

RULE 1301. PART 70 OPERATING PERMITS – GENERAL INFORMATION. (Adopted 11/09/1993, revised 8/15/1996, 9/18/1997, 1/18/2001, ~~and 6/19/2003~~, and [date of amended rule adoption])

[. . .]

C. Definitions

For purposes of this Rule and of Rules 1302 through 1305, the definitions listed below shall apply:

[. . .]

"Part 70 Source" means stationary sources included in the following source categories:

1. A stationary source with the potential to emit a regulated air pollutant or a hazardous air pollutant (~~HAP~~) in quantities equal to or exceeding any of the following thresholds:
 - a. 100 tons/ per year of any regulated air pollutant except greenhouse gases.
 - b. greenhouse gases that are "subject to regulation" as defined in 40 CFR 70.2 in effect July 1, 2010.
 - c. 10 tons/ per year of any individual HAPhazardous air pollutant or 25 tons/ per year of a combination of HAPhazardous air pollutants, or any lesser quantity thresholds for any HAPhazardous air pollutant established by USEPAEnvironmental Protection Agency rulemaking. Fugitive emissions of HAPhazardous air pollutants must be counted for the purposes of determining applicability. However, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units are Part 70 sources.
 - d. Any lesser quantity thresholds established by USEPAEnvironmental Protection Agency rulemaking.
2. Any stationary source defined by the USEPAEnvironmental Protection Agency as major for the District under Title I, Part D (Plans for Nonattainment Areas) of the CAAClean Air Act and its implementing regulations including:
 - a. For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate"; 50 tons per year or more in areas classified as "serious"; 25 tons per year or more in areas classified as "severe"; and 10 tons per year or more in areas classified as "extreme";
3. Acid rain sources included under the provisions of Title IV of the CAAClean Air Act and its implementing regulations.
4. Any source required to have a preconstruction review permit pursuant to the requirements of the ~~n~~New ~~s~~Source ~~r~~Review (~~NSR~~)~~or p~~Prevention of ~~s~~Significant ~~d~~Deterioration (~~PSD~~) program under Title I, Parts C and D of the CAAClean Air Act and its implementing regulations.
5. Any solid waste incineration unit required to obtain a Part 70 permit pursuant to Section 129(e) of the CAAClean Air Act and its implementing regulations.

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6. Any stationary source ~~in a source category~~ required to obtain a Part 70 permit pursuant to regulations promulgated by the ~~USEPA~~Environmental Protection Agency Administrator.

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"Regulated Air Pollutant" means any air pollutant (a) which is emitted into and otherwise enters the ambient air, as defined in 40 CFR 50.1 in effect July 1, 2010, and (b) for which the ~~USEPA~~Environmental Protection Agency has adopted an emission limit, standard or other requirement. Regulated air pollutants include:

1. Oxides of nitrogen (~~NOx~~); ~~also, and~~ volatile organic compounds (~~VOC~~) as defined in 40 CFR 51.166 in effect July 1, 2010;
2. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the ~~CAA~~Clean Air Act and its implementing regulations;
3. Any pollutant subject to any standard promulgated under Section 111 (New Source Performance Standards) of the ~~CAA~~Clean Air Act and its implementing regulations;
4. Any ozone-depleting substance specified as class I or II substance pursuant to Title VI of the ~~CAA~~Clean Air Act and its implementing regulations;
5. Any pollutant subject to a standard promulgated under Section 112 (Hazardous Air Pollutants) of the ~~CAA~~Clean Air Act and its implementing regulations, including:
 - a. Any pollutant listed pursuant to Section 112(r) of the ~~CAA~~Clean Air Act ~~and its implementing regulations~~ shall be considered a regulated air pollutant upon promulgation of the list.
 - b. Any ~~HAP~~hazardous air pollutant subject to a standard or other requirement promulgated by the ~~USEPA~~Environmental Protection Agency pursuant to Section 112(d) of the ~~CAA~~Clean Air Act or adopted by the District pursuant to Sections 112(g) and 112(j) of the ~~CAA~~Clean Air Act shall be considered a regulated air pollutant for all sources or source categories: (a) upon promulgation of the standard or requirement, or (b) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the ~~CAA~~Clean Air Act.
 - c. Any ~~HAP~~hazardous air pollutant subject to a District case-by-case emissions limitation determination for a new or modified source, prior to ~~USEPA~~Environmental Protection Agency promulgation or scheduled promulgation of an emissions limitation, shall be considered a regulated air pollutant when the determination is made pursuant to Section 112(g)(2) of the ~~CAA~~Clean Air Act ~~and its implementing regulations~~. In case-by-case emissions limitation determinations, the ~~HAP~~hazardous air pollutant shall be considered a regulated air pollutant only for the individual source for which the emission limitation determination was made.

6. Greenhouse gases that are "subject to regulation" as defined in 40 CFR 70.2 in effect July 1, 2010.

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