

Sec. 4-13. Certificate of alternate control.

(a) In lieu of satisfying otherwise applicable standards and requirements of this chapter, an air pollutant source may apply for and be issued a certificate of alternate control. No source with a certificate of alternate control shall emit particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, or volatile organic compounds in excess of the respective limits on such certificate. No source applying for a certificate of alternate control shall be considered as modifying a source under the definition of “modification, alteration, reconstruction” in section 4-2, provided the rated capacity in terms of heat input, charging rate, or process weight does not increase for any fuel burning, refuse burning, process or air pollution control equipment, respectively.

(b) The owner or operator of any source that discharges particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide or volatile organic compounds regulated by this chapter can apply to the director for a certificate of alternate control for the source or any portion of the source. The director may grant the request if the following conditions are met:

- (1) The plant or portion thereof is reducing, or will be after a specific date taking actions to reduce, emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, or volatile organic compounds to a level at least as stringent as required under other provisions of this chapter. Calculations to determine equivalence to standards limiting the pounds of volatile organic compounds per gallon of material shall be on the basis of equivalent solids applied. The total final emission limitation specified in the certificate of alternate control for the source for each given pollutant must be equivalent to or more stringent than would otherwise be applicable under this chapter. These limitations shall include limitations specified in other provisions of this chapter in pounds per hour, or if hourly emissions cannot be determined per the shortest period over which emissions can be determined, and tons per year, for the entire source.
- (2) If a schedule for compliance is required, it must be as expeditious as is practicable and be specified as a condition on the certificate of alternative control. In no case shall the final compliance date be beyond a date that would cause interference with the attainment of the reasonable further progress line specified for a specific nonattainment area in the applicable state implementation plan.
- (3) The source shall verify through modeling consistent with Title 40 CFR Part 51, Appendix W—Guideline on Air Quality Models (Revised), which has been incorporated by reference in Chapter 4, that this alternate emission limitation will yield equivalent or improved air quality for the pollutant involved. For volatile organic compound emissions, modeling for ozone impacts may be

required. Air quality need not improve or stay the same at every location affected by the alternate emission standard, but on balance the air quality of the affected area must not be adversely affected. This will be demonstrated by modeling all included emission points at the proposed alternative levels and at the applicable allowable emission level for sources subject to emissions limitations contained in section 4-41, Rule 26 for the pollutant involved. The lower of either the allowable emissions under other rules in this chapter or actual emissions shall be used in all other modeling. In addition, the source shall demonstrate that the use of the alternate emission limitation will not interfere with the attainment or maintenance of any ambient air quality standard nor violate any applicable ambient air increment under Section 4-41, Rule 18.

- (4) Interpollutant trades are not allowed. Plants subject to the standards in section 4-41, Rule 16 (Emission Standards for Hazardous Air Contaminants), cannot apply the alternate emission limitation to hazardous air contaminants in section 4-41, Rule 15 (New Source Performance Standards), or section 4-8 (e)(2)b. and c. cannot use an alternate emission limitation except for reductions in actual emissions below the level required in these sections.
- (5) Each emission point identified in the alternate control limitation shall have a specific emission limit expressed in measurable units of the emission limitation. The director shall require an initial compliance test in order to demonstrate that the required emission limitations are being met for each emission point where actual emissions are estimated to exceed ten (10) tons per year or whose allowable emissions are in excess of five (5) pounds per hour. Subsequent compliance tests may be required in accordance with the requirements of Section 4-8 (c).
- (6) A fee of \$250.00 for each pollutant for each emission point to be covered by a certificate has been paid to the bureau at the time the application is made to cover the cost of review of the request for the Certificate of Alternate Control.
- (7) Sources utilizing the alternate emission limitation (1) must be in compliance with all applicable emission limits; or (2) if not in compliance, must be meeting the requirements in an approved compliance schedule; or (3) if not in compliance, must be subject to a court order which includes a compliance schedule and allows for timely modification of the decree without delaying the final compliance date. Under no circumstances can the alternate emission limitation delay or defer a specified compliance date nor shall the certificate of alternate control insulate the source from any penalties or sanctions for noncompliance or affect the source's liability for failure to

comply with any regulation, order or compliance plan.

(c) The alternate emission limitations and certificate conditions must be subjected to a public hearing and submitted to the United States Environmental Protection Agency for approval as a revision to the State Implementation Plan. The owner or operator requesting this alternate emission control limitation shall be responsible for all costs associated with publishing the required legal notices.

(d) Good engineering practice stack heights shall be utilized on all stack changes associated with the alternate control limitations for particulate matter, sulfur dioxide, carbon monoxide, and nitrogen dioxide.

(e) The owner or operator of the plant must:

(1) Post or file on the operating premises a copy the Certificate of Alternate Control; and

(2) Keep all pollution control equipment in good operating condition and utilize such equipment at all times.

(f) The Certificate of alternate control shall be revoked after a hearing by the board if it is found that any of the requirements of subsection (b) of this section have been violated or if any requirements of subsection (e) have been frequently and flagrantly violated after the certificate was issued or if violation of the requirements of subsection (d) or conditions placed on their certificate under subsection (i) are not corrected promptly on written notice.

(g) The certificate of alternate control does not relieve the owner or operator of the duty of meeting all emission requirements in other rules for new sources whose installation, modification, alteration or reconstruction is commenced after the effective date of the rule.

(h) Upon revocation of the certificate of alternate control, the sources at the plant must comply with other provisions in this chapter that would have been applicable had the certificate not been issued. The board may specify a time period for the source to come into compliance with the more restrictive emission limitations.

(i) The director shall specify the new emission limits for each emission point as conditions of the certificate of alternate control. If methods other than reference test methods are to be used to determine compliance, they should be specified on the certificate. Other conditions needed to insure and to verify compliance may be placed on the certificate as conditions.

(j) Notice is hereby given that any certificate granted pursuant to this section shall become void should the board find it proper to amend the regulations covering any source listed

on the certificate if the effect of the amendment is to reduce the allowable emissions of the source. The certificate in this instance shall be deemed void ninety (90) days after the source's receipt of notice from the director of the effective date of the revised regulations.

(Code 1968, Sec. 4-11; Ord. No. 7719, Sec. 6, 9-2-80)

THIS IS THE FEDERALLY APPROVED REGULATION AS OF MAY 8, 1990

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