APCD
AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

Air Pollution Control Board

Greg Cox	District 1
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Bill Horn	District 5

March 24, 2015

NOTICE OF WORKSHOP

FOR DISCUSSION OF PROPOSED AMENDMENTS TO NEW SOURCE REVIEW RULES 20.1, 20.2, 20.3 AND 20.4

The San Diego County Air Pollution Control District (District) will hold a public meeting to present and discuss proposed amendments to New Source Review (NSR) Rules 20.1, 20.2, 20.3 and 20.4. Comments concerning this proposal may be submitted in writing before, or made at, the workshop, which is scheduled as follows:

DATE:	**Thursday, May 7, 2015**
TIME:	**9:00 a.m. to 11:00 a.m.**
PLACE:	**San Diego County Operations Center** **5500 Overland Avenue, First Floor, Room 120** **San Diego, CA 92123**

NSR Rules 20.1, 20.2, 20.3 and 20.4 contain standards for the evaluation and air contaminant emissions control of new, modified, replacement and relocated equipment, operations and processes which require an Authority to Construct and Permit to Operate in accordance with District Rule 10. The requirements are based on federal and state laws and regulations. Since these rules were last revised in November 1998, federal and state requirements have changed significantly. The proposed amendments are intended to achieve approval of the rules by the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB), to improve clarity and to address issues that have arisen from application of the rules.

Specifically, the proposed amendments include the following:

- Specified provisions of the NSR rules will not be included in the rules submitted to EPA for approval into the San Diego portion of the State Implementation Plan (SIP). This includes state-mandated requirements for Best Available Control Technology, air quality impacts analysis requirements relative to state ambient air quality standards, and emission offset requirements for portable emission units. Existing rule provisions carrying out federal Prevention of Significant Deterioration (PSD) requirements will not be included for EPA approval into the SIP.

- Major source emission thresholds, ambient air quality standards and Prevention of Significant Deterioration (PSD) air quality increments have been incorporated for fine particulates, $PM_{2.5}$. $PM_{2.5}$ is a federally regulated air contaminant for which EPA has adopted national ambient air quality standards and NSR regulatory requirements.

OVER

- The Rule 20.1 definitions of *Contiguous Property* and *Stationary Source* are being revised to clarify that they apply to non-adjoining parcels under common ownership or common control and connected by a process line, conveyor or other stationary materials handling equipment.

- A new category of *federal major stationary source* and a companion category of *federal major modification* are defined in order to implement certain federally mandated requirements relative to emission calculation procedures, emission offsets, compliance certifications, and alternatives analysis. The volatile organic compounds (VOC) and oxides of nitrogen (NOx) emission thresholds for *federal major stationary sources* and *federal major modifications* are 100 tons per year and 40 tons per year, respectively. A definition is added for *new federal major stationary source* to include an EPA requirement for certain changes that cause a non-major source to become a federal major stationary source.

- The current rule major source/modification thresholds of 50 and 25 tons per year for VOC or NOx emissions are being retained to ensure compliance with state law.

- The definition of best available control technology (BACT) would be amended to revise how BACT applies when an existing emissions unit is being modified.

- The requirements for BACT are being revised to allow the Air Pollution Control Officer to consider BACT for a project consisting of multiple emission units being permitted concurrently.

- The term "Proven in Field Application" is being replaced by the term "Achieved in Practice", with a new definition. The term is used in determining BACT. This change is to address a past ARB comment. The definition is revised to require that a technology be demonstrated for at least six months, rather than the current one year, to address an EPA comment.

- The BACT cost-effectiveness values used by the District for VOC, NOx, PM_{10} and SOx emission sources are proposed to be fixed values in Rule 20.1. The values proposed for VOC and NOx are currently those used by the District for VOC and NOx, and for all four air contaminants are comparable with those used by other large California air districts. Future changes to the proposed cost-effectiveness values, if adopted, will require Air Pollution Control Board approval.

- Procedures for determining potential to emit of emission units and stationary sources, and for calculating emission increases and decreases, are being reorganized and rewritten to improve clarity. In particular, additional procedures for calculating emission increases at *federal* major stationary sources have been included in order to meet EPA requirements. Also, in some cases, emissions from permit-exempt and portable emission units would be included in the aggregate emissions of a *federal* major stationary source.

- Additional requirements are specified for emission offsets for *federal* major stationary sources and *federal* major modifications. In particular, the revised rules would require that emission offsets be further adjusted to be surplus of federal requirements at the time the offsets are proposed for use.

- The proposed Rule 20.1 revisions include a new definition for "Surplus" and "Surplus of Federal Requirements". The two definitions are needed to distinguish between current requirements for surplus-adjusting emission reduction credits (offsets) at the time they are created and EPA regulatory requirements to surplus-adjust emission reductions/offsets at the time they are used.

- The proposed Rule 20.1 revisions include criteria for creating and registering/banking emission reduction credits for future use as emission offsets. The proposed criteria are a summary version of the key criteria in the District's Banking Rules 26.0 – 26.10. The latter rules will still apply locally but will not be used by EPA for approval of the revised District New Source Review rules.

- Definitions for *federally enforceable requirements* and *federally-mandated new source review* are added to meet EPA approval requirements, and to maintain distinctions between federal requirements and state/local-only requirements.

- Air Quality Impact Analysis (AQIA) requirements are amended to apply EPA's good engineering practice stack height requirements (for purposes of analysis but not to limit actual stack height), and to clarify procedures when an AQIA is required for a project consisting of multiple emission units under review. The rules will also specify that $PM_{2.5}$ and PM_{10} emissions include that portion directly emitted and that which would condense after discharge to the atmosphere. The definition of modeling used in an air quality impact analysis includes a requirement to use EPA-approved air quality impact models and guidelines.

- In order to maintain separation between federal and state/local only requirements for purposes of SIP approval, the Air Quality Impact Analysis requirements contained in Rules 20.2, 20.3 and 20.4 are divided into subsections applicable to national ambient air quality standards and subsections applicable to state ambient air quality standards.

- Rule 20.3 emission offset requirements for VOC and NOx emission increases at major source/major modification levels are retained to meet state and federal regulatory requirements. Interpollutant offset provisions for VOC and NOx remain at the current ratios. To meet federal EPA requirements, emission reductions used to offset emission increases of VOC or NOx at federal major source/federal major modification levels must be further adjusted to be surplus of federal requirements at the time those emission reductions are used.

- To meet federal EPA requirements, emission offset requirements are added in Rule 20.3 for any air contaminant or its precursors for which the San Diego Air Basin is designated as nonattainment of a national ambient air quality standard (NAAQS). Such emission offsets are triggered at federal major source/federal major modification emission increase levels, must be provided at a ratio of 1.0 to 1.0, and may be met by interpollutant offsets following a protocol approved by the federal EPA and the District.

- Rule 20.3 requirements for Compliance Certifications and Alternative Siting/Alternatives Analysis are being revised to apply to only the newly defined federal major stationary sources and federal major modifications. Currently, these requirements apply to all major sources and major modifications.

- A new Visibility Impairment Analysis requirement in Rule 20.3 for any new federal major stationary source or federal major modification that may have an impact on visibility in a Class I area is being added. This analysis, including public notification and potential for denial of a permit, is required by EPA regulations.

- Requirements for the remaining types of locally-permitted portable emission units subject to Rule 20.4 are being revised. *(Many portable emission units are registered under either District or state programs, are exempt from permit requirements, and therefore are not subject to New Source*

Review.) The revisions distinguish between portable emission units that are related to the primary activities of a stationary source, and those that are not. A definition of "Related to the Primary Activities of the Stationary Source" is being added.

- An exemption from emission offsets and LAER requirements for portable emission units not related to the primary activities of a major stationary source is being added to Rule 20.4. Emission offset requirements for portable emission units are being revised and clarified, and will allow permanent or temporary emission offsets to be used. Discounting (by 10%) of temporary offsets when they are returned to the owner of the emission reduction credit is being required.

- A provision is being added to Rule 20.4 to allow the District to require an analysis of the air quality impacts of concurrent operations of multiple portable emission units at the same stationary source if they may be expected to cause specified adverse air quality impacts.

- Public Notice and comment requirements in Rules 20.2, 20.3 and 20.4 are being clarified. Notifications are added for tribal air pollution control agencies designated by EPA as having jurisdiction in areas of the San Diego Air Basin.

A detailed summary of the proposed New Source Review Rules revisions has also been prepared. The detailed summary of the revisions, both a change copy and clean draft version of the proposed revised NSR rules, and the workshop's location map are available on the District's website at http://www.sdapcd.org/homepage/public_part/workshops/public_workshops.pdf. The District requests that workshop participants bring their own copies of the draft proposed amended rules. If you have any questions concerning the workshop, please contact Janet McCue at (858) 586-2712.

Robert C. Reider

ROBERT C. REIDER, Deputy Director
Air Pollution Control District

RR:MRL:jlm

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 12/17/97)
(REV. ADOPTED 11/4/98; EFFECTIVE 12/17/98)
(REV. ADOPTED (date of adoption); EFFECTIVE *(date of EPA approval into SIP)*

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RULE 20.1. NEW SOURCE REVIEW - GENERAL PROVISIONS

(Adopted & Effective 5/17/94; Rev. Adopted & Effective 5/15/96; Rev. Adopted & Effective 12/17/97)
(Rev. Adopted 11/4/98; Effective 12/17/98)
(Rev. Adopted & Effective *(date of adoption)*)

(a) **APPLICABILITY**

Except as provided in Rule 11, ~~or~~ Section (b), or subsections (d)(1)(ii)(B) or (d)(4)(iii)(C) 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 for which a Determination of Compliance is required pursuant to Rule 20.5. Except as specified herein, the provisions and requirements of this rule shall be applied on a pollutant-specific basis. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) **EXEMPTIONS**

Except as provided below, the provisions of Rules 20.1, 20.2, 20.3 and 20.4 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 of adoption of the applicable Rule 11 change ~~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)(6) shall not be subject to the offset provisions of Subsection (d)(5) of Rule 20.2 or of Subsections (d)(5) and (d)(8) of Rule 20.3. Only those NOx emission increases in compliance with Rule 69 and associated with generating capacity which the California Energy Commission or California Public Utilities Commission or their successor, as applicable, has determined a need for shall be eligible for this exemption.~~

(~~5~~4) 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. This exemption shall not apply to any new, modified, relocated or replacement piston engine emission unit, or project consisting of one or more such units, that results in an emissions increase which, by itself, constitutes a new federal major stationary source or a federal major modification.

(~~6~~5) 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) provisions of Subsections (d)(2) of Rules 20.2 and 20.3, as applicable.

(~~7~~6) 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 a modified emission unit, a modified stationary source or an actual

emission reduction calculated pursuant to Rule 20.1(d)(4)(ii) shall be exempt from the Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER), AQIA and Emission Offset provisions of Rules 20.1, 20.2, 20.3 and 20.4.

(c) **DEFINITIONS**

For purposes of Rules 20.1, 20.2, 20.3, 20.4 and 20.5, the following definitions shall apply~~:~~.. For terms not defined herein, the definitions in Rule 2 shall apply.

(1) "**Achieved in Practice**" means demonstrated in field application to be reliable, in continuous compliance, and maintaining a stated emissions or emissions reduction level for a period of at least six months.

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

(~~2~~3) "**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~~4) "**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~~5) "**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, California Air Resources Board (ARB) or 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 to the extent that such replacement~~, reconstruction,~~ or modification 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 these New Source Review Rules 20.1, 20.2, 20.3 ~~and~~or 20.4, or ~~Banking Rules 26.0 through 26.10~~any air contaminant emission control project for an existing emission unit proposed to create an actual emission reduction or emission reduction credit in order to meet a requirement of these New Source Review Rules 20.1-20.4.

Air contaminant emission control projects include, but are not limited to, 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;

(iv) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, flares, absorption equipment or carbon adsorbers 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~~6) "**Air Quality Impact Analysis (AQIA)**" means an analysis of the air quality impacts of the air contaminant emissions from an emission unit, a project, or a stationary source, as applicable, conducted by means of modeling as defined herein and as approved by the Air Pollution Control Officer. Methods other than modeling may be used, as the Air Pollution Control Officer and the federal EPA may approve. An AQIA shall be based on the emission exhaust system design and discharge characteristics but not on an exhaust stack height greater than good engineering practice stack height. This provision shall not

be applied to limit actual stack height. ~~An AQIA shall include an analysis of the impacts on State and National Ambient Air Quality Standards.~~

(~~6~~7) "**Air Quality Increment**" means any of the following maximum allowable cumulative increases in air contaminant concentration over the minor source baseline concentration from all increment consuming and increment expanding sources (see Tables 20.1-1 and 20.1-2).

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

Air Contaminant	Increment
Nitrogen Dioxide (NO_2)	
Annual arithmetic mean	2.5 µg/m^3
Sulfur Dioxide (SO_2)	
Annual arithmetic mean	2.0 µg/m^3
24-hr. maximum	5.0 µg/m^3
3-hr. maximum	25.0 µg/m^3
Particulate Matter ~~(PM_{10})~~	
PM_{10} Annual arithmetic mean	4.0 µg/m^3
PM_{10} 24-hr. maximum	8.0 µg/m^3
$PM_{2.5}$ Annual arithmetic mean	1.0 µg/m^3
$PM_{2.5}$ 24-hr. maximum	2.0 µg/m^3

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

Air Contaminant	Increment
Nitrogen Dioxide (NO_2)	
Annual arithmetic mean	25.0 µg/m^3
Sulfur Dioxide (SO_2)	
Annual arithmetic mean	20.0 µg/m^3
24-hr. maximum	91.0 µg/m^3
3-hr. maximum	512.0 µg/m^3
Particulate Matter ~~(PM_{10})~~	

PM_{10} Annual arithmetic mean	17.0 µg/m^3
PM_{10} 24-hr. maximum	30.0 µg/m^3
$PM_{2.5}$ Annual arithmetic mean	4.0 µg/m^3
$PM_{2.5}$ 24-hr. maximum	9.0 µg/m^3

(~~7~~8) "**Area Fugitive Emissions of PM_{10}**" means fugitive emissions of ~~particulate matter (~~PM_{10}~~)~~ which occur as a result of earth moving operations such as drilling, blasting, quarrying, stockpiling, and front end loader operations, and on-site vehicular travel ~~of~~on haul roads used to move materials to, from or within a stationary source.

(~~8~~9) "**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. For the purposes of these Rules 20.1, 20.2, 20.3 and 20.4, attainment of a NAAQS means also designated as attainment or unclassifiable by EPA in 40 CFR Section 81.305.

(~~9~~10) "**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~~ minor source baseline dates. ~~As specified by 40 CFR §52.21(b)(13),~~ ~~t~~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~~ minor source baseline date.

(~~10~~11) "**Baseline Date**" means either the major source baseline date or ~~non-major~~ minor source baseline date, as applicable.

(12) **"Begin Actual Construction"** means initiation of physical on-site construction activities on an emission unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a modified emission unit resulting from an operational change, begin actual construction means those on-site activities, other than preparatory activities, which mark the initiation of the change.

(~~11~~13) "**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, or combination thereof, which has been ~~proven in field application~~ achieved in practice and which is cost-effective for such class or category of emission unit, 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 or combination is not technologically feasible~~,~~; or

(B) any emission control device, emission limitation or control technique, or combination thereof, which has been demonstrated but not necessarily ~~proven in field application~~ achieved in practice and which is cost-effective for such class or category of emission unit 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 or combination is not technologically feasible~~,~~; or

(C) any emission control ~~equipment~~ device, emission limitation or control technique, process modifications, changes in raw material including

alternate fuels, and substitution of equipment or processes with any 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, or combination thereof, contained in any State Implementation Plan (SIP) approved by the federal EPA for such class or category of 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~~ achieved in practice, that it is not technologically feasible or that it is not cost-effective for such class or category of emission unit.

In determining BACT, the Air Pollution Control Officer may also consider lower-emitting alternatives to a proposed new emission unit or process.

(ii) For modified emission units, not including any relocated or replacement emission units, the entire emission unit's post-project potential to emit shall be subject to BACT, except ~~as follows~~that BACT shall apply to the emissions increase associated with the modification and not the emission unit's entire potential to emit if: ~~The provisions of this Subsection (c)(11)(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) the emissions increase associated with the modification is less than 25 percent of the emission unit's pre-project potential to emit; and ~~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) the project's emission increase is less than the major modification thresholds of Table 20.1-5. ~~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 or Part 63 (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.~~

(iv) Whenever feasible, the Air Pollution Control Officer may stipulate an emission limit as BACT instead of specifying control equipment.

(v) In making a BACT determination, the Air Pollution Control Officer shall take into account those environmental and energy impacts identified by the applicant.

(vi) In the case of a project consisting of multiple new, modified, relocated or replacement emission units, BACT shall be determined for each such emission unit. The Air Pollution Control Officer may also require BACT be evaluated for

combinations of such emission units. The APCO may determine that BACT for the project is the lowest emitting, technologically feasible combination of emission limitations, control devices, control techniques, or process modifications applied to individual emission units and/or combinations of such emission units. BACT applied to a combination of emission units shall not result in less stringent BACT for any emission unit in the combination than BACT determined for that emission unit individually.

(~~12~~14) "**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~~*(date of adoption)*, the Agua Tibia National Wilderness Area was the only area so designated within San Diego County. As of ~~May 17, 1994~~*(date of adoption)*, 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~~15) "**Class II Area**" means any area not designated as a Class I area.

(~~14~~16) "**Commenced Construction**" means that the owner or operator of a stationary source has an Authority to Construct or a Determination of Compliance issued pursuant to these rules and regulations and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source to be completed within a reasonable time, or

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(~~15~~17) "**Construction**" means any physical change or change in the method of operation, including fabrication, erection, installation, demolition or modification of an emission unit, which would result in a change in ~~actual~~ emissions.

(~~16~~18) "**Contemporaneous Net Emissions Increase**" means the sum of emission increases from new, ~~or~~ modified, relocated or replacement emission units occurring at a stationary source within a five-year contemporaneous period consisting of the calendar year in which the subject emission unit(s) is expected to commence operation and the ~~preceding~~ four calendar years preceding that calendar year, including all other emission units with complete applications under District review and which are expected to commence operation within such calendar years. The sum of emission increases may be reduced by the following:

(i) Actual emission reductions occurring at the stationary source within the five-year contemporaneous period and which have not been used to create an emission reduction credit or to offset an emission increase under these rules, and

(ii) Enforceable reductions in the potential to emit of a new, ~~or~~ modified, relocated or replacement unit, which unit resulted in ~~an~~ a contemporaneous net emissions 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~~ such unit that occurred within the five-year contemporaneous period.

When an emissions increase from a new, ~~or~~ modified, relocated or replacement emission unit or project has been determined to be subject to, and approved as in compliance with, the ~~LAER and/or federal~~ emission offset requirements of Rules 20.1 and 20.3 or Rule 20.4, the contemporaneous net emissions increase for the subject air contaminant or precursor shall thereafter not include any residual emission increase from such ~~new or modified~~ emission unit or project.

(~~17~~19) "**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 under common ownership or common control and which are connected by a process line, conveyors or other stationary materials-handling equipment under the same common ownership or common control and which serve only those same non-adjoining parcels shall be considered to be contiguous property. Notwithstanding the foregoing, non-adjoining parcels of land separated by bodies of water designated "navigable" by the U.S. Coast Guard shall not be considered contiguous properties.

(~~18~~20) "**Cost-Effective**" means that the annualized cost in dollars per pound of emissions of an air contaminant~~(s)~~ reduced does not exceed $6.00 per pound for NOx, $6.00 per pound for VOC, $3.33 per pound for PM_{10}, and $6.00 per pound for SOx, multiplied by the applicable BACT Cost Multiplier specified in Table 20.1 – 4 below. For all other air contaminants subject to BACT requirements by Rules 20.1-20.4, cost-effective means that the annualized cost in dollars per pound of emissions of an air contaminant 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~~ specified 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

(~~19~~21) "**Emergency Equipment**" means an emission unit used exclusively to drive an electrical generator, an air compressor or a pump in emergency situations, except for operations up to 52 hours per calendar year for non-emergency purposes. Emission units

used for supplying power for distribution to an electrical grid shall not be considered emergency equipment.

(~~20~~22) "**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.

(~~21~~23) "**Emission Increase**" means an increase in the potential to emit, calculated pursuant to Subsection (d)(3).

(~~23~~24) "**Emission Offsets**" means actual emission reductions used to mitigate emission increases~~, calculated pursuant to~~ and meeting the applicable requirements of Rules 20.1, 20.3 and 20.4 of these Rules and Regulations ~~Subsection (d)(5)~~.

(25) "**Emission Reduction Credit (ERC)**" means an actual emission reduction which has been approved by the Air Pollution Control Officer upon determining that such credit meets the applicable requirements of these Rules and Regulations in effect at the time that such credit is approved.

(~~22~~26) "**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.

(~~24~~27) "**Enforceable**" means capable of being enforced by the District, including but not limited to, through either the SIP or ~~inclusion of~~ legally and practicably enforceable limits, including limits contained in conditions ~~on~~of an Authority to Construct, Permit to Operate, Determination of Compliance or Emission Reduction Credit (ERC) Certificate.

(~~25~~28) "**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) Municipal 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.

(29) **"Existing"** means the configuration of an emission unit, aggregation of emission units or a stationary source prior to, and without consideration of, the project under review.

~~(26) **"Federally Enforceable"** means, for purposes of permitting new or modified sources, 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.~~

~~For purposes of creating, banking and/or using creditable emission reductions to meet federal offset requirements, federally enforceable means capable of being enforced by the federal EPA including through either the SIP, terms and conditions of a Permit to Operate or an Emission Reduction Credit (ERC) Certificate that are necessary to ensure compliance with Rules 26.0 et seq., and to ensure the validity of the emission reduction, or through terms and conditions of an Authority to Construct, Permit to Operate or Determination of~~

~~Compliance as they apply to the creation of emission reductions eligible for banking under Rules 26.0 et seq.~~

(~~27~~30) "**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.

(31) **"Federally Enforceable Requirement"** means all of the following as they apply to emission units at a stationary source, including requirements that have been promulgated or approved by the federal EPA through rulemaking but which have future effective compliance dates:

(i) Any standard, emission reduction measure or other requirement provided for in the State Implementation Plan (SIP).

(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 any federally-mandated new source review (NSR) or prevention of significant deterioration (PSD) rule or regulation which has been approved or promulgated by the federal EPA into the SIP.

(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.

(v) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the federal Clean Air Act (enhanced monitoring and compliance certifications).

(vi) Any standard or other requirement governing solid waste combustion under Section 129 of the federal Clean Air Act.

(vii) Any standard or other requirement for consumer and commercial products under Section 183(e) of the federal Clean Air Act.

(viii) Any standard or other requirement for tank vessels under Section 183(f) of the federal Clean Air Act.

(ix) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the federal Clean Air Act.

(x) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal Clean Air Act unless the Administrator of the federal EPA has determined that such requirements need not be contained in a permit to operate.

(xi) Any national ambient air quality standard or air quality increment or visibility requirement under Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal Clean Air Act.

(xii) Requirements capable of being enforced by the federal EPA including through either the SIP, terms and conditions of a Permit to Operate, an Authority to Construct, a Determination of Compliance, or an ERC that are for purposes of creating, approving and/or using creditable actual emission reductions to meet federal emission offset requirements and that are necessary to ensure the validity of the emission reductions and compliance with those portions of these Rules and Regulations approved into the SIP.

This subsection shall not preclude enforcement of federally-enforceable requirements by the Air Pollution Control Officer.

(32) "**Federal Major Modification**" means the same as a major modification as defined herein except that the modification is occurring at an existing federal major stationary source and except that the applicable contemporaneous net emission increase rates in Table 20.1-5 for oxides of nitrogen (NOx) and volatile organic compounds (VOC) shall each be equal to or greater than 40 tons per year.

(33) "**Federal Major Stationary Source**" means the same as a major stationary source as defined herein except that the applicable emission rates in Table 20.1-6 for oxides of nitrogen (NOx) and volatile organic compounds (VOC) shall each be equal to or greater than 100 tons per year.

(34) "**Federally-mandated New Source Review (NSR)**" means those portions of these Rules and Regulations applicable to the permitting of new and modified stationary sources and which are contained in the San Diego Air Basin portion of the approved State Implementation Plan.

(~~28~~35) "**Fugitive Emissions**" means those quantifiable emissions which could not reasonably pass through a stack, chimney, flue, vent or other functionally equivalent opening.

(36) "**Good Engineering Practice Stack Height**" means the same term as defined in 40 CFR §51.100.

(~~29~~37) "**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.

(~~30~~38) "**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~~minor source baseline date.

(~~31~~39) "**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~~minor source baseline date.

(40) "Legally and Practicably Enforceable Limits" means the provisions of these Rules and Regulations, and terms or conditions contained in any valid Authority to Construct, Temporary Permit to Operate, or Permit to Operate issued pursuant to these Rules and Regulations, that limit the actual emissions of an emission unit or group of emission units and that are permanent, technically accurate, quantifiable; have associated recordkeeping, reporting, and monitoring requirements sufficient to determine ongoing compliance with the emission limitation; are not in violation of any of these Rules or Regulations, State Law or the State Implementation Plan; and there is a legal obligation to adhere to the terms and conditions of the emission limitation and associated requirements.

(~~32~~41)"**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, or combination thereof, contained in any SIP approved by the federal EPA for such ~~emission unit~~ class or category of emission unit, unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such emission limitation, device 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.

(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).

(~~33~~42) "**Major Modification**" means a physical or operational change which results, or may result, in a contemporaneous net emissions increase at an existing major stationary source which source is major for the ~~pollutant~~ air contaminant for which there is a contemporaneous net emissions increase, 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)
Fine Particulates ($PM_{2.5}$)	10
Particulate Matter (PM_{10})	15
Oxides of Nitrogen (NOx)	25
Volatile Organic Compounds (VOC)	25
Oxides of Sulfur (SOx)	40
Carbon Monoxide (CO)	100
Lead (Pb)	0.6

(~~34~~43) "**Major Source Baseline Date**" means, for all of San Diego County, January 6, 1975 for sulfur dioxide (SO_2) and particulate matter (PM_{10}), ~~and~~ February 8, 1988 for nitrogen dioxide (NO_2), and October 20, 2010 for $PM_{2.5}$.

(~~35~~44) "**Major Stationary Source**" means any emission unit, project or stationary source which has, or will have after issuance of an Authority to Construct or modified

Permit to Operate ~~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.

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

Air Contaminant:	Emission Rate (Ton/yr)
Fine Particulates ($PM_{2.5}$)	100
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

~~(36) "**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.~~

(45) "**Minor Source Baseline Date**" means for all of San Diego County, December 8, 1983~~,~~ for sulfur dioxide (SO_2), October 1, 1999~~.~~ for particulate matter (PM_{10}) and nitrogen dioxide (NO_2), and June 14, 2012 for fine particulates ($PM_{2.5}$).

(~~37~~46) "**Modeling**" means the use of an applicable ~~ARB or~~ federal 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, including those contained in 40 CFR Part 51, Appendix W - Guideline on Air Quality Models, shall be followed when performing modeling to determine air quality impacts relative to the national ambient air quality standards, a significant impact, or an air quality increment. Where an air quality model specified in Appendix W is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for purposes of these Rules and Regulations. Written approval of the federal EPA Region 9 Administrator shall be obtained for any such modification or substitution. The use of a modified or substitute

model shall be identified in the applicable public notice and opportunity for public comment required in Subsections (d)(4) of Rules 20.2-20.4, unless use on a generic basis has been previously subject to an equivalent public and government agency notice and comment period.

(~~38~~47) "**Modified Emission Unit**" means any physical or operational change, including but not limited to a permit condition change, which results or may result in an increase in an existing 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.

(~~39~~48) "**Modified Stationary Source**" means an existing stationary source where a new, ~~or~~ modified, relocated or replacement 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.

(~~40~~49) "**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 ~~(see Table 20.1 – 7)~~.

TABLE 20.1 – 7 (RESERVED)

~~**California and National Ambient Air Quality Standards**~~

		~~California Standards~~		~~National Standards~~		
~~**Pollutant**~~	~~**Averaging Time**~~	~~**Concentration**~~	~~**Method**~~	~~**Primary**~~	~~**Secondary**~~	~~**Method**~~
~~**Ozone**~~	~~1 Hour~~	~~0.09 ppm~~	-	~~0.12 ppm (235 µg/m^3)~~	~~Same as Primary~~	~~Ethylene Chemiluminescence~~
~~**Carbon Monoxide**~~	~~8 Hour~~	~~9.0 ppm (10 mg/m^3)~~	~~Non-Dispersive Infrared Spectroscopy (NDIR)~~	~~9 ppm (10 mg/m^3)~~	-	~~Non-Dispersive Infrared Spectroscopy (NDIR)~~
	~~1 Hour~~	~~20 ppm (23 mg/m^3)~~		~~35 ppm (40 mg/m^3)~~		
~~**Nitrogen Dioxide**~~	~~Annual Average~~	-	~~Gas Phase Chemiluminescence~~	~~0.053 ppm (100 µg/m^3)~~	~~Same as Primary Standards~~	~~Gas Phase Chemiluminescence~~
	~~1 Hour~~	~~0.25 ppm (470 µg/m^3)~~		-		
~~**Sulfur Dioxide**~~	~~Annual Average~~	-	~~Ultraviolet Fluorescence~~	~~80 µg/m^3 (0.03 ppm)~~	-	~~Pararosaniline~~
	~~24 Hour~~	~~0.04 ppm (105 µg/m^3)~~		~~365 µg/m^3 (0.14 ppm)~~	-	
	~~3 Hour~~	-		-	~~1300 µg/m^3 (0.5 ppm)~~	
	~~1 Hour~~	~~0.25 ppm (655 µg/m^3)~~		-	-	
~~**Suspended Particulate Matter (PM10)**~~	~~Annual Mean~~	~~30 µg/m^3~~	~~Size Selective Inlet High Volume Sampler~~	~~50 µg/m^3~~	-	~~High Volume Sampling~~
	~~24 Hour~~	~~50 µg/m^3~~		~~150 µg/m^3~~		
~~**Sulfates**~~	~~24 Hour~~	~~25 µg/m^3~~	~~Turbidimetric Barium Sulfate~~	-	-	-
~~**Lead**~~	~~30-Day Average~~	~~1.5 µg/m^3~~	~~Atomic Absorption~~	-	-	~~Atomic Absorption~~
	~~Calendar Quarter~~	-		~~1.5 µg/m^3~~	~~Same as Primary~~	
~~**Hydrogen Sulfide**~~	~~1 Hour~~	~~0.03 ppm (42 µg/m^3)~~	~~Cadmium Hydroxide Stractan~~	-	-	-
~~**Vinyl Chloride (Chloroethene)**~~	~~24 Hour~~	~~0.010 ppm (26 µg/m^3)~~	~~Tedlar Bag Collection, Gas Chromatography~~	-	-	-
~~**Visibility Reducing Particles**~~	~~1 Observation~~	~~In sufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when relative humidity <70%. Measurement in accordance with ARB Method V.~~		-	-	-

~~**Notes to Table 20.1-7**~~

~~1. California standards, other than ozone, carbon monoxide, sulfur dioxide (1 hour), nitrogen dioxide, and particulate matter (PM10), are values that are not to be equaled or exceeded. The ozone, carbon monoxide, sulfur dioxide (1 hour), nitrogen dioxide, and particulate matter (PM10) standards are not to be exceeded.~~

~~2. National standards, other than ozone and those based on annual averages or annual geometric means, are not to be exceeded more than once a year. The ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above standard is equal to or less than one.~~

~~3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25^{o}C and a reference pressure of 760 mm of mercury. All measurements of air quality are to be corrected to a reference temperature of 25^{o}C and a reference pressure of 760 mm of mercury (1,013.2 millibar). Ppm in this table refers to ppm by volume or micromoles of pollutant per mole of gas.~~

~~4. Any equivalent procedure that can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.~~

~~5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health. Each state must attain the primary standards within a specified number of years after that state's implementation plan is approved by the Environmental Protection Agency (EPA).~~

~~6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Each state must attain the secondary standards within a "reasonable time" after the implementation plan is approved by the EPA.~~

~~7. Reference method as described by the EPA: An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.~~

~~8. Prevailing visibility is defined as the greatest visibility that is attained or surpassed around at least half of the horizon circle but not necessarily in continuous sector.~~

~~9. The annual PM10 state standard is based on the geometric mean of all reported values taken during the year. The annual PM10 national standard is based on averaging the quarterly arithmetic means.~~

(~~41~~50) "**New Emission Unit**" means any of the following:

(i) Any emission unit not constructed or installed in San Diego County as of ~~December 17, 1997~~*(date of adoption).*

(ii) Except as provided in Subsection (b)(1) of this rule, any emission unit which was constructed, installed or operated at its current location without a valid Authority to Construct or Permit to Operate from the District~~, except as provided for in Subsection (b)(1)~~.

(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.

(51) "**New Federal Major Stationary Source**" means a new emission unit, new project or new stationary source which will be a federal major stationary source, or a modification of an existing stationary source which modification itself constitutes a federal major stationary source. On and after *(date of adoption)*, if an existing previously permitted stationary source will become a federal major stationary source solely due to a relaxation of a permit limitation on the capacity of the stationary source to emit an air contaminant, such as a limit on emissions, hours of operation, process rates or fuel use, the stationary source shall be considered a new federal major stationary source and the

requirements of these Rules 20.1, 20.2, 20.3 and 20.4 shall apply as if construction of the stationary source had not yet commenced.

(~~42~~52)"**New Major Stationary Source**" means a new emission unit, new project or new stationary source which will be a major stationary source, or a modification of an existing stationary source which modification itself constitutes a major stationary source.

(~~43~~53) "**New Stationary Source**" means a stationary source which, prior to the project under review, did not contain any ~~other~~ permitted equipment, excluding portable emission units.

(54) **"Nonattainment"** means designated as not in attainment of a National Ambient Air Quality Standard (NAAQS) pursuant to Section 107(d) of the federal Clean Air Act or of a State Ambient Air Quality Standard (SAAQS) pursuant to Section 39608 of the California Health and Safety Code, as applicable. For the purposes of these Rules 20.1, 20.2, 20.3 and 20.4, nonattainment of a NAAQS means also designated as nonattainment by EPA in 40 CFR Section 81.305.

(~~44~~55) "**Non-Criteria Pollutant Emissions Significance Level**" means a contemporaneous net emissions increase occurring at any new or modified PSD stationary source, equal to or greater than the amounts listed in Table 20.1 - 8.

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) "**Non-Major Source Baseline Date**" means December 8, 1983, for sulfur dioxide (SO_2). For particulate matter (PM_{10}) 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 PM_{10} or NOx or which is a PSD Major Modification for PM_{10} or NOx as applicable, is deemed completed. As of May 17, 1994, neither the particulate matter nor the nitrogen dioxide non-major source baseline date have been established.~~

(56) "**Non-Major Stationary Source**" means any emission unit, project or stationary source which has, or will have after issuance of an Authority to Construct or modified Permit to Operate, an aggregate potential to emit, including fugitive emissions, of each air contaminant listed in Table 20.1-6 less than the applicable emission rates specified in Table 20.1-6.

(~~46~~57)"**Offset Ratio**" means the required proportion of emission offsets to emission increases, as specified in Rules ~~20.2,~~ 20.3 or 20.4.

~~(47) "**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, 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.~~

(~~48~~58) "**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 also federally enforceable.~~

(59) "**Permit Limitation on Potential to Emit**" means an enforceable permit condition that restricts, or will restrict, the maximum potential emissions from an emission unit or aggregation of emission units and that does not violate any District, state or federal law, rule, regulation, order, or permit condition.

(~~49~~60) "**Portable Emission Unit**" means an emission unit that is subject to the permit requirements of Rule 10 of these Rules and Regulations, and 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.

Days when portable emission units are stored in a designated holding or storage area shall not be counted towards the 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.

The Air Pollution Control Officer may determine, on a case-by-case basis, that ~~E~~emission units which exceed the 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.

(~~50~~61) "**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).

(~~51~~62) "**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).

(~~52~~63) "**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 PM_{10} $PM_{2.5}$ Ozone
VOC	PM_{10} Ozone
SOx	SO_2 PM_{10} $PM_{2.5}$

(~~53~~64) "**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).

(~~54~~65) "**Pre-Project Potential to Emit**" means an emission unit's potential to emit prior to issuance of an Authority to Construct for a proposed project, calculated pursuant to Section (d).

(~~55~~66) "**Project**" means an emission unit or aggregation of emission units for which an application or combination of applications for one or more Authority~~y~~ies to Construct or modified Permits to Operate is under District review.

~~(56) "**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.~~

(~~57~~67) "**PSD Modification**" means a contemporaneous net 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 (PM_{10})	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

(~~58~~68) "**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	17. Phosphate rock processing plants
6. Chemical process plants	18. Petroleum refineries
7. Coal cleaning plants with thermal dryers	19. Primary aluminum ore reduction plants
8. Coke oven batteries	20. Primary copper smelters
9. Fuel conversion plants	21. Primary lead smelters
10. Furnace process carbon black plants	22. Primary zinc smelters
11. Glass fiber processing plants	23. Portland cement plants
12. Hydrofluoric acid plants	24. Secondary metal production plants
13. Iron and steel mill plants	25. Sintering plants
14. Kraft pulp mills	26. Sulfuric acid plants
15. Lime plants	27. Sulfur recovery plants
16. Nitric acid plants	28. Taconite ore processing plants

The following emission rates:

Air Contaminant	(Ton/yr)
Particulate Matter (PM_{10})	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 (PM_{10})	250
Oxides of Nitrogen (NOx)	250
Volatile Organic Compounds (VOC)	250
Oxides of Sulfur (SOx)	250
Carbon Monoxide (CO)	250

(~~59~~69) "**Quantifiable**" means that a reliable basis to estimate emission reductions in terms of both their amount and characteristics can be established, as determined by the Air Pollution Control Officer. Quantification may be based upon emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, mass balances or other reasonable measurement or estimating practices.

(~~60~~70) "**Real**" means actually occurring and which will not be replaced, displaced or transferred to another emission unit at the same or other stationary source within San Diego County, as determined by the Air Pollution Control Officer.

(~~61~~71) "**Reasonably Available Control Technology" or "RACT"** means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available, as determined by the Air Pollution Control Officer pursuant to the federal Clean Air Act, considering technological and economic feasibility.

(~~62~~72) "**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.

(~~63~~73) "**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 and like-kind replacements as specified in Rule 11, and subject to the limitations contained in Rule 11, shall not be ~~considered~~ subject to the requirements of Rules 20.1, 20.2, 20.3 and 20.4 applicable to a replacement emission unit.

(~~64~~74) "**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.

(~~65~~75) "**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 (PM_{10})	1.0 $\mu g/m^3$
Nitrogen Dioxide (NO2)	1.0 $\mu g/m^3$

Sulfur Dioxide (SO2)	1.0 µg/m^3
Carbon Monoxide (CO)	1.0 µg/m^3

TABLE 20.1 - 13
Stationary Sources Impacting Any Class II Area

Air Contaminant	Significant Impact
Particulate Matter (PM_{10})	
Annual arithmetic mean	1.0 µg/m^3
24-hr. maximum	5.0 µg/m^3
Nitrogen Dioxide (NO2)	
Annual arithmetic mean	1.0 µg/m^3
Sulfur Dioxide (SO2)	
Annual arithmetic mean	1.0 µg/m^3
24-hr. maximum	5.0 µg/m^3
Carbon Monoxide (CO)	
8-hr. maximum	500.0 µg/m^3
1-hr. maximum	2000.0 µg/m^3

(~~66~~76) "**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 Air Resources Board (ARB) ~~(see Table 20.1 - 7)~~.

(~~67~~77) "**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~~common control. Stationary sources also include those emission units or aggregation of emission units which are under common ownership or common control and which are located in the California Coastal Waters.

(~~68~~78) "**Surplus**" means ~~the same as defined in Rule 26.0.~~any emission reduction which is surplus of federal requirements and is also in excess of:

(i) Any stationary source emission reduction measure contained in the San Diego Regional Air Quality Strategy, California Clean Air Act requirements, or state law, and any District rule, regulation, or order which carry out such emission

reduction measures. A variance issued by the Air Pollution Control District Hearing Board is not an order within the meaning of this subsection;

(79) "**Surplus of Federal Requirements**" means any emission reduction which is in excess of:

(i) Any standard, emission reduction measure or other requirement contained in the San Diego portion of the California SIP;

(ii) The most recent version of any standard, emission reduction measure or other requirement adopted by the Air Pollution Control Board and submitted for EPA approval into the SIP;

(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;

(v) Any stationary source emission reduction measure contained in the San Diego portion of the SIP, the federal Clean Air Act or federal law, and any District or state law, rule, regulation, or order which carry out such emission reduction measures . A variance issued by the Air Pollution Control District Hearing Board is not an order within the meaning of this subsection;

(vi) 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 63, 40 CFR Part 52.21 or 40 CFR Part 51, Subpart I; and

(vii) Emission reductions which have already been approved as ERCs or otherwise committed for air quality purposes, including but not limited to as emission offsets.

(~~69~~80) "**Temporary**" means enforceable, existing and valid for a specified, limited period of time. ~~For purposes of meeting the federal emission offset requirements of Rules 20.3 and 20.4, temporary means also federally enforceable.~~

~~(70) "**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.~~

(81) "**Yearly**" means twelve consecutive months.

(d) EMISSION CALCULATIONS

The emission calculation provisions and requirements of this Section (d) shall be applied on an air contaminant-specific basis.

(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 Pre-Project and Post-Project Potential to Emit

Except as provided in Subsections (d)(1)(i)(A) ~~, (B), and (C)~~through (F), the pre-project and post-project potential to emit of each emission unit 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 on Pre-Project and Post-Project Potential to Emit Shall be Used

Except as provided in Subsections (d)(1)(i)(C) and (D), ~~I~~if specific ~~limiting conditions contained in an Authority to Construct or Permit to Operate~~ enforceable permit limitations on potential to emit restrict or will restrict maximum potential emissions of an emission unit on an hourly, daily or annual basis to a lower level, these limitations shall be used to calculate the pre-project or post-project potential to emit, as applicable, on an hourly, daily and annual basis.

(B) ~~Potential to Emit Shall Not Exceed Maximum Potential~~ Calculation of Pre-Project Potential to Emit for Modified Emission Units Where No Permit Limitations Exist

If there are no specific enforceable conditions limiting an emission 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 highest actual emissions calculated pursuant to Subsection (d)(2), unless limited ~~or~~ to a lower level of emissions, as the applicant and the Air Pollution Control Officer may agree, ~~provided such~~ by a permit limitation on potential to emit for the emission unit ~~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 Modified Emission Units Located at Major Stationary Sources

If a ~~new or~~ modified emission unit is or will be located at an existing major stationary source, or if a modified emission unit will itself be a major stationary source, the pre-project potential to emit of the emission unit shall be calculated as follows. ~~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~~the modified 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~~the modified 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, and the previous emission increases that resulted from that emission unit were offset in accordance with the approved New Source Review rules in effect at that time, the emission unit's pre-project potential to emit shall be as calculated pursuant to Subsection (d)(1)(i)(A) and (B).~~

(D) Calculation of Pre-Project Potential to Emit for New Emission Units

Notwithstanding any other provision of this rule, the pre-project potential to emit for a new emission unit shall be zero.

(E) Calculation of Post-Project and Pre-Project Potential to Emit for Projects

The post-project and pre-project potential to emit for a project shall be calculated as the sum of all the post-project or pre-project potentials to emit, as applicable, for the emission units aggregated in the project unless limited to a lower level of emissions, as the applicant and the Air Pollution Control Officer may agree, by a permit limitation on potential to emit for the project. The aggregate pre-project and post-project potentials to emit for a project shall not affect the applicability of BACT requirements in Rules 20.2, 20.3 and 20.4 to individual emission units that are a part of the project.

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

Except as provided for below in Subsections (d)(1)(ii)(A)~~, (B), and (C)~~ through (E), 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 Limitations on Post-Project Potential to Emit Shall be Used

If specific, enforceable limiting conditions restrict, or will restrict, emissions of a stationary source, or an aggregation of emission units at a stationary source, to a lower level on an hourly, daily or annual basis, these

limitations on post-project potential to emit shall be used in calculating the aggregate potential to emit of the stationary source.

(~~A~~B) 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 an ARB registration program~~ under these Rules and Regulations or state law~~,~~ shall not be included in the aggregate potential to emit of a stationary source except that emissions of any ~~federal criteria~~ air contaminant ~~or precursor~~ from such ~~an~~ emission units shall be included if the actual emissions 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~~ would be determining as to whether the stationary source is a federal major stationary source.

The applicant and the Air Pollution Control Officer may agree to place all 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 (ERCs). In such case, the potential to emit of such emission units shall be included in the stationary source's aggregate potential to emit.

(~~B~~C) Emergency Equipment

The potential to emit from the operation of emergency equipment during emergency situations shall not be included in the calculation of a stationary source's aggregate potential to emit. The potential to emit from operation of emergency equipment during non-emergency situations shall ~~only~~ be included in the calculation of a stationary source's aggregate potential to emit ~~if the actual emissions of any federal criteria 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~~.

(~~C~~D) Portable Emission Units

The potential to emit of portable emission units which are considered under the same major industrial grouping, as identified by the first two digits of the applicable code in *The Standard Industrial Classification Manual*, as the stationary source where such units are or will be operated, or which are used as part of or to supplement a primary process at the stationary source where the operation of one is dependent upon or affects the operation of the other, shall be included in such stationary source's aggregate potential to emit. All other ~~P~~portable emission units shall be excluded from the calculation of a stationary source's aggregate potential to emit.

(~~D~~E) 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 used: to determine pre-project potential to emit where specified in Subsection (d)(1) of this rule; and, in procedures to quantify emission reductions as specified in Subsection (d)(4)(ii) of this rule. Actual emissions are calculated based on the actual operating history of the emission unit and shall be calculated in accordance with Subsections (d)(2)(i), (ii), (iii) and (iv) below, as applicable.

(i) **~~Time Period For~~ Calculation of Actual Emissions for Purposes of Determining Pre-Project Potential to Emit**

~~(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.~~

Actual emissions of an existing emission unit shall be calculated in accordance with Subsections (d)(2)(i)(A) or (B) below on an operating hour, day and year basis for purposes of determining an emission unit's pre-project potential to emit.

(A) The emission unit's pre-project actual hourly, daily and yearly emissions shall be based on the highest level of hourly, daily and yearly emissions, respectively, occurring during a twenty-four consecutive month period representative of normal operations within the five-year period preceding the receipt date of the application.

(B) The pre-project actual emissions for emission units operated for a period less than twenty-four consecutive months shall be based on the longest operating time period determined by the Air Pollution Control Officer to be most representative of actual operations.

~~(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.~~

(ii) **Calculation of Actual Emissions for Purposes of Quantifying Emission Reductions**

(A) Actual emissions of an existing emission unit shall be calculated on an operating hour, day and year basis averaged over the most representative twenty-four consecutive months 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 twenty-four consecutive month 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 twelve consecutive month operating periods determined by the Air Pollution Control Officer to be representative within that five-year period. If two representative twelve consecutive month operating time periods do not exist, the calculation of actual emissions shall be based on the average of the total operational time period within that five-year period.

(iii) **Adjustments for 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 calculated pursuant to this Subsection (d)(2) shall be adjusted to reflect the level of emissions which would have occurred if the emission unit had not been in violation.

(iv) **Adjustments for Currently Applicable Federally Enforceable Requirements**

For an emission unit being modified, replaced or relocated, and which will be located at a federal major stationary source, the actual emissions calculated on an

operating year (yearly) basis pursuant to this Subsection (d)(2) shall be further adjusted, to reflect the level of emissions which would have occurred had the emission unit been required to comply with all federally enforceable requirements applicable to the emission unit at the time that a complete application to modify, replace or relocate the emission unit is submitted.

(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~~ equal to the post-project 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 at its new location shall be equal to ~~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) **Projects**

Emission increases from a project shall be calculated as the project's post-project potential to emit minus the project'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, area fugitive emissions of particulate matter (PM_{10}) 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 PM_{10} must be evaluated in order to protect public health and welfare.~~

(4) **EMISSION REDUCTION - POTENTIAL TO EMIT, & ACTUAL EMISSION REDUCTION, EMISSION REDUCTION CREDITS**

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. Notwithstanding the foregoing, the post-project potential to emit of a relocated emission unit shall be used in determining the aggregate potential to emit of, and any contemporaneous net emissions increase at, the stationary source to which it is relocated, and the emission increase of any project which the relocated emission unit is a part.

(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.

(E) Projects

Reduction in the potential to emit for a project shall be calculated as the project's pre-project potential to emit minus the project'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)(ii), (iii) and (iv) shall be used for purposes of determining an actual emission reduction in accordance with this Subsection (d)(4)(ii) and Subsection (d)(4)(iii). 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.~~ Actual emission reductions shall be calculated as follows:

(A) Shutdowns

Unless an emission unit is replaced, ~~A~~actual emission reductions from the shutdown of an emission unit shall be calculated based on the emission unit's pre-project actual emissions. Actual emission reductions from the shutdown and replacement of an emission unit shall be calculated pursuant to Subsection (d)(4)(ii)(D).

(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.

(F) Projects

Actual emission reductions from a project shall be calculated as the sum of all the pre-project actual emissions from the emission units aggregated in the project minus the project's post-project potential to emit.

(iii) **Adjustments For Determining Actual Emission Reductions**

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) that occurred during the actual operating time period ~~times~~ multiplied by the actual operating time period in days divided by 1460 days.

(B) Adjustments for~~Rule Violations~~ Permitted Emission Units

~~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.~~Actual emission reductions from permitted emission units shall exclude emission reductions which are not surplus at the time the actual emission reduction is determined.

(C) Adjustments for ~~Federal Reasonably Available Control Technology (RACT)~~ Emission Units Exempt from Permit Requirements

~~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 actual emission reductions from an emission unit which is exempt from permit requirements pursuant to Rule 11. Such actual emission reductions shall be determined in accordance with Subsections (d)(2)(ii), (d)(2)(iii) and (d)(4)(ii) of this rule, but shall not be further reduced in accordance with this rule at the time the actual emission reduction is determined. However, at the time ~~of use~~ the emission reduction credits (ERCs) or actual emission reductions created from ~~actual emission reductions from~~ such an exempt emission unit are used to meet an emission offset requirement of these Rules 20.1 and 20.3 or 20.4, the ERCs or the actual emission reduction, as applicable, ~~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.~~ shall be further adjusted to exclude emission reductions which are not surplus at the time the ERC or actual emission reduction is so used. A condition shall be included in ~~the~~ any ~~Emission Reduction Credit (~~ERC~~)~~ ~~Certificate~~ for such an exempt emission unit requiring such ~~discounting~~ adjustment to occur at the time of use of the ~~emission reduction credit~~ ERC.

(iv) **Emission Reduction Credits**

The following procedures shall be followed in evaluating and acting on an application for emission reduction credits:

(A) An emission reduction credit may be approved by the Air Pollution Control Officer upon determining that such credit meets the applicable

requirements of this Rule 20.1, and of these Rules and Regulations, in effect at the time that such credit is approved.

(B) The Air Pollution Control Officer's approval of an emission reduction credit shall be in writing and shall contain conditions necessary to ensure the validity of the credit.

(C) Such approval shall be first subject to public notice in a newspaper of general circulation and a 30-calendar day period for public, agency and applicant review and comment. A copy of the public notice shall be provided to the federal EPA, through its Region 9 office, and to the California ARB.

(D) An applicant for an emission reduction credit may appeal the denial or conditional approval of a credit to the Air Pollution Control District Hearing Board within 30 days of receipt of such denial or conditional approval.

(E) The use of an emission reduction credit to meet an emission offset requirement of these Rules 20.1, 20.3 or 20.4 shall be subject to the applicable requirements of those rules.

(5) **EMISSION OFFSETS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

Emission offsets are actual emission reductions which are provided to mitigate emission increases where required by these Rules and Regulations. In order to be considered an emission offset, actual emission reductions or ERCs must be valid for the life of the emission increase which they are offsetting. Emission offsets must meet the applicable criteria specified in this Rule~~s~~ 20.1 and Rules 20.3 and 20.4.

(i) Emission offsets shall consist of:

(A) actual emission reductions calculated in accordance with Subsections (d)(4)(ii) and (d)(4)(iii) of this rule; or,

(B) ~~Class 'A'~~ ERCs ~~pursuant to~~ meeting the applicable requirements of Rules ~~26.0~~20.1 through ~~26.10~~20.4 in effect at the time such ERCs were approved; or,

(C) ~~a~~ mobile source ERCs issued pursuant to Rule 27.1; or, ~~In order to be considered an emission offset, actual emission reductions or ERCs must be valid for the life of the emission increase which they are offsetting.~~

(D) emission reduction credits issued pursuant to a District rule, approved by the federal EPA for inclusion in the District portion of the State Implementation Plan, containing standards for the creation and approval of such credits.

(ii) In order to qualify as an emission offset, actual emission reductions shall have been ~~banked~~ evaluated and approved as an emission reduction credit by the Air Pollution Control Officer pursuant to ~~District Banking~~ the applicable requirements of Rules 20.1, 20.3 and 20.4 ~~26.0 through 26.10~~ or Rule 27.1, or an applicable District emission reduction credit creation and approval rule approved by the federal EPA into the State Implementation Plan, 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 ERCs.

(iii) Emission offsets shall be in effect and enforceable at the time of startup of the emission unit, project or stationary source requiring the offsets.

(iv) Emission offsets must be federally enforceable at the time of issuance of an Authority to Construct if the source is a new federal major stationary source or a federal major modification 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.~~

(v) Actual emission reductions and ERCs used to meet the emission offset requirements of Rules 20.3 applicable to a new federal major stationary source or a federal major modification shall be surplus of federal requirements at the time such emission reductions and ERCs are to be used as offsets.

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

(vii) Emission offsets shall be located in San Diego County, except as provided pursuant to a District rule, approved by the California ARB and the federal EPA for inclusion in the District portion of the State Implementation Plan, containing standards for the creation and approval of emission reduction credits in coastal waters adjacent to San Diego County.

(e) **OTHER PROVISIONS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

(1) **CONTINUITY OF EXISTING PERMITS**

All of the conditions contained in any Authority to Construct or Permit to Operate issued prior to ~~December 17, 1998~~*(date of adoption)*, shall remain valid and enforceable for the life of the Authority to Construct or Permit to Operate, unless specifically modified by the District.

RULE 20.2
NEW SOURCE REVIEW
NON - MAJOR STATIONARY SOURCES
(ADOPTED AND EFFECTIVE 5/17/94)
(REV. ADOPTED AND EFFECTIVE 12/17/97)
(REV. ADOPTED 11/4/98; EFFECTIVE 12/17/98)
(REV. ADOPTED (date of adoption); EFFECTIVE (date of EPA approval into SIP)

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

Section (b); Subsection (d)(1)~~, (d)(2)(v), (d)(5) and (d)(6)~~; Subsections (d)(2)(i)(B), (d)(2)(v) and (d)(2)(vi)(B); and Subsection (d)(3).

~~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.~~

RULE 20.2. NEW SOURCE REVIEW - NON-MAJOR STATIONARY SOURCES (Adopted & Effective: 5/17/94; Rev. Adopted & Effective 12/17/97; Rev. Adopted 11/4/98~~;~~ & Effective 12/17/98; Rev. Adopted & Effective *(date of adoption)*)

(a) **APPLICABILITY**

This rule applies to any new or modified stationary source, to any new or modified emission unit, to any replacement emission unit, and to any relocated emission unit being moved ~~from~~to a stationary source provided that, after completion of the project, the stationary source is not a major stationary source. This rule does not apply to any portable emission unit. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) **EXEMPTIONS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

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

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

(i) The emission unit is not being modified,

(ii) There is no increase in the emission unit's potential to emit,

(iii) The unit is not located for more than 180 days at the stationary source where it is moved to, and

(iv) The emission unit is not located at more than two stationary sources over any 365-day period.

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

(i) There is no increase in the emission unit's potential to emit,

(ii) The relocation occurs within 10 miles of the previous stationary source,

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

(c) **DEFINITIONS**

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

(d) **STANDARDS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

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

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

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

Any new or modified emission unit which has any increase in its potential to emit particulate matter (PM_{10}), 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 PM_{10}, NOx, VOC, or SOx 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 PM_{10}, NOx, VOC or SOx 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 PM_{10}, NOx, VOC or SOx shall be equipped with BACT for each such air contaminant. This provision shall not apply to identical or like-

kind replacements exempt from Authority to Construct and modified Permit to Operate requirements pursuant to Rule 11.

(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, NOx, VOC or SOx shall be equipped with BACT for each such air contaminant.~~ For any emergency equipment emission unit subject to the BACT requirements of Subsections (d)(1)(i), (ii) or (iii) of this rule, BACT shall apply based on the unit's non-emergency operation emissions and excluding the unit's emissions while operating during emergency situations.

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

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

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

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any emission unit and project subject to this rule unless the following requirements are satisfied. ~~Area fugitive emissions of PM_{10} 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 PM_{10} must be evaluated in order to protect public health and welfare.~~

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

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

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

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

(~~B~~2) 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~~3) prevent or interfere with the attainment or maintenance of any ~~state or~~ national ambient air quality standard.

(B) For each new, modified, replacement or relocated emission unit and project which results in an emissions increase equal to or greater than any

of the amounts listed in Table 20.2 – 1 below, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA that such emissions increase will not:

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

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

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

If a PM_{10} AQIA is required, the AQIA shall include both directly emitted PM_{10} and PM_{10} 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)	(tons/yr)
Particulate Matter (PM_{10})	---	100	15
Fine Particulates ($PM_{2.5}$)		67	10
Oxides of Nitrogen (NOx)	25	250	40
Oxides of Sulfur (SOx)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	---	3.2	0.6

(ii) **AQIA for ~~Replacement Emission Units~~$PM_{2.5}$ and PM_{10} Emission Increases**

~~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 or interfere with the attainment or maintenance of any state or national ambient air quality standard.~~

~~If a PM10 AQIA is required, the AQIA shall include both directly emitted PM10 and PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.~~ In determining if a $PM_{2.5}$ or PM_{10} AQIA is required under this Subsection (d)(2), the emissions increases shall include both directly emitted $PM_{2.5}$ and PM_{10}, and $PM_{2.5}$ and PM_{10} which would after discharge to the atmosphere. If a $PM_{2.5}$ or PM_{10} AQIA is required, the AQIA shall include both directly emitted $PM_{2.5}$ or PM_{10}, and $PM_{2.5}$ or PM_{10} which would condense after discharge to the atmosphere. Any permit terms or conditions limiting emissions of $PM_{2.5}$ or PM_{10} as a result of the requirements of this Subsection (d)(2) shall apply to the combination of both directly emitted and condensable $PM_{2.5}$ or PM_{10}. The provisions of this Subsection (d)(2)(ii) shall apply separately to $PM_{2.5}$ and PM_{10}.

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

~~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 or 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 PM10 AQIA is required, the AQIA shall include both directly emitted PM10 and PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.~~ Where a project consists of multiple new, modified, replacement or relocated emission units, the determination of whether an air quality impact analysis is required under this Subsection (d)(2) shall be based on the aggregate total of emission increases occurring from those project emission units for which emissions are increasing, excluding any concurrent actual emission reductions occurring from other emission units at the same stationary source. If an air quality impact analysis is required, the air quality impacts of the project shall be based on the aggregate of the air quality impacts of each unit's emission increases at each off-site location analyzed. The simultaneous air quality impact reduction at each off-site location analyzed that results from any concurrent, enforceable actual emission reductions occurring from other emission units at the same stationary source may be included to determine the net air quality impacts of a project at each off-site location.

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

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

Environmental Protection Agency (EPA) with regard to national ambient air quality standards.

(v) **AQIA Requirements for PM_{10} 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 PM_{10} impacts on the state ambient air quality standards, as follows:

(A) If the project will result in a maximum PM_{10} 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 PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at a ratio of 1.5 to 1.

(B) If the project will result in a maximum PM_{10} 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 PM_{10} emissions without consideration for cost-effectiveness,

(2) all of the project's PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at an overall ratio of 1.5 to 1,

(3) sufficient emission offsets must be provided within the project's impact area to offset all of the project's PM_{10} emission increases, including area fugitive emissions of PM_{10}, 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 PM_{10} 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 PM_{10} 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**

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

(~~A~~1) cause a violation of a ~~state or~~ national ambient air quality standard anywhere that does not already exceed such standard, or

(~~B~~2) 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)(viii), or~~

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

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

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

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

(2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection (d)(2)(v), or

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

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

(3) ~~**PREVENTION OF SIGNIFICANT DETERIORATION (PSD)**~~**SIGNIFICANT IMPACT IN CLASS I AREAS**

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

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

Notify the Federal Land Manager and the federal EPA, in writing. This notification shall include all of the information specified by Subsection (d)(4)(iv), the location of the project, the project's approximate distance from all Class I areas

within 100 km of San Diego County (as specified in Table 20.1 - 3) and the results of the AQIA, and

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

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

(4) **PUBLIC NOTICE AND COMMENT**

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

(i) **Public Comment Period**

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

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

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

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

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

The Air Pollution Control Officer shall consider all comments submitted.

(ii) **Applicant Response**

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

(iii) **Publication of Notice**

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

(A) describe the proposed action, including the use of any modified or substitute air quality impact model as allowed under 40 CFR Part 51, Appendix W, 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 modified Permit to Operate and any information submitted by the applicant not previously labeled Trade Secret pursuant to Regulation IX, and

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

(5) **RESERVED** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

(6) **RESERVED** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

RULE 20.3
NEW SOURCE REVIEW
MAJOR STATIONARY SOURCES AND PSD STATIONARY SOURCES
(ADOPTED AND EFFECTIVE 5/17/94)
(REV. ADOPTED AND EFFECTIVE 12/17/97)
(REV. ADOPTED 11/4/98; EFFECTIVE 12/17/98)

(REV. ADOPTED (date of adoption); EFFECTIVE *(date of EPA approval into SIP)*

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SECTION TITLE PAGE NO.

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

Subsections (b)(1) and (b)(2); ~~(b)(3),~~ Subsections (d)(1)(i), (d)(1)(ii), (d)(1)(iii), (d)(1)(iv) and (d)(1)(vi); Subsections (d)(2)(~~v~~i)(B), (d)(2)(v), and (d)(2)(vi)(B); and, Subsection (d)(3) ~~(d)(5)(i), (d)(5)(ii) and (d)(5)(iv)~~.

~~Subsections (d)(2)(i) through (d)(2)(iv), and (d)(2)(vi) will be submitted to EPA for inclusion in to the SIP with respect to national ambient air quality standards.~~

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

(Adopted & Effective 5/17/94; Rev. Effective 12/17/97)
(Rev. Adopted 11/4/98; Effective 12/17/98)
(Rev. Adopted & Effective *(date of adoption)*)

(a) APPLICABILITY

This rule applies to any new or modified major stationary source, to any new or modified emission unit, to any replacement emission unit, and to any relocated emission unit being moved ~~from~~ to 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. This rule does not apply to any portable emission unit. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) EXEMPTIONS

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

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

(i) The emission unit is not being modified,

(ii) There is no increase in the emission unit's potential to emit,

(iii) The unit is not located for more than 180 days at the stationary source where it is moved to, ~~and~~

(iv) The emission unit is not located at more than two stationary sources over any 365-day period, and

(v) The emission unit at the new location does not constitute a new federal major stationary source nor a federal major modification.

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

(i) There is no increase in the emission unit's potential to emit,

(ii) The relocation occurs within 10 miles of the previous stationary source, ~~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

(iv) The emission unit at the new location does not constitute a new federal major stationary source nor a federal major modification.

(3) Emission increases resulting from an air contaminant emission control project shall be exempt from the emission offset requirements of Subsection (d)(5)~~, (d)(6), (d)(7) and (d)(8)~~ of this rule to the extent that the project does not include an increase in the capacity of the emission unit being controlled. Emission increases that are associated with an increase in capacity of the emission unit being controlled shall be subject to the emission offset provisions of this rule, as applicable. This exemption from offsets shall not apply to any air contaminant for which the emissions increase constitutes a new federal major stationary source or a federal major modification.

(c) **DEFINITIONS**

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

(d) **STANDARDS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

(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 and project 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 (PM_{10}), 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 PM_{10}, NOx, VOC or SOx shall be equipped with BACT for each such air contaminant.

(ii) **Relocated Emission Units - BACT**

Except as provided in Subsections (b)(1), (b)(2) and (d)(1)(v), ~~and except as provided for in Subsections (b)(2) and (b)(3),~~ any relocated emission unit with a post-project potential to emit of 10 pounds per day or more of PM_{10}, NOx, VOC or SOx shall be equipped with BACT for each such air contaminant.

(iii) **Replacement Emission Units - BACT**

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 PM_{10}, NOx, VOC or SOx shall be equipped with BACT for each such air contaminant. This provision shall not apply to identical or like-kind replacements exempt from Authority to Construct and modified Permit to Operate requirements pursuant to Rule 11.

(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 PM10, NOx, VOC or SOx shall be equipped with BACT for each such air contaminant.~~For any emergency equipment emission unit subject to the BACT requirements of Subsections (d)(1)(i), (ii), (iii) or (vi) of this rule, BACT shall apply based on the unit's non-emergency operation emissions and excluding the unit's emissions while operating during emergency situations.

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

(A) Except as provided for in ~~Subsections~~ paragraphs (d)(1)(~~i~~v)(B) and (C)~~(d)(7)~~ below, LAER shall be required for each new, modified, relocated or replacement emission unit and project which results in an emissions increase which constitutes a new major stationary 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.

(B) If actual emission reductions of VOC or NOx, as applicable, are provided from within the stationary source at a ratio of at least 1.3 to 1.0 for the emissions increases of VOC or NOx from an emissions unit or project subject to the LAER provisions of this Subsection (d)(1)(v), such emission increases shall be exempt from the requirement for LAER and from further emission offsets under Subsection (d)(5) of this rule and shall instead be subject to BACT.

(C) A new, modified, relocated or replacement emission unit or project at an existing major stationary source which results in an emission increase of VOC or NOx, and which increase would be otherwise subject to LAER, shall

be subject to BACT instead of LAER provided the stationary source's post-project aggregate potential to emit is less than 100 tons per year of VOC or NOx. This provision shall apply on a pollutant-specific basis.

(vi) **New, ~~or~~ Modified, Relocated or Replacement Emission Units – PSD Stationary Sources**

Any new, ~~or~~ modified, relocated or replacement emission unit at a 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.

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

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

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

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any emission unit or project subject to this rule unless the following requirements are satisfied. ~~Area fugitive emissions of PM_{10} 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.~~

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

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

(A) For each new, modified, replacement or relocated emission unit and project which results in an emissions increase equal to or greater than any of the amounts listed in Table 20.3 – 1 below, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an AQIA, as defined in Rule 20.1, that ~~the project~~ such emissions increase will not:

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

(~~B~~2) 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)(viii), nor~~

(~~D~~3) prevent or interfere with the attainment or maintenance of any ~~state or~~ national ambient air quality standard~~.~~, nor

(4) by itself, result in an increase in ambient concentrations of any air contaminant, for which San Diego County is in attainment of the

applicable national ambient air quality standards, greater than the applicable air quality increment above the baseline concentration for that air contaminant in any Class I or Class II area. This provision shall only apply if the emissions increase constitutes a new federal major stationary source or federal major modification.

(B) For each new, modified, replacement or relocated emission unit and project which results in an emissions increase equal to or greater than any of the amounts listed in Table 20.3 – 1 below, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, through an AQIA, that such emissions increase will not:

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

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

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

~~If a PM10 AQIA is required, the AQIA shall include both directly emitted PM10 and 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)	(tons/yr)
Particulate Matter (PM_{10})	---	100	15
Fine Particulates ($PM_{2.5}$)	---	67	10

Oxides of Nitrogen (NOx)	25	250	40
Oxides of Sulfur (SOx)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	---	3.2	0.6

(ii) **AQIA for ~~Replacement~~ $PM_{2.5}$ and PM_{10} Emission ~~Units~~Increases**

~~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 or interfere with the attainment or maintenance of any state or national ambient air quality standard.~~

~~If a PM10 AQIA is required, the AQIA shall include both directly emitted PM10 and PM10 which would be formed by precursor air contaminants prior to discharge to the atmosphere.~~ In determining if a $PM_{2.5}$ or PM_{10} AQIA is required under this Subsection (d)(2), the emissions increases shall include both directly emitted $PM_{2.5}$ and PM_{10}, and $PM_{2.5}$ and PM_{10} which would after discharge to the atmosphere. If a $PM_{2.5}$ or PM_{10} AQIA is required, the AQIA shall include both directly emitted $PM_{2.5}$ or PM_{10}, and $PM_{2.5}$ or PM_{10} which would condense after discharge to the atmosphere. Any permit terms or conditions limiting emissions of $PM_{2.5}$ or PM_{10} as a result of the requirements of this Subsection (d)(2) shall apply to the combination of both directly emitted and condensable $PM_{2.5}$ or PM_{10}. The provisions of this Subsection (d)(2)(ii) shall apply separately to $PM_{2.5}$ and PM_{10}.

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

~~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 or 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 PM_{10} AQIA is required, the AQIA shall include both directly emitted PM_{10} and PM_{10} which would be formed by precursor air contaminants prior to discharge to the atmosphere.~~ Where a project consists of multiple new, modified, replacement or relocated emission units, the determination of whether an air quality impact analysis is required under this Subsection (d)(2) shall be based on the aggregate total of emissions increases occurring from those project emission units for which emissions are increasing, excluding any concurrent actual emission reductions occurring from other emission units at the same stationary source. If an air quality impact analysis is required, the air quality impacts of the project shall be based on the aggregate of the air quality impacts of each unit's emission increases at each off-site location analyzed. The air quality impact reduction at any off-site location analyzed that results from any concurrent, enforceable actual emission reductions occurring from other emission units, at the same stationary source, may be included to determine the net air quality impacts of a project at such off-site location.

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

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

(v) **AQIA Requirements for PM_{10} 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 PM_{10} impacts on the state ambient air quality standards, as follows:

(A) If the project will result in a maximum PM_{10} 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 PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at a ratio of 1.5 to 1.

(B) If the project will result in a maximum PM_{10} 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 PM_{10} emissions without consideration for cost-effectiveness,

(2) all of the project's PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at an overall ratio of 1.5 to 1,

(3) sufficient emission offsets must be provided within the project's impact area to offset all of the project's PM_{10} emission increases, including area fugitive emissions of PM_{10}, 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 PM_{10} 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 PM_{10} 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**

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

(~~A~~1) cause a violation of a ~~state or~~ national ambient air quality standard anywhere that does not already exceed such standard, or

(~~B~~2) 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~~3) prevent or interfere with the attainment or maintenance of any ~~state or~~ national ambient air quality standard, or

(4) by itself, result in an increase in ambient concentrations of any air contaminant, for which San Diego County is in attainment of the applicable national ambient air quality standards, greater than the applicable air quality increment above the baseline concentration for that air contaminant in any Class I or Class II area. This provision shall only apply if the emissions increase constitutes a new federal major stationary source or federal major modification.

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any stationary source, emission unit or project for which an AQIA is required pursuant to this Subsection (d)(2)(vi)(A) unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the emission increases from such source, unit or project will not result in any of the impacts to the national ambient air quality standards or an air quality increment specified above in (1), (2), (3) and (4) of this Subsection (d)(2)(vi)(A).

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

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

(2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection (d)(2)(v), or

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

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

(3) **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~~Subsection (d)(3) unless the applicant demonstrates that the following requirements are satisfied. The demonstrations required by this Subsection (d)(3) shall be based on the emission unit or project emission exhaust system design and discharge characteristics but not to an extent greater than good engineering practice stack height. This provision shall not be applied to limit actual stack height.

(i) **Applicability**

(A) ~~New~~ PSD Stationary Source~~s and PSD Modification~~

(1) The provisions of Subsections (d)(3)(ii) through (vii) below 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 with respect to a national ambient air quality standard.

(2) The provisions of Subsections (d)(3)(ii), (iii), (v) and (vii) below 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.

(B) Major Stationary Sources – Projects Causing a Significant Impact

The provisions of Subsections (d)(3)(ii) through (vii) shall apply to any project at a new or modified major stationary source, which project 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~~:

(1) a significant impact on any Class I area, regardless of the Class I area's national attainment or nonattainment classification, or

(2) a significant impact on any Class II where the Class II area is classified as attainment of the national ambient air quality standard for that air contaminant for which there is a significant impact.

~~(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 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 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 ARB, the South Coast Air Quality Management District 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 SO_x, NO_x, $PM_{2.5}$ or PM_{10} national ambient air quality standards 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~~ minor 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 ~~&~~and 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.

~~(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 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~~B) 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~~C) 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 or modification is 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 emission unit or project subject to the AQIA or notification requirements of Subsections (d)(2) or (d)(3) above, nor for any emission unit or project which results in an emissions increase of VOC equal to or greater than 250 pounds per day or 40 tons per year, nor for any emission unit or project that would otherwise constitute a new major stationary 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, ~~and~~ federal EPA, and any tribal air pollution control agencies having jurisdiction in the San Diego Air Basin 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, 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~~ in the public record of the permit action.

(iii) **Publication of Notice**

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

(A) describe the proposed action, including the use of any modified or substitute air quality impact model as allowed under 40 CFR Part 51, Appendix W, 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 modified Permit to Operate and any information submitted by the applicant not previously labeled Trade Secret pursuant to Regulation IX, and

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

(5) **EMISSION OFFSETS REQUIREMENTS** (Rev. Adopted 11/4/98; Effective 12/17/98)

Except as provided for in Subsection (d)(8)(b)(3), the Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any new or modified stationary source, new or modified emission unit, replacement or relocated emission unit or project subject to this rule which results in an emissions increase that constitutes a new major stationary source or a major modification for NOx or VOC, or for any air contaminant, or its precursor air contaminants, for which the San Diego Air Basin has been designated by EPA as nonattainment for the NAAQS for such air contaminant, unless emission offsets are provided, on a pollutant-specific basis, for such emission increases of non-attainment air contaminants and their precursors as specified below and in Subsections (d)(6), (d)(7) and (d)(8) of this rule. Interpollutant offsets may be used, provided such offsets meet the requirements of Subsection (d)(5)(vi iii).

(i) ~~RESERVED~~DETERMINATION OF APPLICABILITY

The determination that a new emission unit, project or new stationary source is a new major stationary source shall be based on the emission unit's post-project potential to emit, or the project's or stationary source's aggregate post-project potential to emit, respectively. The determination that a new, modified, replacement or relocated emission unit or project at an existing major stationary source is a major modification shall be based on the stationary source's contemporaneous net emissions increase. These determinations shall be made on a pollutant-specific basis.

The applicant for a new major stationary source or a new, modified, replacement or relocated emission unit or project at an existing major stationary source shall submit, with each application for such emission unit, project or source, sufficient information to determine the emissions increases for the unit, project or source, and the contemporaneous net emissions increases if located at an existing major stationary source.

(ii) ~~RESERVED~~EMISSION OFFSETS

(A) If the NOx or VOC emissions increase from the project under review constitutes a new major stationary source or a major modification, such emissions increase shall be offset at a ratio of 1.2 to 1.0. For any other EPA designated nonattainment air contaminant or its precursor for which the emissions increase from the project under review constitutes a new major stationary source or a major modification, such emissions increase shall be offset at a ratio of 1.0 to 1.0. Interpollutant offsets may be used provided they meet the requirements of Subsection (d)(5)(iii) of this rule.

(B) When an emissions increase from a new, modified, replacement or relocated emission unit or project has been determined to be subject to, and

approved as in compliance with, the emission offset requirements of this rule, the contemporaneous net emissions increase for the subject air contaminant shall thereafter not include the amount of such offset emissions increase from the new or modified emission unit or project, on a pollutant-specific basis.

(C) When the emissions offset requirements of this Subsection (d)(5) are being applied to a new federal major stationary source or federal major modification, the amount of creditable emission reductions from any emission reduction credits to be provided shall be adjusted as specified in Rule 20.1, Subsection (d)(5)(v). Such adjustments shall be made at the time that an Authority to Construct is issued, for credits provided by the applicant on or before such issuance, and at the time that a credit is surrendered, for credits provided by the applicant after issuance of the Authority to Construct.

~~(iii) **RESERVED**~~

~~(iv) **RESERVED**~~

~~(v) **Offset Requirements - Air Contaminant Emission Control Projects Installed Pursuant to District Rules and Regulations**~~

~~If emission offsets are required for emission increases from an emission unit resulting from the installation of an air contaminant emission control project 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, 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 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 (ERCs) from the District Bank, the Air Pollution Control Officer must determine that the following are satisfied:~~

~~(A) the air contaminant emission control project satisfies the applicable requirements of these rules and regulations, and~~

~~(B) the amount of the ERCs to be obtained from the District Bank do not exceed 10 tons per year on a pollutant specific basis.~~

(~~vi~~iii) **Interpollutant Offsets ~~Ratios~~**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.3 – 2 to satisfy the VOC and NOx offset requirements of this Subsection~~s~~ (d)(5)~~, (d)(6), (d)(7) and (d)(8) of this rule,~~. For any other EPA-designated nonattainment air contaminant having precursor air contaminant relationships specified in Table 20.1-9 of Rule 20.1, the Air Pollution Control Officer may allow the use of interpollutant offsets of such precursor air contaminants in addition to or in lieu of providing offsets of the nonattainment air contaminant only if done pursuant to an interpollutant offset protocol approved by the Air Pollution Control Officer and the federal EPA. Interpollutant offsets may only be allowed if ~~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 emissions increases. The interpollutant ratios shall be multiplied by the emission offset ratios required by this rule to determine the final offset ratio.

TABLE 20.3 – 2
Interpollutant Ratio

Emission Increase	Decrease	Interpollutant Ratio
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 DISTRICT BANK EMISSION REDUCTION CREDITS (ERCS)~~

~~The Air Pollution Control Officer may elect to provide emission offsets from a District developed and maintained District Bank provided that the following are satisfied:~~

~~(i) The District Bank has been established consistent with the provisions of Rule 26.0 et seq.,~~

~~(ii) The District Bank contains sufficient ERCs to allow for the emissions to be fully offset, if necessary with a combination of emission reductions from the~~

District Bank and emission reductions provided directly by the affected stationary source, and

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

The use of District Bank ERCs 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 ERCs from the District Bank which are to be allocated for each category:

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

(v) For use by essential public service projects, 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, or

(vi) For use for air contaminant emission control projects as provided for in Subsection (d)(5)(v) of this rule, and

(vii) For any other purpose approved by the Air Pollution Control Board and in conformity with state and federal laws and requirements.

(7) **EXEMPTION FROM LAER**

Any stationary source which provides VOC or NOx emission reductions from within the stationary source at a ratio of at least 1.3 to 1.0 for any increase of VOC or NOx subject to the LAER provisions of Subsection (d)(1)(v), shall be exempt from the requirements of this rule for LAER and from further emission offsets for such increases. In addition, any modification of an existing stationary source which results in an emission increase of VOC or NOx 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 VOC or NOx. This provision shall apply on a pollutant specific basis.

(8) **LAER AND FEDERAL OFFSET REQUIREMENTS**
(Rev. Adopted 11/4/98; Effective 12/17/98)

The determination that a project at an existing major stationary source is a major modification and is subject to the LAER and federal emission offsets provisions of this Subsection (d)(8) shall be based on the stationary source's contemporaneous emission

~~increases. The determination that a project at a new stationary source is a new major source and is subject to the LAER and emission offset provisions of this Subsection (d)(8) shall be based on the post-project potential to emit of the project.~~

~~(i) **Requirements**~~

~~The applicant for a new, modified, relocated or replacement emission unit or project at a stationary source shall submit, with each application for such emission unit or project, sufficient information to determine the emission increases from such emission unit or project and the contemporaneous emission increases if the stationary source is an existing major stationary source. Each application shall be accompanied by a current tabulation of contemporaneous emission increases if the stationary source is an existing major stationary source. For any major stationary source undergoing a major modification based on the stationary source's contemporaneous emission increase and for each emission unit or project which constitutes a new major stationary source, 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 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.~~

~~(B) Emission Offsets~~

~~The NOx and VOC emission increases from a new, modified, relocated or replacement emission unit or project which increases constitute a new major source or major modification of a major stationary source shall be offset at a ratio of 1.2 to 1.0, on a pollutant specific basis. Interpollutant offsets may be used provided they meet the requirements of Subsection (d)(5)(vi).~~

~~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 BACT, LAER and/or federal emission offset requirements of Subsections (d)(7) and (d)(8) of this rule, the contemporaneous emissions increase for the subject air contaminant or precursor shall thereafter not include any residual emission increase from such new or modified emission unit or project, on a pollutant specific basis.~~

(e) **ADDITIONAL REQUIREMENTS – FEDERAL MAJOR STATIONARY SOURCES**

(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)(8)~~which constitutes either a new federal major stationary source or a federal major modification 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 federal major stationary source ~~required to satisfy the LAER provisions of Subsection (d)(1) or the major source offset requirements of Subsection (d)(5),~~or federal major modification shall conduct an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that the benefits of the proposed source or modification 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.

(3) **ANALYSIS OF VISIBILITY IMPAIRMENT IN CLASS I AREAS**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any emission unit or project which constitutes a new federal major stationary source or federal major modification and which may have an impact on visibility in a Class I area unless the applicant demonstrates that the following

requirements are satisfied. The demonstrations required by this Subsection (e)(3) shall be based on the emission unit or project emission exhaust system design and discharge characteristics but not to an extent greater than good engineering practice stack height. This provision shall not be applied to limit actual stack height.

(i) Required Analyses

At the time of application submittal, the applicant shall provide an initial screening analysis of the impairment to visibility, including any integral vista, in each affected Class I area as a result of the emissions increases from the new federal major stationary source or federal major modification, and any general commercial, residential, industrial and other growth associated with the new source or modification. If a screening analysis indicates that a visibility impairment will occur, as determined by the Air Pollution Control Officer, a more in-depth visibility impairment analysis shall be prepared. All analyses of impairment to visibility shall be conducted using applicable methods and procedures promulgated or approved by the federal EPA.

(ii) Notification Requirements

The Air Pollution Control Officer shall notify the Federal Land Manager and EPA not later than 30 days after receipt of an application for a new federal major source or a federal major modification subject to the requirements of this Subsection (e)(3). The notification shall include a copy of the application submittal, 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), the results of any AQIA, and the results of any screening analysis and any more in-depth analysis of the impacts of the project on visibility in any Class I area.

(iii) Application Denial

The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate for any new federal major stationary source or federal major modification if the Air Pollution Control Officer finds, after consideration of comments and any analysis from the Federal Land Manager, that the emissions increases from such new source or modification would have an adverse impact on visibility in a Class I area. As defined in 40 CFR 52.21(b)(29), an adverse impact on visibility means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Class I area.

RULE 20.4
NEW SOURCE REVIEW
PORTABLE EMISSION UNITS
(ADOPTED AND EFFECTIVE 5/17/94)
(REV. ADOPTED AND EFFECTIVE 12/17/97)
(REV. ADOPTED 11/4/98; EFFECTIVE 12/17/98)

(REV. ADOPTED AND EFFECTIVE (*date of adoption)*)

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

Subsections (b)(3) and (b)(4); Subsections (d)(1)(i) and (iii); Subsections (d)(2)(i)(B), (d)(2)(~~iii~~iv), and ~~(d)(5)(i)~~ (d)(2)(v)(B); and Subsections (d)(3) and (d)(5).

~~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.~~

RULE 20.4. NEW SOURCE REVIEW - PORTABLE EMISSION UNITS

(Adopted & Effective: 5/17/94; Rev. Effective 12/17/97)
(Rev. Adopted 11/4/98; Effective 12/17/98)

(Rev. Adopted & Effective *(date of adoption)*)

(a) **APPLICABILITY**

This rule applies to any new, ~~or~~ modified or replacement portable emission unit. Subsection (d)(2)(iv) of this rule also applies to any stationary source where one or more portable emission units will be located. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) **EXEMPTIONS**

The exemptions contained in Rule 20.1, Section (b) apply to this rule. In addition, ~~the provisions of this rule shall not apply to any previously permitted portable emission unit, unless such unit is modified.~~ for purposes of this rule, the following exemptions shall apply.

(1) Except as provided in Subsection (d)(2)(iv) of this rule, the provisions of this rule shall not apply to any previously permitted portable emission unit, unless such unit is modified or replaced.

(2) The provisions of this rule shall not apply to any new, modified or replacement portable emission unit exempt from Authority to Construct and Permit to Operate requirements pursuant to Rule 11 of these Rules and Regulations.

(3) 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 to the extent that the project does not include an increase in the capacity of the emission unit being controlled. Emission increases that are associated with an increase in capacity of the emission unit being controlled shall be subject to the emission offset provisions of this rule, as applicable.

This exemption from offsets shall not apply to any air contaminant for which the emissions increase constitutes a new federal major stationary source or a federal major modification.

(4) The emission offset requirements of Subsection (d)(5) of this rule shall not apply to a portable emission unit operating at a stationary source if the operation of such unit is not related to the primary activities of the stationary source, as defined herein.

(c) **DEFINITIONS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

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

(1) "**Related to the Primary Activities of the Stationary Source**" means with regard to the operation of a portable emission unit, that the unit is considered under the same major industrial grouping, as identified by the first two digits of the applicable code in *The Standard Industrial Classification Manual*, as the stationary source where such unit will be operated, or is used as part of or supplements a primary process at the stationary source where the operation of one is dependent upon or affects the operations of the other. This includes industrial processes, manufacturing processes and any connected processes involving a common material, service or product.

~~(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 a stationary sources which have has an aggregate potential to emit of less than 50 tons per year of oxides of nitrogen (NOx) and 50 tons per year of 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 III portable emission units in Section (d)(5)(ii) are provided for the period of time the portable emission unit is located at such a stationary source.~~

~~(4) **RESERVED**~~

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

(d) **STANDARDS**

(1) **BACT AND LAER FOR NEW, ~~OR~~ MODIFIED OR REPLACEMENT PORTABLE EMISSION UNITS**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any new, ~~or~~ modified or replacement portable emission unit unless the applicant demonstrates that the following requirements will be satisfied. These requirements shall be applied on an air contaminant-specific basis.

(i) **~~New or Modified~~ Portable Emission Units - BACT**

Unless a ~~new or modified~~ portable emission unit is equipped to comply with Lowest Achievable Emission Rate (LAER), as provided in Subsection (d)(1)(ii) of this rule, for the following air contaminants otherwise subject to BACT, any new or modified portable emission unit which has any increase in its potential to emit particulate matter (PM_{10}), NOx, 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 (~~PM_{10}~~)~~, NOx, VOC, or ~~oxides of sulfur (~~SOx~~)~~, respectively, and any replacement portable emission unit which has such a post-project potential to emit, shall be equipped with Best Available Control Technology (BACT) for each such air contaminant.

(ii) **~~New or Modified Type III~~ Portable Emission Units - LAER**

Any new, ~~or~~ modified or replacement ~~Type III~~ 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, and which may be expected to operate at a stationary source that is a major stationary source of such air contaminant or precursor, shall be equipped to comply with LAER for each such air contaminant or precursor except as provided in (A), (B) or (C) below. For each air contaminant for which LAER is not required by the following, BACT shall apply:

(A) ~~This~~ LAER ~~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 increase of such nonattainment air contaminant or precursor from such unit will not constitute a new major source or a major modification at any stationary source at which it is to be located and which is major for ~~a~~ such non-attainment air contaminant or precursor~~, or if the emissions increase is offset at a ratio of 1.3 to 1.0 by actual emission reductions at each major stationary source at which it is located~~.

(B) LAER shall not apply if operation of the portable emission unit is not related to the primary activities of the major stationary source at which it is to be located, provided the portable emission unit, or aggregation of such portable emission units co-located at the same stationary source, do not constitute a new federal major stationary source.

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

Any new, ~~or~~ modified or replacement portable emission unit which may be located at a Prevention of Significant Deterioration (PSD) stationary source, and 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 new, modified or replacement 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 PM_{10} 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.~~

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

(i) **AQIA for Portable Emission Units**

(A) ~~Initial Permit Issuance~~ For each new, ~~or~~ modified or replacement portable emission unit which results in an emissions increase equal to or greater than the amounts listed in Table 20.4 - 1, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, through an AQIA, as defined in Rule 20.1, that the new, ~~or~~ modified or replacement 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<u>3</u>) prevent or interfere with the attainment or maintenance of ~~any state or~~ national ambient air quality standard.

<u>(B) For each new, modified or replacement portable emission unit which results in an emissions increase equal to or greater than the amounts listed in Table 20.4 - 1, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, through an AQIA, that the new, modified or replacement portable emission unit will not:</u>

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

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

<u>(3) prevent or interfere with the attainment or maintenance of any state ambient air quality standard.</u>

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

TABLE 20.4 - 1
AQIA Trigger Levels

Air Contaminant	Emission Rate (lb/hr)	(lb/day)	(tons/yr)
Particulate Matter (PM_{10})	---	100	15
Fine Particulates ($PM_{2.5}$)	---	67	10
Oxides of Nitrogen (NOx)	25	250	40
Oxides of Sulfur (SOx)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	---	3.2	0.6

(ii) **AQIA for $PM_{2.5}$ and PM_{10} Emission Increases**

In determining if a $PM_{2.5}$ or PM_{10} AQIA is required under this Subsection (d)(2), the emissions increases shall include both directly emitted $PM_{2.5}$ and PM_{10}, and $PM_{2.5}$ and PM_{10} which would condense after discharge to the atmosphere. If a $PM_{2.5}$ or PM_{10} AQIA is required, the AQIA shall include both directly emitted $PM_{2.5}$ or PM_{10}, and $PM_{2.5}$ or PM_{10} which would condense after discharge to the atmosphere. Any permit terms or conditions limiting emissions of $PM_{2.5}$ or PM_{10} as a result of the requirements of this Subsection (d)(2) shall apply to the combination of both directly emitted and condensable $PM_{2.5}$ or PM_{10}. The provisions of this Subsection (d)(2)(ii) shall apply separately to $PM_{2.5}$ and PM_{10}.

(iii) **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 NOx or VOC emissions on ~~the state or national~~ an ambient air quality standard~~s~~ for ozone, unless the Air Pollution Control Officer determines that adequate procedures exist for determining the impacts of NOx or VOC emissions from ~~point sources~~ such portable emission units on ozone ambient air quality standards and that such procedures are acceptable to the California Air Resources Board (ARB) with regard

to state ambient air quality standards and the federal Environmental Protection Agency (EPA) with regard to national ambient air quality standards.

(~~iii~~iv) **AQIA Requirements for PM_{10} Impacts May be Waived**

Notwithstanding the requirements of Subsection (d)(2)(i) above, the Air Pollution Control Officer may waive the AQIA requirements for PM_{10} impacts on the state ambient air quality standards, as follows:

(A) If the emission unit, individually or in combination with any other portable emission units proposed to be co-located, 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 PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at a ratio of 1.5 to 1.

(B) If the ~~project~~emission unit, individually or in combination with any other portable emission units proposed to be co-located, will result in a maximum PM_{10} 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 PM_{10} without consideration for cost-effectiveness,

(2) all of the emission unit's PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at an overall ratio of 1.5 to 1,

(3) sufficient emission offsets must be provided within the emission unit's impact area to offset all of the project's PM_{10} emission increases, including area fugitive emissions of PM_{10}, 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 PM_{10} 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~~emission unit, individually or in combination with any other portable emission units proposed to be co-located, result in a maximum PM_{10} 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~~v) **AQIA May be Required**

(A) 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~~1) cause a violation of a ~~state or~~ national ambient air quality standard anywhere that does not already exceed such standard, or

(~~B~~2) 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~~3) prevent or interfere with the attainment or maintenance of any ~~state or~~ national ambient air quality standard.

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any portable emission unit or aggregation of portable emission units for which an AQIA is required pursuant to this

Subsection (d)(2)(v)(A) unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the emission increases from such unit or aggregation of units will not result in any of the impacts to the national ambient air quality standards specified above in (1), (2) and (3) of this Subsection (d)(2)(v)(A).

(B) 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:

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

(2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection (d)(2)(iv), or

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

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

(C) If the Air Pollution Control Officer determines that concurrent operations of more than one portable emission unit at the same stationary

source may be expected to cause any of the air quality impacts specified in this Subsection (d)(2)(v) to occur, the Air Pollution Control Officer may require the owner or operator of the units, or of the stationary source, to apply for and obtain a Permit to Operate for the operations and to demonstrate that the operations will not cause any such air quality impacts to occur.

This ~~provision~~Subsection (d)(2)(v) may be invoked notwithstanding the equipment being previously permitted ~~or having undergone initial permit issuance~~.

(3) ~~**PREVENTION OF SIGNIFICANT DETERIORATION (PSD)**~~**SIGNIFICANT IMPACT IN CLASS I AREAS**

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. The Air Pollution Control Officer shall:

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

Notify the Federal Land Manager and the federal 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) **ARB, SCAQMD and Imperial County APCD Notification**

Notify and submit to ~~T~~the California ARB, the South Coast Air Quality Management District 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 emission unit or project which results in an emissions increase of VOCs equal to or greater than 250 pounds per day or 40 tons per year, unless the following requirements are satisfied.

(i) **Public Comment Period**

At least 40 days before taking final action on an application subject to the requirements of 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) provide a copy of the public notice to the federal EPA Administrator, through its Region 9 office, to the California ARB, and to any tribal air pollution control agencies having jurisdiction in the San Diego Air Basin, and

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

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

The Air Pollution Control Officer shall consider all comments submitted.

(ii) **Applicant Response**

Except as agreed to by the applicant and the Air Pollution Control Officer, no later than 10 days after close of the public comment period, the applicant may submit written responses to any comment received during the public comment period. Responses submitted by the applicant shall be considered prior to the Air

Pollution Control Officer taking final action. The applicant's responses shall be made available ~~for public review~~ in the public record of the permit action.

(iii) **Publication of Notice**

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

(A) describe the proposed action, including the use of any modified or substitute air quality impact model as allowed under 40 CFR Part 51, Appendix W, 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 therefore.

(5) **EMISSION OFFSETS** ~~(Rev. Adopted 11/4/98; Effective 12/17/98)~~

Except as provided in Subsections (b)(3) and (b)(4) of this rule, the Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any new, modified or replacement portable emission unit or project which has any emissions increase of VOC or NOx and which may be located at a major stationary

source of such air contaminant unless emission offsets are provided for such emission increases. Emission offsets shall be required on an air contaminant-specific basis and shall meet the requirements specified below and in Subsection (d)(5) of Rule 20.1 of these Rules and Regulations. Interpollutant offsets may be used, provided such offsets meet the requirements of Subsection (d)(5)(iv) below.

(i) **Emission Offsets - ~~Type I~~ Portable Emission Units**

Emission offsets shall ~~not~~ be required for ~~Type I~~ emission increases of VOC and NOx emissions from portable emission units which may be operated at a major stationary source of VOC or NOx emissions, respectively. If the VOC and NOx emission increases of the portable emission unit have been previously fully offset by permanent, enforceable emission reductions or the permanent surrender of emission reduction credits pursuant to these Rules and Regulations, no further offsets shall be required unless the unit is subsequently modified resulting in an emissions increase.

If the NOx and VOC emissions of the unit have not previously been fully and permanently offset, the owner or operator of such unit shall first apply for and obtain a modified Permit to Operate for operation at the major stationary source and shall provide emission offsets, on a pollutant-specific basis, for all VOC and NOx emissions from the portable emission unit. Emission offsets shall be provided at a ratio of 1.2 to 1.0 if the portable emission unit is equipped to comply with LAER for VOC or NOx emissions, as applicable, or at a ratio of 1.3 to 1.0 if the portable emission unit is equipped to comply with BACT for VOC or NOx emissions, as applicable.

If a portable emission unit is brought onto a major stationary source of VOC or NOx to remedy an immediately occurring emergency situation, the application for a modified Permit to Operate the portable emission unit shall be submitted within 24 hours from the time the portable emission unit is first located at the affected stationary source.

(ii) ~~**Emission Offsets - Type III Portable Emission**~~**Permanent and Temporary Emission Offsets**

~~The Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any Type III portable emission unit unless emission offsets are provided on a pollutant-specific basis for any emission increases of 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 at a ratio of 1.2 to 1.0 for VOC and for NOx emission increases. As provided for in Subsection (d)(5)(iv), interpollutant offsets may be used.~~

Emission offsets required by this Subsection (d)(5) shall be provided as specified in paragraphs (A) or (B) below.

(A) Permanent Emission Offsets

The owner or operator of a portable emission unit may satisfy the offset requirements of this Subsection (d)(5)(i) by permanently surrendering to the Air Pollution Control Officer sufficient emission reduction credits or providing sufficient permanent actual emission reductions prior to the first date such new, modified or replacement portable emission unit commences operating at a major stationary source of VOC or NOx emissions in San Diego County. Thereafter, further emission offsets shall not be required for the applicable air contaminant unless such unit is modified resulting in an emissions increase.

(B) Temporary Emission Offsets

The owner or operator of a portable emission unit may satisfy the emission offset requirements of this Subsection (d)(5)(i) by temporarily surrendering to the Air Pollution Control Officer sufficient emission reduction credits or temporarily providing concurrent, enforceable actual emission reductions for the entire period of time that the portable emission unit is located

at the stationary source where emission offsets are required. When emission reduction credits are temporarily surrendered, such credits shall be reduced by 10 percent prior to returning such credits to the person surrendering the credits.

(iii) **RESERVED**

(iv) **Interpollutant Offsets ~~Ratios~~**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.4 - 2 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 applicable emission offset ratios required by Subsection (d)(5)(i) of this rule to determine the final offset ratio.

TABLE 20.4 - 2
Interpollutant Ratios

Emission Increase	Decrease	Interpollutant Ratio
Oxides of Nitrogen (NOx)	NOx	1.0
	VOC	2.0
Volatile Organic Compounds (VOC)	VOC	1.0
	NOx	1.0

~~(v) **Alternative Offsetting**~~

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

~~(A) Emission Offset Pool~~

~~The owner or operator of a Type I 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 50 tons per year, or 50 tons per year or more for VOC and NOx, the sum of all portable emission units' 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 units' 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 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.~~