

RULE 20.2
NEW SOURCE REVIEW
NON - MAJOR STATIONARY SOURCES
(Adopted and Effective 5/17/94)

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NOTE: Rules 20.1, 20.2, 20.3 and 20.4 were replaced on May 17, 1994, and Rules 20.9 and 20.10 were added on May 17, 1994 to implement the New Source Review (NSR) requirements of the California Clean Air Act and the NSR and Prevention of Significant Deterioration (PSD) requirements of the federal 1990 Clean Air Act Amendments. Rule 20.7 was repealed on May 17, 1994. The versions of Rules 20.1, 20.2, 20.3, 20.4 and 20.7 that were in place before May 17, 1994 remain in effect for permit applications undergoing evaluation prior to May 17, 1994 under the terms prescribed in replacement Rule 20.1.

Replacement Rules 20.1, 20.2, 20.3 and 20.4 became effective May 17, 1994 for purposes of the California Clean Air Act. For purposes of the federal 1990 Clean Air Act Amendments, Rules 20.1, 20.9 and 20.10 will become effective upon EPA approval and upon EPA delegation of the authority to implement and enforce the NSR and PSD federal programs

RULE 20.2. NEW SOURCE REVIEW - NON-MAJOR STATIONARY SOURCES (Effective 11/4/76; Rev. Adopted and Effective 5/17/94)

(a) APPLICABILITY

This rule applies to any new or modified stationary source, to any new or modified emission unit and to any relocated emission unit being moved from a stationary source provided that after completion of the project, the stationary source is not a major stationary source.

(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) Emission units which are to be temporarily relocated to another stationary source shall be exempt from the provisions 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) Emission units which are intended to be permanently relocated to another stationary source shall be exempt from the provisions 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, and

(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 for any emission unit 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 and which unit has a post-project potential to emit of 10 pounds per day or more of particulate matter (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC), oxides of sulfur (SO_x), or carbon monoxide (CO), 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 particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, 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 particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with BACT for each such air contaminant.

(iv) **Emergency Equipment Emission Units**

Any new or modified emergency equipment emission unit which has any increase in its potential to emit and which unit has a post-project potential to emit of 10 pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with BACT for each such air contaminant. BACT shall apply based on the unit's maintenance emissions and excluding the unit's emissions while operating during emergency situations.

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

The Air Pollution Control Officer shall deny an Authority to Construct for any emission unit subject to this rule unless the following requirements are satisfied. Area fugitive emissions of particulate matter (PM₁₀) shall not be included in the demonstrations required below, unless the Air Pollution Control Officer determines, on a case-by-case basis, that a project's area fugitive emissions of PM₁₀ must be evaluated in order to protect public health and welfare.

(i) **AQIA for New or Modified Emission Unit**

For each project which results in an emissions increase equal to or greater than any of the amounts listed in Table 20.2 - 1, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an Air Quality Impact Analysis (AQIA), that the project will not:

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

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

(C) 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

(D) prevent nor interfere with the attainment or maintenance of any state or national ambient air quality standard.

If a particulate matter AQIA is required, the AQIA shall include both directly emitted particulate matter and particulate matter which would be formed by precursor air contaminants prior to discharge to the atmosphere.

TABLE 20.2 - 1
AQIA Trigger Levels

<u>Air Contaminant</u>	<u>Emission Rate</u>	
	<u>(lb/hr)</u>	<u>(lb/day)</u>
Particulate Matter (PM ₁₀)	---	100
Oxides of Nitrogen (NO _x)	25	250
Oxides of Sulfur (SO _x)	25	250
Carbon Monoxide (CO)	100	550
Lead and Lead Compounds	---	3.2

(ii) **AOIA for Replacement Emission Units**

For each replacement project which results in an emission increase equal to or greater than any of the amounts listed in Table 20.2-1, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA, that the replacement project will not:

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

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

(C) 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

(D) prevent nor interfere with the attainment or maintenance of any state or national ambient air quality standard.

If a particulate matter AQIA is required, the AQIA shall include both directly emitted particulate matter and particulate matter which would be formed by precursor air contaminants prior to discharge to the atmosphere.

(iii) **AOIA for Relocated Emission Units**

Prior to issuance of a permit allowing an emission unit or a project to be relocated from one stationary source to another, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA, that operating the emission unit or project at the new location will not:

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

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

(C) 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

(D) prevent nor interfere with the attainment or maintenance of any state or national ambient air quality standard.

This demonstration is required for each air contaminant for which the project has a potential to emit equal to or greater than the amounts listed in Table 20.2-1. If a particulate matter AQIA is required, the AQIA shall include both directly emitted particulate matter and particulate matter which would be formed by precursor air contaminants prior to discharge to the atmosphere.

(iv) AOIA not Required for NO_x or VOC Impacts on Ozone

Notwithstanding the requirements of Subsections (d)(2)(i), (ii), or (iii) a demonstration shall not be required for determining the impacts from a project's oxides of nitrogen (NO_x) or volatile organic compound (VOC) emissions on the state or national ambient air quality standard for ozone, unless the Air Pollution Control Officer determines that adequate procedures exist for determining the impacts of oxides of nitrogen or volatile organic compound emissions from point sources on ozone ambient air quality standards and that such procedures are acceptable to the California Air Resources Board or the federal Environmental Protection Agency.

(v) AOIA Requirements for PM₁₀ Impacts May be Waived

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

(A) If the project will result in a maximum particulate matter 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 particulate matter emission increases, including area fugitive emissions of particulate matter, must be offset at a ratio of 2 to 1 in accordance with Subsection (d)(5)(ii)(C).

(B) If the project will result in a maximum particulate matter 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 particulate matter emissions without consideration for cost-effectiveness,

(2) all of the project's particulate matter emission increases, including area fugitive emissions of particulate matter, must be offset at an overall ratio of 2 to 1 in accordance with Subsection (d)(5)(ii)(C),

(3) sufficient emission offsets must be provided within the project's impact area to offset all of the project's particulate matter emission increases, including area fugitive emissions of particulate matter, 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 particulate matter ambient air quality impact minus $5 \mu\text{g}/\text{m}^3$ (24-hour average basis) and $3 \mu\text{g}/\text{m}^3$ (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 particulate matter air quality impact equal to or greater than $10 \mu\text{g}/\text{m}^3$ (24-hour average basis) or equal to or greater than $6 \mu\text{g}/\text{m}^3$ (annual geometric mean basis).

(vi) **AOIA May be Required**

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

(A) cause a violation of a state or national ambient air quality standard anywhere that does not already exceed such standard, or

(B) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, or

(C) 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

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

(3) **PREVENTION OF SIGNIFICANT DETERIORATION (PSD)**

The Air Pollution Control Officer shall not issue an Authority to Construct for any 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 Environmental Protection Agency (EPA). 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) **CARB, SCAQMD and Imperial County APCD Notification**

Notify and submit to the California Air Resources Board (CARB), the South Coast Air Quality Management District (SCAQMD) 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 for any project subject to the AQIA or notification requirements of Subsection (d)(2) or (d)(3), 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) make available for public inspection all information relevant to the proposed action as specified in Subsection (d)(4)(iv), and

(C) 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 and to the extent consistent with Rule 18, no later than ten 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 for public review.

(iii) **Publication of Notice**

The Air Pollution Control Officer shall publish a notice of the proposed action in at least one newspaper of general circulation in San Diego County. The notice shall:

(A) describe the proposed action, and

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

(C) indicate the date by which all comments must be received by the District for consideration prior to taking final action.

(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 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 therefor.

(5) **EMISSION OFFSETS**

The Air Pollution Control Officer shall not issue an Authority to Construct for any project subject to this rule unless emission offsets are provided on a pollutant specific basis for emission increases of non-attainment air contaminants and their precursors. Emission offsets shall be provided for emission increases to the extent by which the stationary source's post-project aggregate potential to emit is greater than 15 tons per year, as specified below. Interpollutant offsets may be used, provided such offsets meet the requirements of Subsection (d)(5)(vii).

(i) **Offset Requirements for VOC and NO_x Emission Increases - New or Modified Emission Units**

(A) **Offset Requirements for VOC Emission Increases**

The volatile organic compound (VOC) emission increase from a new or modified emission unit located at a stationary source with a volatile organic compound post-project aggregate potential to emit equal to or greater than 15 tons per year, shall be offset at the offset ratio specified in Table 20.2 - 2. If the District is reclassified as a "serious" ozone non-attainment area by the federal Environmental Protection Agency, the offset ratios shall be those specified in Table 20.2 - 2A.

(B) **Offset Requirements for NO_x Emission Increases**

The oxides of nitrogen (NO_x) emission increase from a new or modified emission unit located at a stationary source with an oxides of nitrogen post-project aggregate potential to emit equal to or greater than 15 tons per year, shall be offset at the offset ratio specified in Table 20.2 - 2. If the District is reclassified as a "serious" ozone non-attainment area by the federal Environmental Protection Agency, the offset ratios shall be those specified in Table 20.2 - 2A.

TABLE 20.2 - 2
VOC and NO_x Offset Ratio
Federal Severe Ozone Non-Attainment Classification

Stationary Source's Post-Project Aggregate VOC or NO _x <u>Potential to Emit</u>	Offset Ratio	
	<u>NO_x</u>	<u>VOC</u>
Potential < 15 tons/year	None	None
15 tons/year ≤ Potential < 25 tons/year	1 : 1	1 : 1
Potential ≥ 25 tons/year	Rule 20.3 applies	

TABLE 20.2 - 2A
VOC and NO_x Offset Ratio
Federal Serious Ozone Non-Attainment Classification

Stationary Source's Post-Project Aggregate VOC or NO _x <u>Potential to Emit</u>	Offset Ratio	
	<u>NO_x</u>	<u>VOC</u>
Potential < 15 tons/year	None	None
15 tons/year ≤ Potential < 50 tons/year	1 : 1	1 : 1
Potential ≥ 50 tons/year	Rule 20.3 applies	

NOTE: The offset ratios specified in this Table shall be used only if San Diego County has received final reclassification to a "serious" ozone non-attainment area by the federal Environmental Protection Agency. As of May 17, 1994, San Diego County was classified as a "severe" ozone nonattainment area by the federal Environmental Protection Agency.

(ii) Offset Requirements for PM₁₀ and SO_x Emission Increases - New or Modified Emission Units

(A) Offset Requirements for SO_x Emission Increases

The oxides of sulfur (SO_x) emission increase from a new or modified emission unit located at a stationary source with an oxides of sulfur post-project aggregate potential to emit equal to or greater than 15 tons per year shall be offset at the offset ratio specified in Table 20.2 - 3.

(B) Offset Requirements for PM₁₀ Emission Increases

The particulate matter (PM₁₀) emission increase from a new or modified emission unit located at a stationary source with a particulate matter post-project aggregate potential to emit equal to or greater than 15 tons per year shall be offset at the offset ratio specified in Table 20.2 - 3.

TABLE 20.2 - 3
PM₁₀ and SO_x Offset Ratio

Stationary Source's Post-Project Aggregate PM ₁₀ or SO _x <u>Potential to Emit</u>	Offset Ratio	
	PM ₁₀	SO _x
Potential < 15 tons/year	None	None
15 tons/year ≤ Potential < 100 tons/year	1 : 1	1 : 1
Potential ≥ 100 tons/year	Rule 20.3 applies	

(C) PM₁₀ Waiver Provisions

To qualify for the AQIA waiver provisions of Subsection (d)(2)(v), emission offsets for particulate matter (PM₁₀) must be provided at a 2 to 1 offset ratio.

(iii) Offset Requirements for CO Emission Increases - New or Modified Emission Units

(A) Offset Requirements for CO Emission Increases

The carbon monoxide (CO) emission increase from a new or modified emission unit located at a stationary source with a carbon monoxide post-project aggregate potential to emit equal to or greater than 15 tons per year, shall be offset at the offset ratio specified in Table 20.2 - 4.

TABLE 20.2 - 4
CO Offset Ratio

Stationary Source's Post-Project Aggregate CO <u>Potential to Emit</u>	Offset Ratio
	<u>CO</u>
Potential < 15 tons/year	None
15 tons/year ≤ Potential < 100 tons/year	1 : 1
Potential ≥ 100 tons/year	Rule 20.3 applies

(B) Waiver of CO Offset Requirements

Notwithstanding the offset provisions of Subsection (d)(5)(iii)(A) if an applicant demonstrates to the satisfaction of the Air Pollution Control Officer, by means of an AQIA, that the new or modified emission unit will not cause or contribute to a violation, nor interfere with the attainment or maintenance, of any state or national ambient air quality standard for carbon monoxide, emission offsets for carbon monoxide shall not be required.

(iv) Offset Requirements - Relocated and Replacement Emission Units

For each pollutant for which a stationary source has a post-project potential to emit equal to or greater than 15 tons per year, the volatile organic compounds, oxides of nitrogen, particulate matter, oxides of sulfur, or carbon monoxide emission increase from a relocated or replacement emission unit shall be offset as specified in Subsections (d)(5)(i) through (iii), as applicable.

(v) Offset Requirements - Essential Public Services

(A) If emission offsets are required pursuant to Subsections (d)(5)(i) through (iii) for emission increases from new or modified emission units located at essential public services, the Air Pollution Control Officer may allow emission offsets to be provided at an emission offset ratio lower than that specified, for that portion of the emission increase for which the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that:

- (1) the emission unit constitutes an essential public service, and
- (2) on a pollutant specific basis, the emission offsets cannot be provided as specified in Subsections (d)(5)(i) through (iii) because it can be demonstrated that the cost in dollars per pound of obtaining emission offsets at that ratio exceeds five times the cost of control measures required to meet stationary source emission standards contained in these rules and regulations.

(B) If the Air Pollution Control Officer finds, pursuant to this Subsection (d)(5)(v), that the applicant for an essential public service is unable to obtain sufficient emission offsets despite all reasonable efforts, the Air Pollution Control Officer may do any of the following:

- (1) provide the remaining required offsets from a District Community Bank created pursuant to Rule 26.4,
- (2) demonstrate that the permit program is achieving no net increases in emissions from sources which emit 15 tons per year or more is being achieved,
- (3) notify the Air Pollution Control Board that the essential public service project cannot be approved because of the applicant's inability to obtain emission offsets in an amount necessary to satisfy the offset ratio requirements of this rule. The Air Pollution Control Officer can make specific recommendations for revising the State Implementation Plan (SIP) and measures which the Air Pollution Control Board could adopt in order to ensure that there will be a no net increase in permitted emissions.

(vi) Offset Requirements - Emission Control Equipment Installed Pursuant to District Rules & Regulations

If emission offsets are required for emission increases from an emission unit operating prior to May 17, 1994 resulting from the installation of air contaminant control equipment being installed to comply with a requirement of these Rules and Regulations, but not including Rules 20.1, 20.2, 20.3, 20.4, 20.5, 20.9 or 20.10, the Air Pollution Control Officer may elect to provide a portion or all of the emission offsets through the District's Community Bank, consistent with the provisions of

Subsection (d)(6) of this rule. In order for the emission unit to be eligible to receive emission reduction credits from the Community Bank, the Air Pollution Control Officer must determine that the following are satisfied:

(A) The control equipment satisfies the applicable requirement of these Rules and Regulations,

(B) BACT has been installed on all emission increases associated with the installation of the control equipment, and

(C) The amount of the emission reduction credits to be obtained from the Community Bank shall not exceed 10 tons per year on a pollutant specific basis.

(D) The Air Pollution Control Officer determines that there are sufficient offsets available from the District's Community Bank.

This provision shall not apply to offsets required for emission increases that result from any modifications which result in the creation of an Emission Reduction Credit pursuant to Rules 26.0 et seq.

(vii) **Interpollutant Offset Ratios**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.2 - 5 to satisfy the offset requirements of this Subsection (d)(5), provided the applicant demonstrates to the satisfaction of the Air Pollution Control Officer, that the AQIA requirements of Subsection (d)(2), as applicable, are satisfied for the emission increase. The interpollutant ratios shall be multiplied by the emission offset ratios required by Subsections (d)(5) to determine the final offset ratio.

TABLE 20.2 - 5
Interpollutant Offset Ratio

Emission Increase	Emission Decrease	Interpollutant Ratio
Particulate Matter (PM ₁₀)	PM ₁₀	1.0
	VOC	1.1
	NO _x	1.1
	SO _x	1.1
Oxides of Sulfur (SO _x)	SO _x	1.0
	PM ₁₀	1.1
	VOC	1.1
	NO _x	1.1
Oxides of Nitrogen (NO _x)	NO _x	1.0
	VOC	2.0
Volatile Organic Compounds (VOC)	VOC	1.0
	NO _x	1.0

(6) EMISSION OFFSET REQUIREMENTS: USE OF COMMUNITY BANK EMISSION REDUCTION CREDITS

The Air Pollution Control Officer may elect to provide emission offsets from a District developed and maintained Community Bank in the manner prescribed in Subsections (d)(5)(v) and (vi), provided that the following are satisfied:

(i) The Community Bank has been established consistent with the provisions of Rule 26.1 et seq.,

(ii) The Community Bank contains sufficient emission reduction credits to allow for the emissions to be fully offset, if necessary with a combination of emission reductions from the Community Bank and emission reductions provided directly by the affected stationary source,

(iii) Only banked emission reduction credits in excess of those necessary to demonstrate compliance with the no net increase permit program provisions of the California Clean Air Act are utilized,

(iv) The use of Community Bank Emission Reduction Credits shall be prioritized in the following order. In order to make this prioritization, the Air Pollution Control Officer shall determine, based on a review of the District's permit program for the previous calendar year, the amount of emission reductions credits from the Community Bank which are to be allocated for each category:

(A) For use to demonstrate compliance with the no net increase permit program provisions of the California Clean Air Act,

(B) For use by essential public service projects, as defined in Rule 20.1 and as provided for in Subsection (d)(5)(v) of this rule,

(C) For use for emission control equipment as provided for in Subsection (d)(5)(vi) of this rule, and

(D) For use for emission control equipment as provided for in Subsection (d)(5)(v) of Rule 20.3.