

**San Joaquin Valley  
Unified Air Pollution Control District**

**Guideline for Expedited Application Review (GEAR-28)  
Dormant Emissions Units**

Approved by: \_\_\_\_\_ Date May 31, 2016

Arnaud Marjollet  
Director of Permit Services

### **I. Purpose**

The purpose of this GEAR Policy is to outline the procedures for expedited processing of Authority to Construct (ATC) applications to designate any emissions unit as a Dormant Emissions Unit (DEU) for all purposes. This includes applications to designate emissions units as either non-compliant or compliant emission units.

### **II. Background**

Many Regulation IV Rules impose control requirements and/or lower emission standards for emissions units that are already in operation. In this case, all units must demonstrate compliance with the Rule requirements on or prior to dates specified in the applicable Rules. Occasionally it is too costly to bring a unit into compliance or else the unit is not capable of being brought into compliance, i.e. non-compliant emission units.

Additionally, some units are not operated for extended periods of time due to other business considerations, i.e. compliant emission units.

The District has determined that affected emissions units will not be required to demonstrate compliance with applicable Rules or perform normal monitoring if they are not operated *and* are designated as dormant by permit condition.

This GEAR supersedes the requirements of District policy SSP-1705 – Additional Permit Conditions for Dormant Emission Units.

### **III. Applicability**

This policy applies to all ATC applications for designating any unit as either a non-compliant (does not comply with current District Rule) or compliant DEU (complies with current District Rules, but is not operating and will not perform a regularly scheduled source test).

#### **IV. Permit Application and Supplementary Forms**

- a. The applicant must submit a complete ATC application form. Typically, a supplemental application form is not required.
- b. Any project that solely designates a unit as dormant (with no additional modifications) is considered to be administrative only, and is not subject to Rule 2201.
- c. The applicant must include the following information.
  1. Permit Unit Number
  2. Date the unit was last operated and the hour-meter reading, if applicable, or other substantiating data or records.
  3. Actions taken to ensure that the unit will not be operated including, but not limited to, disconnecting the fuel line, emptying the fuel tank, removing water supply lines, disconnecting power connections, etc.
  4. A statement if the unit is in compliance or non-compliance with current District rules

#### **V. Requirements for DEUs**

##### Non-compliant DEUs

- a. Any emissions unit may be designated as a non-compliant DEU.
- b. The fuel line (or other device) shall be disconnected to prevent the unit from operating.
- c. Normal monitoring and source testing will not be required.
- d. The unit can not be operated until the facility receives an ATC and makes modifications to allow the unit to comply with District rules

##### Compliant DEUs

- a. Any emissions unit may be designated as a compliant DEU.
- b. While dormant, the fuel line (or other device) shall be disconnected to prevent the unit from operating.
- c. While dormant normal source testing will not be required.
- d. The unit that may be designated as active or dormant again with a written notification to the District
- e. When a DEU is designated as active, normal source testing shall resume immediately.
- f. If a DEU is designated as active and operates on or after the date of the next required compliance demonstration, the unit must demonstrate compliance, generally with a source test, within 60 days of being activated, whether or not it operates for the full 60 days.

#### **VI. Application Review**

To standardize the application review for all DEU projects, the application review found on the AIRNET will be used as a base document, ensuring that ATCs and PTOs are issued in a consistent and expeditious manner. The application review format follows.

Non-COC ATCs for DEUs shall be issued within 7 days of being deemed complete. If a COC is requested, the District's preliminary decision will be made within 7 days, and the final

decision will be made after the EPA review period and after addressing any comments received from EPA.

## **VII. Authority To Construct Conditions**

To ensure uniformity, two standard set of conditions (one set for non-compliant dormant units and another for compliant dormant units) to be added to the ATC are included. In general, no conditions are to be removed from the current PTO. The standard permit conditions are presented in the following application review format.

## **VIII. Compliance Responsibilities**

Nothing in this Policy shall be construed to shield a unit that has operated out of compliance with District, state or federal requirements. A unit designated as a DEU is subject to enforcement action for any and all violations.

## **IX. UPDATES**

This GEAR will be updated as necessary. Each update will be posted on the AIRNET and District website.

# San Joaquin Valley Air Pollution Control District Dormant Emissions Unit

Facility Name: Facility Name Date: Date  
Mailing Address: Street Engineer: Name  
City, State , Zip Lead Engineer: Lead Engineers Name  
Contact Person: Contact Person  
Telephone: Contact's Phone Number  
Application #: ATC #(s)  
Project #: Project Number  
Complete: Date Deemed Complete

---

## I. Proposal

Facility Name is requesting an Authority to Construct (ATC) to designate the equipment as a non-compliant/compliant dormant emissions unit (DEU). The applicant proposes to disconnect the fuel line (adjust as necessary) to ensure that the equipment does not operate while dormant.

Pursuant to District GEAR Policy, this application is administrative and not subject to District Rule 2201, *New and Modified Stationary Source Review Rule*.

### For non-compliant units

The unit is currently out of compliance with District Rule XXXX.

### For non-compliant units

The operator proposes to defer the established source testing requirements while the unit is dormant.

### [Delete the rest of this Section if this is not a Title V Source]

Facility Name received their Title V Operating Permit on Date. This modification can be classified as a Title V minor modification pursuant to Rule 2520, Section 3.20, and could be processed with a Certificate of Conformity (COC). However, the facility has / has not requested that this project be processed in that manner.

### If COC is not Requested

Therefore, the facility will be required to submit a Title V minor modification application prior to operating under the revised provisions of the ATC(s) issued with this project.

### OR if COC is Requested

Since the facility has specifically requested that this project be processed in that manner, the 45-day EPA comment period will be satisfied prior to the issuance of the ATC(s), and the facility must apply to administratively amend their Title V Operating Permit to include the requirements of the ATC(s) issued with this project.

## II. Applicable Rules

Rule 1070 Inspections (12/17/92)

Rule 2010 Permits Required (12/17/92)

Rule 2080 Conditional Approval (12/17/92)

Rule 2520 Federally Mandated Operating Permits (6/21/01) **[Delete if not Applicable]**

## III. Project Location

The project is located at [Project Location](#).

## IV. Process Description

The [Equipment](#) performs [\[Add the basic function here\]](#) (e.g. **The steam generator generates steam for injection into oil bearing strata to make oil easier to pump, or The turbine unit spins an electrical generator to generate electricity.**)

## V. Equipment Listing

### Pre-Project Equipment Description

S-XXXX-XX-XX: [COPY AND PASTE THE CURRENT BASE DOCUMENT EQUIPMENT DESCRIPTION HERE.](#)

**Duplicate for each additional unit, and Delete this line.**

### Proposed Modification

#### **For non-compliant units**

The equipment is currently out of compliance with District Rule [XXXX](#).

S-XXXX-XX-XX: MODIFICATION OF [EQUIPMENT DESCRIPTION FROM ABOVE](#):  
DESIGNATE AS A NON-COMPLIANT DORMANT EMISSIONS UNIT **(This is the equipment description on the new ATC.)**

#### **For compliant units**

S-XXXX-XX-XX: MODIFICATION OF [EQUIPMENT DESCRIPTION FROM ABOVE](#):  
DESIGNATE AS A COMPLIANT DORMANT EMISSIONS UNIT **(This is the equipment description on the new ATC.)**

**Duplicate for each additional unit, and Delete this line.**

### Post-Project Equipment Description

S-XXXX-XX-XX: COPY AND PASTE THE CURRENT BASE DOCUMENT EQUIPMENT DESCRIPTION HERE (Adjust as necessary. Please note that the term “dormant” does not appear in the permit equipment description.)

**Duplicate for each additional unit, and Delete this line.**

## VI. Emission Control Technology Evaluation

There are no proposed physical changes to the equipment or any change in permitted emissions. Therefore there is no need to evaluate the emission control technology.

## VII. General Calculations

Since this project is not subject to Rule 2201, calculations are not required.

**Verify the PE of all units in this project, enter the data into the appropriate emissions profiles, and Delete this line.**

## VIII. Compliance

**PLEASE NOTE: In General, NO conditions are to be removed from the Permit. The following conditions are to be added at the top of the new ATC.**

**If Title V, use one of the two following sets of conditions, and Delete the other.**

- {1830} This Authority to Construct serves as a written certificate of conformity with the procedural requirements of 40 CFR 70.7 and 70.8 and with the compliance requirements of 40 CFR 70.6(c). [District Rule 2520] Y
- {1831} Prior to operating with modifications authorized by this Authority to Construct, the permittee shall submit an application to modify the Title V permit with an administrative amendment in accordance with District Rule 2520 Section 5.3.4. [District Rule 2520, 5.3.4] Y

**or**

- {1829}The facility shall submit an application to modify the Title V permit in accordance with the timeframes and procedures of District Rule 2520. [District Rule 2520] Y

**FOR NON-COMPLIANT UNITS- use the following 3 paragraphs and 3 conditions, otherwise delete.**

The unit will not be allowed to operate until the operator applies for and receives a valid ATC to bring the equipment back into compliance with all District Regulations prior to recommencing operation.

Nothing in this evaluation shall be construed to shield a unit that has operated out of compliance with any District, state or federal requirements. A unit designated as a DEU is subject to enforcement action for any and all violations.

The following conditions are listed on the permit to ensure compliance.

- {4558} Operation of the unit is not authorized until modifications are made to comply with District Rules as authorized by an Authority to Construct. [District Rule 2010]
- {4559} The fuel line shall be physically disconnected from the unit. **(Adjust as necessary)** [District Rule 2080]
- {4560} While dormant, normal source testing shall not be required. [District Rule 2080]

**FOR COMPLIANT UNITS - Use the following three paragraphs, otherwise delete**

While the equipment is dormant, the established source testing will not be required. Whenever the operator designates the equipment as active, the established source testing requirements will resume.

Nothing in this evaluation shall be construed to shield a unit that has operated out of compliance with any District, state or federal requirements. A unit designated as a DEU is subject to enforcement action for any and all violations.

The following conditions are listed on the permit to ensure compliance.

**For ALL UNITS use all of these conditions and delete this line.**

- {4561} While dormant, the fuel line shall be physically disconnected from the unit. **(Adjust as necessary)** [District Rule 2080]
- {4562} Permittee shall submit written notification to the District upon designating the unit as dormant or active. [District Rule 2080]
- {4560} While dormant, normal source testing shall not be required. [District Rule 2080]
- {4563} Upon recommencing operation of this unit, normal source testing shall resume. [District Rule 2080]
- {4564} Any source testing required by this permit shall be performed within 60 days of recommencing operation of this unit, regardless of whether the unit remains active or is again designated as dormant. [District Rule 2080]
- {4565} Records of all dates and times that this unit is designated as dormant or active, and copies of all corresponding notices to the District, shall be maintained, retained for a period of at least five years, and made available for District inspection upon request. [District Rule 1070]

## **IX. California Environmental Quality Act (CEQA)**

CEQA requires each public agency to adopt objectives, criteria, and specific procedures consistent with CEQA Statutes and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The San Joaquin Valley Unified Air Pollution Control District (District) adopted its *Environmental Review Guidelines* (ERG) in 2001.

The basic purposes of CEQA are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.

- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Consistent with CEQA and CEQA Guidelines requirements, the District has adopted procedures and guidelines for implementing CEQA. The District's ERG establishes procedures for avoiding unnecessary delay during the District's permitting process while ensuring that significant environmental impacts are thoroughly and consistently addressed. The ERG includes policies and procedures to be followed when processing permits for projects that are exempt under CEQA.

The State Legislature granted a number of exemptions from CEQA, including projects that require only ministerial approval. Based upon analysis of its own laws and consideration of CEQA provisions, the District has identified a limited number of District permitting activities considered to be ministerial approvals. As set forth in §4.2.1 of the ERG, projects permitted consistent with the District's *Guidelines for Expedited Application Review (GEARs)* are standard application reviews in which little or no discretion is used in issuing ATC documents.

For the proposed project, the District performed an Engineering Evaluation (this document) and determined that the project qualifies for processing under the procedures set forth in the District's GEARs. Thus, as discussed above, this issuance of such ATC(s) is a ministerial approval for the District and is not subject to CEQA provisions.

#### Indemnification Agreement/Letter of Credit Determination

According to District Policy APR 2010 (CEQA Implementation Policy), when the District is the Lead or Responsible Agency for CEQA purposes, an indemnification agreement and/or a letter of credit may be required. The decision to require an indemnity agreement and/or a letter of credit are based on a case-by-case analysis of a particular project's potential for litigation risk, which in turn may be based on a project's potential to generate public concern, its potential for significant impacts, and the project proponent's ability to pay for the costs of litigation without a letter of credit, among other factors.

As described above, the project requires only ministerial approval, and is exempt from the provisions of CEQA. As such, an Indemnification Agreement or a Letter of Credit will not be required for this project in the absence of expressed public concern.

#### **X. Recommendation**

Issue [ATC S-XXXX-XX-XX](#) subject to the permit conditions listed on the attached draft [ATC in Appendix B or C](#). **(Appendix B may be used for the CCF if this is a COC project.)**

#### **XI. Billing Information**



Billing Schedule			
Permit Number	Fee Schedule	Fee Description	Fee Amount
S-XXXX-A-B	3020-2-g	10.5 MMBtu/hr	\$754

**Appendixes**

- A: Current PTO
- B. Compliance Certification Form **(Delete this line if this is not a COC project)**
- C: Draft ATC

# Appendix A

## Current PTO

Appendix B  
Draft ATC or Compliance Certification Form

**Appendix C**  
**Draft ATC (Delete this page if there is no CCF)**