

# San Joaquin Valley Unified Air Pollution Control District

## Clean Emissions Unit Determination Guidance for District Rule 3170

Approved By:



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### I. Purpose

District Rule 3170, Federally Mandated Ozone Nonattainment Fee (amended May 19, 2011), requires payment of annual emission fees for major sources of NO<sub>x</sub> and VOC. Emission units that are clean emissions units are exempt from such fees. Operators are required to identify on an annual basis which units are claimed as clean emissions units, and to include a justification of that claim. Referencing of an applicable District-published clean unit determination suffices as an acceptable method for such justification.

As defined in Rule 3170, a clean emission unit can be either an emission unit that is equipped with control technology that satisfied achieved in practice BACT as accepted by the APCO between 2006 and 2010 or a unit that is equipped with minimum control efficiency of 95% by weight (85% for lean burn IC engines).

This policy documents achieved in practice BACT requirements from the period 2006 – 2010 for NO<sub>x</sub> and VOC (one method to qualify as a clean emission unit).

Other clean unit determinations shall be made on a case by case basis.

### II. Applicability

This policy applies to any stationary source subject to Rule 3170 (amended 5/19/11).

Please note that the clean unit determinations included in this policy are independent of the term clean emission unit as defined in Rule 2201 – New and Modified Stationary Source Review.

### III. Definitions

#### Rule 3170 section 3.5 Clean Emissions Unit

An emissions unit that the APCO has determined meets one of the following criteria:

- 3.5.1 The unit is equipped with an emissions control technology with a minimum control efficiency of at least 95% (or at least 85% for lean burn internal combustion engines); or
- 3.5.2 The unit is equipped with emission control technology that meets or exceeds the requirements for achieved-in-practice Best Available Control Technology as accepted by the APCO during the period from 2006 through 2010.

### IV. Clean Unit Determination Guidance

- The determination if an emission unit is clean emission unit is made on a pollutant by pollutant basis.
- The determination if an emission unit is a clean emission unit is only required for the pollutant(s) (NO<sub>x</sub> or VOC) for which the stationary source is a major source.
- For a unit to qualify as a clean emission unit, it must either 1) include permit conditions that at the least specify the achieve in practice BACT requirement or 2) demonstrate on an annual basis that the unit is actually operating at achieved in practice BACT levels.
- The definitions of “source operation” (in District Rule 1020) and “emission unit” (in District Rule 2201) taken together state that units that serve solely as emission control devices are not emission units. Per District Rule 2201, only emission units can trigger BACT. Therefore, units that serve solely as emission control devices are not subject to Rule 3170 emission fees.

See enclosed listing of the Rule 3170 Clean Unit Achieved in Practice BACT determinations that were in effect during Jan 2006 and December 2010 (Attachment I). Please note that if more than one version of a particular BACT guideline was in effect in this time period, only the lesser-stringent BACT guideline requirement is listed.

# **ATTACHMENT I**

## **RULE 3170 CLEAN UNIT 2006-2010 ACHIEVED IN PRACTICE BACT DETERMINATION**