53. (5-1-94)

**577. AMBIENT AIR QUALITY STANDARDS FOR SPECIFIC AIR POLLUTANTS.**

01. Particulate Matter. PM-10 - particles with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers. (5-1-94)
  - a. Primary and Secondary Standards. Primary and secondary PM-10 standards are: (5-1-94)
    - i. Annual Standard. Fifty (50) micrograms per cubic meter, as an annual arithmetic mean -- never expected to be exceeded in any calendar year. (5-1-94)
    - ii. Twenty-four (24) Hour Standard. One hundred fifty (150) micrograms per cubic meter as a maximum twenty-four (24) hour concentration -- never expected to be exceeded more than once in any calendar year. (5-1-94)
  - b. Attainment and Expected Exceedance Determination. For the purpose of determining attainment of the primary and secondary PM-10 standards, expected exceedances shall be determined in accordance with Appendix K of 40 CFR Part 50. (5-1-94)
02. Total Suspended Particulates (TSP). (5-1-94)
  - a. Primary Standards. Primary TSP air quality standards are: (5-1-94)
    - i. Annual Standard. Seventy-five (75) micrograms per cubic meter, as an annual geometric mean -- not to be exceeded in any calendar year. (5-1-94)
    - ii. Twenty-four (24) Hour Standard. One hundred fifty (150) micrograms per cubic meter as a maximum twenty-four (24) hour concentration -- not to be exceeded more than once in any calendar year. (5-1-94)
03. Sulfur Oxides (Sulfur Dioxide). (5-1-94)

- a. Primary Standards. Primary sulfur dioxide air quality standards are: (5-1-94)
  - i. Annual Standard. Eighty (80) micrograms per cubic meter (0.03 ppm), as an annual arithmetic mean -- not to be exceeded in any calendar year. (5-1-94)
  - ii. Twenty-four Hour Standard. Three hundred sixty-five (365) micrograms per cubic meter (0.14 ppm), as an maximum twenty-four (24) hour concentration -- not to be exceeded more than once in any calendar year. (5-1-94)
- b. Secondary Standards. Secondary air quality standards are one thousand three hundred (1,300) micrograms per cubic meter (0.50 ppm), as a maximum three (3) hour concentration -- not to be exceeded more than once in any calendar year. (5-1-94)
- c. Conflicting Standards. When more than one (1) standard is applicable, the interpretation that results in the most stringent standard shall apply. (5-1-94)
- 04. Ozone. Primary and secondary air quality standards are 0.12 ppm (two hundred thirty-five (235) micrograms per cubic meter) -- maximum one (1) hour concentration not expected to be exceeded more than once per year. (5-1-94)
- 05. Nitrogen Dioxide. Primary and secondary air quality standards are one hundred (100) micrograms per cubic meter (0.05 ppm) -- annual arithmetic mean. (5-1-94)
- 06. Carbon Monoxide. Primary and secondary air quality standards are: (5-1-94)
  - a. Eight (8) Hour Standard. Ten (10) milligrams per cubic meter (9 ppm) -- maximum eight (8) hour concentration not to be exceeded more than once per year. (5-1-94)
  - b. One (1) Hour Standard. Forty (40) milligrams per cubic meter (35 ppm) -- maximum one (1) hour concentration not to be exceeded more than once per year. (5-1-94)
- 07. Fluorides. Primary and secondary air quality standards are those concentrations in the ambient air which result in a total fluoride content in vegetation used for feed and forage of no more than: (5-1-94)
  - a. Annual Standard. Forty (40) ppm, dry basis -- annual arithmetic mean. (5-1-94)
  - b. Bimonthly Standard. Sixty (60) ppm, dry basis -- monthly concentration for two (2) consecutive months. (5-1-94)
  - c. Monthly Standard. Eighty (80) ppm, dry basis -- monthly concentration never to be exceeded. (5-1-94)
- 08. Lead. Primary and secondary standards for lead and its compounds, measured as elemental lead, are one and one-half (1.5) micrograms per cubic meter (1.5 ug/m<sup>3</sup>), as a quarterly arithmetic mean -- not to be exceeded in any quarter of any calendar year. (5-1-94)

**578. DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS.**

- 01. Annual Review. The Department shall annually review the available ambient air quality data and when appropriate, redesignate areas as attainment, unclassifiable or nonattainment with the standards in 40 CFR Part 50. (5-1-94)
- 02. Boundaries. Boundaries for such areas will be based, as much as possible, on actual ambient concentrations and shall take into account such things as the location of air pollutant sources, modeled air quality concentrations, terrain, geographical boundaries and political jurisdictions. (5-1-94)
- 03. Area Designation. Designation of attainment and unclassifiable areas shall generally be made on a



county basis. Redesignation of attainment or unclassifiable areas cannot intersect or be smaller than the area of impact of any major facility or major modification which establishes the baseline date or is subject to a PSD permit. (5-1-94)

04. Redesignations. Redesignations shall be adopted by the Department after public notice and opportunity for a public hearing and will be submitted by the Governor (or if delegated, the Director) to the U.S. Environmental Protection Agency. (5-1-94)

**579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION.**

01. Baseline Date(s). (5-1-94)

a. Major Source Baseline Date. January 6, 1975 in the case of particulate matter and sulfur dioxide; February 8, 1988 in the case of nitrogen dioxide. (5-1-94)

b. Minor Source Baseline Date. The earliest date after August 7, 1977 in the case of particulate matter and sulfur dioxide, and after February 8, 1988 in the case of nitrogen dioxide, that a major facility or major modification subject to PSD submits a complete application. A minor source baseline date is established for total suspended particulates, sulfur dioxide, or nitrogen dioxide if the area in which the new major facility or major modification would construct is designated attainment or unclassifiable under 42 U.S.C. Section 7407(d), and there would be a significant increase of the particular air pollutant. (5-1-94)

02. Baseline Area. Any intrastate area designated as attainment or unclassifiable under 42 U.S.C. Section 7407(d), in which the major facility or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than a one (1) microgram per cubic meter (annual average) of the air pollutant for which the minor source baseline date is established. (5-1-94)

03. Baseline Concentration. The ambient concentration for a particular air pollutant which exists in the applicable baseline area on the applicable minor source baseline date. (5-1-94)

a. The baseline concentration shall represent: (5-1-94)

i. The actual emissions from sources in existence on the applicable minor source baseline date; and (5-1-94)

ii. The allowable emissions of major facilities and major modifications which commenced construction before the applicable major source baseline date, but were not in operation by the applicable minor source baseline date. (5-1-94)

b. The baseline concentration shall not include the actual emissions of new major facilities and major modifications which commenced construction on or after the applicable major source baseline date. (5-1-94)

**580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS.**

01. Restrictions on Area Classification. (5-1-94)

a. All of the following areas which were in existence on August 7, 1977, are Class I and may not be redesignated: (5-1-94)

i. International parks; (5-1-94)

ii. National wilderness areas which exceed five thousand (5,000) acres; (5-1-94)

iii. National memorial parks which exceed five thousand (5,000) acres; (5-1-94)

iv. National parks which exceed six thousand (6,000) acres. (5-1-94)

- b. The following areas are Class II and may be redesignated only as Class I or II: (5-1-94)
- i. National monuments, national primitive areas, national preserves, national recreational areas, national wild and scenic rivers, national wildlife refuges, and national lakeshores or seashores which exceed ten thousand (10,000) acres; or (5-1-94)
  - ii. National parks or national wilderness areas established after August 7, 1977, which exceed ten thousand (10,000) acres. (5-1-94)
- c. All other areas in the State are Class II and may be redesignated Class I, II or III. (5-1-94)
02. Procedures for Redesignation of PSD Areas. (5-1-94)
- a. The Governor may submit to the U.S. Environmental Protection Agency a proposal to redesignate areas as a revision to the SIP. In preparing any such proposal the Department shall: (5-1-94)
    - i. Consult with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation; (5-1-94)
    - ii. Prepare a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposal. This document will be made available for public inspection at least thirty (30) days prior to the public hearing on the proposed redesignation and the notice announcing the hearing will include notification of the availability of the document; (5-1-94)
    - iii. Provide written notice to the appropriate Federal Land Manager of any federal lands proposed for redesignation and provide at least thirty (30) days for the Federal Land Manager to confer with the Department and to submit written comments and recommendations. If written comments and recommendations are submitted, the Department shall publish a list of any inconsistency between the proposed redesignation and the comments and recommendations, including the reasons for making a redesignation against the recommendation of the Federal Land Manager; (5-1-94)
    - iv. Notify other states, Indian governing bodies, and federal land managers whose land may be affected by the proposed redesignation at least thirty (30) days prior to the public hearing; (5-1-94)
    - v. For a redesignation to Class III: After consulting with the appropriate committees of the legislature, if it is in session, or the leadership of the legislature, if it is not in session, obtain specific approval by the Governor and by all general purpose units of local government representing a majority of the residents of the area to be redesignated; demonstrate that the redesignation would not cause, or contribute to, violations of any ambient air quality standard, or violations of PSD increments in any other area; and make available, for public inspection prior to the public hearing, any permit application and accompanying material for any major facility or major modification which could only be permitted if the area were designated as Class III; and (5-1-94)
    - vi. Hold at least one (1) public hearing on the proposed redesignation. (5-1-94)
  - b. An Indian governing body may submit to the U.S. Environmental Protection Agency a proposal to redesignate the lands within the exterior boundaries of an Indian reservation as a revision to the SIP. In preparing any such proposal the Indian governing body shall: (5-1-94)
    - i. Follow procedures equivalent to those in Subsection 580.02.a. except Subsection 580.02.a.v.; and (5-1-94)
    - ii. Consult with the Governor and the governor(s) of any state(s) which the Indian reservation borders, prior to proposing the redesignation. (5-1-94)

**581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS.**

The purpose of Section 581 is to establish the allowable degree of deterioration for the areas within the State which

have air quality better than the ambient standards.

(5-1-94)

01. Class I, II and III Areas. In any area designated as Class I, II, or III, increases in any ambient concentration over the baseline concentration shall be limited to the following:

<b>CLASS AREAS</b>	<b>Maximum Allowable Increase (Micrograms per cubic meter)</b>
<b>CLASS I AREAS</b>	
Total Suspended Particulates:	
Annual geometric mean	5
Maximum twenty-four (24) hour average	10
Sulfur dioxide:	
Annual arithmetic mean	2
Maximum twenty-four (24) hour average	5
Maximum three (3) hour average	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
<b>CLASS II AREAS</b>	
Total Suspended Particulates:	
Annual geometric mean	19
Maximum twenty-four (24) hour average	37
Sulfur dioxide:	
Annual arithmetic mean	20
Maximum twenty-four (24) hour average	91
Maximum three (3) hour average	512
Nitrogen dioxide:	
Annual arithmetic mean	25
<b>CLASS III AREAS</b>	
Total Suspended Particulates:	
Annual geometric mean	37
Maximum twenty-four (24) hour average	75
Sulfur dioxide:	
Annual arithmetic mean	40
Maximum twenty-four (24) hour average	182
Maximum three (3) hour average	700
Nitrogen dioxide:	
Annual arithmetic mean	50

(5-1-94)

02. Exceedances. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location.

(5-1-94)

03. Exclusions. The following concentrations shall be excluded in determining compliance with the maximum allowable increases:

(5-1-94)

a. Concentrations attributable to the increase in emissions from facilities which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, over the emissions from such facilities before the effective date of such order or plan; this shall not apply more than five (5) years after the effective date of such order or plan; (5-1-94)

b. Concentrations of total suspended particulates attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified facilities; (5-1-94)

c. The increase in concentrations attributable to new facilities outside the United States over the concentrations attributable to existing facilities which are included in the baseline concentration; and (5-1-94)

d. Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen dioxide, or particulate matter from facilities which are affected by a revision to the SIP approved by the U.S. Environmental Protection Agency; this exclusion shall not exceed two (2) years unless a longer time is approved by the U.S. Environmental Protection Agency, is not renewable, and applies only to revisions which: (5-1-94)

i. Would not affect air pollutant concentrations in a Class I area or an area where an applicable increment is known to be violated and would not cause or contribute to a violation of an ambient air quality standard; and (5-1-94)

ii. Require limitations to be in effect at the end of the approved time period which would ensure that the emissions from facilities affected by the revision would not exceed those concentrations occurring before the revision was approved. (5-1-94)

**582. -- 584. (RESERVED).**

**585. TOXIC AIR POLLUTANTS NON-CARCINOGENIC INCREMENTS.**

The screening emissions levels (EL) and acceptable ambient concentrations (AAC) for non-carcinogens are as provided in the following table. The AAC in this section are twenty-four (24) hour averages. (6-30-95)

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
60-35-5	Acetamide (NY)	--	0.002	0.0003
64-19-7	Acetic acid	25	1.67	1.25
108-24-7	Acetic anhydride	20	1.33	1
67-64-1	Acetone	1780	119	89
75-05-8	Acetonitrile	67	4.47	3.35
540-59-0	Acetylene dichloride, See 1,2-Dichloroethylene			
79-27-6	Acetylene tetrabromide	15	1	.75
107-02-8	Acrolein	0.25	0.017	0.0125
79-10-7	Acrylic acid	30	2	1.5
107-18-6	Allyl alcohol	5	0.333	.25
106-92-3	Allyl glycidyl ether	22	1.47	1.1
2179-59-1	Allyl propyl disulfide	12	0.8	0.6

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
7429-90-5	Aluminum Including:			
NA	Metal & Oxide	10	0.667	0.5
NA	Pyro powders	5	0.333	0.25
NA	Soluble salts	2	0.133	0.10
NA	Alkyls not otherwise classified	2	0.133	0.10
141-43-5	2-Aminoethanol, See Ethanolamine			
504-29-0	2-Aminopyridine	2	0.133	0.10
7664-41-7	Ammonia	18	1.2	0.9
12125-02-9	Ammonium chloride fume	10	0.667	0.5
3825-26-1	Ammonium perfluoro-octanoate	0.1	0.007	0.05
7773-06-0	Ammonium sulfamate	10	0.667	0.5
628-63-7	n-Amyl acetate	530	35.3	26.5
626-38-0	Sec-Amyl acetate	665	44.3	33.25
7440-36-0	Antimony & compounds, as Sb (handling & use)	0.5	0.033	0.025
86-88-4	ANTU	0.3	0.02	0.015
7784-42-1	Arsine	0.2	0.013	0.01
86-50-0	Azinphos-methyl	0.2	0.013	0.01
7440-39-3	Barium, soluble compounds, as Ba	0.5	0.033	0.025
17804-35-2	Benomyl	10	0.67	0.5
7106-51-4	p-Benzoquinone, See Quinone			
94-36-0	Benzoyl peroxide	5	0.333	0.25
92-52-4	Biphenyl	1.5	0.1	0.075
1304-82-1	Bismuth telluride undoped	10	0.667	0.05
NA	Bismuth telluride if selenium doped	5	0.333	0.25
1303-96-4	Borates, tetra odium salts - Including:			
NA	Anhydrous	1	0.067	0.05
NA	Decahydrate	5	0.333	0.25
NA	Pentahydrate	1	0.067	0.05
1303-86-2	Boron oxide	10	0.667	0.5
10294-33-4	Boron tribromide	10	0.667	0.5
7637-07-2	Boron trifluoride	3	0.2	0.25
314-40-9	Bromacil	10	0.667	0.5
7726-95-6	Bromine	0.7	0.047	0.035
7789-30-2	Bromine penta-fluoride	0.7	0.047	0.035

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
75-25-2	Bromoform	5	0.333	0.25
109-79-5	Butanethiol, see Butyl mercaptan			
78-93-3	2-Butanone, see Methyl ethyl ketone			
112-87-2	2-butoxyethyl acetate	---	8.33	1.25
111-76-2	2-Butoxyethanol (EGBG)	120	8	6
123-86-4	n-Butyl acetate	710	47.3	35.5
105-46-4	sec-Butyl acetate	950	63.3	47.5
540-88-5	tert-Butyl acetate	950	63.3	47.5
141-32-2	Butyl acrylate	55	3.67	2.75
71-36-3	n-Butyl alcohol	150	10	7.5
78-92-2	Sec-Butyl alcohol	305	20.3	15.25
75-65-0	tert-Butyl alcohol	300	20	15
109-73-9	Butylamine	15	1	.75
124-17-4	Butyl carbitol acetate (ID)	---	0.846	.625
1189-85-1	tert-Butyl chromate, as CrO3	0.1	0.007	.005
2426-08-6	n-Butyl glycidyl ether	135	9	6.75
138-22-7	n-Butyl lactate	25	1.67	1.25
109-79-5	Butyl mercaptan	1.8	0.12	0.09
89-72-5	o-sec-Butylphenol	30	2	1.5
98-51-1	p-tert-Butyltoluene	60	4	3
13765-19-0	Calcium carbonate	10	0.667	0.5
156-62-7	Calcium cyanamide	0.5	0.033	0.025
1305-62-0	Calcium hydroxide	5	0.333	0.25
1305-78-8	Calcium oxide	2	0.133	0.1
1344-95-2	Calcium silicate (synthetic)	10	0.667	0.5
13397-24-5	Calcium sulfate	10	0.667	0.5
76-22-2	Camphor, synthetic	12	0.8	0.6
105-60-2	Caprolactam - Including:			
	Dust	1	0.067	0.05
	Vapor	20	1.33	1.0
1333-86-4	Carbon black	3.5	0.23	0.175
2425-06-1	Captafol	0.1	0.007	0.005
133-06-2	Captan	5	0.333	0.25
463-58-1	Carbonyl sulfide	0.4	0.027	0.02

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
63-25-2	Carbaryl	5	0.333	0.25
1563-66-2	Carbofuran	0.1	0.007	0.005
75-15-0	Carbon disulfide	30	2	1.5
558-13-4	Carbon tetrabromide	1.4	0.093	0.07
75-44-5	Carbonyl chloride, See Phosgene			
353-50-4	Carbonyl fluoride	5	0.333	0.25
120-80-9	Catechol	20	1.33	1.0
21351-79-1	Cesium hydroxide	2	0.133	0.10
133-90-4	Chloramben (PL)	---	887	133
8001-35-2	Chlorinated camphene	0.5	0.0333	0.025
31242-93-0	Chlorinated diphenyl oxide	0.5	0.033	0.025
7782-50-5	Chlorine	3	0.2	0.15
10049-04-4	Chlorine dioxide	0.3	0.02	0.015
7790-91-2	Chlorine trifluoride (CL)	0.38	0.025	0.002
107-20-0	Chloroacetaldehyde	0.32	0.021	0.015
78-95-5	Chloroacetone	0.38	0.0253	0.019
532-27-4	a-Chloroacetophenone	0.32	0.021	0.016
79-04-9	Chloroacetyl chloride	0.2	0.013	0.01
108-90-7	Chlorobenzene	350	23.3	17.5
510-15-6	Chlorobenzilate (PL1)	---	0.047	0.035
2698-41-1	O-Chlorobenzylidene malononitrile (CL)	0.4	0.0027	0.03
126-99-8	2-Chloro-1,3-butadiene, see B-Chloroprene			
107-07-3	2-Chloroethanol, see Ethylene chlorohydrin			
600-25-9	1-Chloro-1-nitro propane	10	0.667	0.5
95-57-8	2-Chlorophenol (and all isomers) (ID)	---	0.033	0.025
76-06-2	Chloropicrin	0.7	0.047	0.037
126-99-8	B-chloroprene	36	2.4	1.8
2039-87-4	o-Chlorostyrene	285	19	14.25
95-49-8	o-Chlorotoluene	250	16.7	12.5
1929-82-4	2-Chloro-6-(tri-chloromethyl) pyridine, see Nitrapyrin			
2921-88-2	Chlorpyrifos	0.2	0.013	0.01
7440-47-3	Chromium metal - Including:	0.5	0.033	0.025
7440-47-3	Chromium (II) compounds, as Cr	0.5	0.033	0.025
7440-47-3	Chromium (III) compounds, as Cr	0.5	0.033	0.025

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
2971-90-6	Clopidol	10	0.667	0.5
NA	Coal dust (<5% silica)	2	0.133	0.1
10210-68-1	Cobalt carbonyl as Co	0.1	0.007	0.005
16842-03-8	Cobalt hydrocarbonyl as Co	0.1	0.007	0.005
7440-48-4	Cobalt metal, dust, and fume	0.05	0.0033	0.0025
7440-50-8	Copper			
7440-50-8	Fume	0.2	0.013	0.01
7440-50-8	Dusts & mists, as Cu	1	0.067	0.05
95-48-7	o-Cresol	22	1.47	1.1
108-39-4	m-Cresol	22	1.47	1.1
106-44-5	p-Cresol	22	1.47	1.1
1319-77-3	Cresols/Cresylic Acid (isomers and mixtures)	22	1.47	1.1
123-73-9	Crotonaldehyde	5.7	0.38	0.285
299-86-5	Cruformate	5	0.333	0.25
98-82-8	Cumene	245	16.3	12.25
420-04-2	Cyanamide	2	0.133	0.1
592-01-8	Cyanide and compounds as CN	5	0.333	0.25
110-82-7	Cyclohexane	1050	70	52.5
108-93-0	Cyclohexanol	200	13.3	10
108-94-1	Cyclohexanone	100	6.67	5
110-83-8	Cyclohexene	1015	67.7	50.75
108-91-8	Cyclohexylamine	41	2.73	2.05
121-82-4	Cyclonite	1.5	0.1	0.075
542-92-7	Cyclopentadiene	200	13.3	10
287-92-3	Cyclopentane	1720	114.667	86
94-75-7	2,4-D	10	0.667	0.5
17702-41-9	Decaborane	0.3	0.02	0.015
8065-48-3	Demeton	0.1	0.007	0.005
123-42-2	Diacetone alcohol	240	16	12
39393-37-8	Dialkyl phthalate (ID)	---	16.4	2.46
107-15-3	1,2-Diaminoethane, See Ethylenediamine			
333-41-5	Diazinon	0.1	0.007	0.005
334-88-3	Diazomethane	0.34	0.023	0.017
19287-45-7	Diborane	0.1	0.007	0.005



CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
102-81-8	2-N-Dibutylamino ethanol	14	0.933	0.7
2528-36-1	Dibutyl phenyl phosphate	3.5	0.233	0.175
107-66-4	Dibutyl phosphate	8.6	0.573	0.43
84-74-2	Dibutyl phthalate	5	0.333	0.25
7572-29-4	Dichloroacetylene	0.39	0.0026	0.0195
95-50-1	o-Dichlorobenzene	300	20	15
106-46-7	1,4-Dichlorobenzene	450	30	22.5
118-52-5	1,3-Dichloro-5, 5-dimethyl hydantoin	0.2	0.013	0.025
75-34-3	Dichloroethane	405	27	20.25
540-59-0	1,2-Dichloroethylene	790	52.7	39.5
111-44-4	Dichloroethyl ether	30	2	1.5
75-43-4	Dichlorofluoromethane	40	2.67	2
594-72-9	1, 1-Dichloro-1-nitroethane	10	0.667	0.5
78-87-5	1,2-Dichloropropane, see Propylene dichloride			
75-99-0	2,2-Dichloropropionic acid	6	0.4	0.3
62-73-7	Dichlorvos	1	0.067	0.05
141-66-2	Dicrotophos	0.25	0.017	0.125
77-73-6	Dicyclopentadiene	30	2	1.5
102-54-5	Dicyclopentadienyl iron	10	0.667	0.5
111-42-2	Diethanolamine	15	1	0.75
109-89-7	Diethylamine	30	2	1.5
100-37-8	2-Diethylamino-ethanol	50	3.33	2.5
111-40-0	Diethylene triamine	4	0.267	0.2
60-29-7	Diethyl ether, see Ethyl ether			
96-22-0	Diethyl Ketone	705	47	35.25
84-66-2	Diethyl phthalate	5	0.333	0.25
2238-07-5	Diglycidyl ether (DGE)	0.53	0.035	0.0265
123-31-9	Dihydroxybenzene, see Hydroquinone			
108-83-8	Diisobutyl ketone	145	9.67	7.25
108-18-9	Diisopropylamine	20	1.33	1
127-19-5	Dimethyl acetamide	35	2.33	1.75
124-40-3	Dimethylamine	9.2	0.613	0.46
60-11-7	Dimethyl aminoazo-benzene (NY)	---	0.002	0.0003
1300-73-8	Dimethylamino-benzene, see Xylidine			

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
121-69-7	Dimethylaniline (N,N-Dimethylaniline)	25	1.67	1.25
1330-20-7	Dimethylbenzene, see Xylene			
300-76-5	Dimethyl-1,2-dibromo-2-dichloroethyl phosphate, see Naled			
68-12-2	Dimethylformamide	30	2	1.5
108-83-8	2,6-Dimethyl-4-heptanone, see Diisobutyl ketone			
131-11-3	Dimethylphthalate	5	0.333	0.25
148-01-6	Dinitolmide	5	0.333	0.25
528-29-0	Dinitrobenzene	1	0.067	0.05
99-65-0	m (or) 1,3-Dinitrobenzene	1	0.067	0.05
100-25-4	p (or) 1,4-Dinitrobenzene	1	0.067	0.05
534-52-1	Dinitro-o-cresol	0.2	0.013	0.01
148-01-6	3,5-Dinitro-o-toluamide, see Dinitolmide			
117-84-0	N-Dioctyl Phthalate	5	0.333	0.25
78-34-2	Dioxathion	0.2	0.013	0.01
92-52-4	Diphenyl, see Biphenyl			
122-39-4	Diphenylamine	10	0.667	0.5
	Diphenyl methane diisocyanate, see Methylenediphenyl diisocyanate			
34590-94-8	Dipropylene glycol methyl ether	600	40	30
123-19-3	Dipropyl ketone	235	15.7	11.75
85-00-7	Diquat	0.5	0.033	0.01
97-77-8	Disulfiram	2	0.133	0.1
298-04-4	Disulfoton	0.1	0.007	0.005
128-37-0	2,6-Ditert. butyl-p-cresol	10	0.667	0.5
330-54-1	Diuron	10	0.667	0.5
108-57-6	Divinyl benzene	50	3.33	2.5
1302-74-5	Emery (corundum) total dust (> 1% silica)	10	0.667	0.5
115-29-7	Endosulfan	0.1	0.007	0.005
72-20-8	Endrin	0.1	0.007	0.005
13838-16-9	Enflurane	566	37.7	28.3
1395-21-7	Enzymes, see Subtilisins			
2104-64-5	EPN (Ethoxy-4-Nitro-phenoxy phenylphosphine)	0.5	0.033	0.025
106-88-7	1,2-Epoxybutane (MI)	---	0.8	0.6

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
75-56-9	1,2-Epoxypropane, see Propylene oxide			
556-52-5	2,3-Epoxy-1-propanol, see Glycidol			
75-08-1	Ethanethiol, see Ethyl mercaptan			
141-43-5	Ethanolamine	8	0.533	0.4
563-12-2	Ethion	0.4	0.027	0.02
110-80-5	2-Ethoxyethanol	19	1.27	0.95
111-15-9	2-Ethoxyethyl acetate (EGEEA)	27	1.8	1.35
141-78-6	Ethyl acetate	1400	93.3	70
64-17-5	Ethyl alcohol	1880	125	94
75-04-7	Ethylamine	18	1.2	0.9
541-85-5	Ethyl amyl ketone	130	8.67	6.5
100-41-4	Ethyl benzene	435	29	21.75
74-96-4	Ethyl bromide	22	1.47	1.1
106-35-4	Ethyl butyl ketone	230	15.3	11.5
51-79-6	Ethyl carbamate (Urethane) (WA)	---	0.002	0.0015
75-00-3	Ethyl chloride	2640	176	132
107-07-3	Ethylene chlorohydrin	3	0.2	0.15
107-15-3	Ethylenediamine	25	1.67	1.25
107-06-2	Ethylene dichloride	40	2.667	2
107-21-1	Ethylene glycol vapor (CL)	127	0.846	6.35
628-96-6	Ethylene glycol denigrate	0.31	0.021	0.016
110-49-6	Ethylene glycol methyl ether acetate, see 2-Methoxyethyl acetate			
96-45-7	Ethylene thiourea (PL2)	---	0.047	0.035
109-94-4	Ethyl formate	300	20	15
16219-75-3	Ethylidene norbornene (CL)	25	0.167	1.25
75-08-1	Ethyl mercaptan	1	0.067	0.05
100-74-3	N-Ethylmorpholine	23	1.53	1.15
78-10-4	Ethyl silicate	85	5.67	4.25
22224-92-6	Fenamiphos	0.1	0.007	0.005
115-90-2	Fensulfothion	0.1	0.007	0.005
55-38-9	Fenthion	0.2	0.013	0.01
14484-64-1	Ferbam	10	0.667	0.5
12604-58-9	Ferrovandium dust	1	0.067	0.05

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
NA	Fibrous glass dust	10	0.667	0.5
NA	Fine Mineral Fibers - Including: mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less. (ID)	--	0.661	0.5
NA	Fluorides, as F	2.5	0.167	0.125
7782-41-4	Fluorine	2	0.133	0.1
944-22-9	Fonofos	0.1	0.007	0.005
75-12-7	Formamide	30	2	1.5
64-18-6	Formic acid	9.4	0.627	0.47
98-01-1	Furfural	8	0.533	0.4
98-00-0	Furfuryl alcohol	40	2.67	2
7782-65-2	Germanium tetrahydride	0.6	0.04	0.03
NA	Glass, Fibrous or dust, see Fibrous glass dust			
111-30-8	Glutaraldehyde (CL)	0.82	0.0047	0.041
556-52-5	Glycidol	75	5	3.75
110-80-5	Glycol monoethyl ether, see 2-Ethoxyethanol			
7440-58-6	Hafnium	0.5	0.033	0.025
110-43-0	2-Heptanone, see Methyl n-amyl ketone			
106-35-4	3-Heptanone, see Ethyl butyl ketone			
151-67-7	Halothane	404	26.9	20.2
142-82-5	Heptane (n-Heptane)	1640	109	82
77-47-4	Hexachlorocyclopentadiene	0.1	0.007	0.005
1335-87-1	Hexachloronaphthalene	0.2	0.013	0.010
684-16-2	Hexafluoroacetone	0.7	0.047	0.035
822-06-0	Hexamethylene diisocyanate	0.03	0.002	0.0015
680-31-9	Hexamethylphosphoramide (WA)	---	0.002	0.0015
110-54-3	Hexane (n-Hexane)	180	12	9
591-78-6	2-Hexanone, see Methyl n-butyl ketone			
108-10-1	Hexone, see Methyl isobutyl ketone			
108-84-9	sec-Hexyl acetate	300	20	15
107-41-5	Hexylene glycol (CL)	121	0.806	6.05
37275-59-5	Hydrogenated terphenyls	5	0.333	0.25
10035-10-6	Hydrogen bromide (CL)	10	0.0667	0.5
7647-01-0	Hydrogen chloride (CL)	7.5	0.05	0.375

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
7722-84-1	Hydrogen peroxide	1.5	0.1	0.075
7783-06-4	Hydrogen sulfide	14	0.933	0.7
123-31-9	Hydroquinone	2	0.133	0.1
123-42-2	4-Hydroxy-4-Methyl-2-pentanone, see Diacetone alcohol			
996-61-1	2 -Hydroxypropyl acrylate	3	0.2	0.15
95-13-6	Indene	45	3	2.25
7440-74-6	Indium & compounds as In	0.1	0.007	0.005
7553-56-2	Iodine (CL)	0.1	0.0067	0.005
75-47-8	Iodoform	10	0.667	0.5
1309-37-1	Iron oxide fume (Fe2O3) as Fe	5	0.333	0.25
13463-40-6	Iron pentacarbonyl as Fe	0.8	0.053	0.04
7439-89-6	Iron salts, soluble, as Fe	1	0.067	0.05
123-92-2	Isoamyl acetate	525	35	26.25
123-51-3	Isoamyl alcohol	360	24	18
110-19-0	Isobutyl acetate	700	46.7	35
78-83-1	Isobutyl alcohol	150	10	6
26952-21-6	Isooctyl alcohol	270	18	13.5
78-59-1	Isophorone	28	1.867	1.4
4098-71-9	Isophorone diisocyanate	0.09	0.006	0.0045
109-59-1	Isopropoxyethanol	105	7	5.25
108-21-4	Isopropyl Acetate	1040	69.3	52
67-63-0	Isopropyl alcohol	980	65.3	49
75-31-0	Isopropylamine	12	0.8	0.6
643-28-7	N-Isopropylaniline	10	0.667	0.5
108-20-3	Isopropyl ether	1040	69.3	52
4016-14-2	Isopropyl glycidyl ether (IGE)	240	16	12
1332-58-7	Kaolin (respirable dust)	2	0.133	0.1
463-51-4	Ketene	0.9	0.06	0.045
7580-67-8	Lithium hydride	0.025	0.002	0.00125
546-93-0	Magnesite	10	0.667	0.5
1309-48-4	Magnesium oxide fume	10	0.667	0.5
121-75-5	Malathion	10	0.667	0.5
108-31-6	Maleic anhydride	1	0.067	0.05
7439-96-5	Manganese as Mn Including:			

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
7439-96-5	Dust & compounds	5	0.333	0.25
7439-96-5	Fume	1	0.067	0.05
101-68-8	MDI, see Methylene diphenyl isocyanate			
NA	Mercaptans not otherwise listed (ID)	---	0.033	0.025
7439-97-6	Mercury - Including:			
NA	Mercury (Aryl & inorganic compounds as Hg)	0.1	0.007	0.005
NA	Mercury (Alkyl compounds as Hg)	0.01	0.001	0.0005
NA	Mercury (vapors except Alkyl as Hg)	0.05	0.003	0.0025
141-79-7	Mesityl oxide	60	4	3
79-41-4	Methacrylic acid	70	4.67	3.5
74-93-1	Methanethiol, see Methyl mercaptan			
67-56-1	Methanol	260	17.3	13
16752-77-5	Methomyl	2.5	0.17	0.125
72-43-5	Methoxychlor	10	0.667	0.5
109-86-4	2-Methoxyethanol	16	1.07	0.8
110-49-6	2-Methoxyethyl acetate	24	1.6	1.2
150-76-5	4-Methoxyphenol	5	0.333	0.25
108-65-6	1-methoxy-2-propanol acetate (ID)	n/a	24	3.6
79-20-9	Methyl acetate	610	40.7	30.5
74-99-7	Methyl acetylene	1640	109	82
NA	Methyl acetylene-propadiene mix (MAPP)	1640	109	82
96-33-3	Methyl acrylate	35	2.33	1.75
126-98-7	Methylacrylonitrile	3	0.2	0.15
74-89-5	Methylamine	12	0.8	0.6
108-11-2	Methyl amyl alcohol, see Methyl isobutyl carbinol			
110-43-0	Methyl n-amyl ketone	235	15.7	11.75
100-61-8	N-Methyl aniline	2	0.133	0.1
74-83-9	Methyl bromide	19	1.27	0.95
591-78-6	Methyl n-butyl ketone	20	1.33	1
109-86-4	Methyl cellosolve (2-Methoxyethanol)	15.6	1.04	0.78
74-87-3	Methyl chloride	103	6.867	5.15
71-55-6	Methyl chloroform	1910	127	95.5
137-05-3	Methyl 2-cyano-acrylate	8	0.533	0.4
25639-42-3	Methylcyclohexanol	235	15.7	11.75

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
583-60-8	o-Methylcyclohexanone	230	15.3	11.5
8022-00-2	Methyl demeton	0.5	0.033	0.01
101-68-8	Methylenediphenyl diisocyanate (MDI)	0.05	0.003	0.0025
5124-30-1	Methylene bis (4-cyclohexyl isocyanate)	0.11	0.007	0.0055
78-93-3	Methyl ethyl ketone (MEK)	590	39.3	29.5
1338-23-4	Methyl ethyl ketone peroxide (CL)	1.5	0.01	0.0075
107-31-3	Methyl formate	246	16.4	12.3
541-85-5	5-Methyl-3-heptanone, see Ethyl amyl ketone			
110-12-3	Methyl isoamyl ketone	240	16	12
108-11-2	Methyl isobutyl carbinol	104	6.93	5.2
108-10-1	Methyl isobutyl ketone	205	13.7	10.25
624-83-9	Methyl isocyanate	0.05	0.003	0.0025
563-80-4	Methyl isopropyl ketone	705	47	35.25
74-93-1	Methyl mercaptan	0.5	0.033	0.025
80-62-6	Methyl methacrylate	410	27.3	20.5
298-00-0	Methyl parathion	0.2	0.013	0.01
107-87-9	Methyl propyl ketone	700	46.7	35
681-84-5	Methyl silicate	6	0.4	0.3
98-83-9	a-Methyl styrene	240	16	10.20
109-87-5	Methylal (dimethoxymethane)	3110	207	155.5
108-87-2	Methylcyclohexane	1610	107	80.5
21087-64-9	Metribuzin	5	0.333	0.25
7786-34-7	Mevinphos	0.1	0.007	0.005
12001-26-2	Mica (Respirable dust)	3	0.2	0.15
NA	Mineral Wool Fiber (no asbestos)	10	0.667	0.5
7439-98-7	Molybdenum as Mo - Including:			
NA	Soluble compounds	5	0.333	0.25
NA	Insoluble compounds	10	0.667	0.5
108-90-7	Monochlorobenzene, see Chlorobenzene			
6923-22-4	Monocrotophos	0.25	0.017	0.0125
110-91-8	Morpholine	70	4.67	0.35
300-76-5	Naled	3	0.2	0.15
91-20-3	Naphthalene	50	3.33	2.5
54-11-5	Nicotine	0.5	0.033	0.025

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
1929-82-4	Nitrapyrin	10	0.667	0.5
7697-37-2	Nitric acid	5	0.333	0.25
100-01-6	p-Nitroaniline	3	0.2	0.15
98-95-3	Nitrobenzene	5	0.333	0.25
100-00-5	p-Nitrochlorobenzene	3	0.2	0.15
79-24-3	Nitroethane	310	20.7	15.5
7783-54-2	Nitrogen trifluoride	29	1.93	1.45
55-63-0	Nitroglycerin	0.46	0.031	0.023
75-52-5	Nitromethane	50	3.333	2.5
108-03-2	1-Nitropropane	90	6	4.5
99-08-1	m (or) 3-Nitrotoluene	11	0.733	0.55
88-72-2	o (or) 2-Nitrotoluene	11	0.733	0.55
99-99-0	p (or) 4-Nitrotoluene	11	0.733	0.55
76-06-2	Nitrotrichloromethane, see Chloropicrin			
10024-97-2	Nitrous oxide	90	6	4.5
111-84-2	Nonane	1050	70	52.5
2234-13-1	Octachloronaphthalene	0.1	0.007	0.005
111-65-9	Octane	1400	93.3	70
NA	Oil mist, mineral	5	0.333	0.25
20816-12-0	Osmium tetroxide as Os	0.002	0.0001	0.0001
144-62-7	Oxalic acid	1	0.067	0.05
7783-41-7	Oxygen difluoride (CL)	0.11	0.0007	0.0005
8002-74-2	Paraffin wax fume	2	0.133	0.1
4685-14-7	Paraquat	0.1	0.007	0.007
NA	Paraquat, all Compounds	0.1	0.007	0.005
56-38-2	Parathion	0.1	0.007	0.005
19624-22-7	Pentaborane	0.01	0.001	0.0005
1321-64-8	Pentachloronaphthalene	0.5	0.033	0.025
82-68-8	Pentachloronitrobenzene	0.5	0.0333	0.025
87-86-5	Pentachlorophenol	0.5	0.033	0.025
109-66-0	Pentane	1770	118	88.5
107-87-9	2-Pentanone, see Methyl propyl ketone			
594-42-3	Perchloromethyl mercaptan	0.8	0.053	0.04
7616-94-6	Perchloryl Fluoride	13	0.867	0.65



CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
93763-70-3	Perlite	10	0.667	0.5
532-27-4	Phenacyl chloride, see a-Chloroacetophenone			
108-95-2	Phenol	19	1.27	0.95
92-84-2	Phenothiazine	5	0.333	0.25
108-45-2	m-Phenylenediamine	0.1	0.0067	0.005
106-50-3	p-Phenylenediamine	0.1	0.007	0.005
101-84-8	Phenyl ether, vapor	7	0.467	0.035
122-60-1	Phenyl glycidyl ether (PGE)	6	0.4	0.3
108-98-5	Phenyl mercaptan	2	0.133	0.1
638-21-1	Phenylphosphine (CL)	0.25	0.0017	0.00125
298-02-2	Phorate	0.05	0.003	0.001
7786-34-7	Phosdrin, see Mevinphos			
75-44-5	Phosgene	0.4	0.027	0.02
7803-51-2	Phosphine	0.4	0.027	0.02
7664-38-2	Phosphoric acid	1	0.067	0.05
7723-14-0	Phosphorus	0.1	0.007	0.005
10025-87-3	Phosphorus oxychloride	0.6	0.04	0.030
10026-13-8	Phosphorus penta-chloride	1	0.067	0.05
1313-80-3	Phosphorus penta-sulfide	1	0.067	0.05
1314-56-3	Phosphorus pentoxide (ID)	--	0.067	0.05
7719-12-2	Phosphorus trichloride	1.5	0.1	0.075
85-44-9	Phthalic anhydride	6	0.4	0.3
626-17-5	m-Phthalodinitrile	5	0.333	0.25
1918-02-1	Picloram	10	0.667	0.5
88-89-1	Picric acid	0.1	0.006	0.005
83-26-1	Pindone	0.1	0.007	0.005
142-64-3	Piperazine dihydro-chloride	5	0.333	0.25
83-26-1	2-Pivaloyl-1,3-indandione, see Pindone			
7440-06-4	Platinum - Including:			
7440-06-4	Metal	1	0.067	0.05
NA	Soluble salts, as Pt	0.002	0.0001	0.0001
65997-15-1	Portland cement	10	0.667	0.5
1310-58-3	Potassium hydroxide	2	0.133	0.1
107-19-7	Propargyl alcohol	2.3	0.153	0.115

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
123-38-6	Propionaldehyde (LA)	0.43	0.0287	0.0215
79-09-4	Propionic acid	30	2	1.5
114-26-1	Propoxur (Baygon)	0.5	0.033	0.025
109-60-4	n-Propyl acetate	840	56	42
71-23-8	Propyl alcohol	500	33.3	25
78-87-5	Propylene dichloride	347	23.133	17.35
6423-43-4	Propylene glycol dinitrate	0.34	0.023	0.017
107-98-2	Propylene glycol monomethyl ether	360	24	18
75-56-9	Propylene oxide	48	3.2	2.4
627-13-4	n-Propyl nitrate	105	7	5.25
8003-34-7	Pyrethrum	5	0.333	0.25
110-86-1	Pyridine	15	1	0.75
120-80-9	Pyrocatechol, see Catechol			
106-51-4	Quinone	0.4	0.027	0.02
121-84-4	RDX, see Cyclonite			
NA	Refractory Ceramic Fibers (see entry for specific content of emissions, ex: silica)			
108-46-3	Resorcinol	45	3	2.25
7440-16-6	Rhodium - Including:			
7440-16-6	Metal	1	0.067	0.05
NA	Insoluble compounds, as Rh	1	0.067	0.05
NA	Soluble compounds, as Rh	0.01	0.001	0.0005
299-84-3	Ronnel	10	0.667	0.5
83-79-4	Rotenone (commercial)	5	0.333	0.25
8030-30-6	Rubber solvent (Naphtha)	1590	106	79.5
14167-96-1	Salcoine as CO	0.1	0.007	0.005
7782-49-2	Selenium	0.2	0.013	0.010
NA	Selenium and compounds as Se	0.2	0.013	0.01
136-78-7	Sesone	10	0.667	0.5
7803-62-5	Silane, see silicon tetrhydride			
NA	Silica - amorphous - Including:			
61790-53-2	Diatomaceous earth (uncalcined)	10	0.667	0.5
112926-00-8	Precipitated silica	10	0.667	0.5
112926-00-8	Silica gel	10	0.667	0.5

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
NA	Silica, crystalline - Including:			
14464-46-1	Cristobalite	0.05	0.0033	0.0025
14808-60-7	quartz	0.1	0.0067	0.005
60676-86-0	silica, fused	0.1	0.0067	0.005
15468-32-3	tridymite	0.05	0.0033	0.0025
1317-95-9	Tripoli	0.1	0.0067	0.005
7440-21-3	Silicon	10	0.667	0.5
409-21-2	Silicon carbide	10	0.667	0.5
7803-62-5	Silicon tetrahydride	7	0.467	0.35
7440-22-4	Silver - Including			
7440-22-4	Metal	0.1	0.007	0.005
7440-22-4	Soluble compounds, as Ag	0.01	0.001	0.005
26628-22-8	Sodium azide (CL)	0.3	0.002	0.0015
7631-90-5	Sodium bisulfite	5	0.333	0.25
136-78-7	Sodium 2,4-dichloro-phenoxyethyl sulfate, see Sesone			
62-74-8	Sodium fluoroacetate	0.05	0.003	0.0025
1310-73-2	Sodium hydroxide	2	0.133	0.1
7681-57-4	Sodium metabisulfite	5	0.333	0.25
NA	Stearates (not including toxic metals)	10	0.667	0.5
7803-52-3	Stibine	0.5	0.033	0.025
8052-41-3	Stoddard solvent	525	35	26.25
57-24-9	Strychnine	0.15	0.01	0.0075
60-41-3	Strychnine sulfate as strichnine	0.15	0.01	0.01
100-42-5	Styrene monomer (ID)	--	6.67	1
1395-21-7	Subtilisins (Proteolytic enzymes as 100% pure crystalline enzyme)	0.00006	4.0E-07	3.0E-7
3689-24-5	Sulfotep	0.2	0.013	0.01
7664-93-9	Sulfuric acid	1	0.067	0.05
10025-67-9	Sulfur monochloride (CL)	6	0.04	0.03
5714-22-7	Sulfur pentafluoride (CL)	0.1	0.0007	0.0005
7783-60-0	Sulfur tetrafluoride (CL)	0.4	0.0027	0.002
2699-79-8	Sulfuryl fluoride	20	1.33	1
35400-43-2	Sulprofos	1	0.067	0.05
8065-48-3	Systox, see Demeton			

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
93-76-5	2,4,5-Trichlorophen-oxyacetic acid (2,4,5,-T)	10	0.667	0.05
7440-25-7	Tantalum	5	0.333	0.25
3689-24-5	TEDP, see Sulfotep			
13494-80-9	Tellurium & Compounds as Te	0.1	0.007	0.005
7783-80-4	Tellurium hexafluoride as Te	0.2	0.013	0.01
3383-96-8	Temephos	10	0.667	0.5
107-49-3	TEPP (Tetraethyl-pyrophosphate)	0.05	0.003	0.0025
26140-60-3	Terphenyls	4.7	0.313	0.235
1335-88-2	Tetrachloronaphthalene	2	0.133	0.10
78-00-2	Tetraethyl Lead	0.1	0.007	0.005
597-64-8	Tetraethyltin as organic tin	0.1	0.007	0.005
109-99-9	Tetrahydrofuran	590	39.3	29.5
75-74-1	Tetramethyl lead, as Pb	0.15	0.01	0.0075
3333-52-6	Tetramethyl succinonitrile	3	0.2	0.15
509-14-8	Tetranitromethane	8	0.533	0.4
7722-88-5	Tetrasodium pyrophosphate	5	0.333	0.25
479-45-8	Tetryl	1.5	0.1	0.075
7440-28-0	Thallium, soluble Compounds, as Tl	0.1	0.007	0.005
96-69-5	4,4-Thiobis (6 tert, butyl-m-cresol)	10	0.667	0.5
68-11-1	Thioglycolic acid	4	0.267	0.2
7719-09-7	Thionyl chloride (CL)	4.9	0.0327	0.245
137-26-8	Thiram	5	0.333	0.25
7440-31-5	Tin - Including:			
7440-31-5	Metal	2	0.133	0.1
NA	Oxide & inorganic compounds, except SnH <sub>4</sub> , as Sn	2	0.133	0.1
NA	Organic compounds as Sn	0.1	0.007	0.005
108-88-3	Toluene (toluol)	375	25	18.75
584-84-9	Toluene-2,4-di-isocyanate (TDI)	0.04	0.003	0.002
10-41-54	p-Toluenesulfonic acid (ID)	n/a	0.067	0.05
126-73-8	Tributyl phosphate	2.2	0.147	0.11
76-03-9	Trichloroacetic acid	7	0.467	0.35
120-82-1	1,2,4-Trichlorobenzene (CL)	37	2.47	1.85
79-01-6	Trichloroethylene	269	17.93	13.45

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
1321-65-9	Trichloronaphthalene	5	0.333	0.25
76-06-2	Trichloronitromethane, See Chloropicrin			
95-95-4	2,4,5-Trichlorophenol (MA)	---	---	0.0016
96-18-4	1,2,3-Trichloropropane	60	4	3
121-44-8	Triethylamine	4.1	0.27	0.2
1582-09-8	Trifluralin (PL3)	---	7.7	1.15
552-30-7	Trimellitic anhydride	0.04	0.003	0.002
75-50-3	Trimethylamine	12	0.8	0.6
25551-13-7	Trimethyl benzene (mixed and individual isomers)	123	8.2	6.15
540-84-1	2,2,4-Trimethyl-pentane	350	23.3	17.5
121-45-9	Trimethyl phosphite	10	0.667	0.5
479-45-8	2,4,6-Trinitrophenyl-methylnitramine, see Tetryl			
78-30-8	Triorthocresyl phosphate	0.1	0.007	0.005
603-34-9	Triphenyl amine	5	0.333	0.25
115-86-6	Triphenyl phosphate	3	0.2	0.15
7440-33-7	Tungsten - Including:			
NA	Insoluble compounds	5	0.333	0.25
NA	Soluble compounds	1	0.067	0.05
8006-64-2	Turpentine	560	37.3	28
7440-61-1	Uranium (natural) Soluble & insoluble compounds as U	0.2	0.013	0.01
110-62-3	n-Valeraldehyde	175	11.7	8.75
1314-62-1	Vanadium, as V2O5			
	Respirable Dust & fume	0.05	0.003	0.0025
108-05-4	Vinyl acetate (ID)	0.2		
25013-15-4	Vinyl toluene	240	16	12
8032-32-4	VM & P Naphtha	1370	91.3	68.5
81-81-2	Warfarin	0.1	0.007	0.005
1330-20-7	Xylene (o-, m-, p-isomers)	435	29	21.75
1477-55-0	m-Xylene a, a-diamine (CL)	0.1	0.0007	0.0005
1300-73-8	Xylidine	2.5	1.67	0.125
7440-65-5	Yttrium (Metal and compounds as Y)	1	0.067	0.05
7440-66-6	Zinc metal (ID)	--	0.667	0.5
7646-85-7	Zinc chloride fume	1	0.067	0.05

CAS NUMBER	SUBSTANCE	OEL (mg/m3)	EL (lb/hr)	AAC (mg/m3)
1314-13-2	Zinc oxide fume	5	0.333	0.05
1314-13-2	Zinc oxide dust	10	0.667	0.5
7440-67-7	Zirconium compounds as Zr	5	0.333	0.25

(6-30-95)

**586. TOXIC AIR POLLUTANTS CARCINOGENIC INCREMENTS.**

The screening emissions levels (EL) and acceptable ambient concentrations (AACC) for carcinogens are as provided in the following table. The AACC in this section are annual averages.

(6-30-95)

CAS NUMBER	SUBSTANCE	URF	EL lb/hr	AACC ug/m3
75-07-0	Acetaldehyde	2.2E-06	3.0E-03	4.5E-01
79-06-1	Acrylamide	1.3E-03	5.1E-06	7.7E-04
107-13-1	Acrylonitrile	6.8E-05	9.8E-05	1.5E-02
309-00-2	Aldrin	4.9E-03	1.3E-06	2.0E-04
62-53-3	Aniline	7.4E-06	9.0E-04	1.4E-01
140-57-8	Aramite	7.1E-06	9.3E-04	1.4E-01
NA	Aroclor, all (PCB) (ID)	---	6.6E-05	1.0E-02
7440-38-2	Arsenic compounds	4.3E-03	1.5E-06	2.3E-04
1332-21-4	Asbestos (Fibers /M.L.)	2.3E-01	N/A	4.0E-06
71-43-2	Benzene	8.3E-06	8.0E-04	1.2E-01
92-87-5	Benzidine	6.7E-02	9.9E-08	1.5E-05
50-32-8	Benzo(a)pyrene	3.3E-03	2.0E-06	3.0E-04
440-41-7	Beryllium & compounds	2.4E-04	2.8E-05	4.2E-03
106-99-0	1,3-Butadiene	2.8E-04	2.4E-05	3.6E-03
111-44-4	Bis (2-chloroethyl) ether	3.3E-04	2.0E-05	3.0E-03
542-88-1	Bis (chloromethyl) ether	6.2E-02	1.0E-07	1.6E-05
108-60-1	Bis (2-chloro-1-methyl- ethyl) ether	2.0E-05	3.3E-04	5.0E-02
117-81-7	Bis (2-ethylhexyl) phthalate	2.4E-07	2.8E-02	4.2E+00
7440-43-9	Cadmium and compounds	1.8E-03	3.7E-06	5.6E-04
56-23-5	Carbon tetrachloride	1.5E-05	4.4E-04	6.7E-02
57-74-9	Chlordane	3.7E-04	1.8E-04	2.7E-03
67-66-3	Chloroform	2.3E-05	2.8E-04	4.3E-02
7440-47-3	Chromium (VI) & compounds as Cr+6	1.2E-02	5.6E-07	8.3E-05

CAS NUMBER	SUBSTANCE	URF	EL lb/hr	AACC ug/m3
NA	Coal Tar Volatiles as benzene			
NA	Coke oven emissions	6.2E-04	1.1E-05	1.6E-03
8001-58-9	Creosote (ID) See coal tar volatiles as benzene extractables			
50-29-3	DDT (Dichlorodi phenyltrichloroethane)	9.7E-05	6.8E-05	1.0E-02
96-12-8	1,2-Dibromo-3-chloropropane	6.3E-03	1.0E-06	1.6E-04
75-34-3	1,1 dichloroethane	2.6E-05	2.5E-04	3.8E-02
107-06-2	1,2 dichloroethane	2.6E-05	2.5E-04	3.8E-02
75-35-4	1,1 dichloroethylene	5.0E-05	1.3E-04	2.0E-02
75-09-2	Dichloromethane (Methylenechloride)	4.1E-06	1.6E-03	2.4E-01
542-75-6	1,3 dichloropropene	3.5E-01	1.9E-07	2.9E-06
764-41-0	1,4-Dichloro-2-butene	2.6E-03	2.5E-06	3.8E-04
60-57-1	Dieldrin	4.6E-03	1.4E-06	2.1E-04
56-53-1	Diethylstilbestrol	1.4E-01	4.7E-08	7.1E-06
123-91-1	1,4 dioxane	1.4E-06	4.8E-03	7.1E-01
	Dioxin and Furans (2,3,7,8, TCDD & mixtures) Dioxin and Furan emissions shall be considered as one TAP and expressed as an equivalent emission of 2,3,7,8, TCDD based on the relative potency of the isomers in accordance with US EPA guidelines. Copies of EPA Interim procedures for estimating risks associated with exposures to mixtures of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs and CDFs). 1989 Updates are available by requesting EPA/625/3-89/016, March 1989 from ORD Publications (513) 684-7562.			
122-66-7	1,2-Diphenylhydrazine	2.2E-04	3.0E-05	4.5E-03
106-89-8	Epichlorohydrin	1.2E-06	5.6E-03	8.3E-01
106-93-4	Ethylene dibromide	2.2E-04	3.0E-05	4.5E-03
75-21-8	Ethylene oxide	1.0E-04	6.7E-05	1.0E-02
50-00-0	Formaldehyde	1.3E-05	5.1E-04	7.7E-02
76-44-8	Heptachlor	1.3E-03	5.1E-06	7.7E-04
1024-57-3	Heptachlor Epoxide	2.6E-03	2.5E-06	3.5E-04
118-74-1	Hexachlorobenzene	4.9E-04	1.3E-05	2.0E-03
87-68-3	Hexachlorobutadiene	2.0E-05	3.3E-04	5.0E-02
	Hexachlorocyclo-hexane, Technical	5.1E-04	1.3E-05	1.9E-03
319-84-6	Hexachlorocyclohexane (Lindane) Alpha (BHC)	1.8E-03	3.7E-06	5.6E-04
319-86-8	alpha Hexachlorocyclohexane	1.8E-03	3.6E-05	5.6E-03

CAS NUMBER	SUBSTANCE	URF	EL lb/hr	AACC ug/m3
319-85-7	Hexachlorocyclohexane (Lindane) Beta (BHC)	5.3E-04	1.3E-05	1.8E-03
319-86-8	b-Hexachlorocyclohexane	5.3E-04	1.3E-06	1.9E-04
58-89-9	Hexachlorocyclohexane (Lindane) Gamma (BHC)	3.8E-04	1.7E-05	2.6E-03
67-72-1	Hexachloroethane	4.0E-06	1.7E-03	2.5E-01
301-01-2	Hydrazine	2.9E-03	2.3E-06	3.4E-04
302-01-2	Hydrazine Sulfate	2.9E-03	2.2E-06	3.5E-04
56-49-5	3-methylcholanthrene	2.7E-03	2.5E-06	3.7E-04
75-09-2	Methylene Chloride	4.1E-06	1.6E-03	2.4E-01
74-87-3	Methyl chloride	3.6E-06	1.9E-03	2.8E-01
101-14-4	4,4-Methylene bis(2-Chloroaniline)	4.7E-05	1.4E-04	2.1E-02
60-34-4	Methyl hydrazine	3.1E-04	2.2E-05	3.2E-03
7440-02-0	Nickel	2.4E-04	2.7E-05	4.2E-03
12035-72-2	Nickel Subsulfide	4.8E-04	1.4E-05	2.1E-02
7440-02-0	Nickel Refinery Dust	2.4E-04	2.8E-05	4.2E-02
79-46-9	2-Nitropropane	2.7E-02	2.5E-07	3.7E-05
55-18-5	N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)	4.3E-02	1.5E-07	2.3E-05
62-75-9	N-Nitrosodimethylamine	1.4E-02	4.8E-07	7.1E-05
924-16-3	N-Nitrosodi-n-butylamine	1.6E-03	4.1E-06	6.3E-04
930-55-2	N-Nitrosopyrrolidine	6.1E-04	1.1E-05	1.6E-03
684-93-5	N-Nitroso-N-methylurea (NMU)	3.5E-01	1.9E-08	2.9E-06
794-93-4	Panfuran S (see dihydroxymethyl-furatrizine)			
82-68-8	Pentachloronitrobenzene	7.3E-05	9.1E-05	1.4E-02
127-18-4	Perchloroethylene (see tetrachloroethylene)	7.3E-05	9.1E-05	1.4E-02
NA	Polyaromatic Hydrocarbons	7.3E-05	9.1E-05	1.4E-02
	(Polycyclic Organic Matter) For emissions of PAH mixtures, the following PAHs and shall be considered together as one TAP, equivalent in potency to benzo(a)pyrene: benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenzo(a,h)anthracene, chrysene, indenol(1,2,3-cd)pyrene, benzo(a)pyrene. (WA)			
23950-58-5	Promanide	4.6E-06	1.5E-03	2.2E-01
50-55-5	Reserpine	3.0E-03	2.2E-06	3.3E-04
1746-01-6	2,3,7,8,-Tetrachlorodibenzo-p-dioxin (2,3,7,8,-TCDD)	4.5.E+01	1.5E-10	2.2E-08
NA	Soots and Tars (ID) See coal tar volatiles as benzene extractables.			



CAS NUMBER	SUBSTANCE	URF	EL lb/hr	AACC ug/m3
79-34-5	1,1,2,2,Tetrachloro-ethane	5.8E-05	1.1E-05	1.7E-02
27-18-4	Tetrachloroethylene	4.8E-07	1.3E-02	2.1E+00
79-00-5	1,1,2 - trichloroethane	1.6E-05	4.2E-04	6.2E-02
62-56-6	Thiourea	5.5E-04	1.2E-05	1.8E-03
8001-35-2	Toxaphene	3.2E-04	2.0E-05	3.0E-03
79-01-6	Trichloroethylene	1.3E-06	5.1E-04	7.7E-02
88-06-2	2,4,6 - Trichlorophenol	5.7E-06	1.2E-03	1.8E-01
75-01-4	Vinyl chloride	7.1E-06	9.4E-04	1.4E-01

(6-30-95)

**587. LISTING OR DELISTING TOXIC AIR POLLUTANT INCREMENTS.**

Persons may request the listing of any toxic substance or delisting of any toxic air pollutant in Sections 585 or 586 by filing a petition for adoption of rules in accordance with IDAPA 16.05.03, "Rules Governing Contested Cases and Declaratory Rulings."  
(5-1-94)

**588. -- 589. (RESERVED).**

**590. NEW SOURCE PERFORMANCE STANDARDS.**

The owner or operator of any stationary source shall comply with 40 CFR Part 60 as applicable to the stationary source.  
(5-1-94)

**591. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS.**

The owner or operator of any stationary source shall comply with 40 CFR Part 61 and 40 CFR Part 63 as applicable to the stationary source.  
(5-1-94)

**592. -- 599. (RESERVED).**

**600. RULES FOR CONTROL OF OPEN BURNING.**

The purpose of Sections 600 through 604 is to protect public health and welfare from air pollutants resulting from open burning. These Sections are to become effective March 12, 1985.  
(5-1-94)

**601. FIRE PERMITS, HAZARDOUS MATERIALS AND LIABILITY.**

Compliance with the provisions of Sections 600 through 604 and Sections 606 through 616 does not exempt or excuse any person from complying with applicable laws and ordinances of other governmental jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may result from open burning.  
(5-1-94)

**602. NONPREEMPTION OF OTHER JURISDICTIONS.**

The provisions of Sections 600 through 604 and Sections 606 through 616 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions.  
(5-1-94)

**603. GENERAL RESTRICTIONS.**

01. Categories and Materials. No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 606 through 616 and does not include any of the following materials:  
(5-1-94)

- a. Garbage; (5-1-94)
- b. Dead animals or parts thereof; (5-1-94)
- c. Junked motor vehicles or any materials resulting from a salvage operation; (5-1-94)
- d. Tires or other rubber materials or products; (5-1-94)
- e. Plastics; (5-1-94)
- f. Asphalt or composition roofing or any other asphaltic material or product; (5-1-94)
- g. Tar, tar paper, waste or heavy petroleum products, or paints; (5-1-94)
- h. Lumber or timbers treated with preservatives; (5-1-94)
- i. Trade waste except as allowed in Sections 606 through 616; (5-1-94)
- j. Insulated wire; (5-1-94)
- k. Pathogenic wastes; or (5-1-94)
- l. Hazardous wastes. (5-1-94)

02. Air Pollution Episodes. No person shall allow, suffer, cause or permit any open burning to be initiated during any stage of an air pollution episode declared by the Department in accordance with Sections 551, 557 and 561. (5-1-94)

**604. ALTERNATIVES TO OPEN BURNING.**

Two (2) years from the date any economical and reasonable alternative to a specific usage of open burning has been approved by the Director, that usage of open burning will no longer be allowable under Sections 606 through 616. Economical and reasonable alternative methods to open burning means that on the basis of available information and after public hearing, the Director concludes that a procedure, program, technique, or device has demonstrated similar benefits to open burning at non-prohibitive cost. (5-1-94)

**605. (RESERVED).**

**606. CATEGORIES OF ALLOWABLE BURNING.**

The purpose of Sections 606 through 616 is to establish categories of open burning that are allowed when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through 616 is subject to all of the provisions of Sections 600 through 604. (5-1-94)

**607. RECREATIONAL AND WARMING FIRES.**

Open outdoor fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues) or small fires set for handwarming purposes are allowable forms of open burning. (5-1-94)

**608. WEED CONTROL FIRES.**

Open outdoor fires used for the purpose of weed abatement along fence lines, canal banks, and ditch banks is an allowable form of open burning. (5-1-94)

**609. TRAINING FIRES.**

Open outdoor fires used by qualified personnel to train firefighters in the methods of fire suppression and fire fighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training fires shall not be allowed to smolder after the training session has terminated. Training fires are exempt from Subsections 603.01.c. and 603.01.e. through 603.01.j. (5-1-94)

**610. INDUSTRIAL FLARES.**

Industrial flares, used for the combustion of flammable gases are allowable forms of open burning. (5-1-94)

**611. RESIDENTIAL SOLID WASTE DISPOSAL FIRES.**

01. Fires Allowed. Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met: (5-1-94)

a. No scheduled house to house solid waste collection service is available; and (5-1-94)

b. The burning is conducted on the property where the solid waste was generated. (5-1-94)

02. Fires Exempt. Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 611.01.a. when conducted in accordance with local governmental ordinances or rules which allow for the open burning of tree leaves, gardening waste or yard trimming during certain periods of the year. (5-1-94)

**612. LANDFILL DISPOSAL SITE FIRES.**

The use of open outdoor fires for the disposal of solid waste at any solid waste landfill disposal site or facility is an allowable form of open burning only if allowed by an operational permit issued by the Department in accordance with IDAPA 16.01.06. (5-1-94)

**613. ORCHARD FIRES.**

The use of heating devices to protect orchard crops from frost damage and the use of open outdoor fires to dispose of orchard clippings are allowable forms of open burning when the provisions of Section 613 are met: (5-1-94)

01. Open-Pot Heaters. The use of stackless open-pot heaters is prohibited. (5-1-94)

02. Heating Device Opacity. No orchard heating device with visible emissions exceeding forty percent (40%) opacity at normal operating conditions shall be used. Opacity shall be determined by the procedures contained in the Department's "Evaluation of Visible Emissions Manual." (5-1-94)

03. Heating Device Emissions. All heaters purchased after September 21, 1970, shall emit no more than one (1.0) gram per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with Section 614. (5-1-94)

04. Orchard Clippings. The open burning of orchard clippings shall be conducted on the property where the clippings were generated. (5-1-94)

**614. PRESCRIBED BURNING.**

The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met. (5-1-94)

01. Burning Permits or Prescribed Fire Plans. (5-1-94)

a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke. (5-1-94)

b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed burning. (5-1-94)

02. Smoke Management Plans for Prescribed Burning. (5-1-94)

a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all conditions set forth in a Smoke Management Plan for Prescribed Burning. (5-1-94)

b. The Department will develop and put into effect a Smoke Management Plan for Prescribed Burning consistent with the purpose of Sections 600 through 616. (5-1-94)

03. Rights-of-Way Fires. The open burning of woody debris generated during the clearing of rights of way shall be open burned according to Sections 38-101 and 38-401, Idaho Code, IDAPA 20 Title 16 and Sections 606 through 616 of these rules. (5-1-94)

**615. DANGEROUS MATERIAL FIRES.**

Open outdoor fires used or permitted by a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning. (5-1-94)

**616. INFECTIOUS WASTE BURNING.**

Upon the order of a public health officer, open outdoor fires used to dispose of diseased animals or infested material is an allowable form of open burning. Infectious waste burning is exempt from Subsection 603.01.k. (5-1-94)

**617. -- 624. (RESERVED).**

**625. VISIBLE EMISSIONS.**

A person shall not discharge any air pollutant into the atmosphere from any point of emission for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by procedures contained in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual). (5-1-94)

01. Exemptions. The provisions of Section 625 shall not apply to: (5-1-94)

a. Kraft Process Lime Kilns, if operating prior to January 24, 1969; or (5-1-94)

b. Carbon Monoxide Flare Pits on Elemental Phosphorous Furnaces, if operating prior to January 24, 1969; or (5-1-94)

c. Liquid Phosphorous Loading Operations, if operating prior to January 24, 1969; or (5-1-94)

d. Wigwam Burners; or (5-1-94)

e. Kraft Process Recovery Furnaces. (5-1-94)

f. Calcining Operations Utilizing an Electrostatic Precipitator to Control Emissions, if operating prior to January 24, 1969. (5-1-94)

02. Standards for Exempted Sources. Except as provided in Section 626, for sources exempted from the provisions of Section 625, a person shall not discharge into the atmosphere from any point of emission, any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than forty percent (40%) opacity, as determined by procedures contained in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual). (5-1-94)

03. Exception. The provisions of Section 625 shall not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this rule. (5-1-94)

**626. GENERAL RESTRICTIONS ON VISIBLE EMISSIONS FROM WIGWAM BURNERS.**

Except for a period of one (1) hour following start up a person shall not discharge into the atmosphere from any wigwam burner any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by procedures contained in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual). (5-1-94)

**627. -- 649. (RESERVED).**

**650. RULES FOR CONTROL OF FUGITIVE DUST.**

The purpose of Sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust. (5-1-94)

**651. GENERAL RULES.**

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following: (5-1-94)

01. Use of Water or Chemicals. Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land. (5-1-94)

02. Application of Dust Suppressants. Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust. (5-1-94)

03. Use of Control Equipment. Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations. (5-1-94)

04. Covering of Trucks. Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts. (5-1-94)

05. Paving. Paving of roadways and their maintenance in a clean condition, where practical. (5-1-94)

06. Removal of Materials. Prompt removal of earth or other stored material from streets, where practical. (5-1-94)

**652. -- 674. (RESERVED).**

**675. FUEL BURNING EQUIPMENT -- PARTICULATE MATTER.**

The purpose of Sections 675 through 680 is to establish particulate matter emission standards for fuel burning equipment. (5-1-94)

**676. STANDARDS FOR NEW SOURCES.**

A person shall not discharge into the atmosphere from any fuel burning equipment with a maximum rated input of ten (10) million BTU's per hour or more, and commencing operation on or after October 1, 1979, particulate matter in excess of the concentrations shown in the following table:

FUEL TYPE	ALLOWABLE Particulate gr/dscf	EMISSIONS Oxygen
Gas	.015	3%
Liquid	.050	3%
Coal	.050	8%
Wood Product	.080	8%

The effluent gas volume shall be corrected to the oxygen concentration shown. (5-1-94)

**677. STANDARDS FOR MINOR AND EXISTING SOURCES.**

A person shall not discharge into the atmosphere from any fuel burning equipment in operation prior to October 1, 1979, or with a maximum rated input of less than ten (10) million BTU per hour, particulate matter in excess of the concentrations shown in the following table:

FUEL TYPE	ALLOWBLE Particulate gr/dscf	EMISSIONS Oxygen
Gas	.015	3%
Liquid	.050	3%
Coal	.100	8%
Wood Product	.200	8%

The effluent gas volume shall be corrected to the oxygen concentration shown. (5-1-94)

**678. COMBINATIONS OF FUELS.**

When two (2) or more types of fuel are burned concurrently, the allowable emission shall be determined by proportioning the gross heat input and emission standards for each fuel. (5-1-94)

**679. AVERAGING PERIOD.**

For purposes of Sections 675 through 680, emissions shall be averaged according to the following, whichever is the lesser period of time: (5-1-94)

01. One Cycle. One (1) complete cycle of operation; or (5-1-94)
02. One Hour. One (1) hour of operation representing worst-case conditions for the emission of air contaminants. (5-1-94)

**680. ALTITUDE CORRECTION.**

For purposes of Sections 675 through 680, standard conditions shall be adjusted for the altitude of the source by subtracting one-tenth (0.10) of an inch of mercury for each one hundred (100) feet above sea level from the standard atmospheric pressure at sea level of twenty-nine and ninety-two one hundredths (29.92) inches of mercury. (5-1-94)

**681. -- 699. (RESERVED).**

**700. PARTICULATE MATTER--PROCESS WEIGHT LIMITATIONS.**

The purpose of Sections 700 through 703 is to establish particulate matter emission limitations for process equipment. (5-1-94)

**701. EMISSION LIMITATIONS.**

No person shall cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in the following Table for the process weight rate allocated to such a process or process equipment. The rate of emission shall be the total of all emission points from the source.

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE					
Process Weight Rate	Rate of Emission		Process Weight Rate	Rate of Emission	
	Lb/Hr	Tons/Hr		Lb/Hr	Tons/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000-1,000.00	77.6	
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to sixty thousand (60,000) lb/hr shall be accomplished by use of the equation  $E = 4.10 \text{ PO.67}$ , and interpolation and extrapolation of the data for process weight rates in excess of sixty thousand (60,000) lb/hr shall be accomplished by use of the equation:

$E = 55.0 \text{ PO.11} - 40$ , where E = rate of emission in lb/hr and P = process weight rate in tons/hr. (5-1-94)

**702. PARTICULATE MATTER -- NEW EQUIPMENT PROCESS WEIGHT LIMITATIONS.**

01. General Restrictions. A person shall not discharge into the atmosphere from any source commencing operation on or after October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour. (5-1-94)

- a. If PW is less than 9,250 pounds per hour,  
 $E = 0.60$   
 $E = .045 (PW)$ . (5-1-94)

- b. If PW is equal to or greater than 9,250 pounds per hour,  
 $0.25$   
 $E = 1.10 (PW)$ . (5-1-94)
- 02. Minimum Allowable Emission. Notwithstanding the provisions of Subsection 702.01, no source shall be required to meet an emission limit of less than one (1) pound per hour. (5-1-94)
- 03. Averaging Period. For purposes of Section 702, emissions shall be averaged according to the following, whichever is the lesser period of time: (5-1-94)
  - a. One (1) complete cycle of operation; or (5-1-94)
  - b. One (1) hour of operation representing worst-case conditions for the emission of air contaminants. (5-1-94)
- 04. Exemption. The provisions of Section 702 shall not apply to fuel burning equipment. (5-1-94)
- 05. Emission Standards -- Table. The following table illustrates the emission standards set forth in Section 702. (5-1-94)

<b>PROCESS WEIGHT</b>	<b>ALLOWABLE EMISSIONS FROM ENTIRE SOURCE</b>	<b>PROCESS WEIGHT</b>	<b>EMISSIONS FROM ENTIRE SOURCE</b>
<b>lb/hr</b>	<b>lb/hr</b>	<b>lb/hr</b>	<b>lb/hr</b>
175 or less	1	20,000	13.08
200	1.08	40,000	15.56
400	1.64	60,000	17.22
600	2.09	80,000	18.50
800	2.40	100,000	19.56
1,000	2.84	200,000	23.26
2,000	4.30	400,000	27.66
4,000	6.52	600,000	30.61
6,000	8.32	800,000	32.90
8,000	9.89	1,000,000	34.79
10,000	11.00	2,000,000	41.37

(5-1-94)

**703. PARTICULATE MATTER -- EXISTING EQUIPMENT PROCESS WEIGHT LIMITATIONS.**

The provisions of Section 703 shall become effective on January 1, 1981. (5-1-94)

- 01. General Restrictions. A person shall not discharge into the atmosphere from any source operating prior to October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour: (5-1-94)

- a. If PW is less than 17,000 pounds per hour,



- 0.60  
 E = .045 (PW); or (5-1-94)
- b. If PW is equal to or greater than 17,000 pounds per hour,  
 0.27  
 E = 1.12 (PW). (5-1-94)
02. Minimum Allowable Emission. Notwithstanding the provisions of Subsection 703.01, no source shall be required to meet an emission limit of less than one (1) pound per hour. (5-1-94)
03. Averaging Period. For purposes of Section 703, emissions shall be averaged according to the following, whichever is the lesser period of time: (5-1-94)
- a. One (1) complete cycle of operation; or (5-1-94)
- b. One (1) hour of operation representing worst-case conditions for the emission of air contaminants. (5-1-94)
04. Exemptions. The provisions of Section 703 shall not apply to: (5-1-94)
- a. Fuel burning equipment; or (5-1-94)
- b. Equipment used exclusively to dehydrate sugar beet pulp or alfalfa. (5-1-94)
05. Emission Standards -- Table. The following table illustrates the emission standards set forth in Section 703. (5-1-94)

<b>PROCESS WEIGHT</b>	<b>EMISSIONS FROM ENTIRE SOURCE</b>	<b>PROCESS WEIGHT</b>	<b>EMISSIONS FROM ENTIRE SOURCE</b>
<b>lb/hr</b>	<b>lb/hr</b>	<b>lb/hr</b>	<b>lb/hr</b>
175 or less	1	20,000	16.24
200	1.08	40,000	19.58
400	1.64	60,000	21.84
600	2.09	80,000	23.61
800	2.48	100,000	25.07
1,000	2.84	200,000	30.23
2,000	4.30	400,000	36.46
4,000	6.52	600,000	40.67
6,000	8.32	800,000	43.96
8,000	9.89	1,000,000	46.69
10,000	11.30	2,000,000	56.30

**704. -- 724. (RESERVED).**

**725. RULES FOR SULFUR CONTENT OF FUELS.**

The purpose of Sections 725 through 729 is to prevent excessive ground level concentrations of sulfur dioxide from fuel burning sources in Idaho. (5-1-94)

**726. DEFINITIONS AS USED IN SECTIONS 727 THROUGH 729.**

01. ASTM. American Society for Testing and Materials. (5-1-94)
02. Distillate Fuel Oil. Any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils. (5-1-94)
03. Residual Fuel Oil. Any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils. (5-1-94)

**727. RESIDUAL FUEL OILS.**

01. Standards for 1973. After January, 1973, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than two and one-half percent (2.5%) sulfur by weight. (5-1-94)
02. Standards Beginning 1974. After January, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than one and three-fourths percent (1.75%) sulfur by weight. (5-1-94)

**728. DISTILLATE FUEL OIL.**

No person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur: (5-1-94)

01. ASTM Grade 1. ASTM Grade 1 fuel oil - 0.3 percent by weight. (5-1-94)
02. ASTM Grade 2. ASTM Grade 2 fuel oil - 0.5 percent by weight. (5-1-94)

**729. COAL.**

No person shall sell, distribute, use or make available for use, any coal containing greater than one percent (1.0%) sulfur by weight. (5-1-94)

**730. -- 749. (RESERVED).**

**750. RULES FOR CONTROL OF FLUORIDE EMISSIONS.**

The purpose of Sections 750 through 751 is to prevent the emission of fluorides such that the accumulation of fluorine in feed and forage for livestock does not exceed the safe limits specified below. (5-1-94)

**751. GENERAL RULES.**

Any owner or operator of a facility subject to Sections 750 and 751 shall demonstrate compliance with Section 751 by January 1, 1982, in accordance with a compliance schedule, listing increments of progress, which shall be submitted to the Department on or before August 1, 1980. (5-1-94)

01. Emission Limitations -- Phosphate Fertilizer Plants. No person shall allow, suffer, cause or permit the discharge into the atmosphere of total fluoride emissions in gaseous and in particulate form, expressed as fluoride (F-), from the phosphate fertilizer plant sources listed in Subsection 751.03 in excess of thirty hundredths (0.30) pounds of fluoride per ton of P<sub>2</sub>O<sub>5</sub> input to the calciner operation, calculated at maximum rated capacity. (5-1-94)

02. Monitoring, Testing, and Reporting Requirements. Compliance with Subsection 751.01 will be adjudged upon the results of the continuing program of fluoride sampling of potential grazing areas and alfalfa growing areas conducted by the Department. Sampling conducted by any person subject to Section 751 may be accepted for determining compliance with Subsection 751.01 if such sampling is conducted at sites approved by the Department in advance of sampling, using analytical procedures appearing in the Procedures Manual for Air Pollution Control, Section I (Source Test Methods) or equivalent methods approved by the Department in advance of sampling. Compliance with Subsection 751.01 shall be demonstrated by testing methods approved in advance by the Department. When approved by the Director in advance of sampling, engineering calculations may be submitted in lieu of emission data. Monitoring and reporting requirements shall be included in operating permits granted to each

facility. (5-1-94)

03. Source Specific Permits. To assure compliance with Subsection 751.01, the Director shall specify methods for calculating total allowable emissions and shall issue source specific permits containing emission limitations for the following sources within phosphate fertilizer plants: (5-1-94)

- a. Calciner operation; and (5-1-94)
- b. Wet phosphoric acid plants; and (5-1-94)
- c. Super phosphoric acid production; and (5-1-94)
- d. Diammonium phosphate plants; and (5-1-94)
- e. Monoammonium phosphate production; and (5-1-94)
- f. Triple super phosphate (mono calcium phosphate) production. (5-1-94)

04. Exemptions. The provisions of Subsections 751.01, 751.02, and 751.03 shall not apply to any phosphate fertilizer facility which produces mono ammonium phosphate exclusively if no animal feed is grown or if no animal grazing occurs or if the animal feed and forage meets the ambient air quality standards for fluorides specified in Subsection 577.07 within a three (3) mile radius of such facility. This exemption shall only apply if the owner or operator of the facility, on an annual basis: (5-1-94)

- a. Conducts a fluoride sampling program of potential grazing areas at locations approved in advance of sampling by the Department, using analytical techniques appearing in the Procedures Manual for Air Pollution Control, Section I (Source Test Methods); and (5-1-94)
- b. Submits the results of such sampling program to the Department as soon as they become available. (5-1-94)

**752. -- 774. (RESERVED).**

**775. RULES FOR CONTROL OF ODORS.**

The purpose of Sections 775 through 776 is to control odorous emissions from all sources for which no gaseous emission control rules apply. (5-1-94)

**776. GENERAL RULES.**

01. General Restrictions. No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution. (5-1-94)

02. Restrictions on Rendering Plants. No person shall allow, suffer, cause or permit any plant engaged in the processing of animal, mineral, or vegetable matter or chemical processes utilizing animal, mineral or vegetable matter to be operated without employing reasonable measures for the control of odorous emissions including wet scrubbers, incinerators, chemicals or such other measures as may be approved by the Department. (5-1-94)

**777. -- 784. (RESERVED).**

**785. RULES FOR CONTROL OF INCINERATORS.**

The purpose of Sections 785 through 788 is to prevent excessive emissions of particulate matter from incinerators. (5-1-94)

**786. EMISSION LIMITS.**

No person shall allow, suffer, cause or permit any incinerator to discharge more than two-tenths (0.2) pounds of particulates per one hundred (100) pounds of refuse burned. (5-1-94)

**787. DESIGN STANDARDS.**

No person shall allow, suffer, cause, or permit any new domestic, commercial, industrial or municipal incinerator to be installed or operated unless the installation and operation complies with the provisions and requirements of the "Multiple-Chamber Incinerator Design Standards for Los Angeles County" or unless such incinerator is found by the Department to be equally effective for the purpose of air pollution control. (5-1-94)

**788. EXCEPTIONS.**

Sections 785 through 787 do not apply to wigwam burners. (5-1-94)

**789. -- 794. (RESERVED).**

**795. RULES FOR CONTROL OF MOTOR VEHICLE EMISSIONS.**

The purpose of Sections 795 through 797 is to prevent excessive emission from motor vehicles. (5-1-94)

**796. POLLUTION CONTROL DEVICES.**

No person shall allow, suffer, cause or permit the removal, disconnection or disabling of a crankcase emission control system or device, exhaust emission control system or device, fuel evaporative emission control system or device, or any other system or device which has been installed on a motor vehicle in accordance with Federal laws and regulations while such motor vehicle is operating in the State. (5-1-94)

**797. VISIBLE EMISSION STANDARDS.**

No person shall discharge into the ambient air any visible emission from any motor vehicle which is darker in shade than smoke designated as No. 2 on the Ringelmann Chart, or of such opacity as to obscure an observer's view to a degree greater than does smoke designated as No. 2 on the Ringelmann Smoke Chart (when used as a measure of opacity), except that this restriction shall not apply when condensing water vapor is the only reason for noncompliance. (5-1-94)

**798. -- 804. (RESERVED).**

**805. RULES FOR CONTROL OF HOT-MIX ASPHALT PLANTS.**

The purpose of Sections 805 through 808 is to establish for hot-mix asphalt plants restrictions on the emission of particulate matter. (5-1-94)

**806. EMISSION LIMITS.**

No person shall cause, allow or permit a hot-mix asphalt plant to have particulate emissions which exceed the limits specified in Sections 700 through 703. (5-1-94)

**807. MULTIPLE STACKS.**

In the case of more than one (1) stack to a hot-mix asphalt plant, the emission limitation will be based on the total emission from all stacks. (5-1-94)

**808. FUGITIVE DUST CONTROL.**

01. Fugitive Emission Controls. No person shall cause, allow or permit a plant to operate that is not equipped with an efficient fugitive dust control system. The system shall be operated and maintained in such a manner as to satisfactorily control the emission of particulate material from any point other than the stack outlet. (5-1-94)

02. Plant Property Dust Controls. The owner or operator of the plant shall maintain fugitive dust control of the plant premises and plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures. Good operating practices, including water spraying or other suitable measures, shall be employed to prevent dust generation and atmospheric entrainment during operations such as stockpiling, screen changing and general maintenance. (5-1-94)

**809. -- 814. (RESERVED).**

**815. RULES FOR CONTROL OF KRAFT PULPING MILLS.**

The purpose of Sections 815 through 826 is to establish for kraft pulping mills restrictions additional to the general rules presented in this Chapter; to formulate a schedule for compliance with the restrictions; and to formalize the policy of the Department concerning emissions control from kraft pulping mills. (5-1-94)

**816. STATEMENT OF POLICY.**

It is hereby declared to be the policy of the Department to: (5-1-94)

01. Best Treatment and Control. Require, in accordance with a specific program and timetable, the highest and best practicable treatment and control of emissions through the utilization of technically feasible equipment, devices and procedures. (5-1-94)

02. Monitoring. Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data in conjunction with other data on ambient air and local conditions to develop and revise emission standards and air quality standards as necessary, and to determine compliance therewith. (5-1-94)

03. Research. Encourage and assist the kraft pulping industry to conduct research and technological development designed to progressively reduce emissions in accordance with specific programs, objectives and time schedules. (5-1-94)

04. Available Technology Required. Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as necessary when new information and technology are developed. (5-1-94)

05. New Source Standards. Establish more restrictive standards for new mills or for mills expanding existing facilities. (5-1-94)

**817. GENERAL RULES.**

All emission standards in Sections 818 through 823 are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available. (5-1-94)

**818. RECOVERY FURNACE STANDARDS.**

The emission of TRS from all recovery furnace stacks shall not exceed two (2) pounds of sulfur per ton of equivalent air-dried kraft pulp or, from each recovery furnace stack, seventy (70) ppm expressed as hydrogen sulfide on a dry basis, whichever is the more restrictive. Compliance shall be achieved by December, 1972. (5-1-94)

**819. RECOVERY FURNACE TRS STANDARDS.**

The emission of TRS from all recovery furnace stacks shall be further reduced so as not to exceed one-half (1/2) pound of sulfur per equivalent ton of air-dried kraft pulp, or from each recovery furnace stack seventeen and one-half (17 1/2) ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures. Compliance shall be achieved by not later than July, 1975. (5-1-94)

**820. DIGESTER AND EVAPORATOR STANDARDS.**

Noncondensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. Compliance with this requirement shall be achieved by not later than July, 1972. (5-1-94)

**821. RECOVERY FURNACE PARTICULATE STANDARDS.**

The emission of particulate matter from all recovery furnace stacks shall not exceed four (4) pounds per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975. (5-1-94)

**822. LIME KILN STANDARDS.**

The emission of particulate matter from all lime kilns shall not exceed one (1) pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975. (5-1-94)

**823. SMELT TANK STANDARDS.**

The emission of particulate material from all smelt tanks shall not exceed one-half (1/2) pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1972. (5-1-94)

**824. MONITORING AND REPORTING.**

01. Continuous Monitoring Requirements. Every kraft mill in the State shall install equipment for the continuous monitoring of TRS. (5-1-94)

a. The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continuous sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty (30) minutes. (5-1-94)

b. The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks. (5-1-94)

02. Particulate Sampling. Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its sampling program as approved by the Department. (5-1-94)

03. Monitoring Program and Time Schedule Submittal. Each mill shall submit within sixty (60) days after the original effective date of Sections 815 through 826 a detailed monitoring program and time schedule for approval by the Department. The equipment shall be ordered within thirty (30) days after the monitoring program has been approved in writing by the Department. The equipment shall be placed in effective operation in accordance with the approved program within ninety (90) days after delivery. (5-1-94)

04. Monthly Reporting Requirements. Unless otherwise authorized by the Department, data shall be reported by each mill at the end of each calendar month, as follows: (5-1-94)

a. Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program. (5-1-94)

b. The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds emission standards and the maximum concentration of TRS measured each day. (5-1-94)

c. Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program. (5-1-94)

d. Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program. (5-1-94)

e. Average daily equivalent kraft pulp production in air-dried tons. (5-1-94)

f. Other emission data as specified in the approved monitoring program. (5-1-94)

05. Miscellaneous Reports. Each kraft mill shall furnish, upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air pollutants, following procedures set forth in the approved monitoring program. (5-1-94)

**825. SPECIAL STUDIES.**

Special studies, having prior approval of the Department, shall be conducted, and the results thereof submitted to the Department by December, 1972. (5-1-94)

01. Areas to be Included. The studies shall cover the following areas: (5-1-94)

a. TRS Emissions. Evaluation of the emissions of TRS from all other sources within the mill. Other sources mean sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases. (5-1-94)

b. Sulfur Dioxide Emissions. Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers. (5-1-94)

c. Water Vapor. Evaluation of water vapor emissions from all sources within the mill. (5-1-94)

02. Additional Studies. The Department may require such additional special studies relevant to air pollution and establish completion dates as necessary. (5-1-94)

**826. EXCEPTIONS.**

The emission limits established under Sections 817 through 823 apply to the specific process as described. These emission limits do not apply to open burning, power boilers, or other operations conducted at the site of or ancillary to the kraft pulp mill operation. Such ancillary operations must meet standards established in this chapter. (5-1-94)

**827. -- 834. (RESERVED).**

**835. RULES FOR CONTROL OF RENDERING PLANTS.**

The purpose of Sections 835 through 839 is to establish for rendering plants limitations on the emission of odors. (5-1-94)

**836. CONTROL OF COOKERS.**

No person shall allow, suffer, cause, or permit the operation or use of any device, machine, equipment, or other contrivance to cook inedible animal or marine matter unless all gases, vapors, and gas entrained effluents from these processes are passed through condensers to remove all steam and other condensable materials. All noncondensibles passing through the condensers must then be incinerated at one thousand two hundred degrees Fahrenheit (1200) for a minimum of three-tenths (0.3) seconds, or treated in an equally effective manner. (5-1-94)

**837. CONTROL OF EXPELLERS.**

No person shall allow, suffer, cause, or permit the installation or operation of an expeller unless it is properly hooded and all exhaust gases are ducted to odor control equipment. (5-1-94)

**838. CONTROL OF PLANT AIR.**

No person shall allow, suffer, cause, or permit the installation or operation of a rendering plant unless plant ventilation air is collected and ducted to odor control equipment. (5-1-94)

**839. EXCEPTIONS.**

Section 838 shall not apply when it can be demonstrated that without ducting plant ventilation air to the odor control equipment no noticeable odors from the plant can be detected at the property line. (5-1-94)

**840. -- 844. (RESERVED).**

**845. RULES FOR CONTROL OF SULFUR OXIDE EMISSIONS FROM SULFURIC ACID PLANTS.**

The purpose of Sections 845 through 848 is to establish sulfur oxide emission limits for sulfuric acid plants using elemental sulfur for the production of sulfuric acid. (5-1-94)

**846. GENERAL RESTRICTIONS.**

No person shall allow, suffer, cause or permit the operation of any sulfuric acid plant which emits sulfur oxides into the atmosphere in excess of twenty-eight (28) lbs/ton of one hundred percent (100%) sulfuric acid produced. (5-1-94)

**847. MONITORING AND TESTING.**

The test methods and procedures used to determine compliance with Section 846 shall be those appearing in the Department's Procedure Manual or equivalent methods approved by the Department. (5-1-94)

**848. COMPLIANCE SCHEDULE.**

Any owner or operator of a source subject to Sections 845 through 848 shall no later than December 31, 1972, submit to the Department a proposed Compliance Schedule that demonstrates compliance as expeditiously as feasible but no later than July 31, 1975. (5-1-94)

**849. -- 854. (RESERVED).**

**855. COMBINED ZINC AND LEAD SMELTERS.**

The purpose of Sections 855 through 858 is to establish requirements for combined zinc and lead smelters. (5-1-94)

**856. COMBINED ZINC AND LEAD SMELTERS -- CONTROL OF FUGITIVE SULFUR DIOXIDE EMISSIONS.**

The owner or operator of any combined zinc and lead smelter shall utilize best engineering techniques to capture and vent fugitive sulphur dioxide emissions through one (1) or more stacks. Such techniques shall include, but not be limited to: (5-1-94)

01. Condition of Ducts, Flues, and Stacks. Maintaining and operating all ducts, flues, and stacks in a leak free condition. (5-1-94)

02. Prevention of Leakage in Equipment and Systems. Maintaining and operating all process equipment and gas collection systems in such a fashion that leakage of sulfur dioxide gases will be prevented to the maximum extent possible. (5-1-94)

03. Other Techniques. Wherever possible, using gas collection systems and/or ducting emissions through the tallest stack or stacks serving the facility. (5-1-94)

**857. COMBINED ZINC AND LEAD SMELTERS -- OXIDES OF SULFUR.**

01. Final Emission Limitation. Oxides of sulfur, expressed as sulfur dioxide (SO<sub>2</sub>), in excess of one thousand nine hundred (1900) pounds per hour from all sources within any combined zinc and lead smelter shall not be discharged into the atmosphere. To assure compliance with this requirement, the Director shall issue permits specifying emission limits for equipment within the smelter. (5-1-94)

02. Effective Date. Compliance with the emission limitation established in Subsection 857.01 may be delayed until December 31, 1984, provided that there is compliance with the provisions of Subsections 857.04, 857.05 and 857.06. (5-1-94)

03. Exception. The provisions of Section 857 shall not apply to emissions generated solely from the combustion of fuel for the exclusive purpose of space heating or steam generation. (5-1-94)

04. Interim Emission Limitations. The owner or operator of the combined zinc and lead smelter shall obtain a non-ferrous smelter order for sulfur dioxide emissions issued pursuant to 42 U.S.C. Section 7419, which may be in the form of an interim compliance agreement, permit to operate, or regulation, covering the period from September 1, 1979, until December 31, 1982. Failure to adhere to the terms and conditions of such order shall result in the provisions contained in Subsection 857.01 becoming effective in accordance with a compliance schedule to be established by the Director which shall require compliance within the minimum time the Director determines is technically feasible. (5-1-94)

a. Review of Non-Ferrous Smelter Order Provisions. The owner or operator of a combined zinc and lead smelter shall obtain the Director's approval of any interim control measure to be employed pursuant to Subsection 857.04. (5-1-94)

i. Use of any such interim control measure shall be disapproved by the Director if he has reasonable



cause to believe it is not designed or implemented adequately to achieve and maintain the state and federal ambient air quality standards for sulfur dioxide. (5-1-94)

ii. Prior to the Director's disapproval of use of any such interim control measure, he shall notify the owner or operator of the smelter of his intention and reasons for his decision. (5-1-94)

iii. Prior to the Director's decision becoming final, the owner or operator of the smelter shall have thirty (30) days in which to either: amend the interim control measure to the Director's satisfaction; or request a public hearing on the matter. (5-1-94)

iv. The Director shall not require enactment of any new interim control measures earlier than the timetable for implementation established by the nonferrous smelter order described in Subsection 857.04. (5-1-94)

b. Violations. Once approved by the Director, a violation of any term or condition of an interim control measure shall constitute a violation of Section 857. (5-1-94)

c. Records Required. The owner or operator of a combined zinc and lead smelter shall submit, on a monthly basis and within two (2) weeks after the end of each calendar month, copies of all records required pursuant to an applicable non-ferrous smelter order, as described in Subsection 857.04. (5-1-94)

05. Compliance Schedule. If the owner or operator of a combined zinc and lead smelter qualifies for a second nonferrous smelter order pursuant to 42 U.S.C. Section 7419, which may be in the form of an interim compliance agreement, permit to operate, or rule, and if the provisions of Subsection 857.01 are not being complied with on or before December 31, 1982, he shall comply with the following schedule of increments of progress. During the period of this compliance schedule, the owner or operator of the combined zinc and lead smelter shall comply with interim emission limitations established in the first non-ferrous smelter order which has been approved by the Director and issued pursuant to 42 U.S.C. Section 7419. (5-1-94)

a. By January 1, 1983, submit final plans and specifications of equipment or modifications to achieve compliance with Subsection 857.01. (5-1-94)

b. By May 1, 1983, issue contracts or purchase orders for the required emission controls or process modifications. (5-1-94)

c. By September 1, 1983, initiate on-site construction of the required emission controls or process modifications. (5-1-94)

d. By September 1, 1984, complete on-site construction of the required emission controls or process modifications. (5-1-94)

e. By December 31, 1984, assure final compliance with the provisions of Subsection 857.01. (5-1-94)

06. Extension of Compliance Date. The following dates shall be extended for a period as prescribed by a second non-ferrous smelter order, issued pursuant to 42 U.S.C. Section 7419, provided that such order has been approved by the Director and provided that such order shall not exceed three (3) years: (5-1-94)

a. The compliance date extension allowed pursuant to Subsection 857.02; and (5-1-94)

b. The compliance schedule specified in Subsection 857.05. (5-1-94)

07. Appeal. On or before January 1, 1982, the owner or operator of the combined zinc and lead smelter may request a hearing on the emission limit set forth in Subsection 857.01. (5-1-94)

a. After public hearing and consideration of all testimony, if the Board determines that use of increased stack height or other dispersion techniques are valid pursuant to law, the Board shall amend Section 857 in accordance with the Idaho Administrative Procedure Act, Sections 67-5201 through 67-5299, Idaho Code, setting a new emission limit at a level to assure compliance with state and federal ambient air quality standards for sulfur

dioxide. (5-1-94)

b. The emission limit in Subsection 857.01 shall become final after Board action in accordance with the Idaho Administrative Procedure Act either: (5-1-94)

i. As specified in Subsection 857.07.a.; or (5-1-94)

ii. On January 1, 1982, if no appeal and public hearing is requested pursuant to Subsection 857.07. (5-1-94)

**858. STACK MONITORING REQUIREMENTS.**

The provisions of Section 858 shall apply during any time when a nonferrous smelter order, which may be in the form of an interim compliance agreement, permit to operate, or rule, is not in effect. (5-1-94)

01. Measurement Systems. The owner or operator of the combined zinc and lead smelter shall install, calibrate, maintain and operate measurement systems for continuously monitoring and recording emission rates of sulfur dioxide from each stack with an emission potential of fifty (50) tons or more sulfur dioxide per year. Measurement systems required pursuant to Subsection 858.01 shall be: (5-1-94)

a. Demonstrated in accordance with procedures prescribed by the Director; and (5-1-94)

b. Maintained, operated and calibrated in accordance with the methods prescribed by the Director. (5-1-94)

02. Record-Keeping and Reporting Requirements. The owner or operator of the combined zinc and lead smelter shall maintain a record of all measurements required by Section 858. (5-1-94)

a. One (1) hour average sulfur dioxide emission rates shall be calculated each calendar month and submitted to the Director within fifteen (15) days following the end of each calendar month to enable him to determine the impact of the smelter on ambient air quality. The records of such measurements shall be retained by the owner or operator for a minimum of two (2) years following the date of such measurements. (5-1-94)

b. Records of maintenance and/or calibration of any measurement system required pursuant to Section 858 shall be kept on site for a minimum of two (2) years and shall be submitted to the Director upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance. (5-1-94)

c. When any ambient air quality monitor from which data are telemetered to the smelter indicates that a state or federal ambient air quality standard for sulfur dioxide is equalled or exceeded, the owner or operator of the combined zinc and lead smelter shall notify the Director within twelve (12) hours of the occurrence. (5-1-94)

**859. -- 999. (RESERVED).**

APPENDIX A

