

XV. Actuals PALs

XV.A. Applicability.

XV.A.1. *At the request of an owner or operator, the Division may approve the use of an actuals PAL in a Title V permit for any existing major stationary source that has operated for at least two years if the PAL meets the requirements in Sections XV.A. through XV.L. The term "PAL" shall mean "actuals PAL" throughout Section XV. of this part.*

XV.A.2. *Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in Sections XV.A. through XV.L., and complies with the PAL permit:*

XV.A.2.a. Is not a major modification for the PAL pollutant;

XV.A.2.b. Is not subject to the major NSR review procedures in Sections I.B., V., and VI. of this part; and

XV.A.2.c. Is not subject to the provisions in Section V.A.5.b. of this part (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program).

XV.A.3. *Except as provided under Section XV.A.2.c. above, a major stationary source shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.*

XV.B. Permit application requirements.

As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the Division for approval (in addition to the information required by Part C of this Regulation):

XV.B.1. *A list of all emissions units at the source designated as small (as defined in Section II.A.45. of this part), significant (as defined in Section II.A.44. of this part), and major (as defined in Section II.A.21. of this part) based on their potential to emit, and identifying each as such. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations or work practices apply to each unit.*

XV.B.2. *Calculations of the baseline actual emissions for each emissions unit listed in Section XV.B.1. above (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown and malfunction.*

XV.B.3. *The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring data to monthly emissions and annual emissions based on a twelve-month rolling total for each month as required by Section XV.M.1.*

XV.C. General requirements for establishing PALs.

XV.C.1. *A PAL may be established at a major stationary source, provided that, at a minimum, the requirements in Sections XV.C.1.a. through XV.C.1.g. below are met.*

XV.C.1.a. *The PAL shall impose an annual emission limitation in tons per year that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve months of establishing a PAL, the major stationary source owner or operator shall demonstrate that the sum of the monthly emissions of the PAL pollutant from each emissions unit under the PAL for the previous twelve consecutive months is less than the PAL (a rolling twelve-month total). For each month during the first eleven months from the PAL effective date, the major stationary source owner or operator shall demonstrate that the sum of the preceding monthly emissions of the PAL pollutant for each emissions unit under the PAL is less than the PAL.*

XV.C.1.b. *The PAL shall be established in a PAL permit section of an operating permit issued pursuant to Part C of this regulation that meets the public participation requirements in Section XV.D.*

XV.C.1.c. *The PAL permit shall contain all the requirements of Section XV.F.*

XV.C.1.d. *The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.*

XV.C.1.e. *Each PAL shall regulate emissions of only one pollutant.*

XV.C.1.f. *Each PAL shall have a PAL effective period of ten years.*

XV.C.1.g. *The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Sections XV.K. through XV.N. for each emissions unit under the PAL throughout the PAL effective period.*

XV.C.2. *At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under Section V. unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.*

XV.D. *Public participation requirement for PALs.*

PALs for existing major stationary sources shall be established, renewed, or increased in accordance with the significant modification provisions set forth in Section I.A.7. of Part C of this regulation. The Division shall provide the public with notice of the proposed approval of a PAL permit and a thirty-day period for submittal of public comment.

XV.E. *Setting the ten-year actuals PAL level.*

XV.E.1. *The actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in Section II.A.4. of this Part D) of the PAL pollutant for each emissions unit at the source, plus an amount equal to the applicable significant level for the PAL pollutant under Section II.A.42. of this part, or under the Federal Act, whichever is lower.*

XV.E.2. *When establishing the actuals PAL level for a PAL pollutant, only one consecutive twenty-four month period may be used to determine the baseline actual emissions for*

all existing emissions units. However, a different consecutive twenty-four month period may be used for each different PAL pollutant.

XV.E.3. *Emissions associated with units that were permanently shutdown after this twenty-four month period must be subtracted from the PAL level.*

XV.E.4. *For newly constructed units (which do not include modifications to existing units) on which actual construction began after the twenty-four month period, in lieu of adding the baseline actual emissions as specified in Section XV.E.1., above, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.*

XV.E.5. *The Division shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the Division is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).*

XV.F. *Contents of the PAL permit.*

The PAL permit shall contain, at a minimum, the information in Sections XV.F.1. through XV.F.10.

XV.F.1. *The PAL pollutant and the applicable source-wide emission limitation in tons per year.*

XV.F.2. *The PAL permit effective date and the expiration date of the PAL (PAL effective period).*

XV.F.3. *Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with Section XV.I. before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Division.*

XV.F.4. *A requirement that emission calculations for compliance determination purposes include emissions from startups, shutdowns and malfunctions.*

XV.F.5. *A requirement that, once the PAL expires, the major stationary source is subject to the requirements of Section XV.*

XV.F.6. *The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring data to monthly emissions and annual emissions based on a twelve-month rolling total for each month as required by Section XV.*

XV.F.7. *A requirement that the major stationary source owner or operator monitors all emissions units in accordance with the provisions under Section XV.*

XV.F.8. *A requirement to retain the records required under Section XV. on site. Such records may be retained in an electronic format.*

XV.F.9. *A requirement to submit the reports required under Section XV. by the required deadlines.*

- XV.F.10. *Any other requirements that the Division deems necessary to implement and enforce the PAL.*
- XV.G. *Reopening of the PAL permit.*
- XV.G.1. During the PAL effective period, the Division shall reopen the PAL permit to:
- XV.G.1.a. *Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.*
- XV.G.1.b. *Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under Section V.A.3. of this Part D.*
- XV.G.1.c. *Revise the PAL to reflect an increase in the PAL as provided under Section XV.J.*
- XV.G.2. *The Division has discretion to reopen the PAL permit to:*
- XV.G.2.a. *Reduce the PAL to reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date.*
- XV.G.2.b. *Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the Division may impose on the major stationary source.*
- XV.G.2.c. *Reduce the PAL if the Division determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.*
- XV.G.3. *Except for the permit reopening in Section XV.G.1.a. for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Section XV.D.*
- XV.H. *Expiration of a PAL.*
- Any PAL that is not renewed in accordance with the procedures in Section XV.I. shall expire at the end of the PAL effective period, and the requirements in Sections XV.H.1. through XV.H.5. shall apply.*
- XV.H.1. *Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in Sections XV.H.1. through XV.H.5. of this part.*
- XV.H.1.a. *Within the time frame specified for PAL renewals in Section XV.I.2., the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as determined by the Division) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Section XV.I.5., such distribution shall be made as if the PAL had been adjusted.*

XV.H.1.b. The Division shall determine whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Division determines is appropriate.

XV.H.2. *Each emissions unit(s) shall comply with the allowable emission limitation on a twelve-month rolling total basis. The Division may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.*

XV.H.3. *Until the Division issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under Section XV.H.1.a., the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.*

XV.H.4. *Any physical change or change in the method of operation at the major stationary source will be subject to the major NSR requirements if such change meets the definition of major modification in Section II.A.22. of this Part D.*

XV.H.5. *The major stationary source owner or operator shall continue to comply with any State or Federal applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to Sections V.A.7.b. and VI.B.4. of this part, but were eliminated by the PAL in accordance with the provisions in Section XV.A.2.c.*

XV.I. *Renewal of a PAL.*

XV.I.1. *The Division shall follow the procedures specified in Section XV.D. in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Division.*

XV.I.2. *Application deadline.*

A major stationary source owner or operator shall submit a timely application to the Division to request renewal of a PAL. A timely application is one that is submitted at least twelve months prior to, but not earlier than eighteen months from, the date of PAL permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application, including any additional information requested by the Division, to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

XV.I.3. *Application requirements.*

The application to renew a PAL permit shall contain the information required in Sections XV.I.3.a. through XV.I.3.d., below.

XV.I.3.a. *The information required in Sections XV.B.1. through XV.B.3. of this part.*

XV.I.3.b. *A proposed PAL level.*

XV.I.3.c. The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

XV.I.3.d. Any other information the owner or operator wishes the Division to consider in determining the appropriate level for renewing the PAL.

XV.I.4. PAL adjustment.

In determining whether and how to adjust the PAL, the Division shall consider the options outlined in Sections XV.I.4.a. and XV.I.4.b. However, in no case may any such adjustment fail to comply with Section XV.I.4.c.

XV.I.4.a. If the emissions level calculated in accordance with Section XV.E. is equal to or greater than eighty percent of the PAL level, the Division may renew the PAL at the same level without considering the factors set forth in Section XV.I.4.b.; or

XV.I.4.b. The Division may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Division in its preliminary analysis or technical review document.

XV.I.4.c. Notwithstanding Sections XV.I.4.a. and XV.I.4.b. above,

XV.I.4.c.(i) If the potential to emit of the major stationary source is less than the PAL, the Division shall adjust the PAL to a level no greater than the potential to emit of the source; and

XV.I.4.c.(ii) The Division shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of Section XV.J. (increasing a PAL).

XV.I.5. If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Division has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

XV.J. Increasing a PAL during the PAL effective period.

XV.J.1. The Division may increase a PAL emission limitation only if the major stationary source complies with the provisions in Sections XV.J.1.a. through XV.J.1.d. below.

XV.J.1.a. The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

XV.J.1.b. As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified

emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

XV.J.1.c. The owner or operator obtains a major NSR permit for all emissions unit(s) identified in Section XV.J.1.a., regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT or LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.

XV.J.1.d. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

XV.J.2. The Division shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with Section XV.J.1.b.), plus the sum of the baseline actual emissions of the small emissions units.

XV.J.3. The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of Section XV.D. of this part.

XV.K. Monitoring requirements for PALs.

XV.K.1. General Requirements.

XV.K.1.a. Each PAL permit shall contain enforceable requirements for the monitoring system that accurately determines plant-wide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

XV.K.1.b. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in Sections XV.K.2.a. through XV.K.2.d. and must be approved by the Division.

XV.K.1.c. Notwithstanding Section XV.K.1.b., you may also employ an alternative monitoring approach that meets the requirements of Section XV.K.1.a. if approved by the Division.

XV.K.1.d. Failure to use a monitoring system that meets the requirements of this Section renders the PAL invalid.

XV.K.2. Minimum Performance Requirements for Approved Monitoring Approaches.

The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in Sections XV.K.3. through XV.K.9:

- XV.K.2.a. Mass balance calculations for activities using coatings or solvents;*
- XV.K.2.b. CEMS (as defined in Section I.B.13. of Part A);*
- XV.K.2.c. CPMS or PEMS (as defined in Sections I.B.15. and I.B.36, respectively, of Part A); and*
- XV.K.2.d. Published, verifiable emission factors*

XV.K.3. Mass Balance Calculations.

An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

- XV.K.3.a. Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;*
- XV.K.3.b. Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and*
- XV.K.3.c. Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Division determines there is site-specific data or a site-specific monitoring program to support another content within the range.*

XV.K.4. CEMS.

An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

- XV.K.4.a. CEMS must comply with applicable Performance Specifications found in the Code of Federal Regulations Title 40, Part 60, Appendix B, and Part 75; and*
- XV.K.4.b. CEMS must sample, analyze and record data at least every fifteen minutes while the emissions unit is operating.*

XV.K.5. CPMS or PEMS.

An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

- XV.K.5.a. The CPMS or the PEMS must be based on current site specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and*

XV.K.5.b. Each CPMS or PEMS must sample, analyze, and record data at least every fifteen minutes, or at another less frequent interval approved by the Division, while the emissions unit is operating.

XV.K.6. Emission factors.

An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

XV.K.6.a. All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

XV.K.6.b. The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

XV.K.6.c. If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the Division determines that testing is not required.

XV.K.7. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

XV.K.8. Notwithstanding the requirements in Sections XV.K.3. through XV.K.7., where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Division shall, at the time of permit issuance:

XV.K.8.a. Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

XV.K.8.b. Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

XV.L. Re-validation.

All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Division. Such testing must occur at least once every five years after issuance of the PAL.

XV.M. Recordkeeping requirements.

XV.M.1. The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of Section XV. of this part and of the PAL, including a determination of each emissions unit's twelve-month rolling total emissions, for five years from the date of such record.

XV.M.2. The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:

XV.M.2.a. A copy of the PAL permit application and any applications for revisions to the PAL; and

XV.M.2.b. Each annual certification of compliance pursuant to Part C of this regulation, and the data relied on in certifying the compliance.

XV.N. Reporting and notification requirements.

The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Division in accordance with the requirements of the applicable Title V permit and Section V.C.7. of Part C of this regulation. The reports shall meet the requirements in Sections XV.K.11.a. through XV.K.11.c. below.

XV.N.1. Semi-Annual Report.

The semi-annual report shall be submitted to the Division within thirty days of the end of each reporting period. This report shall contain the information required by the Title V permit, Section V.C.7.a. of Part C of this regulation, and Sections XV.N.1.a. through XV.N.1.g., below.

XV.N.1.a. The identification of owner and operator and the permit number.

XV.N.1.b. Total annual emissions (tons/year) based on a twelve-month rolling total for each month in the reporting period recorded pursuant to Section XV.K.10.a.

XV.N.1.c. All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions shall be made available upon request by the Division.

XV.N.1.d. A list of any emissions units modified or added to the major stationary source during the preceding six-month period.

XV.N.1.e. The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

XV.N.1.f. A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the emissions unit(s) monitored by the monitoring system continued to operate, and calculations of emissions from those units as provided by Section XV.K.7. of this part.

XV.N.1.g. A signed statement by the responsible official (as defined in Section I.B.38. of Part A of this regulation) certifying the truth, accuracy, and completeness of the information provided in the report.

XV.N.2. Deviation report.

The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to Section V.C.7.b. of Part C of this regulation shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by Section V.C.7.b. of Part C. The reports shall contain the following information:

XV.N.2.a. The identification of owner and operator and the permit number;

XV.N.2.b. The PAL requirement that experienced the deviation or that was exceeded;

XV.N.2.c. Emissions resulting from the deviation or the exceedance; and

XV.N.2.d. A signed statement by the responsible official (as defined in Section I.B.38. of Part A of this regulation) certifying the truth, accuracy, and completeness of the information provided in the report.

XV.N.3. Re-validation results

The owner or operator shall submit to the Division the results of any revalidation test or method within three months after completion of such test or method.

XV.O. *If any provision of this Section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.*

PART E Reserved for Environmental Management Systems

Reserved for Environmental Management Systems

PART F – BEST AVAILABLE RETROFIT TECHNOLOGY (BART)

The provisions of Part 51, Appendix Y, Title 40, of the Code of Federal Regulations (CFR), promulgated by the U.S. Environmental Protection Agency listed in this Section are hereby incorporated by reference by the Air Quality Control Commission and made a part of the Colorado Air Quality Control Commission Regulations as modified by the following Regulation Number 3, Part F. Materials incorporated by reference are those in existence as July 6, 2005 and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246, or may be examined at any state publications depository library. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission.

I. Applicability

The provisions of this regulation apply to existing stationary facilities, as defined in Section II.I. of this regulation. Existing stationary facilities shall be BART-eligible sources.

II. Definitions

II.A. Adverse impact on visibility

Means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with (1) times of visitor use of the Federal Class I area, and (2) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.