

## SUBCHAPTER 9. EXCESS EMISSION REPORTING REQUIREMENTS

### 252:100-9-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Bypass"** means intentionally avoiding the use of air pollution control equipment.

**"Excess emissions"** means the emission of regulated air pollutants in excess of an applicable limitation or requirement as specified in the applicable limiting Subchapter, permit, or order of the DEQ. This term does not include fugitive VOC emissions covered by an existing leak detection and repair program that is required by a federal or state regulation.

**"Malfunction"** means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

~~**"Regulated air pollutant"** means:~~

~~(A) Any Volatile Organic Compound (VOC), as defined in 252:100-1-3, 252:100-37-2, or 252:100-39-2.~~

~~(B) Any pollutant regulated under section 111 or 112 (except 112(r)) of the Federal Clean Air Act.~~

~~(C) Any pollutant for which a national primary ambient air quality standard has been promulgated under the Federal Clean Air Act.~~

~~(D) Any Toxic Air Contaminant as defined and regulated under 252:100-41-2.~~

~~(E) Any other substance for which an air emission limitation or equipment standard is set by permit or rule.~~

**"Regulated air pollutant"** means any substance or group of substances listed in Appendix P of this Chapter, or any substance regulated as an air pollutant under any federal regulation for which the Department has been given authority, or any other substance for which an air emission limitation or equipment standard is set by an enforceable permit.

**"Shutdown"** means the cessation of operation of any air pollution control equipment, process or process equipment.

**"Startup"** means the setting into operation of any air pollution control equipment, process or process equipment.

**"Technological limitation"** means operating constraints deliberately and necessarily designed into a piece of pollution control equipment or process equipment to prevent damage to the equipment and/or to prevent hazards to operating or maintenance personnel.

**"Working day"** means 8:00 a.m. to 4:30 p.m. each day except Saturday, Sunday, or a legal holiday for state employees as

proclaimed by the Governor.