



NOTICE OF PUBLIC HEARING
Proposed Amendments to
Rule 26.13 New Source Review – Prevention of Significant Deterioration

The Ventura County Air Pollution Control District (VCAPCD) Board of Directors will meet to consider proposed amendments to Rule 26.13. Staff is proposing to amend the rule in response to a request from the United States Environmental Protection Agency (USEPA). The proposed amendments will facilitate delegation of Prevention of Significant Deterioration (PSD) permitting authority from USEPA to VCAPCD.

PSD is a federal pre-construction permitting program for facilities located in areas that either comply with the National Ambient Air Quality Standards (NAAQS) for specific pollutants (classified as attainment) or are unclassifiable for specific pollutants. PSD applies to new major stationary sources and existing major stationary sources where a significant modification will occur. The purpose of the PSD program is to protect air quality while allowing economic growth.

Staff is proposing revisions to include updates required as a result of court decisions and clarifications regarding enforceability and responsible parties. New requirements address interagency notification requirements, application completeness determination, applicant notification requirements and options for PSD permitting of power plants regulated by the California Energy Commission. The public participation requirements are also expanded and clarified in the proposed revisions.

The proposed amendments are summarized on the back of this notice. The draft amended rule and draft staff report are available on the web at http://www.vcapcd.org/rules_division.htm. The public hearing will be held at the following time and location:

Tuesday – November 10, 2015
1:30 P.M.
Board of Supervisors Meeting Room
Ventura County Government Center
800 South Victoria Avenue
Ventura, CA

Minor changes to the proposed rule have been made after the Advisory Committee meeting on June 24, 2014 in response to the June 23, 2014 United States Supreme Court decision regarding PSD applicability to greenhouse gases. Staff received and addressed comments from USEPA during the rule development process. No other comments were received. The public is invited to attend this hearing and provide comments to the Board.

Please direct any comments, questions, or requests for additional information to Tyler Harris at tyler@vcapcd.org or 805/645-1407. Written comments may be mailed to 669 County Square Drive, Ventura, CA, 93003, faxed to 805/645-1444, or e-mailed to <tyler@vcapcd.org>.

Summary of Proposed Revisions
Rule 26.13 New Source Review – Prevention of Significant Deterioration

1. The version of 40 CFR Part 52.21 incorporated by reference will be updated to the September 1, 2015 version to ensure the referenced version includes changes required by the June 23, 2014 United States Supreme Court decision.
2. Subsection C.2 of Rule 26.13 will be deleted in its entirety.
3. Existing subsection C.3 will be renumbered to subsection C.2 and revised to clarify the terms used in the rule are defined in 40 CFR Part 52.21, with clarification where the term “administrator” means the USEPA administrator and where it means the District Air Pollution Control Officer. In addition, the reference to the rule section describing public notice and comment requirements is redirected to Rule 26.13(E).
4. Minor typographical errors are corrected in subsections D, D.1, D.2 and E.
5. New subsections D.4, D.5, D.6 and D.7 will be added with provisions as follows:
 - a. Subsection D.4 describes the requirements regarding District notification of USEPA when PSD applications are received;
 - b. Subsection D.5 describes procedures for determining if an application is complete, time limits for such determinations, and requirements for notifications when an application is deemed incomplete;
 - c. Subsection D.6 clarifies that the ambient air monitoring and dispersion modeling requirements in 40 CFR Part 52.21 do not apply to greenhouse gas emissions; and
 - d. Subsection D.7 provides options for the District to implement PSD permit requirements for projects subject to California Energy Commission regulation.
6. Subsection E will be deleted in its entirety and replaced with detailed public participation requirements consistent with EPA requirements in 40 CFR Part 51.166(q). Revised Subsection E requires, within one year after receipt of a complete application, the following:
 - a. Preliminary determination whether construction should be approved or not;
 - b. Public availability of application and reference materials considered;
 - c. Public notification in a newspaper and directly to interested parties regarding the opportunity for public comment;
 - d. Opportunity for a public hearing if warranted;
 - e. Requirements to consider all public comments and make all public comments and District responses available for public review;
 - f. Make a final determination whether to approve construction with conditions or not; and
 - g. Notification of the applicant of the final determination in writing.