

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 26.13 - NEW SOURCE REVIEW - PREVENTION OF SIGNIFICANT
DETERIORATION (PSD)** (*Adopted 6/28/2011, Revised xx/zz/2015*)

A. Purpose

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities that emit either criteria or greenhouse gas pollutants located in areas classified for an air pollutant as either attainment or unclassifiable. Rules 10 through 32 contain application requirements and processing requirements for permit actions. The intent of this Rule is to incorporate by reference federal PSD rule requirements into these Rules and Regulations.

B. Applicability

The provisions of this rule shall apply to any source and the owner or operator of any source subject to any requirement under Title 40 of the Code of Federal Regulations (40 CFR) Part 52.21 as incorporated into this rule.

C. Incorporation by Reference

Except as provided below, the provisions of 40 CFR Part 52.21, in effect September 1, 2015 ~~August 2, 2010~~, are incorporated herein by reference and made part of these Rules and Regulations.

1. The following subsections of 40 CFR Part 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (i)(1)(i-v, ix, x), (i)(6-8), (p)(6-8), (q), (s), (t), (u), (v), (w), (x), (y), (z) and (cc).
2. ~~The following definitions found in 40 CFR Part 52.21(b) are revised as follows:~~
 - a. ~~In the definition of “potential to emit” contained in 40 CFR Part 52.21(b)(4), the phrase “is federally enforceable” shall read “is federally enforceable or enforceable as a practical matter.”~~
 - b. ~~In the definition of “allowable emissions” contained in 40 CFR Part 52.21(b)(16):~~
 - 1) ~~The phrase “unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both” shall read, “unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both.”~~

2) Paragraph (iii) shall read as follows: “The emissions rate specified as an enforceable permit condition, including those with a future compliance date.”

32. The following terms found in 40 CFR Part 52.21(b) are revised as follows Unless otherwise defined below, the terms used in this rule are defined in 40 CFR Part 52.21:

a. The term “administrator” ~~means~~shall read as follows:

- 1) “~~federal~~USEPA administrator” in 40 CFR 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (l)(2) and (p)(2); or
- 2) “Air Pollution Control Officer” elsewhere, as defined in Rule 2.

b. The phrase “paragraph (q) of this section” in 40 CFR 52.21(l)(2) and (p)(1) shall read as follows: “the public notice and comment provisions of Rule 26.7, New Source Review – Notification 26.13 Section E”.

D. Requirements:

1. An owner or operator must obtain a prevention of significant deterioration (PSD) permit pursuant to this Rule before beginning actual construction of a new major stationary source, a major modification, or a Plantwide Applicability Limitation (PAL) major modification, as defined in 40 CFR 52.21(b).
2. Notwithstanding the provisions of any other Rule or Regulation, the Air Pollution Control Officer shall require compliance with this rule prior to issuing a federal Prevention of Significant Deterioration permit as required by Clean Air Act (CAA) Section 165.
3. The applicant shall pay the applicable fees specified in Rule 42.
4. The Air Pollution Control Officer shall provide written notice of any permit application for a proposed major stationary source or major modification to the USEPA administrator. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct.
5. The Air Pollution Control Officer shall determine whether an application is complete not later than 30 days after receipt of the application or after such longer time as both the applicant and the Air Pollution Control Officer may agree. If the Air Pollution Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information that is required. Upon receipt of any re-submittal of the application, a new 30-day

period to determine completeness shall begin. Upon determination that the application is complete, the Air Pollution Control Officer shall notify the applicant in writing. The date of receipt of the application shall be the date on which the reviewing authority received all required information.

6. Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR Part 52.21 in effect on September 1, 2015.
7. Except as specified in Section D.7.a, the PSD requirements of this rule shall be incorporated into and made enforceable through Authority to Construct permits and Permits to Operate according to the permitting requirements of Regulation II (Rules 10 through 36) of the District's Rules and Regulations.
 - a. For power plants which will be licensed by the California Energy Commission, the PSD requirements of this rule may, at the District's discretion, be incorporated into and made enforceable through Determinations of Compliance and Permits to Operate according to the Determination of Compliance provisions of Rule 26.9 New Source Review – Power Plants and the permitting requirements of Regulation II of the District's Rules and Regulations.

E. Public Participation:

Prior to issuing a federal PSD permit pursuant to this rule and within one year after receipt of a complete application, the Air Pollution Control Officer shall:

1. Make a preliminary determination whether construction should be approved with conditions or disapproved.
2. Make available in at least one location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit and a copy or summary of other materials, if any, considered in making the preliminary determination.
3. Notify the public, by advertisement in a newspaper of general circulation in the District, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, the opportunity for comment at a public hearing and the opportunity for written public comment.
4. Send a copy of the notice of public comment to the applicant, USEPA Region 9, any persons requesting such notice and any other interested parties such as: Any other State or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.

5. Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the Air Pollution Control Officer's judgment such a hearing is warranted.
6. Consider all written comments that were submitted within 30 days after the notice of public comment is published and all comments received at any public hearing(s) in making a final decision on the approvability of the application and make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made available preconstruction information relating to the proposed source or modification.
7. Make a final determination whether construction should be approved with conditions or disapproved.
8. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the District made available preconstruction information and public comments relating to the source.~~1. Prior to issuing a federal PSD permit pursuant to this rule, the Air Pollution Control Officer shall comply with the public notice requirements of Rule 26.7, New Source Review – Notification.~~