ATTACHMENT E

FINAL STAFF REPORT

PROPOSED AMENDMENTS TO RULE 69.3.1 – STATIONARY GAS TURBINE ENGINES & RULE 69.4.1 – STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

San Diego County Air Pollution Control District
Rule Development Section

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TABLE OF CONTENTS

EXECUTIVE SUMMARY

This report presents information on proposed amendments to Rule 69.3.1 (Stationary Gas Turbine Engines) and Rule 69.4.1 (Stationary Reciprocating Internal Combustion Engines) of the San Diego County Air Pollution Control District (District). The objective of the proposed amendments is to ensure nitrogen oxides (NOx) and carbon monoxide (CO) emissions from stationary combustion turbines (Rule 69.3.1) and engines (Rule 69.4.1) operating in the San Diego region are subject to limiting factors at all times, including startup and shutdown periods, in accordance with Clean Air Act (CAA) and U.S. Environmental Protection Agency (EPA) requirements.

Existing Rules 69.3.1 and 69.4.1 provide time-limited exemptions from emission concentration limits during the startup and shutdown of stationary gas turbines and engines. These exemptions for startups and shutdowns events are in place because the air pollution control systems on these combustion sources are effective only at specific temperatures or under specific conditions and are generally infeasible during non-standard operating modes.

Notwithstanding the exemptions in existing Rules 69.3.1 and 69.4.1, startup and shutdown conditions are evaluated by District staff during the initial permitting process to ensure compliance with all applicable rules, including new source review and air toxics regulations. Permit conditions that are tailored for specific equipment, which may include limits to the frequency and duration of startups and shutdowns, mass emission limits, monitoring, and recordkeeping requirements for startups and shutdowns, are established and enforced as necessary to ensure all modes of operation will not threaten air standards or pose unacceptable health risks in neighboring and downwind communities.

However, the EPA informed District staff that the startup and shutdown exemptions in existing Rules 69.3.1 and 69.4.1 are not consistent with the CAA and the EPA's 2015 Startup, Shutdown, Malfunction (SSM) Policy established during the prior federal administration, which requires emission limitations to apply on a continuous basis. Because the emission standards in these rules currently do not apply during startup and shutdown, they cannot be considered continuous. Consequently, absent the addition of alternative emission limitations that would apply during startup and shutdown periods, Rules 69.3.1 and 69.4.1 are not currently approvable by EPA as fully meeting CAA requirements.

According to the EPA,[1] an alternative emission limitation may include work practice requirements, numerical limitations, and/or specific technological control requirements for limiting emissions during startup and shutdown as part of a continuously applicable emission limitation. Accordingly, District staff are proposing amendments to Rules 69.3.1 and 69.4.1 that establish work practice requirements for minimizing, to the greatest extent practicable, the frequency and duration of operation in startup or shutdown modes and the resulting emissions.

[1] On June 12, 2015, the EPA issued a policy to ensure air pollution control plans and rules are in place that are fully consistent with the latest court decisions concerning startup, shutdown and malfunction (SSM) operations (80 FR 33840). The EPA reinstated its 2015 SSM policy on September 30, 2021 (Guidance Memo: Withdrawal of the October 9, 2020 Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy). The policy has not been revised since.

In each rule, the existing limits on duration times for startup and shutdown events are being retained under the proposed amendments but have been relocated from Section (b) Exemptions to Section (d) Standards in both rules for clarity and consistency. Proposed new subsections were added to Section (d) Standards in each rule for compliance with EPA's 2015 SSM Policy guidelines to apply best management practices during periods of startup and shutdown. Minor revisions to other sections within each rule were made to reference startup and shutdown requirements in the newly proposed subsections. Furthermore, Rule 69.4.1 Section (f) Inspection and Maintenance was revised to change the frequency of annual maintenance requirements from once each calendar year to one year plus 30 days from the previous maintenance event, which aligns with maintenance requirements in National Emission Standards for Hazardous Air Pollutant (NESHAP) Subpart ZZZZ (4Z) for Stationary Reciprocating Internal Combustion Engines.

The proposed rule amendments provide general restrictions for startup and shutdown events and are designed to improve EPA approvability of the rules. Importantly, permit conditions (for compliance with all applicable rules) will continue to provide tailored requirements on individual sources and remain in effect after Rules 69.3.1 and 69.4.1 are adopted. If a permit contains more stringent startup/shutdown requirements than the amended rules, the more stringent permit requirements will continue to apply.

The following statements summarize important elements of the proposed amendments:

Comparative Analysis

An analysis comparing the proposed amendments to Rules 69.3.1 and 69.4.1 with applicable requirements of federal and local regulations ("Comparative Analysis") is not required because the amendments will not establish a new or more stringent emission limit or impose new or more stringent monitoring, reporting, or recordkeeping requirements. The amendments clarify the applicability of existing emission standards during startup and shutdown and align the rules with federal CAA requirements without requiring new monitoring equipment or controls, additional testing, or new recordkeeping practices or additional documentation. Existing new source review and air toxics regulations, along with associated permit conditions (which are generally more stringent) will continue to apply.

Socioeconomic Impact Assessment

An assessment of the socioeconomic impacts of the proposed amendments to Rules 69.3.1 and 69.4.1 is not required because the proposed amendments will not impose additional or more stringent requirements on affected sources and will not significantly affect air quality or emissions limitations. The existing new source review and air toxics regulations and associated permit conditions are generally more stringent and will continue to apply to startup and shutdown events.

California Environmental Quality Act (CEQA)

The proposed amendments to Rules 69.3.1 and 69.4.1 are exempt from the provisions of the California Environmental Quality Act (CEQA) as there is no possibility that the activity in question may have a significant adverse effect on the environment. The proposed rule amendments will not require physical modifications to sources and help ensure that emissions from stationary gas turbines and engines are subject to limiting factors at all times, including startup and shutdown periods. Furthermore, the proposed amendments to Rule 69.4.1 Section (f) Inspection and

Maintenance to change the frequency of annual maintenance requirements from once each calendar year to one year plus 30 days from the previous maintenance event, will not prompt additional CEQA analysis, as the proposed action is being done to align with existing federal policy.

Environmental Justice

The proposed amendments to Rules 69.3.1 and 69.4.1 support the District's commitment to integrating environmental justice and equity in District's operations, policies, and regulations. The proposed amendments will further ensure that startup and shutdown of stationary gas turbines engines and reciprocating internal combustion engines will not threaten air standards or pose unacceptable health risks in neighboring and downwind communities, including Assembly Bill 617 (AB 617) communities.

I. INTRODUCTION

Federal laws require the San Diego County Air Pollution Control District (District) to adopt and implement rules to control emissions of ozone precursors, volatile organic compounds (VOCs) and nitrogen oxides (NOx). District rules must periodically be revised as control technologies advance and new and more stringent emission limits become feasible. Additionally, the District must ensure rules generally align with federal policy, including provisions of Reasonably Available Control Technology (RACT). The Clean Air Act (CAA) and U.S. Environmental Protection Agency (EPA) require that emissions standards or limitations must apply continuously during all modes of operation, including shutdown and startup periods, and therefore emissions during these periods cannot be exempt. Air pollution released during these startup and shutdown periods pose a potential health risk to nearby and downwind communities. Existing Rule 69.3.1 (Stationary Gas Turbine Engines) and Rule 69.4.1 (Stationary Reciprocating Internal Combustion Engines) currently limit NOx emissions from stationary sources in San Diego County.

NOx emissions contribute to the formation of ground-level ozone, which is harmful to public health, and can cause symptoms such as chest pain, shortness of breath, aggravated asthma and bronchitis, and nausea. Both Rules 69.3.1 and 69.4.1 include monitoring, recordkeeping, and reporting requirements to ensure these engines operate in a manner that minimizes air pollution.

Rule 69.3.1 regulates NOx emissions specifically from stationary gas turbine engines with a power rating of 0.3 megawatt (MW) or greater. These turbine engines burn fuel, most commonly natural gas, to generate electricity at large facilities such as power plants, hospitals, and college campuses. Rule 69.3.1 was last amended on December 9, 2021 (Agenda Item #D.2) and includes stringent health-protective State requirements for turbine engines.

Rule 69.4.1 regulates NOx and carbon monoxide (CO) emissions from stationary reciprocating internal combustion engines with a brake horsepower (bhp) rating of 50 or greater. These engines are used as primary or backup power sources at smaller facilities such as office buildings, manufacturing plants, and other commercial or industrial sites. Rule 69.4.1 was last amended on July 8, 2020 (Agenda Item #AP03).

II. BACKGROUND

On September 30, 2021, the EPA issued a guidance memorandum to reinstate its 2015 Startup, Shutdown, and Malfunction (SSM) policy[2], which clarifies that State Implementation Plan (SIP) provisions allowing exemptions from emission limits during startup, shutdown, or malfunction events, or that include affirmative defense provisions, are not consistent with the CAA and are not approvable. This policy is based on EPA's final action in 2015 and relevant court decisions, which recognize that emissions occurring during SSM periods can adversely affect public health in nearby and downwind communities, particularly communities that are disproportionately burdened by air pollution.

[2] EPA, Final Rule: State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction, June 12, 2015.

Under the reinstated EPA 2015 SSM policy, emission limitations must apply continuously during all modes of operation, including startup and shutdown, for stationary sources such as gas turbine engines and stationary reciprocating internal combustion engines. EPA allows the use of alternative emission limitations, such as work practices, operational standards or technological control requirements, in which emissions cannot be effectively measured or controlled during non-standard operational periods. Currently, District Rules 69.3.1 and 69.4.1 contain startup and shutdown emission exemptions that are not consistent with these CAA section 302(k) requirements and cannot be approved by EPA for inclusion in the SIP. The proposed amendments to the Rules 69.3.1 and 69.4.1 would meet the requirements for startup and shutdown specified in EPA's 2015 SSM policy.

III. CONTROL TECHNOLOGIES

NOx control technologies for combustion sources are generally temperature dependent and require a minimum operating temperature to achieve optimal performance. During startup, combustion and exhaust temperatures have not yet reached levels necessary for effective operation of these control systems, resulting in reduced control efficiency and higher NOx emissions. Similarly, during shutdown, decreasing temperatures limit the effectiveness of NOx controls, which can lead to temporarily elevated NOx emissions compared to steady-state operation. The proposed amendments to Rules 69.3.1 and 69.4.1 do not propose, nor require, additional controls or new control technologies, but requires that best management practices be applied during periods of startup and shutdown.

IV. SUMMARY OF PROPOSED RULE AMENDMENTS

Rule 69.3.1 – Stationary Turbine Engines

Section (b) – Exemptions
Relocated existing SSM exemptions in Subsections (b)(3) and (b)(4) to new Subsections (d)(3) and(d)(4) as standards.

Section (c) – Definitions
Minor revision to definition of "Period of Operation at Low Load" in Subsection (c)(15) to specify type of event/operation.

Section (d) – Standards
Added new Subsections (d)(3) through (d)(6) for consistency with EPA's 2015 SSM Policy guidelines.

Section (e) – Monitoring & Record Keeping
Added language to Subsection (e)(4) Monitoring and Recordkeeping Requirements to be consistent with the new Subsection (d)(5) Standards.

Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

Section (b) – Exemptions
Reformatted exemption requirements for commissioning periods in Subsection (b)(2). Relocated SSM related exemptions for non-emergency engines to Subsection (d)(3).

Section (d) – Standards
Added existing SSM related exemptions from Section (b) Exemptions.
Added new Subsections (d)(4) and (d)(5) (for consistency with EPA's 2015 SSM Policy guidelines).

Section (f) – Inspection and Maintenance
Revised frequency of annual maintenance in Subsection (f)(2) from once each calendar year to 1 year plus 30 days from previous maintenance event (for consistency with NESHAP 4Z requirements) beginning January 1, 2027.

Section (g) – Record Keeping
Minor revision to Subsection (g)(5) to reference the SSM requirements in new Subsection (d)(3).

V. STATUTORY REQUIREMENTS

The CAA requires continuous emission limitations to apply at all times including during SSM periods, which was reinforced by EPA's 2015 SSM policy and recent actions. Continuous emission limitations are legally binding limits (numerical, tech-based, or work practice) ensuring ongoing emission reductions. Accordingly, EPA's 2015 SSM policy mandates that SIPs cannot include SSM exemptions and requires continuous control and good operating practices even during SSM events. Instead of exemptions, the EPA suggests narrow work practice standards for SSM events such as requiring minimized frequency/duration of these events, minimizing impact, documentation, and operation consistent with good practice.

EPA's 2015 SSM policy recommends seven specific criteria as appropriate considerations for developing alternative requirements that apply during startup and shutdown. District staff have evaluated the proposed rule amendments under each of these criteria. A summary of this evaluation is provided in the table below and indicates that the amendments to Rules 69.3.1 and 69.4.1 are consistent with EPA's 2015 SSM policy and implements RACT for the affected source categories.

EPA 2015 SSM Policy Criteria	**Rule 69.3.1 Analysis**	**Rule 69.4.1 Analysis**
(1) The rule is limited to specific, narrowly defined source categories using specific control strategies (e.g., cogeneration facilities burning natural gas and using selective catalytic reduction);	Rule 69.3.1 specifically applies to stationary gas turbine engines rated at 0.3 MW or greater. Section (c) defines Selective Catalytic Reduction (SCR), a common emission control for turbines using either gaseous or liquid fuel. Furthermore, Subsection (d)(1) defines numerical limits for turbines using post-combustion air pollution control equipment.	Rule 69.4.1 specifically applies to stationary reciprocating internal combustion engines rated at 50 bhp or greater. Section (c) defines types of engines such as rich-burn and lean-burn engines. Furthermore, Section (d) specifies numerical limits for different types of engines, including certified engines operating on diesel fuel.

EPA 2015 SSM Policy Criteria	Rule 69.3.1 Analysis	Rule 69.4.1 Analysis
(2) Use of the control strategy for this source category is technically infeasible during startup or shutdown periods;	Emissions control systems (like SCR for NOx or CO oxidation catalysts) rely on precise operating temperatures and pressures, which cannot be achieved during rapid startup or shutdown (cooldown), making emission controls inefficient or non-functional for stationary gas turbine engines and reciprocating internal combustion engines.	
(3) The alternative emission limitation requires that the frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable;	Specified in amended Rule 69.3.1 Subsection (d)(6); "The frequency and duration of startup and shutdown periods and their associated emissions from any unit subject to this rule shall be minimized to the greatest extent practicable."	Specified in amended Rule 69.4.1 Subsection (d)(5); "The frequency and duration of startup and shutdown periods and their associated emissions shall be minimized to the greatest extent practicable."
(4) As part of its justification of the SIP revision, the state analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable alternative emission limitation;	Amended Rules 69.3.1 and 69.4.1 mitigate potential worst-case emissions during startup and shutdown by implementing specific numerical limits, best work practice standards, and defined time boundaries for these periods.	
(5) The alternative emission limitation requires that all possible steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality;	Specified in amended Rule 69.3.1 Subsection (d)(5) which requires owners and operators of gas turbine engines to adhere to the manufacturer's recommended procedures for operating each unit and to maintain proper air-to-fuel ratios. Additionally, operators must engage specific emissions control measures, such as initiating water injection, urea/ammonia injection, or engaging lean-premix combustion mode, as promptly as possible during the startup period.	Specified in amended Rule 69.4.1 Subsection (d)(4) which requires owners and operators of engines to reduce both idle time and startup time to only what is necessary for the safe and appropriate loading of the engine, and/or follow the procedures recommended by the engine manufacturer for operation during these times.
(6) The alternative emission limitation requires that, at all times, the facility is operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures;	Rule 69.3.1 Sections (d), (e), (f), and (g) specify requirements for operational, monitoring, recordkeeping, and proper source testing of stationary gas turbine engines and their emission control systems.	Rule 69.4.1 Sections (d), (e), (f), (g), and (h) specify requirements for operational, monitoring, recordkeeping, and proper source testing of stationary reciprocating internal combustion engines.
(7) The alternative emission limitation requires that the owner or operator's actions during startup and shutdown periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.	Specified in Rule 69.3.1 Subsection (e)(4).	Specified in amended Rule 69.4.1 Subsection (g)(5).

VI. COMPARATIVE ANALYSIS

A comparative analysis of the proposed amendments to Rules 69.3.1 and 69.4.1 with applicable federal and local regulatory requirements is not required pursuant to Section 40727.2(g) of the California Health and Safety Code (HSC) as the amendments do not establish new or more stringent emission limits, or more stringent monitoring, reporting or recordkeeping requirements. The proposed amendments specify best management practices during startup and shutdown periods and align the rules with federal CAA requirements but do not require the installation of new monitoring equipment or controls, additional emissions testing, or the development of new recordkeeping practices beyond what is already required under existing District permits and federal standards (such as NESHAP, where applicable). Although the amendments reference periodic maintenance and minimizing emissions during startup and shutdown to the maximum extent practicable, these provisions do not create new or independent compliance requirements and do not require facilities to increase monitoring frequency or maintain new records specific to startup or shutdown events. Facilities already track operational status and maintenance activities as part of routine operations and in accordance with existing permit conditions and applicable District and federal requirements. Existing new source review requirements, air toxics regulations, and permit conditions, which are generally more stringent, will continue to apply. Accordingly, the proposed amendments do not materially change monitoring, reporting, or recordkeeping obligations, and a comparative analysis under HSC Section 40727.2(g) is not required.

VII. EMISSION SOURCES AND IMPACTS

No new or additional emission impacts are anticipated because of the proposed amendments given that the startup and shutdown periods are already regulated under other more stringent regulations including new source review and air toxics regulations.

VIII. ECONOMIC IMPACTS & COST-EFFECTIVENESS

Statutory Requirements

HSC Section 40703 requires that in adopting any regulation, the District shall consider, pursuant to HSC Section 40922, and make available to the public, its findings related to the cost effectiveness of a control measure, as well as the basis for the findings and the considerations involved. The District shall make reasonable efforts, to the extent feasible within existing budget constraints, to make specific reference to the direct costs expected to be incurred by regulated parties, including businesses and individuals. The District shall also comply with HSC Section 40920.6(a) pertaining to cost-effectiveness of best available retrofit control technology as applicable.

Cost-Effectiveness, Incremental Cost-Effectiveness, and Other Costs

Cost effectiveness accounts for the cost of emission reductions, typically expressed in dollars spent per pound or ton of emissions reduced. The District finds that a cost effectiveness evaluation is not applicable to the proposed amendments to Rules 69.3.1 and 69.4.1 pursuant to HSC Section 40920.6(a) since the amendments do not impose new or amended emission control requirements beyond the requirements that already apply to startup and shutdown events to ensure compliance with new source review and air toxics regulations.

Socioeconomic Impacts Assessment

Per HSC Section 40728.5 (if applicable), whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation. The Governing Board shall actively consider the socioeconomic impact of regulations and make a good faith effort to minimize adverse socioeconomic impacts. This section does not apply to the adoption, amendment, or repeal of any rule or regulation that results in any less restrictive emissions limit if the action does not interfere with the district's adopted plan to attain ambient air quality standards or does not result in any significant increase in emissions.

The District finds that an assessment of the socioeconomic impacts of the proposed amendments to Rules 69.3.1 and 69.4.1 is not required pursuant to HSC Section 40728.5(a). The proposed rule amendments will not impose new or more stringent requirements on affected sources and will not significantly affect air quality or emissions limitations.

IX. ENVIRONMENTAL ANALYSIS

California Environmental Quality Act (CEQA)

CEQA (California Public Resources Code Sections 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) require environmental review of certain actions. District staff conducted a review of whether CEQA applies to adoption of the proposed amendments to Rules 69.3.1 and 69.4.1. The District finds that the proposed amendments to these rules are exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines, since it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment. The proposed rule amendments will not require physical modifications to sources and help ensure that emissions from stationary gas turbines and engines are subject to limiting factors at all times, including startup and shutdown periods. Furthermore, the proposed amendments to Rule 69.4.1 Section (f) Inspection and Maintenance to change the frequency of annual maintenance requirements from once each calendar year to one year plus 30 days from the previous maintenance event, will not prompt additional CEQA analysis, as the proposed action is being done to align with existing federal policy.

Analysis of Expected Methods of Compliance

Determination of whether sources comply with the amended rules, as proposed, will be based on information that is already available to the District This may include, but is not limited to, (1) inspection of sources, (2) review of their operation, maintenance procedures, and other associated records, and (3) monitoring results.

Moreover, the proposed amendment in Rule 69.4.1 subsection (f)(2) extends the frequency of maintenance from "annual maintenance" (once every calendar year) to "within 1 year plus 30 days of the previous maintenance event" beginning January 1, 2027. This amendment is consistent with NESHAP 4Z requirements and provides additional flexibility by allowing an extra 30 days beyond the current once a year requirement. Facilities that comply with existing annual maintenance requirements will have 1 year plus 30 days to complete the next maintenance starting on January 1, 2027. For example, if maintenance was performed on July 15, 2026, the next maintenance must

be completed by August 14, 2027. Facilities will continue to comply as long as maintenance is performed within this extended maintenance requirement.

Environmental Justice

The proposed amendments to Rules 69.3.1 and 69.4.1 support the District's commitment to integrating environmental justice and equity in District's operations, policies, and regulations. The proposed amendments will further ensure that startup and shutdown of stationary gas turbines engines and reciprocating internal combustion engines will not threaten air standards or pose unacceptable health risks in neighboring and downwind communities, including Assembly Bill 617 (AB 617) communities. To support community engagement, the District provided notice of the proposed amendments during the non-agenda portions of the Portside and International Border AB 617 Community Steering Committee meetings in September and October 2025, respectively, and informed community members of the public workshop opportunity.

Moreover, the District provided maps identifying the affected facilities within AB 617 (Portside and International Border) communities. The proposed amendments would continue to improve air quality conditions at affected facilities identified in AB617 communities and other communities throughout San Diego County.

X. RULE DEVELOPMENT AND PUBLIC PARTICIPATION PROCESS

The District held a virtual public workshop on October 22, 2025, to discuss and receive input on draft proposed amendments to Rules 69.3.1 and 69.4.1. A workshop notice was mailed on September 22, 2025, to over 2,850 owners or operators of turbines or engines potentially subject to the draft proposed amendments to Rules 69.3.1 and 69.4.1, interested stakeholders, and Chambers of Commerce in San Diego County. An electronic workshop notice was also sent to over 12,800 interested parties subscribed to the District's electronic mail service, California Air Resources Board (CARB), and the EPA. The District also notified members of the Portside Community Steering Committee (CSC) and International Border CSC on September 23, 2025, and October 15, 2025, respectively, of the virtual workshop. The workshop notice was also posted on the District's website and on social media. Comments were accepted through November 7, 2025.

The District prepared a Response to Comments report on December 15, 2025, containing a summary of the comments and District responses during the virtual workshop, and submitted written comments prior or after the virtual workshop. The Response to Comments report can be found in Attachment D.

A 30-day Notice of Public Hearing regarding the proposed amendments to Rules 69.3.1 and 69.4.1 was published in a local newspaper on January 13, 2026, as well as on the District's website, and sent to over 12,000 subscribers of the District's email notification service, the California Air Resources Board (CARB), and the EPA. The District invited and encouraged the public to participate and provide input within the 30-day comment period. To date, no additional comments have been received.

Rule Change Copy Formatting

The District uses specific formatting procedures in draft rule change copies, as shown in the following table, that are released for public review. This ensures all changes can be adequately tracked by staff and the public throughout the rule development process.

Rule Development Change Copy Formatting Procedures

	New Rule	Example Language	Revised Rule	Example Language
Public Workshop Change Copy (Prior to Public Workshop)	Normal text, no formatting needed	"Change of Ownership"	Single underline/ Single strikeout	"Change of Ownership" ~~"Change of Ownership"~~
Post-Workshop Change Copy (Prior to Governing Board consideration)	Single underline/ Single strikeout	"Change of Ownership" ~~"Change of Ownership"~~	Double underline/ Double strikeout	"Change of Ownership" ~~"Change of Ownership"~~
2nd Public Workshop Change Copy *if needed* (After first workshop and prior to Governing Board consideration)	Double underline/ Double strikeout	"Change of Ownership" ~~"Change of Ownership"~~	Single underline/ Single strikeout/ Italics	~~*"Change of Ownership"*~~; *and location*
Post 2nd Workshop Change Copy *or other changes if needed*	Single underline/ Single strikeout/ Italics	~~*"Change of Ownership"*~~; *and location*	Double underline/ Double strikeout/ Italics	~~*"Change of Ownership"*~~; *and location*

XI. OTHER RULE AMENDMENTS

Currently, there are no other District rulemakings in process that are directly tied to the proposed amendments to Rules 69.3.1 and 69.4.1.

XII. CONCLUSION

Proposed amendments to Rules 69.3.1 and 69.4.1 include alternative emission limitations to comply with CAA and EPA's 2015 SSM Policy for continuous emission limitations, as well as clarifying existing SSM requirements. Additional proposed amendments to Rule 69.4.1 include revising the frequency of periodic maintenance requirement from at least once each year to 1 year plus 30 days of the previous maintenance event to align with the requirements of NESHAP 4Z. Other minor amendments are also proposed to each rule to improve clarity and consistency. There are no anticipated changes to emissions associated with the proposed amendments.

If adopted by the Governing Board, proposed amendments to Rules 69.3.1 and 69.4.1 would be effective on February 12, 2026, and will be submitted to the EPA (through CARB) for inclusion as part of the San Diego County portion of the State Implementation Plan for the 2008 and 2015 Ozone National Ambient Air Quality Standards (NAAQS), and to support the resubmittal of the 2020 RACT Demonstration for the NAAQS for Ozone in San Diego County with Addendum. The Governing Board may consider modifications to the proposal, which may be deemed appropriate.

XIII. REFERENCES

1. EPA, Final Rule: State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction (pdf), June 12, 2015, https://www.federalregister.gov/documents/2015/06/12/2015-12905/state-implementation-plans-response-to-petition-for-rulemaking-restatement-and-update-of-epas-ssm

2. EPA, Guidance Memo: Withdrawal of the October 9, 2020, Memorandum Addressing Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy, September 30, 2021, https://www.epa.gov/system/files/documents/2021-09/oar-21-000-6324.pdf

3. Attachment D – Response to Comments Report

XIV. ATTACHMENTS

There are no attachments to this report.