

San Joaquin Valley Air Pollution Control District

Authority to Construct Application Review

Dormant Emissions Unit

Facility Name: _____ Date: _____
Mailing Address: _____ Engineer: _____
Lead Engineer: _____
Contact Person: _____
Telephone: _____
E-Mail: _____
Application #(s): _____
Project #: _____
Deemed Complete: _____

I. Proposal

Facility Name is requesting an Authority to Construct (ATC) to designate the equipment as a non-compliant/compliant dormant emissions unit (DEU). The applicant proposes to disconnect the fuel line (**adjust as necessary**) to ensure that the equipment does not operate while dormant.

Pursuant to District GEAR Policy, this application is administrative and not subject to District Rule 2201, *New and Modified Stationary Source Review Rule*.

For non-compliant units

Unit X-XXX-X is currently out of compliance with District Rule XXXX. Therefore, operation of the unit will not be allowed until the operator applies for (and the District issues) an ATC to comply with the applicable District rules.

For compliant units

The operator proposes to defer the established source testing requirements while the unit is dormant.

Also (when applicable) discuss whether the facility is a Title V facility, and address the Certificate of Conformity (COC) process.

Example (a): (Without COC – Title V Minor Modification)

XYZ Company received their Title V Permit on XXXXX. This modification can be classified as a Title V minor modification pursuant to Rule 2520, and can be processed with a Certificate of Conformity (COC). But the facility has not requested that this project be processed in that manner; therefore, XYZ Company will be required to submit a Title V minor modification

application prior to operating under the revised provisions of the ATC(s) issued with this project.

Example (b): (With COC – Title V Minor Modification)

XYZ Company received their Title V Permit on XXXXX. This modification can be classified as a Title V minor modification pursuant to Rule 2520, and can be processed with a Certificate of Conformity (COC). Since the facility has specifically requested that this project be processed in that manner, the 45-day EPA comment period will be satisfied prior to the issuance of the Authority to Construct. XYZ Company must apply to administratively amend their Title V permit.

II. Applicable Rules

Rule 1070 Inspections (12/17/92)

Rule 2010 Permits Required (12/17/92)

Rule 2080 Conditional Approval (12/17/92)

Rule 2520 Federally Mandated Operating Permits (6/20/24) **[Delete if not applicable]**

III. Project Location

The project is located at [Project Location](#).

IV. Process Description

The Equipment performs [\[Add the basic function here\]](#) (e.g. **The steam generator generates steam for injection into oil bearing strata to make oil easier to pump, or The turbine unit spins an electrical generator to generate electricity.**)

V. Equipment Listing

Pre-Project Equipment Description:

X-XXX-X-X: [PASTE EQUIPMENT DESCRIPTION FROM CURRENT PTO HERE](#)

Duplicate for each additional unit, and Delete this line.

Proposed Modification:

For non-compliant units

The applicant has proposed to designate the [\[enter equipment\]](#) as non-compliant dormant emissions unit.

X-XXX-X-X: MODIFICATION OF [EQUIPMENT DESCRIPTION FROM ABOVE](#): DESIGNATE AS A NON-COMPLIANT DORMANT EMISSIONS UNIT

For compliant units

The applicant has proposed to designate the [enter equipment] as a compliant dormant emissions unit.

X-XXX-X-X: MODIFICATION OF EQUIPMENT DESCRIPTION FROM ABOVE: DESIGNATE AS A COMPLIANT DORMANT EMISSIONS UNIT

Duplicate for each additional unit, and Delete this line.

Post-Project Equipment Description:

X-XXX-X-X: PASTE EQUIPMENT DESCRIPTION FROM CURRENT PTO HERE

Duplicate for each additional unit, and Delete this line.

VI. Emission Control Technology Evaluation

There are no proposed physical changes to the equipment or any change in permitted emissions. Therefore, there is no need to evaluate the emission control technology.

VII. General Calculations

Since this project is not subject to Rule 2201, calculations are not required.

Verify the PE of all units in this project, enter the data into the appropriate emissions profiles, and Delete this line.

VIII. Compliance

PLEASE NOTE: In General, NO conditions are to be removed from the Permit.

FOR NON-COMPLIANT UNITS (Otherwise delete up to Compliant Units section).

The unit will not be allowed to operate until the operator applies for and receives a valid ATC to bring the equipment back into compliance with all District Regulations prior to recommencing operation.

Nothing in this evaluation shall be construed to shield a unit that has operated out of compliance with any District, state or federal requirements. A unit designated as a DEU is subject to enforcement action for any and all violations.

Rule 2010 Permits Required

This rule allows the District to require any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to

Construct or a Permit to Operate. This rule also explains the posting requirements for a Permit to Operate and the illegality of a person willfully altering, defacing, forging, counterfeiting or falsifying any Permit to Operate. The following condition will be listed on the ATC(s) as a mechanism to ensure compliance:

- {4558} Operation of the unit is not authorized until modifications are made to comply with District Rules as authorized by an Authority to Construct. [District Rule 2010]

Rule 2080 Conditional Approval

This rule allows the District to issue or revise specific written conditions on an Authority to Construct or a Permit to Operate to assure compliance with air contaminant emission standards or limitations. The following conditions will be listed on the ATC(s) as a mechanism to ensure compliance:

- {4559} The fuel line shall be physically disconnected from the unit. **(Adjust as necessary)** [District Rule 2080]
- {4560} While dormant, normal source testing shall not be required. [District Rule 2080]

FOR COMPLIANT UNITS (Otherwise delete up to Rule 2520 section).

While the equipment is dormant, the established source testing will not be required. Whenever the operator designates the equipment as active, the established source testing requirements will resume.

Nothing in this evaluation shall be construed to shield a unit that has operated out of compliance with any District, state or federal requirements. A unit designated as a DEU is subject to enforcement action for any and all violations.

Rule 1070 Inspections

This rule allows the District to perform inspections for the purpose of obtaining information necessary to determine whether air pollution sources are in compliance with applicable rules and regulations. The rule also allows the District to require record keeping, to make inspections and to conduct tests of air pollution sources. The following condition will be listed on the ATC(s) as a mechanism to ensure compliance:

- {4565} Records of all dates and times that this unit is designated as dormant or active, and copies of all corresponding notices to the District, shall be maintained, retained for a period of at least five years, and made available for District inspection upon request. [District Rule 1070]

Rule 2080 Conditional Approval

This rule allows the District to issue or revise specific written conditions on an Authority to Construct or a Permit to Operate to assure compliance with air contaminant emission standards or limitations. The following conditions will be listed on the ATC(s) as a mechanism to ensure compliance:

- {4561} While dormant, the fuel line shall be physically disconnected from the unit. **(Adjust as necessary)** [District Rule 2080]
- {4562} Permittee shall submit written notification to the District upon designating the unit as dormant or active. [District Rule 2080]
- {4560} While dormant, normal source testing shall not be required. [District Rule 2080]
- {4563} Upon recommencing operation of this unit, normal source testing shall resume. [District Rule 2080]
- {4564} Any source testing required by this permit shall be performed within 60 days of recommencing operation of this unit, regardless of whether the unit remains active or is again designated as dormant. [District Rule 2080]

FOR TITLE V SOURCES (This section is applicable for compliant/non-compliant DEUs unless not a Title V source; if not a Title V source delete this section)

Rule 2520 Federally Mandated Operating Permits

This facility is subject to this Rule, and has received their Title V Operating Permit. The proposed modification is a Minor Modification to the Title V Permit.

In accordance with Rule 2520, Minor Permit Modifications are permit modifications that:

1. Do not violate requirements of any applicable federally enforceable local or federal regulations;
2. Do not relax monitoring, reporting, or recordkeeping requirements in the permit and are not significant changes in existing monitoring permit terms or conditions;
3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
4. Do not 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:
 - a. A federally enforceable emission cap assumed to avoid classification as a modification under any provisions of Title I of the Federal Clean Air Act, prevention

- of significant deterioration (PSD) provisions of the CAA, or EPA PSD regulations; and
- b. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Federal Clean Air Act; and
 5. Are not Federal Major Modifications as defined in this rule, modifications as defined in section 111 or 112 of the Federal Clean Air Act, or major modifications under the prevention of significant deterioration (PSD) provisions of Title I of the CAA or under EPA PSD regulations; and
 6. Do not seek to consolidate overlapping applicable requirements.

Additionally, Section 11.4 requires a description of the proposed change, the emissions resulting from the change, any new applicable requirements that will apply if the change occurs, suggested draft permits, compliance certification and an EPA 45-day review period of the proposed permit modification (or a shorter period if EPA has notified the District that EPA will not object to issuance of the permit modification, whichever is first).

With COC (otherwise delete):

As discussed above, the facility has applied for a Certificate of Conformity (COC) and the District will forward to EPA, for a 45-day review period, this application review which includes the proposed modified Title V permit [i.e. proposed ATC(s)] and the compliance certification form which demonstrates compliance with the minor permit modification requirements in Section 11.4. Therefore, the facility must apply to modify their Title V permit with an administrative amendment, prior to operating with the proposed modifications. Continued compliance with this rule is expected. The facility may construct/operate under the ATC upon submittal of the Title V administrative amendment application.

Without COC (otherwise delete):

As discussed above, the facility has not applied for a Certificate of Conformity (COC). Therefore, the facility must apply to modify their Title V permit with a minor modification, prior to operating with the proposed modifications. Upon receipt of the minor modification application, the District will forward to EPA, for a 45-day review period, the proposed modified Title V permit, the ATCs issued in this project, a compliance certification form, and a copy of this evaluation, which demonstrates compliance with the minor permit modification requirements in Section 11.4. The facility may construct/operate under the ATC upon submittal of the Title V minor modification application.

The following conditions will be listed on the ATC(s) as a mechanism to ensure compliance:

(For COC only; otherwise delete)

- {1830} This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District Rule 2520]

- {1831} Prior to operating with modifications authorized by this Authority to Construct, the permittee shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4]

(For non-COC only; otherwise delete)

- {1829}The facility shall submit an application to modify the Title V permit in accordance with the timeframes and procedures of District Rule 2520. [District Rule 2520]

IX. California Environmental Quality Act (CEQA)

CEQA requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The San Joaquin Valley Unified Air Pollution Control District (District) adopted its *Environmental Review Guidelines* (ERG) in 2001.

The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

The District performed an Engineering Evaluation (this document) for the proposed project and determined that the project qualifies for ministerial approval under the District's Guideline for Expedited Application Review (GEAR). Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which a public agency exercises only ministerial approval. Therefore, the District finds that this project is exempt from the provisions of CEQA.

Indemnification Agreement/Letter of Credit Determination

According to District Policy APR 2010 (CEQA Implementation Policy), when the District is the Lead or Responsible Agency for CEQA purposes, an indemnification agreement and/or a letter of credit may be required. The decision to require an indemnity agreement and/or a letter of credit are based on a case-by-case analysis of a particular project's potential for litigation risk, which in turn may be based on a project's potential to generate public concern, its potential for significant impacts, and the project proponent's ability to pay for the costs of litigation without a letter of credit, among other factors.

As described above, the project requires only ministerial approval, and is exempt from the provisions of CEQA. As such, an Indemnification Agreement or a Letter of Credit will not be required for this project in the absence of expressed public concern.

X. Recommendation

Issue [ATC X-XXX-X-X](#) subject to the permit conditions listed on the attached draft ATC in [Appendix B](#).

XI. Billing Information

Annual Permit Fees			
Permit Number	Fee Schedule	Fee Description	Annual Fee
X-XXX-X-X	3020-02-H	20 MMBtu/hr Boiler	\$XXX

Appendixes

- A. Current PTO
- B. Draft ATC
- C. Compliance Certification Form **(Delete this line if this is not a COC project)**

APPENDIX A
Current PTO

APPENDIX B
Draft ATC

Appendix C
Compliance Certification Form (Delete if not applicable)