AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

Air Pollution Control Board
Greg Cox District 1
Dianne Jacob District 2
Pam Slater District 3
Ron Roberts District 4
Bill Horn District 5

Air Pollution Control District
R. J. Sommerville Director

WORKSHOP NOTICE

FOR DISCUSSION OF PROPOSED AMENDMENTS TO RULES 20.1 THROUGH 20.10

The San Diego County Air Pollution Control District will hold a public meeting to consider proposed amendments to Rules 20.1 through 20.10 (New Source Review rules). Comments concerning this proposal may be submitted in writing before, or made at the workshop which is scheduled as follows:

DATE: April 18, 1997 - Friday

TIME: 10:30 a.m. to 12:00 noon

PLACE: Air Pollution Control District
Conference Room 139
9150 Chesapeake Dr.
San Diego CA

On May 17, 1994 the District adopted major revisions to its New Source Review (NSR) rules to incorporate new requirements mandated by state and federal law. On December 11, 1995, the Environmental Protection Agency (EPA) provided the District a list of deficiencies with these rules and advised the rules would be disapproved if the deficiencies were not corrected. The District has been working with EPA to address these problems. The proposed changes incorporate the changes agreed upon to date. In addition, on January 1, 1997, AB 3319 was signed into law allowing the District to repeal state emission offset requirements from its NSR rules if specified findings can be made and the state Air Resources Board (ARB) agrees. Anticipating these findings will be made, the District is also proposing to repeal the state emission offset requirements from the NSR rules. However, the District will not be able to repeal the requirements until ARB agrees with the findings. Other minor changes and clarifications are also made. Specifically, the changes accomplish the following:

GENERAL

References in Rules 20.2, 20.3 and 20.4 to standards for issuance of an Authority to Construct have been expanded to include modified Permits to Operate that are also subject to NSR requirements.

Rules 20.9 and 20.10 and the references to these rules in Rules 20.1 through 20.4 have been deleted. There is no longer a need for these rules because those portions of Rules 20.2, 20.3 and 20.4 that carry out the state NSR requirements and which the District does not want included in the federal State Implementation Plan (SIP) have been clearly separated out in these rules. These separate provisions will not be submitted to EPA as part of the SIP.

Rules previously submitted to EPA as part of the SIP (e.g. Rules 20.1, 20.9, and 20.10) that contain references to other rules not submitted as part of the SIP (e.g. Rules 20.2, 20.3, and 20.4) have been revised to delete such references or repealed (Rules 20.9 and 20.10). This corrects an EPA identified deficiency.

Also, references to federal requirements that will apply if the District is reclassified to a "serious" ozone nonattainment area by EPA have been deleted because the District has now been reclassified as "serious" and this language is no longer needed. The appropriate changes have been made to remove requirements for a "severe" classification which is no longer applicable.

RULE 20.1

The exemption for emissions units subject to Rule 69(d)(11) has been corrected to be applicable to those units subject to Rule 69(d)(6). This corrects an error identified by EPA.

The exemption for applications received before April 16, 1994 is no longer needed and has been deleted.

A definition of an "Air Contaminant Emission Control Project" has been added. Emission offsets will no longer be required for emission increases from eligible projects.

The definition of "Best Available Control Technology (BACT)" has been modified to remove the ability of the District to specify alternative basic equipment as part of BACT. It has also been modified to specify that BACT must be applied to an emission unit's entire potential to emit if the emission increase exceeds the major modification thresholds of Table 20.1-5. This corrects an EPA identified deficiency.

The definition of "Contemporaneous Emissions Increase" has been clarified that the increase resets to zero after a project meets federal requirements for Lowest Achievable Emission Rate (LAER) and emission offsets.

The definitions for "Commenced Construction" and "Construction" have been added in response to comments made by EPA.

The definition of "Enforceable" has been replaced by "Federally Enforceable" and means can be enforced by the EPA through the SIP, or Authority to Construct (A/C) or Permit to Operate (P/O) conditions. It is also clarified that A/C or P/O terms and conditions not imposed for purposes of specified federal requirements are not federally enforceable unless specifically requested to be so by the owner or operator. These correct EPA identified deficiencies.

The exceptions to applying LAER to an emission unit's (that is subject to LAER) entire post-project potential to emit have been deleted. This corrects an EPA identified deficiency.

A definition of "Military Tactical Support Equipment" has been added. This is consistent with recent changes in state law.

The definition of "New Emissions Unit" has been revised to include emission units installed without an A/C or operated without a P/O. This corrects an EPA identified deficiency.

The definition of "Particulate Matter or Particulate Matter (PM10)" has been revised to reference test methods for measuring PM10 as approved by the ARB and federal EPA and to provide that the Air Pollution Control Officer may specify the use of a test method that has not yet received final approval if certain standards are met and initial concurrence has been received from ARB and EPA. This corrects an EPA identified deficiency.

"Portable Emission Unit" has been redefined to mean a unit that is designed to be and capable of being moved from one location to another. Indicators of portability and criteria for excluding equipment are provided. This revision is consistent with ARB's proposed definition of "Portable Emission Unit" in their regulations to implement a statewide portable equipment registration program under Health and Safety Code Section 41750 et seq.

The definition of "Potential to Emit" has been revised to require that emission limits on permits imposed to ensure compliance with those portions of Rules 20.2, 20.3 and 20.4 that have been submitted as part of the federal SIP shall be federally enforceable. This corrects an EPA identified deficiency.

The definition of "PSD Modification" has been modified to include emission increases equal to or greater than any non-criteria pollutant emissions significance level. This corrects an EPA identified deficiency.

The definition of "Quantifiable" has been revised to mean the ability to estimate emission reductions in terms of amount and characteristics. Allowable methods of estimating emission are listed. This corrects an EPA identified deficiency.

The definition of "Surplus" has been revised to be consistent with the District's Banking Rules 26.0 through 26.10.

Subsection (d)(1)(i)(C) is clarified regarding calculating the pre-project potential to emit of emission units located at stationary sources. The clarification concerns the date of an Authority to Construct for an emission unit after which the emissions calculation procedure would change. This corrects an EPA identified deficiency.

Subsection (d)(1)(ii)(A) is clarified to exclude permit-exempt and registered emission units from a stationary source's aggregate potential to emit if actual emissions from an emission unit, without consideration of the effects of add-on emission control equipment, do not exceed 5 pounds per day or 25 pounds per week. This corrects an EPA identified deficiency.

Subsection (d)(1)(ii)(B) is clarified regarding inclusion of non-emergency operation emissions from emergency equipment in a stationary source's aggregate potential to emit. Emissions during non-emergency operations would not be included in the aggregate potential to emit if the actual emissions, without consideration for any add-on emission control equipment, are less than 5 pounds per day or 25 pounds per week. This corrects an EPA identified deficiency.

Language has been added to exclude emissions from Military Tactical Support Equipment engines from aggregate potential to emit emission calculations. This is consistent with recent changes in state law.

Language has been added to clarify that the specified time periods for calculation of Actual Emissions are average time periods. This corrects an EPA identified deficiency.

Subsection (d)(2)(iii) has been relocated to become new Subsection (d)(4)(iii) and modified to require Reasonable Available Control Technology (RACT) adjustment of emission reduction credits from permit-exempt emission units at the time of use of such credits.

Other minor corrections and clarifications to references, definitions and procedures have been made.

RULE 20.2

Section (b) and Subsections (d)(1) and (d)(2)(v) will not be submitted to EPA for inclusion in the SIP. Subsections (d)(2)(i), (d)(2)(ii), (d)(2)(iii), (d)(2)(iv) and (d)(2)(vi) will be submitted to EPA for inclusion in the SIP only with respect to national ambient air quality standards. This, in part, will provide the flexibility needed to delete Rules 20.9 and 20.10.

Subsection (d)(1) has been revised to delete the requirement to apply BACT to specified emission increases of carbon monoxide (CO). The District is in attainment of the state ambient air quality standard for CO and, therefore, BACT does not need to be applied to the non-major sources covered by Rule 20.2.

Subsection (d)(2)(v) has been revised to decrease from 2.0:1.0 to 1.5:1.0 the emission offset ratio for PM10 that is required to be provided for the Air Quality Impact Analysis (AQIA) requirements for PM10 to be waived. Other requirements are still applicable to PM10 emissions.

Subsection (d)(4), has been revised to add a 250 pound per day VOC emission increase trigger for public notification and a 30-day comment period on a proposed Authority to Construct for new and modified permits. This corrects an EPA identified deficiency.

Subsections (d)(5) and (d)(6) are deleted in their entirety. Subsection (d)(5) implements the state no-net-increase requirements by requiring emission offsets for emission increases from new and modified emission units at stationary sources having an aggregate post-project potential to emit of more than 15 tons per year. Subsection (d)(6) contains provisions for a District Bank and allows banked emission reduction credits to be used to meet state emission offset requirements. IT IS IMPORTANT TO NOTE that this change can only be made regarding VOC and NOx offset requirements if the District can make the findings required by AB 3319 that a no-net-increase program is not needed to meet the state ozone standard as expeditiously as practicable and the District has adopted or scheduled for adoption all feasible emission control measures. The ARB must agree with these findings. If the District and ARB have not made the required findings by the time the District moves forward with the changes needed to correct the EPA noted deficiencies, the repeal of the state emission offset requirements may be delayed.

The deletion of emission offset requirements for PM10, SOx and CO are based on revised interpretations of state law and redesignation of the air basin as attainment for the state CO standard. These deletions are not dependent upon ARB approval under AB 3319.

RULE 20.3

Subsections (b)(2), (d)(1)(i), (d)(1)(ii) (d)(1)(iii), and (d)(2)(v) will not be submitted to EPA for inclusion in the SIP. Subsections (d)(2)(i), (d)(2)(ii), (d)(2)(iii), (d)(2)(iv), and (d)(2)(vi) will be submitted to EPA for inclusion in the SIP only with respect to national ambient air quality standards. This, in part, will provide the flexibility needed to delete Rules 20.9 and 20.10.

A new Subsection (b)(4) will add an exemption from emission offsets for any emission increases from air contaminant emission control projects. This reflects a change in state law.

Subsection (d)(1)(ii) is relocated to (d)(1)(vi) and the other Subsections in (d)(1) are renumbered. Subsections (d)(1)(i), (d)(1)(ii) and (d)(1)(iii) have been revised to delete the requirement to apply Best Available Control Technology to specified emission increases of CO. Subsection (d)(1)(i) has also been revised to delete the requirement to apply BACT to specified emission increases of lead. The District is in attainment of the state ambient air quality standard for CO and therefore, BACT

does not need to be applied to emission increases of 10 pounds per day or more. The District also meets the federal ambient air quality standard for lead and there is no requirement to apply BACT to emission increases of 10 pounds per day or more.

The requirement in Subsections (d)(1)(i), (d)(1)(ii) and (d)(1)(iii) to apply LAER instead of BACT for nonattainment pollutants for which the source is major has been deleted because this requirement is now contained in new Subsection (d)(1)(v). References to Table 20.1-8, 20.1-10 and 20.1-11 have been added to Subsection (d)(1)(vi) to clarify where the PSD stationary source and PSD modification emission thresholds are found.

Subsection (d)(2)(v) has been revised to decrease from 2.0:1.0 to 1.5:1.0 the emission offset ratio for PM10 that is required to be provided for the AQIA requirements for PM10 to be waived. Other requirements are still applicable to PM_{10} emissions.

Language has been added to Subsection (d)(3)(vii)(B) to allow the District to specify a more recent version of federal Good Engineering Practice requirements regarding stack heights if they are necessary to meet federal Prevention of Significant Deterioration (PSD) requirements and if they do not significantly change existing requirements. This corrects an EPA identified deficiency. Language has also been added to Subsection (d)(3)(vii)(C) to specify that at least four consecutive months of preconstruction air monitoring data are required to be submitted to comply with the preconstruction monitoring provisions of the federal PSD program. This also corrects an EPA identified deficiency.

Subsection (d)(4), has been revised to add a 250 pound per day VOC emission increase trigger for public and EPA notification and a 30-day comment period on a proposed Authority to Construct for new and modified permits. This subsection has also been revised to specify that any project that constitutes a new major source or major modification will also trigger public and EPA notification and a 30-day comment period, regardless of whether emission increases trigger these requirements. These correct EPA identified deficiencies.

Section (d)(5) has been revised to make the emission offsets requirements applicable only to project emission increases which would constitute a new major stationary source or major modification. The requirement to provide emission offsets for post project aggregate potential to emit emission increases of more than 15 tons per year has been deleted. Again, it is important to note that these provisions related to state emission offset requirements (e.g. >15 tons per year) for NOx and VOC emissions can only be deleted if the District can make the findings required by AB 3319 and the ARB agrees.

Similarly, Subsection (d)(5)(i)(A) has been revised to delete reference to the requirement to provide emission offsets for post project aggregate potential to emit volatile organic compounds (VOC) increases of more than 15 tons per year. It now requires emission offsets at a 1.2:1.0 ratio for VOC emission increases that would be a new major stationary source or major modification. Subsection (d)(5)(i)(B) has been similarly revised for oxides of nitrogen (NOx) emission increases. These deletions relate to state emission offset requirements and require District and ARB findings be made before they can be implemented. Tables 20.3-2 and 20.3-2A are no longer needed and have been deleted.

Subsection (d)(5)(ii) has been deleted because it refers to emission offsets required for PM10 and oxides of sulfur (SOx) to satisfy the state requirements. These deletions relate to revised interpretations of state emission offset requirements. Emission offsets for such emission units are no longer required for emission increases of SOx because the District attains the state and federal ambient air quality standard for SOx, attains the federal PM_{10} standard, and emission offsets are not required for state PM10 or precursors.

Subsection (d)(5)(iii) has been revised to eliminate Table 20.3-4 and instead specify an emission offset ratio of 1.0:1.0 for new and modified emission units which are new major sources or major modifications of CO. Language has also been added to specify that this requirement no longer applies if EPA redesignates the District to an attainment area for CO. The District currently has such a request pending with EPA.

Subsection (d)(5)(iv) has been revised to delete the requirement that emission offsets be provided for pollutants for which a stationary source has a post-project potential to emit of 15 or more tons per year of VOC, NOx, SOx and CO. Instead, emission offsets are required only for VOC, NOx and CO emission increases from replacement or relocated emission units that are also a new major stationary source or major modification. Emission offsets for such emission units are no longer required for emission increases of SOx because the District attains the state and federal ambient air quality standard for SOx, attains the federal PM10 standard, and emission offsets are not required for state PM10 or precursors. Language has also been added to specify that this requirement no longer applies to CO if EPA redesignates the District to an attainment area for CO.

Subsection (d)(5)(v) has been revised to allow emission offsets be provided from the District Bank for emission increases resulting from installation of mandated emission control equipment if the emission increases are required to be offset. Control equipment installed pursuant to the New Source Review rules, Banking rules or Rule 1200 is not eligible to receive District Bank offsets. BACT is no longer required as a condition for receiving District Bank offsets. The requirement that a source receiving District Bank offsets not be a major source for VOC or NOx has been deleted. This provision is being retained in the event that the exemption from emission offsets for emission control projects that is being proposed pursuant to a change in state law is not approved by EPA relative to federal offset requirements.

Table 20.3-5 has been revised to remove references to particulate matter (PM10) emission increases that otherwise could utilize interpollutant offsets. Particulate matter emission increases would no longer be required to be offset under the proposed revisions to the NSR rules, except when offsets are used to mitigate an ambient air quality impact. In such case, PM10 impacts must be mitigated by PM10 emission reductions.

Subsection (d)(6) has been revised to refer to the District Bank, and the District's Banking Rules 26.0 through 26.10 to ensure consistency. In addition, criteria for providing offsets from the District Bank for essential public service projects have been added to replace reference to a deleted subsection of Rule 20.2.

Subsection (d)(7) has been revised to exempt a source which provides VOC or NOx emission reductions from within the source at a 1.3:1.0 ratio from the requirement to install LAER and to clarify that the offsets must be in addition to any other offsets required for the project. This corrects an EPA identified deficiency.

Subsection (d)(8) has been revised. This Subsection allowed a major stationary source to request that the LAER and emission offset requirements for VOCs and NOx be applied based on the sources contemporaneous emission increases instead of on an individual emission unit or project basis. This concept of contemporaneous accounting is now incorporated in the definitions of "Major Stationary Source" and "Major Modification" [Rule 20.1(c)(29)] and the requirement to provide LAER and offsets for major modifications. This subsection has been clarified to reflect this and to add a provision that allows contemporaneous increases to be reset to zero after a project triggers and meets LAER and offset requirements.

Tables 20.3-6 and 20.3-6A are no longer needed and have been deleted.

RULE 20.4

Subsections (d)(1)(i) and (d)(2)(iii) will not be submitted to EPA for inclusion in the SIP. Subsections (d)(2)(i), (d)(2)(ii) and (d)(2)(iv)will be submitted to EPA for inclusion in the SIP only with respect to national ambient air quality standards. This, in part, will provide the flexibility needed to delete Rules 20.9 and 20.10.

Section (b) has been revised to no longer make the provisions of Subsection (d)(2)(ii) applicable to previously permitted portable emission units. The reference to subsection (d)(2)(ii) was in error. The reference should have been to Subsection (d)(2)(i)(B) which is being deleted.

Section (b) is also being revised to exempt from emission offsets any emission increases from eligible emission control projects.

The definition of "Type I Portable Emission Unit" has been modified to mean a portable emission unit that can only operate at stationary sources having an aggregate potential to emit of less than 100 tons per year of PM_{10}, SOx and CO and less than 50 tons per year of VOC and NOx. Such a unit can be operated at stationary sources greater than these levels if emission offsets are provided at the appropriate ratios. The previous emission threshold of 15 tons per year has been deleted because it is related to the state emission offset program. As noted previously, these state emission offset requirements can be deleted only after the District makes the findings required by AB 3319 and the ARB agrees.

The definition of "Type II Portable Emission Unit" and associated tables have been deleted.

The definition of "Type III Portable Emission Unit" has been retitled "Type II Portable Emission Unit". There are no longer Type III portable emission units.

Tables 20.4-1 and 20.4-1A are no longer needed and are being deleted.

Subsection (d)(1)(i) has been modified to no longer apply to CO emissions from Type I portable emission units. The District is in attainment of the state ambient air quality standard for CO and therefore, BACT does not need to be applied to emission increases of 10 pounds per day or more. Subsection (d)(1)(i) also clarifies that Subsections (d)(1)(ii) and (d)(1)(iii) contain exceptions to the requirements of Subsection (d)(1)(i).

Subsection (d)(1)(ii) has been added to specify that Type II portable emission units emitting federal nonattainment pollutants or precursors must be equipped with LAER for each contaminant. This corrects an EPA identified deficiency. If the applicant can demonstrate that such emissions do not constitute a major modification to an existing major source and accepts federally enforceable conditions to ensure this, LAER is not required.

Subsection (d)(1)(iii) has been added to specify that Type II portable emission units must be equipped with BACT if they are located at a PSD stationary source and have non-criteria or criteria pollutant emissions equal to or exceeding the new PSD stationary source levels specified in Table 20.1-11 or PSD modification levels specified in Tables 20.1-8 and 20.1-10. This corrects an EPA identified deficiency.

Subsection (d)(2)(i)(B) has been deleted because the requirement that portable emission units exceeding listed thresholds conduct an AQIA and make specified demonstrations is no longer necessary. Currently, nearly all portable emission units already have limiting operating conditions to ensure air quality impact problems do not result, and many will soon be handled through an equipment registration program. Since this requirement is not a state or federal mandate, it is being deleted.

Subsections (d)(2)(iii)(A) and (d)(2)(iii)(B)(2) have been revised to decrease from 2.0:1.0 to 1.5:1.0 the emission offset ratio for PM10 that is required to be provided for the AQIA requirements for PM10 to be waived.

Subsection (d)(4), has been revised to add a 250 pound per day VOC emission increase trigger for public notification and a 30-day comment period on a proposed Authority to Construct for new and modified permits. This corrects an EPA identified deficiency.

Subsection (d)(5) has been revised to specify emission offset requirements for federal nonattainment pollutants (and precursors) emitted from Type II portable emission units. This corrects an EPA identified deficiency and removes state offset requirements for such units.

Table 20.4-3A is no longer needed and has been deleted.

Subsection (d)(5)(i) has been deleted because Subsections (d)(2)(iii)(A) and (d)(2)(iii)(B)(2) already provide for a waiver of AQIA requirements for PM10 emissions if specified conditions are met. Therefore, this requirement is no longer needed.

Table 20.4-4 has been revised to remove references to particulate matter (PM10) emission increases that otherwise could utilize interpollutant offsets. Particulate matter emission increases would no longer be required to be offset under the proposed revisions to the NSR rules, except when offsets are used to mitigate an ambient air quality impact. In such case, PM10 impacts must be mitigated by PM10 emission reductions.

Subsection (d)(5)(iv)(A)(1) has been revised to specify stationary source potentials to emit of 50 tons per year or more for VOC and NOx, and greater than 100 tons per year of CO. These changes relate to state emission offset requirements (e.g. >15 tons per year) and the changes regarding VOC and NOx offsets can only be deleted if the District can make the findings required by AB 3319 and the ARB agrees.

Other minor corrections and clarifications to references, definitions and procedures have been made.

If you would like a copy of the proposed amendments, please call Juanita Ogata at (619) 694-8851. If you have any questions concerning the proposal, please call Mike Lake at (619) 694 3313 or me at (619) 694 3303.

Richard J. Smith

RICHARD J. SMITH
Deputy Director

RJSm:ML:jo
03/06/97

Proposed amendments to Rule 20.1 are to read as follows:

RULE 20.1
NEW SOURCE REVIEW - GENERAL PROVISIONS
(ADOPTED AND EFFECTIVE 5/17/94)
(REV. ADOPTED AND EFFECTIVE 5/15/96)
(REV. ADOPTED AND EFFECTIVE _____)

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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.

Proposed amendments to Rule 20.1 are to read as follows:

RULE 20.1. NEW SOURCE REVIEW - GENERAL PROVISIONS

(a) APPLICABILITY

Except as provided in Rule 11 or Section (b) of this rule, this rule applies to any new or modified emission unit, any replacement emission unit, any relocated emission unit or any portable emission unit for which an Authority to Construct or Permit to Operate is required pursuant to Rule 10~~,~~ or Rule 20.4 ~~or Rule 20.10~~, or for which a Determination of Compliance is required pursuant to Rule 20.5.

(b) EXEMPTIONS

Except as provided below, the provisions of Rules 20.1, 20.2, 20.3~~,~~ and 20.4~~, 20.9 and 20.10~~ shall not apply to:

(1) Any emission unit for which a permit is required solely due to a change in Rule 11, provided the unit was operated in San Diego County at any time within one year prior to the date on which the permit requirements became applicable to the unit and provided a District permit application for the unit is submitted within one year after the date upon which permit requirements became applicable to the unit. An emission unit to which this subsection applies shall be included in the calculation of a stationary source's aggregate potential to emit, as provided in Subsection (d)(1)(ii).

(2) The following changes, provided such changes are not contrary to any permit condition, and the change does not result in an increase in the potential to emit of any air contaminant not previously emitted:

(i) Repair or routine maintenance of an existing emission unit.

(ii) A change of ownership.

(iii) An increase in the hours of operation.

(iv) Use of alternate fuel or raw material.

(3) Portable and stationary abrasive blasting equipment for which the California Air Resources Board (ARB) has established standards pursuant to Sections 41900 and 41905 of the Health and Safety Code, and which comply with the requirements of 17 CCR Section 92000 et. seq. This exemption shall not apply if the abrasive blasting equipment would be, by itself, a major stationary source, nor to any equipment used in conjunction with the abrasive blasting equipment the use of which may cause the issuance of air contaminants.

(4) Oxides of nitrogen (NOx) emission increases from new, modified or replacement emission units subject to the requirements of Rule 69(d)(~~11~~ 6) shall not be subject to the offset provisions of Subsection (d)(5) of Rules ~~20.2,~~ 20.3~~, or 20.9~~. Only those ~~oxides of nitrogen (~~NOx~~)~~ emission increases in compliance with Rule 69 and associated

with generating capacity which the California Energy Commission or California Public Utilities Commission has determined a need for shall be eligible for this exemption.

~~(5) Pending applications for Authority to Construct or modified Permit to Operate received on or before April 16, 1994 provided that:~~

~~(i) The application was deemed complete before May 17, 1994, and~~

~~(ii) The application is not for equipment located at a major stationary source, and~~

~~(iii) Construction pursuant to an Authority to Construct will be completed within one year after issuance of the Authority to Construct. The Air Pollution Control Officer may extend the time period allowed for construction, on a case-by-case basis, if litigation prevents construction within the one-year period or the applicant has, at the time of issuance of the Authority to Construct, demonstrated that the complexity of the construction of the project is such that a one-year period would be insufficient to complete construction.~~

~~Such applications shall be subject to all of the provisions of Rules 20.1, 20.2, 20.3, 20.4 and 20.7 as they were in effect prior to May 17, 1994. Notwithstanding this exemption, the applicant may request that an application be evaluated pursuant to Rules 20.1, 20.2, 20.3, 20.4, 20.9 and 20.10 as they are currently in effect.~~

~~(6) Pending applications for Authority to Construct or modified Permit to Operate for emission units located at major stationary sources, received on or before April 16, 1994, provided that:~~

~~(i) The application was deemed complete between November 15, 1992 and May 17, 1994, and~~

~~(ii) Construction pursuant to an Authority to Construct will be completed within one year after issuance of the Authority to Construct. The Air Pollution Control Officer may extend the time period allowed for construction, on a case-by-case basis, if litigation prevents construction within the one-year period or the applicant has, at the time of issuance of the Authority to Construct, demonstrated that the complexity of the construction of the project is such that a one-year period would be insufficient to complete construction.~~

~~Such applications shall be subject to all of the provisions of Rules 20.1, 20.2, 20.3, 20.4, and 20.7 as they were in effect prior to May 17, 1994, provided that the source complies with the 1990 federal Clean Air Act requirements for Lowest Achievable Emission Rate (LAER) and Emission Offsets. Notwithstanding this exemption, the applicant may request that an application be evaluated pursuant to Rules 20.1, 20.2, 20.3, 20.4, 20.9 and 20.10 as they are currently in effect.~~

~~(7)~~(5) Piston engines used at airplane runways at military bases and which engines are used exclusively for purposes of hoisting cable to assist in the capture of errant aircraft during landings.

~~(8)~~(6) Air compressors used exclusively to pressurize nuclear reactor containment domes, provided the compressors are not operated more than 50 hours over any two-year period, and that the compressors satisfy the Air Quality Impact Analysis (AQIA) provi

sions of Subsections (d)(2) of Rules 20.2 and 20.3 ~~and Subsection (d)(3) of Rule 20.9~~, as applicable.

~~(9)~~(7) The Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) provisions of Subsection (d)(1) of Rules 20.2~~,~~ and 20.3 ~~and 20.9~~ shall not apply to changes in the hours of operation as may be limited on an Authority to Construct or Permit to Operate, which change is necessary only for the purpose of satisfying Transportation Control Measure commitments previously made to and approved by the District and which change does not result in any increase in yearly emissions.

~~(10)~~(8) Applications for modified Authority to Construct or modified Permit to Operate which are for the sole purpose of reducing an emission unit's potential to emit~~,~~ and which will not result in an actual emission reduction calculated pursuant to Rule 20.1(d)(4)(ii)~~,~~ shall be exempt from the BACT, LAER, AQIA and Emission Offset provisions of Rules 20.1, 20.2, 20.3, and 20.4~~, 20.9 and 20.10~~.

(c) DEFINITIONS

For purposes of Rules 20.1, 20.2, 20.3, 20.4, and 20.5~~, 20.9 and 20.10~~, the following definitions shall apply:

(1) "**Actual Emissions**" means the emissions of an emission unit calculated pursuant to Subsection (d)(2) of this rule.

(2) "**Actual Emission Reductions**" means emission reductions which are real, surplus, enforceable, and quantifiable and may be permanent or temporary in duration. Actual emission reductions shall be calculated pursuant to Subsection (d)(4) of this rule.

(3) "**Aggregate Potential to Emit**" means the sum of the post-project potential to emit of all emission units at the stationary source, calculated pursuant to Section (d) of this rule.

(4) "**Air Contaminant Emission Control Project**" means any activity or project undertaken at an existing emission unit which, as its primary purpose, reduces emissions of air contaminants from such unit in order to comply with a District, ARB or the federal Environmental Protection Agency (EPA) emission control requirement. Such activities or projects do not include the replacement of an existing emission unit with a newer or different unit, or the reconstruction of an existing emission unit, or a modification or replacement of an existing emission unit that results in an increase in capacity of the emissions unit, or any air contaminant emission control project for a new or modified emission unit which project is proposed to meet New Source Review Rules 20.1, 20.2, 20.3 and 20.4, or Banking Rules 26.0 through 26.10.

Air contaminant emission control projects include any of the following:

(i) The installation of conventional or advanced flue gas desulfurization, or sorbent injection for emissions of oxides of sulfur;

(ii) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for emissions of particulate matter or other pollutants;

(iii) Flue gas recirculation, low-NOx burners, selective non-catalytic reduction or selective catalytic reduction for emissions of oxides of nitrogen emissions;

(iv) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, flares, or carbon absorbers for volatile organic compounds or hazardous air pollutants;

(v) Activities or projects undertaken to accommodate switching to an inherently less polluting fuel, including but not limited to, natural gas firing, or the cofiring of natural gas and other inherently less polluting fuels, for the purpose of controlling emissions. The air contaminant emission control project shall include any activity that is necessary to accommodate switching to an inherently less polluting fuel; and

(vi) Activities or projects undertaken to replace or reduce the use and emissions of stratospheric ozone depleting compounds subject to regulation by the federal EPA.

(5)~~(4)~~ "**Air Quality Impact Analysis (AQIA)**" means an analysis of the air quality impacts of the air contaminant emissions from an emission unit or a stationary source, as applicable, conducted by means of modeling approved by the Air Pollution Control Officer. Methods other than modeling may be used, as the Air Pollution Control Officer and the federal EPA ~~Environmental Protection Agency~~ may approve. An AQIA ~~Air Quality Impact Analysis~~ shall include an analysis of the impacts on State and National Ambient Air Quality Standards.

(6)~~(5)~~ "**Air Quality Increment**" means any of the following maximum allowable cumulative increases in air contaminant concentration from all increment consuming and increment expanding sources (see Tables 20.1-1 and 20.1-2).

(7)~~(6)~~ "**Area Fugitive Emissions**" means fugitive emissions of particulate matter (PM10) which occur as a result of drilling, blasting, quarrying, stockpiling, front end loader operations and vehicular travel of haul roads used to move materials to, from or within a stationary source.

TABLE 20.1 - 1
Air Quality Increments
(Class I Areas)

Air Contaminant	Increment
Nitrogen Dioxide (NO_2)	
Annual arithmetic mean	2.5 $\mu g/m^3$
Sulfur Dioxide (SO_2)	
Annual arithmetic mean	2.0 $\mu g/m^3$
24-hr. maximum	5.0 $\mu g/m^3$
3-hr. maximum	25.0 $\mu g/m^3$
Particulate Matter (PM10)	
Annual arithmetic mean	4.0 $\mu g/m^3$
24-hr. maximum	8.0 $\mu g/m^3$

TABLE 20.1 - 2
Air Quality Increments
(Class II Areas)

Air Contaminant	Increment
Nitrogen Dioxide (NO_2)	
Annual arithmetic mean	25.0 $\mu g/m^3$
Sulfur Dioxide (SO_2)	
Annual arithmetic mean	20.0 $\mu g/m^3$
24-hr. maximum	91.0 $\mu g/m^3$
3-hr. maximum	512.0 $\mu g/m^3$
Particulate Matter (PM10)	
Annual arithmetic mean	17.0 $\mu g/m^3$
24-hr. maximum	30.0 $\mu g/m^3$

(8)~~(7)~~ "**Attainment**" means designated as attainment of the National Ambient Air Quality Standards (NAAQS) pursuant to Section 107(d) of the federal Clean Air Act or of the State Ambient Air Quality Standards (SAAQS) pursuant to Section 39608 of the California Health and Safety Code, as applicable.

(9)~~(8)~~ "**Baseline Concentration**" means the ambient concentration of an air contaminant for which there is an air quality increment, which existed in an impact area on the major and non-major source baseline dates. As specified by 40 CFR §52.21(b)(13), the baseline concentration includes the impact of actual emissions from any stationary source in existence on the baseline date and the impacts from the potential to emit of Prevention of Significant Deterioration (PSD) stationary sources which commenced construction but were not in operation by the baseline date. The baseline concentration excludes impacts of actual emission increases and decreases at any stationary source occurring after the baseline date and actual emissions from any PSD stationary source which commenced construction after January 6, 1975. There are two baseline concentrations for any given impact area, a baseline concentration as of the major source baseline date and a baseline concentration as of the non-major source baseline date.

(10)~~(9)~~ "**Baseline Date**" means either the major source baseline date or non-major source baseline date, as applicable.

(11)~~(10)~~ "**Best Available Control Technology (BACT)**" means and is applied as follows:

(i) The lowest emitting of any of the following:

(A) the most stringent emission limitation, or the most effective emission control device or control technique, which has been proven in field application and which is cost-effective for such emission unit, unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation, device or control technique is not technologically feasible, or

(B) any emission control device, emission limitation or control technique which has been demonstrated but not necessarily proven in field application~~,~~ and which is cost-effective, as determined by the Air Pollution Control Officer, unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation, device or control technique is not technologically feasible, or

(C) any ~~alternative basic equipment, replacement of an emission unit with a lower emitting emission unit, installation of~~ control equipment, process modifications, changes in raw material including alternate fuels, and substitution of equipment or processes with alternative equipment or processes, or any combination of these, determined by the Air Pollution Control Officer on a case-by-case basis to be technologically feasible and cost-effective, including transfers of technology from another category of source, or

(D) the most stringent emission limitation, or the most effective emission control device or control technique, contained in any State Implementation Plan (SIP) approved by the federal EPA ~~Environmental Protection Agency~~ for such emission unit category, unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation or technique has not been proven in field application, that it is not technologically feasible or that it is not cost-effective.

(ii) For modified emission units, the entire emission unit's post-project potential to emit shall be subject to BACT, except as follows. The provisions of this Subsection (c)(10)(ii) shall not apply to relocated or replacement emission units.

(A) BACT applies to the emissions increase associated with the modification and not the emission unit's entire potential to emit, if control technology, an emission limit or other emission controls meeting the BACT definition was previously applied to the unit and if the project's emission increase is less than the major modification thresholds of Table 20.1-5.

(B) BACT applies to the emission unit's entire post-project potential to emit, if the emission unit was previously subject to BACT but BACT was determined to not be cost-effective, technologically feasible or proven in field application.

(C) BACT applies to the emissions increase associated with the emission unit and not the emission unit's entire potential to emit if the emissions increase associated with the modification is less than 25 percent of the emission unit's pre-project potential to emit and if the project's emission increase is less than the major modification thresholds of Table 20.1-5.

(iii) In no event shall application of BACT result in the emission of any air contaminant which would exceed the emissions allowed by any District rule or regulation, or by any applicable standard under 40 CFR Part 60 (New Source Performance Standards) or 40 CFR Part 61 (National Emission Standards for Hazardous Pollutants). Whenever feasible, the Air Pollution Control Officer may stipulate an emission limit as BACT instead of specifying control equipment. In making a BACT determination, the Air Pollution Control Officer shall take into account those environmental and energy impacts identified by the applicant.

(12)~~(11)~~ "**Class I Area**" means any area designated as Class I under Title I, Part C of the federal Clean Air Act. As of May 17, 1994, the Agua Tibia National Wilderness Area was the only area so designated within San Diego County. As of May 17, 1994, the following were the only designated Class I areas within 100 km of San Diego County (see Table 20.1-3):

TABLE 20.1 - 3
Class I Areas

Class I Area	Approximate Location
Agua Tibia Wilderness Area	San Diego County
Cucamonga Wilderness Area	80 km North - San Bernardino County
Joshua Tree Wilderness Area	40 km NE - Riverside County
San Gabriel Wilderness Area	90 km NW - Los Angeles County
San Gorgonio Wilderness Area	70 km North - San Bernardino County
San Jacinto Wilderness Area	30 km North - Riverside County

(13)~~(12)~~ "**Class II Area**" means any area not designated as a Class I area.

(14)~~(13)~~ "**Contemporaneous Emissions Increase**" means the sum of emission increases from new or modified emission units occurring at a stationary source within the preceding five years from the date the subject application was deemed complete, including all complete applications under District review. The sum of emission increases may be reduced by the following:

(i) Actual emission reductions occurring at the stationary source, ~~and~~

(ii) Reductions in the potential to emit of a new or modified unit, which unit resulted in an emission increase within the five-year contemporaneous period at the stationary source. In no case shall the reduction in the potential to emit exceed the emission increases from the new or modified unit that occurred within the five-year contemporaneous period, and.

(iii) When an emissions increase from a new or modified emission unit or project has been determined to be subject to, and approved as in compliance with, the LAER and emission offset requirements of Rule 20.3. Upon such determination and approval, the contemporaneous emissions increase for the subject air contaminant or precursor shall be reset to zero.

(15)~~(14)~~ "**Contiguous Property**" means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public or private right-of-way. Non-adjoining parcels of land which are connected by a process line, conveyors or other equipment shall be considered to be contiguous property. Non-adjoining parcels of land separated by bodies of water designated "navigable" by the U.S. Coast Guard, shall not be considered contiguous properties.

(16)~~(15)~~ "**Cost-Effective**" means that the annualized cost in dollars per pound of emissions of air contaminant(s) reduced does not exceed the highest cost per pound of emissions reduced by other control measures required to meet stationary source emission standards contained in these rules and regulations, for the specific air contaminant(s) under consideration, multiplied by the BACT Cost Multiplier indicated in Table 20.1- 4. When determining the highest cost per pound of emissions reduced by other control measures, the cost of measures used to comply with the requirements of New Source Review shall be excluded.

TABLE 20.1 - 4
BACT Cost Multiplier

Stationary Source's Post-Project Aggregate Potential to Emit	BACT Cost Multiplier
Potential < 15 tons/year	1.1
Potential ≥ 15 tons/year	1.5

(17)~~(16)~~ "**Emergency Equipment**" means an emission unit used to drive an electrical generator, an air compressor or a pump in emergency situations. Except for operation for maintenance purposes, emission units used for anything other than emergency situations shall not be considered emergency equipment. Maintenance operation shall be limited to no more than 52 hours per year. Emission units used for supplying power for distribution to an electrical grid shall not be considered emergency equipment.

(18)~~(17)~~ "**Emergency Situation**" means an unforeseen electrical power failure from the serving utility or of on-site electrical transmission equipment such as a transformer, an unforeseen flood or fire, or a life-threatening situation. In addition, operation of emergency generators at Federal Aviation Administration licensed airports for the purpose of providing power in anticipation of a power failure due to severe storm activity shall be considered an emergency situation. Emergency situations do not include operation for purposes of supplying power for distribution to an electrical grid, operation for training purposes, or other foreseeable event.

(19)~~(18)~~ "**Emission Increase**" means an increase in the potential to emit, calculated pursuant to Subsection (d)(3).

(20)~~(19)~~ "**Emission Unit**" means any article, machine, equipment, contrivance, process or process line, which emit(s) or reduce(s) or may emit or reduce the emission of any air contaminant.

(21)~~(20)~~ "**Emission Offsets**" means emission reductions used to mitigate emission increases, calculated pursuant to Subsection (d)(5).

~~(21) "Enforceable" means can be enforced by the District, the California Air Resources Board or the federal Environmental Protection Agency, including through either the State Implementation Plan (SIP) or inclusion of conditions on a permit.~~

(22) "**Essential Public Services**" means any of the following:

(i) Water, wastewater and wastewater-sludge treatment plants which are publicly owned or are public-private partnerships under public control. This shall not include facilities treating hazardous materials other than hazardous materials which may be used in the process or hazardous materials whose presence in the water, wastewater or wastewater sludge being treated is incidental.

(ii) Solid waste landfills and solid waste recycling facilities which are publicly owned or are public-private partnerships under public control, not including trash to energy facilities or facilities processing hazardous waste.

(23) **"Federally Enforceable"** means can be enforced by the federal EPA including through either the SIP or terms and conditions of an Authority to Construct or Permit to Operate as they apply to the following requirements:

(i) Any standard or other requirement provided for in the SIP, including any revisions approved or promulgated by the federal EPA through rulemaking under Title I of the federal Clean Air Act.

(ii) Any term or condition of an Authority to Construct issued pursuant to these rules and regulations which term or condition is imposed pursuant to 40 CFR Parts 60 or 61, 40 CFR Part 52.21 or 40 CFR Part 51, Subpart I.

(iii) Any standard or other requirement under Sections 111 or 112 of the federal Clean Air Act.

(iv) Any standard or other requirement of the Acid Rain Program under Title IV of the federal Clean Air Act or the regulations promulgated thereunder.

This does not preclude enforcement by the Air Pollution Control Officer. Authority to Construct or Permit to Operate terms and conditions imposed pursuant to these rules and regulations or state law and not for purposes of compliance with paragraphs (i) through (iv) above shall not be federally enforceable unless specifically requested by the owner or operator.

(24)~~(23)~~ "**Federal Land Manager**" means the National Park Service's Western Regional Director, the U.S. Forest Service's Pacific Southwest Regional Air Program Manager and the U.S. Fish and Wildlife Service.

(25)~~(24)~~ "**Fugitive Emissions**" means those quantifiable emissions which could not reasonably pass through a stack, chimney, flue, vent or other functionally equivalent opening.

(26)~~(25)~~ "**Impact Area**" means the circular area with the emission unit as the center and having a radius extending to the furthest point where a significant impact is expected to occur, not to exceed 50 kilometers.

(27)~~(26)~~ "**Increment Consuming**" means emission increases which consume an air quality increment. Emission increases which consume increment are those not accounted for in the baseline concentration, including:

(i) Actual emission increases occurring at any major stationary source after the major source baseline date, and

(ii) Actual emission increases from any non-major stationary source, area source, or mobile source occurring after the non-major source baseline date.

(28)~~(27)~~ "**Increment Expanding**" means actual emission reductions which increase an available air quality increment. Actual emission reductions which increase available increment include:

(i) Actual emission reductions occurring at any major stationary source after the major source baseline date, and

(ii) Actual emission reductions from any non-major stationary source, area source, or mobile source occurring after the non-major source baseline date.

(29)~~(28)~~ "**Lowest Achievable Emission Rate (LAER)**" means and is applied as follows:

(i) The lowest emitting of any of the following:

(A) the most stringent emission limitation, or most effective emission control device or control technique, contained in any ~~State Implementation Plan (SIP)~~ approved by the federal ~~Environmental Protection Agency~~ EPA for such emission unit category, unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such emission limitation or technique is not achievable, or

(B) the most stringent emission limitation which is achieved in practice by such class or category of emission unit, or

(C) Best Available Control Technology (BACT).

(ii) For modified emission units subject to the LAER requirements of these rules, the entire emission unit's post-project potential to emit shall be subject to

LAER. ~~, except as follows. The provisions of this Subsection (c)(28)(ii) shall not apply to relocated or replacement emission units.~~

~~(A) For existing emission units, LAER applies to the emissions increase associated with the modification and not the emission unit's entire potential to emit, if control technology, an emission limit or other emission controls meeting the LAER or BACT definition was previously applied to the unit.~~

~~(B) For existing emission units, LAER applies to the emission unit's entire potential to emit, if the emission unit was previously subject to BACT, but BACT was determined to not be cost effective, technologically feasible or proven in field application.~~

~~(C) For existing emission units, LAER applies to the emissions increase associated with the emission unit and not the emission unit's entire potential to emit if the emissions increase associated with the modification is less than 25 percent of the emission unit's pre-project potential to emit and if the project's emission increase is less than the major modification thresholds of Table 20.1-5.~~

(iii) In no event shall application of LAER result in the emission of any air contaminant which would exceed the emissions allowed by any District Rule or Regulation, or by any applicable standard under 40 CFR Part 60 (New Source Performance Standards) or 40 CFR Part 61 (National Emission Standards for Hazardous Pollutants) as they exist on May 17, 1994.

(30)~~(29)~~ "**Major Modification**" means a contemporaneous emissions increase at a major stationary source equal to or greater than any of the emission rates listed in Table 20.1 - 5.

TABLE 20.1 - 5
Major Modification

Air Contaminant:	Emission Rate (Ton/yr)
Particulate Matter (PM10)	15
Oxides of Nitrogen (NOx)	25
Volatile Organic Compounds (VOC)	25
Oxides of Sulfur (SOx)	40
Carbon Monoxide (CO)	100
Lead (Pb)	0.6

(31)~~(30)~~ "**Major Source Baseline Date**" means January 6, 1975 for sulfur dioxide (SO_2) and particulate matter (PM10), and February 8, 1988 for nitrogen dioxide (NO_2).

(32)~~(31)~~ "**Major Stationary Source**" means any stationary source which has, or will have after issuance of a permit, an aggregate potential to emit one or more air contaminants.

including fugitive emissions, in amounts equal to or greater than any of the emission rates listed in Table 20.1 - 6. ~~If the District is reclassified to a "serious" ozone non-attainment area by the federal Environmental Protection Agency, Table 20.1 - 6A shall be used.~~

TABLE 20.1 - 6
Major Stationary Source
Federal ~~Severe~~ Serious Ozone Non-attainment Area

Air Contaminant:	Emission Rate (Ton/yr)
Particulate Matter (PM10)	100
Oxides of Nitrogen (NOx)	~~25~~ 50
Volatile Organic Compounds (VOC)	~~25~~ 50
Oxides of Sulfur (SOx)	100
Carbon Monoxide (CO)	100
Lead (Pb)	100

~~***TABLE 20.1 - 6A***~~
~~***Major Stationary Source***~~
~~***Federal Serious Ozone Non-attainment Area***~~

~~*Air Contaminant:*~~	~~*Emission Rate (Ton/yr)*~~
~~*Particulate Matter (PM_{10})*~~	~~*100*~~
~~*Oxides of Nitrogen (NOx)*~~	~~*50*~~
~~*Volatile Organic Compounds (VOC)*~~	~~*50*~~
~~*Oxides of Sulfur (SOx)*~~	~~*100*~~
~~*Carbon Monoxide (CO)*~~	~~*100*~~
~~*Lead (Pb)*~~	~~*100*~~

~~**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.~~

(33) "**Military Tactical Support Equipment**" means any equipment owned by the U.S Department of Defense or the National Guard and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(34)~~(32)~~ "**Modeling**" means the use of an applicable California Air Resources Board (ARB) or federal Environmental Protection Agency (EPA) approved air quality model to estimate ambient concentrations of air contaminants or to evaluate other air quality related data. Applicable state or federal guidelines shall be followed when performing modeling.

(35)~~(33)~~ "**Modified Emission Unit**" means any physical or operational change which results or may result in an increase in an emission unit's potential to emit, including those air contaminants not previously emitted. The following shall not be considered a

modified emission unit, provided such a change is not contrary to any permit condition, and the change does not result in an increase in the potential to emit of any air contaminant:

(i) The movement of a portable emission unit from one stationary source to another.

(ii) Repair or routine maintenance of an existing emission unit.

(iii) An increase in the hours of operation.

(iv) Use of alternate fuel or raw material.

(36)~~(34)~~ "**Modified Stationary Source**" means a stationary source where a new or modified emission unit is or will be located or where a change in the aggregation of emission units occurs, including, but not limited to, the movement of a relocated emission unit to or from a stationary source or where a modification of an existing unit occurs. The following shall not be considered a modification of a stationary source:

(i) The replacement of an emission unit, provided there is no increase in the unit's potential to emit or in the potential to emit of any other unit at the stationary source.

(ii) The movement to or from the stationary source of any portable emission unit, provided there is no increase in the potential to emit of any other unit at the stationary source.

(37)~~(35)~~ "**National Ambient Air Quality Standards (NAAQS)**" means maximum allowable ambient air concentrations for specified air contaminants and monitoring periods as established by the federal EPA ~~Environmental Protection Agency~~ (see Table 20.1 - 7).

(38)~~(36)~~ "**New Emission Unit**" means any of the following:

(i) Any emission unit not constructed~~,~~ or installed ~~or operated~~ in San Diego County as of May 17, 1994, ~~, or~~

(ii) Any emission unit which was constructed, installed or operated ~~does not hold~~ without a valid Authority to Construct or Permit to Operate from the District, except as provided for in Subsection (b)(1).

~~(ii)~~(iii) Any emission unit which was inactive for a one-year period or more and which did not hold a valid Permit to Operate during that period.

(39)~~(37)~~ "**New Major Stationary Source**" means a new or modified stationary source which was not major before, but will be a major stationary source after, the modification or new construction.

(40)~~(38)~~ "**New Stationary Source**" means a stationary source which prior to the project under review, did not contain any other permitted equipment.

(41)~~(39)~~ "**Non-Criteria Pollutant Emissions Significance Level**" means a contemporaneous emissions increase occurring at any new or modified PSD stationary source, equal to or greater than the amounts listed in Table 20.1 - 8.

(42)~~(40)~~ "**Non-Major Source Baseline Date**" means December 8, 1983 for sulfur dioxide (SO_2). For particulate matter (PM10) and nitrogen dioxide (NO_2), the non-major source baseline date is the date after August 7, 1977 or February 8, 1988, respectively, when the first Authority to Construct application for any stationary source which will be a PSD Major Stationary Source for PM10 or NOx or which is a PSD Major Modification for PM10 or NOx as applicable, is deemed complete. As of May 17, 1994, neither the particulate matter nor the nitrogen dioxide non-major source baseline date have been established.

(43)~~(41)~~ "**Offset Ratio**" means the required proportion of emission offsets to emission increases, as specified in Rules 20.2, 20.3, or 20.4~~, 20.9 or 20.10~~.

(44)~~(42)~~ "**Particulate Matter or Particulate Matter (PM10)**" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns. For non-fugitive emissions, ~~methods found in Title 17, California Code of Regulations, Section 94100 et. seq. or~~ any applicable test method approved by the federal EPA, the state ARB and the Air Pollution Control Officer, shall be used to measure PM10. The Air Pollution Control Officer may require the use of an applicable test method prior to final approval by EPA and ARB if the Officer determines that the method is consistent with these rules, or results in an improved measure of PM10 emissions, and has received written initial concurrence from ARB and EPA for use of the method.

TABLE 20.1 - 7

TABLE 20.1 - 8
Non-Criteria Pollutant Emissions Significance Levels

Air contaminant:	Emission Rate (Ton/yr)
Asbestos	0.007
Beryllium	0.0004
Fluorides	3
Hydrogen Sulfide (H_2S)	10
Mercury	0.1
Reduced Sulfur Compounds	10
Sulfuric Acid Mist	7
Vinyl Chloride	1
Trichlorofluoromethane (CFC-11)	100
Dichlorodifluoromethane (CFC-12)	100
Trichlorotrifluoromethane (CFC-113)	100
Dichlorotetrafluoroethane (CFC-114)	100
Chloropentafluoroethane (CFC-115)	100
Bromochlorodifluoromethane (Halon - 1191)	100
Bromotrifluoromethane (Halon - 1301)	100
Dibromotetrafluoroethane (Halon - 2402)	100

(45)~~(43)~~ "**Permanent**" means enforceable and which will exist for an unlimited period of time. For purposes of meeting the emission offset requirements of Rules 20.3 and 20.4, permanent means federally enforceable.

(46)~~(44)~~ "**Portable Emission Unit**" means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. For the purposes of this regulation, dredge engines on a boat or barge are considered portable. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12 consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12 consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary

source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year; or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

~~which is designed and equipped to be easily movable and, as installed, easily capable of being moved from one stationary source to another, as determined by the Air Pollution Control Officer. Portable emission units are periodically moved and may not be located more than 180 days at any one stationary source within any consecutive 12-month period. Days when portable emission units are stored in a designated holding or storage area shall not be counted towards the 180-day limit, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day. In order for an emission unit to qualify as a portable emission unit, the applicant must request such a classification. Emission units intended to be used exclusively at one stationary source shall not be considered portable emission units.~~

Days when portable emission units are stored in a designated holding or storage area shall not be counted towards the ~~180-day~~ above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day.

Emission units which exceed the ~~180-day~~ above time limits will be considered as relocated equipment and will be subject to the applicable requirements for relocated emission units contained in Rules 20.1, 20.2, and 20.3 ~~and 20.9~~ .

(47)~~(45)~~ "**Post-Project Potential to Emit**" means an emission unit's potential to emit after issuance of an Authority to Construct for the proposed project, calculated pursuant to Section (d).

(48)~~(46)~~ "**Potential to Emit**" means the maximum quantity of air contaminant emissions, including fugitive emissions, that an emission unit is capable of emitting or permitted to emit, calculated pursuant to Section (d). Permitted emission limits that limit potential to emit and that are imposed to ensure compliance with the portions of Rules 20.1 through 20.5 approved by the federal EPA into the SIP shall be federally enforceable.

(49)~~(47)~~ "**Precursor Air Contaminants**" means any air contaminant which forms or contributes to the formation of a secondary air contaminant for which an ambient air quality standard exists. For purposes of this rule, the precursor relationships are listed in Table 20.1 - 9:

TABLE 20.1 - 9
Precursor Air Contaminants

Precursor Air Contaminant	Secondary Air Contaminant
NOx	NO_2 PM10 Ozone
VOC	PM10 Ozone
SOx	SO_2 PM10

(50)~~(48)~~ "**Pre-Project Actual Emissions**" means an emission unit's actual emissions prior to issuance of an Authority to Construct for the proposed project, calculated pursuant to Section (d).

(51)~~(49)~~ "**Pre-Project Potential to Emit**" means an emission unit's potential to emit prior to issuance of an Authority to Construct for proposed project, calculated pursuant to Section (d).

(52)~~(50)~~ "**Project**" means an emission unit or aggregation of emission units for which an application or combination of applications for Authority to Construct or modified Permit to Operate is under District review.

(53)~~(51)~~ "**Proven in Field Application**" means demonstrated in field application, to be reliable, in continuous compliance and maintaining a stated emission level for a period of at least one year, as determined by the Air Pollution Control Officer.

(54)~~(52)~~ "**PSD Modification**" means a contemporaneous emissions increase occurring at a modified PSD stationary source equal to or greater than the amounts listed in Table 20.1 - 10 or any non-criteria pollutant emissions significance level:

TABLE 20.1 - 10
PSD Modification

Air contaminant:	Emission Rate (Ton/yr)
Particulate Matter (PM10)	15
Oxides of Nitrogen (NOx)	40
Volatile Organic Compounds (VOC)	40
Oxides of Sulfur (SOx)	40
Carbon Monoxide (CO)	100
Lead and Lead Compounds (Pb)	0.6

(55)~~(53)~~ "**PSD Stationary Source or Prevention of Significant Deterioration Stationary Source**" means any stationary source, as specified in Table 20.1 - 11, which has, or will have after issuance of a permit, an aggregate potential to emit one or more air contaminants in amounts equal to or greater than any of the emission rates listed in Table 20.1 - 11:

TABLE 20.1 - 11
PSD Stationary Sources and Trigger Levels

For stationary sources consisting of:

1. Fossil fuel fired steam electrical plants of more than 250 MM Btu/hr heat input
2. Fossil fuel boilers or combinations thereof totaling more than 250 MM Btu/hr of heat input
3. Municipal incinerators capable of charging more than 250 tons of refuse per day
4. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
5. Charcoal production plants
6. Chemical process plants
7. Coal cleaning plants with thermal dryers
8. Coke oven batteries
9. Fuel conversion plants
10. Furnace process carbon black plants
11. Glass fiber processing plants
12. Hydrofluoric acid plants
13. Iron and steel mill plants
14. Kraft pulp mills
15. Lime plants
16. Nitric acid plants
17. Phosphate rock processing plants
18. Petroleum refineries
19. Primary aluminum ore reduction plants
20. Primary copper smelters
21. Primary lead smelters
22. Primary zinc smelters
23. Portland cement plants
24. Secondary metal production plants
25. Sintering plants
26. Sulfuric acid plants
27. Sulfur recovery plants
28. Taconite ore processing plants

The following emission rates:

Air Contaminant	(Ton/yr)
Particulate Matter (PM10)	100
Oxides of Nitrogen (NOx)	100
Volatile Organic Compounds (VOC)	100
Oxides of Sulfur (SOx)	100
Carbon Monoxide (CO)	100

For all other stationary sources:

Air Contaminant	(Ton/yr)
Particulate Matter (PM10)	250
Oxides of Nitrogen (NOx)	250
Volatile Organic Compounds (VOC)	250
Oxides of Sulfur (SOx)	250
Carbon Monoxide (CO)	250

(56)~~(54)~~ "**Quantifiable**" means the ability to estimate emission reductions in terms of both their amount and characteristics. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, mass balances or other reasonable measurement or estimating practices. ~~that a reliable basis for calculating the amount, rate, nature and characteristics of an emission reduction can be established, as determined by the Air Pollution Control Officer.~~

(57)~~(55)~~ "**Real**" means actually occurring and which will not be replaced, displaced or transferred to another location within San Diego County.

(58)~~(56)~~ "**Relocated Emission Unit**" means a currently permitted emission unit or grouping of such units~~,~~ which is to be moved within San Diego County from one stationary source to another stationary source. The moving of a portable emission unit shall not be considered a relocated emission unit.

(59)~~(57)~~ "**Replacement Emission Unit**" means an emission unit which supplants another emission unit where the replacement emission unit serves the same function and purpose as the emission unit being replaced, as determined by the Air Pollution Control Officer. Identical replacements as specified in Rule 11 shall not be considered to be a replacement emission unit.

(60)~~(58)~~ "**Secondary Emissions**" means emissions which would occur as a result of the construction, operation or modification of a PSD stationary source, but which are not directly emitted from any emission unit at the stationary source. Except as provided below, secondary emissions exclude emissions which come directly from mobile sources, such as emissions from the tailpipe of a motor vehicle. Secondary emissions include, but are not limited to:

(i) Emissions from ships or trains coming to or from the stationary source, unless such emissions are regulated by Title II of the federal Clean Air Act, and

(ii) Emission increases from any emission unit at a support facility not located at the stationary source, but which would not otherwise be constructed or increase emissions, and

(iii) Emissions from any emission unit mounted on a ship, boat, barge, train, truck or trailer, where the operation of the emission unit is dependent upon, or affects the process or operation (including duration of operation) of any emission unit located on the stationary source.

(61)~~(59)~~ "**Significant Impact**" means an increase in ambient air concentration, resulting from emission increases at a new or modified stationary source, equal to or greater than any of the levels listed in Tables 20.1 - 12 and 20.1 - 13:

TABLE 20.1 - 12
Stationary Sources Impacting Any Class I Area

Air Contaminant	Significant Impact (24-hour Maximum)
Particulate Matter (PM10)	1.0 $\mu g/m^3$
Nitrogen Dioxide (NO_2)	1.0 $\mu g/m^3$
Sulfur Dioxide (SO_2)	1.0 $\mu g/m^3$
Carbon Monoxide (CO)	1.0 $\mu g/m^3$

TABLE 20.1 - 13
Stationary Sources Impacting Any Class II Area

Air Contaminant	Significant Impact
Particulate Matter (PM10)	
Annual arithmetic mean	1.0 $\mu g/m^3$
24-hr. maximum	5.0 $\mu g/m^3$
Nitrogen Dioxide (NO_2)	
Annual arithmetic mean	1.0 $\mu g/m^3$
Sulfur Dioxide (SO_2)	
Annual arithmetic mean	1.0 $\mu g/m^3$
24-hr. maximum	5.0 $\mu g/m^3$
Carbon Monoxide (CO)	
8-hr. maximum	500.0 $\mu g/m^3$
1-hr. maximum	2000.0 $\mu g/m^3$

(62)~~(60)~~ "**State Ambient Air Quality Standards (SAAQS)**" means the maximum allowable ambient air concentrations for specified air contaminants and monitoring periods as established by the California ARB ~~Air Resources Board~~ (see Table 20.1 - 7).

(63)~~(61)~~ "**Stationary Source**" means an emission unit or aggregation of emission units which are located on the same or contiguous properties and which units are under common ownership or entitlement to use. Stationary sources also include those emission units or aggregation of emission units located in the California Coastal Waters.

(64)~~(62)~~ "**Surplus**" means in excess of the State Implementation Plan, federal Clean Air Act and California Clean Air Act requirements, Regional Air Quality Strategy, or any District, State or federal law, rule, regulation, order or permit condition, and in excess of emission reductions which have been banked or otherwise committed for air quality purposes as specified by Rules ~~26.2~~ 26.0 through 26.10, inclusive.

(65)~~(63)~~ "**Temporary**" means enforceable, existing and valid for a specified, limited period of time.

(66)~~(64)~~ "**Volatile Organic Compound (VOC)**" means any volatile compound containing at least one atom of carbon excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and exempt compounds. Exempt compound means the same as defined in Rule 2.

(d) EMISSION CALCULATIONS

(1) POTENTIAL TO EMIT

The potential to emit of each air contaminant shall be calculated on an hourly, daily and yearly basis.

(i) Calculation of Potential to Emit

Except as provided in Subsections (d)(1)(i)(A), (B), and (C), the potential to emit shall be calculated based on the maximum design capacity or other operating conditions which reflect the maximum potential emissions, including fugitive emissions.

(A) Permit Limitations Shall be Used

If specific limiting conditions contained in an Authority to Construct or Permit to Operate restrict or will restrict emissions to a lower level, these limitations shall be used to calculate the potential to emit.

(B) Potential to Emit Shall Not Exceed Maximum Potential

If specific conditions limiting a unit's pre-project potential to emit are not contained in an Authority to Construct or Permit to Operate, the pre-project potential to emit shall be limited to the emission unit's actual emissions or to a lower level of emissions, as the applicant and the Air Pollution Control Officer may agree, provided such limitation is enforceable through permit conditions and does not violate any District, state or federal law, rule, regulation, order or permit condition. The Air Pollution Control Officer may base the pre-project potential to emit on the highest level of emissions occurring during a one-year period within the five-year period preceding the receipt date of the application, provided that the emission level was not in excess of any District, state or federal law, rule, regulation, order or permit condition. If the potential to emit is being determined for purposes of calculating an actual emission reduction, the provisions of Subsection (d)(2) shall apply.

(C) Calculation of Pre-Project Potential to Emit for Emission Units Located at Major Stationary Sources

If a new or modified emission unit is or will be located at a major stationary source, the pre-project potential to emit of the emission unit shall be calculated as follows~~, unless an Authority to Construct or Permit to Operate has been issued pursuant to the current version of Rules 20.1, 20.2, 20.3, and 20.4, 20.9 or 20.10~~. For purposes of determining the post-project aggregate potential to emit pursuant to Subsection (d)(1)(ii), these calculation procedures shall not apply to emission units not being modified and instead the procedures of Subsections (d)(1)(i)(A) and (B) shall apply.

(1) If an emission unit's pre-project actual emissions are less than 80 percent of the emission unit's potential to emit calculated pursuant to

Subsections (d)(1)(i)(A) and (B), then the emission unit's pre-project potential to emit shall be the same as the unit's actual emissions.

(2) If an emission unit's pre-project actual emissions are equal to or greater than 80 percent of the emission unit's potential to emit calculated pursuant to Subsection (d)(1)(i)(A) and (B), then the emission unit's pre-project potential to emit shall be as calculated pursuant to Subsection (d)(1)(i)(A) and (B).

If an Authority to Construct has previously been issued for an emission unit pursuant to New Source Review rules approved by EPA into the SIP for the District, the emission unit's pre-project potential to emit shall be as calculated pursuant to Subsection (d)(1)(i)(A) and (B).

(ii) **Calculation of Aggregate Potential to Emit - Stationary Source**

Except as provided for below in Subsections (d)(1)(ii)(A), (B), and (C), the aggregate potential to emit of a stationary source shall be calculated as the sum of the post-project potential to emit of all emission units permitted for the stationary source, including emission units under District review for permit and those to which Subsection (b)(1) applies.

(A) Permit-Exempt Equipment

The potential to emit of emission units exempt from permit requirements by Rule 11, and of emission units that are registered under District Rules 12 or 12.1 or a state ARB registration program, shall not be included in the aggregate potential to emit of a stationary source ~~unless~~ except that emissions of any federal criteria air contaminant or precursor from an emission unit shall be included if the actual emission of any such air contaminant or precursor from the unit, without consideration of any add-on emission control devices, equals or exceeds 5 pounds per day or 25 pounds per week.

~~the~~ The applicant and the Air Pollution Control Officer may agree to place all ~~such~~ permit-exempt and registered emission units which would be classified under the same class or category of source under permit for purposes of creating emission reduction credits. In such case, the potential to emit of ~~each~~ such emission units shall be included in the stationary source's aggregate potential to emit.

(B) Emergency Equipment

The potential to emit ~~from the maintenance operation~~ of emergency equipment during other than emergency situations shall not be included in the calcu-

lation of a stationary source's aggregate potential to emit except that emissions of any federal criteria air contaminant or precursor from an emergency unit shall be included if the actual emission of any such air contaminant or precursor from the unit, without consideration of any add-on emission control devices, equals or exceeds 5 pounds per day or 25 pounds per week. The potential to emit from operation of emergency equipment during emergency situations shall be excluded from the calculation of a stationary source's aggregate potential to emit.

(C) Portable Emission Units

Portable emission units shall be excluded from the calculation of a stationary source's aggregate potential to emit.

(D) Military Tactical Support Equipment Engines

Emissions from portable engines, including gas turbines, used exclusively in conjunction with portable military tactical support equipment shall be excluded from the calculation of a stationary source's aggregate potential to emit.

(2) ACTUAL EMISSIONS

Actual emissions are calculated based on the actual operating history of the emission unit.

(i) **Time Period for Calculation**

(A) Actual emissions of an existing emission unit shall be calculated on an operating hour, day and year basis averaged over the most representative two consecutive years within the five years preceding the receipt date of an application, as determined by the Air Pollution Control Officer.

(B) For emission units which have not been operated for a consecutive two-year period which is representative of actual operations within the five years preceding the receipt date of the application, the calculation of actual emissions shall be based on the average of any two one-year operating periods determined by the Air Pollution Control Officer to be representative within that five-year period. If a representative two-year operating time period does not exist, the calculation of actual emissions shall be based on the average of the total operational time period within that five-year period.

(ii) **Time Periods Less Than Six Months - Potential to Emit**

For determining potential to emit, actual emissions for emission units operated for a period less than six months shall be based on the longest operating time period determined by the Air Pollution Control Officer to be most representative of actual operations.

Subsection (d)(2)(iii) is moved to (d)(4)(iii)

(3) EMISSION INCREASE

A project's or emission unit's emission increase shall be calculated as follows:

(i) **New Emission Units**

Emission increases from a new project or emission unit shall be calculated by using the potential to emit for the project or emission unit.

(ii) **Modified Emission Units**

Emission increases from a modified project or emission unit shall be calculated as the project's or emission unit's post-project potential to emit minus the project's or emission unit's pre-project potential to emit.

(iii) **Relocated Emission Units**

Emission increases from a relocated project or emission unit shall be calculated as the project's or emission unit's post-project potential to emit minus the project's or emission unit's pre-project potential to emit.

(iv) **Replacement Emission Units**

Emission increases from a replacement project or emission unit shall be calculated as the replacement project's or emission unit's post-project potential to emit minus the existing project's or emission unit's pre-project potential to emit.

(v) **Portable Emission Units**

Emission increases from a portable emission unit shall be calculated as the emission unit's post-project potential to emit minus the emission unit's pre-project potential to emit.

(vi) **Determining Emission Increases for AQIA Trigger Levels**

When calculating emission increases for purposes of comparing with the Air Quality Impact Analysis (AQIA) trigger levels of Rules 20.2~~,~~ or 20.3 ~~or 20.9~~, area fugitive emissions of particulate matter (PM10) shall be excluded from the pre-project potential to emit and the post-project potential to emit calculations, 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.

(4) EMISSION REDUCTION - POTENTIAL TO EMIT & ACTUAL EMISSION REDUCTION

A project's or emission unit's emission reduction shall be calculated as follows:

(i) **Reduction in the Potential to Emit**

(A) Modified Emission Units

Reduction in the potential to emit for a modified project or emission unit shall be calculated as the project's or emission unit's pre-project potential to emit minus the project's or emission unit's post-project potential to emit.

(B) Relocated Emission Units

Reduction in the potential to emit for a relocated project or emission unit shall be calculated as the project's or emission unit's pre-project potential to emit minus the project's or emission unit's post-project potential to emit.

(C) Replacement Emission Units

Reduction in the potential to emit for a replacement project or emission unit shall be calculated as the existing project's or emission unit's pre-project potential to emit minus the replacement project's or emission unit's post-project potential to emit.

(D) Portable Emission Units

Reduction in the potential to emit for a portable emission unit shall be calculated as the emission unit's pre-project potential to emit minus the emission unit's post-project potential to emit.

(ii) **Actual Emission Reduction**

Notwithstanding any other provision of this rule, actual emissions calculated pursuant to Subsection (d)(2) shall be used for purposes of determining an actual emission reduction in accordance with this Subsection (d)(4)(ii). An actual emission reduction must be real, surplus, enforceable, quantifiable and may be permanent or temporary in duration. A temporary actual emission reduction shall be identified as temporary and shall include a specific date beyond which the reductions are no longer valid.

(A) Shutdowns

Actual emission reductions from the shutdown of an emission unit shall be calculated based on the emission unit's pre-project actual emissions.

(B) Modified Emission Units

Actual emission reductions from a modified project or emission unit shall be calculated as the project's or emission unit's pre-project actual emissions minus the project's or emission unit's post-project potential to emit.

(C) Relocated Emission Units

Actual emission reductions from a relocated project or emission unit shall be calculated as the project's or emission unit's pre-project actual emissions minus the project's or emission unit's post-project potential to emit.

(D) Replacement Emission Units

Actual emission reductions from a replacement project or emission unit shall be calculated as the existing project's or emission unit's pre-project actual

emissions minus the replacement project's or emission unit's post-project potential to emit.

(E) Portable Emission Units

Actual emission reductions from a portable emission unit shall be calculated as the emission unit's pre-project actual emissions minus the emission unit's post-project potential to emit.

(iii) **Adjustments For Determining Actual Emission Reductions**
Formally Subsection (d)(2)(iii)

The following adjustments shall be made in determining actual emission reductions:

(A) Units Permitted and Operated Less Than Two Years

If an emission unit has been permitted and operated for a period less than two years, the emission unit's actual emissions (in tons per year) shall be calculated as the unit's actual emissions (in tons) over the actual operating time period times the actual operating time period in days divided by 1460 days.

(B) Adjustments for Rule Violations

If an emission unit was operated in violation of any District, state or federal law, rule, regulation, order or permit condition during the period used to determine actual emissions, the actual emissions shall be adjusted to reflect the level of emissions which would have occurred if the emission unit had not been in violation.

(C) Adjustments for Federal Reasonably Available Control Technology (RACT)

Actual emission reductions shall exclude emission reductions which would have occurred had RACT requirements, determined by the Air Pollution Control Officer to meet the requirements of the 1990 federal Clean Air Act Amendments, been applied. This provision shall not apply to emission reductions from an emission unit which is exempt from permit requirements pursuant to Rule 11. However, at the time of use of emission reduction credits created from actual emission reductions from such an exempt emission unit shall be discounted by the emission reductions which would have occurred had RACT, determined by the Air Pollution Control Officer to meet the requirements of the federal Clean Air Act, been applied. A condition shall be included in the emission reduction credit requiring such discounting to occur at the time of use of the emission reduction credit.

(5) EMISSION OFFSETS

Emission offsets are actual emission reductions which are provided to mitigate emission increases. Emission offsets must meet the applicable criteria specified in Rules 20.1 and ~~,~~ Rules ~~20.2,~~ 20.3~~,~~ or 20.4~~, 20.9 and 20.10~~.

(i) Emission offsets shall consist of actual emission reductions calculated in accordance with Subsection (d)(4)(ii) or shall be Class 'A' Emission Reduction Credits pursuant to Rule 26.0 et seq. In order to be considered an emission offset, actual emission reductions or Emission Reduction Credits must be valid for the life of the emission increase which they are offsetting.

(ii) In order to qualify as an emission offset, actual emission reductions shall be banked pursuant to District Banking Rules 26.0 et seq., unless the actual emission reductions are being proposed to offset emission increases occurring concurrently at the stationary source. In such a case, the Air Pollution Control Officer may choose to administratively forego the issuance of Emission Reduction Credits.

(iii) Emission offsets shall be in effect and enforceable at the time of startup of the emission unit requiring the offsets. Emission offsets must be federally enforceable if the source is major for the pollutant for which offsets are being provided. If interpollutant offsets are being provided, the offsets must be federally enforceable if the pollutant they are offsetting is major.

(iv) Emission offsets shall be provided on a ton per year basis.

(v) Emission offsets shall be located in San Diego County.

(e) OTHER PROVISIONS

(1) CONTINUITY OF EXISTING PERMITS

All of the conditions contained in any Authority to Construct or Permit to Operate issued prior to May 17, 1994 shall remain valid and enforceable for the life of the Authority to Construct or Permit to Operate, unless specifically modified by the District.

Proposed amendments to Rule 20.2, Section (d) is to read as follows:

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

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Subsections (5) and (6) are deleted in its entirety.

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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.

Proposed amendments to Rule 20.2, Section (d) is to read as follows:

RULE 20.2. NEW SOURCE REVIEW - NON-MAJOR STATIONARY SOURCES

(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 <u>or modified Permit to Operate</u> 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 particulate matter (PM10), oxides of nitrogen (NOx), volatile organic compounds (VOC) or oxides of sulfur (SOx) and which unit has a post-project potential to emit of 10 pounds per day or more of ~~particulate matter (~~PM10~~)~~, ~~oxides of nitrogen (~~NOx~~)~~, ~~volatile organic compounds (~~VOC~~)~~, or ~~oxides of sulfur (~~SOx~~), 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 PM10 ~~particulate matter~~, NOx ~~oxides of nitrogen~~, VOC ~~volatile organic compounds~~, or SOx ~~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 PM10 ~~particulate matter~~, NOx ~~oxides of nitrogen~~, VOC ~~volatile organic compounds~~, or SOx ~~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 PM10, NOx, VOC or SOx and which unit has a post-project potential to emit of 10 pounds per day or more of PM10 ~~particulate matter~~, NOx ~~oxides of nitrogen~~, VOC ~~volatile organic compounds~~, or SOx ~~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~~ non-emergency operation 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 or modified Permit to Operate 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 ~~n~~ or interfere with the attainment or maintenance of any state or national ambient air quality standard.

If a ~~particulate matter~~ PM10 AQIA is required, the AQIA shall include both directly emitted ~~particulate matter~~ PM10 and ~~particulate matter~~ PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.

TABLE 20.2 - 1
AQIA Trigger Levels

Air Contaminant	Emission Rate (lb/hr)	(lb/day)
Particulate Matter (PM10)	---	100
Oxides of Nitrogen (NOx)	25	250
Oxides of Sulfur (SOx)	25	250
Carbon Monoxide (CO)	100	550
Lead and Lead Compounds	---	3.2

(ii) **AQIA 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 ~~n~~or interfere with the attainment or maintenance of any state or national ambient air quality standard.

If a ~~particulate matter~~ PM10 AQIA is required, the AQIA shall include both directly emitted ~~particulate matter~~ PM10 and ~~particulate matter~~ PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.

(iii) **AQIA 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~~ PM10 AQIA is required, the AQIA shall include both directly emitted ~~particulate matter~~ PM10 and ~~particulate matter~~ PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.

(iv) **AQIA not Required for NOx 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 (~~NOx~~)~~ 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~~ NOx or ~~volatile organic compound~~ VOC emissions from point sources on ozone ambient air quality standards and that such procedures are acceptable to the California ~~Air Resources Board (~~ARB~~)~~ or the federal ~~Environmental Protection Agency~~ EPA.

(v) **AQIA 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 PM10 ~~particulate matter~~ air quality impact of less than 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (annual geometric mean basis), all of the project's PM10 ~~particulate matter~~ emission increases, including area fugitive emissions of PM10 ~~particulate matter~~, must be offset at a ratio of ~~2~~1.5 to 1 ~~in accordance with Subsection (d)(5)(ii)(C)~~.

(B) If the project will result in a maximum PM10 ~~particulate matter~~ air quality impact equal to or greater than 5 $\mu g/m^3$ but less than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 3 $\mu g/m^3$ but less than 6 $\mu g/m^3$ (annual geometric mean basis):

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

(2) all of the project's PM10 ~~particulate matter~~ emission increases, including area fugitive emissions of PM10 ~~particulate matter~~, must be offset at an overall ratio of ~~2~~ 1.5 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 PM10 ~~particulate matter~~ emission increases, including area fugitive emissions of PM10 ~~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 PM10 ~~particulate matter~~ ambient air quality impact minus 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (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 PM10 ~~particulate matter~~ air quality impact equal to or greater than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 6 $\mu g/m^3$ (annual geometric mean basis).

(vi) **AQIA 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 or modified Permit to Operate 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 or modified Permit to Operate for any project subject to the AQIA or notification requirements of Subsection (d)(2) or (d)(3), nor for any project which results in an emissions increase of VOCs equal to or greater than 250 pounds per day, 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~~ 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 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.

Subsections (d)(5) and (d)(6) are deleted in their entirety.

(5) EMISSION OFFSETS **RESERVED**

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 NOx 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 NOx Emission Increases

The oxides of nitrogen (NOx) 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 NOx Offset Ratio
Federal Severe Ozone Non-Attainment Classification

Stationary Source's Post-Project Aggregate VOC or NOx Potential to Emit	Offset Ratio NOx	Offset Ratio VOC
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 NOx Offset Ratio
Federal Serious Ozone Non-Attainment Classification

Stationary Source's Post Project Aggregate VOC or NOx Potential to Emit	Offset Ratio NOx	VOC
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 PM_{10} and SOx Emission Increases - New or Modified Emission Units**

(A) Offset Requirements for SOx Emission Increases

The oxides of sulfur (SOx) 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 PM_{10} Emission Increases

The particulate matter (PM_{10}) 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
PM_{10} and SOx Offset Ratio

Stationary Source's Post-Project Aggregate PM_{10} or SOx Potential to Emit	Offset Ratio PM_{10}	SOx
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) PM_{10} Waiver Provisions

To qualify for the AQIA waiver provisions of Subsection (d)(2)(v), emission offsets for particulate matter (PM_{10}) 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 Potential to Emit	Offset Ratio CO
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
	NOx	1.1
	SOx	1.1
Oxides of Sulfur (SOx)	SOx	1.0
	PM_{10}	1.1
	VOC	1.1
	NOx	1.1
Oxides of Nitrogen (NOx)	NOx	1.0
	VOC	2.0
Volatile Organic Compounds (VOC)	VOC	1.0
	NOx	1.0

(6) **EMISSION OFFSET REQUIREMENTS; USE OF COMMUNITY BANK EMISSION REDUCTION CREDITS** **RESERVED**

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.~~

Proposed amendments to Rule 20.3, Sections (b) and (d), are to read as follows:

RULE 20.3
NEW SOURCE REVIEW
MAJOR STATIONARY SOURCES AND PSD STATIONARY SOURCES
(ADOPTED AND EFFECTIVE 5/17/94)
(ADOPTED AND EFFECTIVE _____)

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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.

Proposed amendments to Rule 20.3, Sections (b) and (d), are to read as follows:

RULE 20.3. NEW SOURCE REVIEW - MAJOR STATIONARY SOURCES AND PREVENTION OF SIGNIFICANT DETERIORATION (PSD) STATIONARY SOURCES

(Effective: 11/4/76; Rev. Adopted and Effective ~~May 17, 1994~~)

(a) APPLICABILITY

This rule applies to any new or modified major stationary source, to any new or modified emission unit and to any relocated emission unit being moved from a stationary source~~,~~ if, after completion of the project, the stationary source will be a major stationary source~~,~~ or a Prevention of Significant Deterioration (PSD) 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) ~~Maintenance~~ Non-emergency operation emissions from emergency equipment shall be exempt from the Lowest Achievable Emission Rate (LAER) requirements of Subsection (d)(1) and shall instead be subject to the Best Available Control Technology (BACT) provisions of Subsection (d)(1)(iv)~~(v)~~, as applicable.

(2) Emission units which are to be temporarily relocated to another stationary source shall be exempt from the provisions of Subsection (d)(1)(ii)~~(iii)~~ 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.

(3) Emission units which are intended to be permanently relocated to another stationary source shall be exempt from the provisions of Subsection (d)(1)(ii)~~(iii)~~, 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 and, ~~.~~

(4) Emission increases resulting from an air contaminant emission control project shall be exempt from the emission offset requirements of Subsection (d)(5), (d)(6) and (d)(7) of this rule.

(c) **DEFINITIONS**

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

(d) **STANDARDS**

(1) **BEST AVAILABLE CONTROL TECHNOLOGY (BACT) AND LOWEST ACHIEVABLE EMISSION RATE (LAER)**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate 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 - BACT**

Except as provided in Subsection (d)(1)(v), any new or modified emission unit which has any increase in its potential to emit particulate matter (PM10), oxides of nitrogen (NOx), volatile organic compounds (VOC), or oxides of sulfur (SOx) and which unit has a post-project potential to emit 10 pounds per day or more of ~~particulate matter~~ (PM10), ~~oxides of nitrogen~~ (NOx), ~~volatile organic compounds~~ (VOC~~)~~, or ~~oxides of sulfur~~ (SOx~~)~~, ~~carbon monoxide (CO), or lead (Pb)~~ shall be equipped with Best Available Control Technology (BACT) for each such air contaminant. ~~Except as provided for in Subsection (d)(7) and (d)(8), Lowest Achievable Emission Rate (LAER) shall be required instead of BACT for those air contaminants and their precursors for which the stationary source is major and for which the District is classified as non-attainment of a national ambient air quality standard.~~

(ii)~~(iii)~~ **Relocated Emission Units**

Except as provided in Subsection (d)(1)(v), and except as provided for in Subsec tions (b)(2) and (b)(3), any relocated emission unit with a post-project potential to emit of 10 pounds per day or more of ~~particulate matter~~ PM10, ~~oxides of nitrogen~~ NOx, ~~volatile organic compounds~~ VOC~~,~~ or ~~oxides of sulfur~~ SOx~~, or carbon monoxide~~, shall be equipped with BACT for each such air contaminant. ~~Except as provided for in Subsec tions (d)(7) and (d)(8), LAER shall be required instead of BACT for those air contaminants and their precursors for which the stationary source is major and for which the District is classified as non-attainment of a national ambient air quality standard.~~

(iii)~~(iv)~~ **Replacement Emission Units**

Except as provided in Subsection (d)(1)(v), any replacement emission unit with a post-project potential to emit of 10 pounds per day or more of ~~particulate matter~~ PM10, ~~oxides of nitrogen~~ NOx, ~~volatile organic compounds~~ VOC~~,~~ or ~~oxides of sulfur~~ SOx~~, or carbon monoxide~~, shall be equipped with BACT for each such air contaminant. ~~Except as~~

~~provided for in Subsections (d)(7) and (d)(8), LAER shall be required instead of BACT for those air contaminants and their precursors for which the stationary source is major and for which the District is classified as non-attainment of a national ambient air quality standard.~~

(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~~ PM10, ~~oxides of nitrogen~~ NOx, ~~volatile organic compounds~~ VOC~~,~~ or ~~oxides of sulfur~~ SOx~~, or carbon monoxide~~, shall be equipped with BACT for each such air contaminant. BACT shall apply based on the unit's ~~maintenance~~ non-emergency operation emissions and excluding the unit's emissions while operating during emergency situations.

(v) **Lowest Achievable Emission Rate (LAER)**

Except as provided for in Subsection (d)(7), LAER shall be required for each new, modified, relocated or replacement emission unit which results in an emissions increase which constitutes a new major source or major modification. LAER shall be required only for those air contaminants and their precursors for which the stationary source is major and for which the District is classified as non-attainment of a national ambient air quality standard.

~~(ii)~~(vi) **New or Modified Emission Units - ~~Non-Criteria Pollutants~~ PSD Stationary Sources**

Any new or modified emission unit at a PSD stationary source, which emission unit has an emission increase of one or more air contaminants ~~equal to or greater than the non-criteria pollutant emissions significance levels~~ which constitutes a new PSD stationary source (see Tables 20.1-11) or PSD modification (see Tables 20.1-8 and 20.1-10), shall be equipped with 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 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 Units**

For each project which results in an emissions increase equal to or greater than any of the amounts listed in Table 20.3 - 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~~ PM10 AQIA is required, the AQIA shall include both directly emitted ~~particulate matter~~ PM10 and ~~particulate matter~~ PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.

TABLE 20.3 - 1
AQIA Trigger Levels

Air Contaminant	Emission Rate (lb/hr)	(lb/day)
Particulate Matter (PM10)	---	100
Oxides of Nitrogen (NOx)	25	250
Oxides of Sulfur (SOx)	25	250
Carbon Monoxide (CO)	100	550
Lead and Lead Compounds	---	3.2

(ii) **AQIA 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 20.3 - 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~~ PM10 AQIA is required, the AQIA shall include both directly emitted ~~particulate matter~~ PM10 and ~~particulate matter~~ PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.

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

Prior to issuance of a permit allowing an emission unit or a project to be relocated to a major stationary source, 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,

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

(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) below, 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 20.3 - 1. If a ~~particulate matter~~ PM10 AQIA is required, the AQIA shall include both directly emitted ~~particulate matter~~ PM10 and ~~particulate matter~~ PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.

(iv) **AQIA not Required for NOx 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~~ (NOx~~)~~ 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 NOx ~~oxides of nitrogen~~ or VOC ~~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 (ARB) or the federal Environmental Protection Agency (EPA).

(v) **AQIA 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~~ PM10 air quality impact of less than 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (annual geometric mean basis), all of the project's ~~particulate matter~~ PM10 emission increases, includ-

ing area fugitive emissions of ~~particulate matter~~ PM10, must be offset at a ratio of ~~2~~ 1.5 to 1 ~~in accordance with Subsection (d)(5)(ii)(C)~~.

(B) If the project will result in a maximum ~~particulate matter~~ PM10 air quality impact equal to or greater than 5 $\mu g/m^3$ but less than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 3 $\mu g/m^3$ but less than 6 $\mu g/m^3$ (annual geometric mean basis):

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

(2) all of the project's ~~particulate matter~~ PM10 emission increases, including area fugitive emissions of ~~particulate matter~~ PM10, must be offset at an overall ratio of ~~2~~ 1.5 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~~ PM10 emission increases, including area fugitive emissions of ~~particulate matter~~ 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 ~~particulate matter~~ PM10 ambient air quality impact minus 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (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~~ PM10 air quality impact equal to or greater than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 6 $\mu g/m^3$ (annual geometric mean basis).

(vi) **AQIA 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 deny an Authority to Construct or modified Permit to Operate for any project subject to this rule unless the applicant demonstrates that the following requirements are satisfied.

(i) **Applicability**

(A) New PSD Stationary Source and PSD Modification

The provisions of Subsections (d)(3)(ii) through (vii) shall apply to any new PSD stationary source and to any PSD modification, for those air contaminants for which the District is classified as attainment or unclassified ~~of the~~ with respect to a national ambient air quality standard.

(B) Significant Impact

The provisions of Subsections (d)(3)(ii) through (vii) shall apply to 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), regardless of the Class I area's national attainment or non-attainment classification. For Class II areas, the provisions of Subsections (d)(3)(ii) through (vii) apply only if, in addition to causing a significant impact, the Class II area where the significant impact occurs is classified as attainment of the national ambient air quality standard for that pollutant.

(C) Non-Criteria Pollutant Emissions Significance Levels

The provisions of Subsections (d)(3)(ii), (iii), (v), and (vii) shall apply to any emission increase of a non-criteria air contaminant at a PSD stationary source with a potential to emit equal to or greater than a non-criteria pollutant emissions significance level (see Table 20.1-8) for the air contaminant.

(ii) **Notification Requirements**

(A) Notification of Federal Land Manager - Before Application Submittal

The applicant shall provide written notification to the Federal Land Manager of the applicant's intent to file an application for an Authority to Construct, Permit to Operate, or a Determination of Compliance pursuant to Rule 20.5, not less than 30 days prior to application submittal. The applicant's notification to the Federal Land Manager shall include copies of all of the analyses required by this Subsection (d)(3). Concurrently, the applicant shall notify the federal ~~Environmental Protection Agency~~ EPA and the District, and provide copies of the written notification given to the Federal Land Manager.

(B) Notification of Federal Land Manager - After Application Submittal

If a project is modified prior to issuance of an Authority to Construct such that it becomes subject to Subsection (d)(3), the Air Pollution Control Officer shall provide the notification required by Subsection (d)(3)(ii)(A) no later than 15 days after it is determined that the provisions of Subsection (d)(3) apply.

(C) Failure to Notify

If the applicant has failed to provide the notification required by Subsection (d)(3)(ii)(A) within the time periods described in that subsection, the applicant shall provide the notification required by that subsection no later than 15 days after the Air Pollution Control Officer informs the applicant that the provisions of Subsection (d)(3) apply.

(iii) **Air Quality Impact Analysis (AQIA)**

Notwithstanding the emission threshold requirements of Subsection (d)(2), the applicant shall perform an AQIA as prescribed in Subsection (d)(2) for those pollutants for which, pursuant to Subsection (d)(3)(i), Subsection (d)(3) applies. In conducting the AQIA, projected growth calculated pursuant to (d)(3)(v)(A) shall be taken into account. The Air Pollution Control Officer shall comply with the public comment and notice provisions of Subsection (d)(4) and with the following:

(A) Federal Land Manager and federal EPA Notification

Notify the Federal Land Manager and ~~the Environmental Protection Agency~~ (EPA). This notification shall include all of the analyses required by Subsection (d)(3), 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 Rule 20.1, Table 20.1 - 3), and the results of the AQIA, at least 60 days prior to the public comment period required by Subsection (d)(4).

(B) ARB, SCAQMD and Imperial County APCD Notification

Notify and submit to the California ~~Air Resources Board~~ (ARB), the South Coast Air Quality Management District (SCAQMD) and the Imperial County Air Pollution Control District all of the information required by Subsection (d)(4)(iv).

(iv) **Air Quality Increment**

If the stationary source is located in an area designated as attainment or unclassified for the SOx ~~sulfur dioxide~~, NOx ~~nitrogen dioxide~~, or PM10 ~~particulate matter~~ national ambient air quality standard pursuant to Section 107(d)(1)(D) or (E) of the federal Clean Air Act, the following shall be satisfied:

(A) The applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, using procedures approved by the Air Pollution Control Officer, that the applicable air quality increments are not exceeded within the project's impact area.

(B) The demonstration required by Subsection (d)(3)(iv)(A) shall include the following:

(1) a description of the federal attainment area where a significant impact occurs and the attainment area's corresponding non-major source baseline date, and

(2) an analysis of the air quality impacts of all increment consuming and increment expanding emissions within the impact area, and

(3) an analysis of the air quality impacts of increment consuming and increment expanding emissions outside the impact area that may have a significant impact within the impact area.

(v) **Additional Impacts Analyses**

The analyses required by Subsections (d)(3)(v)(A) through (C) shall include the impacts of total emissions which exceed a non-criteria emissions significance level.

(A) Growth Analysis

The applicant shall prepare a growth analysis containing all of the following:

(1) an assessment of the availability of residential, commercial, and industrial services in the area surrounding the stationary source,

(2) a projection of the growth in residential, industrial and commercial sources, construction related activities, and permanent and temporary mobile sources which will result from the construction of the new major stationary source or major modification, including any secondary emissions associated with the construction,

(3) an estimate of the emission of all pollutants from the projected growth, and

(4) a determination of the air quality impacts occurring due to the combined emissions from the projected growth and the stationary source's emissions increase.

(B) Soils & Vegetation Analysis

The applicant shall perform an analysis of the impacts from air contaminants on soils and vegetation containing all of the following:

(1) the analysis shall be based on an inventory of the soils and vegetation types found in the impact area, including all vegetation with any commercial or recreational value, and

(2) the analysis shall consider the impacts of the combined emissions from projected growth as determined above, pursuant to Subsection (d)(3)(v)(A) and the stationary source's emissions increase.

(C) Visibility Impairment Analysis

The applicant shall perform a visibility impairment analysis. The analysis shall focus on the effects of the emission increases from the new PSD stationary source or PSD modification and their impacts on visibility within the impact area.

The analysis shall include a catalog of scenic vistas, airports, or other areas which could be affected by a loss of visibility within the impact area, a determination of the visual quality of the impact area, and an initial screening of emission sources to assess the possibility of visibility impairment. If the screening analysis indicates that a visibility impairment will occur, as determined by the Air Pollution Control Officer, a more in-depth visibility analysis shall be prepared.

(vi) **Protection of Class I Areas**

(A) Requirements

(1) An AQIA shall be prepared as prescribed in Subsection (d)(2) for all emission increases attributable to the new or modified stationary source, notwithstanding the emission threshold requirements of Subsection (d)(2). The AQIA shall include a demonstration that the new or modified stationary source will not cause or contribute to a violation of any national ambient air quality standard nor interfere with the attainment or maintenance of those standards.

(2) The analyses contained in Subsections (d)(3)(iii) through (v) shall be prepared for all emission increases which will result in a significant impact.

(B) Application Denial - Federal Land Manager/Air Pollution Control Officer Concurrence

The Air Pollution Control Officer shall deny an Authority to Construct for a new or modified stationary source subject to this Subsection (d)(3)(vi), if the Federal Land Manager demonstrates, and the Air Pollution Control Officer concurs, that granting the Authority to Construct would result in an adverse impact on visibility, soils, vegetation or air quality related values of a Class I area. The Air Pollution Control Officer shall take into consideration mitigation measures identified by the Federal Land Manager in making the determination.

(vii) **Additional Requirements**

(A) Tracking of Air Quality Increment Consumption Sources

The Air Pollution Control Officer shall track air quality increment consumption, consistent with current requirements established by the federal EPA ~~Environmental Protection Agency~~.

(B) Stack Height Requirement

The applicant for any new or modified PSD stationary source with a stack height greater than 65 meters must demonstrate to the satisfaction of the Air Pollution Control Officer that the new or modified stationary source complies with the ~~most recent~~ Good Engineering Practice (GEP) requirements contained in the 1993 version of 40 CFR 51.100(ii). The Air Pollution Control Officer may specify compliance with a more recent version of the GEP requirements upon finding that such specification will not significantly change the effect of this paragraph and is necessary to carry out federal PSD requirements.

(C) Preconstruction Monitoring Requirement

The applicant shall submit at least one year of continuous monitoring data, unless the Air Pollution Control Officer determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a shorter period. Such shorter period shall not be less than four consecutive months. The requirement for monitoring may be waived by the Air Pollution Control Officer if representative monitoring data is already available.

(D) Cancellation of Authority to Construct

Any Authority to Construct or modified Permit to Operate issued to a PSD stationary source subject to the provisions of Subsection (d)(3) of this rule, shall become invalid if construction or modification is not commenced within 18 months after its issuance or if construction is or modification discontinued for a period of 18 months or more after its issuance. The 18-month period may be extended by the Air Pollution Control Officer for good cause.

(4) PUBLIC NOTICE AND COMMENT

The Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any project subject to the AQIA or notification requirements of Subsections (d)(2) or (d)(3) above, nor for any project which results in an emissions increase of VOC equal to or greater than 250 pounds per day, nor for any project that would otherwise constitute a new major source or a major modification, unless the following requirements are satisfied.

(i) **Public Comment Period**

At least 40 days before taking final action on an application, 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) provide the California ARB ~~Air Resources Board~~ and federal EPA ~~Environmental Protection Agency~~ with notice of the proposed action and all of the information specified in Subsection (d)(4)(iv), 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 ~~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 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

Except as provided for in Subsection (d)(8), the Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any project subject to this rule unless emission offsets are provided on a pollutant specific basis for any emission increases of non-attainment air contaminants and their precursors which increases constitute a new major stationary source or a major modification. ~~Emission offsets shall be provided for emission increases from projectsto 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)(vi).

(i) **Offset Requirements for VOC and NOx 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,~~ and which increase constitutes a new major stationary source or major modification, shall be offset at ~~the~~ a 1.2 to 1.0 offset ratio ~~specified in Table 20.3-2. 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 20.3-2A.~~

(B) Offset Requirements for NOx Emission Increases

The ~~oxides of nitrogen~~ (NOx~~)~~ 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,~~ and which increase constitutes a new major stationary source or major modification, shall be offset at ~~the~~ a 1.2 to 1.0 offset ratio ~~specified in Table 20.3-2. 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 20.3-2A.~~

~~**TABLE 20.3 - 2**~~
~~**VOC and NOx Offset Ratios**~~
~~**Federal Severe Serious Ozone Non-Attainment Classification**~~

~~Stationary Source's Post-Project Aggregate VOC or NOx Potential to Emit~~	~~Offset Ratio~~	
	~~NOx~~	~~VOC~~
~~Potential < 15 tons/year~~	~~None~~	~~None~~
~~15 tons/year ≤ Potential < 25 tons/year~~	~~1 : 1~~	~~1 : 1~~
~~Potential ≥ 25 tons/year~~	~~1.3 :1.0~~	~~1.3 :1.0~~

~~***TABLE 20.3 - 2A***~~
~~***VOC and NOx Offset Ratios***~~
~~***Federal Serious Ozone Non-Attainment Classification***~~

~~*Stationary Source's Post-Project Aggregate VOC or NOx Potential to Emit*~~	~~*Offset Ratio*~~	
	~~*NOx*~~	~~*VOC*~~
~~*Potential < 15 tons/year*~~	~~*None*~~	~~*None*~~
~~*15 tons/year ≤ Potential < 50 tons/year*~~	~~*1 : 1*~~	~~*1 : 1*~~
~~*Potential ≥ 50 tons/year*~~	~~*1.2:1.0*~~	~~*1.2:1.0*~~

~~**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 PM_{10} and SOx Emission Increases - New or Modified Emission Units~~ **RESERVED**

~~(A) Offset Requirements for SOx Emission Increases~~

~~The oxides of sulfur (SOx) 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 20.3 – 3.~~

~~(B) Offset Requirements for PM_{10} Emission Increases~~

~~The particulate matter (PM_{10}) 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 20.3 – 3.~~

~~**TABLE 20.3 – 3**~~
~~**PM_{10} and SOx Offset Ratio**~~

~~Stationary Source's Post-Project Aggregate PM_{10} or SOx Potential to Emit~~	~~Offset Ratio~~	
	~~PM_{10}~~	~~SOx~~
~~Potential < 15 tons/year~~	~~None~~	~~None~~
~~15 tons/year ≤ Potential < 100 tons/year~~	~~1 : 1~~	~~1 : 1~~
~~Potential ≥ 100 tons/year~~	~~1 : 1~~	~~1 : 1~~

~~(C) PM_{10} Waiver Provisions~~

~~To qualify for the AQIA waiver provisions of Subsection (d)(2)(v), emission offsets for particulate matter 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

Except as provided in Subsection (d)(5)(iii)(B) below, 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~~, and which increase constitutes a new major stationary source or major modification, shall be offset at ~~the~~ a 1.0 to 1.0 offset ratio ~~specified in Table 20.3 – 4~~. This requirement shall no longer apply if the District is redesignated by the federal EPA as in attainment with respect to the national ambient air quality standard for CO.

~~TABLE 20.3 - 4~~
~~CO Offset Ratio~~

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

(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 CO ~~carbon monoxide~~, emission offsets for CO ~~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~~ The VOC, NOx and CO emission increases that result from a relocated or replacement emission unit at a stationary source and which increases constitute a new major stationary source or major modification, on an air contaminant specific basis, shall be offset as specified in Subsections (d)(5)(i) through (iii), as applicable. This requirement shall no longer apply for CO emission increases if the District is redesignated by the federal EPA as in attainment with respect to the national ambient air quality standard for CO.

(v) **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, or 20.5, ~~20.9 or 20.10~~, ~~inclusive~~, Rules 26.0 through Rule 26.10, inclusive, or Rule 1200, 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~~ District Bank, the Air Pollution Control Officer must determine that the following are satisfied:

(A) the control equipment satisfies the applicable requirements of these rules and regulations, and

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

(B)~~(C)~~ the amount of the emission reduction credits to be obtained from the ~~Community~~ District Bank do not exceed 10 tons per year on a pollutant specific basis~~,~~.

~~(D) If oxides of nitrogen emission reduction credits are being sought from the Community Bank, the stationary source is not major for oxides of nitrogen, and~~

~~(E) If volatile organic compound emission reduction credits are being sought from the Community Bank, the stationary source is not major for volatile organic compounds.~~

~~(F) 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 changes which result in the creation of an Emission Reduction Credit pursuant to Rules 26.0 et seq.~~

(vi) **Interpollutant Offset Ratios**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.3 - 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 Subsection (d)(5) to determine the final offset ratio.

TABLE 20.3 - 2 ~~5~~
Interpollutant Ratio

Emission Increase	Decrease	Interpollutant Ratio
~~Particulate Matter (PM_{10})~~	~~PM_{10}~~ ~~VOC~~ ~~NOx~~ ~~SOx~~	~~1.0~~ ~~1.1~~ ~~1.1~~ ~~1.1~~
~~Oxides of Sulfur (SOx)~~	~~SOx~~ ~~PM_{10}~~ ~~VOC~~ ~~NOx~~	~~1.0~~ ~~1.1~~ ~~1.1~~ ~~1.1~~
Oxides of Nitrogen (NOx)	NOx VOC	1.0 2.0
Volatile Organic Compounds (VOC)	VOC NOx	1.0 1.0

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

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

(i) The ~~Community~~ District Bank has been established consistent with the provisions of Rule 26.1 ~~et seq~~.through Rule 26.10, inclusive.

(ii) The ~~Community~~ District 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~~ District 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~~ District 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~~ District 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, or

(B) for use by essential public service projects~~, as defined in Rule 20.1 and as provided for in Subsection (d)(5)(v) of Rule 20.2,~~ provided the applicant demonstrates, to the satisfaction of the Air Pollution Control Officer, that the applicant is unable to create or acquire some or all of the required emission offsets, despite all reasonable efforts, and that the cost of some or all of the required offsets, in dollars per pound of emission reduction credit, exceeds five times the cost of control measures required to meet stationary source emission standards contained in these rules and regulations.

(C) For use for air contaminant emission control ~~equipment~~ projects as provided for in Rule 20.3 ~~Subsection~~ (d)(5)(vi) ~~of Rule 20.2, and~~ .

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

(7) BACT INSTEAD OF LAER

Any stationary source which provides volatile organic compounds (VOC) or oxides of nitrogen (NOx) emission reductions from within the stationary source at a ratio of at least 1.3 to 1.0 for any increase of ~~volatile organic compounds~~ VOC or NOx ~~oxides of nitrogen~~ subject to the LAER provisions of Subsection (d)(1)(v), ~~may apply BACT instead of~~ shall be exempt from the requirement for LAER for such increases. These offsetting emission reductions shall be in addition to any emission offsets required by these rules. In addition, any modification of an existing stationary source which results in an emission increase of ~~volatile organic compounds~~ VOC or NOx ~~oxides of nitrogen,~~ may apply BACT instead of LAER~~,~~ provided the stationary source's post-project aggregate potential to emit is less than 100 tons per year of ~~volatile organic compounds~~ VOC or NOx ~~oxides of nitrogen~~. This provision shall apply on a pollutant specific basis.

(8) USE OF CONTEMPORANEOUS EMISSION INCREASES FOR DETERMINING APPLICABILITY OF LAER AND OFFSET PROVISIONS

The ~~applicant for any~~ determination that a project at a major stationary source ~~may request that~~ is subject to the LAER provisions of Subsection (d)(1) and Emission Offsets provisions ~~for oxides of nitrogen) and volatile organic compounds~~ of Subsection (d)(5) shall be ~~applied~~ based on the stationary source's contemporaneous emission increases~~, instead of on an individual emission unit or project basis as applicable, provided such a request is made in writing. Once such a request is made, all new and existing emission units at the stationary source shall be required to comply with said Subsections as provided for below~~.

(i) Requirements

~~If a request to utilize this Subsection (d)(8) is made,~~ The applicant shall submit with each application for new or modified equipment, sufficient information to determine the contemporaneous emission increases at the stationary source. Each application shall be accompanied by a current tabulation of contemporaneous emission increases at the station ary source. For any major stationary source undergoing a major modification based on the stationary source's contemporaneous emission increase, the LAER and Offset provisions shall apply as follows:

(A) Lowest Achievable Emission Rate (LAER)

The LAER provisions of Subsection (d)(1) shall apply to any project which results in an emissions increase occurring at a stationary source ~~where there is~~ which increase constitutes a new major source or major modification, on a pollutant specific basis. This provision shall not relieve a source from also complying with the BACT provisions of Subsection (d)(1), as applicable in Subsection (d)(1).

(B) Emission Offsets

~~The oxides of nitrogen and volatile organic compound emission increases from a new or modified emission unit located at a stationary source with an oxides of nitrogen or volatile organic compound post-project aggregate potential to emit equal to or greater than 15 tons per year, shall be offset as prescribed in Table 20.3 - 6, on a pollutant specific basis. 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 20.3 - 6A.~~

The emission offset provisions of Subsection (d)(5) shall apply to any project which results in an emissions increase occurring at a stationary source which increase constitutes a new major source or major modification, on a pollutant specific basis.

When an emissions increase from a new or modified emission unit or project has been determined to be subject to, and approved as in compliance with, the LAER and emission offset requirements of this rule, the contemporaneous emissions increase for the subject air contaminant or precursor shall be reset to zero.

~~TABLE 20.3 - 6~~
~~VOC and NOx Offset Ratios~~
~~Federal Severe Ozone Non-Attainment Designation~~

~~Stationary Source's Post-Project Aggregate VOC or NOx Potential to Emit~~	~~Offset Ratio~~	
	~~NOx~~	~~VOC~~
~~Potential < 15 tons/year~~	~~None~~	~~None~~
~~15 tons/year ≤ Potential < 25 tons/year~~	~~1 : 1~~	~~1 : 1~~
~~Potential ≥ 25 tons/year~~		
~~Non-major modification~~	~~1 : 1~~	~~1 : 1~~
~~Major modification~~	~~1.3:1.0~~	~~1.3 : 1.0~~

~~TABLE 20.3 - 6A~~
~~VOC and NOx Offset Ratios~~
~~Federal Serious Ozone Non-Attainment Designation~~

~~*Stationary Source's Post-Project Aggregate VOC or NOx Potential to Emit*~~	~~*Offset Ratio*~~	
	~~*NOx*~~	~~*VOC*~~
~~*Potential < 15 tons/year*~~	~~*None*~~	~~*None*~~
~~*15 tons/year ≤ Potential < 50 tons/year*~~	~~*1 : 1*~~	~~*1 : 1*~~
~~*Potential ≥ 50 tons/year*~~		
~~*Non-major modification*~~	~~*1 : 1*~~	~~*1 : 1*~~
~~*Major modification*~~	~~*1.2:1.0*~~	~~*1.2:1.0*~~

~~**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.~~

~~(C) Limitations~~

~~Once an applicant has requested to use this Subsection (d)(8) provisions for contemporaneous emission increases, the applicant may, at any time, request in writing that the individual emission unit or project applicability provisions of Subsections (d)(1) and (d)(5) be used to determine LAER and emission offset applicability for the stationary source. However, such a stationary source may not again be eligible for the Subsection (d)(8) contemporaneous emission increase provisions for a period of five years from the time the request to use the individual emission unit or project applicability criteria was made.~~

(e) ADDITIONAL REQUIREMENTS

(1) Compliance Certification

Prior to receiving an Authority to Construct or modified Permit to Operate pursuant to this rule, an applicant for any new or modified stationary source required to satisfy the LAER provisions of Subsection (d)(1) or the major source offset requirements of Subsection (d)(5) shall certify that all major stationary sources owned or operated by such person or by any entity controlling, controlled by or under common control with such a person in the state are in compliance, or on an approved schedule for compliance, with all applicable emission limitations and standards under the federal Clean Air Act.

(2) Alternative Siting and Alternatives Analysis

The applicant for any new major stationary source required to satisfy the LAER provisions of Subsection (d)(1) or the major source offset requirements of Subsection (d)(5), shall conduct an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that the benefits of the proposed source outweigh the environmental and social costs imposed as a result of its location or construction. Analyses conducted in conjunction with state or federal statutory requirements may be used.

Proposed amendments to Rule 20.4 are to read as follows:

RULE 20.4
NEW SOURCE REVIEW
PORTABLE EMISSION UNITS
(ADOPTED AND EFFECTIVE 5/17/94)
(ADOPTED AND EFFECTIVE _____)

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Table of Contents

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.

Proposed amendments to Rule 20.4 are to read as follows:

RULE 20.4. NEW SOURCE REVIEW - PORTABLE EMISSION UNITS

(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. Emission increases resulting from an air contaminant emission control project to reduce emissions from a portable emission unit shall be exempt from the emission offset requirements of Subsection (d)(5) of this rule.

(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~~ 100 tons per year of particulate matter (PM10), ~~oxides of nitrogen (NOx), volatile organic compounds (VOC)~~, oxides of sulfur (SOx) and carbon monoxide (CO) and less than 50 tons per year of oxides of nitrogen (NOx) and volatile organic compounds (VOC). Type I portable emission units may also operate at stationary sources which have an aggregate potential to emit greater than these levels if emission offsets at the ratios specified for Type II portable emission units in Table 20.4 - 2 are provided for the period of time the portable emission unit is located at such a stationary source.

~~(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**~~

~~Air Contaminant~~:	~~Emission Rate (Ton/yr)~~
~~Particulate Matter (PM_{10})~~	~~100~~
~~Oxides of Nitrogen (NOx)~~	~~25~~
~~Volatile Organic Compounds (VOC)~~	~~25~~
~~Oxides of Sulfur (SOx)~~	~~100~~
~~Carbon Monoxide (CO)~~	~~100~~
~~Lead (Pb)~~	~~0.6~~

~~***TABLE 20.4 - 1A***~~
~~***Federal Serious Ozone Nonattainment Cassification***~~

~~*Air Contaminant*~~:	~~*Emission Rate (Ton/yr)*~~
~~*Particulate Matter (PM_{10})*~~	~~*100*~~
~~*Oxides of Nitrogen (NOx)*~~	~~*50*~~
~~*Volatile Organic Compounds (VOC)*~~	~~*50*~~
~~*Oxides of Sulfur (SOx)*~~	~~*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 II ~~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 AND LAER FOR NEW OR MODIFIED PORTABLE EMISSION UNITS**

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

(i) **New or Modified Type I Portable Emission Units**

Except as provided in Subsections (d)(1)(ii) and (d)(1)(iii), any new or modified Type I portable emission unit which has any increase in its potential to emit and which unit has a post-project potential to emit of ~~ten~~ 10 pounds per day or more of particulate matter

(PM10), oxides of nitrogen (NOx), volatile organic compounds (VOC), or oxides of sulfur (SOx)~~, or carbon monoxide (CO), unless the applicant demonstrates that such unit will~~ shall be equipped with Best Available Control Technology (BACT) for each such air contaminant.

(ii) **New or Modified Type II Portable Emission Units**

Any new or modified Type II portable emission unit which has any emissions increase of an air contaminant or its precursors for which the District is designated as non-attainment with respect to a national ambient air quality standard, shall be equipped to comply with Lowest Achievable Emission Rate (LAER). This requirement shall not apply if the applicant demonstrates, to the satisfaction of the Air Pollution Control Officer, and agrees to federally enforceable permit conditions to ensure that the emissions from such unit will not constitute a major modification at any stationary source which is major for a non-attainment air contaminant or precursor.

(iii) **New or Modified Type II Portable Emission Units - PSD Stationary Sources**

Any new or modified Type II portable emission unit which may be located at a Prevention of Significant Deterioration (PSD) stationary source, which emission unit has an emission increase of one or more air contaminants which constitutes a new PSD stationary source (see Table 20.1-11) or PSD modification (see Tables 20.1-8 and 20.1-10) shall be equipped with 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 - 1 ~~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 PM10 ~~particulate matter~~ AQIA is required, the AQIA shall include both directly emitted PM10 ~~particulate matter~~ and PM10 ~~particulate matter~~ which would be formed by precursor air contaminants prior to discharge to the atmosphere.

TABLE 20.4 - 1 ~~2~~
AQIA Trigger Levels

Air Contaminant	Emission Rate (lb/hr)	(lb/day)
Particulate Matter (PM_{10})	---	100
Oxides of Nitrogen (NOx)	25	250
Oxides of Sulfur (SOx)	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 NOx 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~~ ~~(~~NOx~~)~~ 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~~ NOx or ~~volatile organic compound~~ VOC emissions from point sources on ozone ambient air quality standards and that such procedures are acceptable to the California Air Resources Board (ARB) ~~or~~ and the federal Environmental Protection Agency (EPA).

(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~~ PM10 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 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (annual geometric mean basis), all of the emission unit's ~~particulate matter~~ ~~(~~PM10~~)~~ emission increases, including area fugitive emissions of ~~particulate matter~~ PM10, must be offset at a ratio of ~~2~~ 1.5 to 1 ~~in accordance with Subsection (d)(5)(i)~~.

(B) If the project will result in a maximum ~~particulate matter~~ PM10 air quality impact equal to or greater than 5 $\mu g/m^3$ but less than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 3 $\mu g/m^3$ but less than 6 $\mu g/m^3$ (annual geometric mean basis):

(1) the emission unit must be equipped with BACT for ~~particulate matter~~ PM10 without consideration for cost-effectiveness,

(2) all of the emission unit's ~~particulate matter~~ PM10 emission increases, including area fugitive emissions of ~~particulate matter~~ PM10, must be offset at an overall ratio of ~~2~~ 1.5 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~~ PM10 emission increases, including area fugitive emissions of ~~particulate matter~~ 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 emission unit's ~~particulate matter~~ PM10 ambient air quality impact minus 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (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~~ PM10 air quality impact equal to or greater than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 6 $\mu g/m^3$ (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 or modified Permit to Operate 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 or modified Permit to Operate for any portable emission unit subject to the AQIA or notification requirements of Subsections (d)(2) or (d)(3), nor for any project which results in an emissions increase of VOCs equal to or greater than 250 pounds per day, 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 or modified Permit to Operate for any Type II portable emission unit unless emission offsets are provided on a pollutant specific basis for emission increases of ~~non-attainment~~ air contaminants and their precursors for which the District is designated as non-attainment with respect to a national ambient air quality standard. Emission offsets shall be provided ~~based on the portable emission unit Type,~~ as specified in Table 20.4 - 2 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 - 2 3
Emission Offset Ratios
Federal ~~Severe~~ Serious Ozone Non-Attainment Classification

Portable Emission Unit Type	Offset Ratio NOx	VOC	PM10	SOx	CO
Type I	None	None	None	None	None
Type II	1.2:1.0	1.2:1.0	None	None	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***~~

~~*Portable Emission Unit Type*~~	~~*Offset Ratio NOx*~~	~~*VOC*~~	~~*PM_{10}*~~	~~*SOx*~~	~~*CO*~~
~~*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) **RESERVED ~~PM_{10} Waiver Provisions~~**

~~To qualify for the AQIA waiver provisions of Subsection (d)(2)(iii), emission offsets for particulate matter (PM_{10}) 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~~ CO 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 - 3~~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 20.3 - 3~~4~~
Interpollutant Ratio

Emission Increase	Decrease	Interpollutant Ratio
~~Particulate Matter (PM_{10})~~	~~PM_{10}~~	~~1.0~~
	~~VOC~~	~~1.1~~
	~~NOx~~	~~1.1~~
	~~SOx~~	~~1.1~~
~~Oxides of Sulfur (SOx)~~	~~SOx~~	~~1.0~~
	~~PM_{10}~~	~~1.1~~
	~~VOC~~	~~1.1~~
	~~NOx~~	~~1.1~~
Oxides of Nitrogen (NOx)	NOx	1.0
	VOC	2.0
Volatile Organic Compounds (VOC)	VOC	1.0
	NOx	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 more of VOC or NOx, or over 100 tons per year of CO) for each such ~~pollutant~~ air contaminant 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.

Rule 20.9 is deleted in its entirety.

~~RULE 20.9~~
~~NEW SOURCE REVIEW~~
~~MAJOR STATIONARY SOURCES AND PROVISIONS FOR MEETING THE FEDERAL CLEAN AIR ACT REQUIREMENTS~~
~~(ADOPTED 5/17/94; EFFECTIVE UPON EPA DELEGATION OF AUTHORITY)~~

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NOTE: On May 17, 1994, Rule 20.9 was added to implement NSR and PSD requirements of the federal 1990 Clean Air Act Amendments. This rule will become effective upon EPA approval and upon EPA delegation of the authority to implement and enforce the NSR and PSD federal programs.

Rule 20.10 is deleted in its entirety.

~~RULE 20.10~~
~~NEW SOURCE REVIEW~~
~~PORTABLE EMISSION UNITS TO BE LOCATED AT~~
~~FEDERAL MAJOR STATIONARY SOURCES~~
~~(ADOPTED 5/17/94; EFFECTIVE UPON EPA~~
~~DELEGATION OF AUTHORITY)~~

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NOTE: On May 17, 1994, Rule 20.10 was added to implement NSR and PSD requirements of the federal 1990 Clean Air Act Amendments. This rule will become effective upon EPA approval and upon EPA delegation of the authority to implement and enforce the NSR and PSD federal programs.