



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
~~Legislative~~ Secretary

DEC 29 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
RECEIVED	
DATE	11:25am
DATE	12-29-98

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 784 (COR), "AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY ("GEDA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS", which I have signed into law today as Public Law No. 24-322.

This legislation provides needed amendments to the current air pollution control standards for Guam, as required by federal law.

Very truly yours,

Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Attachment: copy attached for signed bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

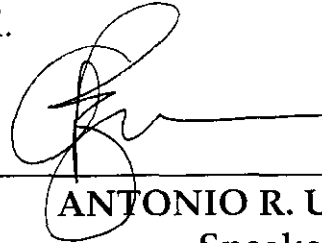
01153

Office of the Speaker
ANTONIO R. UNPINGCO
Date: _____
Time: _____
Rec'd by: _____
Print Name: _____

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 784 (COR) "AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GEPA AIR POLLUTION CONTROL STANDARDS AND REGULATIONS," was on the 3rd day of December, 1998, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 17 day of December, 1998,
at 3:50 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 12-29-98

Public Law No. 24-322

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 784 (COR)

As substituted by the Committee on
Natural Resources and as amended
on the Floor.

Introduced by:

J. M.S. Brown
E. J. Cruz
A. C. Blaz
V. C. Pangelinan
T. C. Ada
F. B. Aguon, Jr.
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. A. Leon Guerrero
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ESTABLISH RULES AND
REGULATIONS FOR THE GEPA AIR POLLUTION
CONTROL STANDARDS AND REGULATIONS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Findings and Intent.** In accordance with the
3 Administrative Adjudication Law, §9303 of Title 5 of the Guam Code
4 Annotated, as amended by Public Law Number 24-27, on November 17, 1998
5 the Guam Environmental Protection Agency transmitted to *I Liheslaturan*
6 *Guahan*, "Rules and Regulations for the Guam Environmental Protection
7 Agency ('GEPA') Air Pollution Control Standards and Regulations." *I*
8 *Liheslaturan Guahan* agrees with these regulations as presented and seeks to
9 approve said regulations, attached hereto as **Exhibit A**.

10 **Section 2.** Five (5) additional Full Time Employees ("FTE's") for the
11 Air Pollution Control Program are hereby created to effectuate the purpose
12 and intent of the Air Pollution Control Act and these regulations promulgated
13 herein. The following additional FTE's will be comprised of the following
14 positions:

- 15 Two (2) Environmental Health Specialist I;
- 16 One (1) Environmental Health Specialist II;
- 17 One (1) Environmental Health Specialist III; *and*
- 18 One (1) Environmental Engineer I.

19 These positions will be funded contingent on the availability of funds in
20 the Air Pollution Control Special Fund.

21 **Section 3. Severability.** *If* any provision of this Law or its
22 application to any person or circumstance is found to be invalid or contrary to
23 law, such invalidity shall *not* affect other provisions or applications of this law
24 which can be given effect without the invalid provisions or applications, and
25 to this end the provisions of this law are severable.

EXHIBIT A
"GUAM AIR POLLUTION CONTROL
STANDARDS AND REGULATIONS.

Table of Contents.

1		
2		
3		
4		Table of Contents.
5	Section 1101.	Definitions.
6	Section 1101.1.	Definitions.
7	Section 1102.	General Requirements.
8	Section 1102.1.	Prohibition of Air Pollution.
9	Section 1102.2.	Conflicts in Rules.
10	Section 1102.3.	Certification.
11	Section 1102.4.	Sampling, Testing and Reporting Methods.
12	Section 1102.5.	Air Quality Models.
13	Section 1102.6.	Operations of Monitoring Stations.
14	Section 1102.7.	Public Access to Information.
15	Section 1102.8.	Reporting of Equipment Shutdown.
16	Section 1102.9.	Prompt Reporting of Deviations.
17	Section 1102.10.	Prevention of Air Pollution Emergency Episodes.
18	Section 1102.11.	Variances.
19	Section 1102.12.	Penalties and remedies.
20	Section 1102.13.	Severability.
21	Section 1102.14.	Hearings.
22	Section 1103.	General Prohibitions and Standards.
23	Section 1103.1.	Applicability.
24	Section 1103.2.	Guam Ambient Air Quality Standards.
25	Section 1103.3.	Visible Emissions.
26	Section 1103.4.	Fugitive Dust.

1	Section 1103.5	Motor Vehicles – Importation.
2	Section 1103.6.	Motor Vehicles - Emission Requirements.
3	Section 1103.7.	Incineration.
4	Section 1103.8.	Biomass Fuel Burning Boilers.
5	Section 1103.9.	Process Industries.
6	Section 1103.10.	Sulfur Oxides from Fuel Combustion.
7	Section 1103.11.	Open Burning.
8	Section 1103.12.	Control of Odors in Ambient Air.
9	Section 1103.13.	Asbestos.
10	Section 1104.	Permit Program Regulations.
11	Section 1104.1.	Definitions.
12	Section 1104.2.	Applicability.
13	Section 1104.3.	General conditions for considering applications.
14	Section 1104.4.	Holding and Transfer of Permit.
15	Section 1104.5.	Cancellation of an Air Pollution Control Permit.
16	Section 1104.6.	Air Pollution Control Permit Application.
17	Section 1104.7.	Duty to Supplement or Correct Permit
18		Applications.
19	Section 1104.8.	Compliance Plan.
20	Section 1104.9.	Compliance Certification of Air Pollution
21		Emission Sources.
22	Section 1104.10.	Transition Period and Deadlines to Submit First
23		Applications.
24	Section 1104.11.	Permit Term.
25	Section 1104.12.	Permit Content.
26	Section 1104.13.	Inspections.

1	Section 1104.14.	Federally-Enforceable Permit Terms and
2		Conditions.
3	Section 1104.15.	Transmission of Information to USEPA.
4	Section 1104.16.	USEPA Oversight.
5	Section 1104.17.	Emergency Provision.
6	Section 1104.18.	Permit Termination, Suspension, Reopening, and
7		Amendment.
8	Section 1104.19.	Public Participation.
9	Section 1104.20.	Administrative Permit Amendment.
10	Section 104.21.	General Fee Provisions.
11	Section 1104.22.	Air Pollution Control Special Fund.
12	Section 1104.23.	Application Fees for Air Pollution Emission
13		Sources.
14	Section 1104.24.	Annual Fees for Air Pollution Emission Sources.
15	Section 1104.25.	Penalties and remedies.
16	Section 1105.	Special Preconstruction Requirements.
17	Section 1105.1.	Definitions.
18	Section 1105.2.	Source Applicability.
19	Section 1105.3.	PSD Review.
20	Section 1105.4.	NAA Review.
21	Section 1105.5.	NAA Offset Standards.
22	Section 1105.6.	Other Nonattainment Area Air Pollution Emission
23		Sources.
24	Section 1106.	Standards of Performance for Air Pollution
25		Emission Sources.
26	Section 1106.1.	Source Applicability.

1 **Section 1106.2. New Source Performance Standards.**
2 **Section 1107. Hazardous Air Pollutant Sources.**
3 **Section 1107.1. Definitions.**
4 **Section 1107.2. List of Hazardous Air Pollutants.**
5 **Section 1107.3. Applicability.**

6
7 **Section 1101. Definitions.**

8 **Section 1101.1. Definitions.** As used in these Standards and
9 Regulations:

10 (a) **"Administrator"** means the Administrator of the Guam
11 Environmental Protection Agency ("GEPA") or an authorized agent, officer
12 or inspector.

13 (b) **"Agricultural burning"** means the use of open outdoor fires in
14 agricultural operations, forest management or range improvements.

15 (c) **"Agricultural operation"** means a *bona fide* agricultural activity
16 with the primary purpose of providing agricultural instruction by an
17 educational institution, and includes the growing and harvesting of crops
18 or the raising of fowl or animals.

19 (d) **"Air pollutant"** means any air pollution agent or combination
20 of such agents, including any physical, chemical, biological, radioactive,
21 inclusive of source material, special nuclear material and by product
22 material; substance; or matter which is emitted into or otherwise enters the
23 ambient air. Such term includes any precursors to the formation of any
24 pollutant, to the extent that the agent or combination of such agents is
25 identified in any Federal or local rules as precursors.

26 (e) **"Air pollution"** means the presence in the outdoor atmosphere

1 of one (1) or more substances in such quantities and duration as is or tends
2 to be injurious to human health or welfare, plant life, animal life or
3 property, or would unreasonably interfere with the enjoyment of life or
4 property.

5 (f) "*Air Pollution Control Act*" means Air Pollution Control Act,
6 Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the Guam Code
7 Annotated.

8 (g) "*Air pollution control equipment*" means equipment or a
9 facility of a type intended to eliminate, prevent, reduce, or control the
10 emissions of any regulated or hazardous air pollutant to the atmosphere.

11 (h) "*Air pollution control permit*" means written authorization
12 from the Administrator to construct, modify, relocate or operate an air
13 pollution emission source. A permit authorizes the permittee to cause or
14 allow the emission of a regulated air pollutant in a specified manner or
15 amount, or to do any act, not forbidden by these Standards and
16 Regulations, but requiring review by GEPA.

17 (i) "*Air pollution emission source*" means any piece of equipment
18 or any activity at a building, structure, facility or installation that emits, or
19 may emit, any air pollutant. For this definition, "building, structure,
20 facility, or installation" means all of the air pollutant emitting activities
21 which belong to the same industrial grouping, are located on one (1) or
22 more contiguous or adjacent properties, and are under the control of the
23 same person, or persons under common control, *except* the activities of any
24 vessel. Air pollutant emitting activities shall be considered as part of the
25 same industrial grouping if they belong to the same major group," i.e.

1 which have the same first two (2) digit code, as described in the Standard
2 Industrial Classification Manual, 1987, or approved equivalent standard
3 industrial classification.

4 (j) "*Allowable emissions*" means the emissions of an air pollution
5 emission source calculated using the maximum rated capacity of the
6 source, *unless* the source is subject to Federally enforceable limits which
7 restrict the operating rate, capacity or hours of operations, or any
8 combination of these, and the most stringent of the following:

9 (1) the applicable standards set forth in 40 CFR Parts 60, 61
10 and 63, as amended;

11 (2) any Guam implementation plan emission limitation,
12 including those with future compliance dates; *and*

13 (3) the emission rates specified in a Federally enforceable
14 permit condition, including those with future compliance dates.

15 (k) "*Ambient Air*" means the general outdoor atmosphere to which
16 the public has access.

17 (l) "*Annual capacity factor*" means the ratio of the actual annual
18 heat input divided by the potential annual heat input of fuel burning
19 equipment.

20 (m) "*Applicant*" means any person who submits an application for
21 a permit.

22 (n) "*Best available control technology*" means an emissions
23 limitation, including a visible emission standard based on the maximum
24 degree of reduction for each pollutant, subject to regulation approved
25 pursuant to the Clean Air Act which would be emitted from any proposed

1 air pollution emission source or modification which the Administrator, on
2 a case-by-case basis, taking into account energy, environmental, and
3 economic impacts and other costs, determines is achievable for such source
4 or modification through application of production processes or available
5 methods, systems and techniques, including fuel cleaning or treatment, or
6 innovative fuel combustion techniques for control of such pollutant. In no
7 event shall application of best available control technology result in
8 emissions of any pollutant which would exceed the emissions allowed by
9 any applicable standard promulgated pursuant to 40 CFR Parts 60, 61 and
10 63, as amended. If the Administrator determines that technological or
11 economic limitations on the application of measurement methodology to
12 a particular emissions unit would make the imposition of an emissions
13 standard infeasible, a design, equipment, work practice, operational
14 standard, or combination thereof, may be prescribed instead to satisfy the
15 requirement for the application of best available control technology. Such
16 standard shall, to the degree possible, set forth the emissions reduction
17 achievable by implementation of such design, equipment, work practice or
18 operation, and shall provide for compliance by means which achieve
19 equivalent results.

20 (o) "*Biomass fuel burning boilers*" means fuel burning equipment
21 with an annual capacity factor greater than fifty percent (50%) for biomass
22 fuel.

23 (p) "*Board*" means the GEPA Board of Directors.

24 (q) "*BTU*" means British Thermal Unit.

25 (r) "*CFR*" means the Code of Federal Regulations.

1 (s) "*Clean Air Act*" means the Clean Air Act, as amended, Title 42
2 United States Code §7401, *et seq.* and all subsequent amendments.

3 (t) "*Commenced*" as applied to construction of or modification to
4 an air pollution emission source, means that the owner or operator has all
5 necessary preconstruction approvals or permits and either has:

6 (1) begun, or caused to begin a continuous program of actual
7 operation or on-site construction of the source; *or*

8 (2) entered into binding agreements or contractual
9 obligations, which cannot be canceled or modified without
10 substantial loss to the owner or operator, to undertake a program of
11 actual operation or construction of the source.

12 (u) "*Complete*" means, in reference to an application for a permit,
13 that the application contains all of the information necessary for processing
14 the application.

15 (v) "*Compliance Plan*" means a plan which includes a description
16 of how an owner or operator proposes to comply with all applicable
17 requirements of these Standards and Regulations, and includes a schedule
18 of compliance and a schedule under which the owner or operator will
19 submit progress reports to GEPA.

20 (w) "*Construction*" means a physical change or change in the
21 method of operation including fabrication, erection, installation,
22 demolition, or modification of an emissions unit which would result in a
23 change in actual emissions.

24 (x) "*Day*" unless otherwise specified, means calendar day.

25 (y) "*Director*" means the Director of Department of Customs and

1 Quarantine or his designee.

2 (z) "*Draft permit*" means the version of a permit for which the
3 Administrator offers public notice, including the method by which a public
4 hearing can be requested, and an opportunity for public comment pursuant
5 to §1104.19.

6 (aa) "*Emission*" means the act of releasing or discharging air
7 pollutants into the ambient air from any source or an air pollutant which
8 is released or discharged into the ambient air from any source.

9 (bb) "*Emission limitation*" means a requirement established by the
10 Administrator or USEPA Administrator which limits the quantity, rate, or
11 concentration of emissions of air pollutants on a continuous basis,
12 including any requirements which limit the level of opacity, prescribe
13 equipment, set fuel specifications, or prescribe operation or maintenance
14 procedures for a source to assure continuous emission reduction.

15 (cc) "*Emissions unit*" means any part or activity of an air pollution
16 emission source that emits or has the potential to emit any regulated or
17 hazardous air pollutant.

18 (dd) "*Existing air pollution emission source*" means an air pollution
19 emission source that has received an air pollution control permit,
20 commenced construction or a modification, or was in operation prior to the
21 effective date of these Standards and Regulations.

22 (ee) "*Federally enforceable*" means all limitations and conditions
23 which are enforceable by the USEPA Administrator, including those
24 requirements developed pursuant to 40 CFR Parts 60, 61 and 63, as
25 amended; requirements within the Guam implementation plan; or any

1 permit requirements established pursuant to 40 CFR Part 52.21, as
2 amended; or all permit terms and conditions in all air pollution control
3 permit *except* those specifically designated as not Federally enforceable as
4 described in §1104.14; or regulations approved pursuant to 40 CFR Part 51,
5 Subpart I, as amended, including operating permits issued under an EPA
6 approved program that is incorporated into these Standards and
7 Regulations, and expressly requires adherence to any permit issued under
8 such program.

9 (ff) "*Forest management*" means wildland vegetation management
10 using prescribed burning procedures conducted by a public agency or
11 through a cooperative agreement involving a public agency.

12 (gg) "*Fuel burning equipment*" means a furnace, boiler, apparatus,
13 stack and all appurtenances thereto, used in the process of burning fuel for
14 the primary purpose of producing heat or power by heat transfer.

15 (hh) "*Fugitive dust*" means the emission of solid airborne particulate
16 matter from any source other than combustion.

17 (ii) "*Fugitive emissions*" means those emissions which could not
18 reasonably pass through a stack, chimney, vent or other functionally
19 equivalent opening.

20 (jj) "*GEPA*" means the Guam Environmental Protection Agency.

21 (kk) "*Hazardous air pollutants*" means those hazardous air
22 pollutants listed in §112(b) of the Clean Air Act, and any other hazardous
23 air pollutants listed in §1107.2.

24 (ll) "*Heavy-duty vehicle*" means any motor vehicle designed
25 primarily for transportation of property and rated at more than six

1 thousand (6000) pounds gross vehicle weight or designed primarily for
2 transportation of persons having a capacity of more than twelve (12)
3 persons.

4 (mm) "*Light-duty vehicle*" means any motor vehicle designed
5 primarily for transportation of property and rated at less than six thousand
6 (6000) pounds gross vehicle weight or designed primarily for
7 transportation of persons and having a capacity of less than twelve (12)
8 persons.

9 (nn) "*mg/m³*" means milligrams per cubic meter.

10 (oo) "*Mobile source*" means any vehicular air pollutant source,
11 including, but not limited to, automobiles, trucks, buses, other motor
12 vehicles, aircraft, ships, boats and other waterborne craft.

13 (pp) "*Month*" means a calendar month.

14 (qq) "*Motor vehicle*" means a self-propelled vehicle capable of
15 transporting a person or any material or any permanently or temporarily
16 affixed apparatus.

17 (rr) "*Motor vehicle engine*" means engines powered by petroleum-
18 based fuels used to provide power to motor vehicles.

19 (ss) "*NAAQS*" means the National Ambient Air Quality Standards
20 contained in 40 CFR Part 50, as amended.

21 (tt) "*National Emission Standards for Hazardous Air Pollutants*"
22 means the Federal emission standards contained in 40 CFR Parts 61 and 63,
23 as amended.

24 (uu) "*New air pollution emission source*" means an air pollution
25 emission source that commenced construction or modification on or after

1 the effective date of these Standards and Regulations.

2 (vv) "*Opacity*" means a condition which renders material
3 partially or wholly impervious to rays of visible light and causes
4 obstruction of an observer's view.

5 (ww) "*Open Burning*" means the burning of trees, brush, grass and
6 other vegetative matter in such a manner that the products of combustion
7 resulting from the burning are emitted directly into the ambient air without
8 passing through an adequate stack or flare.

9 (xx) "*Owner or operator*" means a person who owns, leases,
10 operates, controls, or supervises an air pollution emission source.

11 (yy) "*Particulate matter*" means any material, except water in
12 uncombined form, that is or has been airborne and exists as a liquid or a
13 solid at standard conditions.

14 (zz) "*Permit*" means written authorization from the
15 Administrator to construct, modify, relocate, or operate any regulated or
16 hazardous air pollutant source. A permit authorizes the owner or operator
17 to proceed with the construction, modification, relocation, or operation of
18 a regulated or hazardous air pollutant source, and to cause or allow the
19 emission of such air pollutants in a specified manner or amount, or to do
20 any act not forbidden by the Clean Air Act or regulations promulgated
21 pursuant to the Clean Air Act, the Guam Air Pollution Control Act and
22 regulations promulgated pursuant to the local statute.

23 (aaa) "*Permit renewal*" means the process by which a permit is
24 reissued at the end of its term.

25 (bbb) "*Person*" means any individual, partnership, firm,

1 association, municipality, public or private corporation, subdivision, or
2 agency of Guam, trust, estate or any other legal entity. Legal entity
3 includes any agency, department or instrumentality of the United States
4 and any officer, agent, or employee of such entities.

5 (ccc) "*PM₁₀*" means particulate matter with an aerodynamic
6 diameter less than or equal to a nominal ten micrometers.

7 (ddd) "*Potential annual heat input*" means the product of the
8 maximum rated heat input capacity (megawatts or million BTU per hour)
9 times 8760 hours per year.

10 (eee) "*Potential to emit*" means the maximum capacity of an air
11 pollution emission source to emit any air pollutant under its physical and
12 operational design. Any physical or operational limitation on the capacity
13 of a source to emit an air pollutant, including air pollution control
14 equipment and restrictions on hours of operation or on the type or amount
15 of material combusted, stored, or processed, shall be treated as part of its
16 design if the limitation is enforceable by the Administrator and the USEPA
17 Administrator.

18 (fff) "*PSD*" means prevention of significant deterioration.

19 (ggg) "*Range improvement*" means the removal of vegetation for
20 a wildlife, game or livestock habitat.

21 (hhh) "*Reconstruction*" means the replacement of components at
22 an existing air pollution emission source to such an extent that the fixed
23 capital cost of the new components exceeds fifty per cent (50%) of the fixed
24 capital cost that would be required to construct a comparable entirely new
25 air pollution emission source.

1 (iii) "*Regulated air pollutant*" means:

2 (1) Nitrogen oxides or any volatile organic compound;

3 (2) Any air pollutant for which a national or Guam ambient
4 air quality standard has been promulgated;

5 (3) Any air pollutant that is subject to any standard
6 promulgated under §111 of the Clean Air Act;

7 (4) Any Class I or II substance subject to a standard
8 promulgated under or established by Title VI of the Clean Air Act;

9 (5) Any pollutant subject to a standard promulgated under
10 §112 or other requirements established under §112 of the Clean Air
11 Act, including §§ 112(g), (j), and (r) of the Clean Air Act, including
12 the following:

13 (A) Any pollutant subject to requirements under §112(j)
14 of the Clean Air Act. If the USEPA Administrator fails to
15 promulgate a standard by the date established pursuant to
16 §112(e) of the Clean Air Act, any pollutant for which a subject
17 source would be major shall be considered to be regulated on
18 the date eighteen (18) months after the applicable date
19 established pursuant to §112(e) of the Clean Air Act; and

20 (B) Any pollutant for which the requirements of
21 §112(g)(2) of the Clean Air Act have been met, but only with
22 respect to the individual source subject §112(g)(2) requirement;
23 or

24 (6) Any other pollutant subject to a standard or requirement
25 in these Standards and Regulations.

1 (jjj) "*Responsible official*" means:

2 (1) For a corporation: a president, secretary, treasurer,
3 or vice-president of the corporation in charge of a principal business
4 function, or any other person who performs similar policy or
5 decision-making functions for the corporation, or an authorized
6 representative of such person if the representative is responsible for
7 the overall operation of one (1) or more manufacturing, production,
8 or operating facilities applying for or subject to a permit and either:

9 (A) The facilities employ more than two hundred fifty
10 (250) persons or have gross annual sales or expenditures
11 exceeding Twenty Five Million Dollars (\$25,000,000) (in second
12 quarter 1980 dollars); or

13 (B) The delegation of authority to such representative
14 is approved in advance by the Administrator;

15 (2) For a partnership or sole proprietorship: a general
16 partner or the proprietor, respectively; or

17 (3) For a municipality, state, federal, or other public agency:
18 a principal executive officer, ranking elected official, or an
19 authorized representative as approved by the Administrator. For the
20 purposes of these Standards and Regulations, a principal executive
21 officer of a federal agency includes the chief executive officer,
22 commanding officer, or equivalent rank or position, having
23 responsibility for the overall operations of a principal geographic
24 unit of the agency.

25 (kkk) "*Risk assessment*" means the process of determining the

1 potential adverse health effects of human exposure to environmental
2 hazards. The process includes hazard identification, dose-response
3 assessment, exposure assessment and risk characterization by quantifying
4 the magnitude of the public health problem that results from the hazard.

5 (lll) "SICC" means Standard Industrial Classification Code.

6 (mmm) "Significant" means, in reference to a net emissions increase
7 or the potential of a source to emit:

8 (1) A rate of emissions that would equal or exceed any of the
9 following pollutant and emission rates:

10 (A) Carbon monoxide: 100 tpy;

11 (B) Nitrogen oxides: 40 tpy;

12 (C) Sulfur dioxide: 40 tpy;

13 (D) Particulate matter: a total of 25 tpy of particulate
14 matter of all sizes or 15 tpy of PM₁₀;

15 (E) Ozone: 40 tpy of volatile organic compounds;

16 (F) Lead: 0.6 tpy;

17 (G) Asbestos: 0.007 tpy;

18 (H) Beryllium: 0.0004 tpy;

19 (I) Mercury: 0.1 tpy;

20 (J) Vinyl chloride: 1 tpy;

21 (K) Fluorides: 3 tpy;

22 (L) Sulfuric acid mist: 7 tpy;

23 (M) Hydrogen sulfide (H₂S): 10 tpy;

24 (N) Total reduced sulfur (H₂S): methyl mercaptan,
25 dimethyl sulfide, and dimethyl disulfide): 10 tpy;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(O) Reduced sulfur compounds (H₂S, carbon disulfide and carbonyl sulfide): 10 tpy;

(P) Municipal waste combustor organics: 3.2 grams per year (3.5 X 10⁻⁶ tpy) measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans;

(Q) Municipal waste combustor metals: 14 megagrams per year (15 tpy) measured as particulate matter; or

(R) Municipal waste combustor acid gases: 36 megagrams per year (40 tpy) measured as sulfur dioxide and hydrogen chloride;

(2) Any net emissions increase of a pollutant or the potential of a source to emit a pollutant subject to regulation pursuant to the Clean Air Act that Paragraph (1) does not list; and

(3) Notwithstanding paragraph (1), any emissions increase associated with a major air pollution emission source or major modification, which would be constructed within ten (10) kilometers of a national park, wilderness area or memorial park designated as a Class I area by the federal government or GEPA, and will have an impact on such area equal to or greater than one ug/m³ (twenty-four-hour average).

(nnn) "Smoke" means the gaseous products of burning carbonaceous materials made visible by the presence of small particles of carbon.

(ooo) "Source" means property, real or personal, which emits or may emit any air pollutant.

1 (ppp) "*Stack*" means a point in a source designed to emit solids,
2 liquids, or gases into the air, including a pipe or duct but not including
3 flares.

4 (qqq) "*Standard Industrial Classification Code*" means Major
5 Group Number, Industry Group Number, or Industry Number as
6 described in the most recent edition, supplements, and appendices of the
7 Standard Industrial Classification Manual.

8 (rrr) "*Standards of Performance for New Stationary Sources*"
9 means the federal emission standards contained in 40 CFR Part 60, as
10 amended.

11 (sss) "*Tpy*" means tons per year.

12 (a) "*ug/m³*" means micrograms per cubic meter.

13 (ttt) "*Upon program approval*" means the date the Guam air
14 pollution control permit program is granted full or interim approval by the
15 USEPA Administrator pursuant to 40 CFR Part 70, as amended, and
16 thereafter.

17 (uuu) "*USEPA*" means the United States Environmental Protection
18 Agency.

19 (vvv) "*USEPA Administrator*" means the Administrator of the
20 USEPA or his or her designee.

21 (www) "*VOC*" means volatile organic compound.

22 (xxx) "*Volatile organic compound*" means a compound of carbon,
23 excluding carbon monoxide, carbon dioxide, carbonic acid, metallic
24 carbides or carbonates, and ammonium carbonate, which participates in
25 atmospheric photochemical reactions. This includes any such organic

1 compound other than methane; ethane; methylene chloride
2 (dichloromethane); 1,1,1 trichloroethane (methyl chloroform); 1,1,1-
3 trichloro-2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11);
4 dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22);
5 trifluoromethane (FC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
6 chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane
7 (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-
8 fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142B); 2-
9 chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125);
10 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-
11 difluoroethane (HFC-152a); and perfluorocarbon compounds which fall
12 into these classes:

13 (1) Cyclic, branched, or linear, completely fluorinated
14 alkanes;

15 (2) Cyclic, branched, or linear, completely fluorinated ethers
16 with no unsaturations;

17 (3) Cyclic, branched, or linear, completely fluorinated
18 tertiary amines with no unsaturations; and

19 (4) Sulfur containing perfluorocarbons with no
20 unsaturations and with sulfur bonds only to carbon and fluorine.

21 (yyy) **"Volatile organic compound water separator"** means a tank,
22 box, sump, or other container which is primarily designed to separate and
23 recover volatile organic compounds from water. Petroleum storage tanks
24 from which water incidental to the process is periodically removed are not
25 considered volatile organic compound water separators.

1 **Section 1102 - General Requirements:**

2 **Section 1102.1. Prohibition of air pollution.** No person,
3 including any public body, shall engage in any activity which causes air
4 pollution or causes or allows the emission of any regulated or hazardous
5 air pollutant without first securing an approval in writing from the
6 Administrator when required by these Standards and Regulations.

7 **Section 1102.2. Conflicts in Rules.** In the event any federal or
8 local laws, rules, or regulations are in conflict with the provisions of these
9 Standards and Regulations, the most stringent requirement shall apply .

10 **Section 1102.3 Certification.** Every application form, report,
11 compliance plan, or compliance certification submitted pursuant to these
12 Standards and Regulations shall contain certification by a responsible
13 official. This certification and any other certification required pursuant to
14 these Standards and Regulations shall state that, based on information and
15 belief formed after reasonable inquiry, the statements and information in
16 the document are true, accurate, and complete.

17 **Section 1102.4 Sampling, Testing and Reporting Methods.**

18 (a) All sampling and testing shall be made and the results
19 calculated in accordance with the reference methods specified by USEPA,
20 or by test procedures approved by the Administrator. All tests shall be
21 made under the direction of persons knowledgeable in the field of air
22 pollution control.

23 (b) GEPA may conduct tests of emissions of air pollutants from
24 any source. Upon request of the Administrator, an owner or operator of an
25 air pollution emission source may be required to conduct tests of emissions

1 of air pollutants at the owner or operator's expense. The owner or operator
2 of the air pollution emission source to be tested shall provide necessary
3 ports in stacks or ducts and such other safe and proper sampling and
4 testing facilities, exclusive of instruments and sensing devices, as may be
5 necessary for proper determination of the emissions of air pollutants.

6 (c) The Administrator may require the owner or operator of any
7 air pollution emission source to maintain files on information concerning
8 pertinent processes, material flow, fuels used, nature and amount and time
9 periods or durations of emissions, or any other information as may be
10 deemed necessary by the Administrator to determine whether the air
11 pollution emission source complies with applicable emission limitations,
12 NAAQS, Guam ambient air quality standards, or other provisions of these
13 Standards and Regulations in a permanent form suitable for inspection or
14 in a manner authorized by the Administrator.

15 (d) The information recorded shall be summarized and reported
16 to the Administrator as specified in the permit and in accordance with any
17 requirement of these Standards and Regulations. Recording periods shall
18 be January 1 to June 30 and July 1 to December 31, or any other period
19 specified by the Administrator, except the initial recording period shall
20 commence on the date the Administrator issues the notification of the
21 record keeping requirements. The Administrator may require the owner
22 or operator to submit any reported summary to the USEPA Administrator.

23 (e) Information recorded by the owner or operator of an air
24 pollution emission source and copies of the summarizing reports submitted
25 to the Administrator shall be retained by the owner or operator for a

1 specified time period from the date on which the information is recorded
2 or the pertinent report is submitted. The specified time period shall be as
3 required in §1104.12(7)(H) or identified within an applicable requirement
4 of the air pollution emission source.

5 (f) Owners or operators of air pollution emission sources shall
6 correlate applicable emission limitations and other requirements within the
7 report.

8 **Section 1102.5. Air Quality Models.** (a) All required estimates
9 of ambient concentrations shall be based on the applicable air quality
10 models, data bases, and other requirements specified in 40 CFR Part 51,
11 Appendix W, as amended.

12 (b) Where an air quality impact model specified in 40 CFR Part 51
13 Appendix A of Appendix W, as amended, is inappropriate, the model may
14 be modified or another model substituted on written request to the
15 Administrator. The Administrator shall provide for publish notice,
16 including the method by which a public hearing can be requested, and an
17 opportunity for public comment, on all proposed modifications or
18 substitutions of an air quality impact model. Written approval from the
19 Administrator shall be obtained for any modification or substitution.
20 Methods such as those outlined in the "Workbook for the Comparison of
21 Air Quality Models" (U.S. Environmental Protection Agency, Office of Air
22 Quality Planning and Standards, Research Triangle Park, N.C. 27711, May
23 1978) may be used to determine the comparability of air quality models.

24 **Section 1102.6. Operations of Monitoring Stations.** The
25 USEPA monitoring requirements of 40 CFR Part 58, as amended, "Ambient

1 Air Quality Surveillance," shall be met at a minimum during the operation
2 of any monitoring stations required by the Administrator or these
3 Standards and Regulations.

4 **Section 1102.7. Public Access to Information.** (a) Except as
5 provided in Subsection (b), the following information shall be considered
6 public records and as such shall be available for public inspection pursuant
7 to §49114 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the Guam
8 Code Annotated unless access is restricted or closed by law:

- 9 (1) All permit applications;
- 10 (2) All supporting information for permit applications;
- 11 (3) Compliance plans and schedules;
- 12 (4) Reports and results associated with performance tests
13 and continuous emission monitors;
- 14 (5) Ambient air monitoring data and emissions inventory
15 data;
- 16 (6) Certifications;
- 17 (7) Any other information submitted to GEPA pursuant to
18 the air pollution control permit program;
- 19 (8) Permits; and
- 20 (9) Public comments or testimonies received during any
21 public comment period or public hearing.

22 (b) Any owner or operator of an existing or proposed air pollution
23 emission source may request confidential treatment of specific information,
24 including information concerning secret processes or methods of
25 manufacture, by submitting a written request to the Administrator at the

1 time of submission, and clearly identifying the specific information
2 (requests) that is to be accorded confidential treatment. With respect to
3 each item of confidential information, the owner or operator requesting
4 that it be designated as confidential shall provide documentation
5 concerning:

6 (1) How each item of information concerns secret processes,
7 secret methods of manufacture, or is determined to be confidential
8 pursuant to §49114 of Chapter 49, Part 2, Division 2, Part 1 of Title 10
9 of the Guam Code Annotated;

10 (2) Who has access to each item of information;

11 (3) What steps have been taken to protect the secrecy of each
12 item of information; and

13 (4) Why it is believed each item of information must be
14 accorded confidential treatment and the anticipated prejudice should
15 disclosure be made.

16 (c) Any information submitted to GEPA without a request for
17 confidentiality in accordance with this section shall be considered a public
18 record.

19 (d) Upon a satisfactory showing to the Administrator by any
20 owner or operator that any records, reports, or information, or particular
21 part thereof, other than emission data, to which the Administrator has
22 access pursuant to these Standards and Regulations, contain information
23 of a confidential nature, including information concerning secret processes
24 or methods of manufacture, these records, reports, or information shall be
25 kept confidential except that such records, reports, or information may be

1 disclosed to other local and federal representatives concerned with
2 carrying out these Standards and Regulations or when relevant in any
3 proceeding pursuant to these Standards and Regulations. The contents of
4 an air pollution control permit itself shall not be entitled to confidentiality
5 protection.

6 (e) Any person who has claimed confidentiality for records,
7 reports, or other information and whose claim was denied by the
8 Administrator may obtain administrative review and subsequent judicial
9 review of the denial pursuant to the Administrative Adjudication Law.
10 Records which are the subject of a judicial review shall not be released until
11 the judicial review is complete and only if the court authorizes such release.

12 (f) All requests for public records shall be in writing, shall be
13 addressed to the Administrator, and shall identify or describe the character
14 of the requested record. Upon approval by the Administrator, the
15 requested public record shall be available to the requester for inspection
16 and copying during established office hours. The Administrator shall
17 charge the requester a reasonable cost for reproduction of any public
18 record, but not less than Twenty-five Cents (\$.25) per page, sheet or
19 fraction thereof.

20 **Section 1102.8. Reporting of Equipment Shutdown.** (a) In
21 the case of shutdown of required air pollution control equipment for
22 necessary scheduled maintenance, the intent to shut down such equipment
23 shall be reported to the Administrator at least twenty-four (24) hours prior
24 to the planned shutdown. The prior notice shall include:

25 (1) Identification of the specific equipment to be taken out of

1 service as well as its location and permit number;

2 (2) The expected length of time that the air pollution control
3 equipment will be out of service;

4 (3) The nature and quantity of emissions of air pollutants
5 likely to be emitted during the shutdown period;

6 (4) Measures such as the use of off-shift labor and equipment
7 that will be taken to minimize the length of the shutdown period;
8 and

9 (5) The reasons why it would be impossible or impractical to
10 shut down the source operation during the maintenance period.

11 (b) The submittal of the notice shall not be a defense to an
12 enforcement action.

13 **Section 1102.9. Prompt Reporting of Deviations.** (a) Except for
14 emergencies which result in noncompliance with any technology-based
15 emission limitation pursuant to §1104.17 for air pollution emission sources,
16 in the event any emission unit, air pollution control equipment, or related
17 equipment breaks down in such a manner as to cause the emission of air
18 pollutants in violation of these Standards and Regulations or a permit, the
19 owner or operator shall immediately notify GEPA of the failure or
20 breakdown, unless the protection of personnel or public health or safety
21 demands immediate attention to the failure or breakdown and makes such
22 notification infeasible. In the latter case, the notice shall be provided as
23 soon as practicable.

24 (b) The owner or operator shall provide the following information
25 in writing within five (5) working days of the notification:

- 1 (1) Identification of emission points;
- 2 (2) Magnitude of the excess emissions;
- 3 (3) Time and duration of the excess emissions;
- 4 (4) Identity of the process or control equipment causing the
- 5 excess emissions;
- 6 (5) Cause and nature of the excess emissions;
- 7 (6) Description of the steps taken to remedy the situation,
- 8 prevent a recurrence, limit the excessive emissions, and assure that
- 9 the breakdown does not interfere with the attainment and
- 10 maintenance of the NAAQS and Guam ambient air quality standards;
- 11 (7) Documentation that the equipment or process was at all
- 12 times maintained and operated in a manner consistent with good
- 13 practice for minimizing emissions; and
- 14 (8) A statement that the excess emissions are not part of a
- 15 recurring pattern indicative of inadequate design, operation, or
- 16 maintenance.
- 17 (c) The submittal of the notice shall not be a defense to an
- 18 enforcement action.

19 **Section 1102.10. Prevention of Air Pollution Emergency**
20 **Episodes.** (a) This section is designed to prevent the excessive buildup
21 of air pollutants during air pollution episodes, thereby preventing the
22 occurrence of any emergency due to the effects of these pollutants on the
23 public health.

24 (b) Conditions justifying the proclamation of an air pollution alert,
25 air pollution warning, or air pollution emergency shall be deemed to exist

1 whenever the Administrator determines that the accumulation of air
2 pollutants in any place is attaining or has attained levels which could, if
3 such levels are sustained or exceeded, lead to a threat to the health of the
4 public. In making this determination, the Administrator shall be guided by
5 the criteria set forth in Subsections (c) to (g).

6 (c) If the national weather service issues an atmospheric stagnation
7 advisory or if an equivalent local forecast of stagnant atmospheric
8 conditions is issued, GEPA shall survey its monitoring stations to
9 determine whether alert, warning, or emergency levels have occurred or
10 are likely to occur.

11 (d) The alert level is that concentration of pollutants at which first
12 stage control action is to begin. An alert shall be declared, health advisories
13 issued, and source activities curtailed as ordered by the Administrator
14 when any one of the following levels is reached:

15 (1) SO_2 - 800 ug/m^3 (0.3 ppm), twenty-four (24) hour
16 average;

17 (2) PM_{10} - 350 ug/m^3 , twenty-four (24) hour average;

18 (3) SO_2 and particulate matter combined - product of SO_2 , in
19 ug/m^3 , twenty-four (24) hour average and PM_{10} , in ug/m^3 , twenty-
20 four hour (24) average equal to 65,000;

21 (4) CO - 17 mg/m^3 (15 ppm), eight (8) hour average;

22 (5) Ozone - 400 ug/m^3 (0.2 ppm), one (1) hour average; or

23 (6) NO_2 - 1130 ug/m^3 (0.6 ppm), one (1) hour average; 282
24 ug/m^3 (0.15 ppm), twenty-four (24) hour average;

25 and meteorological conditions are such that this condition can be

1 expected to continue for twelve (12) or more hours.

2 (e) The warning level indicates that air quality is continuing to
3 degrade and that additional abatement actions are necessary. A warning
4 shall be declared, health advisories issued, and source activities curtailed
5 or terminated as ordered by the Administrator when any one of the
6 following levels is reached:

7 (1) SO_2 - $1,600 \text{ ug/m}^3$ (0.6 ppm), twenty-four (24) hour
8 average;

9 (2) PM_{10} - 420 ug/m^3 , twenty-four (24) hour average;

10 (3) SO_2 and particulate matter combined - product of SO_2 , in
11 ug/m^3 , twenty-four-hour average and PM_{10} , ug/m^3 , twenty-four (24)
12 hour average equal to 261,000;

13 (4) CO - 34 mg/m^3 (30 ppm), eight (8) hour average;

14 (5) Ozone - 800 ug/m^3 (0.4 ppm), one (1) hour average; or

15 (6) NO_2 - $2,260 \text{ ug/m}^3$ (1.2 ppm), one (1) hour average; 565
16 ug/m^3 (0.3 ppm), twenty-four-hour average;

17 and meteorological conditions are such that this condition can be
18 expected to continue for twelve (12) or more hours.

19 (f) The emergency level indicates that air quality may have an
20 impact on public health. An emergency shall be declared, health advisories
21 issued, source activities terminated as ordered by the Administrator, and
22 the public evacuated from the affected area if so recommended by the
23 Administrator, civil defense, or the police department when the warning
24 level for a pollutant has been exceeded and:

25 (1) The concentrations of the pollutant are continuing to

1 increase;

2 (2) The Administrator determines that, because of
3 meteorological conditions or other facts, the concentrations will
4 continue to increase; or

5 (3) When one of the following levels is reached:

6 (A) SO_2 - $2,100 \text{ ug/m}^3$ (0.8 ppm), twenty-four-hour
7 average;

8 (B) PM_{10} - 500 ug/m^3 , twenty-four hour average;

9 (C) SO_2 and PM_{10} combined - product of SO_2 , ug/m^3 ,
10 twenty-four-hour average and PM_{10} , ug/m^3 , twenty-four-hour
11 average equal to 393,000;

12 (D) CO - 46 mg/m^3 (40 ppm), eight-hour average;

13 (E) Ozone - $1,000 \text{ ug/m}^3$ (0.5 ppm), one-hour average;

14 or

15 (F) NO_2 - $3,000 \text{ ug/m}^3$ (1.6 ppm), one-hour average; 750
16 ug/m^3 (0.4 ppm), twenty-four-hour average.

17 (g) Once declared, any episode level reached by application of
18 these criteria shall remain in effect until the criteria for that level are no
19 longer met. At that time, the next lower episode level shall be assumed.

20 **Section 1102.11. Variances.** (a) Variances and variance
21 applications shall comply with §49110 of Chapter 49, Part 2, Division 2, Part
22 1 of Title 10 of the Guam Code Annotated, except that no variance shall
23 prevent or interfere with the maintenance or attainment of NAAQS. Any
24 application for a variance shall include a calculation and description of any
25 change in emissions and the expected ambient air quality concentrations.

1 motor vehicle engine intended solely for export provided the motor vehicle
2 or motor vehicle engine is not allowed to leave the premises of the Port
3 Authority of Guam.

4 (i) The following are not subject to the requirements of this
5 Section:

6 (1) Motor vehicles manufactured before 1968;

7 (2) Non-chassis mounted engines to be used in light-duty
8 vehicles;

9 (3) The motor vehicles, or motor vehicle engines
10 manufactured before January 1, 1970 for use in heavy-duty vehicles;

11 (4) Light-duty vehicles not powered by gasoline (if diesel
12 fueled, only for 1974 and earlier models);

13 (5) Motorcycles manufactured before January 1, 1978;

14 (6) Racing vehicles not to be operated on public streets or
15 highways;

16 (7) Motor vehicles which exhibit one of these features
17 conflicting with safe highway use:

18 (i) No reverse gear (except motorcycles);

19 (ii) No differential gear;

20 (iii) Tracks instead of tires;

21 (iv) Of an inordinate size;

22 (v) Cannot exceed a speed of twenty five (25) miles per
23 hour over level paved surfaces, or

24 (vi) Has armor or weaponry associated with military
25 combat;

1 (8) Vehicle eligible for one-time personal exemption
2 provided the vehicle is:

3 (i) The first nonconforming motor vehicle imported by
4 the individual;

5 (ii) Fully owned by the importer or consignee (not a
6 business);

7 (iii) Not for resale for two (2) years; and

8 (iv) Five (5) year old or older.

9 Individuals immigrating to Guam are eligible for the one time
10 personal exemption under the same conditions except no limit on age
11 of the vehicle.

12 (j) The Administrator shall notify the Department of Revenue and
13 Taxation in writing of any motor vehicle imported under the one-time
14 personal exemption. The Department of Revenue and Taxation shall
15 maintain a listing of vehicles imported under the provision of one-time
16 personal exemption and not allow transfer of registration for two (2) years.

17 (k) The Director shall conditionally allow the importation of a
18 motor vehicle or motor vehicle engine under bond for which an application
19 for certification of conformity is pending before the USEPA Administrator
20 provided that the importer or consignee submits a written request to the
21 Administrator, stating:

22 (1) Identification of the test motor vehicle or motor vehicle
23 engine;

24 (2) Identification of the location such vehicle will be stored
25 (not on the premises of any dealer), and

1 (3) The name of the person responsible for custody of the
2 motor vehicle or motor vehicle engine.

3 (l) The Director shall allow the importation of a motor vehicle or
4 motor vehicle engine, for which a certificate for conformity has been issued
5 by USEPA, but the certification label is not mounted, provided that the
6 importer or consignee submits documentation to the Administrator stating
7 that the motor vehicle or motor vehicle engine year model belongs to a
8 family of motor vehicles certified by USEPA and that the motor vehicle or
9 motor vehicle engines equipped with the equipment required in the
10 certification as verified by the Administrator.

11 (m) The Director shall conditionally allow the importation of a
12 motor vehicle or motor vehicle engine for which a certificate of conformity
13 has been issued by USEPA, but the motor vehicle is being imported from
14 areas outside North America, (U.S., Mexico, and Canada) or from a country
15 where unleaded gasoline is not widely distributed, under bond for the
16 purpose of replacing the oxygen sensing device and the catalytic converter.

17 (n) The Director shall conditionally allow the importation of a
18 motor vehicle or motor vehicle engine for which a certificate of conformity
19 has not been issued by USEPA under bond for the purpose of making
20 repairs to the motor vehicle or motor vehicle engine.

21 (o) The Director shall conditionally allow the importation of a
22 motor vehicle or motor vehicle engine under bond, for which a certificate
23 of conformity has been issued by USEPA but the equipment and
24 certification label has not yet been installed, for the purpose of retrofitting
25 the equipment required in certification, if the importer or consignee:

1 (1) Submits a written request to the Administrator stating:

2 (i) Identification of the location such vehicle will be
3 stored (not on the premises of any dealer); and

4 (ii) The name of the person responsible for custody of
5 the motor vehicle or motor vehicle engine; and

6 (2) Certifies the person will retrofit the motor vehicle or
7 motor vehicle engine according to the instructions obtained from the
8 manufacturer's U.S. representative.

9 (p) For conditional entry of motor vehicles under bond, the
10 importer or consignee shall give a bond equal to but not less than one-half
11 (1/2) the value of the motor vehicle or motor vehicle engine and that bond
12 shall not be released to the importer or consignee until such time that the
13 provisions of this Section are fulfilled and a written recommendation from
14 the Administrator or his designee is obtained stating that the Director may
15 release the bond.

1 (q) **Release under bond.** If entry is being made under bond, the
1 entry shall be accepted only if the importer or consignee gives a bond equal
18 to not less than one-half the value of the motor vehicle, containing the bond
19 conditions set forth in this Section, for the production of a declaration from
20 the Administrator that the vehicle is in conformity with Federal emission
21 standards. Within ninety (90) days after such entry, or such additional
22 period as the Director may allow for good cause shown, the importer or
23 consignee shall deliver to the Director the prescribed declaration. If the
24 declaration is not delivered within ninety (90) days of the date of entry or
25 such additional period as may be allowed by the Director, for good cause

1 shown, the importer or consignee shall deliver or cause to be delivered to
2 the Director those motor vehicles or motor vehicle engines which were
3 released in accordance with this paragraph. In the event that any such
4 motor vehicle or motor vehicle engine is not redelivered within five (5)
5 working days following the date specified in the preceding sentence,
6 liquidated damages shall be assessed in the full amount of the bond and the
7 vehicle will be subject to confiscation by the Director.

8 (r) **Merchandise refused entry.** If a motor vehicle is denied entry
9 under the provision of this Section, the Director shall refuse to release the
10 merchandise for entry into Guam and shall give notice of such refusal to
11 the importer.

12 (s) **Disposition of merchandise refused entry into Guam.**

13 Motor vehicles or motor vehicle engines denied entry under this
14 Section or which are redelivered in accordance and which are not exported
15 under supervision of the Director within ninety (90) days from the date of
16 notice of refusal of admission or date of redelivery shall be disposed of
17 under the Director, provided that any such disposition shall not result in
18 an introduction to Guam of a motor vehicle or motor vehicle engine not
19 covered by a certificate of conformity with Federal motor vehicle emission
20 standards.

21 **Section 1103.6. Motor vehicles - Emission Requirements.**

22 (a) No person shall intentionally remove, alter or otherwise render
23 ineffective or inoperative, exhaust emission control, crank case ventilation
24 or any other air pollution control device or system which has been installed
25 on a motor vehicle or stationary internal combustion engine as a

1 requirement of any federal law or regulation.

2 (b) No person shall operate a motor vehicle or other internal
3 combustion engine originally equipped with air pollution devices or
4 systems as required by federal law or regulation, unless such devices or
5 systems are in place and in operating condition.

6 (c) No person shall cause or permit the emission of visible air
7 pollutants from gasoline-powered motor vehicles for longer than five (5)
8 consecutive seconds.

9 (d) No person shall cause or permit the emission of visible air
10 pollutants for diesel powered light-duty vehicles of a density equal to or
11 darker than twenty per cent (20%) opacity for longer than five (5)
12 consecutive seconds.

13 (e) Diesel powered heavy-duty vehicle emission requirements.

14 (1) No 1974 or subsequent model year diesel powered
15 heavy-duty vehicle with a Federal peak smoke engine certification
16 level of thirty five percent (35%) peak opacity or less operating on
17 any roadway on Guam shall exceed forty percent (40%) peak smoke
18 opacity when tested in accordance with this Section unless its engine
19 is exempted under Subsections (3) or (4).

20 (2) No other diesel powered heavy duty vehicle operating on
21 any roadway on Guam, including pre-1974 model-year vehicles shall
22 exceed fifty five percent (55%) peak smoke opacity when tested in
23 accordance with this Section unless its engine is exempted under
24 Subsections (3) or (4).

25 (3) The Administrator shall exempt from the requirements

1 (b) Under no circumstances shall a variance from any federal
2 regulations or federally enforceable air pollution control permit terms or
3 conditions be granted.

4 **Section 1102.12. Penalties and Remedies.** Any person who
5 violates any provision of these Standards and Regulations, any term or
6 condition of a permit shall be subject to the penalties and remedies
7 provided for in §49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of
8 the Guam Code Annotated

9 **Section 1102.13. Severability.** If any provision of these
10 Standards and Regulations or their application to any person or
11 circumstance is held invalid, the application of such provision to other
12 persons or circumstances and the remainder of these Standards and
13 Regulations shall not be affected thereby.

14 **Section 1102.14. Hearings.** Any person who received an order from
15 the Administrator as authorized by the Air Pollution Control Act, or whose
16 permit application is disapproved or denied by the Administrator, or is
17 adversely affected by a decision of GEPA may have appeal or judicial
18 review rights as provided for in §49111 of Chapter 49, Part 2, Division 2,
19 Part 1 of Title 10 of the Guam Code Annotated.

20 **Section 1103 - General Prohibitions and Standards**

21 **Section 1103.1. Applicability.** (a) All owners or operators of
22 an air pollution emission sources and mobile sources are subject to the
23 requirements of this Section, whether or not the source is required to obtain
24 an air pollution control permit.

25 **Section 1103.2. Guam Ambient Air Quality Standards.**

1 (a) The following air quality standards are the maximum desirable
2 levels of ambient air quality for Guam. The Guam primary ambient air
3 quality standards define levels of air quality which the Administrators
4 judges are necessary, with an adequate margin of safety, to protect the
5 public health. Guam secondary ambient air quality standards define levels
6 of air quality which the Administrator judges necessary to protect the
7 public welfare from any known or anticipated adverse effects of a
8 pollutant.

9 (1) **Sulfur dioxide.**

10 (A) The Guam primary ambient air quality standards
11 for sulfur dioxide are:

12 (i) **80 ug/m³** (0.03 ppm) - annual arithmetic
13 mean; and

14 (ii) **365 ug/m³** (0.14 ppm) - maximum twenty four
15 (24) hour average concentration not to be exceeded more
16 than once per year.

17 (B) The Guam secondary ambient air quality standard
18 for sulfur dioxide is:

19 (i) **1300 ug/m³** (0.5 ppm) - maximum three (3)
20 hour average concentration not to be exceeded more than
21 once per year.

22 (2) **Particulate Matter.** The Guam primary and
23 secondary ambient air quality standards for particulate matter,
24 measured as PM₁₀ are:

25 (A) **150 ug/m³** - maximum twenty four (24) hour

1 average concentration not to be exceeded more than once per
2 year; and

3 (B) 50 ug/m^3 - annual arithmetic mean concentration.

4 (3) **Carbon Monoxide.** The Guam primary ambient air
5 quality standards for carbon monoxide are:

6 (A) 10 mg/m^3 (9 ppm) - maximum eight (8) hour
7 average concentration not to be exceeded more than once per
8 year;

9 (B) 40 mg/m^3 (35 ppm) - maximum one (1) hour
10 average concentration not to be exceeded more than once per
11 year.

12 (4) **Ozone.** The Guam primary and secondary ambient
13 air quality standards for Ozone is:

14 235 ug/m^3 (0.12 ppm) - maximum 1-hour average
15 concentration not to be exceeded more than once per year.

16 (5) **Nitrogen Dioxide.** The Guam primary and
17 secondary ambient air quality standard for nitrogen dioxide is:

18 100 ug/m^3 (0.053 ppm) - annual arithmetic mean
19 concentration.

20 (6) **Lead.** The Guam primary and secondary ambient
21 air quality standard for lead is:

22 1.5 ug/m^3 - maximum arithmetic mean averaged over a
23 calendar quarter.

24 (b) The promulgation of these ambient air quality standards shall
25 not be considered in any manner to allow significant deterioration of

1 existing air quality in any portion of Guam.

2 (c) All measurements of air quality are corrected to a reference
3 temperature of 25 °C and to a reference pressure of 760 millimeters of
4 mercury (1013.2 millibars).

5 (d) Measurements for Guam ambient air quality standards shall be
6 determined using methods presented in 40 CFR Part 50, as amended,
7 including the appropriate appendices, or any other method approved by
8 the Administrator.

9 **Section 1103.3. Visible emissions.** (a) No person shall cause
10 or permit the continuous emission of visible air pollutants of a density
11 equal to or darker than twenty (20%) per cent opacity, except as provided
12 in Subsections (b) and (c).

13 (b) Except as provided in Subsection (c), no person shall cause or
14 permit the discharge into the atmosphere from any single source of
15 emission, for a period aggregating not more than three (3) minutes in any
16 sixty (60)minutes period, air pollutants of a density darker than sixty (60%)
17 per cent opacity, except for operations specifically authorized by GEPA
18 through a variance as provided in §1102.11.

19 (c) Emissions of uncombined water, such as water vapor, are
20 exempt from the provisions of Subsections (a) and (b), and do not
21 constitute a violation of this Section.

22 **Section 1103.4. Fugitive Dust.** (a) No person shall cause or
23 permit visible fugitive dust to become airborne without taking reasonable
24 precautions. Examples of reasonable precautions are:

25 (1) Use of water or suitable chemicals for control of fugitive

1 dust in the demolition of existing buildings or structures,
2 construction and retrofitting operations, the grading of roads, or the
3 clearing of land;

4 (2) Application of asphalt, water, or suitable chemicals on
5 roads, material stockpiles, and other surfaces which may allow
6 release of fugitive dust;

7 (3) Installation of appurtenances that provide an enclosure
8 and ventilation for all crushing, aggregate screening, and conveying
9 of material likely to become airborne;

10 (4) Installation and use of hoods, fans, and fabric filters to
11 enclose and vent the handling of dusty materials. Reasonable
12 containment methods shall be employed during sandblasting, spray
13 painting, or other similar operations;

14 (5) Covering all moving, open-bodied trucks transporting
15 materials which may release fugitive dust;

16 (6) Conducting agricultural operations, such as tilling of
17 land and the application of fertilizers, in such manner as to
18 reasonably minimize fugitive dust;

19 (7) Maintenance and sealing of road-ways and parking lots
20 so as to prevent the exposure of such surfaces to wind, water, or
21 vehicular travel erosion; and

22 (8) Prompt removal of earth or other materials from paved
23 streets which have been transported there by trucking, earth-moving
24 equipment, erosion, or other means.

25 (b) Except for persons engaged in agricultural operations or

1 persons who can demonstrate to the Administrator that the best practical
2 operation or treatment is being implemented, no person shall cause or
3 permit the discharge of visible fugitive dust beyond the property lot line on
4 which the fugitive dust originates.

5 **Section 1103.5. Motor Vehicles - Importation.** (a) No person
6 shall import any motor vehicle or motor vehicle engine into Guam, unless
7 such motor vehicle or motor vehicle engine is in accordance with the Air
8 Pollution Control Act as amended or is granted an exception under
9 Subsection (i) or (n).

10 (b) The importer or consignee shall declare to the Director in
11 duplicate on EPA Form 3520-1, and submit a copy to GEPA and the
12 Director, the following information:

- 13 (1) The name and address of the importer and the consignee;
- 14 (2) The make, model, and model year of the vehicle or
15 engine;
- 16 (3) The vehicle identification numbers of such vehicle or the
17 serial number of such engine (if not chassis mounted);
- 18 (4) The date of entry, the vessel or carrier of importation, the
19 port or point of entry, and the entry number (where applicable); and
- 20 (5) A statement that the motor vehicle belongs to one of the
21 categories of EPA Form 3520-1 or furnish to the Director a written
22 exception under Subsections(i) or (n).

23 (c) No person shall import a 1968, 1969, or 1970 model year motor
24 vehicle or motor vehicle engine without a certificate of conformity issued
25 by the United States Department of Health, Education and Welfare, or by

1 the USEPA or be granted an exception under Subsection (i) or (n).

2 (d) No person shall import a 1971 or subsequent year motor vehicle
3 or motor vehicle engine without a certificate of conformity issued by
4 USEPA and a certification label or be granted an exception under
5 Subsection (i) or (n).

6 (e) The Director shall allow the importation of a motor vehicle or
7 motor vehicle engine not covered by a certificate of conformity, if the motor
8 vehicle or motor vehicle engine is being imported solely for the purpose of
9 display and will not be sold or operated on Guam public streets or roads.

10 (f) The Director shall allow the importation of a motor vehicle or
11 motor vehicle engine not covered by a certificate of conformity if the
12 importer or consignee is a member of the armed forces of a foreign country,
13 a member of the secretariat of a public international organization or a
14 member of the personnel of a foreign government on assignment in Guam
15 who come within a class of persons or whom free entry of motor vehicles
16 has been authorized by the Department of State and the motor vehicle will
17 not be sold.

18 (g) The Director shall allow the importation of a motor vehicle or
19 motor vehicle engine not covered by a certificate of conformity if the
20 importer or consignee is a nonresident of the United States importing such
21 motor vehicle or motor vehicle engine for personal use for not more than
22 one (1) year from date of entry, the motor vehicle or motor vehicle engine
23 will not be sold and the motor vehicle or motor vehicle engine will be
24 deported one year from date of entry.

25 (h) The Director shall allow the importation of a motor vehicle or

1 of Subsections (1) and (2) any engine family that he determines
2 exhibits idle test results greater than forty percent (40%) under
3 Subsection (1) or fifty five percent (55%) under Subsection (2) when
4 in good operating condition and adjusted to manufacturer's
5 specifications. Such engine family(s) must comply with the
6 technologically appropriate higher opacity standard determined by
7 the Administrator from a review of the data obtained from engines
8 in good operating condition and adjusted to manufacturer's
9 specifications.

10 (4) The Administrator shall exempt from the requirements
11 of Subsections (1) and (2) any 1991 and earlier model year diesel
12 powered heavy duty vehicles equipped with carryover add-on after
13 market turbocharger kits approved by GEPA, that he determines
14 exhibit snap-idle test results greater than forty percent (40%) under
15 Subsection (1) or Fifty-five (55%) percent under Subsection (2) when
1 in good operating condition and adjusted to manufacturer's
1 specifications. Such vehicles must comply with the technologically
1 appropriate higher opacity standard determined by the
19 Administrator from a review of the data obtained from engines in
20 good operating condition and adjusted to manufacturer's
21 specifications.

22 (5) In the event that a 1974 or later model-year diesel
23 powered heavy-duty vehicle engine identification cannot be obtained
24 by the inspector in order to determine the Federal smoke certification
25 level, the owner, within thirty (30) days of the inspection, shall

1 provide GEPA with the engine identification information. If the
2 owner fails to comply with this requirement, it is conclusively
3 presumed for the purpose of compliance with this Section that the
4 vehicle has a Federal peak smoke certification level equal to or less
5 than thirty five percent (35%) peak smoke opacity and that the peak
6 smoke opacity standard is forty percent (40%).

7 (6) The test procedures and smoke opacity measurement
8 equipment shall comply with the standards and specifications of the
9 Society of Automotive Engineers procedure J1667 "Snap-Acceleration
10 Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles,"
11 Issued 1996-02, as updated, which is incorporated herein by
12 reference.

13 **(f) Responsibilities of drivers during test procedures.**

14 (1) The driver of a diesel powered heavy-duty vehicle
15 selected to undergo the inspection procedure shall do all of the
16 following:

17 (A) Drive the vehicle to the inspection site upon
18 direction of an officer;

19 (B) Perform the test procedure upon request by an
20 inspector;

21 (C) Open the vehicle door so that the inspector can
22 observe the driver depress the accelerator pedal;

23 (D) Permit an emission control system inspection upon
24 the request of the inspector; and

25 (E) Sign the citation to acknowledge its receipt and the

1 smoke test results to acknowledge performance of the test
2 procedure.

3 (2) The inspector in performing the inspection procedure
4 shall do all of the following:

5 (A) If the driver refuses to submit to the inspection
6 procedure, advise the driver that such refusal is a violation of
7 these Standards and Regulations;

8 (B) Obtain engine identification information from a
9 vehicle when tested pursuant to Subsection (e) to determine
10 which opacity standard specified in Subsections (e)(1) and
11 (e)(2) would apply;

12 (3) Issue a copy of the citation to the driver of a vehicle that
13 fails the test procedure or the emission control system inspection; and

14 (4) Issue a warning to the owner of a diesel powered heavy-
15 duty vehicle missing its emission control label that the engine serial
16 or identification number must be provided to GEPA within thirty
17 (30) days or it will be conclusively presumed that the vehicle has a
18 certification level equal to or less than thirty five percent (35%) peak
19 smoke opacity.

20 (g) For the purposes of Subsections (e) and (f), "inspector" and
21 "officer" shall mean any authorized agent of the Administrator, including
22 representatives of other government of Guam agencies, when an agreement
23 is established between GEPA and the other agency which allows such
24 authorizations.

25 (h) No person shall cause or permit the use of any motor vehicle

1 which becomes mechanically deficient so as to cause the emission of visible
2 air pollutants greater than allowed in this Section.

3 (i) **Penalties.**

4 (1) Penalties shall not exceed One Thousand Dollars
5 (\$1,000.00) per day of violation.

6 (2) Failure to comply with this Section shall subject the
7 owner to suspension or cancellation of the registration and inspection
8 sticker for the vehicle by the Department of Revenue and Taxation.

9 (j) The violator can apply for waiver of prosecution by the
10 Administrator, not to exceed forty five (45) days in duration. To be
11 considered for a waiver, the violator shall immediately notify the
12 Administrator of the deficiency, and provide a statement giving all
13 pertinent facts, including the reason for the violation, the attempts made to
14 correct the deficiency, any difficulties encountered when correcting the
15 situation, and the estimated date of the correction of the deficiency.

1 **Section 1103.7. Incineration.** (a) No person shall cause or
1 permit the emissions of particulate matter to exceed 0.20 pounds per one
16 hundred pounds (two grams per kilogram) of refuse charged from any
19 incinerator.

20 (b) All required emission tests shall be conducted at the maximum
21 burning capacity of the incinerator or at other capacities, as approved by
22 the Administrator.

23 (c) The burning capacity of an incinerator shall be the
24 manufacturer's or designer's guaranteed maximum rate or such other rate
25 as may be determined by the Administrator.

1 (d) For the purposes of this Section, the total of the capacities of all
2 furnaces within one system shall be considered as the incineration capacity.

3 **Section 1103.8. Biomass Fuel Burning Boilers.** No person shall
4 cause or permit the emissions of particulate matter from each biomass
5 burning boiler and its drier or driers in excess of 0.40 pounds per one
6 hundred pounds of biomass as burned.

7 **Section 1103.9. Process industries.** (a) No person shall cause
8 or permit the emission of particulate matter in any one hour from any stack
9 or stacks, except for incinerators and biomass fuel burning boilers, in excess
10 of the amount determined by the equation $E = 4.10 p^{0.67}$, where

11 E = rate of emission in pounds per hour, and

12 p = process weight rate in tons per hour,

13 except that no rate of emissions shall exceed forty pounds per hour
14 regardless of the process weight rate.

15 (b) Process weight per hour is the total weight of all materials
16 introduced into any specific process that may cause any emission of
17 particulate matter through any stack or stacks. Solid fuels charged shall be
18 considered as part of the process weight, but liquid and gaseous fuels and
19 combustion air shall not. For a cyclical or batch operation, the process
20 weight per hour shall be derived by dividing the total process weight by
21 the number of hours in one complete operation from the beginning of any
22 given process to the completion thereof, including any time during which
23 the equipment is idle. For a continuous operation, the process weight per
24 hour shall be derived for a typical period of time by the number of hours
25 of the period.

1 (c) Where the nature of any process or operation or the design of
2 any equipment is such as to permit more than one interpretation, the
3 interpretation that results in the minimum value for the allowable emission
4 shall apply.

5 (d) For purposes of this Section, a process is any method, reaction,
6 or operation whereby materials introduced into the process undergo
7 physical or chemical change. A specific process is one which includes all
8 of the equipment and facilities necessary for the completion of the
9 transformation of the materials to produce a physical or chemical change.
10 There may be several specific processes in series necessary to the
11 manufacture of a product. However, where there are parallel series of
12 specific processes, the similar parallel specific processes shall be considered
13 as a single specific process.

4 **Section 1103.10. Sulfur Oxides from Fuel Combustion.** (a) No
15 person shall burn any fossil fuel containing in excess of two (2%) percent
1 sulfur by weight, except for fuel used in ocean-going vessels.

1 (b) If there is an air quality violation attributable to a source(s) of
sulfur dioxide (SO₂) in a current or prior SO₂ nonattainment area, the
19 source(s) must permanently reduce either its/their fuel sulfur content or
20 output capacity by the same percentage as the violation, (i.e. by the same
21 percentage as the measured violation is in excess of an applicable federal
22 SO₂ ambient air quality standard). Accordingly, the reduced fuel, output,
23 or emission limitation will become part of the modified operating permit.

24 (c) Power Plants within the Cabras/Piti area must comply with the
25 Cabras/Piti Area Intermittent Control Strategy (CPAICS) as required by

1 the 69.11 (a)(3)(i) of 40 CFR Part 69 Subpart A, as amended, and any
2 modification to the CPAICS approved by USEPA as defined in
3 69.11(a)(3)(ii).

4 (d) If compliance with these standards is to be accomplished by
5 means of removal of sulfur dioxide from the flue gases, the owner or
6 operator of the source must provide for the necessary monitoring
7 equipment, and sample such emissions in accordance with methods
8 specified by the Administrator.

9 **Section 1103.11. Open Burning.** (a) No person shall dispose of
10 combustible material by open burning, or cause, suffer, allow, or permit
11 open burning of combustible material within Guam, except as provided in
12 Subsections (b) through (e).

13 (b) In areas where no public or commercial refuse collection
14 service is available on the effective date of this regulation, open burning of
15 refuse on residential premises, or refuse originating from dwelling units
16 on premises, shall be allowed provided such burning does not violate any
17 existing laws, standards, or regulations of Guam, until refuse collection
18 becomes available.

19 (c) Exceptions herein may be allowed upon application and
20 approval by the Administrator provided the burning is not prohibited by,
21 or is conducted in compliance with, other applicable laws, Standards and
22 Regulations. Exception to conduct open burning under the provision of
23 this regulation does not excuse a person from the consequences, damages,
24 or injuries which may result therefrom. The following are exceptions for
25 which application may be make:

1 (1) Fires purposely set for the purpose of prevention of a fire
2 hazard which cannot be abated by any other means;

3 (2) Fires set for instruction in the method of fighting fires;

4 (3) Fires for decorative, ceremonial and recreational
5 purposes;

6 (4) The burning of hydrocarbons which must be wasted
7 through the use of atmospheric flares or open burning;

8 (5) Fires for prevention or control of disease or pests;

9 (6) Fires for the disposal of dangerous material, where there
10 is no alternate method of disposal; and

11 (7) Fires for the burning of leaves, grass, weeds, wood,
12 paper, and similar material on one's own premises, not exceeding
13 four (4) family units and twenty-five (25) pounds per day, per unit,
14 provided such burning is:

15 (A) Not within fifty (50) feet of any habitable building;

(B) Attended or supervised by an adult;

(C) Started and completed between 9:00 a.m. and 6:00
16 p.m. (and hour before sunset);

17 (D) Not in violation of the rules of other fire control
18 agencies;

19 (E) Oils, rubber or other similar material which
20 produce unreasonable amount of air pollutants may not be
21 burned;

22 (F) Meteorological conditions within the vicinity of the
23 burning will allow good and proper diffusion and dispersion
24
25

1 of air pollutants;

2 (G) The piles of material to be burned shall be of such
3 size that the burning will be completed within the time
4 designated in §1103.11(c)(7)(C);

5 (H) The moisture content and composition of the
6 material to be burned shall be favorable to good burning which
7 will minimize air pollution; and

8 (I) The starter fuel and materials to be ignited shall not
9 emit excessive visible emissions when burned.

10 (8) Fires for agricultural operations, forest management,
11 range improvements. (Not in the violation of Forestry Division of the
12 Department of Agriculture and any other affected Agencies.)

13 (d) Nothing in this Section shall be construed to prohibit or make
14 unlawful the construction and use of barbecue pits, grills, or outdoor fire
15 places for the preparation of food for human consumption, nor shall any
16 permit from the Administrator be required therefor.

17 **Section 1103.12. Control of Odors in Ambient Air.** (a) No
18 person shall discharge or cause to be discharged into the atmosphere from
19 any source whatsoever, such quantities of odorous emissions which is
20 injurious to health, or is indecent or offensive to the senses, which affects
21 at the same time an entire community or neighborhood, or any
22 considerable number of persons, so as to unduly interfere with the
23 comfortable enjoyment of life or property of such community,
24 neighborhood or persons. It is a creation of a condition which causes
25 injury to the public welfare.

1 (b) An odor occurrence shall be deemed a violation when a
2 complaint is received by the Administrator and the Administrator is able
3 to detect the odor. This detection must be verified by the Department of
4 Public Health, Environmental Health Section for a person to be found in
5 violation of Subsection (a).

6 (c) The odor of growing vegetation, and chemical fertilizers and
7 insecticides when used properly, or when persons can demonstrate to the
8 Administrator that the best practical operation or treatment is being
9 implemented, shall not be considered objectionable for the purposes of
10 this Section.

11 **Section 1103.13. Asbestos.** (a) The national emission standard
12 for asbestos, 40 CFR Part 61 Subpart M, as amended, is hereby incorporated
3 by reference as amended in Subsections (b) through (d).

4 (b) **Word and phrase substitutions:**

5 (i) "*Administrator*" means the Administrator of the Guam
6 Environmental Protection Agency or an authorized agent, officer, or
7 inspector, except in 40 CFR Part 61 §§ 150(a)(4), 152(b)(3), and 154(d),
as amended.

8 (ii) "*Local, state or EPA Regional Office*" means GEPA.

9 (iii) "*Local, state or EPA Regional Office responsible for*
10 *administering the asbestos NESHAP program*" means GEPA.

11 (c) 40 CFR §61.145 shall be amended as follows:

12 (1) 40 CFR §61.145(a) shall read: "In a facility being
13 demolished or renovated on Guam (except for facilities as described
14 in (a)(3) of this Section, regardless of type (nonfriable or friable) or
15

1 quantity of the asbestos containing material, all of the requirements
2 of paragraphs (b) and (c) of this Section, and as amended, shall
3 apply."

4 (2) 40 CFR §61.145(a)(4)(v) shall be added and read: "For a
5 facility being renovated and the total amount of RACM is less than
6 paragraph (a)(4)(i) through (iv) of this Section, only the notification
7 requirements of paragraph (b) of §61.145 as amended shall apply."

8 (3) 40 CFR §61.145(a)(4)(vi) shall be added and read: "For
9 any renovation or demolition of asbestos not defined as RACM,
10 including any nonfriable asbestos, the Administrator should be
11 notified informed at least five (5) working days before the start date
12 of the abatement work, and the notification should be followed by a
3 written notification which should include all of the requirements of
4 § 61.145(b)(4) and (5), and the estimated amount and type of asbestos
5 that is determined not to be RACM."

6 (4) 40 CFR §61.145(b)(6) shall be added and read: "An
7 Asbestos Removal and Control Procedure Plan must be prepared and
8 submitted to GEPA to show compliance with 40 CFR §61.145(c)."

9 (5) 40 CFR §61.145(b)(7) shall be added and read: "The
10 Asbestos Notification and Renovation required in paragraph (b)(5)
11 and the Control Procedure Plan required in paragraph (b)(6) of this
12 Section must be prepared and submitted to GEPA. A copy of the
13 Notification and the Control Procedure Plan must also be submitted
14 concurrently to the Department of Labor, Guam Occupational Safety
15 and Health Office (Guam OSH) for all asbestos removal projects

1 involving Government of Guam agencies."

2 (6) 40 CFR §61.145(b)(8) shall be added and read: "GEPA will
3 not approve any Asbestos Removal or Demolition Notification and
4 Control Procedure Plan submitted as required in Subsection (b)(7) for
5 any government of Guam project or building without Guam OSH's
6 concurrence."

7 (d) 40 CFR §61.150 shall be amended as follows:

8 (1) 40 CFR §61.150(d)(2) shall read "For all off-site disposal,
9 provide a copy of the ACWM shipment record described in
10 paragraph (d)(1) of this Section, to the disposal site owner or
11 operators and to GEPA upon shipment by the contractor to an
12 USEPA-approved landfill. In addition, a signed waste shipment
3 record acknowledging receipt of the asbestos waste by the designated
4 disposal facility must be furnished to GEPA within ten (10) working
5 days of receipt of acknowledgment."

6 (2) 40 CFR §61.150(d)(3) shall read "Whenever a copy of the
7 asbestos waste shipment record, signed by the owner or operator of
8 the designated disposal facility, is not received by the waste
9 generator within forty-five (45) days of the date the waste was
10 accepted by the initial transporter, the asbestos waste generator must
11 contact the initial transporter and/or the owner or operator of the
12 designated disposal facility to determine the status of the waste
13 shipment."

14 (e) **The Asbestos Hazard Emergency Response Act.** The
15 regulations for asbestos containing material in schools, 40 CFR §763.80

1 through §763.99, as amended, and all accompanying appendices and
2 references are hereby incorporated by reference as amended in this
3 Subsection (f).

4 (f) In 40 CFR §763.85, asbestos containing material shall include
5 friable and nonfriable asbestos containing building material.

6 (g) **Asbestos Training:**

7 (1) No person shall conduct any training on Guam under the
8 Asbestos Hazard Emergency Response Act (AHERA) Model
9 Accreditation Plan (MAP) unless the training is an approved AHERA
10 Certified Training Provider in accordance to 40 CFR Part 763, Subpart
11 E, Appendix C.

12 (2) Any person proposing to conduct any AHERA training
13 on Guam must notify GEPA and provide adequate documentation
14 verifying qualifications to conduct training under the AHERA
15 program and the MAP Plan.

16 **Section 1104. Permit Program Regulations.**

17 **Section 1104.1. Definitions.** As used in this Section:

18 (a) "*Administrative Permit Amendment*" is a permit revision that:

19 (1) Corrects typographical errors;

20 (2) Identifies a change in the name, address, or phone
21 number of any person identified in the permit, or provides a similar
22 minor administrative change at the source;

23 (3) Requires more frequent monitoring or reporting by the
24 permittee;

25 (4) Consolidates the terms and conditions of two (2) or more

1 air pollution control permits into one (1) air pollution control permit
2 for a facility;

3 (5) Allows for a change in ownership or operational control
4 of a source where GEPA determines that no other change in the
5 permit is necessary, provided that a written agreement containing a
6 specific date for transfer of permit responsibility, coverage, and
7 liability between the current and new permittees has been submitted
8 to the Administrator.

9 (b) "AP-42" means the most recent edition, supplements, and
10 appendices of USEPA's Compilation of Air Pollutant Emission Factors,
11 Volume 1: Stationary Point and Area Sources.

2 (c) "*Applicable requirement*" is defined as follows.

3 (a) If an air pollution emission source is a federal oversight source,
"applicable requirement" means all of the following as they apply to
emissions units in the air pollution emission source (including
requirements that have been promulgated or approved by USEPA through
rulemaking at the time of issuance but have future-effective compliance
dates):

4 (1) Any standard or other requirement provided for in the
5 applicable state implementation plan approved or promulgated by
6 USEPA, including any revision to that plan promulgated in 40 CFR
7 Part 52, as amended;

8 (2) Any term or conditions of any preconstruction permits
9 issued pursuant to regulations approved or promulgated through
10 rulemaking under Title I, including Parts C or D, of the Clean Air
11 Act.

1 Act;

2 (3) Any standard or other requirement under §111 of the
3 Clean Air Act, including §111(d);

4 (4) Any standard or other requirement under §112 of the
5 Clean Air Act, including any requirement concerning accident
6 prevention under §112(r)(7) of the Act;

7 (5) Any requirements established pursuant to §504(b) or
8 §114(a)(3) of the Clean Air Act;

9 (6) Any standard or other requirement governing solid
10 waste incineration, under §129 of the Clean Air Act;

11 (7) Any standard or other requirement for consumer and
12 commercial products, under §183(e) of the Clean Air Act;

13 (8) Any standard or other requirement for tank vessels
14 under §183(f) of the Clean Air Act;

15 (9) Any standard or other requirement of the program to
16 control air pollution from outer continental shelf sources, under §328
17 of the Clean Air Act;

18 (10) Any standard or other requirement of the regulations
19 promulgated to protect stratospheric ozone under Title VI of the
20 Clean Air Act, unless the USEPA Administrator has determined that
21 such requirements need not be contained in an air pollution control
22 permit; and

23 (11) Any national ambient air quality standard or increment
24 or visibility requirement under part C of Title I of the Clean Air Act,
25 but only as it would apply to temporary sources pursuant to §504(e)

1 of the Clean Air Act.

2 (b) For all other air pollution emission sources, "applicable
3 requirement" shall mean all of the following as they apply to emissions
4 units in the air pollution emission source:

5 (1) Any NAAQS or Guam ambient air quality standard;

6 (2) The application of best available control technology to
7 control those pollutants subject to any NAAQS or Guam ambient air
8 quality standard, but only as best available control technology would
9 apply to new or proposed air pollution emission sources and
10 modifications to air pollution emission sources that have the
11 potential to emit or increase emissions above significant amounts
12 considering any limitations, enforceable by the Administrator, on the
13 air pollution emission source to emit a pollutant; and

14 (3) Any standard or other requirement provided in these
15 Standards and Regulations.

16 (d) "*Federal oversight source*" means an air pollution emission
17 source that is:

18 (1) A major source;

19 (2) Subject to standards of performance for air pollution
20 emission sources as established in §1106; or

21 (3) Subject to an emission standard or other requirement for
22 hazardous air pollutants pursuant to §112 of the Clean Air Act or
23 §1107, with the exception of those sources solely subject to
24 regulations or requirements pursuant to §112(r) of the Clean Air Act.

25 (e) "*Insignificant source*" means any air pollution emission

1 sources that can be classified as insignificant sources - Type I or
2 insignificant sources - Type II.

3 (f) "*Insignificant Sources - Type I*" means any air pollution
4 emission sources that include only the following sources of air pollutants:

5 (1) Any storage tank, reservoir, or other container of capacity
6 equal to or less than forty (40,000) thousand gallons storing volatile
7 organic compounds, except those storage tanks, reservoirs, or other
8 containers subject to any standard or other requirement pursuant to
9 §§111 and 112 of the Clean Air Act;

10 (2) Other than smoke house generators, fuel burning
11 equipment with a heat input capacity less than one (1,000,000)
12 million BTU per hour, except where the total heat input capacity of
13 all individually exempted equipment exceeds five (5,000,000) million
14 BTU per hour when operated within the facility and controlled by a
15 single owner or operator;

16 (3) Steam generators, steam superheaters, water boilers, or
17 water heaters, which have a heat input capacity of less than five
18 million BTU per hour, and are fired exclusively with natural,
19 synthetic, or liquefied petroleum gas, or any combination of these;

20 (4) Kilns used for firing ceramic ware heated exclusively by
21 natural gas, electricity, liquid petroleum gas, or any combination of
22 these and have a heat input capacity of five million BTU per hour or
23 less;

24 (5) Standby generators used by non-federal oversight
25 sources, that are used exclusively to provide electricity, standby

1 sewage pump drives, and other emergency equipment all of which
2 are used only during power outages, emergency equipment
3 maintenance and testing, and are fired exclusively by natural or
4 synthetic gas; or liquefied petroleum gas; or fuel oil No. 1 or No. 2; or
5 diesel fuel oil No. 1D or No. 2D, with a heat input capacity not
6 exceeding 350,000 BTU/hr;

7 (6) Paint spray booths;

8 (7) Welding booths (if there are more than five (5) at the
9 facility); and

10 (8) Portable diesel or gasoline fired industrial equipment less
11 than two hundred horsepower in size which are used during power
12 outages or intermittently for maintenance and repair purposes (if
13 there are more than five at the facility).

14 (g) **"Insignificant Sources - Type II"** means any air pollution
15 emission sources that include only the following sources of air pollutants:

16 (1) Welding booths (if there are five or less at the facility);

17 (2) Portable diesel or gasoline fired industrial equipment less
18 than two hundred horsepower in size which are used during power
19 outages or intermittently for maintenance and repair purposes (if
20 there are five (5) or less at the facility);

21 (3) Hand held equipment used for buffing, polishing,
22 carving, cutting, drilling, machining, routing, sanding, sawing,
23 surface grinding, or turning of ceramic art work, precision parts,
24 leather, metals, plastics, fiber board, masonry, carbon, glass, or work,
25 provided reasonable precautions are taken to prevent particulate

1 matter from becoming airborne. Reasonable precautions include the
2 use of dust collection systems, dust barriers, or containment systems;

3 (4) Laboratory equipment used exclusively for chemical and
4 physical analyses;

5 (5) Containers, reservoirs, or tanks used exclusively for
6 dipping operations for coating objects with oils, waxes, or greases
7 where no organic solvents, diluents, or thinners are used; or dipping
8 operations for applying coatings of natural or synthetic resins which
9 contain no organic solvents;

10 (6) Closed tumblers used for cleaning or deburring metal
11 products without abrasive blasting, and pen tumblers with batch
12 capacity of one thousand pounds or less;

13 (7) Ocean-going vessels, except for ocean-going vessels
14 subject to any standard or other requirement for the control of air
15 pollution from outer continental shelf sources pursuant to 40 CFR
16 Part 55, as amended;

17 (8) Fire water system pumps dedicated for fire-fighting and
18 to maintain fire water system pressure, and fired exclusively by
19 natural or synthetic; or liquefied petroleum gas; or fuel oil No. 1 or
20 No. 2; or diesel fuel No. 1D or No. 2D;

21 (9) Smoke generating systems used exclusively for training
22 in government or certified fire fighting training facilities;

23 (10) Mobile internal combustion engines;

24 (11) Diesel fired portable ground support equipment
25 exclusively to start aircraft or provide temporary power to aircraft

1 prior to start-up;

2 (12) Fuel burning equipment which is used in a private
3 dwelling or for space heating, other than boilers or hot furnaces;

4 (13) Ovens, stoves, or grills used solely for the purpose of
5 preparing food for human consumption operated in private
6 dwellings, restaurants, or stores;

7 (14) Stacks or vents to prevent escape of sewer gasses through
8 plumbing traps into the interiors of structures;

9 (15) Air conditioning or ventilation systems not designed to
10 remove air pollutants generated by or released from equipment, and
11 that do not involve the open release or venting of CFC's into the
12 atmosphere; and

13 (16) Woodworking shops with a sawdust collection system.

14 (h) "*Major Source*" means an air pollution emission source, or a
15 group of air pollution emission sources that are located on one or more
16 contiguous properties or adjacent properties, and are under common
17 control or command of the same person or persons under common control,
18 belonging to a single major industrial grouping (i.e., all have the same two-
19 digit Standard Industrial Classification Code or other nationally recognized
20 and approved standard industrial classification code) and that emits or has
21 the potential to emit, considering controls:

22 (1) Any hazardous air pollutant, except radionuclides, in the
23 aggregate of ten tons per year or more including fugitive emissions,
24 or twenty-five tons per year or more of any combination including
25 fugitive emissions;

1 (2) One hundred tons per year or more of any air pollutant
2 subject to regulation under the Clean Air Act or these Standards and
3 Regulations. Fugitive emissions from the air pollution emission
4 source shall be considered in determining whether the source is
5 major, if it belongs to one of the following categories of air pollution
6 emission sources:

- 7 (A) Coal cleaning plants (with thermal dryers);
- 8 (B) Kraft pulp mills;
- 9 (C) Portland cement plants;
- 10 (D) Primary zinc smelters;
- 11 (E) Iron and steel mills;
- 12 (F) Primary aluminum ore reduction plants;
- 13 (G) Primary copper smelters;
- 14 (H) Municipal incinerators capable of charging more
15 than 250 tons of refuse per day;
- 16 (I) Hydrofluoric, sulfuric or nitric acid plants;
- 17 (J) Petroleum refineries;
- 18 (K) Lime plants;
- 19 (L) Phosphate rock processing plants;
- 20 (M) Coke oven batteries;
- 21 (N) Sulfur recovery plants;
- 22 (O) Carbon black plants (furnace process);
- 23 (P) Primary lead smelters;
- 24 (Q) Fuel conversion plants;
- 25 (R) Sintering plants;

1 (S) Secondary metal production plants;

2 (T) Chemical process plants;

3 (U) Fossil fuel boilers (or combination thereof) totaling
4 more than 250 million BTU per hour heat input;

5 (V) Petroleum storage and transfer units with a total
6 storage capacity exceeding 300,000 barrels;

7 (W) Taconite ore processing plants;

8 (X) Glass fiber processing plants;

9 (Y) Charcoal production plants;

10 (Z) Fossil fuel fired steam electric plants of more than
11 250 million BTU per hour heat input; and

12 (AA) All other air pollution emission source categories
13 regulated by a standard promulgated pursuant to Section 111
14 or 112 of the Clean Air Act, but only with respect to those air
15 pollutants that have been regulated for that category; or

16 (3) For radionuclides, major source shall have the meaning
17 specified by the USEPA Administrator by rule.

18 (i) "*Minor Source*" means any air pollution emission source that
19 exceed the parameters of Insignificant Sources - Type I or Type II.

20 (j) "*Modification*" means a physical change in or change in the
21 method of operation of an air pollution emission source which requires a
22 change to a permit. Routine maintenance, repair and replacement shall not
23 be considered a modification.

24 (k) "*Pollution prevention*" means the reduction or elimination,
25 through any measures, of the amount of pollutants produced or created at

1 the source.

2 (l) "*Significant modification*" means a modification of a federal
3 oversight source which:

4 (1) Increases the emissions of any air pollutant above the
5 permitted emission limits;

6 (2) Results in significant increase in emissions of any air
7 pollutant;

8 (3) Violates an applicable requirement;

9 (4) Involves significant changes to existing monitoring
10 requirements or a relaxation or significant change to existing
11 reporting or record keeping requirements in the permit. Any change
12 to the existing monitoring, reporting, or record keeping requirements
13 that reduces the enforceability of the permit is considered a
14 significant change;

15 (5) Requires or changes a case-by-case determination of an
16 emission limitation or other standard, or a visibility or increment
17 analysis;

18 (6) Is a modification pursuant to any provision of Title I of
19 the Clean Air Act.

20 (m) "*Transition period*" means the three years following the
21 effective date of these Standards and Regulations.

22 **Section 1104.2. Applicability.** (a) Except as provided in
23 §1104.10, and Subsections (b) and (c) of this Section, no person may begin
24 or continue construction, reconstruction, modification, relocation, or
25 operation of an air pollution emission source without first obtaining a valid

1 air pollution control permit from the Administrator.

2 (b) An air pollution emission source is exempt from the
3 requirements of Subsection (a) if it is not a federal oversight source or a
4 minor source is included in at least two of the following categories:

5 (1) Sources with potential emissions of less than 1.0 tpy of
6 each air pollutant and less than 1.0 tpy of each hazardous air
7 pollutant;

8 (2) Kilns used for firing ceramic ware heated exclusively by
9 natural gas, electricity, liquid petroleum gas, or any combination of
10 these and have a heat input capacity of ten million BTU per hour or
11 less;

12 (3) Gasoline service stations;

13 (4) Insignificant sources - type I; and

14 (5) Insignificant sources - type II.

15 (c) All sources and source categories that would be required to
16 obtain an air pollution control permit solely because they are subject to the
17 "Standards for Demolition and Renovation" pursuant to the "National
18 Emission Standard for Asbestos," 40 CFR §61.145, as amended, must
19 comply with the requirements of §1103.13.

20 (d) The air pollution control permit shall remain valid past the
21 expiration date and the air pollution emission source shall not be in
22 violation for failing to have an air pollution control permit, until the
23 Administrator has issued or denied the renewal of the air pollution control
24 permit, provided:

25 (1) A complete renewal application has been submitted and

1 the owner or operator acts consistently with the permit previously
2 granted, and the application on which it was based, and all plans,
3 specifications, and other information submitted as part of the
4 application; and

5 (2) The owner or operator has submitted to the
6 Administrator within the specified deadlines, all requested
7 additional information deemed necessary to evaluate or take final
8 action on the renewal application as described in §1104.6.

9 (e) The air pollution control permit shall not constitute, nor be
10 construed an approval of the design of the air pollution emission source.
11 The permit shall be issued in accordance with these Standards and
12 Regulations and it is the responsibility of the applicant to ensure
13 compliance with all applicable requirements in the construction and
14 operation of any air pollution emission source.

15 **Section 1104.3. General conditions for considering applications.**

16 (a) The Administrator shall approve an application for an air
17 pollution control permit if the applicant can show to the satisfaction of the
18 Administrator that all applicable provisions of these Standards and
19 Regulations will be complied with, including, as applicable:

20 (1) The maintenance and attainment of any NAAQS and any
21 Guam ambient air quality standard;

22 (2) General prohibitions and standards pursuant to §1103;

23 (3) Requirements for air pollution emission sources pursuant
24 to §1104;

25 (4) Applicable Standards of Performance for New Stationary

1 Sources (40 CFR Part 60, as amended), National Emission Standards
2 for Hazardous Air Pollutants (40 CFR Part 61, as amended), or any
3 other federal standard or other requirement established pursuant to
4 the Clean Air Act.

5 (5) Special preconstruction requirements pursuant to §1105;

6 (6) Applicable standards of performance for air pollution
7 emission sources pursuant to §1106; and

8 (7) Requirements for hazardous air pollutant sources
9 pursuant to §1107.

10 (b) Any air pollution control permit, including permit renewals,
11 and permit amendments for modifications may be issued only if all of the
12 following conditions are met:

13 (1) The owner or operator has submitted a complete air
14 pollution control permit application and has submitted all additional
15 information requested by the Administrator;

16 (2) The Administrator has provided an opportunity for all
17 applicable public participation requirements pursuant to §1104.19;

18 (3) The permit provides for compliance with all applicable
19 requirements and contains applicable terms and conditions pursuant
20 to §1104.12; and

21 (4) All applicable requirements for transmission of
22 information to USEPA and USEPA oversight have been satisfied
23 pursuant to §1104.15 and §1104.16.

24 **Section 1104.4. Holding and Transfer of Permit.** (a) Each air
25 pollution control permit, or a copy thereof, shall be maintained at or near

1 the air pollution emission source for which the permit was issued and shall
2 be made available for inspection upon the Administrator's request.

3 (b) No person shall willfully deface, alter, forge, counterfeit, or
4 falsify an air pollution control permit.

5 (c) All air pollution control permits issued pursuant to these
6 Standards and Regulations shall not be transferable, whether by operation
7 of law or otherwise, either from one location to another or from one piece
8 of equipment to another.

9 (d) All air pollution control permits issued pursuant to these
10 Standards and Regulations shall not be transferable, whether by operation
11 of law or otherwise, from one person to another without the approval of
12 the Administrator.

13 **Section 1104.5. Cancellation of an Air Pollution Control Permit.**

14 (a) Within thirty (30) days of permanent discontinuance of the
15 construction, modification, relocation, or operation of any permitted air
16 pollution emission source, the discontinuance shall be reported in writing
17 to the Administrator by a responsible official of the source.

18 (b) If construction authorized by an air pollution control permit is
19 not commenced within eighteen (18) months after the air pollution control
20 permit takes effect, is discontinued for a period of eighteen (18) months or
21 more, or is not completed within a reasonable time, the air pollution control
22 permit shall become invalid with respect to the authorized construction.

23 (c) Subsection (b) shall not apply to phased construction projects.
24 Instead, each phase shall commence construction within eighteen (18)
25 months of the projected and approved commencement dates in the permit.

1 (d) The Administrator may extend the specified periods upon a
2 satisfactory showing that an extension is justified.

3 **Section 1104.6. Air Pollution Control Permit Application.**

4 (a) Except as stated in Subsection (b), applications for air pollution
5 control permits shall be submitted to the Administrator on forms or format
6 furnished or approved by the Administrator. The applicant shall submit
7 sufficient information to enable the Administrator to make a decision on
8 the application and to determine the fee requirements specified in §1104.21
9 through §1104.24.

10 (b) For air pollution emission sources required to obtain a federal
11 operating permit under the provisions of 40 CFR Part 71, as amended,
12 owners and operators may submit a copy of the federal permit application
13 to the Administrator in place of forms furnished by the Administrator. The
14 owner or operator must include with the application a form to calculate
15 annual fees pursuant to §1104.23(l). All signatures required on the
16 application forms must be original signatures.

17 (c) Applications for initial air pollution control permits shall
18 include the following information:

19 (1) Identifying information about the air pollution emission
20 source, including name, address, and phone number of:

21 (A) The company (or plant if different than the
22 company),

23 (B) The owner and owner's agent,

24 (C) The plant site manager or other contact, and

25 (D) The person responsible for record keeping, and the

1 location where required records will be kept;

2 (2) A description of the nature, location, design capacity,
3 production capacity, production rates, fuels, fuel use, raw materials,
4 and typical operating schedules to the extent needed to determine or
5 regulate emissions; specifications and drawings showing the design
6 of the source and plant layout; and a description of all processes and
7 products by Standard Industrial Classification Code;

8 (3) Maximum emission rates, including fugitive emissions,
9 of all regulated and hazardous air pollutants and all air pollutants for
10 which the source is major from each emissions unit. Emission rates
11 shall be reported in pounds per hour and tons per year and in such
12 terms necessary to establish compliance consistent with the
13 applicable requirements and standard reference test methods. All
14 supporting emission calculations and assumptions shall also be
15 provided;

16 (4) Identification and description of all points of emissions
17 as required in (e) of this Section, in sufficient detail to establish the
18 applicability of requirements of these Standards and Regulations, the
19 Air Pollution Control Act, and the Clean Air Act. Information on
20 stack parameters and any stack height limitations developed
21 pursuant to §123 of the Clean Air Act shall also be provided;

22 (5) Identification and detailed description of air pollution
23 control equipment and compliance monitoring devices or activities
24 as planned by the owner or operator of the source, and to the extent
25 of available information, an estimate of emissions before and after

1 controls;

2 (6) Current operational limitations or work practices, or for
3 air pollution emission sources that have not yet begun operations,
4 such limitations or practices which the owner or operator of the
5 source plans to implement that affect emissions of any regulated or
6 hazardous air pollutants at the source;

7 (7) All calculations and assumptions on which the
8 information in paragraphs (2), (4), (5), and (6) is based;

9 (8) A copy of all current air pollution permits issued by
10 GEPA or USEPA;

11 (9) A compliance plan pursuant to §1104.8 and compliance
12 certification in accordance with §1104.9;

13 (10) Citation and description of all applicable requirements,
14 a description of or reference to any applicable test method for
15 determining compliance with each applicable requirement, and an
16 explanation of all proposed exemptions from any applicable
17 requirement;

18 (11) For new air pollution emission sources or significant
19 modifications subject to the requirements of §1105, all analyses,
20 assessments, monitoring, and other application requirements of
21 §1105;

22 (12) For proposed or new major sources or significant
23 modifications:

24 (i) A detailed schedule for construction of the source
25 or modification;

1 (ii) For existing sources, an assessment of the ambient
2 air quality impact of the air pollution emission source. The
3 assessment shall include all supporting data, calculations and
4 assumptions, and a comparison with the NAAQS;

5 (iii) For new sources and significant modifications
6 which increase the emissions of any air pollutant or result in
7 the emission of any air pollutant not previously emitted, an
8 assessment of the ambient air quality impact of the new source
9 or significant modification, with the inclusion of any available
10 background air quality data. The assessment shall include all
11 supporting data, calculations and assumptions, and a
12 comparison with the NAAQS; and

13 (iv) An explanation of all proposed exemptions from
14 any applicable requirement;

15 (13) At the request of the Administrator, the following
16 information must also be submitted:

17 (i) A risk assessment of the air quality related impacts
18 caused by the source or significant modification to the
19 surrounding environment;

20 (ii) Results of source emission testing, ambient air
21 quality monitoring, or both;

22 (iii) Information on other available control
23 technologies; and

24 (iv) Other information deemed necessary to make a
25 decision on the application or needed to implement and

1 enforce other applicable requirements of the Clean Air Act or
2 these Standards and Regulations, or to determine the
3 applicability of such requirements; and

4 (14) A certification by a responsible official of truth, accuracy,
5 and completeness of all submitted documents.

6 (d) Applications for renewals of air pollution control permits are
7 subject to the same requirements as an initial application including all
8 requirements of Subsection (c). If the source is a federal oversight source,
9 applications for renewal shall be submitted six (6) to eighteen (18) months
10 prior to permit expiration. For all other air pollution emission sources,
11 applications are due sixty (60) days prior to permit expiration. Late
12 applications shall be subject to penalties pursuant to §1104.25. Applicants
13 shall submit a statement certifying whether any changes have been made
14 in the design or operation of the source as proposed in the initial and any
15 subsequent permit applications. If changes have occurred or are being
16 proposed, the applicant shall provide a description of those changes such
17 as work practices, operations, equipment design, and monitoring
18 procedures, including the affected applicable requirements associated with
19 the changes and the corresponding information to determine the
20 applicability of all applicable requirements. If the application for renewal
21 has not been approved or denied in the time specified in Subsection (j), the
22 air pollution control permit and all its terms and conditions shall remain in
23 effect and not expire until the application for renewal has been approved
24 or denied, provided the applicant has submitted any additional
25 information within the reasonable deadline specified by the Administrator.

1 (e) Identification of air pollution emission sources:

2 (1) Minor sources and Insignificant sources - Type I shall be
3 identified in the air pollution control permit application.
4 Insignificant sources - Type II need not be identified in the air
5 pollution control permit application.

6 (2) The Administrator may request additional information
7 on any minor or insignificant source to determine the applicability of,
8 or to impose any applicable requirement, or to determine the fee
9 requirements specified in §1104.24.

10 (f) Applications for modifications of air pollution control permits
11 are subject to the same requirements as an initial application including all
12 requirements of Subsection (c). Applicants shall submit a description of the
13 modification, identifying all proposed changes, including any changes to
14 the source operations, work practices, equipment design, source emissions,
15 or any monitoring, record keeping, and reporting procedures. Each change
16 from the permit application for the existing air pollution control permit
17 shall be identified on the application for the permit modification.

18 (g) The Administrator shall not continue to act upon or consider
19 an incomplete application. An application shall be determined to be
20 complete only when all of the following have been complied with:

21 (1) All information required or requested pursuant to
22 Subsections (a) through (f) have been submitted;

23 (2) All documents requiring certification have been certified
24 pursuant to §1102.3;

25 (3) All applicable fees pursuant to §1104.21 through §1104.24

1 have been submitted; and

2 (4) The Administrator has certified that the application is
3 complete.

4 (h) The Administrator shall notify the applicant in writing whether
5 the application is complete within sixty (60) days of receipt of the
6 application. Unless the Administrator requests additional information or
7 notifies the applicant of incompleteness within sixty (60) days after receipt
8 of an application, the application shall be deemed complete.

9 (i) During the processing of an application that has been
10 determined or deemed complete, if the Administrator determines that
11 additional information is necessary to evaluate or take final action on the
12 application, the Administrator may request such information in writing
13 and set a reasonable deadline for a response.

14 (j) Timeline for approval:

15 (1) For federal oversight sources, unless issuance is objected
16 to by USEPA pursuant to §1104.16, the Administrator shall approve,
17 or deny an application for an air pollution control permit within
18 Twelve (12) months after receipt of a complete application for a new
19 source or significant modification; within six (6) months after receipt
20 of a complete application for an existing source; and within ninety
21 (90) days after receipt of a complete application for a non-significant
22 modification.

23 (2) For all other air pollution emission sources, the
24 Administrator shall approve, conditionally approve, or deny an
25 application for a air pollution control permit within six (6) months

1 after receipt of a complete application for a new source, and within
2 sixty (60) days after receipt of a complete application for an existing
3 source or modification.

4 (k) An air pollution control permit for a new source or a significant
5 modification shall be approved only if the Administrator determines that
6 the construction and operation of the new source or significant
7 modification will be in compliance with all applicable requirements.

8 **Section 1104.7. Duty to Supplement or Correct Permit**
9 **Applications.** Any applicant for an air pollution control permit who
10 fails to submit any relevant facts or who has submitted incorrect
11 information in any permit application shall, upon becoming aware of such
12 failure or incorrect submittal, promptly submit such supplementary facts
13 or corrected information. In addition, an applicant shall provide additional
14 information as necessary to address any requirements that become
15 applicable to the source after the date it filed a complete application but
16 prior to the release of the draft permit.

17 **Section 1104.8. Compliance Plan.** (a) A compliance plan
18 shall be submitted with each permit application, and at such other times as
19 requested by the Administrator.

20 (b) The owner or operator of an air pollution emission source shall
21 submit to the Administrator for approval a compliance plan which includes
22 at a minimum the following information:

23 (1) A description of the compliance status of the existing air
24 pollution emission source or proposed source with respect to all the
25 applicable requirements; and

1 (2) The following statement or description and compliance
2 schedule, as applicable:

3 (A) For applicable requirements with which the source
4 is in compliance, a statement that the source is in compliance
5 and will continue to comply with such requirements;

6 (B) For applicable requirements which become
7 applicable during the permit term, a statement that the source
8 on a timely basis will meet all such applicable requirements.

9 The statement shall include documentation on the proposed
10 method the owner or operator plans to initiate to obtain
11 compliance; and a compliance schedule demonstrating that the
12 source will meet such applicable requirement by the date
13 specified in the applicable requirement. A detailed schedule
14 shall be provided if required by the applicable requirement; or

15 (C) For applicable requirements with which the source
16 is not in compliance, a narrative description of how the source
17 will expeditiously achieve compliance with all such applicable
18 requirements; and a detailed compliance schedule containing
19 specific milestones of remedial measures to obtain compliance,
20 allowing for an enforceable sequence of actions. The schedule
21 shall supplement and shall not sanction noncompliance with
22 the applicable requirements on which the schedule is based.

23 (c) A progress report certified pursuant to §1102.3 shall be
24 submitted to the Administrator no less frequently than annually and shall
25 include:

1 (1) Dates for achieving the activities, milestones, or
2 compliance, and dates when such activities, milestones, or
3 compliance were achieved; and

4 (2) An explanation of why any dates in the schedule of
5 compliance were not or will not be met, and any preventive or
6 corrective measures adopted.

7 **Section 1104.9. Compliance Certification of Air Pollution**
8 **Emission Sources.** (a) A compliance certification shall be submitted

9 with each initial permit application, and at such other times as requested
10 by the Administrator. The responsible official of an emissions source shall
11 submit to the Administrator a compliance certification which includes at
12 a minimum the following information:

13 (1) A detailed description of the methods to be used in
14 determining compliance with all applicable requirements, including
15 any monitoring, record keeping, and reporting requirement and test
16 methods;

17 (2) A schedule for submission of compliance certifications
18 during the permit term; and

19 (3) A statement indicating the source's compliance status
20 with any applicable enhanced monitoring and compliance
21 certification requirements, including the requirements of §114 (a)(3)
22 of the Clean Air Act or any applicable monitoring and analysis
23 provisions of §504 (b) of the Clean Air Act.

24 (4) Certified in accordance with §1102.3

25 (5) A compliance plan as described in §1104.8.

1 (b) During the permit term, the responsible official of an air
2 pollution emission source shall also submit to the Administrator annually,
3 or more frequently as set by any applicable requirement or permit
4 condition, a compliance certification which includes at a minimum the
5 following information:

6 (1) The identification of each term or condition of the permit
7 that is the basis of the certification;

8 (2) The compliance status;

9 (3) Whether compliance was continuous or intermittent;

10 (4) The methods used for determining the compliance status
11 of the source currently and over the reporting period;

12 (5) Any additional information indicating the sources's
13 compliance status with any applicable enhanced monitoring and
14 compliance certification including the requirements of §114(a)(3) of
15 the Clean Air Act or any applicable monitoring and analysis
16 provisions of §504(b) of the Clean Air Act;

17 (6) A revised compliance plan; and

18 (7) Any additional information as required by the
19 administrator including information to determine compliance.

20 (c) The compliance certification may reference information
21 contained in a previous compliance certification submittal to the
22 Administrator, provided such referenced information has been certified as
23 being current and still applicable.

24 **Section 1104.10. Transition Period and Deadlines to Submit First**
25 **Applications.** (a) During the transition period, all owners or

1 operators of existing air pollution emission sources shall submit to the
2 Administrator a complete initial air pollution control permit application
3 according to the submission schedule in Appendix A.

4 (1) During the transition period, all existing air pollution
5 emission sources with air pollution control permits shall remain valid
6 past the expiration date until a new air pollution control permit is
7 issued.

8 (2) During the transition period, all owners or operators of
9 air pollution emission sources who have been operating, or has
10 begun construction of an air pollution source without a valid air
11 pollution control permit, shall submit to the Administrator a request
12 to continue construction, modification, relocation, or operation
13 within One Hundred Twenty (120) days from the effective date of
14 these Standards and Regulations. The request must include initial
15 start date of construction, modification, relocation, or operation, and
16 justification for continuance, and show good faith effort to comply
17 with (a) of this Section. The request must be submitted and signed by
18 a Responsible Official and certified in accordance to §1102.3. Such
19 approval shall not be construed as an approval for an air pollution
20 control permit.

21 (3) During the transition period, all owners or operators who
22 have applied for air pollution control permits before the effective
23 date of these Standards and Regulations, but have not received air
24 pollution control permits shall submit to the Administrator a request
25 to continue construction, modification, relocation, or operation

1 within sixty (60) days from the effective date of these Standards and
2 Regulations. The request must include initial start date of
3 construction, modification, relocation, or operation, and justification
4 for continuance, and show good faith effort to comply with (a) of this
5 Section. The request must be submitted and signed by a Responsible
6 Official and certified in accordance to §1102.3. Such approval shall
7 not be construed as an approval for an air pollution control permit.

8 (4) During the transition period, all owners or operators of
9 new or proposed air pollution emission sources who have not
10 previously applied for an air pollution control permit shall submit to
11 the Administrator a complete and timely air pollution control permit
12 application. An air pollution control permit must be obtained prior
13 to commencement of construction, modification, relocation, or
14 operation.

15 (b) The written request for an extension shall be submitted at least
16 thirty (30) days prior to the required submission date and shall include the
17 following information:

18 (1) Justification for the extension, including a showing that
19 reasonable effort and resources have been and are being utilized in
20 the preparation of the application;

21 (2) Description of the problems being encountered and the
22 reasons for any delays in meeting the application submittal deadline;

23 (3) The current status of the air pollution control permit
24 application; and

25 (4) The projected completion date of the air pollution control

1 permit application.

2 (c) If the Administrator disapproves an extension for initial
3 application submittal, the owner or operator shall meet the scheduled
4 submission date. Under no circumstances shall the deadline for submitting
5 an initial air pollution control permit application be extended twelve
6 months from the effective date of these Standards and Regulations.

7 (d) All air pollution control permit applications, compliance plans,
8 compliance certifications, and filing fees shall be submitted in accordance
9 with §§1104.6, 1104.8, 1104.9 and 1104.21 through 1104.24.

10 **Section 1104.11. Permit Term.** An air pollution control permit
11 shall be issued or renewed for a fixed term of five years unless the owner
12 or operator of the air pollution emission source requests a shorter term, or
13 the Administrator determines that a shorter term is warranted.

14 **Section 1104.12. Permit Content.** The Administrator shall consider
15 and incorporate the following elements in air all pollution control permits,
16 as applicable:

17 (1) Emission limitations and standards, including
18 operational requirements and limitations to assure compliance with
19 all applicable requirements at the time of permit issuance;

20 (2) Requirements regarding fugitive emissions regardless of
21 whether the source category in question is included in the list of
22 sources contained in the definition of "major source";

23 (3) The origin of and authority for each term or condition
24 and any differences in form as compared to the applicable
25 requirement upon which the term or condition is based;

1 (4) Permit term pursuant to §1104.11;

2 (5) Requirements for the installation of devices, at the
3 expense of the owner or operator, for the measurement or analysis of
4 source emissions or ambient concentration of air pollutants;

5 (6) The requirement for source emissions tests or alternative
6 methodology to determine compliance with the terms and conditions
7 of the air pollution control permit, and applicable requirements.
8 Source emission tests conducted or alternative methodology used
9 shall be at the expense of the owner or operator; and

10 (7) All monitoring and related record keeping and reporting
11 requirements to assure compliance with all terms and conditions of
12 the permit. Each air pollution control permit shall address the
13 following with respect to monitoring, record keeping, and reporting:

14 (A) All reporting, emissions monitoring and analysis
15 procedures, or test methods, required pursuant to the
16 applicable requirements, including any procedures or methods
17 promulgated pursuant to §114(a)(3) or §504(b) of the Clean Air
18 Act;

19 (B) If the applicable requirement does not require
20 periodic testing or instrumental or non-instrumental
21 monitoring, periodic monitoring or record keeping sufficient
22 to yield reliable data from the relevant time period that is
23 representative of the source's compliance with the permit. Use
24 of terms, test methods, units, statistical conventions used for
25 these requirements shall be consistent with applicable

1 requirements;

2 (C) Monitoring results expressed in units, averaging
3 periods, and other statistical conventions consistent with the
4 applicable requirements;

5 (D) Requirements concerning the use, maintenance,
6 and installation of monitoring equipment. The installation,
7 operation, and maintenance of the monitoring equipment shall
8 be at the expense of the owner or operator;

9 (E) Appropriate monitoring methods;

10 (F) Monitoring records including:

11 (i) Place as defined in the permit, date, and time
12 of sampling or measurement;

13 (ii) Dates the analyses were performed;

14 (iii) The name and address of the company or
15 entity that performed the analyses;

16 (iv) Analytical techniques or methods used;

17 (v) Analyses results; and

18 (vi) Operating conditions during the time of
19 sampling or measurement;

20 (G) Other records including support information, such
21 as calibration and maintenance record, original strip chart
22 recordings or computer printouts for continuous monitoring
23 instrumentation, and all other reports required by the
24 Administrator;

25 (H) A requirement for the retention of records of all

1 required monitoring data and support information for a period
2 of at least five (5) years from the date of the monitoring sample,
3 measurement, report, or application. Support information
4 includes all calibration and maintenance records and all
5 original strip chart recordings for continuous monitoring
6 instrumentation and copies of all reports required by the
7 permit;

8 (I) A requirement for submission of reports of any
9 required monitoring at least every six (6) months. Deviations
10 from the permit requirements shall be clearly identified and
11 addressed in these reports;

12 (J) A requirement for prompt reporting of deviations
13 from permit requirements, including those attributable to upset
14 conditions as defined in the permit, the probable cause of such
15 deviations, and any corrective actions or preventive measures
16 taken. The term "prompt" shall be delineated on a permit-by-
17 permit basis in relation to the degree and type of deviation
18 likely to occur and the applicable requirements; and

19 (K) Provisions for the owner or operator to annually
20 report in writing, emissions of hazardous air pollutants;

21 (8) Pollution prevention audits and the implementation of
22 pollution prevention measures to ensure that emissions are reduced
23 or eliminated when feasible;

24 (9) General provisions including:

25 (A) A statement that the owner or operator shall

1 comply with all the terms and conditions of the air pollution
2 control permit and that any permit noncompliance constitutes
3 a violation of these Standards and Regulations and, for all
4 federally enforceable terms or conditions, the Clean Air Act,
5 and is grounds for enforcement action, permit termination,
6 suspension, reopening, or amendment, or for denial of a permit
7 renewal application;

8 (B) A Severability clause to ensure the continued
9 validity of the various permit requirements in the event of a
10 challenge to any portion of the permit;

11 (C) A statement that it shall not be a defense for a
12 permittee in an enforcement action that it would have been
13 necessary to halt or reduce the permitted activity to maintain
14 compliance with the terms and conditions of the permit;

15 (D) A statement that the permit may be terminated,
16 suspended, reopened, or amended for cause pursuant to
17 §1104.18. The filing of a request by the permittee for a permit
18 termination, suspension, reopening, or amendment, or of a
19 notification of planned changes or anticipated noncompliance
20 does not stay any permit condition;

21 (E) A statement that the permit does not convey any
22 property rights of any sort, or any exclusive privilege;

23 (F) A provision that, if construction is not commenced,
24 continued or completed in accordance with §1104.5 the air
25 pollution control permit for the subject emission unit shall

1 become invalid;

2 (G) A provision that the owner or operator shall notify
3 the Administrator in writing of the anticipated date of initial
4 start-up for each emission unit of a new air pollution emission
5 source or significant modification not more than sixty (60) days
6 or less than thirty (30) days prior to such date. The
7 Administrator shall also be notified in writing of the actual
8 date of construction commencement and start-up within fifteen
9 (15) days after these dates;

10 (H) A statement that the owner or operator shall
11 furnish in a timely manner any information or record
12 requested in writing by GEPA to determine whether cause
13 exists for terminating, suspending, reopening, or amending the
14 permit, or to determine compliance with the permit. Upon
15 request, the permittee shall also furnish to the department
16 copies of records required to be kept by the permit. For
17 information claimed to be confidential, the Administrator may
18 require the permittee to furnish such records not only to GEPA
19 but also directly to USEPA with a claim of confidentiality;

20 (I) A requirement that a copy of applicable
21 correspondence or records submitted to GEPA be provided to
22 USEPA pursuant to §1104.15,

23 (J) A provision for the designation of confidentiality
24 of any records pursuant to §1102.7;

25 (K) A requirement that the owner or operator shall

1 submit fees in accordance with §1104.21 through §1104.24;

2 (L) Certification requirements pursuant to §1102.3;

3 (M) A requirement that the owner or operator allow the
4 Administrator or an authorized representative, upon
5 presentation of credentials or other documents required by
6 law:

7 (i) To enter the owner or operator's premises
8 where a source is located or emission-related activity is
9 conducted, or where records must be kept under the
10 conditions of the permit and inspect at reasonable times
11 all facilities, equipment, including monitoring and air
12 pollution control equipment, practices, operations, or
13 records covered under the terms and conditions of the
14 permit and request copies of records or copy records
15 required by the permit; and

16 (ii) To sample or monitor at reasonable times
17 substances or parameters to assure compliance with the
18 permit or applicable requirements;

19 (10) Compliance plan and compliance certification submittal
20 requirements pursuant to §§1104.8 and 1104.9;

21 (11) Any other provision to assure compliance with all
22 applicable requirements; and

23 (12) Any other provision the Administrator imposes to
24 further limit the construction and operation of the source. These
25 conditions may include restrictions, control requirements, or

1 performance standards normally reserved for air pollution emission
2 sources with larger capacities than the air pollution emission source
3 being permitted. In determining whether to impose more restrictive
4 conditions, the Administrator shall consider the relevant
5 circumstances of each individual case, including the availability of a
6 reasonable control technology, cleaner fuels, or a less polluting
7 operating process; the consideration of the existing air quality and
8 the resulting degradation; the protection of the public health, welfare
9 and safety; and any information, assumptions, limitations, or
10 statements made in conjunction with a permit application.

11 **Section 1104.13. Inspections.** (a) Every source required to
12 obtain a permit pursuant to these Standards and Regulations shall be
13 subject to regular inspections for compliance with all applicable
14 requirements, these rules, and the terms and conditions of an emissions
15 permit. Such inspections shall be conducted by any duly authorized
16 officer, employee or representative of GEPA and shall take place at any
17 reasonable time. No person shall refuse entry or access to any authorized
18 representatives of GEPA who requests entry for purposes of inspection,
19 and who presents appropriate credentials, nor shall any person obstruct,
20 hamper or interfere with any such inspection.

21 (b) Inspections may include emission testing, monitoring,
22 sampling and on-site inspections of facilities, equipment, practices,
23 operations, or records required to be maintained according to the terms and
24 conditions of an owner or operator's permit. Emission sources found to be
25 in violation of an applicable requirement, these Standards and Regulations,

1 on any terms and conditions of a stationary air pollution source permit
2 shall immediately take all appropriate actions to achieve compliance and
3 shall be subject to all enforcement penalties and remedies provided by
4 these Standards and Regulations.

5 **Section 1104.14. Federally-Enforceable Permit Terms and**
6 **Conditions.** Terms and conditions included in an air pollution control
7 permit, including any provision designed to limit a source's potential to
8 emit, are federally enforceable unless such terms, conditions, or
9 requirements are specifically designated as not federally enforceable.
10 Those terms and conditions left undesignated shall become federally
11 enforceable upon permit issuance provided the USEPA Administrator does
12 not object during the forty-five (45) day review pursuant to §1104.16. The
13 permittee can petition USEPA to consider undesignated terms and
14 conditions as not federally enforceable.

15 **Section 1104.15. Transmission of Information to the USEPA.**

16 (a) If the air pollution emission source is a federal oversight source:

17 (1) The Administrator shall submit to the USEPA
18 Administrator a copy of each proposed air pollution control permit
19 and each final air pollution control permit, including administrative
20 permit amendments,

21 (2) The owner or operator shall simultaneously submit to the
22 USEPA Administrator a copy of all air pollution control permit
23 applications, including any application for renewal and amendments
24 reflecting modifications submitted to the Administrator,

25 (3) By agreement with the USEPA Administrator or

1 pursuant to federal regulation, the Administrator may waive the
2 requirements of this Section, or submit summaries for specific
3 categories of non-major air pollution emission sources.

4 (b) For all other air pollution emission sources, the Administrator
5 may at any time require the owner or operator to submit to the USEPA
6 Administrator a copy of any permit applications, including applications for
7 permit renewal and permit amendment, compliance plan, compliance
8 certification, or records required to be kept under the permit.

9 (c) GEPA shall maintain records on all air pollution control permit
10 applications, compliance plans, proposed and final permits, and other
11 relevant information for a minimum of five (5) years.

12 **Section 1104.16. USEPA Oversight.** (a) This Section applies
13 if the air pollution emission source is a federal oversight source;

14 (1) The Administrator shall not issue an air pollution control
15 permit, permit renewal, or permit amendment for a significant
16 modification, if the USEPA Administrator objects to its issuance in
17 writing within forty-five (45) days of receipt of the proposed air
18 pollution control permit and all necessary supporting information.

19 (2) The Administrator shall submit to the USEPA
20 Administrator an amended proposed air pollution control permit
21 within one hundred eighty (180) days after receipt of any written
22 objection from the USEPA Administrator. If objections are not
23 resolved within the one hundred eighty (180) days, USEPA shall
24 issue the air pollution control permit under 40 CFR Part 71.

25 **Section 1104.17. Emergency Provision.** (a) An emergency

1 constitutes an affirmative defense to any action brought for noncompliance
2 with any technology-based emission limitation, if it can be demonstrated
3 to the Administrator through properly signed, contemporaneous operating
4 logs, or other relevant evidence that:

5 (1) An emergency occurred and the owner or operator of the
6 air pollution emission source can identify the cause or causes of the
7 emergency;

8 (2) The permitted facility was at the time being properly
9 operated;

10 (3) During the period of the emergency, the owner or
11 operator of the air pollution emission source took all reasonable
12 steps to minimize levels of emission that exceeded the emission
13 limitations or other requirements in the air pollution control permit;
14 and

15 (4) The owner or operator of the air pollution emission
16 source submitted notice of the emergency to the Administrator
17 within two (2) working days of the time when emission limitations
18 were exceeded due to the emergency. This notice must contain a
19 description of the emergency, any steps taken to mitigate emission,
20 and corrective actions taken. Such notice shall satisfy the prompt
21 reporting of deviations pursuant to §1102.9.

22 (b) In any proceedings for enforcement action, the owner or
23 operator of the air pollution emission source seeking to establish the
24 occurrence of an emergency has the burden of proof.

25 (c) This emergency provision is in addition to any emergency or

1 upset provision in any applicable requirement.

2 **Section 1104.18. Permit Termination, Suspension, Reopening, and**
3 **Amendment.** (a) The Administrator, on the Administrator's own
4 motion or on the petition of any person for cause, may terminate, suspend,
5 reopen, or amend any permit if, after affording the permittee an
6 opportunity for a hearing in accordance with §1102.14 or §49111 of Chapter
7 49, Part 2, Division 2, Part 1 of Title 10 of the Guam Code Annotated the
8 Administrator determines that:

9 (1) The permit contains a material mistake made in
10 establishing the emissions limitations or other requirements of the
11 permit;

12 (2) Permit action is required to assure compliance with the
13 requirements of the Clean Air Act; the Air Pollution Control Act, or
14 these Standards and Regulations;

15 (3) Permit action is required to address additional
16 requirements of the Clean Air Act; the Air Pollution Control Act, or
17 these Standards and Regulations;

18 (4) There is a violation of any condition of the permit;

19 (5) The permit was obtained by misrepresentation or failure
20 to disclose fully all relevant facts;

21 (6) The source is not constructed or operated in accordance
22 with the application for the air pollution control permit and any
23 information submitted as part of the application;

24 (7) There is a change in any condition that requires either a
25 temporary or permanent reduction or elimination of the permitted

1 discharge;

2 (8) More frequent monitoring or reporting by the permittee
3 is required; or

4 (9) Such is in the public interest, as determined pursuant to
5 §49107(d) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the
6 Guam Code Annotated.

7 (b) The Administrator shall reopen and amend an air pollution
8 control permit if the Administrator determines that any one of the
9 following circumstances exists:

10 (1) Additional applicable requirements pursuant to the
11 Clean Air Act or these Standards and Regulations become applicable
12 to a major air pollution emission source with a remaining permit
13 term of three (3) or more years. Such permit reopening shall be
14 completed not later than eighteen (18) months after promulgation or
15 adoption of the applicable requirement. No such permit reopening
16 is required if the effective date of the requirement is later than the
17 date on which the permit is due to expire, unless the expiration date
18 of the original permit or any of its terms and conditions has been
19 extended pursuant to §1104.6;

20 (2) The permit contains a material mistake or that inaccurate
21 statements were made in establishing the emissions standards or
22 other terms or conditions of the permit; or

23 (3) The permit must be terminated, suspended, or amended
24 to assure compliance with the applicable requirements.

25 (c) Procedures to reopen and amend an air pollution control

1 permit shall be the same as procedures which apply to initial permit
2 issuance in accordance with §1104.6 and shall affect only those parts of the
3 permit for which cause to reopen exists. Such reopening shall be made as
4 expeditiously as practicable.

5 (d) The Administrator shall provide written notification to the
6 permittee on the reopening of the permit indicating the basis for reopening
7 at least thirty (30) days prior to the reopening date, except that the
8 Administrator may provide a shorter time period if it is determined that
9 immediate action on the reopening of the permit is required to prevent an
10 imminent peril to public health and safety or the environment.

11 (e) If requested by the Administrator, the owner or operator of an
12 air pollution emission source shall submit a permit application or
13 information related to the basis of the permit reopening or those provisions
14 affected by the reopening within thirty (30) days of receipt of the permit
15 reopening notice. An extension for the application submittal may be
16 granted by the Administrator if the owner or operator can provide
17 adequate written justification for such an extension.

18 (f) Upon program approval, if the USEPA Administrator notifies
19 the Administrator of any cause to terminate, suspend, reopen, or amend a
20 permit issued to a federal oversight source, the Administrator shall submit
21 to USEPA Administrator within one hundred eighty (180) days of receipt
22 of such written notification, or within such other times as required by the
23 USEPA, a proposed determination of termination, suspension, reopening,
24 or amendment as appropriate.

25 (g) Upon program approval, if the USEPA Administrator objects

1 to the Administrator's proposed determination referenced in Subsection (f),
2 the Administrator shall terminate, suspend, reopen, or amend the permit
3 in accordance with the USEPA Administrator's objection within one
4 hundred eighty (180) days from receipt of a written objection.

5 **Section 1104.19. Public Participation.** (a) If the air pollution
6 emission source is a federal oversight source, the Administrator shall
7 provide for public notice, an opportunity for public comment on all draft
8 permits except administrative permit amendments and amendments
9 reflecting non-significant modifications, and the method by which a public
10 hearing can be requested. Any person requesting a public hearing shall do
11 so during the public comment period. Any request from a person for a
12 public hearing shall indicate the interest of the person filing the request and
13 the reasons why a public hearing is warranted. Such hearings shall be held
14 in accordance with the Administrative Adjudication Law.

15 (b) For all other air pollution emission sources, when considering
16 the issuance of any air pollution control permit, the Administrator shall
17 provide for public notice and an opportunity for public comment on all
18 draft permits except administrative permit amendments. If substantial
19 comments are received, the Board will determine whether a public hearing
20 should be scheduled. The Board will take into consideration the interest
21 of the person making the comments. Such hearings shall be held in
22 accordance with the Administrative Adjudication Law.

23 (c) Procedures for public notice, public comment periods, and
24 public hearings shall be as follows:

25 (1) The Administrator shall make available for public

1 inspection in at least one location:

2 (A) Information on the subject matter;

3 (B) Information submitted by the applicant, except for
4 confidential information pursuant to §1102.7;

5 (C) GEPA's analysis and proposed action; and

6 (D) Other information and documents determined to
7 be appropriate by GEPA;

8 (2) Notification of a public hearing shall be given at least
9 thirty (30) days in advance of the hearing date;

10 (3) A public comment period shall be no less than thirty (30)
11 days following the date of the public notice for federal oversight
12 sources and seven (7) working days following the date of the public
13 notice for all other sources. During the public comment period,
14 interested persons may submit to GEPA written comments on:

15 (A) The subject matter;

16 (B) The application;

17 (C) GEPA's analysis

18 (D) The proposed actions; and

19 (E) Other considerations as determined to be
20 appropriate by GEPA;

21 (4) Notification of a public comment period or a public
22 hearing shall be made:

23 (A) By publication in a newspaper of general
24 circulation which is printed and issued at least twice weekly;

25 (B) To persons on a mailing list developed by the

1 Administrator, including those who request in writing to be on
2 the list; and

3 (C) If necessary by other means to assure adequate
4 notice to the affected public;

5 (5) Notice of public comment and public hearing shall
6 identify:

7 (A) The affected facility;

8 (B) The name and address of the permittee;

9 (C) The name and address of the agency of the
10 permitting authority processing the permit;

11 (D) The activities involved in the permit action;

12 (E) The emissions change involved in any permit
13 modification;

14 (F) The name, address, and telephone number of a
15 person from whom interested persons may obtain additional
16 information, including copies of the draft permit, the
17 application, all relevant supporting materials including any
18 compliance plan, and monitoring and compliance certification
19 reports, and all other material available to GEPA that are
20 relevant to the permit decision, except for information that is
21 determined to be confidential;

22 (G) A brief description of the comment procedures;

23 (H) The time and place of any hearing that may be
24 held, including a statement of procedures to request a hearing
25 if one has not already been scheduled; and

1 (I) The availability of the information listed in
2 Paragraph (1), and the location and times the information will
3 be available for inspection; and

4 (6) The Administrator shall maintain a record of the
5 commentors and the issues raised during the public participation
6 process and shall provide this information to USEPA upon request.

7 **Section 1104.20. Administrative Permit Amendment.** (a) The
8 Administrator, on the Administrator's sole motion or upon written request
9 from the owner or operator of an air pollution emission source, may issue
10 an administrative permit amendment.

11 (b) Except for a request to consolidate two (2) or more air pollution
12 control permits into one or to change ownership or operation control, an
13 owner or operator requesting an administrative permit amendment may
14 make the requested change immediately upon submittal of the request.

15 (c) Within sixty (60) days of receipt of a written request for an
16 administrative permit amendment, the Administrator shall take final action
17 on the request and may amend the permit without providing notice to the
18 public provided the Administrator designates any such permit
19 amendments as having been made pursuant to this Section.

20 (d) For federal oversight sources, GEPA shall submit a copy of the
21 administrative permit amendment to USEPA.

22 **Section 1104.21. General Fee Provisions.** (a) Every applicant
23 for an air pollution control permit shall pay application fees as set forth in
24 §1104.23

25 (b) Every owner or operator of an air pollution emission source

1 shall pay annual fees as set forth in §1104.24.

2 (c) All application and annual fees collected pursuant to these
3 Standards and Regulations shall be used to supplement the Air Pollution
4 Control Special Fund pursuant to §1104.22.

5 (d) All application and annual fees for air pollution emission
6 sources required by this Section shall be submitted by check or money
7 order made payable to Treasurer of Guam c/o Air Pollution Control
8 Special Fund, and are not refundable.

9 (e) Checks returned for any reason shall be considered a failure to
10 pay. Returned checks are subject to an additional Fifty Dollars (\$50.00)
11 handling charge. If a returned check results in a late payment, the owner
12 or operator shall be assessed a late payment penalty in accordance with
13 §1104.25.

14 **Section 1104.22. Air Pollution Control Special Fund.** (a) All
15 permit application fees, annual emission fees, fines, penalties, bail
16 forfeitures, and other funds collected or received into the Air Pollution
17 Control Special Fund shall be used solely for the costs of administration
18 and implementation of the Act; for providing staff and resources to: assist
19 permit applicants with the application process, review and act upon permit
20 applications, write permits, implement and enforce permit conditions
21 including legal support, prepare guidance and rules, prepare emission
22 inventories, monitor air quality, inspect facilities to ensure compliance and
23 offer assistance with pollution prevention alternatives, provide technical
24 assistance to permittees, administer the fund, and any other duties needed
25 to administer the Act.

1 (b) The Administrator shall maintain independent records and
2 accounts of all revenues and expenditures of the Air Pollution Control
3 Special Fund.

4 (c) By July 1 of each year the Administrator shall determine what
5 base rate shall be used to calculate annual fees for the following calendar
6 year pursuant to §1104.24(f). The base rate shall be set such that projected
7 revenues generated from annual fees shall equal the total projected
8 program cost minus the total projected revenues from all revenue sources
9 except for annual fees (i.e., application fees, penalties, etc.) for that year.
10 The base rate shall be calculated in dollars per ton of pollutant and shall be
11 rounded up to the next whole dollar.

12 (d) If the Administrator determines that the base rate for the
13 following calendar year must be raised by more than One Dollar (\$1.00) per
14 ton of pollutant above the current year's base rate, or if the base rate shall
15 be raised above Eight Dollars (\$8.00) the Administrator shall provide for
16 public notice, including the method by which a public hearing can be
17 requested, and an opportunity for public comment. The applicable
18 procedural requirements of §1104.19 shall be used for public notice, public
19 comment periods, and public hearings.

20 **Section 1104.23. Application Fees for Air Pollution Emission**
21 **Sources.** (a) Application fees shall be submitted with the air pollution
22 control permit application and shall not be refunded or applied to any
23 subsequent application. No air pollution control permit application shall
24 be deemed complete unless the application fee is paid in full.

25 (b) If an air pollution emission source can be categorized under

1 two (2) or more types of sources listed in the fee schedule of Subsection (c),
2 the owner or operator of that source shall pay the highest application fee
3 that is applicable to the source.

4 (c) The fee schedule for filing an air pollution control permit
5 application shall be as follows:

6 (1) Sources subject to the requirements of §1105:

7 (A) Initial permit for an existing Major PSD
8 source¹: \$1,000

9 (B) Initial permit for an existing Major NAA
10 source¹: \$1,000

11 (C) Initial permit for a new PSD source¹: \$3,000

12 (D) Initial permit for a new NAA source¹: \$3,750

13 (E) Non-Significant Modification \$500

14 (F) Significant Modification \$1,000

15 (G) Administrative permit amendment \$1,000

16 (H) Permit Renewal \$1,000

17 (2) Sources subject to the requirements of §1106,

18 (A) and are major sources:

19 (1) Initial permit for an existing
20 air pollution emission source: \$1,000

21 (2) Initial permit for a new air
22 pollution emission source: \$1,500

23 (3) Permit Renewal: \$1,000

24 (4) Administrative permit

¹ As defined in Section 5

1	amendment:	\$100
2	(5) Non-Significant Modification:	\$500
3	(6) Significant Modification:	\$1,000
4	(B) and are not major sources:	
5	(i) Initial permit for an existing	
6	air pollution emission source:	\$500
7	(ii) Initial permit for a new air	
8	pollution emission source	\$750
9	(iii) Permit Renewal:	\$500
10	(iv) Administrative permit	
11	amendment	\$100
12	(v) Non-Significant Modification	\$250
13	(vi) Significant Modification	\$500
14	(3) Sources subject to the requirements of §1107,	
15	(A) and are major sources of hazardous air pollutants,	
16	(i) Initial permit for an existing	
17	air pollution emission source:	\$1,000
18	(ii) Initial permit for a new air	
19	pollution emission source	\$3,750
20	(iii) Permit Renewal:	\$1,000
21	(iv) Administrative permit	
22	amendment	\$100
23	(v) Non-Significant Modification	\$750
24	(vi) Significant Modification	\$3,750
25	(B) and are not major sources of hazardous air	

1	pollutants,	
2	(i) Initial permit for an existing	
3	air pollution emission source:	\$200
4	(ii) Initial permit for a new air	
5	pollution emission source	\$300
6	(iii) Permit Renewal:	\$200
7	(iv) Administrative permit	
8	amendment	\$25
9	(v) Non-Significant Modification	\$100
10	(vi) Significant Modification	\$300
11	(4) All other major sources:	
12	(A) Initial permit for an existing air	
13	pollution emission source:	\$1,000
14	(B) Initial permit for a new air	
15	pollution emission source	\$1,500
16	(C) Permit Renewal:	\$1,000
17	(D) Administrative permit amendment	\$100
18	(E) Non-Significant Modification	\$750
19	(F) Significant Modification	\$1,000
20	(5) All other non-major sources:	
21	(A) Initial permit for an existing	
22	air pollution emission source:	\$100
23	(B) Initial permit for a new air	
24	pollution emission source	\$150
25	(C) Permit Renewal:	\$100

1	(D) Administrative permit amendment	\$50
2	(E) Modification	\$100

3 (d) If a modification changes the classification of an air pollution
4 emission source, the application fee shall equal the higher of the following:

5 (1) The fee for a modification of an air pollution emission
6 source in the original category of the modified source (i.e. the
7 category prior to the modification); and

8 (2) The fee for an initial permit for a new air pollution
9 emission source in the category of the modified source after the
10 modification.

11 (e) Application fees for an administrative permit amendment shall
12 be assessed only if the administrative change is requested by the owner or
13 operator of the air pollution emission source.

14 **Section 1104.24. Annual Fees for Air Pollution Emission Sources.**

15 (a) Annual fees shall be paid in full within sixty (60) days after the
16 end of each calendar year and within thirty (30) days after the permanent
17 discontinuance of the air pollution emission source.

18 (b) The Administrator, upon written request from the owner or
19 operator of an air pollution emission source, may extend the annual fee
20 submittal deadline if the Administrator determines that reasonable
21 justification exists for the extension. The written request for an extension
22 shall be submitted at least fifteen (15) days prior to the required submission
23 due date, and include the following information:

24 (1) Justification for the extension, including a showing that
25 reasonable effort and resources have been and are being utilized in

1 the calculation of annual emissions and the corresponding annual fee
2 as calculated pursuant to this Section;

3 (2) Description of the problems being encountered and
4 reasons for any delays in meeting the annual fee deadline;

5 (3) The current status of emission calculations; and

6 (4) The projected date of submitting the annual fee.

7 If the Administrator disapproves an extension for the annual fee
8 submittal, the owner or operator shall pay the required annual fees within
9 thirty (30) days of receipt of the disapproval notification or the original
10 submittal deadline, whichever is later. If the Administrator approves an
11 extension for the annual fee submittal, the owner or operator shall pay the
12 required annual fees by the extended approved date. Any part of the
13 annual fee that is not paid within the required time shall at once be
14 assessed the late penalty fee pursuant to §1104.25.

15 (c) Except as provided in Subsection (m), annual fees due within
16 sixty (60) days after the end of each calendar year shall be based upon the
17 calculated tons of regulated air pollutants emitted during the prior
18 calendar year in which the annual fees are due.

19 (d) Except as provided in Subsection (m), annual fees due within
20 thirty (30) days after the permanent discontinuance of the air pollution
21 emission source shall be based upon the calculated tons of regulated air
22 pollutants emitted after the last calendar year for which annual fees were
23 paid.

24 (e) Annual fees shall be assessed for each ton of regulated air
25 pollutant emitted by an air pollution emission source except for:

- 1 (1) Carbon monoxide emissions;
- 2 (2) Fugitive emission if fugitive emission is not included in
3 the applicable requirements or AP-42;
- 4 (3) Emissions from insignificant sources - Type I and
5 insignificant sources - Type II; and
- 6 (f) The dollar per ton charge for each regulated air pollutant
7 emitted by air pollution emission sources shall be as follows:
- 8 (1) For hazardous air pollutants the rate per ton shall equal
9 ten (10) times the base rate;
- 10 (2) For the first four thousand (4,000) tons of non-hazardous
11 air pollutants emitted per year the rate shall equal the base rate; and
- 12 (3) For non-hazardous air pollutants emitted in excess of
13 four thousand (4,000) tons per year the rate shall equal one half of the
14 base rate.
- 15 (g) For the calendar year 1999 the base rate shall be Six Dollars
16 (\$6.00) per ton. For federal oversight sources, the minimum annual fee
17 shall be Five Hundred Dollars (\$500.00) for each valid air pollution control
18 permit held during the prior calendar year, or Forty Two Dollars (\$42.00)
19 per month for any fraction of the year the permit is valid after the last
20 calendar year for which annual fees were paid. For non-federal oversight
21 sources the minimum annual fee shall be One Hundred Dollars (\$100.00)
22 for each valid air pollution control permit held during the prior calendar
23 year, or Eight Dollars (\$8.00) per month for any fraction of the year the
24 permit is valid after the last calendar year for which annual fees were paid
25 . For years after calendar year 1999, the rate shall be determined by the

1 Administrator pursuant to §1104.22(c). The submittal of annual fees shall
2 begin in calendar year 2000 for all regulated air pollutants emitted during
3 calendar year 1999.

4 (h) The calculated emissions in tons per year shall be determined
5 by using the following parameters:

6 (1) An emission factor derived from the allowable emission
7 rate;

8 (2) The actual production, operating hours, amount of
9 materials processed or stored, or fuel usage of the air pollution
10 emission source during the prior calendar year the annual fees are
11 due, as applicable; and

12 (3) If not already considered in the allowable emission rate,
13 a percentage reduction factor based upon the efficiency of the air
14 pollution control equipment. Other operating parameters of the air
15 pollution emission source may be used in the fee calculation if
16 approved by the Administrator.

17 (i) The allowable emission rate referenced in Subsection (h)(1) is
18 based upon the emission rate specified in an air pollution control permit or
19 applicable requirement. If the allowable emission rate is not specified in
20 the air pollution control permit or applicable requirement, the appropriate
21 AP-42 air pollutant emission factor shall be used to determine the
22 calculated emissions in tons per year.

23 (j) The parameters referenced in Subsection (h)(2) shall be based
24 upon verifiable documentation presented by the owner or operator of the
25 air pollution emission source. If an owner or operator of an air pollution

1 emission source cannot provide verifiable documentation on the
2 parameters referenced in Subsection (h)(2), the maximum allowable
3 production, operating hours, amount of material processed or stored, or
4 fuel usage shall be used in calculating the total annual tonnage of regulated
5 air pollutants emitted from the air pollution emission source. Any fraction
6 of a ton calculated shall be rounded up to the next whole ton to obtain the
7 annual tonnage of each regulated air pollutant subject to annual fees.

8 (k) The percentage reduction factor referenced in Subsection (h)(3)
9 shall be based upon the percentage reduction provided by AP-42 or an
10 applicable requirement. The Administrator shall establish the appropriate
11 percentage reduction factor, and may adjust the reduction factor based on
12 actual performance of the air pollution control equipment.

13 (l) Annual fees shall be calculated on fee worksheets furnished by
14 the Administrator. If a fee worksheet is not provided for a particular air
15 pollution emission source, the owner or operator of an air pollution
16 emission source shall provide the worksheet, showing the method,
17 assumptions, emission factors, and calculations used to obtain the
18 calculated emission in tons per year, for each regulated air pollutant
19 emitted.

20 (m) The annual fee for air pollution emission sources required by
21 USEPA to obtain a federal operating permit under the provisions of 40 CFR
22 Part 71, as amended, shall be reduced by the annual fee amount owed to
23 the federal government. If the annual amount owed to the federal
24 government exceeds the annual fee calculated in Subsections (e) through
25 (l), no annual fee shall be due to GEPA.

1 **Section 1104.25. Penalties and Remedies.** (a) Any person who
2 violates any provision of these Standards and Regulations, or any term or
3 condition of a permit shall be subject to the penalties and remedies
4 provided for in §49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of
5 the Guam Code Annotated.

6 (b) If any part of the annual fee is not paid within thirty (30) days
7 after the due date, a late payment penalty of five per cent (5%) of the
8 amount due shall at once accrue and be added thereto. Thereafter, on the
9 first day of each calendar month during which any part of the annual fee
10 or any prior accrued late payment penalty remains unpaid, an additional
11 late payment penalty of five per cent (5%) of the then unpaid balance shall
12 accrue and be added thereto.

13 (c) If any annual fee, including the late payment penalty required
14 by these Standards and Regulations is not paid in full within thirty (30)
15 days after the due date, the Administrator may terminate or suspend any
16 or all or the owner or operator's air pollution control permits, after
17 affording the opportunity for a hearing in accordance with §1104.19 or
18 §1102.14.

19 (d) If any application for permit renewal is submitted after the due
20 date, a late penalty of ten per cent (10%) of the permit application fee shall
21 at once accrue and be added thereto. Thereafter, after every twenty (20)
22 day period during which any part of the application fee or any prior
23 accrued late payment penalty remains unpaid, an additional late payment
24 penalty of ten per cent (10%) of the then unpaid balance shall accrue and
25 be added thereto.

1 (e) If an application for permit renewal is submitted more than
2 thirty (30) days after the due date, the Administrator may delay issuance
3 of the permit renewal beyond the expiration date of the existing permit,
4 thereby suspending permission to the owner or operator of the air
5 pollution emission source of any rights granted in the air pollution control
6 permit to emit air pollution.

7 **Section 1105 - Special Preconstruction Requirements.**

8 **Section 1105.1. Definitions.** For purposes of this Section, the
9 following definitions apply, unless clearly designated otherwise:

10 (a) "*Actual emissions*" means the actual rate of emissions of a
11 pollutant from an emissions unit. In general, actual emissions as of a
12 particular date shall equal the average rate, in tons per year, at which the
13 unit actually emitted the pollutant during a two-year period which
14 precedes the particular date and which is representative of normal source
15 operation. The Administrator shall allow the use of a different time period
16 upon a determination that it is more representative of normal source
17 operation. Actual emissions shall be calculated using the unit's actual
18 operating hours, production rates, and types of materials processed, stored,
19 or combusted during the selected time period. The Administrator may
20 presume that source specific allowable emissions for the unit are equivalent
21 to the actual emissions of the unit. For any emissions unit which has not
22 begun normal operations on the particular date, actual emissions shall
23 equal the potential to emit of the unit on that date.

24 (b) "*Baseline*" means the total of all emissions from air pollution
25 emission sources and mobile sources in a non-attainment area, including

1 all proposed sources which have obtained air pollution control permits.
2 The baseline is the regulatory emissions limit in effect when a completed
3 air pollution control permit application subject to this Section is submitted.

4 The emission rate for each source (used to calculate the baseline)
5 shall be the potential emission rate taking into account all applicable
6 emissions limitations. When emission limitations for a NAA pollutant
7 allow greater emission than the potential emission rate of the source, the
8 emission rate for a source shall be the potential emission rate. When actual
9 emissions for a NAA pollutant are less than allowable emissions under the
10 Guam implementation plan or any federally enforceable permit conditions,
11 the emission rate shall be the actual emission rate.

12 (c) "*Begin actual construction*" means, in general, initiation of
13 physical on-site construction activities on an emissions unit which are of a
14 permanent nature. Such activities include installation of building supports
15 and foundations, laying underground pipework, and construction of
16 permanent storage structures. With respect to a change in method of
17 operations, this term refers to those on-site activities other than preparatory
18 activities which mark the initiation of the change.

19 (d) "**Lowest achievable emission rate**" means, for any source, the
20 more stringent rate of emissions based on the following:

21 (1) The most stringent emissions limitation which is
22 contained in the implementation plan of any State for such class or
23 category of the air pollution emission source, unless the owner or
24 operator of the proposed air pollution emission source demonstrates
25 that such limitations are not achievable; or

1 (2) The most stringent emission limitation which is achieved
2 in practice by such class or category of air pollution emission sources.

3 This limitation, when applied to a modification, means the lowest
4 achievable emission rate for the new or modified emissions units
5 within an air pollution emission source. In no event shall the
6 application of the term permit a proposed new or modified air
7 pollution emission source to emit any pollutant in excess of the
8 amount allowable under an applicable standard of performance
9 pursuant to §1106.

10 (e) "*Major NAA modification*" means any physical change in or
11 change in the method of operation of a major NAA source that would
12 result in a significant net emissions increase of any pollutant subject to
13 regulations approved pursuant to the Clean Air Act or these Standards and
14 Regulations. Any net emissions increase that is significant for volatile
15 organic compounds shall be considered significant for ozone. A physical
16 change or change in the method of operation shall not include:

17 (1) Routine maintenance, repair, and replacement;

18 (2) Use of an alternative fuel or raw material by reason of an
19 order pursuant to §§2(a) and 2(b) of the federal Energy Supply And
20 Environmental Coordination Act of 1974 or any superseding
21 legislation or by reason of a natural gas curtailment plan pursuant to
22 the Federal Power Act;

23 (3) Use of an alternative fuel by reason of an order or
24 regulation pursuant to §125 of the Clean Air Act;

25 (4) Use of an alternative fuel at a steam generating unit to

1 the extent that the fuel is generated from municipal solid waste;

2 (5) Use of an alternative fuel or raw material by an air
3 pollution emission source which:

4 (A) The source was capable of accommodating before
5 July 1, 1979, unless such change would be prohibited pursuant
6 to any federally enforceable permit condition which was
7 established after January 1, 1979, pursuant to 40 CFR §52.21, as
8 amended, or under regulations approved pursuant to 40 CFR
9 Part 51 Subpart I, as amended, or 40 CFR §51.166, as amended;
10 or

11 (B) The source is approved to use under any permit
12 issued under regulations approved pursuant to 40 CFR Part 51
13 Subpart I, as amended;

14 (6) An increase in the hours of operation or in the production
15 rate, unless such change would be prohibited under any federally
16 enforceable permit condition which was established after July 1, 1979,
17 pursuant to 40 CFR §52.21, as amended, or under regulations
18 approved pursuant to 40 CFR Part 51 Subpart I, as amended, or 40
19 CFR §51.166, as amended; or

20 (7) Any change in ownership of an air pollution emission
21 source.

22 (f) "*Major NAA source*" means, with respect to air pollution
23 emission sources located in nonattainment areas:

24 (1) Any air pollution emission sources which emits, or has
25 the potential to emit, one hundred (100) tons per year or more of any

1 pollutant subject to regulation approved pursuant to the Clean Air
2 Act or these Standards and Regulations;

3 (2) Any physical change that would occur at an air pollution
4 emission source not otherwise qualifying under this definition as a
5 major NAA source, if the changes would constitute a major NAA
6 source by itself. A major NAA source that is major for volatile
7 organic compounds shall be considered major for ozone. The fugitive
8 emissions of an air pollution emission source shall not be included in
9 determining whether the source is a major NAA source, unless the
10 source belongs to one of the following categories of air pollution
11 emission sources:

12 (A) Coal cleaning plants (with thermal dryers);

13 (B) Kraft pulp mills;

14 (C) Portland cement plants;

15 (D) Primary zinc smelters;

16 (E) Iron and steel mills;

17 (F) Primary aluminum ore reduction plants;

18 (G) Primary copper smelters;

19 (H) Municipal incinerators capable of charging more
20 than 250 tons of refuse per day;

21 (I) Hydrofluoric, sulfuric, or nitric acid plants;

22 (J) Petroleum refineries;

23 (K) Lime plants;

24 (L) Phosphate rock processing plants;

25 (M) Coke oven batteries;

- 1 (N) Sulfur recovery plants;
- 2 (O) Carbon black plants (furnace process);
- 3 (P) Primary lead smelters;
- 4 (Q) Fuel conversion plants;
- 5 (R) Sintering plants;
- 6 (S) Secondary metal production plants;
- 7 (T) Chemical process plants;
- 8 (U) Fossil fuel boilers (or combination thereof) totaling
- 9 more than 250 million BTU per hour heat input;
- 10 (V) Petroleum storage and transfer units with a total
- 11 storage capacity exceeding 300,000 barrels;
- 12 (W) Taconite ore processing plants;
- 13 (X) Glass fiber processing plants;
- 14 (Y) Charcoal production plants;
- 15 (Z) Fossil fuel fired steam electric plants of more than
- 16 250 million BTU per hour heat input; or
- 17 (AA) Any other air pollution emission source
- 18 category which, as of August 7, 1980, is being regulated
- 19 pursuant to §§111 or 112 of the Clean Air Act.

20 (g) "*Major PSD modification*" means any physical change in or
21 change in the method of operation of a major PSD source that would result
22 in a significant net emissions increase of any pollutant subject to
23 regulations approved pursuant to the Clean Air Act or these Standards and
24 Regulations. Any net emissions increase that is significant for volatile
25 organic compounds shall be considered significant for ozone. A physical

1 change or change in the method of operation shall not include:

2 (1) Routine maintenance, repair, and replacement;

3 (2) Use of an alternative fuel or raw material by reason of an
4 order pursuant to §§2(a) and 2(b) of the Federal Energy Supply And
5 Environmental Coordination Act of 1974 or any superseding
6 legislation or by reason of a natural gas curtailment plan pursuant to
7 the Federal Power Act;

8 (3) Use of an alternative fuel by reason of an order or
9 regulation pursuant to §125 of the Clean Air Act;

10 (4) Use of an alternative fuel at a steam generating unit to
11 the extent that the fuel is generated from municipal solid waste;

12 (5) Use of an alternative fuel or raw material by an air
13 pollution emission source which:

14 (A) The source was capable of accommodating before
15 January 6, 1975, unless such change would be prohibited
16 pursuant to any federally enforceable permit condition which
17 was established after January 6, 1975, pursuant to 40 CFR
18 §52.21, as amended, or to regulations approved pursuant to 40
19 CFR Part 51 Subpart I, as amended, or 40 CFR §51.166, as
20 amended; or

21 (B) The source is approved to use under any permit
22 issued pursuant to 40 CFR §52.21, as amended, or regulations
23 approved pursuant to 40 CFR §51.166, as amended;

24 (6) An increase in the hours of operation or in the production
25 rate, unless such change would be prohibited under any federally

1 enforceable permit condition which was established after January 6,
2 1975, pursuant to 40 CFR §52.21, as amended, or regulations
3 approved pursuant to 40 CFR Part 51 Subpart I, as amended, or 40
4 CFR §51.166, as amended; or

5 (7) Any change in ownership of an air pollution emission
6 source.

7 (h) "*Major PSD source*" means, (a) with respect to air pollution
8 emission sources which are not located in nonattainment areas:

9 (1) Any of the following air pollution emission sources
10 which emits, or has the potential to emit, one hundred tons per year
11 or more of any pollutant subject to regulation approved pursuant to
12 the Clean Air Act or these Standards and Regulations:

13 (A) Fossil fuel fired steam electric plants of more than
14 250 million BTU per hour heat input;

15 (B) Coal Cleaning plants (with thermal dryers);

16 (C) Kraft pulp mills;

17 (D) Portland cement plants;

18 (E) Primary zinc smelters;

19 (F) Iron and steel mills;

20 (G) Primary aluminum ore reduction plants;

21 (H) Primary copper smelters;

22 (I) Municipal incinerators capable of charging more
23 than 250 tons of refuse per day;

24 (J) Hydrofluoric, sulfuric, and nitric acid plants;

25 (K) Petroleum refineries;

- 1 (L) Lime plants;
- 2 (M) Phosphate rock processing plants;
- 3 (N) Coke oven batteries;
- 4 (O) Sulfur recovery plants;
- 5 (P) Carbon black plants (furnace process);
- 6 (Q) Primary lead smelters;
- 7 (R) Fuel conversion plants;
- 8 (S) Sintering plants;
- 9 (T) Secondary metal production plants;
- 10 (U) Chemical process plants;
- 11 (V) Fossil fuel boilers (or combinations thereof) totaling
- 12 more than 250 million BTU per hour heat input;
- 13 (W) Petroleum storage and transfer units with a total
- 14 storage capacity exceeding 300,000 barrels;
- 15 (X) Taconite ore processing plants;
- 16 (Y) Glass fiber processing plants; and
- 17 (Z) Charcoal production plants;

18 (2) Notwithstanding the air pollution emission source size
19 specified in (1) of this definition, any air pollution emission source
20 which emits, or has the potential to emit 250 tons per year or more of
21 any air pollutant subject to regulation approved pursuant to the
22 Clean Air Act or these Standards and Regulations; or

23 (3) Any physical change that would occur at an air pollution
24 emission source not otherwise qualifying under this definition as a
25 major PSD source, if the changes would constitute a major PSD

1 source by itself.

2 (b) A major PSD source that is major for volatile organic
3 compounds shall be considered major for ozone.

4 (c) The fugitive emissions of an air pollution emission source shall
5 not be included in determining whether the source is a major PSD source,
6 unless the source belongs to one of the following categories of air pollution
7 emission sources:

8 (1) Coal cleaning plants (with thermal dryers);

9 (2) Kraft pulp mills;

10 (3) Portland cement plants;

11 (4) Primary zinc smelters;

12 (5) Iron and steel mills;

13 (6) Primary aluminum ore reduction plants;

14 (7) Primary copper smelters;

15 (8) Municipal incinerators capable of charging more than 250
16 tons of refuse per day;

17 (9) Hydrofluoric, sulfuric, or nitric acid plants;

18 (10) Petroleum refineries;

19 (11) Lime plants;

20 (12) Phosphate rock processing plants;

21 (13) Coke oven batteries;

22 (14) Sulfur recovery plants;

23 (15) Carbon black plants (furnace process);

24 (16) Primary lead smelters;

25 (17) Fuel conversion plants;

- 1 (18) Sintering plants;
- 2 (19) Secondary metal production plants;
- 3 (20) Chemical process plants;
- 4 (21) Fossil fuel boilers (or combination thereof) totaling more
5 than 250 BTU per hour heat input;
- 6 (22) Petroleum storage and transfer units with a total storage
7 capacity exceeding three hundred thousand (300,000) barrels;
- 8 (23) Taconite ore processing plants;
- 9 (24) Glass fiber processing plants;
- 10 (25) Charcoal production plants;
- 11 (26) Fossil fuel fired steam electric plants of more than 250
12 million BTU per hour heat input; and
- 13 (27) Any other air pollution emission source category which,
14 as of August 7, 1980, is being regulated pursuant to §§111 or 112 of
15 the Clean Air Act.

16 (i) "NAA" means nonattainment area.

17 (j) "NAA *pollutant*" means the pollutant for which a national
18 ambient air quality standard or a Guam ambient air quality standard is
19 exceeded.

20 (k) "NAA *source*" means any major NAA source or major NAA
21 modification.

22 (l) "Net *emissions increase*" means (a) the amount by which the
23 sum of the following exceeds zero:

24 (1) Any increase in actual emissions from a particular
25 physical change or change in method of operation at an air pollution

1 emission source; and

2 (2) Any other increases and decreases in actual emissions at
3 the source that are contemporaneous with the particular change and
4 are otherwise creditable.

5 (b) An increase or decrease in actual emissions is contemporaneous
6 with the increase from the particular change only if it occurs between:

7 (1) The date five (5) years before construction of the
8 particular change commences; and

9 (2) The date that the increase from the particular change
10 occurs.

11 (c) An increase or decrease in actual emissions is creditable only
12 if the Administrator has not relied on it in issuing a permit for the source
13 pursuant to these Standards and Regulations, which permit is in effect
14 when the increase in actual emissions from the particular change occurs.

15 (d) An increase in actual emissions is creditable only to the extent
16 that the new level of actual emissions exceeds the old level.

17 A decrease in actual emissions is creditable only to the extent that:

18 (1) The old level of actual emissions or the old level of
19 allowable emissions, whichever is lower, exceeds the new level of
20 actual emissions;

21 (2) It is federally enforceable at and after the time that actual
22 construction on the particular change begins; and

23 (3) It has approximately the same qualitative significance for
24 public health and welfare as that attributed to the increase from the
25 particular change.

1 (e) An increase that results from a physical change at a source
2 occurs when the emissions unit on which construction occurred becomes
3 operational and begins to emit a particular pollutant. Any replacement
4 unit that requires shakedown becomes operational only after a reasonable
5 shakedown period, not to exceed one hundred eighty (180) days.

6 (m) "*Nonattainment Area*" means an area designated in 40 CFR
7 Part 81, as amended, as exceeding a NAAQS, or an area in which the Guam
8 ambient air quality standards are exceeded.

9 (n) "*PSD Source*" means any major PSD source or major PSD
10 modification.

11 (o) "*Reasonable further Progress*" shall mean the annual emission
12 increment reduction of the applicable air pollutant which is sufficient in the
13 judgment of the Administrator for attainment of the applicable air quality
14 standards by the date required under §172 of the Clean Air Act.
15 Reasonable further progress is based upon the actual emissions of sources
16 located within the designated non-attainment area and shall be deemed to
17 have occurred when the construction of a NAA source together with the
18 offset will result in a net air quality benefit.

19 **Section 1105.2. Source Applicability.** (a) The preconstruction
20 review requirements of this Section are additional requirements for
21 considering an application for an air pollution control permit required by
22 §1104.

23 (b) No air pollution emission source or modification to which the
24 requirements of this Section apply shall begin actual construction without
25 an air pollution control permit which states that the air pollution emission

1 source or modification would meet the requirements of this Section.

2 (c) The requirements of §1105.3 shall apply to any PSD source with
3 respect to each pollutant that it would emit that is subject to regulation
4 pursuant to the Clean Air Act.

5 (d) The requirements of §§1105.4 and 1105.5 shall apply to any
6 NAA source with respect to each pollutant that it would emit that is subject
7 to regulation pursuant to the Clean Air Act.

8 (e) The requirements of §1105.6 shall apply to any air pollution
9 emission source that emits an NAA pollutant in a nonattainment area and
10 is not a NAA source.

11 **Section 1105.3. PSD review.** (a) The provisions of 40 CFR
12 Part §52.21 (b) through (w), as amended, are hereby incorporated into these
13 Standards and Regulations, unless designated otherwise in this Section, to
14 ensure the prevention of significant deterioration of air quality in areas not
15 designated as non-attainment areas.

16 (b) At such times that GEPA is delegated the authority to conduct
17 source reviews pursuant to 40 CFR §52.21 (u), as amended, all applicable
18 PSD sources will apply to GEPA to ensure compliance with the source
19 review requirements of 40 CFR §52.21 (i) through (r), as amended.

20 (c) At such times that GEPA is not delegated the authority to
21 conduct source reviews pursuant to 40 CFR §52.21 (u), as amended, all
22 applicable PSD sources shall apply to USEPA in accordance with the
23 provisions of 40 CFR §52.21 (i) through (r), as amended. A copy of the
24 application shall be sent concurrently to GEPA. In addition, sources are
25 also required to obtain a permit in accordance to §1104.

1 **Section 1105.4. NAA Review.** (a) Except as provided in
2 Subsections (c) through (e), no air pollution control permit shall be issued
3 to an owner or operator proposing to construct a NAA source unless:

4 (1) The NAA source will meet an emission limitation which
5 is the lowest achievable emission rate for that source and that NAA
6 pollutant;

7 (2) The owner or operator of the NAA source certifies that all
8 existing major sources owned or operated by that person in Guam
9 are in compliance with all terms and conditions contained in air
10 pollution control permits of each of the sources;

11 (3) The owner or operator demonstrates that emission
12 reductions for the NAA pollutant from the existing sources in the
13 allowable offset area of the NAA source (whether or not under the
14 same ownership) meet the requirements in §1105.5;

15 (4) The owner or operator demonstrates that emissions will
16 not cause concentrations of the NAA pollutant to exceed the
17 applicable increase over the baseline concentration as defined and
18 established for any attainment area;

19 (5) There are no federal or GEPA rules that would otherwise
20 prohibit construction of the NAA source in nonattainment area.

21 (b) Except as provided in Subsection (e), no air pollution control
22 permit shall be issued to an owner or operator proposing to construct a
23 NAA source when the NAA pollutant is a volatile organic compound or
24 carbon monoxide (or both) unless:

25 (1) The owner or operator performs an analysis of alternative

1 sites, sizes, production processes and environmental control
2 techniques for such NAA source; and

3 (2) The Administrator determines that the analysis
4 demonstrates that the benefits of the NAA source outweigh the
5 environmental and social costs imposed as a result of its location,
6 construction or modification.

7 (c) The requirements of Subsection (a)(3) shall not apply to
8 emissions of a NAA pollutant if the owner or operator can demonstrate
9 that the emissions from the NAA source are temporary in nature, including
10 but not limited to, those from a pilot plant, a portable facility, or
11 construction, and notice is given to the Administrator at least ten (10)
12 working days prior to relocation of such NAA source identifying the
13 proposed new location and the probable duration of such operation at such
14 location.

15 (d) New resource recovery projects burning municipal solid waste
16 and sources compelled to undergo a major NAA modification by Federal
17 law shall be exempt from the requirements of Subsection (a)(3), if such
18 source demonstrates that:

19 (1) The owner or operator made the best efforts to meet the
20 requirements of Subsection (a)(3), and such efforts were unsuccessful;

21 (2) All available emission offsets have been or will be
22 secured; and

23 (3) The owner or operator will continue to seek offsets and
24 apply them when they become available.

25 (e) The Administrator, at his sole discretion, may exempt an NAA

1 source from some or all of the requirements of Subsections (a) and (b), if
2 there are no federal prohibitions from such action or USEPA has issued a
3 waiver from all federal requirements that would otherwise prohibit such
4 action. In such cases the Administrator may determine if the requirements
5 of §1105.3 should be used in place of the requirements of this Section.

6 **Section 1105.5. NAA Offset Standards.** (a) Increased
7 emissions from a NAA source subject to this Section must be offset by the
8 reductions in the emissions of each NAA pollutant for which the air
9 pollution emission source is classified as a major NAA source. Such offset
10 may be obtained by reductions in emissions from the NAA source or from
11 any other air pollution emission source or mobile source in the allowable
12 offset area. The offsets must be in effect and legally enforceable by the time
13 the NAA source commences operation.

14 (b) An offset will not be sufficient unless total emissions for the
15 NAA pollutant in the allowable offset area after the NAA source
16 commences operation will be less than the baseline of the total emission for
17 the NAA pollutant and such reductions are sufficient to satisfy the
18 Administrator that emissions from the NAA source together with the offset
19 will result in reasonable further progress for the NAA pollutant in the
20 allowable offset area.

21 (c) Only emission offsets for the same NAA pollutant will be
22 allowed.

23 (d) The emission offsets must be effective for the useful life of the
24 NAA source.

25 (e) For the purposes of this Section, "net air quality benefit" shall

1 mean that during similar time periods:

2 (1) A reduction in the number of violations of the applicable
3 ambient air standard within the allowable offset areas has occurred,
4 or

5 (2) The average of ambient concentrations within the
6 allowable offset area following implementation of the offsets will be
7 less than the average of the ambient concentration within the
8 allowable offset area without the offsets.

9 (f) For an existing fuel combustion source, offset credit shall be
10 based on the allowable emissions in accordance with these Standards and
11 Regulations for the type of fuel being burned at the time the air pollution
12 control permit is filed. Reduced emissions from an existing source caused
13 by a change to a cleaner fuel may be used to offset emissions from the NAA
14 source provided the fuel change will occur prior to commencement of
15 operation of the NAA source. The air pollution control permit shall require
16 the installation and use of an alternative control measure which will
17 achieve the same degree of emission reduction should the source switch
18 back to a less clean fuel at some later date. In the event a source can
19 demonstrate that it has secured an adequate long-term supply of the new
20 cleaner fuel, an air pollution control permit pursuant to §1104 shall not
21 require the installation and use of an alternative control measure.

22 (g) Offsets shall be made on either a pounds per hour, pounds per
23 day, or tons per year basis, whichever is applicable, when all facilities
24 involved in the emission offset calculations are operating at maximum
25 expected or allowed production rate, except as otherwise provided in

1 Section (f), utilizing the type of fuel burned at the time the air pollution
2 control permit application is filed.

3 (h) Offsets that exceed the requirements for reasonable further
4 progress toward attainment may be "banked" (saved to provide offsets for
5 a source seeking a permit in the future). An existing source that reduces its
6 own emissions may bank resulting reductions beyond those required by
7 this Section, even if more of the offsets are applied immediately to an air
8 pollution control permit. Written verification is necessary for the existing
9 source to claim credit for the banked reductions.

10 (i) A NAA source may be credited with an emission offset (which
11 may include banked emissions) by shutting down an existing source or
12 permanently curtailing production or operating hours below actual
13 baseline levels provided that the work force to be affected has been notified
14 of the proposed shutdown or curtailment. Source shutdowns and
15 curtailments in production or operating hours occurring prior to the date
16 the air pollution control permit application is filed may generally not be
17 used for offset credit unless the shutdown or curtailed production occurred
18 after August 7, 1977, or less than one year prior to the date of application,
19 whichever is earlier, and the proposed air pollution emission source is a
20 replacement for the shutdown or curtailment.

21 (j) The allowable offset area shall refer to the geographical area
22 where sources are located in which emissions are sought for purposes of
23 offsetting emission from NAA sources. For the pollutants sulfur dioxide,
24 particulate, and carbon monoxide, the allowable offset area shall be any
25 area where national or Guam ambient air quality standards for these

1 pollutants are violated and in which significant levels are exceeded due to
2 emissions from such new major source or major modification. The
3 allowable offset area shall be determined by atmospheric simulation
4 modeling. If emission offsets are obtained from a source on the same
5 premises or in the immediate vicinity of the new major source or major
6 modification, and the pollutants are emitted from substantially the same
7 effective stack height, atmospheric simulation modeling shall not be
8 required. The allowable offset area for all other pollutants shall be non-
9 attainment areas for those pollutants.

10 (k) An emissions reduction may only be used to offset emissions
11 if the reduced level of emissions is federally enforceable and legally
12 enforceable by the Administrator. It will be considered legally enforceable
13 by the Administrator if it is included as a condition in the air pollution
14 control permit issued to the air pollution control permit where emission
15 reductions are used to offset emissions from the proposed NAA source, or
16 in the case of reductions from sources controlled by the applicant, is
17 included as a condition of the air pollution control permit, or is adopted as
18 part of these Standards and Regulations.

19 (l) Credit for an emissions reduction can be claimed to the extent
20 that it has not already been included as a condition in an air pollution
21 control permit or in demonstrating attainment or reasonable further
22 progress under this Section.

23 (m) An offset required by this Section may include reductions that
24 result from Territorial or federal measures to reduce emissions from a
25 source in existence in amount sufficient to offset emissions from a NAA

1 source.

2 **Section 1105.6. Other Nonattainment Area Air Pollution Emission**
3 **Sources.** No air pollution control permit shall be issued to an owner or
4 operator proposing to construct an air pollution emission source other than
5 a NAA source that would emit a NAA pollutant in a nonattainment area
6 unless:

7 (1) There are no federal or GEPA rules that would otherwise
8 prohibit construction of the air pollution emission source in a
9 nonattainment area, and

10 (2) The Administrator is satisfied that emissions from the air
11 pollution emission source will not impede reasonable further
12 progress toward attainment of the applicable air quality standards by
13 the date required under §172 of the Clean Air Act.

14 **Section 1106 - Standards of Performance for Air Pollution Emission**
15 **Sources.**

16 **Section 1106.1. Source Applicability.** (a) The standards of
17 performance requirements of this Section are additional requirements for
18 considering an application for an air pollution control permit required by
19 §1104.

20 (b) No air pollution emission source or modification to which the
21 requirements of this Section apply shall begin or continue construction,
22 reconstruction, modification, relocation, or operation without an air
23 pollution control permit which states that the air pollution emission source
24 or modification would meet the requirements of this Section.

25 **Section 1106.2. New Source Performance Standards.** (a) Each

1 owner or operator of an air pollution emission source shall comply with all
2 applicable requirements of 40 CFR Part 60, as amended, entitled "Standards
3 of Performance for New Stationary Sources", and is incorporated herein by
4 reference, unless clearly designated otherwise.

5 (b) At such times that USEPA requires owners and operators of
6 solid waste incinerators subject to the permitting requirements of §129(e)
7 of the Clean Air Act to apply for and obtain federal operating permits
8 under the provisions of 40 CFR Part 71, as amended, a copy of the federal
9 permit application shall be sent concurrently to GEPA. In addition,
10 sources are also required to obtain an air pollution control permit in
11 accordance to §1104.

12 **Section 1107 - Hazardous Air Pollutant Sources.**

13 **Section 1107.1. Definitions.** As used in this Section:

14 (a) "*Area source*" means any air pollution emission source of
15 hazardous air pollutants that is not a major source but shall not include
16 motor vehicles or nonroad vehicles subject to regulation approved
17 pursuant to Title II of the Clean Air Act.

18 (b) "*CAS*" means Chemical Abstract Service.

19 (c) "*Category*" means any category of major sources and area
20 sources of hazardous air pollutants listed pursuant to §112(c) of the Clean
21 Air Act.

22 (d) "*Major source*" means an air pollution emission source, or a
23 group of air pollution emission sources that are located on one or more
24 contiguous properties or adjacent properties, and are under common
25 control of the same person or command or persons under common control,

1 belonging to a single major industrial grouping (i.e., all have the same two-
2 digit Standard Industrial Classification Code) and that emits or has the
3 potential to emit, considering controls any hazardous air pollutant, except
4 radionuclides, in the aggregate of ten (10) tons per year or more including
5 fugitive emissions, or twenty-five (25) tons per year or more of any
6 combination including fugitive emissions. For radionuclides, major source
7 shall have the meaning specified by the USEPA Administrator by rule.

8 (e) "*Modification*" means any physical change in, or change in the
9 method of operation of, a major source of hazardous air pollutants, which
10 results in an increase of actual emissions of any hazardous air pollutant, or
11 the emission of any hazardous air pollutant not previously emitted; except
12 that upon promulgation of any standard or other requirements pursuant
13 to §112(g) of the Clean Air Act that establishes a *de minimis* amount,
14 "modification" applies only to:

- 15 (1) An increase of actual emissions of any hazardous air
16 pollutant by more than the *de minimis* amount; or
17 (2) The emission of any hazardous air pollutant not
18 previously emitted by more than the *de minimis* amount.

19 **Section 1107.2 List of Hazardous Air Pollutants.** The following
20 are hazardous air pollutants:

	CAS Number	Chemical Name
21		
22	(1) 75070	Acetaldehyde
23	(2) 60355	Acetamide
24	(3) 75058	Acetonitrile

1	(4)	98862	Acetophenone
2	(5)	53963	2-Acetylaminofluorene
3	(6)	107028	Acrolein
4	(7)	79061	Acrylamide
5	(8)	79107	Acrylic acid
6	(9)	107131	Acrylonitrile
7	(10)	107051	Allyl chloride
8	(11)	92671	4-Aminobiphenyl
9	(12)	62533	Aniline
10	(13)	90040	o-Anisidine
11	(14)	1332214	Asbestos
12	(15)	71432	Benzene (including benzene from gasoline)
13	(16)	92875	Benzidine
14	(17)	98077	Benzotrichloride
15	(18)	100447	Benzyl chloride
16	(19)	92524	Biphenyl
17	(20)	117817	Bis(2-ethylhexyl)phthalate (DEHP)
18	(21)	542881	Bis(chloromethyl)ether
19	(22)	75252	Bromoform
20	(23)	106990	1,3-Butadiene
21	(24)	156627	Calcium cyanamide
22	(25)	133062	Captan
23	(26)	63252	Carbaryl
24	(27)	75150	Carbon disulfide
25	(28)	56235	Carbon tetrachloride

1	(29)	463581	Carbonyl sulfide
2	(30)	120809	Catechol
3	(31)	133904	Chloramben
4	(32)	57749	Chlordane
5	(33)	7782505	Chlorine
6	(34)	79118	Chloroacetic acid
7	(35)	532274	2-Chloroacetophenone
8	(36)	108907	Chlorobenzene
9	(37)	510156	Chlorobenzilate
10	(38)	67663	Chloroform
11	(39)	107302	Chloromethyl methyl ether
12	(40)	126998	Chloroprene
13	(41)	1319773	Cresols/Cresylic acid (isomers and mixture)
14	(42)	95487	o-Cresol
15	(43)	108394	m-Cresol
16	(44)	106445	p-Cresol
17	(45)	98828	Cumene
18	(46)	94757	2,4-D (2,4-Dichlorophenoxyacetic acid, including
19			salts and esters)
20	(47)	72559	DDE (1,1-dichloro-2,2-bis(p-chlorophenyl)ethylene)
21	(48)	334883	Diazomethane
22	(49)	132649	Dibenzofuran
23	(50)	96128	1,2-Dibromo-3-chloropropane
24	(51)	84742	Dibutylphthalate
25	(52)	106467	1,4-Dichlorobenzene

1	(53)	91941	3,3-Dichlorobenzidine
2	(54)	111444	Dichloroethyl ether (Bis(2-chloroethyl)-ether)
3	(55)	542756	1,3-Dichloropropene
4	(56)	62737	Dichlorvos
5	(57)	111422	Diethanolamine
6	(58)	121697	N,N-Dimethylaniline
7	(59)	64675	Diethyl sulfate
8	(60)	119904	3,3'-Dimethoxybenzidine
9	(61)	60117	Dimethyl aminoazobenzene
10	(62)	119937	3,3'-Dimethylbenzidine
11	(63)	79447	Dimethylcarbamoyl chloride
12	(64)	68122	N,N-Dimethylformamide
13	(65)	57147	1,1-Dimethylhydrazine
14	(66)	131113	Dimethyl phthalate
15	(67)	77781	Dimethyl sulfate
16	(68)	0	4,6-Dinitro-o-cresol, and salts
17	(69)	51285	2,4-Dinitrophenol
18	(70)	121142	2,4-Dinitrotoluene
19	(71)	123911	1,4-Dioxane (1,4-Diethyleneoxide)
20	(72)	122667	1,2-Diphenylhydrazine
21	(73)	106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
22	(74)	106887	1,2-Epoxybutane
23	(75)	140885	Ethyl acrylate
24	(76)	100414	Ethylbenzene
25	(77)	51796	Ethyl carbamate (Urethane)

1	(78)	75003	Ethyl chloride (Chloroethane)
2	(79)	106934	Ethylene dibromide (Dibromoethane)
3	(80)	107062	Ethylene dichloride (1,2-Dichloroethane)
4	(81)	107211	Ethylene glycol
5	(82)	151564	Ethyleneimine (Aziridine)
6	(83)	75218	Ethylene oxide
7	(84)	96457	Ethylene thiourea
8	(85)	75343	Ethylidene dichloride (1,1-Dichloroethane)
9	(86)	50000	Formaldehyde
10	(87)	76448	Heptachlor
11	(88)	118741	Hexachlorobenzene
12	(89)	87683	Hexachlorobutadiene
13	(90)	58899	1,2,3,4,5,6-Hexachlorocyclohexane (all stereo
14			isomers, including lindane)
15	(91)	77474	Hexachlorocyclopentadiene
16	(92)	67721	Hexachloroethane
17	(93)	822060	Hexamethylene-1,6-diisocyanate
18	(94)	680319	Hexamethylphosphoramide
19	(95)	110543	Hexane
20	(96)	302012	Hydrazine
21	(97)	7647010	Hydrochloric acid (Hydrogen chloride) (gas only)
22	(98)	7664393	Hydrogen fluoride (Hydrofluoric acid)
23	(99)	7783065	Hydrogen sulfide
24	(100)	123319	Hydroquinone
25	(101)	78591	Isophorone

1	(102)	108316	Maleic anhydride
2	(103)	67561	Methanol
3	(104)	72435	Methoxychlor
4	(105)	74839	Methyl bromide (Bromomethane)
5	(106)	74873	Methyl chloride (Chloromethane)
6	(107)	71556	Methyl chloroform (1,1,1-Trichloroethane)
7	(108)	78933	Methyl ethyl ketone (2-Butanone)
8	(109)	60344	Methylhydrazine
9	(110)	74884	Methyl iodide (Iodomethane)
10	(111)	108101	Methyl isobutyl ketone (Hexone)
11	(112)	624839	Methyl isocyanate
12	(113)	80626	Methyl methacrylate
13	(114)	1634044	Methyl tert-butyl ether
14	(115)	101144	4,4'-Methylene bis(2-chloroaniline)
15	(116)	75092	Methylene chloride (Dichloromethane)
16	(117)	101688	4,4' Methylenediphenyl diisocyanate (MDI)
17	(118)	101779	4,4'-Methylenedianiline
18	(119)	91203	Naphthalene
19	(120)	98953	Nitrobenzene
20	(121)	92933	4-Nitrobiphenyl
21	(122)	100027	4-Nitrophenol
22	(123)	79469	2-Nitropropane
23	(124)	684935	N-Nitroso-N-methylurea
24	(125)	62759	N-Nitrosodimethylamine
25	(126)	59892	N-Nitrosomorpholine

1	(127)	56382	Parathion
2	(128)	82688	Pentachloronitrobenzene (Quintobenzene)
3	(129)	87865	Pentachlorophenol
4	(130)	108952	Phenol
5	(131)	106503	p-Phenylenediamine
6	(132)	75445	Phosgene
7	(133)	7803512	Phosphine
8	(134)	7723140	Phosphorus
9	(135)	85449	Phthalic anhydride
10	(136)	1336363	Polychlorinated biphenyls (Aroclors)
11	(137)	1120714	1,3-Propane sultone
12	(138)	57578	beta-Propiolactone
13	(139)	123386	Propionaldehyde
14	(140)	114261	Propoxur (Baygon)
15	(141)	78875	Propylene dichloride (1,2-Dichloropropane)
16	(142)	75569	Propylene oxide
17	(143)	75558	1,2-Propylenimine (2-Methyl aziridine)
18	(144)	91225	Quinoline
19	(145)	106514	Quinone
20	(146)	100425	Styrene
21	(147)	96093	Styrene oxide
22	(148)	1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
23	(149)	79345	1,1,2,2-Tetrachloroethane
24	(150)	127184	Tetrachloroethylene
25	(151)	7550450	(Perchloroethylene)

1	(152)	108883	Titanium tetrachloride
2	(153)	95807	Toluene
3	(154)	584849	2,4-Toluenediamine
4	(155)	95534	2,4-Toluene diisocyanate
5	(156)	8001352	o-Toluidine
6	(157)	120821	Toxaphene (chlorinated camphene)
7	(158)	79005	1,2,4-Trichlorobenzene
8	(159)	79016	1,1,2-Trichloroethane
9	(160)	95954	Trichloroethylene
10	(161)	88062	2,4,5-Trichlorophenol
11	(162)	121448	2,4,6-Trichlorophenol
12	(163)	1582098	Triethylamine
13	(164)	540841	Trifluralin
14	(165)	108054	2,2,4-Trimethylpentane
15	(166)	593602	Vinyl acetate
16	(167)	75014	Vinyl bromide
17	(168)	75354	Vinyl chloride
18			Vinylidene chloride (1,1-
19	(169)	1330207	Dichloroethylene)
20	(170)	95476	Xylenes (isomers and mixture)
21	(171)	108383	o-Xylene
22	(172)	106423	m-Xylene
23	(173)	0	p-Xylene
24	(174)	0	Antimony Compounds
25			Arsenic Compounds (inorganic including Arsine)

1	(175)	0	Beryllium Compounds
2	(176)	0	Cadmium Compounds
3	(177)	0	Chromium Compounds
4	(178)	0	Cobalt Compounds
5	(179)	0	Coke Oven Emissions
6	(180)	0	Cyanide Compounds ¹
7	(181)	0	Glycol ethers ²
8	(182)	0	Lead Compounds
9	(183)	0	Manganese Compounds
10	(184)	0	Mercury Compounds
11	(185)	0	Fine mineral fibers ³
12	(186)	0	Nickel Compounds
13	(187)	0	Polycyclic Organic Matter ⁴
14	(188)	0	Radionuclides (including radon)
15			Selenium Compounds

16 NOTE: For all listings above which contain the word "compounds" and
17 for glycol ethers, the following applies: Unless otherwise specified, these listings
18 are defined as including any unique chemical substance that contains the named
19 chemical (i.e., Antimony, arsenic, etc.) as part of that chemical's infrastructure.

20 ¹ X'CN where X = H' or any other group where a formal dissociation
21 may occur. For example, KCN or Ca(CN)₂.

22 ²Includes moni- and di- ethers of ethylene glycol, diethylene glycol,
23 and triethylene glycol R-(OCH₂CH₂)_n-OR' where: or

24 n = 1, 2, or 3

25 R = alkyl or aryl groups

1 R' = R, H, or groups which, when removed, yield glycol ethers with
2 the structure:

3 R-(OCH₂CH)_n-OH. Polymers are excluded from the glycol category.

4 ³ Includes mineral fiber emissions from facilities manufacturing or
5 processing glass, rock, or slag fibers (or other mineral derived fibers) of
6 average diameter one micrometer or less.

7 ⁴ Includes organic compounds with more than one benzene ring, and
8 which have a boiling point greater than or equal to 100°C.

9 ⁵ A type of atom which spontaneously undergoes radioactive decay.

10 **Section 1107.3. Applicability.** (a) The provisions of this
11 Section are applicable to any air pollution emission source which emits or
12 has the potential to emit any hazardous air pollutant. No air pollution
13 emission source or modification to which the requirements of this Section
14 apply shall begin or continue construction, reconstruction, modification,
15 relocation, or operation without an air pollution control permit which
16 states that the air pollution emission source or modification would meet the
17 requirements of this Section.

18 (b) Except as provided in Subsection (e), each owner or operator
19 of an air pollution emission source shall comply with all applicable
20 requirements of 40 CFR Part 61, as amended, entitled "National Emission
21 Standards for Hazardous Air Pollutants," and is hereby incorporated by
22 reference except as amended in Subsection (d).

23 (c) Each owner or operator of an air pollution emission source
24 shall comply with all applicable requirements of 40 CFR Part 63, as
25 amended, entitled "National Emission Standards for Hazardous Air

1 Pollutants for Source Categories.” and is incorporated herein by reference.

2 (d) Word and phrase substitutions for 40 CFR Part 61, as amended:

3 “*Administrator*” means the Administrator of GEPA or an
4 authorized agent, officer, or inspector, except in 40 CFR Part 61 §§
5 150(a)(4), 152(b)(3), and 154(d), as amended.

6 “*U.S. Environmental Protection Agency*” means USEPA.

7 (e) The national emission standard for asbestos, 40 CFR Part 61
8 Subpart M, as amended, is not included in the requirements of this Section.

9 Asbestos requirements are specified in §1103.13.

10 (f) At such times that USEPA requires owners and operators of
11 major sources of hazardous air pollutants to apply for and obtain federal
12 operating permits under the provisions of 40 CFR Part 71, as amended, a
13 copy of the federal permit application shall be sent concurrently to GEPA.

14 In addition, sources are also required to obtain an air pollution control
15 permit in accordance to §1104.

16 **Appendix A to Section 1104.10. Transition Period and Deadlines to**
17 **Submit First Applications.**

18		Number of Months from the Effective Date of
19	<u>Permit Type:</u>	<u>these Standards and Regulations</u>
20	Major Sources/	6 months
21	PSD/NAA	10 months
22	NSPS Sources	10 months
23	NESHAP Sources	12 months
24	All others	



Office of Senator
Joanne M. Salas Brown
Twenty-Fourth Guam Legislature

November 30, 1998

Speaker Antonio R. Unpingco
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources, to which Bill 784 - AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY ("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS was referred, wishes to report back to the Legislature its recommendation **TO DO PASS**.

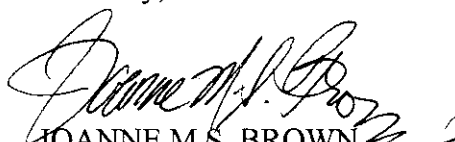
The voting sheet is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are enclosed.

Thank you for your attention to this matter.

Sincerely,


JOANNE M.S. BROWN
Senator

Enclosures



Office of Senator
Joanne M. Salas Brown
Twenty-Fourth Guam Legislature

November 30, 1998

MEMORANDUM

To: Committee Members

From: Chairperson, Committee on Natural Resources

Subject: Committee Report on Bill 784: An Act to Establish Rules and Regulations for the Guam Environmental Protection Agency("GEPA") Air Pollution Control Standards and Regulations

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

Please indicate your choice on the attached Voting Sheet and return the documents to my office for transmittal to the other members.

Your attention and cooperation in this matter is greatly appreciated.


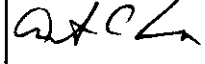
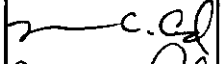
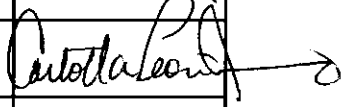




JOANNE M.S. BROWN

Attachments

Committee on Natural Resources
Joanne M.S. Brown
Chairperson

VOTING SHEET

Bill No. 784 As Amended - An Act To Establish Rules and Regulations for the Guam Environmental Protection Agency("GEPA") Air Pollution Control Standards and Regulations

MEMBER COMMITTEE	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE	SIGNATURE
Joanne S. Brown Chairperson	✓				
Tony Lamorena Vice Chairman	✓				
Tom Ada Member	✓				
C. Leon Guerrero Member	✓				
Mark Forbes Member					
Francis Santos Member					
M. Charfauros Member					
Anthony Blaz Member	✓				
J. Won Pat-Borja Member	✓				
A.R. Unpingco Speaker Ex-Oficio Member	✓				



AIR POLLUTION CONTROL STANDARD & REGULATIONS

PROPOSED FEE SCHEDULE

PERMITTING PROGRAM REVENUES (PROJECTED)

Outside Funding Sources	
Existing Staff	\$0
Travel	\$0
Other	\$0
Applications	\$17,178
<u>Emission Fees</u>	\$302,938
Total	\$320,116

PERMITTING PROGRAM EXPENSES (PROJECTED)

Projected Operation Expenses

Item	Cost Per Unit	Quantity	Initial Cost	Ongoing Cost
Vehicles, 4x4 Pickup	\$24,000.0	2	\$48,000.00	\$1,500
Equipment				
Desk	\$400.00	5	\$2,000.00	\$1,000
Chair	\$175.00	5	\$875.00	\$0
Computer	\$2,700.00	3	\$8,100	\$0
Computer Printer	\$600.00	3	\$1,800.00	\$0
Computer Software	\$300.00	3	\$900.00	\$500
Cabinet	\$200.00	5	\$1,000.00	\$0
Shelves	\$115.00	5	\$575.00	\$0
Cameras	\$250.00	2	\$500.00	\$0
Office Supplies	 	 	\$4,500.00	\$4,500.00
Field Supplies	 	 	\$1,000.00	\$1,000.00
Office Space & Utilities	 	 	\$25,000.00	\$25,000.00
Training	 	 	\$15,000.00	\$10,000.00
Contracts	 	 	\$50,000.00	\$50,000.00
SUBTOTAL			\$169,250.00	\$93,500.00

Contracts: Emergency Episodes (ie fires), Emissions Inventory, Air Monitoring, etc.

PERMITTING PROGRAM EXPENSES (PROJECTED)

Position Title	Grad STP	Salary	BENEFITS					Total
			Retire	Life	Hospital	Dental	BenSub	
EHS III	M1	\$28,678.00	\$5,334.00	115	\$2,581.00	446	\$8,476.00	\$37,154.00
EHS II	L1	\$26,520.00	\$4,933.00	115	\$2,581.00	446	\$8,075.00	\$34,565.00
EHS I	K1	\$24,656.00	\$4,586.00	115	\$2,581.00	446	\$7,728.00	\$32,384.00
EHS I	K1	\$24,656.00	\$4,586.00	115	\$2,581.00	446	\$7,728.00	\$32,384.00
Env. Eng. I	L1	\$26,520.00	\$4,933.00	115	\$2,581.00	385	\$8,014.00	\$34,534.00
Admin. Cost								\$12,826.58
SUBTOTAL		\$ 131,030.00	\$ 24,372.00	\$575.00	\$ 12,905.00	\$2,169.00	\$40,021.00	\$171,021.00

EHS = Environmental Health Specialist
Admin. Cost = 7.5% x Total Salary

Application Fee

(proposed)

Application Fee Schedule						
Type	Initial/Exist	Initial/New	Renewal	Admin	Non-Sig Mods	Sig Mods
1. PSD:	\$1,000	\$3,000	\$1,000	\$100	\$500	\$1,000
2. Major/NSPS:	\$1,000	\$1,500	\$1,000	\$100	\$500	\$1,000
3. Minor/NSPS:	\$500	\$750	\$500	\$100	\$250	\$500
4. Major/HAP:	\$1,000	\$3,750	\$1,000	\$100	\$750	\$3,750
5. Minor/HAP:	\$200	\$300	\$200	\$25	\$100	\$300
6. Major:	\$1,000	\$1,500	\$1,000	\$100	\$750	\$1,000
7. Synthetic Minor:	\$100	\$150	\$100	\$50	\$100	\$0
8. Minor/Short Form:	\$100	\$150	\$100	\$50	\$100	\$0

Application Fee

Actual Cost To Government

Source Type	Review Application (Days)	Inspection (Days)	Technical Assistance (Days)	Track Permit, Compliance Plans, & certifications (Days)	Total Days	Total Hours	Actual Total Cost
New							
PSD	21	3.5	10.5	7	42	336	\$5,443.20
Major Source/NSPS	21	3.5	7	7	38.5	308	\$4,989.60
Minor Source/NSPS	21	3.5	7	7	38.5	308	\$4,989.60
Major Source/HAPS	21	3.5	10.5	7	42	336	\$5,443.20
Minor Source/HAPS	7	3.5	7	3.5	21	168	\$2,721.60
Other Major Source	14	3.5	7	3.5	28	224	\$3,628.80
Synthetic Minor	14	1	3.5	3.5	22	176	\$2,851.20
Minor/Short Form	3.5	1	1	1	6.5	52	\$ 842.40

Assumption: 1 Work Day = 8 Hours

COST COMPARISON

Permit Fees For New Sources

Source Type	Current Fees			Actual Costs	Proposed Fees		
	Permit Fee	Duration	Cost/Year	Cost ₀ /Year	Permit Fee	Duration	Cost ₀ /Year
PSD	0	1	0	\$5,443.20	\$3,000.00	5	\$ 600.00
Major Source/NSPS	0	1	0	\$4,989.60	\$1,500.00	5	\$ 300.00
Minor Source/NSPS	0	1	0	\$4,989.60	\$ 750.00	5	\$ 150.00
Major Source/HAPS	0	1	0	\$5,443.20	\$3,750.00	5	\$ 750.00
Minor Source/HAPS	0	1	0	\$2,721.60	\$ 300.00	5	\$ 60.00
Other Major Source	0	1	0	\$3,628.80	\$1,500.00	5	\$ 300.00
Synthetic Minor	0	3		\$2,851.20	\$ 150.00	5	\$ 30.00
Minor/Short Form	0	5	0	\$842.40	\$ 150.00	5	\$ 30.00

Assumption: Average Salary = \$16.20 Per Hour

ANNUAL EMISSION FEE

(PROPOSED)

Emission Fees				
Base Rate:	\$6.00 Per Ton Per Year			
Ton Cap:	4000 Tons Per Year			
Below Cap Rate	1 x Base Rate			
Above Cap Rate	0.5 x Base Rate			
HAP Rate	\$60.00 Per Ton Per Year			
Minimum Annual Fee	\$100 or \$500			

ANNUAL EMISSION FEE

Regulated Universe

Cate g o r y	E x i s t i n g #
1. PSD:	6
2. Major/NSPS:	8
3. Minor/NSPS:	3
4. Major/HAP:	1
5. Minor/HAP:	11
6. Major:	2
7. Synthetic Minor:	15
8. Minor/Short Form:	70

Summary of Source Inventory:		
Category	Existing #	
1. PSD:	6	
2. Major/NSPS:	8	
3. Minor/NSPS:	3	
4. Major/HAP:	1	
5. Minor/HAP:	11	
6. Major:	2	
7. Synthetic Minor:	15	
8. Minor/Short Form:	70	
Annual Fees by Facility		
Company	Total GEPA Fees	Fee that would go to USEPA
Cabras	\$121,347	\$318,051
Tanguisson (HEI)	\$36,906	\$166,352
Piti 7 (Temes)	\$2,124	\$11,204
Piti 8,9 (Enron)	\$74,014	\$312,354
Tenjo	\$12,735	\$67,177
Talofofa	\$792	\$4,178
Macheche	\$1,482	\$7,818
Yigo	\$1,680	\$8,862
Dededo	\$7,482	\$39,183
Piti 4,5	\$16,308	\$84,885
Orote	\$1,806	\$9,527
Agana	\$108	
Nav Magaz	\$138	
Nav Hosp	\$1,524	
Nav Stat	\$402	
Nav SRF	\$312	
Fisc	\$138	
NCTAM FI	\$510	
NCTAM Ba	\$114	
Nav Tran	\$990	
AAFB	\$100	
Shell	\$900	
Exxon	\$150	
Mobil	\$348	
HI Rock Fa	\$5,970	
HI Rock Sa	\$2,166	
Guam Rock	\$264	
Perea Bros	\$2,052	
Pacific Star	\$318	
Hilton	\$624	
Hyatt	\$100	
Plaza	\$100	
Reef	\$100	
Nikko	\$100	
Pac Island	\$100	
Palace	\$100	
Cocos	\$228	
Leo Palace	\$100	
Onward Ag	\$100	
Okura	\$100	

Revenue

Fujita	\$100		
Dai-Ichi	\$100		
Global Lndr	\$504		
Atlas Lndry	\$100		
Pac Text Ln	\$102		
Pac Color	\$100		
Pac Daily	\$100		
Am Print	\$100		
Star Press	\$100		
Minor 1	\$100		
Minor 2	\$100		
Minor 3	\$100		
Minor 4	\$100		
Minor 5	\$100		
Minor 6	\$100		
Minor 7	\$100		
Minor 8	\$100		
Minor 9	\$100		
Minor 10	\$100		
Minor 11	\$100		
Minor 12	\$100		
Minor 13	\$100		
Minor 14	\$100		
Minor 15	\$100		
Minor 16	\$100		
Minor 17	\$100		
Minor 18	\$100		
Minor 19	\$100		
Minor 20	\$100		
Minor 21	\$100		
Minor 22	\$100		
Minor 23	\$100		
Minor 24	\$100		
Minor 25	\$100		
Minor 26	\$100		
Minor 27	\$100		
Minor 28	\$100		
Minor 29	\$100		
Minor 30	\$100		
Minor 31	\$100		
Minor 32	\$100		
Minor 33	\$100		
Minor 34	\$100		
Minor 35	\$100		
Minor 36	\$100		
Minor 37	\$100		
Minor 38	\$100		
Minor 39	\$100		
Minor 40	\$100		
Minor 41	\$100		
Minor 42	\$100		
Minor 43	\$100		
Minor 44	\$100		

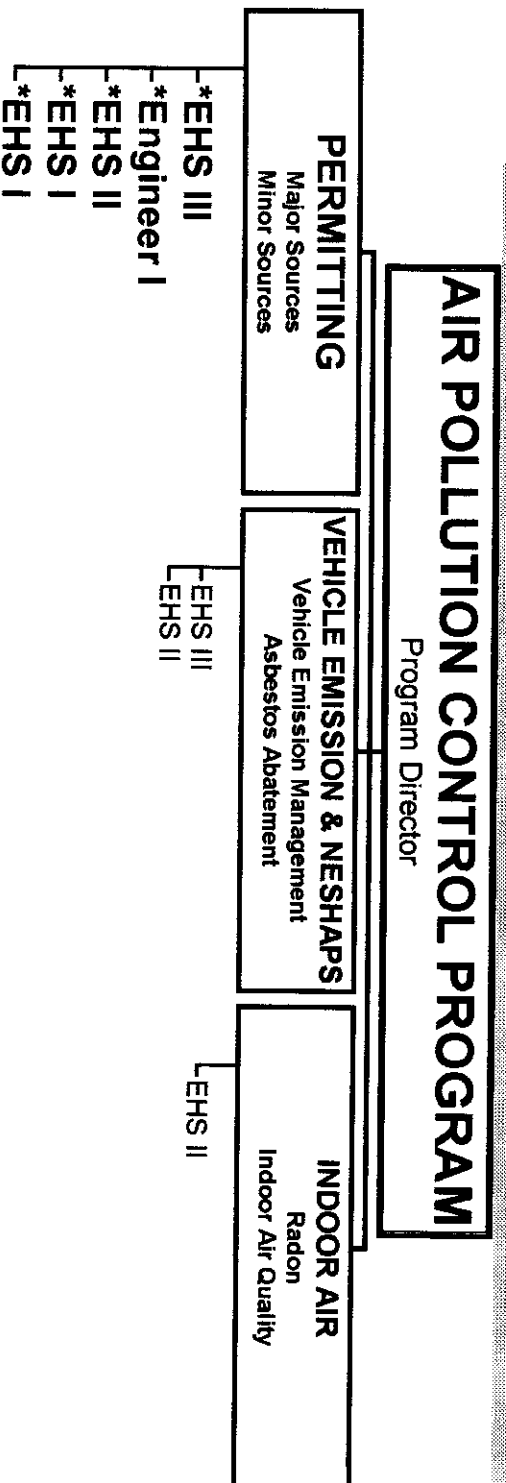
Minor 45	\$100		
Minor 46	\$100		
Minor 47	\$100		
Minor 48	\$100		
Minor 49	\$100		
Minor 50	\$100		
Minor 51	\$100		
Minor 52	\$100		
Minor 53	\$100		
Minor 54	\$100		
Minor 55	\$100		
Minor 56	\$100		
Minor 57	\$100		
Minor 58	\$100		
Minor 59	\$100		
Minor 60	\$100		
Minor 61	\$100		
Minor 62	\$100		
Minor 63	\$100		
Minor 64	\$100		
Minor 65	\$100		
Minor 66	\$100		
Minor 67	\$100		
TOTALS	\$302,938		

Company	Permit Type	SO2	NOx	TSP	VOC	CO	Lead	HAPs	Non-CO Tons	
									Above cap	Below Cap
Cabras	1	18,909	9,316	1,433	609	810	0	7	20,225	10,042
Tanguisson (HEI)	1	5,754	848	397	9	63	0	2	1,754	5,254
Piti 7 (Temes)	1	251	80	19	5	10	0	0	0	354
Piti 8,9 (Enron)	1	4,557	8,376	925	944	767	0	0	4,933	9,869
Tenjo	1	355	1,577	122	69	315	0	0	0	2,123
Talofofo	6	23	99	4	6	25	0	0	0	132
Macheche	2	168	61	15	3	12	0	0	0	247
Yigo	2	180	76	21	3	13	0	0	0	280
Dededo	1	377	759	78	23	193	0	1	0	1,237
Piti 4,5	2	1,647	884	137	10	66	0	4	0	2,678
Orote	6	250	49	1	1	13	0	0	0	301
Agana	7	4	14	0	0	4	0	0	0	18
Nav Magaz	5	1	0	0	2	0	0	2	0	3
Nav Hosp	2	250	3	1	0	0	0	0	0	254
Nav Stat	8	19	10	17	11	1	0	1	0	57
Nav SRF	8	19	8	5	10	1	0	1	0	42
Fisc	8	0	0	0	13	0	0	1	0	13
NCTAM Fi	7	20	58	1	6	15	0	0	0	85
NCTAM Ba	7	4	15	0	0	4	0	0	0	19
Nav Tran	4	0	0	0	15	0	0	15	0	15
AAFB	7	0	2	0	2	1	0	0	0	4
Shell	2	0	0	0	130	0	0	2	0	130
Exxon	3	0	0	0	15	0	0	1	0	15
Mobil	3	0	0	0	48	0	0	1	0	48
HI Rock Fa	2	26	16	952	1	4	0	0	0	995
HI Rock Sa	2	2	9	350	0	2	0	0	0	361
Guam Rock	3	5	2	37	0	1	0	0	0	44
Perez Bros.	2	0	0	342	0	0	0	0	0	342
Pacific Star	5	8	11	1	3	2	0	3	0	23
Hilton	5	4	1	0	9	0	0	9	0	14
Hyatt	5	0	1	0	1	0	0	1	0	2
Plaza	7	0	0	0	0	0	0	0	0	0
Reef	7	2	2	0	0	0	0	0	0	4
Nikko	7	3	3	0	0	1	0	0	0	6
Pac Island	7	0	3	0	0	1	0	0	0	3
Palace	7	2	2	0	0	1	0	0	0	4
Cocos	7	5	31	1	1	8	0	0	0	38
Leo Palace	7	0	0	0	0	0	0	0	0	0
Onward Ag	7	0	1	0	0	0	0	0	0	1
Okura	7	2	6	0	0	2	0	0	0	8
Fujita	7	1	1	0	0	0	0	0	0	2
Dai-Ichi	7	1	1	0	0	0	0	0	0	2
Global Lndr	5	4	3	0	7	0	0	7	0	14
Atlas Lndry	5	2	1	0	0	0	0	0	0	3
Pac Text Ln	5	3	3	0	1	0	0	1	0	7
Pac Color	5	0	0	0	2	0	0	0	0	2
Pac Daily	5	0	0	0	4	0	0	0	0	4
Am Print	5	0	0	0	1	0	0	0	0	1
Star Press	5	0	0	0	0	0	0	0	0	0

Company	Permit Type	SO2	NOx	TSP	VOC	CO	Lead	HAPs	Non-CO Tons	
									Above cap	Below Cap
Minor 1	8	0	1	0	0	0	0	0	0	1
Minor 2	8	0	1	0	0	0	0	0	0	1
Minor 3	8	0	1	0	0	0	0	0	0	1
Minor 4	8	0	1	0	0	0	0	0	0	1
Minor 5	8	0	1	0	0	0	0	0	0	1
Minor 6	8	0	1	0	0	0	0	0	0	1
Minor 7	8	0	1	0	0	0	0	0	0	1
Minor 8	8	0	1	0	0	0	0	0	0	1
Minor 9	8	0	1	0	0	0	0	0	0	1
Minor 10	8	0	1	0	0	0	0	0	0	1
Minor 11	8	0	1	0	0	0	0	0	0	1
Minor 12	8	0	1	0	0	0	0	0	0	1
Minor 13	8	0	1	0	0	0	0	0	0	1
Minor 14	8	0	1	0	0	0	0	0	0	1
Minor 15	8	0	1	0	0	0	0	0	0	1
Minor 16	8	0	1	0	0	0	0	0	0	1
Minor 17	8	0	1	0	0	0	0	0	0	1
Minor 18	8	0	1	0	0	0	0	0	0	1
Minor 19	8	0	1	0	0	0	0	0	0	1
Minor 20	8	0	1	0	0	0	0	0	0	1
Minor 21	8	0	1	0	0	0	0	0	0	1
Minor 22	8	0	1	0	0	0	0	0	0	1
Minor 23	8	0	1	0	0	0	0	0	0	1
Minor 24	8	0	1	0	0	0	0	0	0	1
Minor 25	8	0	1	0	0	0	0	0	0	1
Minor 26	8	0	1	0	0	0	0	0	0	1
Minor 27	8	0	1	0	0	0	0	0	0	1
Minor 28	8	0	1	0	0	0	0	0	0	1
Minor 29	8	0	1	0	0	0	0	0	0	1
Minor 30	8	0	1	0	0	0	0	0	0	1
Minor 31	8	0	1	0	0	0	0	0	0	1
Minor 32	8	0	1	0	0	0	0	0	0	1
Minor 33	8	0	1	0	0	0	0	0	0	1
Minor 34	8	0	1	0	0	0	0	0	0	1
Minor 35	8	0	1	0	0	0	0	0	0	1
Minor 36	8	0	1	0	0	0	0	0	0	1
Minor 37	8	0	1	0	0	0	0	0	0	1
Minor 38	8	0	1	0	0	0	0	0	0	1
Minor 39	8	0	1	0	0	0	0	0	0	1
Minor 40	8	0	1	0	0	0	0	0	0	1
Minor 41	8	0	1	0	0	0	0	0	0	1
Minor 42	8	0	1	0	0	0	0	0	0	1
Minor 43	8	0	1	0	0	0	0	0	0	1
Minor 44	8	0	1	0	0	0	0	0	0	1
Minor 45	8	0	1	0	0	0	0	0	0	1
Minor 46	8	0	1	0	0	0	0	0	0	1
Minor 47	8	0	1	0	0	0	0	0	0	1
Minor 48	8	0	1	0	0	0	0	0	0	1
Minor 49	8	0	1	0	0	0	0	0	0	1

Company	Permit Type	SO2	NOx	TSP	VOC	CO	Lead	HAPs	Non-CO Tons	
									Above cap	Below Cap
Minor 50	8	0	1	0	0	0	0	0	0	1
Minor 51	8	0	1	0	0	0	0	0	0	1
Minor 52	8	0	1	0	0	0	0	0	0	1
Minor 53	8	0	1	0	0	0	0	0	0	1
Minor 54	8	0	1	0	0	0	0	0	0	1
Minor 55	8	0	1	0	0	0	0	0	0	1
Minor 56	8	0	1	0	0	0	0	0	0	1
Minor 57	8	0	1	0	0	0	0	0	0	1
Minor 58	8	0	1	0	0	0	0	0	0	1
Minor 59	8	0	1	0	0	0	0	0	0	1
Minor 60	8	0	1	0	0	0	0	0	0	1
Minor 61	8	0	1	0	0	0	0	0	0	1
Minor 62	8	0	1	0	0	0	0	0	0	1
Minor 63	8	0	1	0	0	0	0	0	0	1
Minor 64	8	0	1	0	0	0	0	0	0	1
Minor 65	8	0	1	0	0	0	0	0	0	1
Minor 66	8	0	1	0	0	0	0	0	0	1
Minor 67	8	0	1	0	0	0	0	0	0	1
TOTALS		32,857	22,398	4,860	1,963	2,335	0	59	26,912	35,167

ORGANIZATIONAL CHART (Proposed)



**** Proposed Positions**

COMMITTEE ON NATURAL RESOURCES

Senator Joanne M. S. Brown, Chairperson

PUBLIC HEARING

ON

**Confirmation of Jose L. G. Techaira
Member, Board of Directors, GEPA**

Bill 784

Bill 785

and

**MARK-UP SESSION
Bill 655 (LS)**

Friday, November 27, 1998
9:00 a.m.

The Committee on Natural Resources held a Public Hearing on Friday, November 27, 1998, at 9:00 a.m., in the Legislative Public Hearing Room.

In attendance were: Senator Joanne M. S. Brown, Chairperson
 Senator Alberto "Tony" Lamorena, Vice Chairman

**COMMITTEE ON NATURAL RESOURCES
PUBLIC HEARING
November 27, 1998**

COMMITTEE REPORT

Bill 784

Senator Brown continued the Public Hearing with Bill 784 (COR) AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY ("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS.

She invited Mr. David Longa, Deputy Administrator of GEPA to introduce his key staff personnel to make presentation on the purpose of Bill 784.

Mr. David Longa, on behalf of Mr. Jesus Salas, GEPA Administrator and the GEPA Board, thanked Senator Brown and the Committee for making this hearing possible to enable GEPA to meet their dateline in January, 1999, with regards to Air Pollution Control Standards and Regulations. He then introduced key personnel who will be making the presentation on Bill 784.

Ms. Conchita Taitano of GEPA Air & Land Division, thanked Senator Brown and Chief of Staff and the Committee for the opportunity, at such short notice, to hear Bill 784 and introduced the individuals responsible for putting the Air Rules together.

Ms. Barbara Torres began the presentation by stating that there is a need to revise the permitting program on Guam as required under Title 5 Alternate Permit Program. Title 5 Alternate Permit Program is what is encoded in 40 CFR Part 69.13. This is a federal regulation that Guam must comply with in instituting an operating permit program for the Island of Guam. Therefore, GEPA has a January, 1999, deadline to submit such a program to USEPA for their review. If deadline is not met, sources on Guam will have to pay federal fees of about up to \$32 per ton of emission on an annual basis and that will impact the Island of Guam. Another reason for changes in the revision is the Cabras/Piti Redesignation Area. Currently Cabras/Piti area is on non-attainment designation. With revision, designation will change to attainment which would require compliance with federal regulations as well. She then presented Bill 784, Section by Section.

Under Section 1101 - Definitions - changes made are only to support proposed rules and regulations.

Summary Report - Bill 784
November 27, 1998
Page 2

Section 1102 - General Requirements - substantially based on existing regulations.

Section 1103 - General Prohibitions and Standards - There are different types of sources with different sets of standards and Guam's regulations need to be updated to meet federal requirements and would basically mirror federal requirements.

Senator Brown asked Ms. Torres to quickly summarize as to what degree the amendments have been changed to, for example, dealing with the dust emissions and open burning, which are both very common problems. She also asked what degree of enforcement is actually going to be exerted to enforce the changes.

Ms. Torres responded that with regards to visible emissions - the change here is with the timing of emission from 20% opacity to 60% for a period of not more than three (3) minutes in any sixty (60) minute period.

For Fugitive Dust Emission - Conditions are now specifically outlined as to how to control dust from becoming airborne.

Senator Brown suggested that the best enforcement would be to do informational outreach to the community so that they know what changes are being made and what resources they have to report violations without identifying themselves.

Open Burning - GEPA has MOU with Guam Fire Department and permits are now issued by Guam Fire Department. Enforcement is jointly done in the event a violation is reported. Senator Brown requested for a copy of MOU with GEPA.

Control of odors in air - Violation is determined by both GEPA and Public Health Environmental Division. Both agencies must be in agreement that odor emitted is indeed in violation of the Clean Air Act. This change came about as a result of many recommendations from Mr. & Mrs. Honofre and Fe Oliva, residents, who have been plagued by odor resulting from a piggery farm next door to them.

Summary Report - Bill 784

November 27, 1998

Page 3

Senator Brown inquired as to how GEPA enforces this regulation referring to the Oliva situation with the pig farm. GEPA Legal Counsel, Ms. Liz Cruz, replied that unfortunately, these rules will not really help the Olivas. The farm is properly permitted as required by GEPA, Public Health, DPW. It will be very difficult to enforce the law in this instance even under the nuisance criminal law. Ms. Cruz indicated that by jointly (GEPA & Public Health) being responsible, the clean air requirement is more strengthened.

Mr. Honofre Oliva - a concerned resident and an advocate of clean air act, testified that his main issue is not to shut down the piggery, rather he and his family are more concerned on the waste management control and performance standards that they would like to see initiated into the control of odor and ambient air. They would like to work closely with GEPA and where ever their input can be used, they would like to help in that regard, thus, reason for his and his wife's presence at the hearing today.

Senator Tony Lamorena asked Mr. Oliva if these rules and regulations, as presented, suffice his concern.

Mr. Oliva stated that at the public hearing held about two weeks ago at the Governor's Complex, GEPA really did not know what they needed to look at. What he and his family would like to see implemented into the control of ambient air are the waste management performance standards. They feel that without these types of controls, it will be really hard to regulate odors.

Senator Brown commended Mr. Oliva and his wife for being very strong advocates of not only the Clean Air Act issue but others as well. She noted that a lot of people complain but a very few are willing to work to improve the problems they are faced with as well as the community.

Ms. Liz Cruz reiterated that Mr. & Mrs. Oliva provided quite a lot of very good comments and suggestions and although they are not in bill format to be incorporated into the clean air regs, she will definitely work on getting these ideas in bill form for the feed lot regulations.

Senator Lamorena asked if an odor control standard can be incorporated in the permitting process similar to the fugitive dust emission where certain precautions must be taken to minimize the odor. Ms. Liz Cruz stated that she will look into this matter further.

Senator Brown stated that from discussions this morning, although these regs should be addressed now because of the time line, GEPA should acknowledge that there is a definite need to go back and address odor regulations and probably check nationally with USEPA what standards do exist that Guam can look at. In addition, noise pollution regulations should also be addressed.

Senator Brown inquired how would these issues deal with the residents at the quarry in Yigo? Have changes been made by the company on their cement mixing plant, asphalt batching plant, etc., as she remembers the many residents who had complained with regards to air emissions and dust emissions.

Mr. Kin Cruz of GEPA Air Pollution Control testified that they made a close follow-up with the operations of Hawaiian Rocks and most of the equipments are no longer at the site and the crusher that is there is pretty much controlled. Tests have been conducted and dust emission is quite controlled.

Senator Tony Lamorena asked about animal waste on a smaller scale, for example dog waste. Do the regulations include control of odor in a residential area where the homes are close by. GEPA says they have control over commercial businesses. Public Health has jurisdiction over residential areas in this instance.

Mr. Ben Machol, Senior Project Engineer with USEPA and was on Guam for a couple of years as Special Assistant to Guam EPA Administrator stated that these air regulations would set the stage of what would be an odor violation and what isn't, and it wouldn't be just agricultural operations but it could be anything that someone would complain about.

Ms. Bobbie Torres continued with the presentation.

Next section deals with the SO₂ fuel content. This section basically deals with areas that are nonattainment areas - areas that do not meet clean air quality standards. Cabras/Piti were at one time designated nonattainment areas, however, they have done a lot of mitigation on their sites and a lot of monitoring is also done in order to assure that they do not violate the clean air standards. The new plants are in compliance with the requirements. What this section does is basically incorporate the federal regulations so that enforcement can be made should there be a violation.

Senator Brown inquired how much more capacity is left at Cabras/Piti in the event there is a need to build a couple more baseload generators in the area.

Mr. Bal Wong, representative from Enron, stated that the generation in the area is limited to 322 megawatts. That is the maximum to meet the SO₂. Right now there is less than 322. This section, therefore, basically addresses the redesignation of the Cabras/Piti Area.

Another issue that this chapter addresses is motor vehicle emissions. The change to this regulation is the increase in violation penalty from \$50.00 per day to \$1,000.00 per day per violation.

Senator Brown asked what has been the response from tour bus operations once they are reported in violation of this section. Have they been fairly cooperative and do they immediately repair the situation or are they lax about it.

Ms. Torres responded that they have been fairly cooperative.

"Why then is the need to raise the violation penalty to \$1,000.00?" asked Senator Brown.

Ms. Torres and Mr. Ben Machol responded that there is now a Snap Test in place which strengthens GEPA's enforcement capabilities.

Senator Brown asked if these regulations will allow GEPA the opportunity to pursue joint metering with Rev/Tax under an MOU.

Mr. Pete Cruz responded that it will.

Next section deals with Asbestos. This section will require anyone doing any asbestos renovation or demolition project to notify GEPA.

Section 1104 is the Permit Program Regulation. This section requires GEPA to put a program in place to comply with the Title 5 Alternate Permit Program. GEPA must set fees to be able to implement and maintain the program. GEPA permits federal oversight sources. This regulation increases the permit application requirement. (See attachment for the various schedules).

Chapter Five -Section 1105 - Special Preconstruction Requirements - This section contain federal standards which GEPA incorporated into their regulations for PUC sources as well as nonattainment sources. This is a more stricter permitting requirements.

Section 1106 - This section adopts federal regulations for new source performance standards.

There were no other testimonies presented on Bill 784.



I Mina' ònte Kuattro Na Liheslaturan Guåhan

Kumitean Areklamento, Refotman Gubetnamento Siha, yan Asuntion Fidirat

Senator Mark Forbes, Chairman

NOV 17 1998

MEMORANDUM

TO: Chairperson
Committee on Natural Resources

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

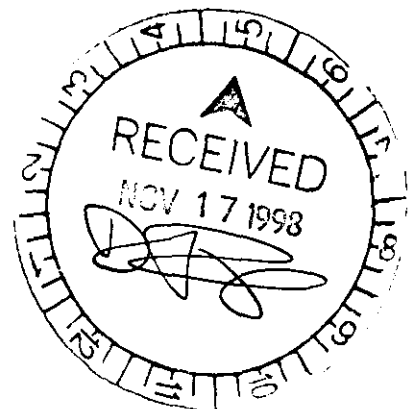
SUBJECT: Referral- Bill No. 784

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

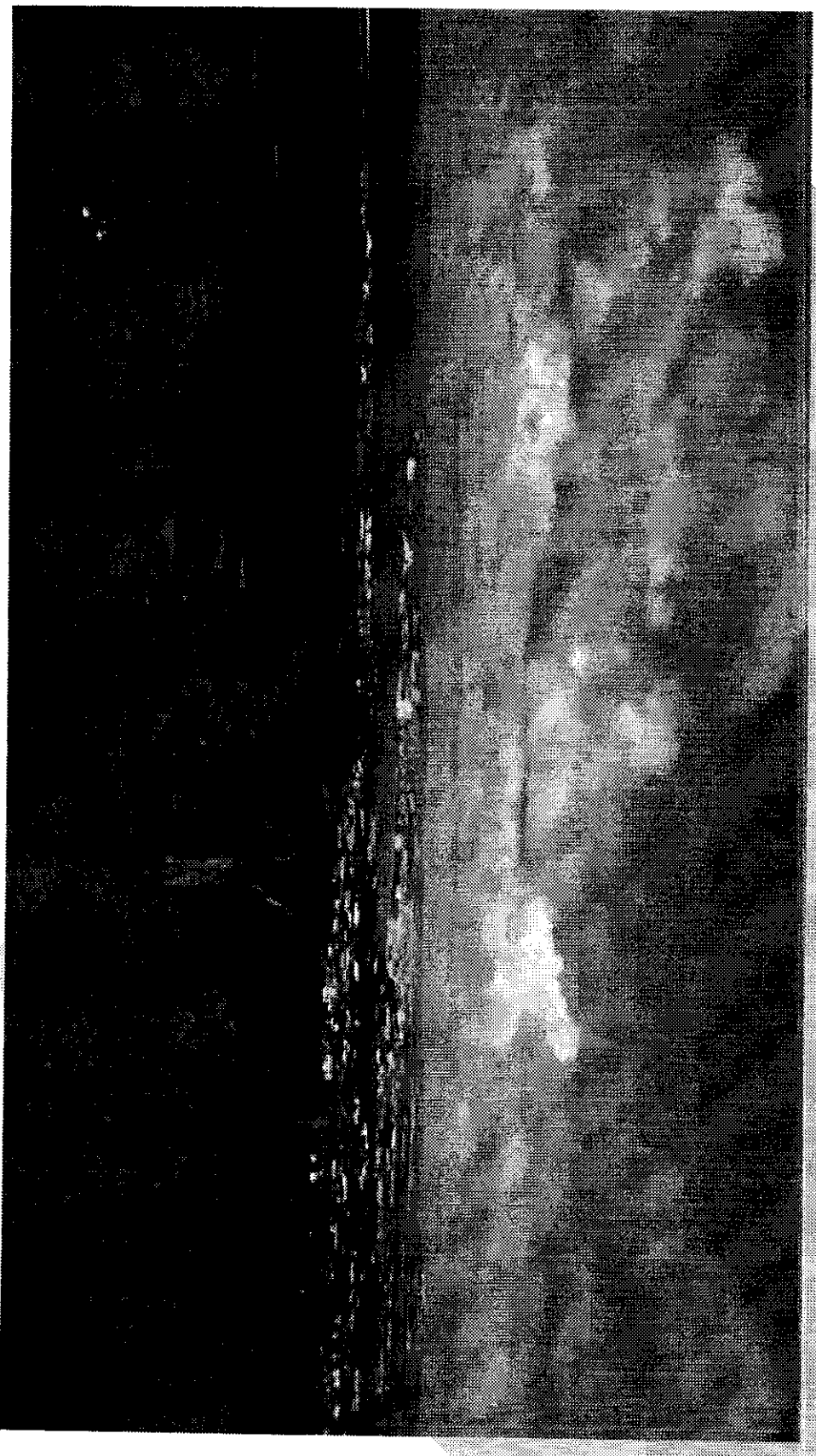
MARK FORBES

Attachment



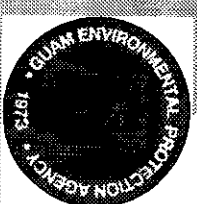


Air Pollution Control Standards and Regulations (Proposed)



Introduction

- **Last Revision**
 - 1992 - Asbestos
 - 1986 - Motor Vehicle Emissions
 - 1981 - Permitting Program
- **Title V Alternate Permitting Program**
- **Cabras-Piti Redesignation**



Section §1101 - Definitions

- Supports revisions to proposed regulations



Section §1102 - General Requirements

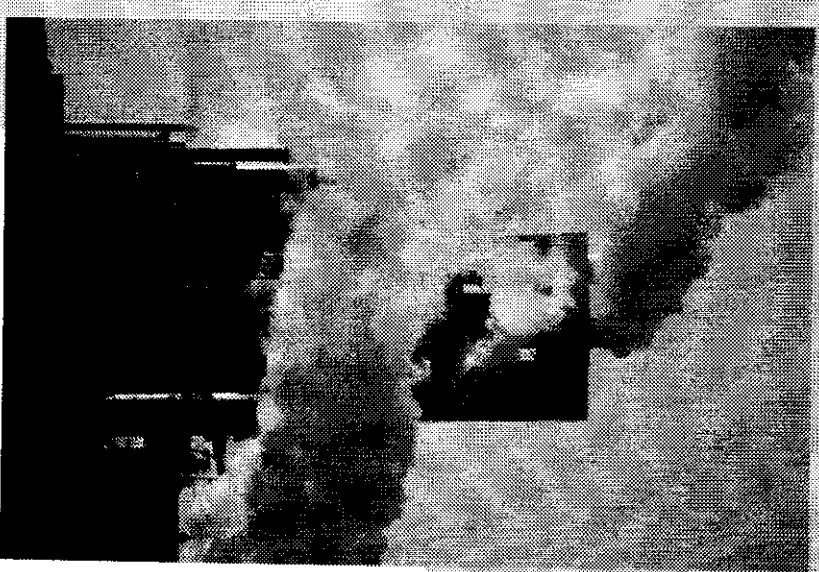


- Certification
- Sampling, Testing, & Reporting Methods
- Substantially Based On Existing Regulations



Section §1103 - General Prohibitions & Standards

- Ambient Air Standards
- Visible Emissions
- Fugitive Dust Emissions
- Open Burning
- Control of Odor



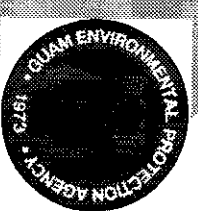
Section §1103 - General Prohibitions & Standards (Continued)



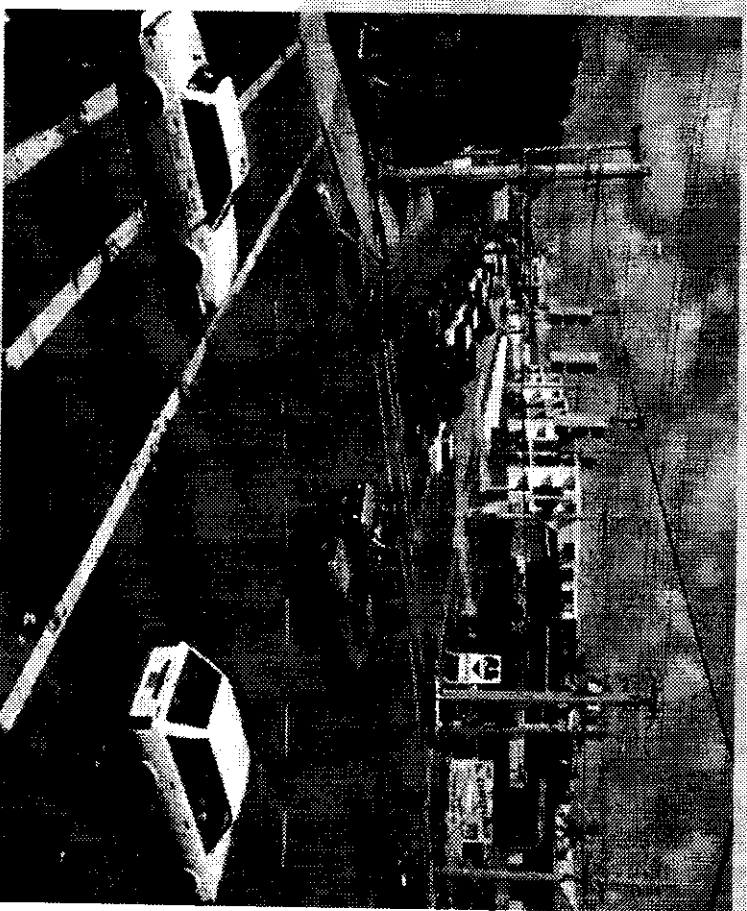
- SO₂ Fuel Content
 - Cabras-Piti Redesignation Request



Section §1103 - General Prohibitions & Standards (Continued)



- Motor Vehicle Emissions
 - Penalties: \$1,000 per violation per day
 - Test Procedures



Section §1103 - General Prohibitions & Standards (Continued)



- **Asbestos**
 - Notification Requirements
 - Asbestos Training



Section §1104 - Permit Program



- **FEDERAL OVERSIGHT SOURCES**
 - Applicability
 - Prevention of Significant Deterioration (PSD)
 - Non-Attainment Area Sources (NAA)
 - New Source Performance Standards (NSPS)
 - Hazardous Air Pollutants Sources
 - Major Sources

Section §1104 - Permit Program (Continued)



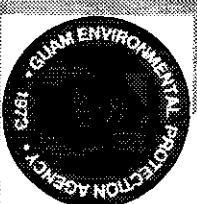
- **FEDERAL OVERSIGHT SOURCES**
 - Permit Application Requirements
 - Emission Related Information
 - Air Pollution Control Requirements
 - Compliance Plan & Certification

Section §1104 - Permit Program (Continued)



- **FEDERAL OVERSIGHT SOURCES**
 - Permit Review Process
 - Completeness Determination: 60 Days
 - Public Participation
 - EPA Review
 - Approval Following Completeness Determination
 - New Sources: 12 Months
 - Existing Sources: 3-6 Months

Section §1104 - Permit Program (Continued)



- **NONFEDERAL OVERSIGHT SOURCES**
 - Applicability
 - >1.0 ton/year of any air pollutant
 - >1.0 ton/year of any HAPS

Section §1104 - Permit Program (Continued)

- **NONFEDERAL OVERSIGHT SOURCES**
 - Permit Application Requirements
 - Simpler than Federal Oversight Sources



Section §1104 - Permit Program (Continued)

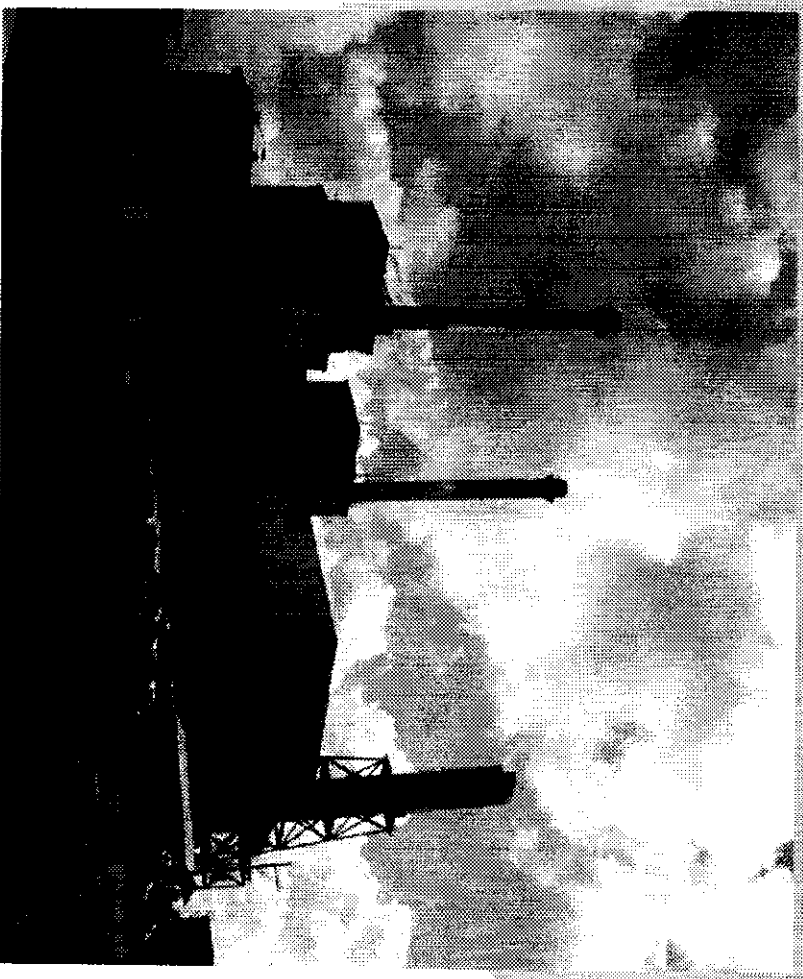


- **NONFEDERAL OVERSIGHT SOURCES**
 - Permit Review Process
 - Completeness Determination: 60 Days
 - Public Participation Upon Request
 - Approval Following Completeness Determination
 - New Sources: 6 months
 - Existing Sources: 60 days

Section §1105 - Special Preconstruction Requirements



- PSD Sources
- NAA Sources



Section §1106 - Standards of Performance for Air Pollution Emission Sources



- Adopts Federal Regulations For New Source Performance Standards (NSPS)
 - Examples:
 - Asphalt Plants
 - Combustion Turbines
 - Bulk Storage Facilities



Section §1107 - Hazardous Air Pollutant Sources (HAPS)

- Lists 189 HAPS
- Incorporates By Reference the National Emission Standards for Hazardous Air Pollutants (NESHAPS)
 - Examples:
 - Dry Cleaners
 - Industrial Boilers

Section §1104 - Permit Program (Continued)



- **FEE PROVISIONS**
 - Air Pollution Control Special Fund
 - Receives all fees and penalties
 - Covers all costs to develop, support, and administer the air permit program

Section §1104 - Permit Program (Continued)



• **FEE PROVISIONS - Application Fee**

- Based on Type of Source
 - PSD (ex. Cabras Power Plant) \$3,750
 - Major (ex. Talofofu Substation) \$1,000
 - Minor (ex. Standby Generator) \$100

Section §1104 - Permit Program (Continued)



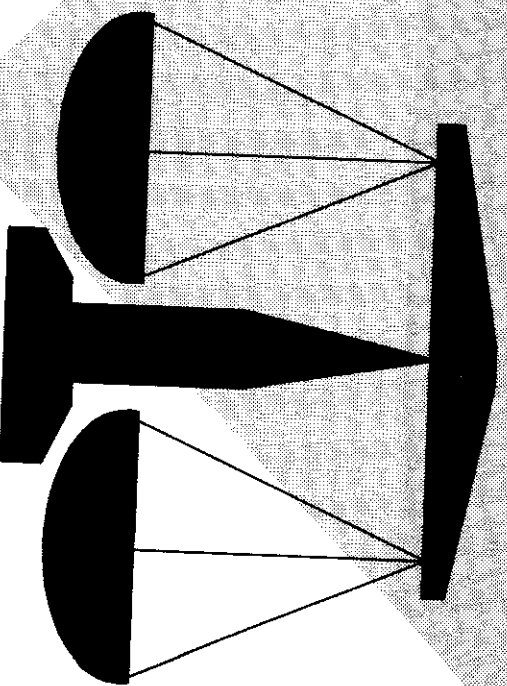
- **FEE PROVISIONS - Annual Emission Fee**
 - \$6.00 per ton of pollutant per year
 - \$60.00 per ton of HAPS per year
 - Minimum Annual Fees:
 - Federal Oversight Sources: \$500
 - Non Federal Oversight Sources: \$100

Section §1104 - Permit Program (Continued)



- **PENALTIES**

- Up to \$10,000 Per Violation Per Day
- Not to Exceed \$200,000



Closing



- **IMPORTANCE OF PROPOSED REVISIONS**

1. Updates Current Air Standards
2. Cost Savings For Guam Residents
 - U.S. Treasury:
\$1.5 million
 - Guam:
\$330 thousand
3. Allows Power Generation at Cabras-Piti Area



Office of Senator
Joanne M. Salas Brown
Twenty-Fourth Guam Legislature

PUBLIC HEARING
Friday, November 27, 1998
9:00 a.m.

AGENDA

1. Introduction of Committee Members

2. Commencement of Public Hearing

1. BILL 784 (COR) - AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY("GEP") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS

2. BILL 785 (COR) - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT

**3. CONFIRMATION OF JOSE L.G. TECHAIRA
MEMBER, BOARD OF DIRECTORS
GUAM ENVIRONMENTAL PROTECTION AGENCY**

At 11:00 a.m., Mark-Up Session for

4. BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."

3. Public Comment

4. Adjournment

prove your identity and
sort, naturalization card,
hired,
tunity employer

condition)
Call 474-6837

HAGATNA, GUAM 96910

TELEPHONE (71)475-3180 FAX: (671)477-9046
CLERK'S OFF E: (671)475-3147

1998

CE

Administration (DEA).
How were seized for
881. Owners or lienor
pursuant to 19 USC
51 & 28 CFR 9.1-9.9
.. Office of Chief
on, VA 22202.
1 to contest the
sel, Asset Forfeiture
unt specified payable
ndicated. A sworn
d. Otherwise, the
USC 1608 and will
nces involving
ities of a controlled
aircraft), expedited
use Act of 1988. See
ses appearing in this
ted properties at the
r businesses are not
appearance of their
rget of DEA

Tabigo, On,
15
Carter, McCarthy;
Guerrero, David
uz, Henry Santos;

perfected property and
or sale.

Advertising

Classified Sales Representative

(Full Time)

Provides sales and service to classified customers. Solicits advertising through telemarketing while also servicing walk-in customers. Customer service experience helpful. Customer service experience helpful. knowledge of office equipment and computer experience a plus. Excellent communication and organization skills preferred.

Pacific Daily News

238 Archbishop Flores Street or
P.O. Box DN Agaña, GU 96932

Federal law requires that anyone we hire be legally entitled to employment in the U.S. We comply with this law on a nondiscriminatory basis. You will be required to prove your identity and work eligibility with a birth certificate, passport, naturalization card, "green card", or other document prior to being hired.

We are an equal opportunity employer and appreciate the value of a diverse workforce.

Application may be picked up at the PDN front desk in the PNB Bldg.,
Agaña from Monday - Friday, 8am - 5pm

The Department of Labor is currently seeking for individuals w/2 years exp. to fill the following positions:

- 15-CARPENTER.....\$11.25/hr.**
Constructs, erects, installs and repairs structures and fixture of wood, plywood and wallboard using carpenters handtools and power tools, conforming to local building codes: studies blueprints, sketches or building plans for information pertaining to the type of material required such as lumber or fiberboard, and dimension of structure of fixture to be fabricated. Selects specific type of lumber or materials. Prepares layout using ruler, framing square of clippers. Marks cutting or assembly line on materials using pencil, chalk and marking gage. Shapes materials to prescribed measurements using saws, chisels and plans.
 - 05-CEMENT MASONS.....\$10.83/hr.**
Smooths/finishes surfaces of poured concrete floors, walls sidewalks, curbs to specified textures, using hand or power tools, including floats, trowels and screeds. Spreads concrete to specified depth and workable consistency using float to bring water to surface and produce soft topping. Levels, smooths, and shapes surfaces of freshly poured concrete, using straightedge and float or power screed. Finishes concrete surfaces using power trowel, and rubs concrete with abrasive stone to impart finish. Lays concrete blocks and mixes cement using shovel, handtools or mixing machines.
 - 09-PLASTERERS.....\$9.57/hr.**
Applies coats of plaster to interior walls, ceiling & partitions of building to produce a finished surface, according to blueprints, architect's drawings, or oral instructions, using hand or portable power tools. Directs workers to mix plaster to desired consistency & to erect scaffolds. Spread plaster over lath or masonry base, using trowel, & smooths plaster with darby & float to attain uniform thickness. Create decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones. Install lathing, mix mortar, install guide wires on exterior surface of buildings to indicate thickness of plaster to be applied. May install precast ornamental plaster pieces by applying mortar to back of pieces & pressing pieces into place on wall or ceiling.
 - 04-REINFORCING METAL WORKER.....\$9.92/hr.**
Positions and secures steel bars in concrete forms to reinforce concrete. Determines number, size, shapes and locations of reinforcing rods from blueprints, sketches, or oral instructions. Selects and place rods in forms, spacing and fastening them together using wire and pliers. Cut bars to required lengths, using hacksaw, bar cutter, or acetylene torch. May bend steel rods with handtools, or rod bending machine. May reinforce concrete with wire mesh, may weld reinforce bars together using arc-welds equipment.
 - 02-CAMP COOKS.....\$9.00/hr.**
Prepares and cooks family style meals in quantities according to the menu and the number of persons to be served. Plans meals for the day. Keeps inventory of stock, orders and purchases supplies. Washes dishes, pots and pans. Keep kitchen in clean and sanitary condition according to health regulation. Must possess a health certificate upon hire.
- Interested applicants, please apply at Guam Employment Service with the One Stop Career Center, 125 Tun Jesus Crisostomo St. Suite 101 Tamuning, Guam 96911 (Sunny Plaza) (Ref. No. 981012)

POWER AUTHORITY

at Hektresedat Guahan
HAGATNA, GUAM USA 96910-2977
-9251/2/3 or Fax No. (671) 646-8163

ON TO BID

DESCRIPTION

- 1. Trash Removal Services
- 1. Pad Mounted Transformers
- 1. Removal and Disposal of Waste, Contaminated Fuel, Oil and Oily Rags at various GPA Locations
- 80-Ton Crane Rental Svcs.
- Tree-Trimming Services
- Vacuum Truck Rental
- Power Plant Chemicals
- 115/34.5kV Power Transformer
- Miscellaneous Electrical Material
- Substation Structures and Equipment
- Wires

Opening Mon. Nov. 23, 1998 at the GPA
submitted before scheduled time and date
Procurement Manager, Procurement Office
GPA Central Office,
Agaña, Guam 96911.

Ricardo S. Unpingco
General Manager

TWENTY - FOURTH GUAM LEGISLATURE Committee on Natural Resources

Senator Joanne M. S. Brown
Chairperson



NOTICE OF PUBLIC HEARING

The Committee on Natural Resources will be conducting a Public Hearing on Friday, November 27, 1998 at 9:00 a.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna, on

BILL 784 (COR) - AN ACT TO ESTABLISH RULES AND REGULATIONS FOR THE GUAM ENVIRONMENTAL PROTECTION AGENCY ("GEPA") AIR POLLUTION CONTROL STANDARDS AND REGULATIONS;

BILL 785 (COR) - AN ACT TO AMEND CHAPTER 51 OF 10 GUAM CODE ANNOTATED RELATIVE TO SOLID AND HAZARDOUS WASTE MANAGEMENT;

**CONFIRMATION OF JOSE L.G. TECHAIRA
MEMBER, BOARD OF DIRECTORS GUAM
ENVIRONMENTAL PROTECTION AGENCY;**

At 11:00 a.m., Mark-Up Session for

BILL 655 (LS) - AN ACT TO MANDATE THE GOVERNMENT OF GUAM ON THE REDUCTION OF SOLID WASTE BY PROVIDING INCENTIVES FOR RECYCLING, SOURCE REDUCTION, AND COMPOSTING FOR ALL DEPARTMENTS, AGENCIES, AND INDIVIDUAL SCHOOLS AND ASSIST THE COMMUNITY IN GETTING INVOLVED IN MUNICIPAL SOLID WASTE REDUCTION AND CALL THIS "THE SOLID WASTE REDUCTION ACT."

ADA Coordinator:

Mrs. Toni Gumataotao at 472-3450/51

The public is invited to attend.