

RULE 1401 Definitions

For the purposes of Regulation XIV, the following Definitions shall apply:

- (A) "Actual Emissions Reductions" (AERs) - Emission reductions which result from modifications to or shutdowns of existing emissions unit(s) which may be banked pursuant to this regulation and subsequently used for offsets pursuant to regulation XIII. AERs shall be real, enforceable, quantifiable, surplus and permanent. AERs shall be calculated pursuant to the provisions of District Rule 1404.
- (B) "Adjustment" - The process by which the District modifies the amount of AERs so that the AERs reflect only the surplus reductions beyond those otherwise required by Federal, State, or District law, rule, order, permit or regulation.
- (C) "Air Pollutant" - Any air pollution agent or combination of such agents, including any physical, chemical, biological or radioactive (including source material, special nuclear material and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant.
- (D) "Air Pollution Control Officer" (APCO) - The person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of California Health & Safety Code §40750 and his or her designee.
- (E) "Air Quality Attainment Plan" (AQAP) - A planning document submitted and periodically revised by the District pursuant to the provisions of California Health & Safety Code §§40910 et seq. and approved by the California Air Resources Board.
- (F) "Banked" - The end result of the procedure set forth in District Rule 1402(B) which results in the issuance of an ERC Certificate and the recordation of the ERC in the Registry.
- (G) "Control Efficiency" - The enforceable control efficiency of a proposed air pollution control equipment or procedure which will be incorporated into the process or onto the emissions unit(s). Such equipment or other modifications shall be recorded on the authority to construct/permit to operate as a federally enforceable permit condition. Emission reductions attributed to reduced throughput rates or operating hours shall not be considered in determining control efficiency.

- (H) "District" - The Mojave Desert Air Quality Management District, the geographical area of which is described in District [Rule 103](#).
- (I) "Emission Reduction Credits" (ERCs) - A credit for an amount and type of regulated air pollutant granted by the District pursuant to this regulation which is evidenced by recordation in the Registry and by an ERC Certificate.
- (J) "Emissions Unit" - Any article, machine, equipment, or other contrivance, or any combination thereof, which may cause the issuance or control the issuance of air pollutants.
- (K) "Enforceable" - Verifiable and legally binding. Enforceable, for the purposes of federal requirements, means all federally enforceable limitations and conditions enforceable by the USEPA Administrator, including: NSPS; NESHAP; requirements within any applicable State Implementation Plan; any permit requirement established pursuant to [40 CFR 52.21](#), [51.160-166](#); or federal operating permit requirements.
- (L) "ERC Certificate" - A certificate evidencing ownership of an ERC issued pursuant to the provisions of [Rule 1402\(A\)\(3\)](#) and [\(B\)](#).
- (M) "Facility" - Any emissions unit or combination of emissions units which emits or may emit an air pollutant; and belongs to a single major industrial group in the Standard Industrial Classification Manual; and is located on a single parcel of land or on contiguous property within the District; and which is owned or operated by the same person or by persons under common control.
- (N) "Historic Actual Emissions" (HAE) - The actual emissions of an emissions unit or combination of emissions units, including fugitive emissions directly related to the emissions unit(s), calculated in pounds per year and determined as follows:
- (1) The verified actual emissions of an emissions unit, or combination of emissions units, averaged from the two year period which immediately precedes the date of application and which is representative of facility operations; or
 - (2) The verified actual emissions of an emissions unit, or combination of emissions units, averaged for any two years of the five year period which immediately precedes the date of application which the APCO has determined is more representative of facility operations than subsection (1) above; or
 - (3) The verified actual emissions of an emissions unit, or combination of emissions units, averaged for the two year period immediately prior to a modification or other change provided that the emissions reductions from that modification or other change were not reflected in the District's 1990 Emissions Inventory.

- (4) If an emissions unit has been in operation for less than one year, the HAE shall be equal to zero.
- (O) "Military Base designated for closure or realignment" - A military base designated for closure or downward realignment pursuant to the Defense Base Closure and Realignment Act of 1988 (PL 100-526) or the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. §§2687 et seq.).
- (P) "Offset(s)" - AERs which are used to mitigate emission increases of a regulated air pollutant on a pollutant category specific basis pursuant to the provisions of Regulation XIII--New Source Review.
- (Q) "Permanent" - Only permanent reductions in emissions can qualify for emission reduction credit. Permanence may generally be assured for sources subject to federal requirements by requiring federally enforceable changes in source permits, or applicable state regulations to reflect a reduced level of allowable emissions.
- (R) "Person" - Includes but is not limited to: any individual, firm, association, organization, partnership, business trust, corporation, limited liability company, company, proprietorship, trust, joint venture, government, political subdivision of a government, or other entity or group of entities.
- (S) "Potential to Emit" - The maximum capacity of an emissions unit to emit any air pollutant under its physical and operational design.
- (1) Any physical or operational limitation on the capacity of an emission unit to emit an air pollutant, including air pollution control equipment; restrictions on hours of operation; or restrictions on the type and/or amount of material combusted, stored or processed, shall be treated as part of the operational design if such limitation is federally enforceable.
- (2) Fugitive emissions directly related to the emissions unit shall be included in the calculation of the emissions unit's potential to emit.
- (T) "Proposed Emissions" - The potential of an emissions unit to emit any air pollutant after the proposed modification or other change has been implemented.
- (U) "Quantifiable" - Ability to estimate emission reductions in terms of both their amount and characteristics. The same method of calculating emissions should generally be used to quantify the emission levels before and after the reduction.
- (V) "Readjustment" - The process of revising the amount of AERs and ERCs issued, which can occur under the following circumstances:

- (1) the original AERs were adjusted based upon a proposed Rule or Regulation, which was not identified in the District's Air Quality Attainment Plan or State Implementation Plan **and** the District has determined that the Rule or Regulation will not be adopted by the District; or
 - (2) the original AERs were adjusted based upon a control measure which was identified in the District's Air Quality Attainment Plan or State Implementation Plan **and** the control measure has subsequently been removed from either or both documents **and** no District Rule or Regulation has been adopted for the control measure.
- (W) "Real" - Actually occurring, implemented, and not artificially devised.
- (X) "Reasonably Available Control Technology" (RACT): the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. This includes any District, State or Federal requirement intended to satisfy Federal Clean Air Act §172(c)(1) or §182(b)(1)(A)(ii)(II).
- (Y) "Reclassification" - The process by which the District cancels Class "B" ERCs and reissues them as Class "A" ERCs.
- (Z) "Registry" - The document established by District Rule 1402(A)(2) which lists all ERCs, their amounts, owners and serves as evidence of ownership of an ERC.
- (AA) "Regulated Air Pollutant" - Any of the following air pollutants:
- (1) Any air pollutant, and its precursors, for which a national and/or State ambient air quality standard has been promulgated.
 - (2) Any air pollutant that is subject to a standard under 42 U.S.C. §7411 (Federal Clean Air Act §111) or any regulation promulgated pursuant to that section.
 - (3) Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or any regulation promulgated pursuant to that section.
 - (4) Any air pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412 (Federal Clean Air Act §112).
- (BB) "Shutdown" - The earlier of either:
- (1) the permanent cessation of emissions from an emissions unit; or
 - (2) the surrender of that emissions unit's operating permit.

- (CC) "State Implementation Plan" (SIP) - A plan created by the District and approved by USEPA to satisfy requirements of the Federal Clean Air Act.
- (DD) "Surplus" - In excess of emission reductions which are otherwise required by Federal, State, or District law, rule, order, permit or regulation.
- (EE) "U.S. Environmental Protection Agency" (USEPA) - Refers to the Administrator or the appropriate designee of the United States Environmental Protection Agency.

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