

RULE 2550 FEDERALLY MANDATED PRECONSTRUCTION REVIEW FOR
MAJOR SOURCES OF AIR TOXICS (Adopted June 18, 1998)

1.0 Purpose

The purpose of this rule is to provide an administrative mechanism for implementing the preconstruction review requirements of 40 CFR part 63.40 through 63.44 at major air toxics sources.

2.0 Applicability

The provisions of this rule shall only apply to applications to construct or reconstruct a major air toxics source with Authority to Construct issued on or after June 28, 1998. Requirements for other projects that result in increases in emissions of hazardous air pollutants are addressed in the District's Risk Management Policy for Permitting New and Modified Sources.

3.0 Definitions

3.1 Maximum Achievable Control Technology (MACT) for new sources or Toxic Best Available Control Technology (TBACT): the emission limitation or control technique that:

3.1.1 Is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and

3.1.2 Reflects the maximum degree of reduction in emissions that the APCO determines is achievable for the new or reconstructed source. In making this determination, the APCO shall consider the cost of achieving the reduction, non-air quality health impacts, other environmental impacts and energy requirements.

3.2 Reconstruct a Major Source: To replace components of an existing process or production unit that has the potential to emit hazardous air pollutants equal to or in excess of the thresholds established for major air toxics sources, whenever:

3.2.1 The fixed capital cost of the replaced components exceeds 50% of the fixed capital cost required to construct a comparable process or production unit; and

3.2.2 It is technologically and economically feasible for the reconstructed source to meet the TBACT emission limitation of this rule for new sources.

- 3.3 Other terms that are not defined in this rule shall have the same meaning as given in District Rule 2520 (Federally Mandated Operating Permits) and District Rule 2201 (New and Modified Stationary Source Review Rule).

4.0 Exemptions

The provisions of this rule shall not apply to:

- 4.1 Emissions units that are already subject to a standard promulgated under Section 112(d), 112(j), or 112(h) of the Federal Clean Air Act;
- 4.2 Electric utility steam generating units as defined in 40 CFR part 63.41;
- 4.3 Stationary sources within a source category deleted from the Federal source category list pursuant to Section 112 (c) (9) of the Federal Clean Air Act; and
- 4.4 Research and development activities as defined in 40 CRF part 63.41.

5.0 Requirements for New and Reconstructed Sources

- 5.1 No person shall construct a new major air toxics source at any undeveloped site unless TBACT is applied.
- 5.2 No person shall construct a new emissions or process unit with the potential to emit hazardous air pollutants equal to or in excess of major air toxic source thresholds at a developed site unless TBACT is applied to the new emissions unit, except as provided in 40 CFR part 63.40 through 63.44.
- 5.3 No person shall reconstruct a major air toxic source unless TBACT is applied.

6.0 Administrative Requirements

- 6.1 An application for authority to construct or reconstruct a major air toxic source shall be subject to the administrative requirements of District Rule 2201 (New and Modified Stationary Source Review Rule) that apply to new major sources.
- 6.2 A preliminary written decision to approve an Authority to Construct for construction or reconstruction of a major air toxic source issued pursuant to Rule 2201 shall serve as an Initial Notice of MACT approval. A Notice of Final Action issued pursuant to Rule 2201 shall serve as a Final Notice of MACT approval.
- 6.3 An Authority to Construct for a newly constructed or reconstructed major air toxic source issued pursuant to Rule 2201 shall include all conditions necessary to assure compliance with the requirement of this rule for TBACT.