

**RULE 20.4
NEW SOURCE REVIEW
PORTABLE EMISSION UNITS
(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 Rule 20.7 was repealed on May 17, 1994.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 20.4. NEW SOURCE REVIEW - PORTABLE EMISSION UNITS
(Effective: 11/4/76; Rev. Adopted and Effective 5/17/94)

(a) APPLICABILITY

This rule applies to any new or modified portable emission unit and to any portable emission unit being moved from one stationary source to another.

(b) EXEMPTIONS

The exemptions contained in Rule 20.1, Section (b) apply to this rule. In addition, the provisions of this rule, excluding the requirements of Subsection (d)(2)(ii), shall not apply to any previously permitted portable emission unit, unless such unit is modified.

(c) DEFINITIONS

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

(1) **"Initial Permit Issuance"** means the first instance an Authority to Construct is issued for an emission unit pursuant to Rules 20.1 and 20.4, as they are currently in effect.

(2) **"Previously Permitted"** means a portable emission unit which has a valid Authority to Construct or Permit to Operate issued pursuant to these Rules and Regulations prior to May 17, 1994 and that the emission unit has not been modified since May 17, 1994 or otherwise undergone initial permit issuance.

(3) **"Type I Portable Emission Unit"** means a portable emission unit that can be operated only at stationary sources which have an aggregate potential to emit of less than 15 tons per year of particulate matter (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC), oxides of sulfur (SO_x) and carbon monoxide (CO).

(4) **"Type II Portable Emission Unit"** means a portable emission unit that can be operated only at stationary sources which have an aggregate potential to emit of less than the emission rates listed in Table 20.4 - 1. Type II portable emission units may also operate at stationary sources which have an aggregate potential to emit greater than the emission rates listed in Table 20.4 - 1, if emission offsets at the ratios specified for Type III portable emission units are provided for the period of time the portable emission unit is located at such a stationary source. If the District has received final reclassification to a "serious" ozone non-attainment area by the federal Environmental Protection Agency, Table 20.4 - 1A shall be used.

TABLE 20.4 - 1
Federal Severe Ozone Nonattainment Classification

<u>Air Contaminant:</u>	<u>Emission Rate</u> <u>(Ton/yr)</u>
Particulate Matter (PM ₁₀)	100
Oxides of Nitrogen (NO _x)	25
Volatile Organic Compounds (VOC)	25
Oxides of Sulfur (SO _x)	100
Carbon Monoxide (CO)	100
Lead (Pb)	0.6

TABLE 20.4 - 1A
Federal Serious Ozone Nonattainment Classification

<u>Air Contaminant:</u>	<u>Emission Rate (Ton/yr)</u>
Particulate Matter (PM ₁₀)	100
Oxides of Nitrogen (NO _x)	50
Volatile Organic Compounds (VOC)	50
Oxides of Sulfur (SO _x)	100
Carbon Monoxide (CO)	100
Lead (Pb)	0.6

NOTE: The emission rates 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.

(5) "Type III Portable Emission Unit" means a portable emission unit that can be operated at any stationary source, regardless of the source's aggregate potential to emit.

(d) STANDARDS

(1) BACT FOR NEW OR MODIFIED PORTABLE EMISSION UNITS

The Air Pollution Control Officer shall deny an Authority to Construct for any new or modified portable emission unit which has any increase in its potential to emit and which unit has a post-project potential to emit of ten 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), unless the applicant demonstrates that such unit will be equipped with Best Available Control Technology (BACT) for each such air contaminant.

(2) AIR QUALITY IMPACT ANALYSIS (AQIA)

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any portable emission unit unless the following requirements are satisfied. Modeling shall be used to conduct any Air Quality Impact Analysis (AQIA). The AQIA shall be performed using maximum expected ambient air contaminant concentrations within San Diego County, based on existing data, unless the applicant agrees to enforceable permit conditions that requires a new AQIA whenever the equipment is to be located at a stationary source for which the initial AQIA was not representative. Area fugitive emissions of 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 Portable Emission Units**

(A) **Initial Permit Issuance**

For each new or modified portable emission unit which results in an emissions increase equal to or greater than the amounts listed in Table 20.4 - 2, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA, that the new or modified portable emission unit will not:

- (1) cause a violation of a state or 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) 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)(iii), nor
- (4) 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 20.4 - 2
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

(B) **Previously Permitted Emission Units**

For each previously permitted portable emission unit which has a potential to emit equal to or greater than the amounts listed in Table 20.4 - 2, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA, on or before June 17, 1995, that the portable emission unit will not:

- (1) cause a violation of a state or 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) 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)(iii), nor

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

A previously performed AQIA may be used to satisfy part or all of this requirement, with the approval of the Air Pollution Control Officer, if it is determined that the AQIA is representative of proposed operating conditions and background concentrations have not increased. 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.

(ii) **AQIA not Required for NO_x or VOC Impacts on Ozone**

Notwithstanding any other provision of this rule, a demonstration shall not be required for determining the impacts from a portable emission unit's oxides of nitrogen (NO_x) or volatile organic compound (VOC) emissions on the state or national ambient air quality standards 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.

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

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

(A) If the emission unit 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 emission unit's particulate matter (PM₁₀) 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)(i).

(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 emission unit must be equipped with BACT for particulate matter without consideration for cost-effectiveness,

(2) all of the emission unit'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)(i),

(3) sufficient emission offsets must be provided within the emission unit'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 emission unit'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).

(iv) **AQIA May be Required**

Notwithstanding any other provision of this rule, the Air Pollution Control Officer may require an AQIA for any portable emission unit, or aggregation of portable emission units, if it 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)(iii), or

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

This provision may be invoked notwithstanding the equipment being previously permitted or having undergone initial permit issuance.

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

The Air Pollution Control Officer shall deny an Authority to Construct for any portable emission unit 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.

(i) **Federal Land Manager and Federal EPA Notification**

The Federal Land Manager and the federal Environmental Protection Agency (EPA) have been notified in writing. This notification shall include all of the information specified by Subsection (d)(4)(iv), the location(s) where operation of the portable emission unit may cause a significant impact on any Class I area, the approximate distance from all Class I areas within 100 km of San Diego County (as specified in Rule 20.1, Table 20.1-3) and the results of the AQIA, and

(ii) **CARB, SCAQMD and Imperial County APCD Notification**

The California Air Resources Board (CARB), the South Coast Air Quality Management District (SCAQMD) and the Imperial County Air Pollution Control District have been notified and have been provided 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 portable emission unit subject to the AQIA or notification requirements of Subsections (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 Subsections (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 in 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 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 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 is not limited to:

(A) the application and all analyses and documentation used to support the proposed action, the District's compliance evaluation, 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 portable emission unit 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 based on the portable emission unit Type, as specified in Table 20.4 - 3. If the District is reclassified to a "serious" ozone non-attainment area by the federal Environmental Protection Agency, the offset ratios shall be those specified in Table 20.4 - 3A. As provided for in Subsection (d)(5)(iii), interpollutant offsets may be used.

TABLE 20.4 - 3
Emission Offset Ratios
Federal Severe Ozone Non-Attainment Classification

<u>Portable Emission Unit Type</u>	<u>Offset Ratio</u>				
	<u>NOx</u>	<u>VOC</u>	<u>PM₁₀</u>	<u>SOx</u>	<u>CO</u>
Type I	None	None	None	None	None
Type II	1 : 1	1 : 1	1 : 1	1 : 1	1 : 1
Type III	1.3:1.0	1.3:1.0	1 : 1	1 : 1	1 : 1

TABLE 20.4 - 3A
Emission Offset Ratios
Federal Serious Ozone Non-Attainment Classification

<u>Portable Emission Unit Type</u>	<u>Offset Ratio</u>				
	<u>NOx</u>	<u>VOC</u>	<u>PM₁₀</u>	<u>SOx</u>	<u>CO</u>
Type I	None	None	None	None	None
Type II	1 : 1	1 : 1	1 : 1	1 : 1	1 : 1
Type III	1.2: 1.0	1.2: 1.0	1 : 1	1 : 1	1 : 1

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.

(i) **PM₁₀ Waiver Provisions**

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

(ii) **Waiver of CO Offset Requirements**

Notwithstanding the offset provisions of this Subsection (d)(5), if an applicant demonstrates to the satisfaction of the Air Pollution Control Officer, by means of an AQIA, that the new or modified portable 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 (CO), emission offsets for carbon monoxide shall not be required.

(iii) **Interpollutant Offset Ratios**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.4 - 4 to satisfy the offset requirements of 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 Subsection (d)(5), to determine the final offset ratio.

TABLE 20.4 - 4
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

(iv) **Alternative Offsetting**

Emission offsets required by Subsection (d)(5) may, instead of being provided on a unit by unit basis, be provided in the following manner.

(A) Emission Offset Pool

The owner or operator of a portable emission unit may satisfy the offset requirements of Subsection (d)(5), by the use of an emission offset pool. An emission offset pool shall consist of emission offsets which are designated for use by any number of portable emission units. Prior to renting, leasing or otherwise making portable emission units available for use, the owner or operator shall reserve the appropriate amount of offsets based on the portable emission unit Type. The following recordkeeping requirements shall apply:

(1) The owner of portable emission units shall maintain daily records containing sufficient information to ensure compliance with the provisions of this rule and compile these records into a log. The daily logs shall be kept and shall include the following information for each portable emission unit except those which are in a designated holding yard or in transit: the permit number, the portable equipment type, the date, the potential to emit of the unit (tons per year), the name of the stationary source where the unit is available for use, the stationary source's offset classification based on the stationary source's potential to emit (i.e. less than 15 tons per year, 15 to 25 tons per year, 25 to 100 tons per year, or over 100 tons per year; if the federal Environmental Protection Agency reclassifies San Diego County as a "Serious" ozone non-attainment area, the values are: less than 15 tons per year, 15 to 50 tons per year, 50 to 100 tons per year, or over 100 tons per year) for each pollutant emitted by the portable emission unit, the sum of all portable emission unit's potentials to emit which are available for use on that day, and a comparison between the sum of all portable emission units' potentials to emit, the required offset ratio, and the total amount of offsets (tons per year) in the offset pool.

(2) The owner shall summarize the daily logs into an annual compliance log and make the daily and annual logs and supporting documentation available to the District upon request.

(B) Temporary Limitation on Existing Emission Units

With the written concurrence of the permit holder, the Air Pollution Control Officer may place temporary limitations on the operation of any existing emission unit(s) at the stationary source where a portable emission unit is to be located, in order to create temporary offsetting emission reductions. Temporary emission reductions shall be provided for the entire period of time that the portable emission unit is located at the stationary source. Emission reductions created by the temporary shutdown or curtailment of existing unit(s) at the stationary source shall be used to offset the portable emission unit's potential to emit, provided the reductions satisfy the offset ratio requirements of Subsection (d)(5).

If a portable emission unit is brought onto a stationary source to remedy an immediately occurring emergency situation, notice of temporary credits to offset the portable emission unit emissions shall be made within 24 hours from the time the portable emission unit is made available for use at the affected stationary source.