

**RULE 370. POTENTIAL TO EMIT – LIMITATIONS FOR PART 70 SOURCES. (Adopted 6/15/1995, revised 1/18/2001 and [date of amended rule adoption])**

[...]

**C. Definitions**

All terms shall retain the definitions provided under 40 CFR Part 70.2 in effect July 1, 2010 or District Rule 1301, Part 70 Operating Permits - General Information, as applicable, unless otherwise defined herein.

[...]

**"Major Source of Regulated Air Pollutants (excluding hazardous air pollutants)"** means ~~a-any~~ stationary source:

a. ~~\_\_\_\_\_~~ that emits or has the potential to emit a regulated air pollutant (excluding hazardous air pollutants) in quantities equal to or exceeding any of the following thresholds:

a. ~~\_\_\_\_\_~~ 100 tons per year (tpy) of any regulated air pollutant, or lower threshold as applicable for the District under Title I, Part D of the federal Clean Air Act and its implementing regulations.

b. ~~\_\_\_\_\_~~ 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".

1) ~~\_\_\_\_\_~~ one hundred tons per year of any pollutant, except greenhouse gases.

2) ~~\_\_\_\_\_~~ greenhouse gases that are "subject to regulation" as defined in 40 CFR 70.2 in effect July 1, 2010.

3) ~~\_\_\_\_\_~~ any lesser quantity thresholds established by Environmental Protection Agency rulemaking.

b. ~~\_\_\_\_\_~~ defined by the Environmental Protection Agency as major for the District under Title I, Part D (Plans for Nonattainment Areas) of the Clean Air Act and its implementing regulations including:

1) ~~\_\_\_\_\_~~ For ozone nonattainment areas, stationary 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."

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions- Major source(2)-" in effect July 1, 2010.

[...]

**"Regulated Air Pollutant"** means ~~the following air pollutants as regulated under the federal Clean Air Act:~~ 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 Environmental Protection Agency has adopted an emission limit, standard or other requirement. Regulated air pollutants include:

a. Oxides of nitrogen and volatile organic compounds (as defined in 40 CFR 51.166 in effect July 1, 2010);

- b. Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Clean Air Act and its implementing regulations;
- e. ~~Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act;~~
- ~~d.~~ Any pollutant ~~that is~~ subject to any standard promulgated under Section 111 (New Source Performance Standards) of the ~~federal~~ Clean Air Act and its implementing regulations;
- d. Any ozone-depleting substance specified as class I or II substance pursuant to Title VI of the Clean Air Act and its implementing regulations; and
- e. Any pollutant subject to a standard ~~or requirement~~ promulgated ~~pursuant to~~ under Section 112 (Hazardous Air Pollutants) of the ~~federal~~ Clean Air Act and its implementing regulations, including:
  - 1) Any pollutant listed pursuant to Section 112(r) (~~Prevention of Accidental Releases~~) of the Clean Air Act shall be considered a regulated air pollutant upon promulgation of the list.
  - 2) Any hazardous air pollutant subject to a standard or other requirement promulgated by the USEPA-Environmental Protection Agency pursuant to Section 112(d) of the Clean Air Act or adopted by the District pursuant to 112(g) and (j) of the Clean Air Act shall be considered a regulated air pollutant for all sources or source categories ~~of sources~~: (i) upon promulgation of the standard or requirement, or (ii) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Clean Air Act.
  - 3) Any hazardous air pollutant subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the 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 Clean Air Act. In case-by-case emissions limitation determinations, the hazardous air pollutant shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.
- f. Greenhouse gases that are “subject to regulation” as defined in 40 CFR 70.2 in effect July 1, 2010.

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