

GUAM EPA

Technical Support Document (TSD)

for

**Revisions to Guam Air Pollution
Control Standards And Regulations**

Date: September 2004

Guam Environmental Protection Agency
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

TABLE OF CONTENTS

Section	Page
I. INTRODUCTION	1
II. BACKGROUND.....	1
III. REVISIONS REQUIRED BY USEPA	2
III.A. SIP Submittal Required.....	2
III.B. Clarification of Submittal Scope.....	3
III.C. Clear Reference to Injunctive Authority	3
III.D. USEPA Ability to Reopen For Cause	4
III.E. Changes to Definitions and Section 1104.2(b)	5
III.E.1 Definition of “Hazardous Air Pollutant”	5
III.E.2 Definition of “Minor Source”	5
III.E.3 Definition of “Permit”	5
III.E.4 Definition of “Insignificant Activity”	6
III.E.5 Definition of “Major Source”	7
III.E.6 Clarification of Permit Exemptions	9
IV. ADDITIONAL REVISIONS	9
IV.A. General Definitions (Section 1101.1)	10
IV.A.1 Definition of “Air Pollution”	10
IV.A.2 Definition of “Emergency”	10
IV.A.3 Definition of “Mobile Source”	10
IV.A.4 Definition of “Stationary Source”	11
IV.B. Prohibition of Air Pollution	11
IV.C. Confidential Data	12
IV.D. Motor Vehicle Emissions.....	12
IV.E. Open Burning.....	13
IV.F. Definitions for Permit Program (Section 1104.1)	14
IV.F.1 Definition of “Administrative Permit Amendment”	14

TABLE OF CONTENTS

Section	Page
IV.F.2 Definition of “Minor Modification”	15
IV.F.3 Definition of “Non-Federal Oversight Source”	15
IV.F.4 Definition of “Significant Modification”	15
IV.G. Application Shield.....	16
IV.H. Sources That Become Subject to Permitting.....	17
IV.I. Permit Transfer	17
IV.J. Modification Requirements.....	17
IV.K. Temporary Sources	19
IV.L. Compliance Plans.....	21
IV.M. Permit Content	22
IV.N. Public Participation	23
IV.O. Annual Fees.....	24
V. CONCLUSION.....	25

I. INTRODUCTION

Guam Environmental Protection Agency (Guam EPA) has adopted regulations for air quality protection in Sections 1101 through 1107 of the Guam Air Pollution Control Standards And Regulations (APCSR). These regulations contain a broad variety of requirements, including air pollution modeling and monitoring, rules for specific source categories, air permit rules, and administrative requirements.

The regulations for issuing Air Pollution Control Permits can be found in Guam APCR Section 1104. This section is designed to satisfy the requirements of 40 CFR 69.13, which contains provisions for the approval of an alternate Title V air permit program in Guam. This program requires air permits for major stationary sources of air pollution consistent with the basic requirements of Title V of the Federal Clean Air Act. United States Environmental Protection Agency (USEPA) has granted interim approval of this program, and has identified the changes that are required before this program can be granted full approval, and the required deadline for making these changes and submitting a revised program to USEPA.

Guam EPA has prepared proposed revisions to the Guam APCR are required by USEPA. In addition, Guam EPA has prepared additional changes that will improve the Air Pollution Control Permit program. Some of these changes have been recommended by members of the regulated community, and others have been identified by Guam EPA staff during the implementation of the permit program. These additional changes will provide necessary clarifications concerning permit issues and help streamline the process of issuing permits in general. The proposed changes to the Air Pollution Control Permit program are described below, as well as a discussion of the rationale for these changes.

It should also be noted that additional, minor changes are proposed to correct typographical, spelling, and grammatical errors, and to update numbering as required to accommodate new requirements. These types of changes are not listed in this Technical Support Document, but these are shown in underline-strikeout text along with other changes in the revised regulations prepared by Guam EPA.

II. BACKGROUND

Title V of the Federal Clean Air Act requires states, including Guam, to adopt and submit to USEPA a Title V operating permit program for major sources and certain other stationary sources. The Governor of Guam submitted a petition pursuant to Section 325(a) of the Clean Air Act requesting an exemption from the Title V program, but committed to achieving several of the goals of Title V by developing an alternate operating permit program. On November 13, 1996, USEPA issued a direct final rule (61 FR 58289), codified at 40 CFR 69.13 ("Title V Conditional Exemption") in which USEPA granted Guam EPA an exemption from the requirement to adopt a Title V program on the

condition that Guam EPA adopt and implement a local alternate operating permit program. In response to this rulemaking, Guam EPA submitted an alternate operating permit program to USEPA for approval on January 13, 1999.

On January 9, 2003, United States Environmental Protection Agency (USEPA) granted interim approval of Guam EPA's alternate Title V program (68 FR 1162), which contained an effective date of April 9, 2003. Since this time, Guam EPA has started implementation of this program by requesting applications from regulated sources and beginning the process of issuing permits. Interim approval was granted because USEPA identified deficiencies with the Guam EPA program that required correction before full approval could be granted. In its interim approval action, USEPA identified these deficiencies, and stated that Guam EPA must submit revisions correcting these deficiencies within 18 months of the effective date of the approval (i.e., by October 9, 2004).

III. REVISIONS REQUIRED BY USEPA

USEPA's notice granting interim approval of the Guam EPA air permit program was very specific in identifying the issues that needed to be addressed for full approval. In each case, USEPA provided recommended language changes (additions and deletions). In the current proposed changes to the Guam Air Pollution Control Standards And Regulations, Guam EPA has proposed to accept all of the changes required by USEPA. These recommendations and the rationale provided by USEPA are provided below.

III.A. SIP Submittal Required

40 CFR 69.13(c) requires that the Guam State Implementation Plan (SIP) be revised to include language stating that a person shall not violate a condition or term of a permit issued under Guam's approved alternate operating permit program. Guam EPA previously submitted a revision to the Guam SIP to USEPA, but this revision was not accepted due to procedural issues. These required procedures include adoption of the revision after reasonable notice and public hearings, and certification that such hearings have been held.

As a part of the current rule revisions, Guam EPA is proposing to add Section 1104.26 ("Permit Compliance") to the Guam Air Pollution Control Standards And Regulations. This section would read as follows:

"Section 1104.26. Permit Compliance. A person shall not violate a permit condition or term in an operating permit that has been issued under an EPA approved alternative operating permit program adopted by Guam pursuant to the exemption authorized in 40 CFR Part 69.13."

This section will be adopted, along with other proposed changes, allowing for required public participation, including a public hearing and consideration of public comments. After adoption by the Guam legislature into the Guam APCSR, this section will then be separately submitted to USEPA for incorporation into the Guam SIP.

III.B. Clarification of Submittal Scope

In the original submittal of the Guam alternative operating permit program to USEPA, only Guam APCSR Section 1104 was submitted, since this section contains the requirements related to issuing operating permits. USEPA noted in its interim approval, however, that this section references other sections of the APCSR. Therefore, USEPA has requested that Guam EPA amend its previous submittal requesting that additional sections of the Guam APCSR be included as part of the alternate operating permit program. The sections listed by USEPA are as follows:

Section 1102.3	Certification
Section 1102.7	Public Access to Information
Section 1102.9	Prompt Reporting of Deviations
Section 1106	Standards of Performance for Air Pollution Emission Sources

No revisions to the current regulations are required to fulfill this requirement. In order to satisfy the USEPA comments, these sections will be requested in the upcoming submittal to USEPA to be approved as part of the Guam alternate operating permit program.

III.C. Clear Reference to Injunctive Authority

40 CFR § 69.13(b)(6) requires that the alternate operating permit program must provide Guam EPA with the authority to enforce permits, including the authority to assess civil and criminal penalties up to \$10,000 per day per violation and to enjoin activities that are in violation of the permit, the program, or the Act without first revoking a permit. USEPA has recognized that Guam Law authorizes Guam EPA for injunctions of this nature at Section 49115, and civil penalties at Section 49116. Previously, Section 1104.25(a) of the Guam APCSR only incorporated by reference Section 49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the Guam Code Annotated. For final approval of the alternate permit program, USEPA has required that Section 1104.25(a) must be amended to incorporate by reference both § 49115 and § 49116.

In accordance with the USEPA comments described above, Guam EPA has proposed to revise Section 1104.25(a) of the Guam APCSR. For consistency, an identical change is proposed for Section 1102.12 concerning any violations of Guam EPA regulations.

“Section 1102.12. Penalties and Remedies. Any person who violates any provision of these Standards and Regulations, any term or condition of a permit shall be subject to the penalties and remedies provided for in §49115 and §49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the Guam Code Annotated.”

“Section 1104.25. Penalties and Remedies. (a) Any person who violates any provision of these Standards and Regulations, or any term or condition of a permit shall be subject to the penalties and remedies provided for in §49115 and §49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the Guam Code Annotated.”

III.D. USEPA Ability to Reopen For Cause

40 CFR 69.13(b)(10) requires that the permit program allow USEPA to reopen a permit issued by Guam EPA for cause. If USEPA provides Guam with written notice that a permit must be reopened for cause, Guam EPA is required to issue a revised permit within 180 days (including public notice and comment) that sufficiently addresses USEPA=s concerns. If Guam EPA fails to issue a permit that resolves USEPA=s concerns within 180 days, then USEPA has the authority to terminate, modify, or revoke and reissue the permit under 40 CFR Part 71 after providing the permittee and the public with notice and opportunity for comment.

USEPA has found that the existing version of Guam APCSR Section 1104.16 meets this requirement for permit issuance, renewal or amendment. Actions to terminate, suspend, reopen or amend a permit are covered by Sections 1104.18(f) and 1104.18(g). Under the current version of Sections 1104.18(f) and 1104.18(g), it could take as long as 360 days to terminate, suspend, reopen or amend the permit in accordance with USEPA=s objection. Under Section 1104.18(f), Guam EPA has up to 180 days to submit a proposed determination. If USEPA then objects, Section 1104.18(g) currently allows Guam EPA up to 180 additional days to terminate, suspend, reopen or amend the permit in accordance with USEPA=s objection. In the case of termination or suspension of a permit, the current Guam regulations do not clearly state that USEPA shall itself have authority to act under 40 CFR Part 71.

In response to USEPA’s comments, Guam EPA proposes to amend Sections 1104.18(f) and 1104.18(g) of the Guam APCSR as follows:

“(f) Upon program approval, if the USEPA Administrator notifies the Administrator of any cause to terminate, suspend, reopen, or amend a permit issued to a federal oversight source, the Administrator shall not issue an air pollution control permit, permit renewal, or permit amendment for a significant modification. The administrator shall submit to USEPA Administrator a proposed determination of termination, suspension, reopening or an amended proposed air pollution control permit as appropriate within one hundred eighty (180) days of receipt of such written notification, or within such other times as required by the USEPA. ~~a proposed determination of termination, suspension, reopening, or amendment as appropriate.~~ If objections are not resolved within the one hundred eighty (180) days, USEPA shall issue the air pollution control permit under 40 CFR Part 71.

~~(g) Upon program approval, if the USEPA Administrator objects to the Administrator's proposed determination referenced in Subsection (f), the Administrator shall terminate, suspend, reopen, or amend the permit in accordance with the USEPA Administrator's objection within one hundred eighty (180) days from receipt of a written objection.”~~

III.E. Changes to Definitions and Section 1104.2(b)

In its interim approval action, USEPA commented that certain definitions and Section 1104.2(b) of the Guam Air Pollution Control Standards and Regulations contain ambiguities that should be corrected in order to prevent problems that might otherwise arise during program implementation. USEPA has required that these changes must be made for full approval of Guam's alternate operating permit program. The required changes are listed below and are proposed to be adopted as specified by USEPA. In some cases, the numbering of a condition is also proposed to change. This occurs where a new requirement or definition has been added to the regulations as part of this rulemaking, requiring re-numbering of subsequent sections.

III.E.1 Definition of "Hazardous Air Pollutant"

The definition of "hazardous air pollutant" at section 1101.1(kk) has been revised to clearly include not only hazardous air pollutants (HAPs) listed in the Federal Clean Air Act, but also HAPs listed by USEPA pursuant to section 112(b) of the Act. The following change is therefore proposed:

~~"(kk)(ll) "~~**Hazardous air pollutants**~~" mean those hazardous air pollutants listed in~~ pursuant to §112(b) of the Clean Air Act, and any other hazardous air pollutants listed in §1107.2."

III.E.2 Definition of "Minor Source"

The definition of "minor source" at section 1104.1(i) has been revised to clarify that A major source ≡ and A minor source ≡ are mutually exclusive categories, and to clarify that minor sources and insignificant sources are not mutually exclusive categories. Guam EPA proposes the following change to this definition:

~~A(i)(j) A~~ **Minor Source** ~~≡ means any air pollution emission source that is below the threshold for a major source exceed the parameters of Insignificant sources – type I or type II. ≡~~

III.E.3 Definition of "Permit"

The definition of A permit ≡ in Section 1101.1(zz) has been revised by deleting the second sentence. This sentence did not add additional information or clarity to this definition, and USEPA has expressed a concern that it could introduce unnecessary confusion. Guam EPA proposes the following change to this definition:

~~"(zz)(aaa) "~~**Permit**~~" means written authorization from the Administrator to construct, modify, relocate, or operate any regulated or hazardous air pollutant~~

~~source. A permit authorizes the owner or operator to proceed with the construction, modification, relocation, or operation of a regulated or hazardous air pollutant source, and to cause or allow the emission of such air pollutants in a specified manner or amount, or to do any act not forbidden by the Clean Air Act or regulations promulgated pursuant to the Clean Air Act, the Guam Air Pollution Control Act and regulations promulgated pursuant to the local statute.”~~

III.E.4 Definition of “Insignificant Activity”

The current Guam air regulations define two categories of insignificant sources: Type I and Type II. Guam EPA has decided to rename these as “insignificant activities” to be consistent with the term used by USEPA in the federal Title V permit regulations (40 CFR Parts 70 and 71). This should also clarify that this definition refers to equipment located at a stationary source, rather than to an entire source.

These definitions have also been revised to provide clarity about the types of sources that are required to obtain a permit from Guam EPA, and about the level of information required for insignificant sources located at a facility that is required to get a permit. Several changes are proposed for the definitions of AInsignificant activity - Type I \cong and AInsignificant activity - Type II \cong at Sections 1104.1(f) and (g), as described below. The text of the proposed changes to these definitions follows the list describing the rationale for these changes.

- a. In addition to the list of source categories, the definition of “Insignificant activity - Type I” has been modified to include activities or equipment with potential emissions of less than 2.0 tpy of each air pollutant (excluding HAPs) and less than 0.5 tpy of each hazardous air pollutant. This is consistent with the federal definition of insignificant activities found in 40 CFR 71.6(c)(11).
- b. One of the listed categories in the definition of “Insignificant activity - Type I” has also been modified to clarify that paint spray booths cannot be considered insignificant sources if these are subject to regulation for hazardous air pollutant emissions under Section 112(d) of the Clean Air Act. Other listed categories in this definition are not proposed to change.
- c. The definition of “Insignificant activity - Type II” is modified to clarify that internal combustion engines are not insignificant simply because these are used in a private dwelling or for space heating. As with boilers or other combustion equipment, internal combustion engines may only be considered insignificant if they are less than the size thresholds in the definition of “Insignificant activity - Type I” (i.e., each piece of equipment must be less than 1 MMBtu/hr and total capacity of all equipment must be less than 5 MMBtu/hr).
- d. The definition of “Insignificant activity - Type II” is modified to allow activities performed for plant maintenance and upkeep are considered insignificant, as

long as these are not related to a facility's primary business and are not otherwise subject to applicable requirement triggering a permit modification.

With respect to these two definitions, Guam EPA is currently proposing the following changes:

“(f) ***“Insignificant Activity Sources - Type I”*** means any of the following ~~air pollution emission sources that include only the following sources of air pollutant:~~

(1) Any emission activity or equipment with potential emissions of less than 2.0 tpy of each air pollutant (excluding HAPs) and less than 0.5 tpy of each hazardous air pollutant;

~~(56) Standby generators used by non-federal oversight sources that are used exclusively to provide electricity, standby sewage pump drives, and other emergency equipment all of which are used only during power outages, emergency equipment maintenance and testing, and are fired exclusively by natural or synthetic gas; or liquefied petroleum gas; or fuel oil No. 1 or No. 2; or diesel fuel oil No. 1D or No. 2D, with a heat input capacity not exceeding 350,000 BTU/hr;~~

~~(67) Paint spray booths, except for paint spray booths subject to any standard or other requirement pursuant to Section 112(d) of the Act...~~”

and

“(g) ***“Insignificant Activity Sources - Type II”*** means any of the following ~~air pollution emission sources that include only the following sources of air pollutants:~~

~~(12) Fuel burning equipment which is used in a private dwelling or for space heating, other than internal combustion engines, boilers or hot furnaces...~~

~~(17) Plant maintenance and upkeep activities (e.g., grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), including equipment used to conduct these activities, provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and are not otherwise subject to applicable requirement triggering a permit modification.~~”

III.E.5 Definition of “Major Source”

The definition of A major source \cong at Section 1104.1(h) is revised so that it includes all major sources under the Clean Air Act. The current version of the regulations does not list

lower thresholds established by USEPA for all nonattainment area designations. Aside from specified areas for SO₂, Guam is currently in attainment for all criteria pollutants but it is possible that portions of Guam might become nonattainment areas in the future. The Guam regulations are therefore amended to allow for this possibility. The definition of "major source" has been revised to match the definition in 40 CFR 70.2, which includes major stationary sources as defined in Part D of Title I of the Clean Air Act. The following language is proposed:

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

A(1) Any hazardous air pollutant, except radionuclides, in the aggregate of ten tons per year or more including fugitive emissions, or twenty-five tons per year or more of any combination including fugitive emissions, or such lesser quantity as the USEPA Administrator may establish by rule;

...

(4) In nonattainment areas, a major stationary source as defined in part D of Title I of the Clean Air Act, including:

(A) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the USEPA Administrator has made a finding, under section 182(f) (1) or (2) of the Clean Air Act, that requirements under section 182(f) of the Act do not apply;

(B) For ozone transport regions established pursuant to section 184 of the Clean Air Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;

(C) For carbon monoxide nonattainment areas:

- (i) That are classified as "serious," and
- (ii) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and

(D) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10."

III.E.6 Clarification of Permit Exemptions

The language under Section 1104.2(b) is clarified to make clear that no federal oversight sources may be exempted from the requirement to obtain a permit. Previously, sources were required to meet at least two of the listed criteria to be exempt from permitting. Guam EPA has determined that this is overly restrictive, so this section is changed to allow that sources meeting any one of the listed criteria are exempt. The emissions threshold for an exemption is also made consistent with the federal definition for insignificant activities. Guam EPA proposes the following changes:

“(b) An air pollution emission source which is a non-federal oversight source is exempt from the requirements of Subsection (a) if it is ~~either not a federal oversight source or~~ a minor source ~~is~~ and it is included in at least ~~two~~ one of the following categories:

- (1) Sources with potential emissions of less than 2.0 ~~4.0~~ tpy of each air pollutant (excluding HAPs) and less than 0.5 ~~1.0~~ tpy of each hazardous air pollutant;
- (2) Kilns used for firing ceramic ware heated exclusively by natural gas, electricity, liquid petroleum gas, or any combination of these and have a heat input capacity of ten million BTU per hour or less;
- (3) Gasoline service stations; or
- (4) Sources consisting only of Insignificant sources activities - type I; and Insignificant activities - type II.
- (5) ~~Insignificant sources - type II~~

IV. ADDITIONAL REVISIONS

During the period of initial implementation of Guam EPA's operating permit program, it has become clear that additional changes to the permit regulations are warranted beyond those required by USEPA. These changes would provide clarity about permit requirements and deadlines. In addition, Guam EPA has identified additional revisions that will improve the Guam air regulations outside of the permit requirements. These changes are also being proposed at this time.

A listing of proposed new wording and a description of the rationale for each proposed change is included below.

IV.A. General Definitions (Section 1101.1)

Section 1101.1 of the Guam APCSR contains definitions of fundamental terms that are used throughout all of the Guam air regulations. Several changes to these definitions are proposed at this time, as described below.

IV.A.1 Definition of “Air Pollution”

The definition of “air pollution” in Section 1101.1(e) is being modified to provide clarification concerning employer-employee relationships. Air pollution is still generally defined as the presence of a substance in the outdoor air that has the potential to cause health impacts or a nuisance. Health standards for employees are typically defined under a different set of regulations (e.g., Occupational Safety and Health Administration (OSHA) standards) than those for members of the general public. The proposed change to the Guam regulations is designed to provide clarification concerning this distinction.

The specific wording of this definition appears in regulations adopted by other states, including Hawaii, and has been previously approved by USEPA. The following change to this definition is proposed:

~~“(e) “*Air pollution*” means the presence in the outdoor atmosphere of one (1) or more substances in such quantities and duration as is or tends to be injurious to human health or welfare, plant life, animal life or property, or would unreasonably interfere with the enjoyment of life or property.~~ means the presence in the outdoor air of one (1) or more substances in quantities and for durations which may endanger human health or welfare, plant or animal life or property or which may unreasonably interfere with the comfortable enjoyment of life and property, but excludes all aspects of employer-employee relationships as to health and safety hazards.”

IV.A.2 Definition of “Emergency”

The Guam air regulations contain requirements and allowances for emergency situations. Section 1104.17 (“Emergency Provision”) contains an affirmative defense provision similar to the one developed by USEPA for the Federal Operating Permits Program found in 40 CFR 71.25(e)(2). This affirmative defense allows a facility to be able to claim that noncompliance occurred as a result of an unforeseeable emergency situation. Previously, the Guam air regulations did not contain a definition of “emergency.” A definition identical to the one found in 40 CFR 71.25(e)(1) is proposed to be added to Section 1101.1(aa), as listed below.

“(aa) “*Emergency*” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based

emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error, and shall not include an exceedance of a health-based emission limitation.”

IV.A.3 Definition of “Mobile Source”

The term “mobile source” typically refers to transportation sources, such as automobiles, trucks, airplanes and boats. Under federal regulations, this term also encompasses nonroad engines, which include engines used to power moving equipment that does not travel on roads or highways, such as farm equipment or recreational vehicles. Guam EPA proposes to adopt this category of nonroad equipment into its definition of mobile source.

~~(oo)~~(pp) **“Mobile source”** means any vehicular air pollutant source, including, but not limited to, automobiles, trucks, buses, other motor vehicles, nonroad engines and equipment, aircraft, ships, boats and other waterborne craft.

IV.A.4 Definition of “Stationary Source”

The term “stationary source” is commonly used in air pollution control regulations developed by USEPA and States. This term typically refers to any piece of equipment or a collection of equipment that emit air pollution, and that typically remain in one place during operation (as opposed to “mobile sources” such as automobiles). The Guam air regulations use the term “stationary source” but previously have not contained a definition of this term. A definition of this term is proposed to be added that is identical to the one adopted by the State of Hawaii in its air regulations, and that has previously been approved by USEPA. Guam EPA proposes the following definition:

“(tt) **“Stationary source”** means any piece of equipment or any activity at a building, structure, facility, or installation that emits or may emit any air pollutant.”

IV.B. Prohibition of Air Pollution

It is common for environmental requirements to overlap with requirements from other types of regulations that affect operations at a facility. It is also common for air regulations, in particular, to affect requirements for the protection of other types of environmental requirements, such as solid waste or water quality protection. A revision is proposed to clarify that approval from Guam EPA to construct or operate a source of air pollution does not release a permittee from compliance with other applicable statutes, local laws, regulations, or ordinances. Conflicting requirements must be actively addressed on a case-by-case basis, and an air permit from Guam EPA may not be used to shield a permittee from other requirements. The following change is proposed:

“Section 1102.1. Prohibition of air pollution. No person, including any public body, shall engage in any activity which causes air pollution or causes or allows the emission of any regulated or hazardous air pollutant without first securing an approval in writing from the Administrator when required by these Standards and Regulations. The written approval from the Administrator shall not release any person from compliance with any other applicable statutes, local laws, regulations, or ordinances.”

IV.C. Confidential Data

The Guam air regulations currently allow certain information provided to Guam EPA to be considered confidential, upon request from a regulated source. Such requests are granted at the discretion of Guam EPA. A change is proposed to clarify that information requested by USEPA related to emissions or to compliance with air regulations must be provided, either by Guam EPA or by a regulated source. The following change is proposed:

Section 1102.7. Public Access to Information.

“(d) Upon a satisfactory showing to the Administrator by any owner or operator that any records, reports, or information, or particular part thereof, other than emission data, to which the Administrator has access pursuant to these Standards and Regulations, contain information of a confidential nature, including information concerning secret processes or methods of manufacture, these records, reports, or information shall be kept confidential except that such records, reports, or information may be disclosed to other local and federal representatives concerned with carrying out these Standards and Regulations or when relevant in any proceeding pursuant to these Standards and Regulations. If required by USEPA, all records, reports, and information determined by the owner or operator to be confidential shall be submitted to USEPA. The contents of an air pollution control permit itself or emissions data shall not be entitled to confidentiality protection.”

IV.D. Motor Vehicle Emissions

Section 1103.6. Motor vehicles - Emission Requirements.

Section 1103.6 of the Guam air regulations contains restrictions on emissions from motor vehicles. Currently, Section 1103.6(c) requires that emissions from gasoline-powered motor vehicles may not have visible emissions for greater than five consecutive seconds. This provision is proposed to be amended to apply when such vehicles are being operated on a road. This will exclude emissions from cold starts or from periods when an engine is being serviced, when some level of visible emissions may be unavoidable. This provision is consistent with a similar requirement from the State of Hawaii (see Hawaii Administrative Rules, Section 11-60.1-34), which has been approved by USEPA. The following change is proposed:

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

person shall operate a gasoline-powered motor vehicle which emits visible smoke for a period of more than five (5) consecutive seconds while upon streets, roads, or highways.”

IV.E. Open Burning

The existing restrictions on open burning from Section 1103.11 of the Guam air regulations are proposed to be revised. These revisions will require notification to Guam EPA for justifiable fires, such as those used for prevention of fire hazards and for instructional purposes. The revisions also clarify the requirements for burning during emergency periods, which also requires notification and approval from Guam EPA. The changes are similar to regulations adopted by the State of Hawaii (see Hawaii Administrative Rules, Section 11-60.1-52), which have been approved by USEPA. The following changes are proposed:

Section 1103.11. Open Burning.

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

- (1) Fires purposely set for the purpose of prevention of a fire hazard which cannot be abated by any other means, provided that the Administrator received notification prior to the commencement of any burn, that the hazard is so declared by the fire department, forestry division, or any local or federal agency having jurisdiction, that a prescribed burning plan, if applicable, has been submitted to and approved by the jurisdictional agency prior to the commencement of any burn;
- (2) Fires set for instruction in the method of fighting fires, provided that prior notice of any building, structure, or simulated aircraft set afire for training purposes is given to the Administrator;
- (3) Fires for decorative, ceremonial and recreational purposes;
- (4) The burning of hydrocarbons which must be wasted through the use of atmospheric flares or open burning;
- (5) Fires for prevention or control of disease or pests;
- (6) Fires for the disposal of dangerous material, where there is no alternate method of disposal; and
- (7) Fires for the burning of leaves, grass, weeds, wood which has not been painted with lead paint or treated with insecticides or pesticides, paper, and similar material on one’s own premises, not exceeding four (4) family units and twenty-five (25) pounds per day, per unit, provided such burning is...

~~(15)~~(8) Fires for agricultural operations, forest management, range improvements. (Not in the violation of Forestry Division of the Department of Agriculture and any other affected Agencies.)

(9) In the event of a declared state of emergency, open burning of vegetation shall be allowed at an authorized solid waste processing or disposal facility provided that an air curtain destructor is utilized.

(A) Any person intending to dispose of vegetation by open burning under Subsection (c) shall file a written request with the Administrator. The Administrator will evaluate the request for an air quality impact to determine whether the request should be granted. The request shall state the following:

(i) The name, address and telephone number of the person submitting the request;

(ii) The type of business or activity involved;

(iii) A description of the proposed open burning operations, including type, quantity and composition of vegetation to be burned;

(iv) The schedule of burning operations;

(v) The exact location where opening burning will be conducted to dispose of vegetation;

(vi) Reasons why no method other than open burning can be used for disposal of vegetation; and

(vii) Evidence that the proposed open burning has been approved by the fire department, forestry division, or any local or federal agency having jurisdiction, that the prescribed burning plan, if applicable, has been submitted to and approved by the jurisdictional agency prior to the commencement of any burning of vegetation.

(B) Nothing in this Subsection shall exempt the applicant from obtaining an air pollution control permit, as applicable, under Section 1104.

(d) Subsection (c) shall not exempt any activity from the application of any rules or requirements in any other section of this Chapter.

IV.F. Definitions for Permit Program (Section 1104.1)

Guam EPA proposes several additions and clarifications of the definitions found in Section 1104.1, containing terms related to the Guam alternate operating permit program. These changes are described below.

IV.F.1 Definition of “Administrative Permit Amendment”

Guam EPA proposes to allow insignificant activities to be added to a permit as an administrative amendment, as long as such activities do not cause a source to become a major source or cause a source to trigger federal requirements, such as PSD or Nonattainment NSR, or an NSPS or MACT rule. This change has been adopted by the State of Hawaii (see definition of “Administrative permit amendment” in Hawaii Administrative Rules, Section 11-60.1-1) and has previously been approved by USEPA. The definition of administrative permit amendment is proposed to be modified as follows:

“(a) “*Administrative Permit Amendment*” is a permit revision that...

(6) Incorporates applicable requirements for any insignificant activity listed in section 1104.2, provided the activity is not by itself subject to Sections 1105, 1106 or 1107, does not cause a source to become a major source, and does not cause the source to become subject to Section 1105, 1106, or 1107.”

IV.F.2 Definition of “Minor Modification”

USEPA has defined three types of modifications in its Operating Permit Regulations (found in 40 CFR Parts 70 and 71): significant, minor, and administrative. The Guam air regulations currently define the terms “significant modification” and “administrative permit amendment.” A third category of modifications are implied, since there are certain types of modifications that do not fit into either of these categories. Guam EPA proposes to define the term “minor modification” for this category of modifications, as follows:

(i) “*Minor Modification*” means a modification that does not qualify as an *Administrative Amendment* and also does not qualify as a *Significant Modification*, as defined by these regulations.

IV.F.3 Definition of “Non-Federal Oversight Source”

The Guam alternative operating permit program defines “federal oversight source” as a source that is required to obtain an operating permit according to USEPA requirements. These sources include major sources of air pollution, as well as other sources that are subject to a federal air regulation, such as an NSPS or MACT standard. Guam EPA is proposing to add a definition of the term “non-federal oversight source” to Section 1104.1, as listed below, since this term is used in the Guam air regulations.

“(1) “*Non-federal oversight source*” means any air pollution emission source that is not a federal oversight source.”

IV.F.4 Definition of “Significant Modification”

Under the current regulations, facilities have the opportunity to request a voluntary emissions limit or other permit condition that allows the facility to avoid an otherwise

applicable requirement. An example of this would be a limit taken to restrict emissions from a facility to 99 tons/year to avoid classification as a major source (since the major source threshold for criteria pollutants is 100 tons/year on Guam). USEPA requires that if this type of limit is added to an existing permit, it must be treated as a significant modification (see 40 CFR 70.7(e)(2)(A)(4)). A revision is proposed to clarify that this will also be the case for permits issued by Guam EPA, as follows:

“(4)(n) **“Significant modification”** means a modification of a federal oversight source which...

(7) Seeks to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(A) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Clean Air Act; and

(B) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Clean Air Act.”

IV.G. Application Shield

The Guam EPA regulations currently contain an application shield, as allowed by USEPA. This provision allows that a permit issued by Guam EPA may remain valid past its expiration date as long as an application for permit renewal has been submitted to Guam EPA by the applicant. The regulations currently state that an application qualifies for this provision if it is complete and if it has been submitted prior to permit expiration. To be consistent with USEPA regulations, this requirement will be changed to state that an application shield can only be granted if an application is complete and timely. As specified in Section 1104.6(d), a timely application is one that has been submitted between six and eighteen months prior to permit expiration for federal oversight sources, and 60 days prior to permit expiration for all other sources. The following change to Section 1104.2(d) is proposed:

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

(1) A timely and complete renewal application has been submitted ~~prior to permit expiration~~, and the owner or operator acts consistently with the permit previously granted, and the application on which it was based, and all plans, specifications, and other information submitted as part of the application.”

IV.H. Sources That Become Subject to Permitting

Guam EPA proposes to add language to Section 1104.2 (“Applicability”) stating the requirements for sources that are required to obtain a permit only as a result of a new or amended regulation. The regulations have previously been silent about this requirement. The language proposed below also appears in regulations adopted by the State of Hawaii (See Hawaii Administrative Rules, Section 11-60.1-62(e)), and has previously been approved by USEPA.

“(f) An owner or operator of an air pollution source that is not subject to the requirements of this Section, and that becomes subject to the requirements of this Section because of a new or amended regulation in this Section, or because the source becomes a federal oversight source, shall submit a complete and timely air pollution control permit application. For purposes of this Subsection, “timely” means within six months after the effective date of the new or amended regulation or such other time as approved by the Administrator. The owner or operator of the source may continue to construct or operate and shall not be in violation for failing to have a air pollution control permit only if the owner or operator has submitted to the Administrator a complete and timely air pollution control permit application, and any additional information necessary for the processing of the application, including additional information required pursuant to section 1104.6.”

IV.I. Permit Transfer

The current regulations require that a transfer of permit ownership may only occur with the approval of the Administrator of Guam EPA. A revision is proposed to Section 1104.4 to require that a request for this type of transfer must be made on an appropriate Guam EPA application form.

Section 1104.4. Holding and Transfer of Permit.

“(d) All air pollution control permits issued pursuant to these Standards and Regulations shall not be transferable, whether by operation of law or otherwise, from one person to another without the approval of the Administrator. A request for transfer from one person to another shall be made on a permit transfer application form furnished by the Administrator.”

IV.J. Modification Requirements

Section 1104.6 of the Guam EPA air regulations contain requirements for applications submitted for a permit under the Guam alternate operating permit program. Amendments to this section are proposed to clarify the requirements for applications to modify permits issued by Guam EPA. For the most part these requirements parallel those for initial permit applications. The following changes are proposed:

Section 1104.6. Air Pollution Control Permit Application

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

(2) A description of the nature, location, design capacity, production capacity, production rates, fuels, fuel use, raw materials, and typical operating schedules to the extent needed to determine or regulate emissions; specifications and drawings showing the design of the source and plant layout; and a description of all processes and products by Standard Industrial Classification Code, and, if requested, a detailed description of reasonably anticipated alternative operating scenarios;

(12) For proposed ~~or new major sources or significant~~ modifications to existing sources:

(i) A description of the modification, identifying all proposed changes to the source operations, work practices, equipment design, source emissions, or any monitoring, recordkeeping, and reporting procedures;

(ii) A description of the nature, location, design capacity, production capacity, production rates, fuels, fuel use, raw materials, and typical operating schedules and capacities to the extent needed to determine or regulate emissions of any proposed addition or modification of any source or emissions; specifications and drawings showing the design of the source and plant layout; a detailed description of all processes and products by Standard Industrial Classification Code and source category or categories affected by the proposed modification; and reasonably anticipated alternative operating scenarios;

(iii) Maximum emissions rates, including fugitive emissions, of all regulated and hazardous air pollutants and all air pollutants from each new or modified emissions unit. Emission rates shall be reported in pounds per hour and tons per year and in such terms necessary to establish compliance consistent with the applicable requirements and standard reference test methods. All supporting emissions calculations and assumptions shall also be provided;

(iv) Identification and detailed description of air pollution control equipment and compliance monitoring devices or activities as planned by the owner or operator of the source or modification, and to the extent of available information, an estimate of maximum and expected emissions before and after controls, technical information on the design, operation, size, estimated control efficiency, manufacturer's name, address, contact information, and relevant specifications and drawings;

(v) The identification of any new applicable requirements that will apply if the minor modification occurs;

- (vi) The suggested changes to permit terms or conditions;
- (vii) The owner or operator may reference information contained in a previous application submittal, provided such referenced information has been certified as being current and still applicable;
- ~~(i)(viii)~~ A detailed schedule for construction of the source or modification;
- ~~(ii) For existing sources, an assessment of the ambient air quality impact of the air pollution emission source. The assessment shall include all supporting data, calculations and assumptions, and a comparison with the NAAQS;~~
- ~~(iii)(ix)~~ For new major sources and significant modifications which increase the emissions of any air pollutant or result in the emission of any air pollutant not previously emitted, an assessment of the ambient air quality impact of the new source or significant modification, with the inclusion of any available background air quality data. The assessment shall include all supporting data, calculations and assumptions, and a comparison with the NAAQS; ~~and~~
- ~~(iv)(x)~~ An explanation of all proposed exemptions from any applicable requirement; and
- (ix) A list of any new insignificant activities- Type I;

(13) At the request of the Administrator, the following information must also be submitted...

- (v) An assessment of the ambient air quality impact of the air pollution emission source. The assessment shall include all supporting data, calculations and assumptions, and a comparison with the NAAQS;

IV.K. Temporary Sources

It is common for facilities on Guam to require the use of portable or temporary equipment. There is a large U.S. military presence on Guam, so equipment is commonly moved around the island as needed. Also, severe weather systems, such as typhoons, are very common, and have been known to knock out access to electric power for several weeks at a time. When this occurs, standby generators must be used to ensure an adequate power supply for military operations and for private industry.

The Guam air regulations have not previously addressed temporary sources. In developing new requirements, Guam EPA has reviewed air regulations allowing temporary sources from the State of Hawaii and from USEPA. The Federal Operating Permit Program developed by USEPA provides for permits issued to temporary sources at 40 CFR 71.6(e). Similar provisions have been adopted by the State of Hawaii in the Hawaii Administrative Rules, Section 11-60.1-69, which has been approved by USEPA. The requirements from

the State of Hawaii are proposed to be adopted as listed below, in three separate sections of the Guam air regulations.

The basic requirements proposed for temporary sources are as follows:

- Applicants must obtain a permit prior to construction and operation of a temporary source
- A temporary source may be used at multiple locations once permitted
- Guam EPA must be notified at least 30 days prior to moving a temporary source to a new location, unless a shorter time is approved by Guam EPA
- A temporary source must be relocated at least once every 12 months, or it may be subject to further requirements

The following changes are proposed:

Section 1104.1 Definitions

“(o) **“Temporary Source”** means a source that is intended to be operated at multiple locations for a designated period of time at each location. The operation of the source shall be temporary and involve at least one change of location during the term of the temporary source permit.”

Section 1104.6. Air Pollution Control Permit Application

“(1) Temporary source permit applications:

(1) An owner or operator of a temporary source may apply for a temporary source air pollution control permit. The owner or operator of the temporary source shall certify its intention to operate at various locations with the same equipment and similar operational methods.

(2) The application and issuance of a temporary source permit is subject to the same procedures and requirements for an initial application and issuance of an air pollution control permit, including requirements of this Section. The initial location of the source shall be specified.”

Section 1104.12. Permit Content.

“The Administrator shall consider and incorporate the following elements in air all pollution control permits, as applicable...

(14) Temporary source permit:

(A) Upon issuance of a temporary air pollution control permit, the owner or operator shall submit in writing all succeeding location changes to the Administrator for approval at least thirty (30) days or such lesser time as designated and approved by the Administrator, prior to the change in location. The owner or

operator shall submit sufficient information to enable the Administrator to assess the air quality impact the temporary source may have at the new location. Information submitted shall include:

(i) Name, address, and phone number of:

(a) The company (or plant if different than the company),

(b) The owner and owner's agent,

(c) The plant site manager or other contact;

(ii) Temporary source permit identification number and expiration date;

(iii) Location map of the new temporary location, identifying the surrounding commercial, industrial, and residential developments;

(iv) Projected dates of operation at the new location;

(v) Identification of any other air pollution source at the new location; and

(vi) Certification that no modification will be made to the equipment, and operational methods will remain similar as permitted under the temporary source permit at the new location.

(B) The Administrator shall not continue to act upon or consider a location change request, unless the following have been submitted:

(i) All required information as identified in subsection (A)

(ii) Any additional information as requested by the Administrator; and

(iii) Any applicable fee.

(C) Prior to any relocation, the Administrator shall approve, conditionally approve, or deny in writing each location change. If the Administrator denies a location change, the applicant may appeal the decision pursuant to Section 49111 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the Guam Code Annotated.

(D) With the exception of the initial location, if a source remains in any one location for longer than twelve (12) consecutive months, the Administrator may request an ambient air quality impact assessment of the source.

(E) At each of the authorized locations, the owner or operator shall operate in accordance with the temporary source permit and all applicable requirements.”

IV.L. Compliance Plans

As required in Section 1104.8, compliance plans are required for each Guam EPA permit application. These plans must describe the compliance status of a source and the methods proposed to demonstrate ongoing compliance. The regulations are proposed to be modified to clarify that such plans are required not only for initial applications, but for

any application submitted to Guam EPA, including those for temporary sources, permit renewals, and permit modifications.

Section 1104.8. Compliance Plan. (a) A compliance plan shall be submitted with each permit application, temporary source application, application for renewal, and application for a modification, and at such other times as requested by the Administrator.

IV.M. Permit Content

The requirements for the contents of permits issued by Guam EPA are found in Section 1104.12 of the Guam air regulations. Three additions to this section are proposed to address issues that have come up during the implementation of the permit program:

- Permits must list insignificant activities
- Permits must contain shutdown and malfunction reporting requirements as required in Sections 1102.8 and 1102.9
- Permits will now allow alternative operating scenarios to be included

The first two of these requirements are already being implemented by Guam EPA, and this rule change will ensure consistency in current and future permits. The opportunity regarding alternative operating scenarios is allowed by USEPA in its operating permit regulations (see 40 CFR 71.6(a)(9)). Guam EPA is proposing at this time to allow alternative operating scenarios upon request by a permit applicant, provided that these will not compromise a source's ability to comply with all applicable requirements. The following changes are proposed:

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

(1) Emission limitations and standards, to include insignificant activities identified in the permit application (e.g. for an initial permit, a minor or significant modification, or permit renewal), including operational requirements and limitations to assure compliance with all applicable requirements at the time of permit issuance...

(9) General provisions including:

(N) A requirement pursuant to Sections 1102.8 and 1102.9 for reporting of equipment shutdown and malfunction;

(13) Terms and conditions for reasonably anticipated alternative operating scenarios identified by the source in the air pollution control permit application as approved by the Administrator. Such terms and conditions shall include:

(A) A requirement that the owner or operator, contemporaneously with making a change from one operating scenario to another, record in a log at

the permitted facility the scenario under which it is operating and, if required by the Administrator, submit written notification to the Administrator; and

(B) Provisions to ensure that the terms and conditions under each alternative scenario meet all applicable requirements.

IV.N. Public Participation

Currently, public participation (i.e., public comment and the opportunity for a public hearing) is required for all sources required to obtain a permit from Guam EPA. Due to the number of permits that will be required under the new permit rules, Guam EPA has determined that it will be impractical to allow public participation for every permit. This level of public participation is also unnecessary, given that a majority of the permits expected to be issued will be for sources, such as standby generators, which have relatively small emissions and generic requirements. Guam EPA has decided, therefore, to focus this requirement on federal oversight sources (initial permits, permit renewals, and significant modifications). These sources have the biggest potential for environmental impacts, and these sources also have permit requirements that could benefit from some level of public participation. This change is consistent with the requirements for public participation under USEPA regulations (see 40 CFR 69.13(b)(3)). The following changes are proposed:

Section 1104.19. Public Participation.

(a) If the air pollution emission source is a federal oversight source, the Administrator shall provide for public notice, including an opportunity for public comment and the method by which a public hearing can be requested, on all draft initial permits, permit renewals, and permits for ~~except administrative permit amendments and amendments reflecting non-significant~~ significant modifications and the method by which a public hearing can be requested. Any person requesting a public hearing shall do so during the public comment period. Any request from a person for a public hearing shall indicate the interest of the person filing the request and the reasons why a public hearing is warranted. Such hearings shall be held in accordance with the Administrative Adjudication Law.

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

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

(3) A public comment period shall be no less than thirty (30) days following the date of the public notice for federal oversight sources ~~and seven (7) working days following the date of the public notice for all other sources.~~

IV.O. Annual Fees

The requirements for emissions fees in the Guam air regulations are similar to those in USEPA regulations. Fees are required based on a facility's actual emissions of regulated air pollutants in a given year. Certain emissions are excluded from this requirement, including carbon monoxide (CO) emissions and unregulated fugitive emissions. The current Guam air regulations also require fees for fugitive emissions that are based on USEPA's AP-42 emission factors, which goes beyond the requirements in USEPA regulations. Guam EPA has determined that this is unnecessary, and proposes to remove the reference to AP-42.

Guam EPA has also decided to provide an exemption for sources located on residential premises from the requirement to pay annual emissions fees. There are a large number of standby generators that will require a minor source permit from Guam EPA, and this exemption is provided to reduce both the financial and administrative burden on members of the public who own these generators.

Lastly, the requirements for rounding emissions subject to fees have been clarified. The current regulations state that any fraction of a ton must be rounded up to the next whole ton value. This is clarified for emissions less than one ton, so that emissions of any pollutant calculated as being between 0.1 and 1.0 ton must be rounded up, while emissions of any pollutant under 0.1 ton are exempted from fees.

Section 1104.24. Annual Fees for Air Pollution Emission Sources

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

- (1) Carbon monoxide emissions;
- (2) Fugitive emission if fugitive emission is not included in the applicable requirements ~~of AP-42~~;
- (3) Emissions from insignificant activities sources - Type I and insignificant activities sources Type II; and
- (4) Emissions from sources located on residential premises...

(j) The parameters referenced in Subsection (h)(2) shall be based upon verifiable documentation presented by the owner or operator of the air pollution emission source. If an owner or operator of an air pollution emission source cannot provide verifiable documentation on the parameters referenced in Subsection (h)(2), the maximum allowable production, operating hours, amount of material processed or stored, or fuel usage shall be used in calculating the total annual tonnage of regulated air pollutants emitted from the air pollution emission source. Any

fraction of a ton calculated shall be rounded up to the next whole ton to obtain the annual tonnage of each regulated air pollutant subject to annual fees. Emissions of any pollutant calculated at levels between 0.1 and 1.0 ton shall be rounded up to one ton. Emissions of any pollutant calculated at less than 0.1 ton shall not be subject to fees.”

V. CONCLUSION

Guam EPA has proposed changes to the Guam Air Pollution Control Standards and Regulations. There are two main purposes for proposing these changes at the current time. First, these changes are designed to respond to comments from USEPA in order to obtain full approval of the Guam alternate operating permit program. Secondly, these changes provide necessary clarifications for consistent implementation of the operating permit program, and for Guam EPA’s air regulations in general.