

BOARD MEETING DATE: December 5, 2014

AGENDA NO. 38

PROPOSAL: Amend Rule 1325 – Federal PM_{2.5} New Source Review Program

SYNOPSIS: Rule 1325 incorporates U.S. EPA’s requirements for PM_{2.5} into Regulation XIII – New Source Review. The rule mirrors federal requirements and is applicable to major polluting facilities, which are defined by rule as sources with actual emissions, or the potential to emit, 100 tons per year or more of PM_{2.5} or its precursors. Based on comments received from the U.S. EPA regarding SIP approvability of Rule 1325, the proposed amended rule will incorporate administrative changes to definitions, provisions and exclusions. Typographical corrections and other minor clarifications are also included.

COMMITTEE: Stationary Source, October 17, 2014; Reviewed

RECOMMENDED ACTION:

Adopt the attached resolution:

1. Determining that the proposed amendments to Rule 1325 - Federal PM_{2.5} New Source Review Program, are exempt from the requirements of CEQA; and
2. Amending Rule 1325 - Federal PM_{2.5} New Source Review Program.

Barry R. Wallerstein, D.Env.
Executive Officer

BB EC:PF:NB:RRP:MM

Background

Rule 1325 was adopted June 3, 2011 to incorporate U.S. EPA’s requirements for PM_{2.5} into Regulation XIII – New Source Review. The rule mirrors federal requirements which include the definition of major source, significant emissions rate, offset ratios, and the applicability requirements of LAER, facility compliance, offsets, and control of PM_{2.5} precursors. The rule is applicable to major polluting facilities, which are defined by rule as sources with actual emissions, or the potential to emit, 100 tons per year or more of PM_{2.5} or its precursors

In March 2014, U.S. EPA reviewed Rule 1325 – Federal PM_{2.5} New Source Review Program for State Implementation Plan approvability and notified SCAQMD that there were clarifications needed in the rule even though the rule incorporates by reference federal regulations. Three areas of technical clarifications are being proposed to comport with U.S. EPA requirements.

Proposal

The specific amendments to Rule 1325 consist of the following three elements:

1. Definitions (b)

- (b)(3) - Lowest Achievable Emission Rate (LAER)
The definition for (LAER) will be deleted as 40 CFR 51.165 is already referenced in the rule.
- (b)(8) – PM_{2.5}

The definition for PM_{2.5} has been modified to indicate that gaseous emissions which condense to form PM_{2.5} at ambient temperatures are also to be included as PM_{2.5}. The rule section which contains applicable testing requirements is also specified. This amendment addresses the second issue identified by U.S. EPA in their March 10, 2014 correspondence. A comment letter was received on October 28, 2014 from the Western States Petroleum Association, mainly suggesting an alternative to the revised definition of PM_{2.5} proposed by staff. The proposed definition for PM_{2.5}, however, is based on U.S. EPA request, and is consistent with the U.S. EPA required test method to measure PM_{2.5} emissions.

2. Requirements (c)(3)

A provision is included to specify that approval to construct does not relieve owners and operators of the responsibility to comply fully with applicable provisions of the permit and other requirements under local, State or Federal law. This amendment addresses the third issue identified by U.S. EPA in their March 10, 2014 correspondence.

3. Exclusions (i)

Rule 1315 – Federal New Source Review Tracking System is included to denote that the provisions in Rule 1315 do not apply to Rule 1325. The provision that stated that Rule 1325 applied as opposed to other Regulation XIII rules was removed. The removal clarifies that Rules 1306 – Emission Calculations and 1309 – Emission Reduction Credits and Short Term Credits apply, which addresses the first issue identified by U.S. EPA in their March 10, 2014 correspondence, i.e. that the program specifically require offsets to meet federal CAA requirements, because Rules 1309 and 1306 include these requirements.

Minor corrections of typographical errors are also included in the proposed amended rule.

Resource Impacts

The rule amendment is administrative in nature, and thus is not expected to impose any significant resource burden.

Socioeconomic Impact Analysis

No socioeconomic impact assessment is required because the proposed amendments do not “significantly affect air quality or emissions limitations.” (Health & Safety Code Section 40440.8(a)).

California Environmental Quality Act

The SCAQMD has reviewed the proposed project pursuant to the CEQA Guidelines §15002 (k)(1), the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. Because the proposed project would not increase emissions or create an adverse effect on air quality, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Since it can be seen with certainty that the proposed project has no potential to adversely impact air quality or any other environmental area, it is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3) – Review for Exemption. If adopted, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following action on the proposed project.

Attachments

- A. Summary of Proposal
- B. Rule Development Process
- C. Key Contacts List
- D. Resolution
- E. Proposed Amended Rule 1325 Language
- F. Final Staff Report
- G. Notice of Exemption

ATTACHMENT A
SUMMARY OF PROPOSED AMENDMENTS

- ***Applicability***
A clarification is included to specify that the rule applies to PM_{2.5} and its precursors.
- ***Definitions***
 - The definition for LAER has been removed as it is incorporated by reference to 40 CFR 51.165 (a)(1)(xiii).
 - The definition of PM_{2.5} has been clarified to mirror the source test method which includes filterable and condensable PM_{2.5}
- ***Requirements***
A provision is included to specify that approval to construct does not relieve owners and operators of the responsibility to comply fully with applicable provisions of the permit and other requirements under local, State or Federal law.
- ***Exclusions***
Rule 1315 – Federal New Source Review Tracking System is included to denote that the provisions in Rule 1315 do not apply to Rule 1325. The provision that stated that Rule 1325 applied as opposed to other Regulation XIII rules was removed. The removal clarifies that Rules 1306 – Emission Calculations and 1309 – Emission Reduction Credits and Short Term Credits apply.

ATTACHMENT B

PAR 1325 RULE DEVELOPMENT PROCESS



**ATTACHMENT C
KEY CONTACTS LIST**

Regulatory Agencies

U.S. Environmental Protection Agency
California Air Resources Board

Others

Western States Petroleum Association
Southern California Edison
Los Angeles Department of Water & Power

ATTACHMENT D
RESOLUTION NO. 2014 -

A Resolution of the South Coast Air Quality Management District (SCAQMD) Governing Board certifying the Notice of Exemption for the proposed amendments to Rule 1325 – Federal PM_{2.5} New Source Review Program.

A Resolution of the SCAQMD Governing Board amending Proposed Amended Rule 1325 – Federal PM_{2.5} New Source Review Program.

WHEREAS, the SCAQMD Governing Board finds and determines that the proposed amendments to Rule 1325 are considered a "project" pursuant to the California Environmental Quality Act (CEQA); however, SCAQMD staff reviewed the proposed project and determined with certainty that the proposed amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines §15061 (b)(3) and have prepared a Notice of Exemption (NOE); and

WHEREAS, the SCAQMD Governing Board voting on Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, has reviewed and considered the NOE prior to its certification; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to amend Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, to address the concerns expressed by the U.S. Environmental Protection Agency in the June 2011 adoption of Rule 1325; and

WHEREAS, the SCAQMD Governing Board of the South Coast Air Quality Management District obtains its authority to adopt this proposed amended rule from Sections 39002, 40000, 40001, 40440, 40702 and 41508 of the California Health and Safety Code; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, as proposed to be adopted is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, as

proposed to be adopted is in harmony with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, as proposed to be adopted does not impose the same requirements as any existing state or federal regulation and the proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the District; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, as proposed to be adopted, references the following statutes which the SCAQMD hereby implements, interprets or makes specific; Health and Safety Code 40001(a) and (b) (air quality standards and air pollution episodes); 40702 (adoption of rules and regulations), and 40440 (rules and regulations to carry out the air quality management plan and to require best available retrofit control technology); 42300 et seq. (permit system), Clean Air Act sections 172, 173 (nonattainment permitting), and 188-190 (particulate matter); and

WHEREAS, the SCAQMD Governing Board has determined that a Socioeconomic Impact Assessment is not required, pursuant to Health and Safety Code Section 40440.8 or 40728.5, because these amendments do not have a significant impact on air quality or emissions limitations; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the SCAQMD Governing Board specifies the manager of Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, the SCAQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board

Procedures, that the modifications adopted which have been made to Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, since notice of public hearing was published do not significantly change the meaning of the proposed amended rule within the meaning of Health and Safety Code Section 40726; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, should be amended for the reasons contained in the Final Staff Report; and

BE IT FURTHER RESOLVED, that the South Coast Air Quality Management District Board requests that Proposed Amended Rule 1325 be submitted into the State Implementation Plan; and

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 1325 to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

NOW, THEREFORE, BE IT RESOLVED, that the SCAQMD Governing Board does hereby certify the Notice of Exemption for Rule 1325, as proposed to be amended, is completed in compliance with CEQA Guidelines §15002 (k)(1) - Three Step Process and §15061(b)(3) – Review for Exemption (General Rule Exemption). This information was presented to the Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on the proposed amendments.

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 1325 - Federal PM_{2.5} New Source Review Program, as set forth in the attached and incorporated herein by reference.

Date

Clerk of the Boards

ATTACHMENT E

-(Adopted June 3, 2011) ([PAR 1325- December 5, 2014](#))

PROPOSED AMENDED RULE 1325. FEDERAL PM_{2.5} NEW SOURCE REVIEW PROGRAM

(a) Applicability

This rule applies to any new major polluting facility, major modifications to a major polluting facility, and any modification to an existing facility that would constitute a major polluting facility in and of itself; located in areas federally designated pursuant to Title 40 of the Code of Federal Regulations (40 CFR) 81.305 as non-attainment for PM_{2.5}.

With respect to major modifications, this rule applies on a pollutant-specific basis to emissions of PM_{2.5} and its precursors, ~~to those pollutants~~ for which (1) the source is major, (2) the modification results in a significant increase, and (3) the modification results in a significant net emissions increase.

(b) Definitions

For the purposes of this rule, the definitions in Title 40 CFR 51.165(a)(1), as it exists on ~~(date of adoption)~~ June 3, 2011 shall apply, unless the same term is defined below, then the defined term below shall apply:

- (1) BASELINE ACTUAL EMISSIONS means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with the following:
 - (A) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Executive Officer shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - (i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

- (ii) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
 - (iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - (iv) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by (b)(1)(A)(ii) above.
- (B) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Executive Officer for a permit required under NSR or Prevention of Significant Deterioration (PSD), whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.
- (i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - (ii) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.
 - (iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major polluting facility must currently comply, had such major polluting facility been required to comply with such limitations during the consecutive 24-month period.

- (iv) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
- (v) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by (b)(2)(B)(ii) and (b)(2)(B)(iii) above.
- (C) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.
- (D) For a Plantwide Applicability Limitation (PAL) for a major polluting facility, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (b)(1)(A), for other existing emissions units in accordance with the procedures contained in paragraph (b)(1)(B), and for a new emissions unit in accordance with the procedures contained in paragraph (b)(1)(C).
- (2) FACILITY means any source or group of sources or other air contaminant-emitting activities which are located on one or more contiguous properties within the District, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control), or an outer continental shelf (OCS) source as determined in 40CFR 55.2. Such above-described groups, if noncontiguous, but connected only by land carrying a pipeline, shall not be considered one facility. Sources or installations involved in crude oil and gas production in Southern California Coastal or OCS Waters and transport of such crude oil and gas in Southern California Coastal or OCS Waters shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas production facility on-shore.

~~(3) LOWEST ACHIEVABLE EMISSIONS RATE (LAER) means the more stringent rate of emissions as defined in 40CFR 51.165(a)(1)(xiii).~~

~~(4)~~(3) MAJOR MODIFICATION means:

- (A) Any physical change in or change in the method of operation of a major polluting facility that would result in: a significant emissions increase of a regulated NSR pollutant; and a significant net emissions increase of that pollutant from the major polluting facility.
- (B) A physical change or change in the method of operation shall not include:
 - (i) Routine maintenance, repair, and replacement;
 - (ii) Use of an alternative fuel or raw material by reason of an order under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
 - (iii) Use of an alternative fuel by reason of an order or rule under section 125 of the Energy Supply and Environmental Coordination Act;
 - (iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (v) Use of an alternative fuel or raw material by a polluting facility which:
 - (A) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166; or
 - (B) The source is approved to use under any permit issued under 40 CFR 51.165;
 - (vi) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166;
 - (vii) Any change in ownership at a polluting facility.
- (C) This definition shall not apply with respect to a particular regulated NSR pollutant when the major polluting facility is complying with the requirements under subdivision (e) of this rule for a Plantwide

Applicability Limit (PAL) for that pollutant. Instead, the definition in paragraph (e)(2)(H) shall apply.

~~(5)~~(4) MAJOR POLLUTING FACILITY means, on a pollutant specific basis, any emissions source located in areas federally designated pursuant to 40 CFR 81.305 as non-attainment for the South Coast Air Basin (SOCAB) which has actual emissions of, or the potential to emit, 100 tons or more per year of PM_{2.5}, or its precursors. A facility is considered to be a major polluting facility only for the specific pollutant(s) with a potential to emit of 100 tons or more per year.

~~(6)~~(5) MAJOR SOURCE as used in any definition found in 40CFR 51.165(a)(1), means the same as Major Polluting Facility, as defined in this rule.

~~(7)~~(6) PLANTWIDE APPLICABILITY LIMITATION means an emissions limitation as defined in 40 CFR 51.165(f)(2)(v).

~~(8)~~(7) PM_{2.5} means airborne particulate matter with a nominal aerodynamic diameter of 2.5 micrometers or less as measured by ~~an applicable the~~ reference test methods in paragraph (h). Gaseous emissions which condense to form PM_{2.5} at ambient temperatures shall also be included as PM_{2.5}.

~~(9)~~(8) PRECURSORS means, for the purposes of this rule, nitrogen oxides (NO_x) and sulfur dioxides (SO₂).

~~(10)~~(9) PROJECTED ACTUAL EMISSIONS means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major polluting facility. In determining the projected annual emissions before beginning actual construction, the owner or operator of the major polluting facility:

- (A) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and any compliance plans; and

- (B) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and,
- (C) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

~~(11)~~(10) REGULATED NSR POLLUTANT means for the purpose of this rule any of the following pollutants: Nitrogen oxides (NO_x), and sulfur dioxide (SO₂) as PM_{2.5} precursors, and PM_{2.5}.

~~(12)~~(11) REVIEWING AUTHORITY as used in any definition found in 40CFR 51.165(a)(1), means the same as Executive Officer, as defined in District Rule 102.

~~(13)~~(12) SIGNIFICANT means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- Nitrogen oxides: 40 tons per year
- Sulfur dioxide: 40 tons per year
- PM_{2.5}: 10 tons per year

~~(14)~~(13) SOURCE means, any permitted individual unit, piece of equipment, article, machine, process, contrivance, or combination thereof, which may emit or control an air contaminant. This includes any permit unit at any non-RECLAIM facility and any device at a RECLAIM facility.

(c) Requirements

- (1) The Executive Officer shall deny the Permit for a new major polluting facility; or major modification to a major polluting facility; or any modification to an existing facility that would constitute a major polluting facility in and of itself ~~s~~, unless each of the following requirements is met:
 - (A) Lowest Achievable Emission Rate (LAER) is employed for the new or relocated source or for the actual modification to an existing source; and

- (B) Emission increases shall be offset ~~at~~ an offset ratio of 1.1:1 for PM_{2.5} and the ratio required in Regulation XIII or Rule 2005 for NO_x and SO₂ as applicable; and
- (C) Certification is provided by the owner/operator that all major sources, as defined in the jurisdiction where the facilities are located, that are owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the State of California are subject to emission limitations and are in compliance or on a schedule for compliance with all applicable emission limitations and standards under the Clean Air Act; and
- (D) An analysis is conducted of alternative sites, sizes, production processes, and environmental control techniques for such proposed source and demonstration made that the benefits of the proposed project outweigh the environmental and social costs associated with that project.

(2) At such time that a particular source or a source undergoing modification becomes a major polluting facility or major modification solely by virtue of a relaxation in any enforcement limitation which was established after ~~(date of adoption),~~ June 3, 2011 on the capacity of the polluting facility or modification otherwise to emit PM_{2.5} or its precursors to avoid applicability of this rule, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or modification as though construction had not yet commenced on the source or modification.

~~(2)(3)~~ Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the permit and any other requirements under local, State, or Federal law."

(d) Emission Calculations

- (1) Except as provided in subdivision (e) of this rule, and consistent with the definition of a major modification, a project is a major modification for a regulated NSR pollutant if it causes two types of emission increases—a significant emissions increase and a significant net emissions increase. The procedure for calculating whether a significant emissions increase will occur at the major polluting facility depends on the type of emissions units being modified, according to paragraphs (d)(2) through (d)(5). The procedure for calculating whether a significant net emissions increase will occur at the

major polluting facility is contained in the definition of the term Net Emission Increase.

- (2) Actual-to-projected-actual applicability tests for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions [as defined in sub-paragraph (b)(1)(A) and (b)(1)(B), as applicable] for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- (3) Actual-to-potential tests for projects that only involve construction of a new emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions (as defined in sub-paragraph (b)(1)(C)) of these units before the project equals or exceeds the significant amount for that pollutant.
- (4) Hybrid tests for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (d)(2) and (d)(3) as applicable with respect to each emissions units for each type of emissions unit equals or exceeds the significant amount for that pollutant.
- (5) In lieu of using the method set out in paragraph (d)(2), the owner or operator of a major polluting facility may elect to use the emissions unit's potential to emit, in tons per year to determine if a significant emissions increase is projected to occur. For this purpose, the unit's potential to emit shall include fugitive emissions (to the extent quantifiable).

(e) Plantwide ~~Application-Applicability~~ Limitation (PAL)

- (1) Applicability
 - (A) The Executive Officer may approve the use of an actuals PAL for any existing major polluting facility if the PAL meets the requirements in paragraphs (e)(1) through (15) of this rule. The term "PAL" shall mean "actuals PAL" throughout subdivision (e) of this rule.

- (B) Any physical change in or change in the method of operation of a major polluting facility that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (e)(1) through (e)(15) of this rule, and complies with the PAL permit:
 - (i) Is not a major modification for the PAL pollutant;
 - (ii) Is not subject to the provisions in subdivision (c) of this rule; and
 - (iii) Is not subject to the provisions in paragraph (c)(2) of this rule.
 - (C) Except as provided under clause (e)(1)(B)(iii), a major polluting facility shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.
- (2) Definitions. The following definitions in subparagraphs (e)(2)(A) through (K) apply for the purposes of subdivision (e) of this rule. When a term is not defined below-, it shall have the meaning given in paragraph (b)(1) of this rule or in the Clean Air Act.
- (A) ACTUALS PAL FOR A MAJOR POLLUTING FACILITY means a PAL based on the baseline actual emissions, of all emissions units at the source, that emit or have the potential to emit the PAL pollutant.
 - (B) ALLOWABLE EMISSIONS means “allowable emissions” as defined in 40CFR 51.165(a)(1)(xi), except as this definition is modified according to clauses (e)(2)(B(i) and (ii).
 - (i) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.
 - (ii) An emissions unit's potential to emit shall be determined using the definition in 40CFR 51.165(a)(1)(iii), except that the words “or enforceable as a practical matter” should be added after “federally enforceable.”
 - (C) SMALL EMISSIONS UNIT means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in paragraph (b)(12) of this rule or in the Clean Air Act, whichever is lower.
 - (D) MAJOR EMISSIONS UNIT means:
 - (i) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

- (ii) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for non-attainment areas.
 - (E) PLANTWIDE APPLICABILITY LIMITATION (PAL) means an emission limitation expressed in tons per year, for a pollutant at a major polluting facility, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (e)(1) through (e)(15) of this rule.
 - (F) PAL EFFECTIVE DATE generally means the date of issuance of the PAL permit. The PAL effective date for an increased PAL is the date any emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
 - (G) PAL EFFECTIVE PERIOD means the period beginning with the PAL effective date and ending 10 years later.
 - (H) PAL MAJOR MODIFICATION means any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.
 - (I) PAL PERMIT means the major NSR permit, the minor NSR permit, or the Title V permit issued by the Executive Officer that establishes a PAL for a major polluting facility.
 - (J) PAL POLLUTANT means the pollutant for which a PAL is established at a major polluting facility.
 - (K) SIGNIFICANT EMISSIONS UNIT means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in paragraph (b)(12) of this rule or in the Clean Air Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in subparagraph (e)(2)(D) of this rule.
- (3) Permit application requirements-
- As part of a permit application requesting a PAL, the owner or operator of a major polluting facility shall submit the following information to the Executive Officer for approval:
- (A) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or

operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations or work practices apply to each unit.

- (B) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown and malfunction.
 - (C) The calculation procedures that the major polluting facility owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by subparagraph (e)(13)(A) of this rule.
- (4) General requirements for establishing PALs
- (A) The Executive Officer may establish a PAL at a major polluting facility, provided that at a minimum, the requirements in sub-paragraph (e)(4)(A) of this rule are met.
 - (i) The PAL shall impose an annual emission limitation, in tons per year, that is enforceable as a practical matter, for the entire major polluting facility. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major polluting facility owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major polluting facility owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
 - (ii) The PAL shall be established in a PAL permit that meets the public participation requirements in paragraph (e)(5) of this rule.
 - (iii) The PAL permit shall contain all the requirements of paragraph (e)(7) of this rule.
 - (iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major polluting facility.
 - (v) Each PAL shall regulate emissions of only one pollutant.

- (vi) Each PAL shall have a PAL effective period of 10 years.
- (vii) The owner or operator of the major polluting facility with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (e)(12) through (14) of this rule for each emissions unit under the PAL through the PAL effective period.

(B) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of generating offsets unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) ~~Public participation requirement for PALs-~~

Prior to the issuance of a new, renewed or increased PAL, the Executive Officer shall comply with the public participation requirements of District Rule 212(g). The Executive Officer must address all material comments before taking final action on the permit.

(6) Setting the 10-year actuals PAL level

(A) Except as provided in paragraph (e)(6)(B) of this rule, the actuals PAL level for a major polluting facility shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (b)(12) of this rule or under the Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Executive Officer shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the Executive Officer is aware of prior to issuance of the PAL permit.

- (B) For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in sub-paragraph (f)(6)(A) of this rule, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.
- (7) Contents of the PAL permit.

The PAL permit shall contain, at a minimum, the following information.

 - (A) The PAL pollutant and the applicable source-wide emission limitation in tons per year.
 - (B) The PAL permit effective date and the expiration date of the PAL (PAL effective period).
 - (C) Specification in the PAL permit that if a major polluting facility owner or operator applies to renew a PAL in accordance with paragraph (e)(10) of this rule before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Executive Officer.
 - (D) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns and malfunctions.
 - (E) A requirement that, once the PAL expires, the major polluting facility is subject to the requirements of paragraph (e)(9) of this rule.
 - (F) The calculation procedures that the major polluting facility owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by sub-paragraph (e)(13)(A) of this rule.
 - (G) A requirement that the major polluting facility owner or operator monitor all emissions units in accordance with the provisions under paragraph (e)(12) of this rule.
 - (H) A requirement to retain the records required under paragraph (e)(13) of this rule on site. Such records may be retained in an electronic format.
 - (I) A requirement to submit the reports required under paragraph (e)(14) of this rule by the required deadlines.
 - (J) Any other requirements that the Executive Officer deems necessary to implement and enforce the PAL.
- (8) PAL effective period and reopening of the PAL permit.

The PAL shall include the following information:

- (A) PAL effective period. The Executive Officer shall specify a PAL effective period of 10 years.
- (B) Reopening of the PAL permit.
 - (i) During the PAL effective period, the plan shall require the Executive Officer to reopen the PAL permit to:
 - (A) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.
 - (B) Reduce the PAL if the owner or operator of the major polluting facility creates creditable emissions reductions for use as offsets.
 - (C) Revise the PAL to reflect an increase in the PAL as provided under paragraph (e)(11) of this rule.
 - (ii) The Executive Officer may reopen the PAL permit for the following:
 - (A) Reduce the PAL to reflect newly applicable Federal requirements (for example, New Source Performance Standard) with compliance dates after the PAL effective date.
 - (B) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the State may impose on the major polluting facility under the District rules.
 - (C) Reduce the PAL if the Executive Officer determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.
 - (iii) Except for the permit reopening in paragraph (e)(8)(B)(i)(A) of this rule for the correction of typographical/calculation errors that do not increase the PAL level, all other re-openings shall be carried out in accordance with the public participation requirements of paragraph (e)(5) of this rule.
- (9) Expiration of a PAL.

Any PAL which is not renewed in accordance with the procedures in paragraph (e)(10) of this rule shall expire at the end of the PAL effective period, and the requirements in paragraph (e)(9) shall apply.

- (A) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures:
 - (i) Within the time frame specified for PAL renewals in subparagraph (e)(10)(B), the major polluting facility shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Executive Officer) by distributing the PAL allowable emissions for the major polluting facility among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (e)(10)(E) of this rule, such distribution shall be made as if the PAL had been adjusted.
 - (ii) The Executive Officer shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Executive Officer determines is appropriate.
- (B) Each emissions unit shall comply with the allowable emission limitation on a 12-month rolling basis. The Executive Officer may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS (Continuous emissions monitoring system), CERMS (Continuous emissions rate monitoring system), PEMS (Predictive emissions monitoring system) or CPMS (Continuous parameter monitoring system) to demonstrate compliance with the allowable emission limitation.
- (C) Until the Executive Officer issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under clause (e)(9)(A)(i) of this rule, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

- (D) Any physical change or change in the method of operation at the major polluting facility will be subject to the nonattainment major NSR requirements if such change meets the definition of major modification in paragraph (b)(3) of this rule.
 - (E) The major polluting facility owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to 40CFR 51.165 (a)(5)(ii), but were eliminated by the PAL in accordance with the provisions in paragraph (e)(1)(B)(iii) of this rule.
- (10) Renewal of a PAL.
- (A) The Executive Officer shall follow the procedures specified in paragraph (e)(5) of this rule in approving any request to renew a PAL for a major polluting facility, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Executive Officer.
 - (B) Application deadline. The plan shall require that a major polluting facility owner or operator shall submit a timely application to the Executive Officer to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. If the owner or operator of a major polluting facility submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.
 - (C) Application requirements. The application to renew a PAL permit shall contain the information required in paragraphs (e)(10)(C)(i) through (iv) of this rule.
 - (i) The information required in paragraphs (e)(3)(A) through (C) of this rule.
 - (ii) A proposed PAL level.
 - (iii) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

- (iv) Any other information the owner or operator wishes the Executive Officer to consider in determining the appropriate level for renewing the PAL.
 - (D) PAL adjustment. In determining whether and how to adjust the PAL, the Executive Officer shall consider the options outlined in paragraphs (e)(10)(D)(i) and (ii) of this rule. However, in no case may any such adjustment fail to comply with paragraph (e)(10)(D)(iii) of this rule.
 - (i) If the emissions level calculated in accordance with paragraph (e)(6) of this rule is equal to or greater than 80 percent of the PAL level, the Executive Officer may renew the PAL at the same level without considering the factors set forth in paragraph (e)(10)(D)(ii) of this rule; or
 - (ii) The Executive Officer may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Executive Officer in its written rationale.
 - (iii) Notwithstanding (e)(10)(D)(i) and (ii) of this rule,
 - (A) If the potential to emit of the major polluting facility is less than the PAL, the Executive Officer shall adjust the PAL to a level no greater than the potential to emit of the source; and
 - (B) The Executive Officer shall not approve a renewed PAL level higher than the current PAL, unless the major polluting facility has complied with the provisions of paragraph (e)(11) of this rule.
 - (E) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Executive Officer has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or title V permit renewal, whichever occurs first.
- (11) Increasing a PAL during the PAL effective period.

- (A) The plan shall require that the Executive Officer may increase a PAL emission limitation only if the major polluting facility complies with the provisions in clause (e)(11)(A)(i) through (e)(11)(A)(iv) of this rule.
- (i) The owner or operator of the major polluting facility shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major polluting facility's emissions to equal or exceed its PAL.
 - (ii) As part of this application, the major polluting facility owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.
 - (iii) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (e)(11)(A)(i) of this rule, regardless of the magnitude of the emissions increase resulting from them. These emissions unit(s) shall comply with any emissions requirements resulting from the nonattainment major NSR program process (for example, LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.
 - (iv) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

- (B) The Executive Officer shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (e)(11)(A)(ii)), plus the sum of the baseline actual emissions of the small emissions units.
 - (C) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (e)(5) of this rule.
- (12) Monitoring requirements for PALs
- (A) General requirements.
 - (i) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.
 - (ii) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (e)(12)(B)(i) through (iv) of this rule and must be approved by the Executive Officer.
 - (iii) Notwithstanding paragraph (e)(12)(A)(ii) of this rule, a major polluting facility may also employ an alternative monitoring approach that meets paragraph (e)(12)(A)(i) of this rule if approved by the Executive Officer.
 - (iv) Failure to use a monitoring system that meets the requirements of this rule renders the PAL invalid.
 - (B) Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (e)(12)(C) through (I) of this rule:
 - (i) Mass balance calculations for activities using coatings or solvents;

- (ii) CEMS;
 - (iii) CPMS or PEMS; and
 - (iv) Emission Factors.
- (C) Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:
- (i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
 - (ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
 - (iii) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Executive Officer determines there is site-specific data or a site-specific monitoring program to support another content within the range.
- (D) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
- (i) CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and
 - (ii) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.
- (E) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:
- (i) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
 - (ii) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Executive Officer, while the emissions unit is operating.

- (F) Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
 - (ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
 - (iii) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Executive Officer determines that testing is not required.
 - (G) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.
 - (H) Notwithstanding the requirements in paragraphs (e)(12)(C) through (G) of this rule, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Executive Officer shall, at the time of permit issuance:
 - (i) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or
 - (ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
 - (I) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Executive Officer. Such testing must occur at least once every 5 years after issuance of the PAL.
- (13) Recordkeeping requirements.

- (A) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (e) of this rule and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.
 - (B) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:
 - (i) A copy of the PAL permit application and any applications for revisions to the PAL; and
 - (ii) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.
- (14) Reporting and notification requirements. The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Executive Officer in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (e)(14)(A) through (C).
- (A) Semi-Annual Report. The semi-annual report shall be submitted to the Executive Officer within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (e)(14)(A)(i) through (vii) of this rule.
- (i) The identification of owner and operator and the permit number.
 - (ii) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (e)(13)(A) of this rule.
 - (iii) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.
 - (iv) A list of any emissions units modified or added to the major polluting facility during the preceding 6-month period.
 - (v) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.
 - (vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be

fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph (e)(12)(G) of this rule.

- (vii) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.
 - (B) Deviation report. The major polluting facility owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to 40CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by District Rule 3004(g)(4). The reports shall contain the following information:
 - (i) The identification of owner and operator and the permit number;
 - (ii) The PAL requirement that experienced the deviation or that was exceeded;
 - (iii) Emissions resulting from the deviation or the exceedance; and
 - (iv) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.
 - (C) Re-validation results. The owner or operator shall submit to the Executive Officer the results of any re-validation test or method within 3 months after completion of such test or method.
- (15) Transition requirements.
- (A) The Executive Officer may not issue a PAL that does not comply with the requirements in paragraphs (e)(1) through (15) of this rule after the EPA has approved this rule as part of the California State Implementation Plan.
- (f) Two Year Limit on Facility Exemption

Any facility, with accumulated emission increases in excess of 100 tons per year of PM_{2.5} due to permit actions within any two-year period after June 3, 2011, shall offset the total emission increases during such period to zero.

(g) Recordkeeping Requirements

- (1) If an owner or operator uses the calculation methods specified in paragraphs (d)(2) or (d)(4) of this rule to calculate projected actual emissions, and where there is a reasonable possibility, within the meaning of paragraph (g)(6) of this rule, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, then before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
 - (A) A description of the project;
 - (B) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - (C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (b)(9)(C) of this rule and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- (2) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (g)(1) to the Executive Officer. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the Executive Officer before beginning actual construction.
- (3) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions units identified in paragraph (g)(1)(B); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

- (4) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Executive Officer within 60 days after the end of each year during which records must be generated under paragraph (g)(3) setting out the unit's annual emissions.
- (5) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Executive Officer if the annual emissions, in tons per year, from the project identified in paragraph (g)(1), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (g)(1)(C), by a significant amount (as defined in paragraph (b)(12) of this rule) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (g)(1)(C). Such report shall be submitted to the Executive Officer within 60 days after the end of such year. The report shall contain the following:
 - (A) The name, address and telephone number of the major polluting facility;
 - (B) The annual emissions as calculated pursuant to paragraph (g)(3); and
 - (C) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- (6) A “reasonable possibility” occurs when the owner or operator calculates the project to result in either:
 - (A) A projected actual emissions increase of at least 50 percent of the amount that is a “significant emissions increase,” as defined under paragraph (b)(12) of this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
 - (B) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (b)(9)(C), sums to at least 50 percent of the amount that is a “significant emissions increase,” as defined under paragraph (b)(12) of this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of paragraph (g)(6)(B) of this rule, and not also within the meaning of paragraph (g)(6)(A) of this rule, then provisions (g)(2) through (5) do not apply to the project.

(h) Test Methods

For the purpose of this rule only, testing for point sources of PM_{2.5} shall be in accordance with U.S. EPA Test Methods 201A and 202.

(i) Exclusions

The provisions of Rule 1304 – Exemptions, ~~and~~ Rule 1309.1 – Priority Reserve, and Rule 1315 – Federal New Source Review Tracking System do not apply for the purposes of this rule. ~~Rule 1325 and not other provisions of Regulation XIII regulates PM_{2.5} as a non-attainment pollutant.~~

ATTACHMENT F

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Staff Report

Proposed Amended Rule 1325 – Federal PM_{2.5} New Source Review Program

December 2014

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INTRODUCTION

In March 2014, U.S. Environmental Protection Agency (EPA) reviewed Rule 1325 – Federal PM_{2.5} New Source Review Program for State Implementation Plan approvability and notified SCAQMD that there were corrections needed in the rule even though the rule incorporates by reference federal regulations. The specific changes are described below under Regulatory History.

REGULATORY HISTORY

Rule 1325 was adopted June 3, 2011 to incorporate U.S. EPA's requirements for PM_{2.5} into Regulation XIII – New Source Review. The rule mirrors federal requirements which include the definition of major source, significant emissions rate, offset ratios, and the applicability requirements of LAER, facility compliance, offsets, and control of PM_{2.5} precursors. The rule is applicable to major polluting facilities, which are defined by rule as sources with actual emissions, or the potential to emit, 100 tons per year or more of PM_{2.5} or its precursors.

With respect to precursors, NO_x and SO_x are considered PM_{2.5} precursors in all cases. Under U.S. EPA's earlier guidance, VOC and ammonia were presumed not to be precursors required to be subject to PM_{2.5} NSR rules. Under a 2013 court [discussio~~n~~decision](#), U.S. EPA has been required to apply PM₁₀-specific provisions of the CAA to PM_{2.5}. Therefore, U.S. EPA asked staff to address § 189 (e) of the CAA, under which all precursors, including ammonia and VOC are subject to the PM₁₀ requirements of the CAA unless U.S. EPA determines that such sources do not contribute significantly to PM₁₀ levels (here, PM_{2.5} levels) which exceed the standard.

On March 10, 2014, U.S. EPA specified three desired clarifications with respect to the Clean Air Act. The specific clarifications described by U.S. EPA are as follows:

1. While Rule 1325 (c)(1)(B) states that offsets are required, it does not contain any specific requirements that ensure that the offsets meet federal requirements, ie.:
 - a) That the offsets are in effect by the time of permit issuance and enforceable by the time the source commences operation;
 - b) That the offsets are based on real reductions in actual emissions; and
 - c) That emission reductions must be surplus to other Part D offset requirements (CAA § 173(c)).
2. The definition of Regulated NSR Pollutant needs to include any language to satisfy the provision in 40 CFR 51.165 (a)(1)(xxxvii)(D). To correct this, SCAQMD must add

substantially equivalent language to either the definition of Regulated NSR Pollutant or the definition of PM_{2.5}.

3. There are no provisions to implement the enforcement procedures of 40 CFR 51.165 (a)(5)(i) to provide that issuance of an approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the plan and any other requirements under local, State or Federal law.

(Staff is treating this comment as pertaining to permits. It should also be noted that all SCAQMD permits have contained this language for decades, but there is no specific rule provision so stating).

In response to their request, SCAQMD staff has proposed amendments to the rule to address the U.S. EPA comments.

PROPOSED MODIFICATIONS TO RULE 1325

Applicability (a)

A clarification is included to specify that the rule applies to PM_{2.5} and its precursors.

Definitions (b)

(b)(3) - Lowest Achievable Emission Rate (LAER)

The definition for (LAER) will be deleted as 40 CFR 51.165 is already referenced in the rule.

(b)(7) – PM_{2.5}

The definition for PM_{2.5} has been modified to indicate that gaseous emissions which condense to form PM_{2.5} at ambient temperatures are also to be included as PM_{2.5}. The rule section which contains applicable testing requirements is also specified. This amendment addresses the second issue identified by U.S. EPA in their March 10, 2104 correspondence.

However, staff's analysis concluded that all of the applicable sources (Major Polluting Facilities actual or potential to emit 100 tons or greater per year of VOC or ammonia) make up a small fraction of the overall contribution of gaseous emissions contributing to ambient levels of PM_{2.5}. As shown in Table 1 below, all of the Major Polluting Facilities' VOC or ammonia emissions contribute less than two percent of the overall contributions from these potential precursors. Furthermore, both VOC and ammonia emissions are subject to BACT under the existing NSR at a zero threshold, so those emissions will still be minimized. VOC emissions are also required to be offset when a

new or modified source has the potential to emit four tons per year or more of VOC, which is well below the PM_{2.5} rule level that would require offsets. So the only practical difference is that any new or modified source of 100 tons per year or more of ammonia will not need offsets. It is staff's opinion that this showing comports with the requirements of Section 189 (e) of the CAA, such that EPA should find that VOC and ammonia are not required to be treated as precursors of PM_{2.5} under this rule.

Table 1 – Gaseous Emissions Contributions

Pollutant	All Sources (tons per day)	Major Polluting Facilities (tons per day)	Relative Contribution
Ammonia	99 ¹	1.7 ²	1.7%
VOC	451 ³	8.0 ²	1.8%

1. ARB Almanac 2013 – Appendix B: County Level Emissions and Air Quality by Air Basin; County Emission Trends and Forecasts 2012 Emissions
2. 2013 SCAQMD Annual Emission Reporting
3. 2012 AQMP - Appendix III: Base and Future Year Emission Inventory; 2014 Annual Average Emissions by Source Category in South Coast Air Basin

Requirements (c)(3)

A provision is included to specify that approval to construct does not relieve owners and operators of the responsibility to comply fully with applicable provisions of the permit and other requirements under local, State or Federal law. This amendment addresses the third issue identified by U.S. EPA in their March 10, 2014 correspondence.

Exclusions (i)

Rule 1315 – Federal New Source Review Tracking System is included to denote that the provisions in Rule 1315 do not apply to Rule 1325. The provision that stated that Rule 1325 applied as opposed to other Regulation XIII rules was removed. The removal clarifies that Rules 1306 – Emission Calculations and 1309 – Emission Reduction Credits and Short Term Credits apply, which addresses the first issue identified by U.S. EPA in their March 10, 2014 correspondence, i.e. that the program specifically require offsets to meet federal CAA requirements, because Rules 1309 and 1306 include these requirements.

Minor corrections of typographical errors are also included in the proposed amended rule.

EMISSION IMPACT ASSESSMENT

The proposed amendments are administrative in nature and will not impact the emission inventory nor result in any emission reductions.

SOCIOECONOMIC IMPACT ASSESSMENT

The proposed amendments to Rule 1325 do not significantly affect air quality or emission limitations and therefore a socioeconomic impact analysis pursuant to California Health and Safety Code Sections 40440.8 and 40728.5 is not required.

Cost and Cost-Effectiveness

The proposed amendments will not result in additional costs to industry. Since there is no additional cost and no change in emissions, cost effectiveness is not applicable.

Incremental Cost-Effectiveness

Under Health and Safety Code Section 40920.6, the SCAQMD is required to perform an incremental cost analysis when adopting a Best Available Retrofit Control Technology (BARCT) rule or feasible measure required by the California Clean Air Act. To perform this analysis, the SCAQMD must (1) identify one or more control options achieving the emission reduction objectives for the proposed rule, (2) determine the cost effectiveness for each option, and (3) calculate the incremental cost effectiveness for each option. To determine incremental costs, the SCAQMD must “calculate the difference in the dollar costs divided by the difference in the emission reduction potentials between each progressively more stringent potential control option as compared to the next less expensive control option.”

Proposed Amended Rule 1325 addresses administrative issues identified by the U.S. EPA. The proposed amended rule does not implement a BARCT rule or a feasible measure required by the California Clean Air Act. Thus an incremental cost analysis is not required.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The SCAQMD has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k)(1) - General Concepts, the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. The SCAQMD has determined that that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, and is therefore, exempt pursuant to CEQA Guidelines §15061 - Review for Exemption, paragraph (b)(3) – “general rule” exemption.

A Notice of Exemption has been prepared pursuant to CEQA Guidelines §15062 - Notice of Exemption. If the proposed project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

COMPARATIVE ANALYSIS

A comparative analysis is not applicable for Proposed Amended Rule 1325 as the SCAQMD is adopting the federal mandated requirements for PM_{2.5} NSR. Proposed Rule 1325 does not impose a new emissions limitation or standard or make an existing emissions limitation or standard more stringent.

PUBLIC PROCESS

A public consultation meeting was held on September 23, 2014. Written comments on the proposal were requested by October 8, 2014. As of October 24, 2014, no comments had been received. A comment letter was received on October 28, 2014 and staff responses are shown on page 12 of this staff report in the “Comment Letter 1” section.

EPA COMMENTS AND RESPONSES

The following comments and SCAQMD staff responses address the concerns of U.S. EPA staff, included in their March 10, 2014 e-mail.

Comment: Although Rule 1325 Section (c)(1)(B) states offsets are required, it does not contain any specific requirements that ensure these emissions offsets are in effect by the time of permit issuance and enforceable by the time the source commences operation, as required by CAA section 173(c)(1). Thus, we find Rule 1325 is deficient with respect to the CAA 173(c)(1) requirement that the rule contain provisions to ensure offsets are in effect by the time of permit issuance and enforceable by the time the source commences operation.

Comment: Although Rule 1325 Section (c)(1)(B) states that offsets are required, it does not contain any specific requirements that ensure these offsets are based on real reductions in actual emissions as required by CAA section 173(c)(1). Thus, we find Rule 1325 deficient with respect to the CAA 173(c)(1) provision that requires emission increases to be offset by real reductions in actual emissions.

Comment: Rule 1325 does not contain any specific requirements that satisfy CAA 173(c)(2) which essentially states that emissions reductions must be surplus to other part D requirements. Thus, we find Rule 1325 is deficient with respect to the CAA 173(c)(2) requirement that the rule contain provisions to prevent emissions reductions otherwise required by the Act from being credited for purposes of satisfying the part D offset requirements.

Staff Response: *Staff has proposed to revise the “Exclusion” section of the current rule by removing the provision that Rule 1325 applied and other provisions of Regulation XIII rules did not. Furthermore, staff is adding a reference to Rule 1315 – Federal New Source Review Tracking System in the “Exclusion” section.*

Comment: Definitions which contain language which is either identical or equivalent to that found in CAA Sections 169, 169A(g) and 171, and in 40 CFR 51.100 and 51.165(a)(1).

The definition of *Regulated NSR Pollutant* is deficient because it does not include any language to satisfy the provision in 51.165 (a)(1)(xxxvii)(D) which states:

“PM_{2.5} emissions and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011 (or any earlier date established in the upcoming rulemaking codifying test methods), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} and PM₁₀ in nonattainment major NSR permits. Compliance with emissions limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.”

To correct the above deficiency, SCAQMD must add substantially equivalent language to either the definition of Regulated NSR Pollutant or the definition of PM_{2.5}.

Staff Response: *Staff has modified the definition of PM_{2.5} to address this concern by adding “Gaseous emissions which condense to form PM_{2.5} at ambient temperatures shall also be included as PM_{2.5}.”*

Comment: Provisions to implement the enforcement procedures of 40 CFR 51.165(a)(5)(i) to provide that issuance of an approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the plan and any other requirements under local, State or Federal law. We could not find any provisions in Rule 1325 to satisfy this requirement. Thus, we find Rule 1325 deficient with respect to the requirements of 40 CFR 51.165(a)(5)(i).

Staff Response: *Staff is proposing a new provision under 1325 (c)(3) to denote that approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the plan and any other requirements under local, State or Federal law.*

COMMENT LETTER 1

Western States Petroleum Association

October 28, 2014



Western States Petroleum Association

Credible Solutions • Responsive Service • Since 1907

[Patty Senecal](#)

Manager, Southern California Region and Infrastructure Issues

VIA ELECTRONIC MAIL

October 28, 2014

Mr. Mike Morris
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: Proposed Rule 1325, Federal PM2.5 New Source Review Program

Mr. Mike Morris:

Western States Petroleum Association (WSPA) is a non-profit trade association representing twenty-six companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, and Washington. WSPA member companies operate petroleum refineries and other facilities in the South Coast Air Basin which is the reason for the following comments.

This comment letter is being submitted regarding the proposed amendment to Rule 1325 – Federal PM2.5 New Source Review Program, dated 4 September 2014. The purpose of the amendment is to incorporate corrections to the Rule recently recommended by the U.S. Environmental Protection Agency (EPA) regarding offset requirements, the definitions for Regulated NSR Pollutant and PM2.5, and enforcement procedures. Specifically, this amendment would modify the definition for PM2.5 to include “gaseous emissions that condense to form PM2.5 at ambient temperatures.” WSPA is concerned that proposed change of this definition may create confusion in the proposed rule regarding what is included as condensable PM2.5; as opposed to precursor emissions, and in what physical state the mass of such emissions are to be quantified.

The South Coast Air Quality Management District (SCAQMD) adopted Rule 1325 – Federal PM2.5 New Source Review Program on 3 June 2011 to incorporate U.S. EPA requirements for PM2.5 into its New Source Review (NSR) regulations. The rule applies to major polluting facilities and incorporates federal requirements regarding the definition of major source, significant emission rates, offset ratios, and the applicability requirements of LAER, facility compliance, offsets, and control of PM2.5 precursors. Major polluting facilities are defined by rule as sources with actual emissions, or the potential to emit, 100 tons per year or more of PM2.5 or its precursors.

In March 2014, the U.S. EPA reviewed Rule 1325 for State Implementation Plan approvability and specified three corrections with respect to the Clean Air Act. These are as follows:

- 1) Though offsets are required by Rule 1325(c)(1)(B), no specific language ensures that the offsets meet federal requirements. Therefore requirements that offsets are in effect by the time of permit issuance, based on real reductions in actual emissions, and are surplus to other Part D offset requirements should be included in the Rule.
- 2) The definition of Regulation NSR Pollutant or PM2.5 must include language to satisfy the provision in 40 CFR 51.165(a)(1)(xxxvii)(D), which states that emissions of PM2.5 shall include gaseous emissions that condense to form particulate matter at ambient temperatures.
- 3) Provisions to ensure that issuance of an approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the plan any other requirements under local, State, or Federal law should be included in the rule as per 40 CFR 51.165(a)(5)(i).

1-1

To address the second correction, SCAQMD has proposed to amend the definition for PM2.5 to include gaseous emissions that condense to form PM2.5 at ambient temperatures. However, the rule does not specify which emissions are to be considered as condensable PM2.5, as opposed to precursors, and in what physical state those emissions are to be measured. There is potential for double counting between precursor emissions and condensable PM2.5 emissions, specifically a double counting of NOx and SOx which could be counted in a gaseous state as precursors as well as in solid-state ammonium salts as condensable PM2.5.

1-2

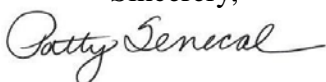
WSPA recommends that SCAQMD incorporate a new definition for “Condensable PM2.5” in Proposed Rule 1325, which would explicitly be limited to semi-volatile organic compounds that condense at ambient temperatures as well as ammonia. Language in the rule should also clarify that Condensable PM2.5 emissions shall be quantified in their gaseous state in order to avoid double counting, with semi-volatile organic compounds quantified as methane, and that Condensable PM2.5 emissions shall exclude NOX and SOX by definition. With the addition of a definition for Condensable PM2.5, it is recommended that the definition for PM2.5 be revised to indicate that PM2.5 includes Condensable PM2.5 emissions as defined in the Rule, rather than any “gaseous emissions” that condense form PM2.5 at ambient temperatures.

1-3

Lastly, WSPA recommends that the discussion regarding the definition of PM2.5 be revised in the Staff Report for Proposed Rule 1325. This discussion should reflect the recommendations herein regarding a separate definition for Condensable PM2.5. This discussion also needs to be revised to include the fact that the U.S. EPA is defining volatile organic compounds and ammonia as condensable PM2.5.

Thank you in advance for your consideration of these comments and recommendations.

Sincerely,



Response to Comments

1-1 *Rule 1325 implements federal requirements for major sources of PM 2.5 and its precursors. Precursors to PM 2.5 are NOx and SOx as detailed in definition (b)(8). To implement federal requirements, the rule mirrors US EPA language and by and large incorporates 40 CFR 51.165. The proposed amendments do not change the definition of precursors nor change the test method. To wit, the test method that existed prior to this amendment has not been changed nor have the compounds considered to be condensable PM2.5. The test method in the rule is the US EPA required test method for PM 2.5.*

The test method for PM2.5 includes condensables as those compounds that condense to form particulate matter at ambient temperatures as specified in the WSPA letter Item #2. This was addressed by EPA through the recent revision to EPA Method 202 to include, among other changes, collection of the sample at ambient temperatures. Gaseous emissions such as NOx and SOx are measured separately. EPA has determined that Method 202 shall be used to determine emissions that are considered as directly emitted PM and that the gaseous precursors are measured by a different test method and considered independently under the rule. As each pollutant is addressed by itself concerning the applicability of Rule 1325, there should not be any double counting of pollutants.

1-2 *The definition for PM 2.5 is as requested by US EPA. PM 2.5 emissions are defined as those measured by the US EPA reference test method.*

1-3 *Condensable emissions are those that are measured by the US EPA test method as specified in section (h) of the rule. There are no specific requirements in the rule for VOC or ammonia as neither is considered a precursor to PM 2.5 as noted in response to comment 1-1.*

ATTACHMENT G



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • <http://www.aqmd.gov>

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 1325 – FEDERAL PM2.5 NEW SOURCE REVIEW PROGRAM

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (SCAQMD) is the Lead Agency and has prepared a Notice of Exemption for the project identified above.

The SCAQMD has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k)(1) - General Concepts, the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. The proposed amendments do not require any major modifications or changes to existing operations. The SCAQMD has determined that that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, and is therefore, exempt pursuant to CEQA Guidelines §15061 - Review for Exemption, paragraph (b)(3) – “general rule” exemption.

A Notice of Exemption has been prepared pursuant to CEQA Guidelines §15062 - Notice of Exemption. If the project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties.

Any questions regarding this Notice of Exemption should be sent to Cynthia Carter (c/o Planning, Rule Development and Area Sources) at the above address. Ms. Carter can also be reached at (909) 396-2431. Mr. Robert Pease is also available at (909) 396-3118 to answer any questions regarding the proposed amended rule.

Date: December 5, 2014

Signature: 

Michael Krause
Program Supervisor, CEQA Section
Planning, Rules, and Area Sources

NOTICE OF EXEMPTION

To: County Clerks
Counties of Los Angeles, Orange,
Riverside and San Bernardino

From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title:

Proposed Amended Rule 1325 – Federal PM_{2.5} New Source Review Program

Project Location:

South Coast Air Quality Management District: the four-county South Coast Air Basin (Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties) and the Riverside County portion of the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project:

The proposed amendments to Rule 1325 seek to make administrative changes to the rule's definitions, requirements, and exclusions. A clarification will be added to specify that the rule applies to PM_{2.5} and its precursors. The Lowest Achievable Emission Rate (LAER) definition has been modified to reference 40 CFR 51.165 (a)(1)(xiii). A provision is included to specify that approval to construct does not relieve owners and operators of the responsibility to comply fully with applicable provisions of the permit and other requirements under local, State or Federal law. Rule 1315 – Federal New Source Review Tracking System is included to denote that the provisions in Rule 1315 do not apply to Rule 1325. In addition, the provision that stated that Rule 1325 applied as opposed to other Regulation XIII rules was removed. The removal clarifies that Rules 1306 – Emission Calculations and 1309 – Emission Reduction Credits and Short Term Credits apply. Finally, the proposed amendments to Rule 1325 would update existing definitions, and include other minor changes for clarity and consistency throughout the rule.

Public Agency Approving Project:

South Coast Air Quality Management District

Agency Carrying Out Project:

South Coast Air Quality Management District

Exempt Status:

CEQA Guidelines §15002 (k)(1) – General Concepts; and
CEQA Guidelines §15061 (b)(3) – Review for Exemption

Reasons why project is exempt:

The SCAQMD has reviewed the proposed amendments to Rule 1325 pursuant to CEQA Guidelines §15002 (k)(1) - General Concepts, the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. The SCAQMD has determined that that it can be seen with certainty that there is no possibility that the proposed project may have any significant effects on the environment, and is therefore, exempt pursuant to CEQA Guidelines §15061 - Review for Exemption, paragraph (b)(3) – “general rule” exemption.

Project Approval Date:

SCAQMD Governing Board Hearing: December 5, 2014, 9:00 a.m.; SCAQMD Headquarters

CEQA Contact Person:

Ms. Cynthia Carter

Phone Number:

(909) 396-2431

Fax Number:

(909) 396-3324

Email:

ccarter@aqmd.gov

Rule Contact Person:

Mr. Robert Pease

Phone Number:

(909) 396-3118

Fax Number:

(909) 396-3324

Email:

rpease@aqmd.gov

Date Received for Filing: _____

Signature: _____

(To be signed upon project approval)

Michael Krause, Program Supervisor
Planning, Rule Development & Area
Sources