

**SUBPART 201-7**  
**FEDERALLY ENFORCEABLE EMISSION CAPS**

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**Historical Note**

Subpart (§§ 201-7.1—201-7.3) filed June 7, 1996 eff. 30 days after filing.

**§ 201-7.1 General.**

A source owner or operator may elect to accept federally enforceable permit terms and conditions which restrict or cap emissions from a stationary source or emission unit in order to avoid being subject to one or more applicable requirements that the source or unit would otherwise be subject to, or where needed to establish an emission reduction credit as defined under Part 231 of this Title. Source owners or operator may also be eligible to cap their emissions by accepting limitations and provisions established under section 201-7.3 of this Subpart in order to avoid the requirement to obtain a title V facility permit or other applicable requirement.

**Historical Note**

Sec. filed June 7, 1996 eff. 30 days after filing.

**§ 201-7.2 Emission capping using synthetic minor permits.**

(a) Where an emission cap is desired, the source owner or operator must make a request in writing and submit an application for a permit or permit modification for the affected emission units or the facility as a whole. The source owner and/or operator may also accept conditions of a permit modification proposed by the department in accordance with Part 621 of this Title to establish an emission cap. The application must contain a complete description of the proposed emission cap and include all background information on the emission units and operations involved (including, but not limited to, emissions of individual regulated pollutants, duration and frequency of emissions, existing or proposed control equipment, other emission points releasing the same contaminants at the facility, etc.), along with calculations assessing the applicability status of the facility and demonstrating that the cap will obviate the requirement to obtain a title V facility permit, or comply with an applicable requirement. The owner or operator must also include a proposed monitoring, recordkeeping, and reporting strategy that will be used to demonstrate that the emissions limitations under the proposed cap are verifiable, and enforceable, along with the proposed permit terms and conditions. Capping methods may include: a reduction in the hours of operation; reformulations relating to the cap, the installation of control equipment; and/or making other process changes.

(b) Permits and permit modifications involving emission caps must be subjected to the public notice and comment procedures required for permit applications under Part 621 of this Title which must include at a minimum publication of a notice of complete application in the *Environmental Notice Bulletin* and a 30 day public comment period. Copies of permits including capping provisions shall be forwarded to the administrator, unless the administrator approves an alternate procedure for reviewing such permits or exempts certain classes of permits from such review.

(c) When approved by the department, federally-enforceable terms and conditions will be incorporated into the permit limiting emissions below those requiring a title V facility permit or compliance with a specific applicable requirement.

(d) The owner or operator of any facility subject to this section must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compli-

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ance with this and any other State and Federal air pollution control requirements, regulations or law.

(e) On an annual basis, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold levels that would require the submission of an application for a title V facility permit, or compliance with an applicable requirement.

(f) The emission of pollutants in exceedance of the applicability thresholds for obtaining a title V facility permit or other applicable requirements constitutes a violation of this Part and of the act.

**Historical Note**

Sec. filed June 7, 1996 eff. 30 days after filing.

**§ 201-7.3 Emission capping by rule.**

(a) *Purpose.* The purpose of this section is to provide an alternate method of establishing federally enforceable emission caps, for general use by stationary sources that would otherwise be required to obtain a permit or permit modification to relieve a source owner and/or operator from the requirement to obtain a title V facility permit, or to comply with other applicable requirements described under this section.

(b) *Applicability.* (1) This section applies to any stationary source which would, if it did not comply with the limitations set forth in this section, have the potential to emit air contaminants at a level equal to or in excess of the threshold for a major source or of any applicable regulation of this Chapter of regulated air contaminants or hazardous air pollutants, but where actual emissions of the source are less than or equal to the limitations established under subdivision (e) of this section in any 12-month period.

(2) This section also applies to any stationary source having the potential to emit 10 tons per year of VOCs that would be subject to the regulations listed below if it did not comply with the limitations on actual emissions established under subdivision (e) of this section in any 12-month period:

- (i) Part 228 of this Title, Surface Coating Processes;
- (ii) Part 233 of this Title, Pharmaceutical and Cosmetic Manufacturing Processes.

(c) *Source category prohibitions.* Stationary sources specifically required to obtain a title V facility permit by the Administrator are prohibited from establishing federally enforceable emission caps using the provisions of this section.

(d) *Eligibility.* Owners or operators of existing stationary sources that comply with the limitations on actual emissions and other requirements under this section are not required to apply to the department for a permit modification to obtain a federally enforceable emissions cap. Compliance with such limitations and requirements under this section shall also have the effect of limiting the potential to emit of a stationary source just below major stationary source thresholds. However, if the facility owner or operator determines that the emission limitation or requirements established in this section are unacceptable, the owner or operator must apply for the necessary permit or permit modifications described under section 201-7.2 of this Subpart if they continue to seek relief from the requirement to obtain a title V facility permit or from the applicable requirements listed in paragraphs (b)(1) and (2) of this section.

(e) *Emission limitations.* Stationary sources subject to and operating pursuant to this section must not emit more than the following quantities of emissions in every 12-month period:

- (1) 50 percent of the major stationary source thresholds for regulated air pollutants;
- (2) five tons of a single hazardous air pollutant;
- (3) 12.5 tons of any combination of hazardous air pollutants;