(Adopted October 15, 1993)(Amended December 7, 1995)
(Amended February 14, 1997)(Amended May 11, 2001)(Amended January 7, 2005)
(Amended May 6, 2005)(Amended December 4, 2015)(Amended January 5, 2018)
(Amended October 5, 2018)(PAR 2001 April 26, 2019)

PROPOSED AMENDED RULE 2001. APPLICABILITY

(a) Purpose

This rule specifies criteria for inclusion in RECLAIM for new and existing facilities and also establishes a final date for any facility inclusions. It also ~~specifies requirements for sources electing to opt-out of RECLAIM and~~ identifies provisions in current District rules and regulations that do not apply to RECLAIM sources.

(b) Criteria for Inclusion in RECLAIM

The Executive Officer will maintain a listing of facilities which are subject to RECLAIM. The Executive Officer will include facilities up until January 5, 2018, unless otherwise exempted pursuant to subdivision (i), if emissions fee data for 1990 or any subsequent year filed pursuant to Rule 301 - Permit Fees, shows four or more tons per year of NO_X or SO_X emissions where:

(1) NO_X emissions do not include emissions from:

(A) any NO_X source which was exempt from permit pursuant to Rule - 219 Equipment Not Requiring A Written Permit Pursuant to Regulation II;

(B) any NO_X process unit which was rental equipment with a valid District Permit to Operate issued to a party other than the facility;

(C) on-site, off-road mobile sources; or

(D) ships as specified in Rule 2000(c)(62)(C) and (D).

(2) SO_X emissions do not include emissions from:

(A) any SO_X source which was exempt from permit pursuant to Rule - 219 Equipment Not Requiring A Written Permit Pursuant to Regulation II; or

(B) any SO_X source that burned natural gas exclusively, unless the emissions are at a facility that elected to enter the program pursuant to subparagraph (i)(2)(A); or

(C) any SO_X process unit which was rental equipment with a valid District Permit to Operate issued to a party other than the facility;

ED_005967B_00000632-00001

(D) on-site, off-road mobile sources; or

(E) ships as specified in Rule 2000(c)(62)(C) and (D).

(3) The Executive Officer will not include a facility in RECLAIM if a permit holder requests exclusion no later than January 1, 1996 and demonstrates prior to October 15, 1993 through the addition of control equipment, the possession of a valid Permit to Construct for such control equipment, or a Permit to Operate condition that the emissions fee data received pursuant to Rule 301, which shows emissions equal to or greater than four tons per year of a RECLAIM pollutant, is not representative of future emissions.

(c) Amendments to RECLAIM Facility Listing

(1) The Executive Officer will amend the RECLAIM facility listing to add, delete, change designation of any facility or make any other necessary corrections upon any of the following actions:

(A) Approval by the Executive Officer pursuant to Rule 2007 - Trading Requirements, of the permanent transfer or relinquishment of all RTCs applicable to a facility.

(B) Approval by the Executive Officer of a change of Facility Permit holder (owner or operator) or change of facility name.

(C) Upon the transition of a facility out of RECLAIM, pursuant to Rule 2002.

(2) The actions specified in this subdivision shall be effective only upon amendment of the Facility Listing.

(d) Cycles

(1) The Executive Officer will assign RECLAIM facilities to one of two compliance cycles by computer-generated random assignment which, to the extent possible, ensures an even distribution of RTCs. The Facility Listing will distinguish between Cycle 1 facilities, which will have a compliance year of January 1 to December 31 of each year, and Cycle 2 facilities, with a compliance year of July 1 to June 30 of each year.

(2) The issue and expiration dates of the RTCs allocated to a facility shall coincide with the beginning and ending dates of the facility's compliance year.

(3) Within 30 days of October 15, 1993, facilities assigned to Cycle 2 may petition the Executive Office or the Hearing Board to change their cycle

ED_005967B_00000632-00002

designation. Facilities assigned to Cycle 1 may not petition the Executive Officer or Hearing Board to change their cycle designation. Facilities entering the RECLAIM program after October 15, 1993 will be assigned to the cycle with the greatest amount of time remaining in the compliance year.

(e) High Employment/Low Emissions (HILO) Facility Designation

A new facility may, after January 1, 1997 apply to the District for classification as a HILO Facility. The Executive Officer will approve the HILO designation upon the determination that the emission rate for NO_X, SO_X, ROC, and PM_{10} is less than or equal to one-half (1/2) of any target specified in the AQMP for emissions per full-time manufacturing employee by industry class in the year 2010.

(f) Entry Election

On and after January 5, 2018, a non-RECLAIM facility may not elect to enter the RECLAIM program.

(g) Exit from RECLAIM

(1) On and after [*date of amendment*], no RECLAIM facility may exit the RECLAIM program.~~To exit the NOx RECLAIM program, all the NOx emitting equipment located at the RECLAIM facility, except the equipment specified below, must be subject to a non-RECLAIM rule that regulates NOx emissions that is adopted or amended after October 5, 2018.~~

~~(A) Equipment subject to Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines; and~~

~~(B) Equipment exempt from permitting per Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II, not including equipment:~~

~~(i) Defined in Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters; and~~

~~(ii) Listed in Rule 219 subdivisions (m) and (p) that pertains to nitric acid.~~

~~(2) The owner or operator of a RECLAIM facility that is eligible to exit the NOx RECLAIM program, pursuant to the requirements of paragraph (g)(1),~~

ED_005967B_00000632-00003

~~that elects to exit RECLAIM shall notify the Executive Officer with a request to opt-out. Except for facilities that received an initial determination notification before October 5, 2018, facilities shall include with the opt-out request, the identification of:~~

~~(A) All permitted and unpermitted NOx RECLAIM emission equipment, including applicable control equipment; and~~

~~(B) Permitted NOx emission levels, and if not available, manufacturer guaranteed NOx emission levels.~~

~~(3) If the owner or operator of a RECLAIM facility meets the criteria for exiting the NOx RECLAIM program, specified in paragraph (g)(1) and has satisfied the requirements of paragraph (g)(2), the Executive Officer will issue an initial determination notification and the facility shall be subject to the provisions of Rule 2002, paragraphs (f)(8) through (f)(11). If the request to opt-out is denied, the facility shall remain in RECLAIM, and the owner or operator will be notified.~~

(h) Non-RECLAIM Facility Generation of RTCs

Non-RECLAIM facilities may not obtain RTCs due to a shutdown or curtailment of operations which occurs after October 15, 1993. ERCs generated by non-RECLAIM facilities may not be converted to RTCs if the ERCs are based on a shutdown or curtailment of operations after October 15, 1993.

(i) Exemptions

(1) The following sources, including those that are part of or located on a Department of Defense facility, shall not be included in RECLAIM and are prohibited from electing to enter RECLAIM:

(A) dry cleaners;

(B) fire fighting facilities;

(C) construction and operation of landfill gas control, processing or landfill gas energy recovery facilities;

(D) facilities which have converted all sources to operate on electric power prior to October 15, 1993;

(E) police facilities;

(F) public transit;

(G) restaurants;

(H) potable water delivery operations;

ED_005967B_00000632-00004

(I) facilities located in the Riverside County portions of the Salton Sea and Mojave Desert Air Basins, except for a facility that has elected to enter the RECLAIM program pursuant to subparagraph (i)(2)(M); and

(J) facilities that have permanently ceased operations of all sources before January 1, 1994.

~~(K) The facility was removed from RECLAIM pursuant to paragraph (g)(3).~~

(j) Rule Applicability

Facilities operating under the provisions of the RECLAIM program shall be required to comply concurrently with all provisions of District rules and regulations, except those provisions applicable to NOx emissions under the rules listed in Table 1 adopted or amended prior to October 5, 2018, and those provisions applicable respectively to SOx emissions of the listed District rules in Table 2 which have initial implementation dates in 1994. In addition, NOx RECLAIM facilities are required to comply with all NOx provisions in rules contained in Table 1 that are adopted or amended on or after October 5, 2018. The Facility Permit holder shall comply with all other provisions of the rules listed in Tables 1 and 2 relating to any other pollutant.

ED_005967B_00000632-00005

Table 1

RULES NOT APPLICABLE TO RECLAIM FACILITIES FOR REQUIREMENTS PERTAINING TO NO_X EMISSIONS IF RULE WAS ADOPTED OR AMENDED PRIOR TO OCTOBER 5, 2018

RULE	DESCRIPTION
218	Stack Monitoring
429	Start-up & Shutdown Exemption Provisions for NO_X
430	Breakdown Provision
474	Fuel Burning Equipment - NO_X
476	Steam Generating Equipment
1109	Emissions of Oxides of Nitrogen from Boilers and Process Heaters in Petroleum Refineries
1110	Emissions from Stationary Internal Combustion Engines (Demonstration)
1110.1	Emissions from Stationary Internal Combustion Engines
1110.2	Emissions from Gaseous and Liquid-Fueled Engines
1112	Emissions of Oxides of Nitrogen from Cement Kilns
1117	Emissions of Oxides of Nitrogen from Glass Melting Furnaces
1134	Emissions of Oxides of Nitrogen from Stationary Gas Turbines
1135	Emissions of Oxides of Nitrogen from Electricity Generating Facilities
1146	Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters
1146.1	Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters
1146.2	Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters
1147	NOx Reductions from Miscellaneous Sources
1153.1	Emissions of Oxides of Nitrogen from Commercial Food Ovens
1159	Nitric Acid Units - Oxides of Nitrogen
Reg. XIII	New Source Review

ED_005967B_00000632-00006

Table 2

EXISTING RULES
NOT APPLICABLE TO RECLAIM FACILITIES FOR
REQUIREMENTS PERTAINING TO SO_X EMISSIONS

RULE	DESCRIPTION
53	Sulfur Compounds - Concentration - L.A. County
53	Sulfur Compounds - Concentration - Orange County
53	Sulfur Compounds - Concentration - Riverside County
53	Sulfur Compounds - Concentration - San Bernardino County
53A	Specific Contaminants - San Bernardino County
218	Stack Monitoring
430	Breakdown Provisions
407	Liquid and Gaseous Air Contaminants
431.1	Sulfur Content of Gaseous Fuels
431.2	Sulfur Content of Liquid Fuels
431.3	Sulfur Content of Fossil Fuels
468	Sulfur Recovery Units
469	Sulfuric Acid Units
1101	Secondary Lead Smelters/Sulfur Oxides
1105	Fluid Catalytic Cracking Units SO_X
1119	Petroleum Coke Calcining Operations - Oxides of Sulfur
Reg. XIII	New Source Review

ED_005967B_00000632-00007