

RULE 20.2
NEW SOURCE REVIEW
NON - MAJOR STATIONARY SOURCES
 (ADOPTED AND EFFECTIVE 5/17/94)
 (REV. ADOPTED AND EFFECTIVE 12/17/97)
 (REV. ADOPTED 11/4/98; EFFECTIVE 12/17/98)
 (REV. ADOPTED 4/27/16; EFFECTIVE 11/5/18)
 (REV. ADOPTED 6/26/19; EFFECTIVE 10/16/20)

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NOTE: The following listed sections and subsections will not be submitted to the federal Environmental Protection Agency (EPA) for inclusion in the San Diego State Implementation Plan (SIP). As such, the following listed sections and subsections are not enforceable by EPA, but remain enforceable by the San Diego County Air Pollution Control District.

Subsections (d)(2)(i)(B), (d)(2)(v) and (d)(2)(vi)(B); and Subsection (d)(3).

RULE 20.2. NEW SOURCE REVIEW - NON-MAJOR STATIONARY SOURCES
(Adopted & Effective 5/17/94)
(Rev. Adopted & Effective 12/17/97)
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(Rev. Adopted 4/27/16 & Effective 11/5/18)
(Rev. Adopted 6/26/19 & Effective 10/16/20)

(a) **APPLICABILITY**

This rule applies to any new or modified stationary source, to any new or modified emission unit, to any replacement emission unit, and to any relocated emission unit being moved to a stationary source provided that, after completion of the project, the stationary source is not a major stationary source or a federal major stationary source. This rule does not apply to identical or like-kind replacement emission units exempt from Authority to Construct and modified Permit to Operate requirements pursuant to these Rules and Regulations. This rule does not apply to any portable emission unit. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) **EXEMPTIONS**

The exemptions contained in Rule 20.1, Section (b) apply to this rule. In addition, for purposes of this rule, the following exemptions shall apply.

(1) An existing permitted emission unit which is to be relocated from one stationary source within San Diego County to another shall be exempt from the BACT requirements of Subsection (d)(1)(ii), provided that:

- (i) The emission unit is not being modified,
- (ii) There is no increase in the emission unit's potential to emit,
- (iii) The unit is not located for more than 180 days at the stationary source where it is moved to, and
- (iv) The emission unit is not located at more than two stationary sources over any 365-day period.

(2) An existing permitted emission unit which is to be permanently relocated from one stationary source within San Diego County to another stationary source shall be exempt from the BACT requirements of Subsection (d)(1)(ii), provided that:

- (i) There is no increase in the emission unit's potential to emit,
- (ii) The relocation occurs within 10 miles of the previous stationary source,

(iii) The relocated emission unit commences operating at the stationary source it was relocated to within one year of the emission unit ceasing operations at its previous stationary source.

(c) **DEFINITIONS**

The definitions contained in Rule 20.1, Section (c) apply to this rule.

(d) **STANDARDS**

(1) **BEST AVAILABLE CONTROL TECHNOLOGY (BACT)**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any emission unit and project subject to this rule unless the applicant demonstrates that the following requirements will be satisfied:

(i) **New or Modified Emission Units**

Any new or modified emission unit which has any increase in its potential to emit particulate matter (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC) or oxides of sulfur (SO_x) and which unit has a post-project potential to emit of 10 pounds per day or more of PM₁₀, NO_x, VOC, or SO_x shall be equipped with Best Available Control Technology (BACT) for each such air contaminant.

(ii) **Relocated Emission Units**

Except as provided for in Subsections (b)(1) and (b)(2), any relocated emission unit with a post-project potential to emit of 10 pounds per day or more of PM₁₀, NO_x, VOC or SO_x shall be equipped with BACT for each such air contaminant.

(iii) **Replacement Emission Units**

Any replacement emission unit with a post-project potential to emit of 10 pounds per day or more of PM₁₀, NO_x, VOC or SO_x shall be equipped with BACT for each such air contaminant.

(iv) **Emergency Equipment Emission Units**

For any emergency equipment emission unit subject to the BACT requirements of Subsections (d)(1)(i), (ii) or (iii) of this rule, BACT shall apply based on the unit's non-emergency operation emissions and excluding the unit's emissions while operating during emergency situations.

(v) **Projects with Multiple Emission Units**

Where a project at a stationary source consists of multiple new, modified, relocated or replacement emission units required by this Subsection (d)(1) to be equipped with BACT, BACT shall be evaluated for each such emission unit pursuant to (d)(1)(i) through (iv). The Air Pollution Control Officer may require that BACT be also evaluated for combinations of such emission units. Where technologically feasible, lowest emitting and cost-effective, the Air Pollution Control Officer may require that BACT be applied to a combination of such emission units. In such case, BACT applied to such combinations shall not result in greater emissions for the project nor for each emission unit that is part of the project than were BACT applied to each emission unit.

(2) **AIR QUALITY IMPACT ANALYSIS (AQIA)**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any emission unit and project subject to this rule unless the following requirements are satisfied.

The demonstrations required by this Subsection (d)(2) shall be based on the emission unit or project emission exhaust system design and discharge characteristics but not to an extent greater than good engineering practice stack height. This provision shall not be applied to limit actual stack height.

(i) **AQIA for New, Modified, Replacement or Relocated Emission Units and Projects**

(A) For each new, modified, replacement or relocated emission unit and project which results in an emissions increase equal to or greater than any of the amounts listed in Table 20.2 – 1 below, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA, as defined in Rule 20.1, that such emissions increase will not:

(1) cause a violation of a national ambient air quality standard anywhere that does not already exceed such standard, nor

(2) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, nor

(3) prevent or interfere with the attainment or maintenance of any national ambient air quality standard.

(B) For each new, modified, replacement or relocated emission unit and project which results in an emissions increase equal to or greater than any of the amounts listed in Table 20.2 – 1 below, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA that such emissions increase will not:

(1) cause a violation of a state ambient air quality standard anywhere that does not already exceed such standard, nor

(2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection (d)(2)(v), nor

(3) prevent or interfere with the attainment or maintenance of a state ambient air quality standard.

TABLE 20.2 - 1
AQIA Trigger Levels

<u>Air Contaminant</u>	<u>Emission Rate</u>		
	<u>(lb/hr)</u>	<u>(lb/day)</u>	<u>(tons/yr)</u>
Particulate Matter (PM ₁₀)	---	100	15
Fine Particulate Matter (PM _{2.5})	---	67	10
Oxides of Nitrogen (NO _x)	25	250	40
Oxides of Sulfur (SO _x)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	---	3.2	0.6

(ii) **AQIA for PM_{2.5} and PM₁₀ Emission Increases**

In determining if a PM_{2.5} or PM₁₀ AQIA is required under this Subsection (d)(2), the emissions increases shall include both directly emitted PM_{2.5} and PM₁₀, and PM_{2.5} and PM₁₀ which would condense after discharge to the atmosphere. If a PM_{2.5} or PM₁₀ AQIA is required, the AQIA shall include both directly emitted PM_{2.5} or PM₁₀, and PM_{2.5} or PM₁₀ which would condense after discharge to the atmosphere. Any permit terms or conditions limiting emissions of PM_{2.5} or PM₁₀ as a result of the requirements of this Subsection (d)(2) shall apply to the combination of both directly emitted and condensable PM_{2.5} or PM₁₀. The provisions of this Subsection (d)(2)(ii) shall apply separately to PM_{2.5} and PM₁₀.

(iii) **AQIA for Projects**

Where a project consists of multiple new, modified, replacement or relocated emission units, the determination of whether an air quality impact analysis is required under this Subsection (d)(2) shall be based on the aggregate total of emission increases occurring from those project emission units for which emissions are increasing, excluding any concurrent actual emission reductions occurring from other emission units at the same stationary source. If an air quality impact analysis is required, the air quality impacts of the project shall be based on the aggregate of the air quality impacts of each unit's emission increases at each off-site location analyzed. The simultaneous air quality impact reduction at each off-site location analyzed that results from any concurrent, enforceable actual emission reductions occurring from other emission units at the same stationary source may be included to determine the net air quality impacts of a project at each off-site location.

(iv) **AQIA Not Required for NOx or VOC Impacts on Ozone**

Notwithstanding the requirements of this Subsection (d)(2), a demonstration shall not be required for determining the impacts from an emission unit's or project's NOx or VOC emissions on an ambient air quality standard for ozone unless the Air Pollution Control Officer determines that adequate procedures exist for determining the impacts of NOx or VOC emissions from such emission unit or project on ozone ambient air quality standards and that such procedures are acceptable to the California Air Resources Board (ARB) with regard to state ambient air quality standards and the federal Environmental Protection Agency (EPA) with regard to national ambient air quality standards.

(v) **AQIA Requirements for PM₁₀ Impacts May be Waived**

Notwithstanding the requirements of Subsection (d)(2)(i), the Air Pollution Control Officer may waive the AQIA requirements for PM₁₀ impacts on the state ambient air quality standards, as follows:

(A) If the project will result in a maximum PM₁₀ air quality impact of less than 5 µg/m³ (24-hour average basis) and 3 µg/m³ (annual geometric mean basis), all of the project's PM₁₀ emission increases, including area fugitive emissions of PM₁₀, must be offset at a ratio of 1.5 to 1.

(B) If the project will result in a maximum PM₁₀ air quality impact equal to or greater than 5 µg/m³ but less than 10 µg/m³ (24-hour average basis) or equal to or greater than 3 µg/m³ but less than 6 µg/m³ (annual geometric mean basis):

(1) the project must be equipped with BACT for PM₁₀ emissions without consideration for cost-effectiveness,

(2) all of the project's PM₁₀ emission increases, including area fugitive emissions of PM₁₀, must be offset at an overall ratio of 1.5 to 1,

(3) sufficient emission offsets must be provided within the project's impact area to offset all of the project's PM₁₀ emission increases, including area fugitive emissions of PM₁₀, at a ratio of at least 1 to 1,

(4) emission offsets in an amount and location which are demonstrated to have a modeled off-stationary source air quality impact at least equal to the project's PM₁₀ ambient air quality impact minus 5 µg/m³ (24-hour average basis) and 3 µg/m³ (annual geometric mean basis) must be provided, and

(5) all reasonable efforts to reduce the air quality impacts of the project are made.

(C) In no case shall the project result in a maximum PM₁₀ air quality impact equal to or greater than 10 µg/m³ (24-hour average basis) or equal to or greater than 6 µg/m³ (annual geometric mean basis).

(vi) **AQIA May be Required**

(A) Notwithstanding any other provision of this rule, the Air Pollution Control Officer may require an AQIA for any new or modified stationary source, any new or modified emission unit or any project if the stationary source, emission unit or project may be expected to:

- (1) cause a violation of a national ambient air quality standard anywhere that does not already exceed such standard, or
- (2) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, or
- (3) prevent or interfere with the attainment or maintenance of any national ambient air quality standard.

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any stationary source, emission unit or project for which an AQIA is required pursuant to this Subsection (d)(2)(vi)(A) unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the emission increases from such source, unit or project will not result in any of the impacts to the national ambient air quality standards specified above in (1), (2) and (3) of this Subsection (d)(2)(vi)(A).

(B) Notwithstanding any other provision of this rule, the Air Pollution Control Officer may require an AQIA for any new or modified stationary source, any new or modified emission unit or any project if the stationary source, emission unit or project may be expected to:

- (1) cause a violation of a state ambient air quality standard anywhere that does not already exceed such standard, or
- (2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection (d)(2)(v), or
- (3) prevent or interfere with the attainment or maintenance of a state ambient air quality standard.

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any stationary source, emission unit or project for which an AQIA is required pursuant to this Subsection (d)(2)(vi)(B) unless the applicant demonstrates to the satisfaction of the Air

Pollution Control Officer that the emission increases from such source, unit or project will not result in any of the impacts to state ambient air quality standards specified above in (1), (2) and (3) of this Subsection (d)(2)(vi)(B).

(3) SIGNIFICANT IMPACT IN CLASS I AREAS

The Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any emission unit or project which is expected to have a significant impact on any Class I area, as determined by an AQIA required pursuant to Subsection (d)(2), unless the following requirements are satisfied. The Air Pollution Control Officer shall:

(i) Federal Land Manager and Federal EPA Notification

Notify the Federal Land Manager and the federal EPA, in writing. This notification shall include all of the information specified by Subsection (d)(4)(iv), the location of the project, the project's approximate distance from all Class I areas within 100 km of San Diego County (as specified in Table 20.1 - 3) and the results of the AQIA, and

(ii) ARB, SCAQMD and Imperial County APCD Notification

Notify and submit to the California ARB, the South Coast Air Quality Management District and the Imperial County Air Pollution Control District the information specified in Subsection (d)(4)(iv).

(4) PUBLIC NOTICE AND COMMENT

The Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any emission unit or project subject to the AQIA or notification requirements of Subsection (d)(2) or (d)(3), nor for any emission unit or project which results in an emissions increase of VOCs equal to or greater than 250 pounds per day or 40 tons per year, unless the following requirements are satisfied.

(i) Public Comment Period

At least 40 days before taking final action on an application subject to the requirements of Subsection (d)(2) or (d)(3), the Air Pollution Control Officer shall:

(A) provide the public with notice of the proposed action in the manner prescribed by Subsection (d)(4)(iii), and

(B) provide a copy of the public notice to the federal EPA Administrator, through its Region 9 office, to the California ARB and to any tribal air pollution control agencies having jurisdiction in the San Diego Air Basin, and

(C) make available for public inspection all information relevant to the proposed action as specified in Subsection (d)(4)(iv), and

(D) provide at least a 30-day period within which comments may be submitted.

The Air Pollution Control Officer shall consider all comments submitted.

(ii) **Applicant Response**

Except as agreed to by the applicant and the Air Pollution Control Officer, no later than 10 days after close of the public comment period, the applicant may submit written responses to any comment received during the public comment period. Responses submitted by the applicant shall be considered prior to the Air Pollution Control Officer taking final action. The applicant's responses shall be made available in the public record of the permit action.

(iii) **Publication of Notice**

The Air Pollution Control Officer shall publish a notice of the proposed action and a copy of the draft Authority to Construct or modified Permit to Operate on the public notice section of the Air Pollution Control District's web site for the duration of the public comment period. In addition, the notice shall be published in at least one newspaper of general circulation in San Diego County. The notice shall:

(A) include the name and address of the of the applicant, and

(B) describe the proposed District action, including the preliminary decision to approve, conditionally approve, or deny the application, and

(C) describe the proposed action and emission changes, including the use of any modified or substitute air quality impact model as allowed under 40 CFR Part 51, Appendix W, and

(D) identify the location(s) where the public may inspect the information relevant to the proposed action, and

(E) indicate the date by which all comments must be received by the District for consideration prior to taking final action, and the duration of the public comment period, and

(F) describe procedures for providing public comment, and

(G) include the time and place of any hearing, if already scheduled, or the procedures for petitioning for a hearing.

(iv) **Information to be Made Available for Public Inspection**

The relevant information to be made available for public inspection shall include but not be limited to:

(A) the application and all analyses and documentation used to support the proposed action, the District's evaluation of the project, a copy of the draft Authority to Construct or modified Permit to Operate and any information submitted by the applicant not previously labeled Trade Secret pursuant to Regulation IX, and

(B) the proposed District action on the application, including the preliminary decision to approve, conditionally approve or deny the application and the reasons therefore.

(5) **RESERVED**

(6) **RESERVED**