

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 33.1 - PART 70 PERMITS - DEFINITIONS

(Adopted 10/12/93, Revised 4/10/01, 9/12/06, 4/12/11, 4/8/25)

For the purposes of this rule the following definitions shall apply:

1. "Acid Rain Source": Any stationary source that includes one or more emission units that are subject to emission reduction requirements or limitations pursuant to Title IV of the federal Clean Air Act Amendments of 1990.
2. "Administrative Part 70 Permit Amendment": A modification to a Part 70 permit that is being made solely for the purpose of accomplishing one or more of the following objectives:
 - a. Corrects typographical errors.
 - b. Makes an administrative change at the source such as the name, address or phone number of a person named in the Part 70 permit.
 - c. Requires more frequent monitoring or reporting by the permittee.
 - d. Allows for the transfer of ownership or operational control of a stationary source provided that a written agreement containing a specific date for transfer of Part 70 permit responsibility, coverage and liability between the current and new permittee has been submitted to the District.

(Reference: 40 CFR 70.7(d)(1))

3. "Affected State": Any state:
 - a. Whose air quality may be affected by the issuance, modification or reissuance of a Part 70 permit and that is contiguous to the state of California, or
 - b. That is within 50 miles of the permitted source.

(Reference: 40 CFR 70.2 "Affected States")

4. "Applicable Requirement": Any federal, state, or District air pollution requirement including any requirement promulgated pursuant to a federal implementation plan for Ventura County and all federally-enforceable requirements.
5. Reserved.

6. "Emergency": Any situation arising from sudden and reasonably unforeseeable events beyond the control of a permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the stationary source to exceed a technology-based emission limitation under the Part 70 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.
7. "Emissions Allowable Under the Part 70 Permit": A federally-enforceable permit 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 emissions cap that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject. (Reference: 40 CFR 70.2 "Emissions Allowable Under the Permit")
8. "EPA Hazardous Air Pollutant": Any hazardous air pollutant listed pursuant to Section 112(b) of the federal Clean Air Act.
9. "Exceedance": A condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.
10. "Excursion" A departure from an indicator or surrogate parameter range established for monitoring under the applicable requirement or Part 70 permit condition, consistent with any averaging period specified for averaging the results of the monitoring.
11. "Federally-Enforceable": Any requirement, standard or limitation that is enforceable by the Administrator of the EPA and citizens under the federal Clean Air Act.
12. "Federally-Enforceable Requirement": Any air pollution requirement set forth in, or authorized by, the federal Clean Air Act or EPA regulations. In addition, conditions of a Part 70 permit are federally-enforceable requirements, unless such conditions are designated as not being federally-enforceable pursuant to Rule 33.3.C. Federally enforceable requirements include requirements that are included in regulations promulgated by the administrator of the EPA at the time of issuance of a Part 70 permit but have future effective dates. Federally-enforceable requirements include all of the following:
 - a. Title I requirements of the federal Clean Air Act, including, but not limited to, all of the following:
 - 1) New Source Review (Rule 26) requirements in the state implementation plan approved by the EPA and the terms and conditions of the Authority to Construct issued pursuant to such rule.

- 2) Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52).
 - 3) New Source Performance Standards (40 CFR Part 60).
 - 4) National Ambient Air Quality Standards, increments, or visibility requirements, but only as they would apply to sources permitted pursuant to Section 504(e) of the federal Clean Air Act.
 - 5) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61).
 - 6) Maximum Achievable Control Technology or Generally Available Control Technology Standards and Determinations (40 CFR Part 63).
 - 7) Any requirement to prepare and register a risk management plan under Section 112(r)(7) of the federal Clean Air Act.
 - 8) Solid Waste Incineration requirements (Section 129 of the federal Clean Air Act).
 - 9) Consumer and Commercial Product requirements (Section 183 of the federal Clean Air Act).
 - 10) Tank Vessel requirements (Section 183 of the federal Clean Air Act).
 - 11) District rules that are approved into the state implementation plan.
 - 12) Federal Implementation Plan requirements.
 - 13) Enhanced Monitoring and Compliance Certification requirements (Section 114(a)(3) of the federal Clean Air Act).
- b. Title III, Section 328 (Outer Continental Shelf) requirements of the federal Clean Air Act (40 CFR Part 55).
 - c. Title IV (Acid Deposition Control) requirements of the federal Clean Air Act (40 CFR Parts 72, 73, 75, 76, 77, 78).
 - d. Title VI (Stratospheric Ozone Protection) requirements of the federal Clean Air Act (40 CFR Part 82).
 - e. Monitoring and Analysis requirements (Section 504(b) of the federal Clean Air Act).
13. “Insignificant Activity”: Any emissions unit that meets all the following requirements:

- a. It is exempt from permitting requirements pursuant to Rule 23;
- b. It is not subject to any source-specific federally-enforceable requirement; and
- c. It emits no more than 0.5 tons per year of any EPA hazardous air pollutant and no more than 2 tons per year of any regulated air pollutant, except greenhouse gases.

Source-specific federally-enforceable requirements are requirements for which emission unit-specific information is required to determine applicability.

14. "Minor Part 70 Permit Modification": A modification to a Part 70 permit that meets all of the following criteria:
- a. The modification is not a Title I modification.
 - b. The modification does not violate any federally-enforceable requirements.
 - c. The modification does not require or change a federally-enforceable case-by-case determination of an emission limitation or other standard.
 - d. The modification does not involve any significant change to any existing federally-enforceable monitoring term or condition or involve any relaxation of reporting or recordkeeping requirements in the Part 70 permit.
 - e. The modification does not seek to establish or change a Part 70 permit condition that established a federally-enforceable emissions cap assumed to avoid an otherwise federally-enforceable requirement.

(Reference: 40 CFR 70.7(e)(2)(i)(A), 70.7(e)(4)(i))

15. "Modified Emissions Unit": As defined in Rule 2 and Rule 26.1.
16. "New Emissions Unit": As defined in Rule 26.1.
17. "Non-Federal Minor Change": A modification to a Part 70 permit that meets all of the following criteria:
- a. The modification is not addressed or prohibited by the federally-enforceable portion of the Part 70 permit.
 - b. The modification is not a Title I modification.

- c. The modification does not violate any federally-enforceable requirements.
- d. The modification is not subject to any requirement under Title IV of the federal Clean Air Act.

(Reference: 40 CFR 70.4(b)(14), 70.4(b)(15))

- 18. "Part 70 Permit": A permit issued by the District to fulfill the requirements of Title V of the federal Clean Air Act and 40 CFR Part 70. This Part 70 permit shall also serve as a permit to operate issued to fulfill the requirements of Rule 10.B. Notwithstanding the previous sentence a general Part 70 permit shall not serve as a permit to operate issued to fulfill the requirements of Rule 10.B.
- 19. "Potential to Emit": The potential to emit for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more EPA hazardous air pollutants are emitted from a stationary source, the potential to emit of each EPA hazardous air pollutant that is emitted shall be summed for the purpose of determining applicability pursuant to Rule 33.B.3.b. Notwithstanding the previous sentence, for the purpose of determining applicability pursuant to Rule 33.B.3, EPA hazardous air pollutant emissions from any oil or gas exploration or production well and associated equipment, and from any pipeline compressor or pump station shall not be aggregated with such emissions from other similar units whether or not such units are located in a contiguous area or are under common control. Fugitive emissions that are associated with a stationary source shall be included in the potential to emit for the stationary source if such stationary source is specified in 40 CFR 70.2 "Major Source" (2)(i-xxvii). Fugitive emissions of EPA hazardous air pollutants shall be included in the potential to emit of a stationary source for the purpose of determining applicability pursuant to Rule 33.B.3.

The potential to emit for an emissions unit is the maximum quantity of each regulated air pollutant or EPA hazardous air pollutant that may be emitted by the emissions unit, based on the emissions unit's physical and operational design. Physical and operational design shall include limitations that restrict emissions, such as hours of operation and type or amount of material combusted, stored or processed, provided such limitations are federally-enforceable.

(Reference: 40 CFR 70.2 "Major Source", 70.2 "Potential to Emit")

- 20. "Regulated Air Pollutant": Any pollutant which is emitted into or otherwise enters the ambient air, and which is listed among the following:
 - a. Nitrogen oxides and reactive organic compounds.
 - b. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the federal Clean Air Act.
 - c. Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the federal Clean Air Act.

- d. Any ozone-depleting substance specified as a Class I or Class II substance pursuant to Title VI of the federal Clean Air Act.
 - e. Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act, including:
 - 1) Any pollutant specified in the list of substances pursuant to Section 112(r) of the federal Clean Air Act shall be considered a regulated air pollutant upon promulgation of such list.
 - 2) Any EPA hazardous air pollutant subject to a standard or requirement promulgated by EPA pursuant to Section 112(d) of the federal Clean Air Act shall be considered a regulated air pollutant upon promulgation of the standard or list.
 - 3) Any EPA hazardous air pollutant for which the EPA has failed to promulgate a standard by the deadline established pursuant to Section 112(e) of the federal Clean Air Act. Any such EPA hazardous air pollutant shall be considered a regulated air pollutant 18 months after the missed deadline.
 - 4) Any EPA hazardous air pollutant subject to a District case-by-case emission limitation determination made pursuant to Section 112(g) of the federal Clean Air Act. For any case-by-case emission limitation determination made pursuant to Section 112(g), the EPA hazardous air pollutant shall be considered a regulated air pollutant only for the stationary source for which such emission limitation determination was made.
 - f. Greenhouse gases if the source has a potential to emit of 100,000 tons per year or more CO₂ equivalent emissions (effective July 1, 2011).
21. "Relocated Emissions Unit": As defined in Rule 26.1.
22. "Replacement Emissions Unit": As defined in Rule 26.1.
23. "Responsible Official": one of the following:
- 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, 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 Part 70 permit and either:

- 1). The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars); or
 - 2). The delegation of authority to such representatives is approved in advance by the District.
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, 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.
 - d. For acid rain sources:
 - 1) The designated representative in so far as actions standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or any regulations promulgated thereunder are concerned; or
 - 2) The designated representative for any other purposes under Rule 33.

(Reference: 40 CFR 70.2 "Responsible Official")
24. "Significant Part 70 Permit Action": A permit action that would:
- a. Issue an initial Part 70 permit;
 - b. Reissue a Part 70 permit; or
 - c. Modify a Part 70 permit, except an administrative Part 70 permit amendment, nonfederal minor change or minor Part 70 permit modification.
25. "Significant Part 70 Permit Modification": Any modification to a Part 70 permit that is not either an administrative Part 70 permit amendment, nonfederal minor change or minor Part 70 permit modification.
26. "Title I Modification": A modification to a Part 70 permit that meets any of the following criteria:
- a. The modification is subject to Rule 26.10. (Reference: 40 CFR 52.21(b)(23)(i))
 - b. The modification is a Major Modification as defined in Rule 26.1. (Reference: CAA Section 182(c)(6))

- c. The increase in potential to emit any EPA hazardous air pollutant from all new, modified, replacement, or relocated emission units at the stationary source, which are covered by the application for such Part 70 permit modification would be greater than the de minimis level for such EPA hazardous air pollutant specified by EPA rulemaking pursuant to Section 112(g) of the federal Clean Air Act or District rulemaking.
- d. Any modification to a source that would be defined as a modification under 40 CFR Part 60, Standards of Performance for New Stationary Sources. (Reference: 40 CFR 60.14)
- e. Any modification to a source that would be defined as a modification under 40 CFR Part 61 and Part 63, National Emissions Standards for Hazardous Air Pollutants. (Reference: 40 CFR 61.15, 40 CFR 63.2)