BOARD MEETING DATE: August 7, 2020 AGENDA NO. 30

PROPOSAL: Determine That Submission of Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, into the SIP Is Exempt from CEQA and Submit Rule 212 for Incorporation into the SIP

SYNOPSIS: When Rule 212 – Standards for Approving Permits and Issuing Public Notice was amended on March 1, 2019, the Public Hearing Notice did not specify that the amendments would be submitted for incorporation into the SIP. Public notification is provided that the March 1, 2019 amendments to Rule 212, as adopted, will be submitted to U.S. EPA for incorporation into the SIP.

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:
Adopt the attached Resolution:

1. Determining that the submission of amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, into the SIP is exempt from CEQA; and
2. Submitting Rule 212 – Standards for Approving Permits and Issuing Public Notice, for incorporation into the SIP.

Wayne Nastri
Executive Officer

PMF:SN:MM:UV

Background

Rule 212 – Standards for Approving Permits and Issuing Public Notice establishes criteria for the approval of permits and specifies public notification requirements for permitting when sources exceed certain health-risk or emission thresholds. On March 1, 2019, Rule 212 was amended to modernize requirements for public noticing and participation for delegated and approved Clean Air Act permit programs. The notice for the public hearing for the March 2019 Rule 212 amendments did not specify that Rule 212 would be submitted to U.S. EPA for the State Implementation Plan (SIP). U.S. EPA

staff has requested that Rule 212, as amended, be submitted for incorporation into the SIP. The Notice of Public Hearing includes a statement that Rule 212 as amended in March 2019 will be submitted to U.S. EPA for the SIP. No additional amendments to Rule 212 are proposed at this time.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15002(k) and 15061, the proposed submission of amended Rule 212 for incorporation into the State Implementation Plan is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 and is included as Attachment E to this Board letter. 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. In addition, the Notice of Exemption will be electronically filed with the State Clearinghouse to be posted on their CEQAnet Web Portal, which may be accessed via the following weblink: https://ceqanet.opr.ca.gov/search/recent.

Attachments

A. Resolution
B1-7. Strikeout/Underline and Clean Copies of all Rule 212 Amendments Adopted Since December 7, 1995
C1-3. Proofs of Publication for all Rule 212 Amendments Adopted Since December 7, 1995
D1-3. Final Staff Reports for all Rule 212 Amendments Adopted Since December 7, 1995
E. Notice of Exemption from the California Environmental Quality Act

ATTACHMENT A

RESOLUTION NO. 20-

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that the proposed submission of Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, for incorporation into the State Implementation Plan (SIP) is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board directing staff to forward Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, to the California Air Resources Board (CARB) for approval and submission to United States Environmental Protection Agency (U.S. EPA) for incorporation into the SIP.

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed submission of Amended Rule 212 for incorporation into the SIP is considered a "project" pursuant to CEQA per CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

WHEREAS, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l), and has conducted a CEQA review and analysis of the proposed submission of Amended Rule 212 for incorporation into the SIP pursuant to such program (South Coast AQMD Rule 110); and

WHEREAS, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the proposed submission of Amended Rule 212 for incorporation into the SIP is determined to be exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that, because the proposed project is an administrative exercise and would not cause any physical changes that would adversely affect any environmental topic area, 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 from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the South Coast AQMD Governing Board adopted, pursuant to the authority granted by law, Proposed Amended Rule 212 at the March 1, 2019 Governing Board meeting; and

WHEREAS, Rule 212, as amended on November 14, 1997, June 5, 2015, and March 1, 2019, previously underwent appropriate CEQA review with the adoption of all previous amendments; and

WHEREAS, the public hearing has been properly noticed in accordance with all provisions regarding notice of revisions to the State Implementation Plan in Code of Federal Regulations (CFR) Title 40, Section 51.102; and

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

WHEREAS, Rule 212, as amended on November 14, 1997, June 5, 2015, and March 1, 2019, will be submitted for incorporation into the State Implementation Plan; and

WHEREAS, the South Coast AQMD Governing Board specifies the Manager overseeing the proposed submission of Amended Rule 212 for incorporation into the SIP as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed project is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, Rule 212, as amended on November 14, 1997, June 5, 2015, and March 1, 2019, and other supporting documentation will be submitted to CARB for approval and subsequent submittal to the U.S. EPA for incorporation into the State Implementation Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered and approved the information therein prior to acting on the proposed project; and

ATTACHMENT A

BE IT FURTHER RESOLVED, that the that the South Coast AQMD Governing Board hereby directs the Executive Officer to forward a copy of this Resolution and Rule 212, as amended on November 14, 1997, June 5, 2015, and March 1, 2019, and other supporting documentation to CARB for approval and subsequent submittal to the U.S. EPA for incorporation into the SIP.

DATE: _____ _____

CLERK OF THE BOARDS

ATTACHMENT B1

(Adopted January 9, 1976)(Amended July 6, 1984)(Amended May 17, 1985)
(Amended May 1, 1987)(Amended July 10,1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)(Amended August 12, 1994)
(Amended December 7, 1995)

(PAR-212e November 14, 1997)

PROPOSED AMENDED RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer ~~or designee~~ shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 ~~Section 41700, 41701, or 44300 (et seq.)~~ of the State Health and Safety Code or of these rules.

(b) If the Executive Officer ~~or designee~~ finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a significant project requiring notification, all addresses within the area described in subdivisionsection (d) of this rule shall be notified of the Executive Officer's ~~or designee's~~ intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a significant projects requiring notification is ~~will consist of~~:

(1) any ~~all~~ new or modified permit units, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer or designee determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. ~~(~~This paragraph shall not apply to modifications that have no potential to affect emissions.~~)~~; or,

~~(2) all new or modified facilities which have on site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; and~~

~~(3)~~(2) any ~~all~~ new or modified permit units~~,~~, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer ~~or designee~~ has made a determination that a person may be exposed to:

(A) an maximum individual cancer risk greater than, or equal to:~~, one in a million (1 x 10-6) during a lifetime (70 years)~~

(i) one in a million (1 x 10-6) during a lifetime (70 years) for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10 x 10-6) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10 x 10-6) during a lifetime (70 years) for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) ~~may be exposed to~~ quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, ~~T~~toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401~~;~~ and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include ~~or any~~ other substances ~~material~~ determined by the Executive Officer ~~or designee~~ to be potentially toxic. ~~This p~~Paragraph (c)(2) of this rule shall not apply if the Executive Officer ~~or designee~~ determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a ~~significant project~~ specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer ~~or designee~~ that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) of this rule~~and (c)(3)~~, the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such

other area as determined appropriate by the Executive Officer ~~or designee~~. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 ~~750~~ feet from the outer property line of the proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer ~~or designee~~ shall provide mailed notice of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer ~~or designee~~. The notice shall be mailed at the time that the Executive Officer ~~or designee~~ notifies the permit applicant of the decision or action. The 10-day period to appeal, specified in subdivision (b) of Rule 216(b), shall commence on the third day following mailing of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer ~~or designee~~.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM_{10}	30

Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

the process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected;

(2) Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality;

(3) Mailing a copy of the notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U. S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

ATTACHMENT B2

(Adopted January 9, 1976)(Amended July 6, 1984)
(Amended May 17, 1985)(Amended May 1, 1987)
(Amended July 10,1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)
(Amended August 12, 1994)(Amended December 7, 1995)
(Amended November 14, 1997)

RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 of the State Health and Safety Code or of these rules.

(b) If the Executive Officer finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a project requiring notification is:

(1) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

(2) any new or modified facility which has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; or

(3) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to:

(A) a maximum individual cancer risk greater than, or equal to:

(i) one in a million (1×10^{-6}) during a lifetime (70 years) for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10×10^{-6}) during a lifetime (70 years) for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401 and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include other substances determined by the Executive Officer to be potentially toxic. Paragraph (c)(2) of this rule shall not apply if the Executive Officer determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule,

the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 feet from the outer property line of the proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide mailed notice of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer. The notice shall be mailed at the time that the Executive Officer notifies the permit applicant of the decision or action. The 10-day period to appeal, specified in subdivision (b) of Rule 216, shall commence on the third day following mailing of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

ATTACHMENT B2

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM_{10}	30
Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected;

(2) Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality;

(3) Mailing a copy of the notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U. S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

(Adopted January 9, 1976)(Amended July 6, 1984)
(Amended May 17, 1985)(Amended May 1, 1987)
(Amended July 10,1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)
(Amended August 12, 1994)(Amended December 7, 1995)
(Amended November 14, 1997)(PAR 212c – March 2015)

PROPOSED AMENDED **STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE**

RULE 212.

(a) The Executive Officer shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 of the State Health and Safety Code or of these rules.

(b) If the Executive Officer finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a project requiring notification is:

(1) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

(2) any new or modified facility which has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this

rule; or

(3) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to:

(A) a maximum individual cancer risk greater than, or equal to:

(i) one in a million (1×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), ~~during a lifetime (70 years)~~ for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), ~~during a lifetime (70 years)~~ for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401 and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include other substances determined by the Executive Officer to be potentially toxic. Paragraph (c)(2) of this rule shall not apply if the Executive Officer determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule,

the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 feet from the outer property line of the proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide mailed notice of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer. The notice shall be mailed at the time that the Executive Officer notifies the permit applicant of the decision or action. The ~~10-day~~ period to appeal, as specified in subdivision (b) of Rule 216, shall commence on the third day following mailing of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
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Sulfur Dioxide	60

Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected;

(2) Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality;

(3) Mailing a copy of the notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U. S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

ATTACHMENT B4

(Adopted January 9, 1976)(Amended July 6, 1984)(Amended May 17, 1985)
(Amended May 1, 1987)(Amended July 10,1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)(Amended August 12, 1994)
(Amended December 7, 1995)(Amended November 14, 1997)(Amended June 5, 2015)

RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 of the State Health and Safety Code or of these rules.

(b) If the Executive Officer finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a project requiring notification is:

(1) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

(2) any new or modified facility which has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; or

(3) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to:

(A) a maximum individual cancer risk greater than, or equal to:

(i) one in a million (1×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401 and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include other substances determined by the Executive Officer to be potentially toxic. Paragraph (c)(2) of this rule shall not apply if the Executive Officer determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule, the applicant for the Permit to Construct or permit modification shall be

responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 feet from the outer property line of the proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide mailed notice of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer. The notice shall be mailed at the time that the Executive Officer notifies the permit applicant of the decision or action. The period to appeal, as specified in subdivision (b) of Rule 216, shall commence on the third day following mailing of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM_{10}	30

Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected;

(2) Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality;

(3) Mailing a copy of the notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U. S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

ATTACHMENT B5

(Adopted January 9, 1976)(Amended July 6, 1984)(Amended May 17, 1985)
(Amended May 1, 1987)(Amended July 10,1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)(Amended August 12, 1994)
(Amended December 7, 1995)(Amended November 14, 1997)(Amended June 5, 2015)
(PAR 212 – February 12, 2019)

PROPOSED AMENDED RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 of the State Health and Safety Code or of these rules.

(b) If the Executive Officer finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a project requiring notification is:

(1) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

(2) any new or modified facility which has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; or

(3) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to:

(A) a maximum individual cancer risk greater than, or equal to:

(i) one in a million (1×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401 and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include other substances determined by the Executive Officer to be potentially toxic. Paragraph (c)(2) of this rule shall not apply if the Executive Officer determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer that

public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule, the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 feet from the outer property line of the proposed new or modified facility. ~~Distribution may be made by mail, electronic mail, or other electronic means as determined by the Executive Officer.~~

(e) Any person may file a written request for ~~public~~ notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide ~~mailed public~~ notice by mail, electronic mail, or other electronic means, of such decision or action to any person who has filed a written request for ~~public~~ notification. Requests for ~~public~~ notice shall be filed pursuant to procedures established by the Executive Officer. The ~~public~~ notice shall be sent by mail, electronic mail, or other electronic means, ~~mailed~~ at the time that the Executive Officer notifies the permit applicant of the decision or action. The period to appeal, as specified in subdivision (b) of Rule 216, shall commence on the third day following mailing or electronic transmission of the ~~public~~ notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving ~~public~~ notice and, in such circumstances, failure of any person to receive the ~~public~~ notice shall not affect the validity of any permit subsequently issued by the Executive Officer.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications

resulting in an emissions increase exceeding any of the daily maximums specified as follows:

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM_{10}	30
Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection ~~on the District public website or~~ in at least one location in the area affected. This requirement may be met by making these materials available at a physical location or on the District public website;

(2) Posting of the ~~public~~ notice on the District public website for the duration of the public comment period. Each ~~public notice~~posting shall include: the public notice~~notice of public comment~~, the draft permit, and information on how to access the administrative record for the draft permit. The public notice or a link to the public notice will be placed on a web page that is dedicated to listing all public notices under this provision;~~Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality~~

(3) Mailing a copy of the ~~public~~ notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U.S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing

Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

(Adopted January 9, 1976)(Amended July 6, 1984)(Amended May 17, 1985)
(Amended May 1, 1987)(Amended July 10, 1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)(Amended August 12, 1994)
(Amended December 7, 1995)(Amended November 14, 1997)(Amended June 5, 2015)
(Amended March 1, 2019)

RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 of the State Health and Safety Code or of these rules.

(b) If the Executive Officer finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a project requiring notification is:

(1) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

(2) any new or modified facility which has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; or

(3) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to:

(A) a maximum individual cancer risk greater than, or equal to:

(i) one in a million (1×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401 and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include other substances determined by the Executive Officer to be potentially toxic. Paragraph (c)(2) of this rule shall not apply if the Executive Officer determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule, the applicant for the Permit to Construct or permit modification shall be responsible for the

distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 feet from the outer property line of the proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide notice by mail, electronic mail, or other electronic means, of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer. The notice shall be sent by mail, electronic mail, or other electronic means, at the time that the Executive Officer notifies the permit applicant of the decision or action. The period to appeal, as specified in subdivision (b) of Rule 216, shall commence on the third day following mailing or electronic transmission of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM_{10}	30
Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected. This requirement may be met by making these materials available at a physical location or on the District public website;

(2) Posting of the notice on the District public website for the duration of the public comment period. Each posting shall include: the public notice, the draft permit, and information on how to access the administrative record for the draft permit. The public notice or a link to the public notice will be placed on a web page that is dedicated to listing all public notices under this provision;

(3) Mailing a copy of the notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U.S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

(Adopted January 9, 1976)(Amended July 6, 1984)(Amended May 17, 1985)
(Amended May 1, 1987)(Amended July 10,1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)(Amended August 12, 1994)
(Amended December 7, 1995)(Amended November 14, 1997)(Amended June 5, 2015)
Amended March 1, 2019

RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer ~~or designee~~ shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 ~~Section 41700, 41701, or 44300 (et sec.)~~ of the State Health and Safety Code or of these rules.

(b) If the Executive Officer ~~or designee~~ finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a ~~significant~~ project requiring notification, all addresses within the area described in subdivision~~section~~ (d) of this rule shall be notified of the Executive Officer's ~~or designee's~~ intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a ~~significant~~ project~~s~~ requiring notification is ~~will consist of~~:

(1) any ~~all~~ new or modified permit unit~~s~~, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer ~~or designee~~ determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

(2) anyall new or modified facilities facility which have has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; andor

(3) any all new or modified permit units , source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer or designee has made a determination that a person may be exposed to:

(A) an maximum individual cancer risk greater than, or equal to:,

(i) one in a million (1×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), during a lifetime (70 years) period, for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,

(ii) ten in a million (10×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), during a lifetime (70 years) for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or

(B) may be exposed to quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, Ttoxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401, and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include or any other substances material determined by the Executive Officer or designee to be potentially toxic. This pParagraph (c)(2) of this rule shall not apply if the Executive Officer or designee determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a significant project specified under subdivision (c) of

this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer ~~or designee~~ that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule, the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer ~~or designee~~. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 ~~750~~ feet from the outer property line of the proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer ~~or designee~~ shall provide ~~mailed~~ notice by mail, electronic mail, or other electronic means, of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer ~~or designee~~. The notice shall be ~~mailed~~ sent by mail, electronic mail, or other electronic means, at the time that the Executive Officer ~~or designee~~ notifies the permit applicant of the decision or action. The ~~10-day~~ period to appeal, as specified in subdivision (b) of Rule 216~~(b)~~, shall commence on the third day following mailing or electronic transmission of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer ~~or designee~~.

(f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the

corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

Air Contaminant	Daily Maximum in lbs per Day
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM_{10}	30
Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected. This requirement may be met by making these materials available at a physical location or on the District public website;

(2) ~~Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality~~Posting of the notice on the District public website for the duration of the public comment period. Each posting shall include: the public notice, the draft permit, and information on how to access the administrative record for the draft permit. The public notice or a link to the public notice will be placed on a web page that is dedicated to listing all public notices under this provision;

(3) Mailing a copy of the notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U. S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area

that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity; and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

ATTACHMENT C1

PROOF OF PUBLICATION

(2010, 2015.5 CCP)

A

OCT 23 1997

RECEIVED

PROOF OF PUBLICATION OF

PUBHEARING

RULE 3000

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267064; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person requesting publication, and not any supplement thereof on following dates, to wit:

10/3/1997

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated October 3, 1997
at Riverside, California

CALIF NEWSPAPER SERV ORDER PR

NOTICE OF PUBLIC HEARINGS

This notice supersedes the Notice of Public Hearing dated August 27, 1997.

PROPOSED ADOPTION OF, OR AMENDMENT(S) TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Re: Adopt Proposed Amendments to Rule 212 - Standards for Approving Permits, Regulation XXX - Title V Permits: Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation.

NOTICE IS HEREBY GIVEN that public hearings on the matter of adoption of rules and regulations for the South Coast Air Quality Management District (AQMD), or the amendments thereto, will be held on Friday, October 10, 1997 and on Friday, November 14, 1997, in the Diamond Bar Auditorium, AQMD Headquarters, 21865 E. Copley Drive, Diamond Bar, California, at 9:30 a.m., at which time evidence will be taken and all interested persons will be heard by the AQMD Board.

NOTICE IS FURTHER GIVEN that the AQMD is considering amendments to Rule 212 - Standards for Approving Permits, in order to comply with state law and streamline and clarify the rule, and to Title V Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation, to improve clarity, increase flexibility, enhance enforceability of the program and Title V permits, streamline requirements and comply with federal and state laws. The proposed rule amendments are as follows:

Rule 212: Update rule language to increase the public notice distribution radius for facilities near schools requiring permits for emitting any air contaminants as required by state legal noticing requirement. Eliminate the one-quarter mile distribution of notice for certain facilities. Establish new criteria for public notification of significant projects involving toxic emissions. Add language to improve clarity and enhance enforceability.

Rule 3000: Amend and add definitions to improve clarity, increase flexibility, and enhance enforceability.

Rule 3001: Amend rule language to change base year for applicability determination, to allow applicability for RECLAIM facilities to be based on actual emissions for the first three years of the program, and to address other applicability changes. Add new rule language to establish criteria for facilities to request exclusions from the Title V Permit program. Add and rearrange rule language to improve clarity, increase flexibility and enhance enforceability.

Rule 3002: Amend rule language to maintain consistency with Rules 3000 and 3003. Add other language to improve clarity, increase flexibility and enhance enforceability.

Rule 3003: Amend rule language to streamline and clarify permitting action procedures for affected State, public, and EPA review processes. Add other clarifying language to enhance enforceability and maintain consistency.

Rule 3004: Amend rule language to clarify the permit requirements for temporary sources, portable equipment, and other permitting procedures. Add language to improve clarity and enhance enforceability.

Rule 3005: Amend rule language to clarify the permit processing procedures. Add language to improve clarity, increase flexibility and enhance enforceability.

Rule 3006: Amend rule language to extend the time limit for requesting a permit hearing and to clarify the public participation requirements. Add other clarifying language to enhance enforceability and maintain consistency.

NOTICE IS FURTHER GIVEN that the AQMD has prepared documents consisting of: Proposed Amended Rules 212, 3000, 3001, 3002, 3003, 3004, 3005, and 3006, a Staff Report, a Notice of Exemption from California Environmental Quality Act (CEQA) requirements, and a Socioeconomic Analysis. The above documents are available for review at the AQMD's Public Information Center, or may be obtained by contacting Mr. Ron Ketcham, Public Advisor's Office, AQMD, P. O. Box 4947, Diamond Bar, CA 91765-0947, (909) 396-2039.

NOTICE IS FURTHER GIVEN that at the conclusion of the hearings, the AQMD Board may make other amendments to Proposed Amended Rules 212, 3000, 3001, 3002, 3003, 3004, 3005, and 3006 which are justified by the evidence presented or may decline to adopt the amendments.

Further information on Proposed Amended Rule 212 can be obtained by contacting Ali Ghasemi, Stationary Source Compliance, South Coast AQMD, P. O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-2451. Further information on Proposed Amended Rules 3000, 3002, 3003, 3004, 3005, and 3006 can be obtained by contacting Marty Kay, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-3115.

Interested persons may attend and submit oral or written statements at the Board hearing. Twenty-five (25) copies of all written materials must be submitted to the Clerk of the Boards. Individuals who wish to submit written comments for review prior to the hearings, must submit such comments on or before September 30, 1997 for the hearing on October 10, 1997 and on or before November 4, 1997 for the hearing on November 14, 1997, to the Clerk of the Boards, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182, (909) 396-2500, on or before November 4, 1997.

DATED: September 26, 1997
SAUNDRA MCDANIEL
Senior Deputy Clerk
CNS1525962 10/3

ATTACHMENT C1

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of San Bernardino

I, JOYCE E. TERRY, do hereby declare that I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the herein-entitled matter. I am the Legal Clerk of the

Inland Valley Daily Bulletin
(formerly The Daily Report)

A newspaper of general circulation, published daily in the City of Ontario, County of San Bernardino, State of California, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of August 24, 1951, Case Number 70663; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

October 3, 1997

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 3, 1997

Joyce E. Terry
Signature

Proof of Publication of:

NOTICE OF PUBLIC HEARING

SCAQMD

CNS1525969
NOTICE OF PUBLIC HEARING

This notice supersedes the Notice of Public Hearing dated August 27, 1997

PROPOSED ADOPTION OF, OR AMENDMENT(S) TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Re: Adopt Proposed Amendments to Rule 212 - Standards for Approving Permits; Regulation XXX - Title V Permits; Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation

NOTICE is HEREBY GIVEN that public hearings on the matter of adoption of rules and regulations for the South Coast Air Quality Management District (AQMD), or the amendments thereto, will be held on Friday, October 10, 1997 and on Friday, November 14, 1997, in the Diamond Bar Auditorium, AQMD Headquarters, 21865 E. Copley Drive, Diamond Bar, California, at 9:30 a.m., at which time evidence will be taken and all interested persons will be heard by the AQMD Board.

NOTICE IS FURTHER GIVEN that the AQMD is considering amendments to Rule 212 -Standards for Approving Permits, in order to comply with state law and streamline and clarify the rule, and to Title V Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation, to improve clarity, increase flexibility, enhance enforceability of the program and Title V permits, streamline requirements and comply with federal and state laws. The proposed rule amendments are as follows:

Rule 212: Update rule language to increase the public notice distribution radius for facilities near schools requiring permits for emitting any air contaminants as required by state legal noticing requirements. Eliminate the one-quarter mile distribution of notice for certain facilities. Establish new criteria for public notification of significant projects involving toxic emissions. Add language to improve clarity and enhance enforceability.

Rule 3000: Amend and add definitions to improve clarity, increase flexibility and enhance enforceability.

Rule 3001: Amend rule language to change base year for applicability determination, to allow applicability for RECLAIM facilities to be based on actual emissions for the first three years of the program, and to address other applicability changes. Add new rule language to establish criteria for facilities to request exclusions from the Title V Permit program. Add and rearrange rule language to improve clarity, increase flexibility and enhance enforceability.

Rule 3002: Amend rule language to maintain consistency with Rules 3000 and 3003. Add other language to improve clarity, increase flexibility and enhance enforceability.

Rule 3003: Amend rule language to streamline and clarify permitting action procedures for affected State, public and EPA review processes. Add other clarify language to enhance enforceability and maintain consistency.

Rule 3004: Amend rule language to clarify the permit requirements for temporary sources, portable equipment, and other permitting procedures. Add language to improve clarity and enhance enforceability.

Rule 3005: Amend rule language to clarify the permit processing procedures, Add language to improve clarity, increase flexibility and enhance enforceability.

Rule 3006: Amend rule language to extend the time limit for requesting a permit hearing and to clarify the public participation requirements. Add other clarify language to enhance enforceability and maintain consistency.

NOTICE IS FURTHER GIVEN that the AQMD has prepared documents consisting of: Proposed Amended Rules 212, 3000, 3001, 3002, 3003, 3004, 3005, and 3006, a Staff Report, a Notice of Exemption from California Environmental Quality Act (CEQA) requirements, and a Socioeconomic Analysis. The above documents are available for review at the AQMD's Public Information Center, or may be obtained by contacting Mr. Ron Ketcham, Public Advisor's Office, AQMD, P.O. Box 4937, Diamond Bar, CA 91765-0937, (909) 396-2039.

NOTICE IS FURTHER GIVEN that at the conclusion of the hearing, the AQMD Board may make other amendments to Proposed Amended Rules 212, 3000, 3001, 3002, 3003, 3004, 3005, and 3006 which are justified by the evidence presented or may decline to adopt the amendments.

Further information on Proposed Amended Rule 212 can be obtained by contacting Ali Ghasemi, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-2451. Further information on Proposed Amended Rules 3000, 3001, 3002, 3003, 3004, 3005, and 3006 can be obtained by contacting Marty Kay, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-3115.

Interested persons may attend and submit oral or written statements at the Board hearing. Twenty-five (25) copies of all written materials must be submitted to the Clerk of the Boards. Individuals who wish to submit written comments for review prior to the hearings, must submit such comments on or before September 30, 1997 for the hearing on October 10, 1997 and on or before November 4, 1997 for the hearing on November 14, 1997 to the Clerk of the Boards, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182, (909) 396-2500, on or before November 4, 1997.

DATED: September 26, 1997
SAUNDRA MCDANIEL, Senior Deputy Clerk

Oct. 3, 1997 #30500535

(When required)

ATTACHMENT C1

This space for filing stamp only

RECORDING REQUESTED BY AND MAIL TO:

The Los Angeles DAILY JOURNAL
...Since 1888...

915 East First Street P.O. Box 54026
Los Angeles, California 90054-0026
Telephone (213) 229-5300
Fax (213) 680-3682

SAUNDRA MCDANIEL
SO CST AIR QLTY MGMT DIST
21865 E. COPLEY DR.(PO#95065)
DIAMOND BAR CA 91765

Proof of Publication

(2015.5 C.C.P.)

State of California)
County of Los Angeles) SS

HEARING PROPOSED ADOPTION OF R

I am a citizen of the United States and a resident of the County of Los Angeles; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the LOS ANGELES DAILY JOURNAL, a daily newspaper printed and published in the English language in the City of Los Angeles, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of County of Los Angeles, State of California, under date of June 5, 1952, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/03/97

EXECUTED ON : 10/03/97
AT LOS ANGELES, CALIFORNIA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

.....
Signature

CNS1525966

NOTICE OF PUBLIC HEARING

This notice supersedes the Notice of Public Hearing dated August 27, 1997.

PROPOSED ADOPTION OF, OR AMENDMENT(S) TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Re: Adopt Proposed Amendments to Rule 212 - Standards for Approving Permits; Regulation XXX - Title V Permits; Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation.

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Rule 212: Update rule language to increase the public notice distribution radius for facilities near schools requiring permits for emitting any air contaminants as required by state legal noticing requirements. Eliminate the one-quarter mile distribution of notice for certain facilities. Establish new criteria for public notification of significant projects involving toxic emissions. Add language to improve clarity and enhanceability.

Rule 3000: Amend and add definitions to improve clarity, increase flexibility, and enhance enforceability.

Rule 3001: Amend rule language to change base year for applicability determination, to allow applicability for RECLAIM facilities to be based on actual emissions for the first three years of the program, and to address other applicability changes. Add new rule language to establish criteria for facilities to request exclusions from the Title V Permit program. Add and rearrange rule language to improve clarity, increase flexibility and enhance enforceability.

Rule 3002: Amend rule language to maintain consistency with Rules 3000 and 3003. Add other language to improve clarity, increase flexibility and enhance enforceability.

Rule 3003: Amend rule language to streamline and clarify permitting action procedures for affected State, public, and EPA review processes. Add other clarifying language to enhance enforceability and maintain consistency.

Rule 3004: Amend rule language to clarify the permit requirements for temporary sources, portable equipment, and other permitting procedures. Add language to improve clarity and enhance enforceability.

Rule 3005: Amend rule language to clarify the permit processing procedures. Add language to improve clarity, increase flexibility and enhance enforceability.

Rule 3006: Amend rule language to extend the time limit for requesting a permit hearing and to clarify the public participation requirements. Add other clarifying language to enhance enforceability and maintain consistency.

NOTICE IS FURTHER GIVEN that the AQMD has prepared documents consisting of: Proposed Amended Rules 212, 3000, 3001, 3002, 3003, 3004, 3005, and 3006, a Staff Report, a Notice of Exemption from California Environmental Quality Act (CEQA) requirements, and a Socioeconomic Analysis. The above documents are available for review at the AQMD's Public Information Center, or may be obtained by contacting Mr. Ron Ketcham, Public Advisor's Office, AQMD, P.O. Box 4937, Diamond Bar, CA 91765-0937, (909) 396-2039.

NOTICE IS FURTHER GIVEN that at the conclusion of the hearings, the AQMD Board may make other amendments to Proposed Amended Rules 212, 3000, 3001, 3002, 3003, 3004, 3005, and 3006 which are justified by the evidence presented or may decline to adopt the amendments.

Further information on Proposed Amended Rule 212 can be obtained by contacting Ali Ghasemi, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-2451. Further information on Proposed Amended Rules 3000, 3001, 3002, 3003, 3004, 3005, and 3006 can be obtained by contacting Marty Kay, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-3115.

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Dated: September 26, 1997
SAUNDRA MCDANIEL
Senior Deputy Clerk
LAJ-CNS1525966

10/03

ATTACHMENT C1

ATTACHMENT C1

PROOF OF PUBLICATION
The Orange County Register

STATE OF CALIFORNIA
County of Orange

I am a citizen of the United States; I am over the age of eighteen years; I am not a party to or interested in the notice published. I am a Legal Advertising Clerk of the Publisher of the ORANGE COUNTY REGISTER,a newspaper of general circulation, printed and published daily in the City of Santa Ana, County of Orange. The ORANGE COUNTY REGISTER has been adjudged a newspaper of general circulation by the Superior Court of the County of ORANGE, State of California, under the date of November 29, 1905, Case Number A21046. The notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

October 03,

all in the year 19 97

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated, this

7th day of October, *19* 97

Signature

CNS 1525939

California Newspaper Service Bureau
1-800-788-7840
Offices in Los Ageles, Sacramento, San Francisco, and Santa Ana

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING

This notice supersedes the Notice of Public Hearing dated August 27, 1997.

PROPOSED ADOPTION OF, OR AMENDMENT(S) TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Re: Adopt Proposed Amendments to Rule 212 - Standards for Approving Permits; Regulation XXX - Title V Permits: Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation.

NOTICE IS HEREBY GIVEN that public hearings on the matter of adoption of rules and regulations for the South Coast Air Quality Management District (AQMD), or the amendments thereto, will be held on Friday, October 10, 1997 and on Friday, November 14, 1997, in the Diamond Bar Auditorium, AQMD Headquarters, 21865 E. Copley Drive, Diamond Bar, California, at 9:30 a.m., at which time evidence will be taken and all interested persons will be heard by the AQMD Board.

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Rule 3000: Amend and add definitions to improve clarity, increase flexibility, and enhance enforceability.

Rule 3001: Amend rule language to change base year for applicability determination, to allow applicability for RECLAIM facilities to be based on actual emissions for the first three years of the program, and to address other applicability changes. Add new rule language to establish criteria for facilities to request exclusions for the Title V Permit program. Add and rearrange rule language to improve clarity, increase flexibility and enhance enforceability.

Rule 3002: Amend rule language to maintain consistency with Rules 3000 and 3003. Add other language to improve clarity, increase flexibility and enhance enforceability.

Rule 3003: Amend rule language to streamline and clarify permitting action procedures for affected State, public, and EPA review processes. Add other clarifying language to enhance enforceability and maintain consistency.

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Rule 3006: Amend rule language to extend the time limit for requesting a permit hearing and to clarify the public participation requirements. Add other clarifying language to enhance

ATTACHMENT C1

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Further information on Proposed Amended Rule 212 can be obtained by contacting Ali Ghaseml, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-2451. Further information on Proposed Amended Rules 3000, 3001, 3002, 3003, 3004, 3005, and 3006 can be obtained by contacting Marty Kay, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-3115.

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DATED: September 26, 1997
SAUNDRA MCDANIEL
Senior Deputy Clerk

Publish: Orange County Register
October 3, 1997
9U7000300 R-140

ATTACHMENT C1

(Space below for filing stamp only)

Proof of Publication

CALIFORNIA NEWSPAPER SERVICE BUREAU

OCT 23 1997
RECEIVED

STATE OF CALIFORNIA, }
County of San Bernardino, } ss.

The undersigned hereby certifies as follows:

I am a citizen of the United States, over the age of twenty-one years, and not a party to nor interested in the above-entitled matter; I am the principal clerk of the printer of a newspaper, to wit, *The Sun*; the same was at all times herein mentioned a newspaper of general circulation printed and published daily, including Sunday, in the City of San Bernardino, in the County of San Bernardino, State of California; said newspaper is so published every day of the year as and under the name of *The Sun*, said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the State of California, in and for the County of San Bernardino, by a judgment of said Superior Court duly made, filed and entered on June 20, 1953, in the records and files of said Superior Court in that certain proceeding entitled In the Matter of the Ascertainment and Establishment of *The Sun* as a Newspaper of General Circulation, numbered 73084 in the records of civil proceedings in said Superior Court and by judgment modifying the same, also made, filed and entered in said proceeding; the notice or other process or document hereinafter mentioned was set, printed and published in type not smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport or character of the notice intended to be given; and the

NOTICE OF PUBLIC HEARING

of which the annexed is a true printed copy, was published in each edition and issue of said newspaper of general circulation, and not in any supplement thereof, on each of the following dates, to wit:

OCTOBER 3, 1997

I certify under penalty of perjury that the foregoing is true and correct.

Executed on the 3 **day of** OCT., **19** 97, **at San Bernardino, in said County and State.**

NOTICE OF PUBLIC HEARING

This notice supersedes the Notice of Public Hearing dated August 27, 1997.

PROPOSED ADOPTION OF, OR AMENDMENT(S) TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Re: Adopt Proposed Amendments to Rule 212 - Standards for Approving Permits; Regulation XXX - Title V Permits: Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements, Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, and Rule 3006 - Public Participation.

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Further information on Proposed Amended Rule 212 can be obtained by contacting Ali Ghasemi, Stationary Source Compliance, South Coast AQMD, P.O. Box 4941, Diamond Bar, CA 91765-0941, (909) 396-2451. Further information on

ATTACHMENT C1

Box 4941, Diamond Bar, CA 91765-0941, (909) 396-3113.

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Dated: September 26, 1997
SAUNDRA MCDANIEL, Senior Deputy Clerk

10/3 (272) 10691

ATTACHMENT C2

6/5/15 PH Notice (Supersede 5/1/15)

This space for filing stamp only

SAN BERNARDINO COUNTY SUN

4030 N GEORGIA BLVD, SAN BERNARDINO, CA 92407
Telephone (909) 889-9666 / Fax (909) 885-1253

RECEIVED
MAY 26 2015

Denise Garzaro
SCAQMD/CLERK OF THE BOARD
21865 COPLEY DRIVE (EO -1ST FLR)
DIAMOND BAR, CA - 91765-4178

SBS#: 2743526

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SAN BERNARDINO) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:
Par 212-1402

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN BERNARDINO COUNTY SUN, a newspaper published in the English language in the city of SAN BERNARDINO, county of SAN BERNARDINO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN BERNARDINO, State of California, under date 06/20/1952, Case No. 73084. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

04/24/2015

Executed on: 04/24/2015
At Riverside, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Barbara Cortez

Signature

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants, Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice

****THIS NOTICE SUPERSEDES THE NOTICE OF PUBLIC HEARING FOR THIS RULEMAKING ORIGINALLY SCHEDULED FOR A MAY 1, 2015 BOARD MEETING****

NOTICE IS HEREBY GIVEN that a public hearing on the matter of adoption of rules and regulations for the South Coast Air Quality Management District (SCAQMD), or the amendments thereto, will be held on Friday, **June 5, 2015**, in the Auditorium at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, CA, at 9:00 a.m., or later, at which time evidence will be taken and all interested persons will be heard by the SCAQMD Board.

NOTICE IS FURTHER GIVEN that the SCAQMD is considering the adoption of Proposed Amended Rules 1401, 1401.1, 1402, and 212. The air quality objective is to provide consistency with the Air Toxics Hot Spots Program Guidance Manual for Preparation of Risk Assessments (Revised OEHHA Guidelines) adopted by the state Office of Environmental Health Hazard Assessment on March 6, 2015. The proposed amended rules update definitions and rule language relating to health risk calculation methodologies to provide consistency with the Revised OEHHA Guidelines. Spray booths and retail gasoline transfer and dispensing facilities will be allowed to use the existing OEHHA Guidelines under SCAQMD Risk Assessment Procedures for Rules 1401 and 212 (Version 7.0, July 1, 2005). The SCAQMD staff will begin rulemaking to identify approaches by which industries using spray booths

can reduce their toxic emissions and/or toxic exposure. The Executive Officer will return to the Governing Board, as quickly as practicable, to provide an analysis of emissions data from gasoline dispensing activities. Staff is also making revisions to both the SCAQMD Risk Assessment Procedures for Rules 1401 and 212 and the Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588) to incorporate the Revised OEHHA Guidelines and modified breathing rates also being proposed by the California Air Resources Board.

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DATED: April 21, 2015

Denise Garzaro
Senior Deputy Clerk

4/24/15

SBS-2743526#

ATTACHMENT C2

ORANGE COUNTY REPORTER
~ SINCE 1921 ~

600 W SANTA ANA BLVD, SANTA ANA, CA 92701
Telephone (714) 543-2027 / Fax (714) 542-6841

This space for filing stamp only

RECEIVED
MAY 26 2015

Denise Garzaro
SCAQMD/CLERK OF THE BOARD
21865 COPLEY DRIVE (EO -1ST FLR)
DIAMOND BAR, CA - 91765-4178

OR#: 2743523

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ORANGE) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:
Par 212-1402

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the ORANGE COUNTY REPORTER, a newspaper published in the English language in the city of SANTA ANA, county of ORANGE, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ORANGE, State of California, under date 06/20/1922, Case No. 13421. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

04/24/2015

Executed on: 04/24/2015
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants, Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice

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DATED: April 21, 2015

Denise Garzaro
Senior Deputy Clerk

4/24/15

OR-2743523#

* A 0 0 0 0 0 3 7 4 3 9 4 1 *

Inland Valley Daily Bulletin
(formerly the Progress Bulletin)
2041 E. 4th Street
Ontario, CA 91764
909-987-6397
legals@inlandnewspapers.com

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily for the City of Pomona, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of June 15, 1945, Decree No. Pomo C-606. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

4/24/15

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Ontario, San Bernardino Co. California
This 24 day of April, 2015

Signature

* A 0 0 0 0 0 3 7 4 6 5 9 1 *

2493504

(Space below for use of County Clerk Only)

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RECEIVED
APR 30 2015

RE: Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants, Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice

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Information about Proposed Amended Rules 1401, 1401.1, 1402, and 212 can be obtained by contacting

ATTACHMENT C2

STATE OF CALIFORNIA
County of Los Angeles

ATTACHMENT C2

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4/24/15

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Executed at Ontario, San Bernardino Co. California

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Signature

LP2-12-12-11

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DATED: April 21, 2015

Denise Garzaro
Senior Deputy Clerk
4/24/15
CNS-2743524#
INLAND VALLEY DAILY BULLETIN/LA #658549

ATTACHMENT C2

(When required)
RECORDING REQUESTED BY AND MAIL TO:

LOS ANGELES DAILY JOURNAL
~ SINCE 1888 ~

915 E FIRST ST, LOS ANGELES, CA 90012
Mailing Address: P.O. Box 54026, Los Angeles, California 90054-0026
Telephone (213) 229-5300 / Fax (213) 229-5481

This space for filing stamp only

RECEIVED
MAY 2 6 2015

Denise Garzaro
SCAQMD/CLERK OF THE BOARD
21865 COPLEY DRIVE (EO -1ST FLR)
DIAMOND BAR, CA - 91765-4178

DJ#: 2743522

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Los Angeles) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:
Par 212-1402

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04/24/2015

Executed on: 04/24/2015
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

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PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants, Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice

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Denise Garzaro
Senior Deputy Clerk

4/24/15

DJ-2743522#

* A 0 0 0 0 0 3 7 4 3 9 3 9 *

ATTACHMENT C2

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: / 2743525

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, under date of February 4, 2013, Case Number RIC 1215735, under date of July 25, 2013, Case Number RIC 1305730, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

04/24/2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: April 24, 2015
At: Riverside, California

CALIF NEWSPAPER SERV BUREAU
PO BOX 60460
LOS ANGELES, CA 90060

Ad Number: 0010040589-01

P.O. Number: 2743525

Ad Copy:

NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
RE: Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants, Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, Proposed Amended Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice

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Draft Environmental Assessment for Proposed Amended Rules to Implement OEHHA Revisions to the Air Toxics Hot Spots Program Risk Assessment Guidelines, prepared pursuant to the California Environmental Quality Act
Draft Socioeconomic Assessment for Proposed Amended Rules 1401, 1401.1, 1402, and 212

NOTICE IS FURTHER GIVEN that all the documents listed above as already prepared are available for review on the SCAQMD website at http://www.aqmd.gov/home/regulations/rules/proposed-rules or may be obtained from the SCAQMD's Public Information Center located in the SCAQMD headquarters lobby, or the SCAQMD's publication request line at (909) 396-2039 or from: Mr. Derrick Alatorre - Assistant Deputy Executive Officer/Public Advisor, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765, (909) 396-3122, dalatorre@aqmd.gov.

NOTICE IS FURTHER GIVEN that at the conclusion of the public hearing, the SCAQMD Board may make other amendments to Proposed Amended Rules 1401, 1401.1, 1402, and 212 which are justified by the evidence presented, or may decline to adopt it.

Information about Proposed Amended Rules 1401, 1401.1, 1402, and 212 can be obtained by contacting Eugene Kang, Program Supervisor, Planning and Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, ekang@aqmd.gov, (909) 396-3524.

Interested persons may attend and submit oral or written statements at the Board Hearing. Twenty-five (25) copies of all written materials must be submitted to the Clerk of the Board. Individuals who wish to submit written comments for review prior to the hearing must submit such comments to the Clerk of the Board, 21865 Copley Drive, Diamond Bar, CA, 91765-4178, (909) 396-2500, or to cob@aqmd.gov on or before Tuesday, May 26, 2015. Electronic submittals will only be accepted if no more than 10 pages including attachments; and in MS Word, plain or HTML format.

DATED: April 21, 2015
Denise Garzaro
Senior Deputy Clerk

4/24/15
CNS-2743525#
THE PRESS ENTERPRISE

RECEIVED
APR 30 2015

* A 0 0 0 0 0 3 7 4 6 7 6 2 *

ATTACHMENT C3

Inland Valley Daily Bulletin
(formerly the Progress Bulletin)
9616 Archibald Avenue Suite 100
Rancho Cucamonga, CA 91730
909-987-6397
legals@inlandnewspapers.com

(Space

RECEIVED
FEB - 5 2019

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily for the City of Pomona, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of June 15, 1945, Decree No. Pomo C-606. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

1/30/19

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Rancho Cucamonga, San Bernardino Co. California

This 30 Day of January, 2019

Signature

NOTICE OF PUBLIC HEARING
PROPOSED ADOPTION OF, OR AMENDMENT TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

NOTICE IS HEREBY GIVEN that a public hearing on the matter of adoption of rules and regulations for the South Coast Air Quality Management District (SCAQMD), or the amendments thereto, will be held on Friday, March 1, 2019 in the Auditorium at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, CA 91765, at 9:00 a.m., at which time evidence will be taken and all interested persons will be heard by the SCAQMD Board.

NOTICE IS FURTHER GIVEN that the SCAQMD is considering the adoption of Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (Proposed Amended Rules). The Proposed Amended Rules will allow for: distribution of public notices for rulemaking activities by email; noticing of permit actions by email and electronic posting of public notices on the SCAQMD website; and sending fee invoices and SCAQMD Hearing Board public notices by email. A procedures document for SCAQMD to continue to send public notices by mail unless a stakeholder requests to be noticed by email is also proposed for adoption, and the procedures may be subject to future revisions as needed.

NOTICE IS FURTHER GIVEN that the Proposed Amended Rules will not be submitted for inclusion into the State Implementation Plan.

NOTICE IS FURTHER GIVEN that the Proposed Amended Rules do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements and therefore, a comparative analysis pursuant to Health and Safety Code Section 40727.2 is not required.

NOTICE IS FURTHER GIVEN that the SCAQMD staff has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA and CEQA Guidelines §15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA and has determined that the proposed amendments to Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3). A Notice of Exemption (NOE) will be prepared pursuant to CEQA Guideline §15062 – Notice of Exemption, and if the project is approved, the NOE will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

A0000049756 79

ATTACHMENT C3

NOTICE IS FURTHER GIVEN that the SCAQMD staff has prepared the following documents relevant to the proposed amended rules:

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
Draft Staff Report for Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

NOTICE IS FURTHER GIVEN that the above documents are available and may be obtained from the SCAQMD's Public Information Center located in the SCAQMD headquarters lobby, or the SCAQMD's publication request line at (909) 396-2039 or from: Ms. Fabian Wesson - Assistant Deputy Executive Officer/Public Advisor, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765, (909) 396-2432, picrequests@aqmd.gov.

NOTICE IS FURTHER GIVEN that at the conclusion of the public hearing, the SCAQMD Board may make other modifications to the Proposed Amended Rules, which are justified by the evidence presented, or may decline to adopt some or all of the proposed amendments.

Questions, comments or requests for clarification regarding the Proposed Amended Rules should be directed to James McCreary, Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, jmccreary@aqmd.gov, (909) 396-2451. All CEQA inquiries should be directed to Tracy Tang, CEQA Section, Office of Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, ttang@aqmd.gov or by calling (909) 396-2484. All inquiries regarding the Socioeconomic Assessment should be directed to Shah Dabirian, Socioeconomic Section, Office of Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, sdabirian@aqmd.gov, (909) 396-3076.

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DATED: January 23, 2019
DENISE GARZARO
Clerk of the Board
1/30/19
CNS-3215542#
INLAND VALLEY DAILY BULLETIN/LA #11228171

ATTACHMENT C3

(When required)
RECORDING REQUESTED BY AND MAIL TO:

LOS ANGELES DAILY JOURNAL
~ SINCE 1888 ~

915 E FIRST ST, LOS ANGELES, CA 90012
Mailing Address: P.O. Box 54026, Los Angeles, California 90054-0026
Telephone (213) 229-5300 / Fax (213) 229-5481

This space for filing stamp only

RECEIVED
JAN 31 2019

CAROLE WAYMAN
SCAQMD/CLERK OF THE BOARD
21865 COPLEY DRIVE (EO -1ST FLR)
DIAMOND BAR, CA - 91765-4178

DJ#: 3215540

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Los Angeles) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:
PUBLIC HEARING PAR 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714 & 3006

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the LOS ANGELES DAILY JOURNAL, a newspaper published in the English language in the city of LOS ANGELES, county of LOS ANGELES, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of LOS ANGELES, State of California, under date 04/26/1954, Case No. 599,382. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

01/30/2019

Executed on: 01/30/2019
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Email * A 0 0 0 0 0 4 9 7 3 3 3 0 *

NOTICE OF PUBLIC HEARING

PROPOSED ADOPTION OF, OR AMENDMENT TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

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NOTICE IS FURTHER GIVEN that the SCAQMD is considering the adoption of Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (Proposed Amended Rules). The Proposed Amended Rules will allow for: distribution of public notices for rulemaking activities by email; noticing of permit actions by email and electronic posting of public notices on the SCAQMD website; and sending fee invoices and SCAQMD Hearing Board public notices by email. A procedures document for SCAQMD to continue to send public notices by mail unless a stakeholder requests to be noticed by email is also proposed for adoption, and the procedures may be subject to future revisions as needed.

NOTICE IS FURTHER GIVEN that the Proposed Amended Rules will not be submitted for inclusion into the State Implementation Plan.

NOTICE IS FURTHER GIVEN that the Proposed Amended Rules do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements and therefore, a comparative analysis pursuant to Health and Safety Code Section 40727.2 is not required.

NOTICE IS FURTHER GIVEN that the SCAQMD staff has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA and CEQA Guidelines §15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA and has determined that the proposed amendments to Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3). A Notice of Exemption (NOE) will be prepared pursuant to CEQA Guideline §15062 – Notice of Exemption, and if the project is approved, the NOE will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

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Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
Draft Staff Report for Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

NOTICE IS FURTHER GIVEN that the above documents are available and may be obtained from the SCAQMD's Public Information Center located in the SCAQMD headquarters lobby, or the SCAQMD's publication request line at (909) 396-2039 or from: Ms. Fabian Wesson - Assistant Deputy Executive Officer/Public Advisor, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765, (909) 396-2432, picrequests@aqmd.gov.

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Questions, comments or requests for clarification regarding the Proposed Amended Rules should be directed to James McCreary, Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, jmccreary@aqmd.gov, (909) 396-2451. All CEQA inquiries should be directed to Tracy Tang, CEQA Section, Office of Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, ttang@aqmd.gov or by calling (909) 396-2484. All inquiries regarding the Socioeconomic Assessment should be directed to Shah Dabirian, Socioeconomic Section, Office of Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, sdabirian@aqmd.gov, (909) 396-3076.

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DATED: January 23, 2019

ATTACHMENT C3

ORANGE COUNTY REPORTER
~ SINCE 1921 ~

600 W SANTA ANA BLVD, SANTA ANA, CA 92701
Telephone (714) 543-2027 / Fax (714) 542-6841

This space for filing stamp only

RECEIVED
JAN 31 2019

CAROLE WAYMAN
SCAQMD/CLERK OF THE BOARD
21865 COPLEY DRIVE (EO -1ST FLR)
DIAMOND BAR, CA - 91765-4178

OR#: 3215541

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ORANGE) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:

PUBLIC HEARING PAR 110, 212, 301, 303, 306, 307.1, 309,

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the ORANGE COUNTY REPORTER, a newspaper published in the English language in the city of SANTA ANA, county of ORANGE, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ORANGE, State of California, under date 06/20/1922, Case No. 13421. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

01/30/2019

Executed on: 01/30/2019
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

* A 0 0 0 0 0 4 9 7 3 3 3 2 *

Email

NOTICE OF PUBLIC HEARING

PROPOSED ADOPTION OF, OR AMENDMENT TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

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Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
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ATTACHMENT C3

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: / 3215543

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

01/30/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: January 30, 2019
At: Riverside, California

Legal Advertising Representative, The Press-Enterprise

CALIF NEWSPAPER SERV BUREAU / CALIF NEWSPAPER SERVICE BUREAU, CLIENT
PO BOX 60460
LOS ANGELES, CA 90060

Ad Number: 0011227519-01

P.O. Number: 3215543

A0000049791 24

Ad Copy:

RECEIVED
FEB - 8 2019

NOTICE OF PUBLIC HEARING PROPOSED ADOPTION OF, OR AMENDMENT TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
RE: Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

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DATED: January 23, 2019
DENISE GARZARO
Clerk of the Board
1/30/19
CNS-3215543#
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SAN BERNARDINO COUNTY SUN

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SCAQMD/CLERK OF THE BOARD
21865 COPLEY DRIVE (EO -1ST FLR)
DIAMOND BAR, CA - 91765-4178

SB #: 3215544

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SAN BERNARDINO) ss

Notice Type: HRG - NOTICE OF HEARING

Ad Description:

PUBLIC HEARING PAR 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623,

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN BERNARDINO COUNTY SUN, a newspaper published in the English language in the city of SAN BERNARDINO, county of SAN BERNARDINO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN BERNARDINO, State of California, under date 06/27/1952, Case No. 73081. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

01/30/2019

Executed on: 01/30/2019
At Riverside, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

Email * A 0 0 0 0 0 0 4 9 7 3 3 3 4 *

NOTICE OF PUBLIC HEARING

PROPOSED ADOPTION OF, OR AMENDMENT TO, THE RULES AND REGULATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

RE: Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

NOTICE IS HEREBY GIVEN that a public hearing on the matter of adoption of rules and regulations for the South Coast Air Quality Management District (SCAQMD), or the amendments thereto, will be held on Friday, March 1, 2019 in the Auditorium at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, CA 91765, at 9:00 a.m., at which time evidence will be taken, and all interested persons will be heard by the SCAQMD Board.

NOTICE IS FURTHER GIVEN that the SCAQMD is considering the adoption of Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (Proposed Amended Rules). The Proposed Amended Rules will allow for: distribution of public notices for rulemaking activities by email; noticing of permit actions by email and electronic posting of public notices on the SCAQMD website; and sending fee invoices and SCAQMD Hearing Board public notices by email. A procedures document for SCAQMD to continue to send public notices by mail unless a stakeholder requests to be noticed by email is also proposed for adoption, and the procedures may be subject to future revisions as needed.

NOTICE IS FURTHER GIVEN that the Proposed Amended Rules will not be submitted for inclusion into the State Implementation Plan.

NOTICE IS FURTHER GIVEN that the Proposed Amended Rules do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements and therefore, a comparative analysis pursuant to

Health and Safety Code Section 40727.2 is not required.

NOTICE IS FURTHER GIVEN that the SCAQMD staff has reviewed the proposed project pursuant to CEQA Guidelines §15002 (k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA and CEQA Guidelines §15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA and has determined that the proposed amendments to Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3). A Notice of Exemption (NOE) will be prepared pursuant to CEQA Guideline §15062 – Notice of Exemption, and if the project is approved, the NOE will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

NOTICE IS FURTHER GIVEN that the SCAQMD staff has prepared the following documents relevant to the proposed amended rules:

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
Draft Staff Report for Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 510, 515, 518.2, 812, 1309, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

NOTICE IS FURTHER GIVEN that the above documents are available and may be obtained from the SCAQMD's Public Information Center located in the SCAQMD headquarters lobby, or the SCAQMD's publication request line at (909) 396-2039 or from: Ms. Fabian Wesson - Assistant Deputy Executive Officer/Public Advisor, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765, (909) 396-2432, picrequests@aqmd.gov.

NOTICE IS FURTHER GIVEN that at the conclusion of the public hearing, the SCAQMD Board may make other modifications to the Proposed Amended Rules, which are justified by the evidence presented, or may decline to adopt some or all of the proposed amendments.

Questions, comments or requests for clarification regarding the Proposed Amended Rules should be directed to James McCreary, Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, jmccreary@aqmd.gov, (909) 396-2451. All CEQA inquiries should be directed to Tracy Tang, CEQA Section, Office of Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, ttang@aqmd.gov or by calling (909) 396-2484. All inquiries regarding the Socioeconomic Assessment should be directed to Shah Dabirian, Socioeconomic Section, Office of Planning, Rule Development and Area Sources, SCAQMD, 21865 Copley Drive, Diamond Bar, CA 91765, sdabirian@aqmd.gov, (909) 396-3076.

Interested persons may attend and submit oral or written statements at the Board Hearing. Twenty-five (25) copies of all written materials must be submitted to the Clerk of the Board. Individuals who wish to submit written comments for review prior to the hearing must submit such comments to the Clerk of the Board, 21865 Copley Drive, Diamond Bar, CA, 91765-4178, (909) 396-2500, or to cob@aqmd.gov on or before Tuesday, February 19, 2019. Electronic submittals will only be accepted if no more than 10 pages including attachments; and in MS Word, plain, or HTML format.

DATED: January 23, 2019
DENISE GARZARO
Clerk of the Board
1/30/19

SBS-3215544#

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

FINAL STAFF REPORT FOR PROPOSED AMENDMENTS TO:

REGULATION XXX - TITLE V PERMITS:
RULE 3000 - GENERAL
RULE 3001 - APPLICABILITY
RULE 3002 - REQUIREMENTS
RULE 3003 - APPLICATIONS
RULE 3004 - PERMIT TYPES AND CONTENT
RULE 3005 - PERMIT REVISIONS
RULE 3006 - PUBLIC PARTICIPATION

AND

RULE 212 - STANDARDS FOR APPROVING PERMITS

Revised October 17, 1997

Deputy Executive Officer
Stationary Source Compliance
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Contributor:	Paul Park - Senior Air Quality Engineer

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LIST OF ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AOC	Alternative operating condition
AOS	Alternative operating scenario
AQMD	South Coast Air Quality Management District
BACT	Best Available Control Technology
CARB	California Air Resources Board
CCR	California Code of Regulations
CEMS	Continuous emissions monitoring system
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO	Carbon monoxide
EFB	Emission fee billing
EPA	United States Environmental Protection Agency
HAP	Hazardous air pollutant
ICT	Intercredit Trading Program
Lb	Pound
MACT	Maximum Achievable Control Technology
MDAB	Mojave Desert Air Basin
NESHAP	National Emission Standard for Hazardous Air Pollutants
NOx	Oxides of nitrogen
NSPS	New Source Performance Standard
NSR	New Source Review
NTC	Non-tradeable credit
OCS	Outer Continental Shelf
ODC	Ozone-Depleting Compound
P/C	Permit to Construct
PM-10	Particulate matter with aerodynamic diameter smaller than or equal to or less than 10 microns
P/O	Permit to Operate
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
RECLAIM	Regional Clean Air Incentives Market
RTC	RECLAIM trading credit
SB	Senate Bill
SEDAB	Southeast Desert Air Basin
SIP	State Implementation Plan
SOCAB	South Coast Air Basin
SOx	Oxides of sulfur
SSAB	Salton Sea Air Basin
TGD	Technical Guidance Document
tpy	Tons per year
TSP	Total suspended particulate
USC	United States Code
VOC	Volatile organic compound

Note to Readers: This revised staff report has changes from the September 26, 1997 staff report included with the October 1997 Board package. To make those changes easier to identify, the revisions are shown in strikeout and underline format.

OVERVIEW OF THE AMENDMENTS

REASONS FOR THE AMENDMENTS

The primary purposes behind the proposed amendments to Regulation XXX - Title V Permits, are to:

- reorganize and simplify the applicability criteria for Phase One and Phase Two of the Title V program by creating tables listing emissions threshold levels;
- exempt facilities from Phase One of Title V if permanent changes have resulted in reduced emissions;
- require previously exempted facilities to obtain Title V permits when reported annual emissions exceed applicability thresholds and permit condition limits;
- allow facilities to demonstrate a reduction in potential to emit by doing either a facility modification or accepting an enforceable facility permit condition;
- change the sequential review of Title V permits by the public, affected States and EPA into a concurrent review process to reduce overall permit processing time;
- defer the requirement for a Title V permit for new and modified facilities until Phase Two of Title V, provided that the actual emissions do not exceed the Phase One thresholds;
- clarify applicability requirements and update references to the Code of Federal Regulations (CFR) for certain Title V facilities required to be in Title V;
- make amendments required by EPA to gain full approval of South Coast Air Quality Management District's (AQMD) Title V program;
- allow Title V facilities to use existing AQMD permitting procedures for facility modifications prior to issuance of their first Title V permits;
- clarify that the Executive Officer can issue a Title V permit to a non-compliant facility under certain circumstances;
- clarify that non-compliance is a violation of the federal Clean Air Act under certain circumstances;
- establish a procedure for de minimis significant permit revisions that is separate from minor permit revisions;
- exclude all emission increases that are subject to New Source Review from the minor permit revision process, as is required by federal law;

- revise the minor permit revision process to eliminate the requirements for the facility to complete public notification forms and to prepare a draft permit and instead, have AQMD prepare the proposed permit;
- clarify the administrative permit revision process so that AQMD staff can issue a final Permit to Operate (P/O), with limited changes to permit conditions, for equipment that was previously issued a Title V Permit to Construct (P/C),
- remove the requirement that the applicant include a proposed public notice with the permit application;
- increase the amount of time that a person may request a public hearing for a proposed permit from 10 days to 15 days after publication of the public notice;
- clarify existing rule language to explain that AQMD staff will hold a public hearing only if a valid request is received and notice a proposed permit hearing at least 30 days prior to the scheduled hearing date;
- give the Executive Officer the option to combine permit hearings for multiple facilities, provided that the facilities involved do not object;
- make the provisions of the regulation regarding portable equipment consistent with federal and State law;
- require all Title V permits to contain a permit condition that describes the criteria for reopening a permit, as required by Title V; and,
- ~~clarify that all Title V permits will contain a listing of all equipment, including portable equipment, that are subject to any source specific regulatory requirements.~~

In addition, staff has proposed other changes to improve clarity, and remove redundancies and inconsistencies throughout the rules.

The purpose of the amendments to Rule 212 is to make the public notice requirements consistent with state law and to eliminate duplicative or unnecessary noticing.

DISCUSSION OF THE PROPOSED AMENDMENTS

RULE 3000 - GENERAL

Definition of "Administrative Permit Revision"

The AQMD's Title V program was designed to integrate preconstruction review P/C into the Title V operating permit program. Under an integrated approach, the AQMD will issue P/Cs using Title V requirements and procedures. Then, after a project is completed, the staff engineer will evaluate the equipment for compliance with the conditions in the P/C, remove any requirements that are no longer applicable, and update the Title

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V permit to reflect the change from P/C to P/O by moving the equipment description and applicable conditions from Section H to Section D of the Title V permit.

If the P/C is issued using Title V procedures, EPA allows it to be incorporated into the Title V operating permit as an administrative permit revision. Subparagraph (b)(1)(D) is being revised to more concisely indicate this, and to reflect AQMD's integrated approach. It allows AQMD to issue the P/O as an administrative permit revision provided that the P/C was issued using full Title V procedures. The only changes that can be made when converting a P/C to a P/O under the Title V program are to remove terms or conditions that are no longer applicable or to make other changes that satisfy the criteria in definition. If there are changes in emissions, equipment, conditions or operational parameters, the evaluation of these changes would be subject to other permit revision procedures. Upon completion of the secondary evaluation, another round of EPA review and, depending on the revision procedures used, public notification would be required.

Although the previous rule language could be interpreted incorrectly to imply that AQMD staff will be issuing separate preconstruction review permits apart from the Title V process, the new language corrects this.

New subparagraph (b)(1)(G) has been added to allow a Title V facility to use the administrative revision process to move equipment within a facility, provided that an evaluation of regulatory requirements is not required, and that there is no change to existing permit conditions.

Definition of "Affected Source"

An explanation that "40 CFR Part 70" means Title 40, Part 70 of the Code of Federal Regulations has been added.

Definition of "Compliance Documents"

The definition of "compliance documents" has been updated to include "schedules of compliance, approved variances, alternative operating conditions (AOCs), orders for abatement and all monitoring and compliance reports required by the Title V permit" since these additional documents are also used to assess a facility's compliance status. The reference to Section 503 (e) of the federal Clean Air Act is removed because it is unnecessary and the definition is more clear without it. The term "Act" in the reference to Section 114 (c) has been clarified to mean the federal Clean Air Act.

Definition of "De Minimis Significant Permit Revision"

An explanation of what "VOC," "PM-10," and "EPA" mean has been added. The term "Lb" in Table 1 has been replaced with "Pounds." In

response to EPA's interim approval notice and consistent with 40 CFR Part 70, references to additional requirements found in the definition of "Minor Permit Revision" have been added. These require certain types of permit revisions to go through the significant revision process.

Definitions of "Draft Permit" and "Proposed Permit"

The definition of "draft permit" is proposed for elimination, and the definition of "proposed permit" is proposed for amendment, to accommodate other proposed amendments in Rules 3003 and 3005 that make affected State and EPA review of a Title V permit concurrent with public review, rather than sequential to it.

Proposed permit will mean the permit that AQMD issues for any required review by affected States, EPA, or the public.

Definition of "Facility"

A clarification that "40 CFR Section 55.2" is referring to Part 55 of the CFR has been added.

Definition of "Fugitive Emissions"

The fugitive emissions at a facility are an important factor in determining a facility's applicability to the Title V program. A definition for "fugitive emissions" has been added, consistent with EPA's definition in 40 CFR Part 70, Section 70.2.

Definition of "Hazardous Air Pollutant (HAP)"

The definition of a HAP in this rule includes any pollutant that is listed in Section 112 (b) of the federal Clean Air Act. Even though the initial list of HAPs was originally established by Congress, EPA maintains and periodically revises the list. EPA has removed caprolactum and hydrogen sulfide from the HAPs listing, thus making the rule reference to Section 112 (b) inaccurate. Therefore, the rule language has been amended to refer to the list maintained by EPA instead of referring directly to the text in the federal Clean Air Act.

Definition of "Minor Permit Revision"

The definition has been expanded to explain what "case-by-case evaluation" means. It applies to only two situations:

- The federal Clean Air Act requires states to apply "reasonably available control technology" (RACT) to existing sources. Some states have done this on a facility-by-facility basis and made it part of their State Implementation Plan (SIP). AQMD has, in the past, adopted RACT rules for entire source categories rather than use this case-by-case process.
- 40 CFR Part 63, Subpart B requires that a case-by-case determination of maximum achievable control technology (MACT)

be made for new or modified sources for which a National Emission Standard for Hazardous Air Pollutants (NESHAP) has not yet been adopted

As required by EPA's proposed interim approval notice and by 40 CFR Part 70, this definition has also been modified to restrict the following types of permit revisions from qualifying as minor permit revisions:

- An installation of a new permit unit subject to a federal NESHAP pursuant to 40 CFR Part 61 or Part 63 or a federal New Source Performance Standard (NSPS) pursuant to 40 CFR Part 60.
- A modification or reconstruction of an existing permit unit subject to a new or additional NSPS requirement pursuant to 40 CFR Part 60 or NESHAP requirement pursuant to 40 CFR Part 61 or Part 63

Clause (b)(12)(A)(v) does not allow as a minor permit revision any emission increase above a Regional Clean Air Incentives Market (RECLAIM) facility's starting allocation plus non-tradable allocations. The clause is being revised to include higher RECLAIM allocation amounts that have previously undergone a significant permit revision process pursuant to subparagraph (b)(28)(D).

40 CFR Part 70, Section 70.7 (e)(2)(i)(A)(5) restricts facility modifications subject to Title I of the federal Clean Air Act from utilizing minor permit revision procedures This means that any emission increase that is subject to Regulation XIII - New Source Review (NSR) cannot qualify as a minor permit revision Clause (b)(12)(A)(vi) has been modified to reflect this requirement Modifications that result in emission increases may still qualify as a de minimis significant permit revision.

Also, for clarity, the definition has been reworded so that a permit change can qualify for a minor permit revision only if the proposed change meets all of the criteria in subparagraph (b)(12)(A) or if it meets subparagraph (b)(12)(B)

Definitions of "Mojave Desert Air Basin," "Salton Sea Air Basin" and "South Coast Air Basin"

The current version of Rule 3001 refers to specific emissions thresholds for the South Coast Air Basin (SOCAB), the Southeast Desert Air Basin (SEDAB), and the Coachella Valley. Rule 3000 does not contain a definition of these regions' boundaries. On May 30, 1996, the California Air Resources Board (CARB) renamed these regions in Title 17 of the California Code of Regulations (CCR).

Specifically, Section 60109 of the CCR was amended for SEDAB such that the boundaries have changed and this area was renamed the Mojave Desert

Air Basin (MDAB). Section 60104 of the CCR was amended to change the boundaries for SOCAB. A new basin was also added, pursuant to Section 60114 of the CCR, called the Salton Sea Air Basin (SSAB) that now includes the Coachella Valley. To make Regulation XXX consistent with the state law, definitions for these three air basins have been added to this rule by reference.

Definition of "Monitoring"

Monitoring requirements are an important factor in determining a facility's compliance with the Title V program. Since there are several types of monitoring that can be used to make a compliance determination, a definition for "monitoring" has been added to mean emissions testing, continuous emissions monitoring, material testing, and instrumental and non-instrumental monitoring of process conditions.

Definition of "Potential to Emit"

A facility's potential to emit is the basis for determining a source's applicability to Title V in Phase Two, pursuant to Rule 3001. The proposed amendments to the definition of "reported emissions" identify certain types of emissions that shall not be considered for determining whether a facility should obtain a Title V permit during Phase One (see the discussion on the proposed changes of "Reported Emissions"). To assure that the same criteria for determining applicable types of emissions is consistently applied to all facilities in each implementation phase of the Title V program, the definition of potential to emit has been modified to exclude the same types of emissions that are proposed to be excluded in the definition of reported emissions.

Definition of "Renewal"

This definition has been clarified to reflect that a permit renewal is required on or prior to the expiration date of the permit regardless of whether any new requirements or updates are needed. As required by EPA in order to obtain full approval, language has been added to emphasize this point.

The current definition of renewal also contains a statement that prevents a concurrent submittal of a permit revision with a permit renewal application. This restriction is not a requirement in 40 CFR Part 70, and so is proposed for deletion. A Title V facility applying for a permit renewal and also requesting a permit revision, will be able to submit applications for both at the same time. However, in addition to the information and fees that are required for a permit renewal application, the permit revision request will need to contain Forms 500-A1 and 500-A2, the appropriate 400-E-series forms and the applicable fees. This is because permit revisions may have different deadlines than permit renewals, such that they may have to be processed separately.

Definition of "Reported Emissions"

Reported emissions are the basis for determining a source's applicability to Title V in Phase One, pursuant to Rule 3001. The proposed amendments reorganize the definition and do the following: 1) add a requirement that the reported emissions must be validated by the Executive Officer; 2) replace the term "criteria pollutants" with oxides of nitrogen (NOx), oxides of sulfur (SOx), carbon monoxide (CO), VOC, and PM-10; 3) eliminate the undefined term "major stationary source;" 4) incorporate exclusions from paragraphs (d)(3), (d)(4), and (d)(5) of Rule 3001 for mobile source emissions and emissions from portable equipment that occur off-site into the definition; and 5) exclude emissions from non-road engines consistent with EPA policy, and statewide registered military tactical support equipment, consistent with state law.

Definition of "Responsible Official"

This definition has been clarified to allow a duly authorized representative responsible for the overall operational control at a Title V facility to be a responsible official.

Definition of "Significant Permit Revision"

The Significant Emission Threshold Level in Table 2 of this definition is the same as the emission threshold levels in Table 1 of the definition of "De Minimis Significant Permit Revision." For simplicity, Table 2 has been deleted and replaced with a reference to Table 1. For consistency with the other definitions for various permit revisions, this definition has been expanded to include the following activities as qualifying for a significant permit revision:

- Any revision that requires or changes a case-by-case evaluation of RACT pursuant to Title I of the federal Clean Air Act, or MACT pursuant to 40 CFR Part 63, Subpart B.
- Any revision that results in a violation of regulatory requirements or that establishes or changes a permit condition that a facility assumes to avoid an applicable requirement.
- Any installation of a new permit unit subject to a NESHAP requirement pursuant to 40 CFR Part 61 or Part 63 or NSPS requirement pursuant to 40 CFR Part 60.
- Any modification or reconstruction of an existing permit unit subject to a new or additional NSPS requirement pursuant to 40 CFR Part 60 or NESHAP requirement pursuant to 40 CFR Part 61 or Part 63.

Definition of "Temporary Source"

This rule is currently missing a definition for a temporary source, despite the provisions in subdivision (d) of Rule 3004 explaining the contents of, and procedures associated with having a temporary source permit. For

consistency purposes, this rule has been updated to include a new definition. What AQMD has in the past called portable equipment, is now referred to as a "temporary source," as it is in Title V.

Definition of "Title V Facility"

This definition has been simplified to explain that a Title V facility is one that meets any criteria in Rule 3001. The reference to exemptions from Title V permit requirements is unnecessary and has been removed.

General Clean-Up

The phrase "Executive Officer or designee" is used throughout this rule. The words "or designee" are part of the definition of "Executive Officer" in Rule 102 - Definition of Terms, and do not need to be repeated. Therefore, every occurrence of "or designee" has been deleted from this rule. In addition, to be consistent with the definition in Rule 102, every occurrence of the term "PM_{10}" has been replaced with "PM-10."

RULE 3001 - APPLICABILITY

Current Requirements

For the first three years of program implementation (Phase One), the current rule language automatically brings any facility into the Title V program if in 1992 or any year thereafter, the facility has reported emissions that exceed 80 percent of the potential to emit Title V applicability thresholds listed in 40 CFR Part 70, Section 70.2. If the facility's emissions were high enough in 1992 and then the emissions dropped below the Title V applicability thresholds in 1993, 1994 and 1995, the facility would still be required to apply for a Title V permit. AQMD staff has identified 1275 facilities that have reported emissions at levels meeting or exceeding the Title V thresholds either in 1992 or 1993.

RECLAIM facilities are subject to Title V if they have a NOx and/or SOx starting allocation plus non-tradable credits (NTCs) that exceed 10 tpy or 100 tpy, respectively. There are 203 RECLAIM facilities that have been identified as subject to Title V primarily because of their initial allocations plus NTCs. These facilities are required to apply for a Title V permit even if their reported emissions in recent years have been below the 8 tpy for NOx and 80 tpy for SOx levels.

Subdivision (c) of this rule has other criteria for entering the Title V program that is geared toward any new or modified facility that has not previously obtained a Title V permit. To determine whether or not this type of facility should obtain a Title V permit, each application to install or modify equipment must undergo an evaluation to calculate the facility's overall potential to emit. For the first three years of the program, this

procedure is not based on reported emissions, and is therefore contrary to how other facilities are determined to be subject to Title V.

Proposed Amendments

The purpose of these proposed rule amendments is to assure that the same applicability criteria is consistently applied to all facilities in each implementation phase of the Title V program. The proposed rule language is the result of comments received from several working group and public consultation meetings and discussions with EPA staff. Specifically, numerous comments were received containing the complaint that the clause "that in 1992 or later" inadvertently required sources that no longer meet the Title V thresholds to apply for a Title V permit. These commenters felt that this was unrealistic and inconsistent with the intent of the Title V program to target larger sources. Likewise, comments were received from RECLAIM facilities requesting that their applicability determinations conducted during the first three years of the program should be based solely on the most recent reported emissions. RECLAIM facilities maintain that they are treated unfairly in this rule by being subject to a more stringent applicability threshold than are non-RECLAIM facilities. Furthermore, there is a universal concern that facilities with "regular" non-Title V applications for new equipment or modifications during the first three years of program implementation, will be prematurely brought into Phase One of the Title V program because of the required facility-wide potential to emit calculation.

To address all of the above issues, staff has proposed to change the Title V applicability for Phase One of the program to be based on actual reported emissions, rather than RECLAIM allocations or potential to emit for RECLAIM facilities and for new or modified facilities.

If a new or modified RECLAIM facility subsequently reports emissions exceeding any of the Phase One emission thresholds, the facility would be required by Rule 3003 to apply for a Title V permit within 180 days, as would any existing facility reporting that level of emissions for the first time. Otherwise, a new or modified RECLAIM facility with a potential to emit that exceeds the Phase Two levels will have to apply for a Title V permit by three and one half years after the effective date, as will other existing facilities subject to Phase Two, in accordance with Rule 3003.

Staff also proposes to make the following changes to Rule 3001:

- replace the subdivision (a) language explaining the emission threshold criteria with a simple table that is easier to read;
- substitute a reference to the CFR in subdivision (b) with a table of Phase Two emission threshold levels;
- use the new air basin names described previously;

- explain in paragraph (b)(2) how RECLAIM allocations and RTCs are treated regarding "potential to emit", and delete similar language in subdivision (c);
- eliminate paragraph (c)(4) that would add facilities to Title V because of a lower HAP threshold set by EPA. Old paragraph (c)(9) [new paragraph (c)(6)] accomplishes the same thing;
- consolidate the references to Section 111 and 112 of the federal Clean Air Act into one paragraph, (c)(5), and replace them with references to the CFR. The previous paragraphs (c)(7) and (c)(8) appeared to require non-major facilities subject to either Section 112, NESHAP or Section 111, NSPS. However, EPA has deferred many non-major sources from applying for Title V permits until December, 2000;
- add new paragraph (c)(7) to ~~require~~ regarding facilities that ~~were~~ previously exempted from Title V, pursuant to paragraph (d)(2), by accepting an emission cap or other enforceable permit condition. If their emissions, under normal operating conditions, ~~that~~ later exceed the Title V potential-to-emit applicability thresholds ~~and an emission limit in a permit condition~~, then the facility would be required to submit an initial application for a Title V permit. Excess emissions under abnormal conditions, such as during the breakdown of control equipment, would not be counted because the emissions are temporary and do not change a facility's potential to emit, which is based on equipment design under normal operation, permit conditions and rule requirements;
- move all language in subdivision (d) that exempts certain types of emissions into the definition of "reported emissions" and, by reference, into the definition of "potential to emit" in subdivision (b) of Rule 3000;
- clarify paragraph (d)(2) to explain that a reduction in potential to emit can be demonstrated by a facility modification or by accepting an enforceable facility permit condition and that EPA approval is no longer required for such actions; and,
- add new subdivision (e) to explain the requirements and procedures for requesting exclusions from Phase One of the Title V program. This will give facilities that are identified on the Title V list the opportunity to opt-out of Phase One based on a reduction in reported emissions due to a permanent change at the facility.

In order for EPA to support the proposed changes made to the Phase One criteria, AQMD staff is required to demonstrate that Phase One Title V permits will be issued to at least 60 percent of all Title V facilities, and that at least 80 percent of the pollutants emitted from all Title V facilities will be covered by the Phase One Title V permits.

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Based on the proposed rule amendments, AQMD staff estimates that only 938 facilities, will be required to apply for a Phase One Title V permit, compared to 1275 identified previously. This represents a reduction of anticipated incoming Phase One Title V facilities of 26 percent. Despite this reduction, staff can demonstrate to EPA that 62 percent of all Title V facilities will be permitted in Phase One. Further, the total emissions from these 938 facilities continue to represent at least 80 percent of the overall Title V emissions. Appendix A: Title V 60 % - 80 % Demonstration contains a more detailed analysis.

General Clean-Up

As previously described, every occurrence of "or designee" has been deleted from this rule and every occurrence of the term "PM_{10}" has been replaced with "PM-10."

RULE 3002 - REQUIREMENTS

Requirement for a Title V Permit

The current subdivision (a) of Rule 3002 requires Title V facilities to get a Title V permit for any construction or modification at the facility, any time after their initial Title V application is due. This could require a Title V facility to apply for a Title V permit revision even before it has an initial Title V permit. To avoid this awkwardness, subdivision (a) has been restructured and expanded to list each exception to this requirement so that paragraph (a)(1) exempts the operation of Rule 219 - Equipment Not Requiring a Written Permit Pursuant to Regulation II, equipment; paragraph (a)(2) exempts Title V facilities operating under the protection of an application shield; and paragraph (a)(3) is proposed to allow existing facilities to apply for changes at their facility using the traditional, non-Title V application and permitting procedures, before they receive their initial Title V permit.

Application Shield

To better explain when an application shield is in effect, paragraph (b)(2) has been enhanced to refer to the application requirements in Rule 3003.

Emergency Provisions

The emergency provisions in paragraph (g)(1) have been clarified to explain that the operating logs must provide evidence to demonstrate compliance with the emergency provisions in subdivision (g) of this rule. This amendment is required by EPA for full program approval.

Duty to Comply

Paragraph (c)(1) has been clarified to explain that a Title V facility should be constructed, as well as operated, in compliance with all terms, requirements, and conditions. Paragraph (c)(2) has been clarified to explain that only non-compliance with *federally enforceable* permit terms, requirements or conditions is a violation of the federal Clean Air Act.

General Clean-Up

Old subparagraph (a)(1)(B) and paragraph (a)(2) will be deleted because they are redundant to paragraph (c)(1) of Rule 3002 and paragraph (i)(1) of Rule 3003, respectively.

As previously described, every occurrence of "or designee" has been deleted from this rule.

RULE 3003 - APPLICATIONS

Application Requirements for Initial Title V Permits

Subdivision (a) has been amended and reorganized to clarify the timeline requirements for facilities applying for or amending their initial Title V permit applications during either Phase One or Phase Two of the program. These timelines are not new to the rule but they do vary depending upon which Rule 3001 applicability criteria is met and whether or not the facility has been identified by the AQMD as a Title V facility.

References to the format of the application and the Technical Guidance Document (TGD) in old paragraph (a)(2) are deleted because the discussion about application content is covered in subdivision (b).

"Major source" in amended paragraph (a)(7) is not defined in Rule 3000, but it is defined in the CFR. Therefore, a reference to the definition in 40 CFR Part 70, Section 70.2 is added.

Incorporation of Non-Title V Permits

Amended paragraph (a)(4) allows a facility to supplement their initial permit application to incorporate any non-Title V permits issued (see the previous section that discusses the amendments to Rule 3002) at least 30 days prior to the scheduled issuance of their proposed Title V permit. This would give AQMD staff adequate time to include the new or modified equipment in the proposed initial permit.

If the non-Title V permit is issued too late to be put into the proposed initial permit, amended paragraph (a)(5) would require the Title V facility to file for a Title V permit revision within 90 days of the issuance of the Title V permit.

Application Content

The reference to the CFR in subdivision (b) has been removed because it is not necessary for an applicant to refer to the CFR to determine what must be in a Title V permit application. AQMD has prepared Title V application forms and instructions that specify the necessary information. Since these materials are subject to EPA approval, paragraph (b)(1) has been clarified to reflect this procedure. Language originally stated in paragraph (c)(5) has been moved to subdivision (b) to explain that permit revision applications do not necessarily require all of the same information as required in initial permit and permit renewal applications.

Action on Applications

Paragraph (i)(1) of the current rule incorrectly says that the Executive Officer must deny a Title V permit if the facility is not in compliance with a regulatory requirement. As a result of modifications to the California Health and Safety Code, Section 42301, the Executive Officer may issue the Title V permit if the non-compliance is covered by an approved variance pursuant to Regulation V - Procedure Before the Hearing Board, an AOC pursuant to Rule 518.2 - Federal Alternative Operating Conditions, or an order for abatement that has the effect of a variance pursuant to Regulation VIII - Orders For Abatement. Title V also requires a non-compliant facility operator to submit an acceptable compliance plan with the application. The proposed amended paragraph (i)(1) will be consistent with state law and Title V.

Currently, subparagraph (i)(2)(A) requires the Executive Officer to issue a permit or deny a permit application for an initial permit, except for Phase One applications, within 18 months of receiving a complete application. However, paragraph (i)(3) contains shorter timelines for processing an initial permit application if it contains an application for a P/C. In the case of an initial permit application, these shorter timelines are truly meant for new facilities. This is because a new facility, unlike an existing facility, is at a disadvantage for not having existing local P/Os under while awaiting for an initial permit. To differentiate between new and existing facilities applying for an initial permit during Phase Two of the program, paragraph (i)(3) has been clarified to say that the permit processing timeline requirements apply to new facilities.

Timeline for Processing Grouped Minor Permit Revision Applications

Paragraph (i)(2) of Rule 3003 is where most application processing timelines can be found. Yet, the 180-day timeline for processing grouped minor permit revision applications is absent from this part and is located instead, in old paragraph (c)(4) of Rule 3005. However, the existing language in Rule 3005 does not state exactly when the 180-day clock begins.

The group processing timeline is unique from other application timelines, not so much because of the quantity of time allowed for processing, but mainly because it concerns the processing of multiple applications. That is, unlike the other revision tracks, the review of each application in the group is dependent upon the others before AQMD staff can either issue a permit or deny the applications within the time allowed.

To maintain all of the application processing timelines in one place, the group processing timing requirement has been incorporated into new subparagraph (i)(2)(D) of Rule 3003. In addition, AQMD staff is proposing that the 180-day clock begin after the AQMD receives the first complete application in the group. Furthermore, to make the rule language consistent with the procedures for "regular" minor permit revision applications as found in subparagraph (i)(2)(C), the language "or 15 days after EPA review, whichever is later" has been added.

Timeline for Processing De Minimis Significant Permit Revision Applications

The current application processing time limit in subdivision (i) of this rule is the same for minor and de minimis significant permit revisions. De minimis significant permit revisions are allowed certain levels of emission increases, which require more AQMD review than a minor permit revision. For instance, de minimis significant permit revisions could involve the alteration of existing equipment or permit conditions that increase facility emissions and necessitate a determination of best available control technology (BACT), air quality impacts, and emission offsets. As a result, more processing time is required for this type of evaluation. A time limit of 180 days from the date the application is deemed complete, or 15 days after EPA review, whichever is later, is proposed in subparagraph (i)(2)(E) for this process.

Procedures for Permit Renewal Applications

The language, originally located in paragraph (g)(2) of Rule 3004, that discusses the federal enforcement procedures used when taking action on permit renewal applications has been more appropriately placed in paragraph (i)(5) of this rule.

EPA Review and Objection

In an effort to streamline the timeline for EPA review procedures, paragraph (i)(7) and subdivision (j) of this rule have been amended to allow concurrent public, affected State, and EPA review of proposed Title V permits. To ensure that EPA has the opportunity to review any comments that are received during the public and the affected States review, procedural language has been added to paragraph (j)(4) that requires the AQMD to forward any comments received, and any refusals to accept all recommendations made, including the reasons, to the EPA at least 10 days

prior to the end of EPA's 45-day review period. In addition, new language has been added to subparagraphs (i)(4)(E) and (j)(1)(C) that clarifies that the EPA will also receive all information regarding any revisions that are made to a proposed permit in response to public or affected State comments

At best, consolidating the review processes could potentially shrink the overall review timeline from 75 days to 45 days. EPA supports this streamlining effort provided that there is a mechanism in place to account for any comments received and responses made by the public and any affected States during the first 30 days of review. At EPA's request, subdivision (k) has been changed to allow EPA to take an additional 45 days to make a final determination if EPA provides a written request to delay the permit issuance on the basis that more time is necessary to review public or affected State comments. However, EPA has committed to expedite the time needed this additional review whenever feasible. Also, the reference to 40 CFR Part 70 in subdivision (k) has been further clarified to mean Section 70.8 (c).

To be consistent with 40 CFR Part 70 and subdivision (k) of this rule, language referring to revising a permit to meet timely objections made by EPA in subparagraph (i)(4)(E) has been deleted because it implied that the permit could be revised and issued without resubmitting the revised permit to EPA for review.

Paragraph (k)(3) has been amended to reflect AQMD's intent to negotiate with EPA over any disagreements with their objection to a permit, prior to denying or revising the permit.

Subparagraph (j)(1)(B) was amended to clarify that proposed permits for administrative permit revisions are not required to undergo EPA review.

Review by Affected States

Subparagraph (i)(4)(C) and paragraph (m)(1) were amended to clarify that applications for administrative permit revisions are not required to undergo an affected State review. Also, consistent with 40 CFR Part 70, Section 70.8, only notices of proposed permits will be sent to affected States.

Instead of referring to the review timelines established in Rule 3006, paragraph (m)(2) will say that an affected State has 30 days upon receipt of the notice to provide written comments.

Paragraph (m)(3) has been amended to reflect the concurrent review process by simply referring to paragraph (j)(4).

Public Petitions to EPA

Paragraph (l)(1) of this rule has been clarified by citing Section 70.8 (d) of 40 CFR Part 70 as reference guidelines in the event that the public may petition the EPA to make an objection to a proposed permit Also, paragraph (l)(3) was clarified to say that a public petition, objecting to a permit that was issued after EPA's 45-day review and prior to EPA receiving the objection, will not undermine the effectiveness of the permit in question or its requirements.

Prohibition of Default Issuance

Subdivision (n) of this rule has been clarified to explain that Title V permits cannot be issued without undergoing EPA and affected State review, with the exception of administrative permit revisions. Similarly, additional clarification was added to explain that Title V permits cannot be issued without the opportunity for public review, with the exception of administrative, minor, and de minimis significant permit revisions.

General Clean-Up

Currently, there are several places in this rule where the terms "draft permit" and "proposed permit" are used. These terms were needed when the public and EPA review processes were not concurrent. This rule has been corrected to be consistent with the deleted definition of "draft permit" and the revised definition of "proposed permit."

Language in old paragraphs (a)(4), (a)(5) and (a)(6) has been deleted because it is redundant to subdivision (a) of Rule 3002.

As previously described, every occurrence of "or designee" has been deleted from this rule.

RULE 3004 - PERMIT TYPES AND CONTENT

Monitoring and Recordkeeping

As per EPA's request, subparagraph (a)(4)(C) has been corrected to say that the periodic monitoring or recordkeeping should be representative of the source's compliance *with the terms of the permit*, instead of *for the term of the permit*, as was erroneously stated in the original version of this rule. Also, the sentence, "Recordkeeping provisions may be..." has been added, consistent with 40 CFR Part 70, Section 70.6 (a)(3)(B).

Certification by a Responsible Official

Subparagraphs (a)(4)(F) and (a)(10)(A) of this rule specify that the permit must state that a responsible official is required to certify specific documents, including compliance documents as necessary. The language

pertaining to the responsible official certifications in these two paragraphs has been deleted and consolidated into new paragraph (a)(12).

Standard Permit Conditions

An exception from operating in compliance with all regulatory requirements if the permit holder has had an AOC imposed pursuant to Rule 518.2 has been added to the standard permit condition required by subparagraph (a)(7)(A). Also, for consistency with 40 CFR Part 70, Section 70.7 (f)(1), the requirement for all Title V permits to contain a permit condition that describes the criteria for reopening a permit has been added as new subparagraph (a)(7)(I).

Terms and Conditions for Emissions Trading

To enhance a Title V permit's enforceability concerning emissions trading and to meet an EPA requirement for interim approval, additional compliance requirements in accordance with 40 CFR Part 70, Section 70.6 (a)(10) have been proposed in paragraph (a)(9). At this time only the AQMD's RECLAIM program and the Acid Rain program under Title IV of the federal Clean Air Act allow any emission trading without a case-by-case review.

Compliance Schedules

40 CFR Part 70 requires Title V permits to include a compliance schedule if the facility is not in compliance with an applicable requirement. Subparagraph (a)(10)(C) is being amended to reflect the fact that in the AQMD, facilities will have the option to get an AOC (only an AOC can protect a facility from EPA enforcement of a federally enforceable requirement), variance or order for abatement if they are not in compliance. The Title V permit will require compliance with any outstanding AOCs, variances or abatement orders that are in effect at the time the Title V permit is issued. These documents often include a compliance schedule.

Compliance Certifications

The contents of permit terms and conditions for compliance certifications in subparagraph (a)(10)(E) have been clarified to include emission limitations, standards and work practices. Also, the requirement that the compliance status must cover the duration of the reporting period has been added.

Equipment Listing

The obvious requirement that all equipment subject to any source-specific regulatory requirement shall be listed in the Title V permit was erroneously omitted from previous versions of the rule and has been added as new paragraph (a)(13).

Permit Content for RECLAIM Facilities

To be consistent with 40 CFR Part 70, Section 70.6 (a)(8), paragraph (b)(3) of this rule has been clarified to mean that a permit revision is not required for emissions trading that is allowed by Regulation XX - RECLAIM.

Permit Shield

The reference to 40 CFR Part 70 in subdivision (c) is unnecessary and has been deleted. All requirements regarding permit shields are already found incorporated into this subdivision.

Subparagraphs (c)(1)(A) and (c)(1)(B) have been combined and linked with an "or" to be consistent with the permit shield requirements in 40 CFR Part 70, Section 70.6 (f)(1)(i). Consequently, subparagraph (c)(1)(C) has been renumbered as subparagraph (c)(1)(B).

Temporary Source Permits

Subdivision (d) of this rule has been updated to clarify the criteria and required permit conditions for a temporary source permit, and change the maximum operation at one location or facility from 90 days in a calendar year to 12 consecutive months, consistent with NSR. Also, in response to CARB comment, paragraph (d)(1) has been clarified that state-registered portable equipment, in addition to affected sources under the acid rain program, are not eligible for temporary source permits.

General Permits

As requested by EPA, language was added to subdivision (e) of this rule to explain the enforcement provisions and application procedures for equipment that no longer qualifies for coverage under a general permit pursuant to the requirements established in 40 CFR Part 70, Section 70.6 (d)(1).

Permit Expiration and Renewal

The original version of this rule had three separate subdivisions, (f), (h) and (i), that discussed the circumstances regarding the expiration of a permit and the requirements pertaining to renewing a permit prior to permit expiration. These subdivisions have interrelated requirements and are subsets of one another. Therefore, subdivisions (h) and (i) have been deleted from this rule and the requirements were merged and condensed into subdivision (f).

Equipment Omitted From a Title V Permit

Rule 219 Equipment

Equipment that are exempt from a written permit by Rule 219, but are subject to a source-specific regulatory requirement, are not allowed by

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EPA to be excluded from the Title V permit. Therefore , old paragraph (h)(3), renumbered to paragraph (h)(1), has been rewritten accordingly. Examples of this include: a) small cold-solvent degreasing tanks subject to Rule 1122 - Solvent Degreasers, or Rule 1171 - Solvent Cleaning Operations; and, b) air conditioning units with a capacity of 50 pounds or more of refrigerant subject to federal regulations regarding ozone-depleting compounds (ODCs).

Although this equipment must be on the Title V permit, EPA allows the equipment to be treated generically rather than specifically. It is AQMD's intent to include this equipment generically in the Title V permit, along with other Rule 219 equipment. Rule 301 - Permit Fees, will not apply to Rule 219-exempt equipment, and no P/C will be required to install Rule 219-exempt equipment. The permit will be updated when the permit is renewed.

Research Equipment

The limitation of one year or less in old paragraph (h)(4) (or new paragraph (h)(2)) has been deleted because research operations permitted under Rule 441 - Research Operations, must be of limited duration, but may be allowed for more than one year. Also, since the term "major source" is not defined in Rule 3000, a reference to the applicability criteria pursuant to Rule 3001 has been added instead.

Non-Road Engines

Non-road engines that were manufactured on or after November 15, 1990, were given an exemption from Title V permitting requirements in 40 CFR Part 89, Section 89.2 and will be omitted from the Title V permit as proposed in amended paragraph (h)(3).

Military Tactical Support Equipment

Military tactical support equipment registered to operate under a statewide registration program for portable equipment are precluded by Sections 2450 through 2463, Statewide Portable Equipment Registration Program, Title 13 of the California Code of Regulations from having to obtain any AQMD permit, and are specifically exempted from Title V. Therefore, this type of equipment will be omitted from an AQMD Title V permit as proposed in amended paragraph (h)(4). CARB adopted this program at a public hearing on March 27, 1997.

Portable Equipment

The exemption in paragraph (h)(1) for portable equipment has been deleted because EPA commented that portable equipment operating at a stationary facility cannot be so broadly exempted from a Title V permit, with the exception of non-road engines and statewide registered equipment (see previous discussions on Non-Road Engines and Military Tactical Support

Equipment). Similarly, paragraph (h)(2) has been deleted because the language does not accurately reflect how portable equipment are treated pursuant to the RECLAIM program. In place of these deleted paragraphs, new paragraph (h)(5) incorporates guidance jointly developed by EPA and CARB for portable equipment operating at a stationary Title V facility.

The paragraph allows portable equipment, that has either an AQMD permit or state-issued permit or registration to operate throughout the District, to remain off of the Title V permit of the stationary facility it visits, provided that one of the following requirements are met:

~~(1) The equipment is contractor-operated or rental equipment and its operations at the stationary facility aren't routine and predictable;~~

(12) The equipment has a Title V, temporary source permit; ~~or~~

(23) The equipment has either an AQMD permit or state-issued permit or registration and is subject only to generic regulatory requirements (such as Rule 401 - Visible Emissions) and not to any source-specific regulations (such as Rule 1140 - Abrasive Blasting). However, the stationary facility's Title V permit must specifically state that the generic requirements apply to portable equipment; or

(3) The equipment has an AQMD permit or registration and the operation of the portable equipment does not conflict with the terms and conditions of the Title V permit and does not occur outside one 365-day period, or window during the term of the Title V permit. The time period may not be extended for portable equipment that is replaced with other portable equipment that performs the same function.

In the first case [Rule 3004 (h)(5)(A)], the portable equipment operator will have a full-fledged Title V permit that allows operation throughout AQMD. The portable equipment operator will be responsible for meeting all Title V permit obligations, such as monitoring, reporting and annual certification.

The second case [Rule 3004 (h)(5)(B)] applies only to any portable equipment not subject to a source-specific regulatory requirement. However, few portable equipment will meet this criterion.

The third case [Rule 3004 (h)(5)(C)] is based on 40 CFR Part 70, Ssection 70.5 (a)(1)(ii) which allows operation of equipment for one year outside of the Title V permit before an application for a permit revision is required. This section is applicable to equipment that has been permitted and undergone a Regulation XIII - New Source Review (NSR) evaluation by AQMD. EPA stated that state-registered portable equipment does not qualify for this because AQMD is precluded by state law from issuing a

permit subject to NSR to state-registered equipment. The subparagraph allows operation by portable equipment with a valid AQMD District permit or registration within one one-year period or window during the 5-year term of the Title V permit, provided the portable equipment is not required to have a Title V permit itself. (If the portable equipment has a Title V temporary source permit, subparagraph (h)(5)(A) applies.) During the one-year window, the Title V facility operator would not be subject to any Title V requirements. The one-year time limit can not be circumvented by replacing a portable equipment unit with another unit with the same function.

The proposed amendments do not include a CARB proposal that state-registered portable equipment could be considered as an attachment to a stationary facility's Title V permit, because EPA has not yet agreed to this

EPA's White Paper No. 1 gives states authority to treat short-term activities at a stationary source generically, without emissions unit specificity and AQMD intends to follow this approach in preparing Title V permits for stationary facilities where portable equipment subject to Title V operate. AQMD will work with EPA and CARB on the details of how this will be accomplished. Since it is already authorized by the white paper, it does not require rule language in Regulation XXX to implement.

General Clean-Up

Paragraph (g)(2) has been deleted from this rule and moved to subdivision (i) of Rule 3003 where actions on permit renewal applications are more appropriately discussed.

As previously described, every occurrence of "or designee" has been deleted from this rule. Also, to account for changes made to this rule, some references to paragraphs have been renumbered.

RULE 3005 - PERMIT REVISIONS

Reorganization

For the sake of brevity, clarity and consistency, the rule has been reorganized so that the common elements of each type of permit revision described are addressed in new subdivision (a) - General Requirements. Requirements found in other Regulation XXX rules are referenced rather than repeated. As a result, several elements in the discussions for Administrative Permit Revisions (now renumbered as subdivision [b]), Minor Permit Revisions (now renumbered as subdivision [c]), and Group Processing Procedures for Multiple Minor Permit Revisions (now renumbered as subdivision [d]), are now redundant or no longer accurate and have been deleted.

General Requirements

The requirements for administrative, minor (including group processing procedures), de minimis significant, and significant permit revisions all share four common elements: Procedures, Ability of Facilities to Make Changes, Application Shield, and Permit Shield. These requirements were deleted from the individual permit revision descriptions, condensed and moved into new subdivision (a).

Administrative Permit Revisions

The subdivision for administrative permit revisions has been renumbered from (a) to (b). In addition, paragraph (b)(2) has been modified to match the format of the other permit revision subdivisions in the rule such that an administrative permit revision application shall include a description of the change and a certification by a responsible official.

Minor Permit Revisions and Group Processing Procedures

The subdivision for minor permit revisions has been renumbered from (b) to (c) and the subdivision for group processing multiple minor permit revisions has been renumbered from subdivision (c) to (d).

Since separate procedures have been proposed for de minimis significant permit revisions, the reference to the definition of de minimis significant permit revision has been deleted from subdivision (c).

To be consistent with the proposed deletion of the definition of "draft" permit in Rule 3000 and with the changes to Rules 3003 and 3005 regarding a concurrent EPA, public and affected State review process, the reference to a draft permit is no longer necessary and has been deleted from subdivisions (c) and (d).

The requirement in old paragraph (b)(3) to notify EPA and affected States within five days of receipt of a minor permit revision application has been deleted. This is because AQMD's minor revision process requires the notification of EPA and affected States to occur *after* the preparation of the facility's proposed Title V permit revision. For the same reason, old paragraph (c)(3), which required notification of EPA and affected States of group minor permit revisions during the first week of each calendar quarter or within five days of receipt of a minor permit revision application that exceeded the group emission thresholds, has been deleted. Applications will still be sent to EPA in accordance with Rule 3003 (j)(1)(A).

Instead of grouping minor permit revisions each calendar quarter, the proposed subparagraph (d)(1)(C) will allow grouping of applications submitted within any 90 day period.

EPA commented that without a requirement for timely submittal of the proposed minor or group minor permit revision to EPA for their 45-day review, the 90-day and 180-day deadlines for issuing the permit revisions could not be met. Therefore, staff has added requirements in subparagraph (c)(2)(B) and paragraph (d)(3) for AQMD to submit the proposed permits to EPA 45 days before the deadlines.

Consider a group processing example to illustrate how the proposed changes to Rule 3003 will help assure that AQMD meets the 180-day deadline to issue a permit. Assume a facility submits the first of ten applications that qualify for group processing on January 1. It is subsequently deemed complete without requiring additional information. The facility would then have until April 1 (90 days later) to submit all ten, complete applications. The 180-day clock would start on January 1, and AQMD staff would have until May 16 (135 days later) to submit the proposed permit to EPA for a 45-day review, and until June 30 (180 days later) to issue the permit for the group revision. Even if the last of the ten, complete applications is submitted on the ninetieth day, April 1, there will still be 45 days to complete the review of the entire group and submit the proposed permit to EPA. This is the same amount of time allowed for reviewing one "regular" minor permit revision application. However, if any of the applications are not deemed complete, they will be separated out of the group and processed individually under the appropriate revision track.

For both minor and group minor processing, the requirement that the Executive Officer deny the permit if it is determined that the application should be reviewed under another revision procedure has been deleted. Instead, AQMD will process the application under the appropriate revision procedure. This is reflected in amended clause (c)(2)(B)(i) and subparagraph (d)(3)(B).

Per EPA's request, the group processing thresholds described in new subparagraph (d)(2)(B) have been clarified.

De Minimis Significant Permit Revisions

Subdivision (e) has been added to address the applicability of and procedures for de minimis significant permit revision applications. The procedures are nearly the same as for minor permit revisions. Also, similar to the timelines allowed for staff to take action of grouped minor permit revision requests, subparagraph (e)(2)(B) of Rule 3005 proposes to allow staff 135 days from when an application is deemed complete, to send the permit to EPA for review or determine that the application does not meet the criteria for a de minimis significant permit revision and should be processed under another revision track. The timeline of 135 days is proposed for this determination to assure that the EPA will continue to

have 45 days to review the application and that the total review time will not exceed the 180 days as proposed in Rule 3003 (i)(2)(E).

Reopening for Cause

This subdivision has been renumbered from (e) to (g). The original language in paragraph (e)(2) of this rule discusses two elements that pertain to the permit reopening process. One portion of this paragraph discusses the authority of the AQMD to revoke and terminate a permit. This is a separate requirement and it has been moved into paragraph (g)(3). The remaining portion of the original paragraph (e)(2) explaining how the reopening procedures will ultimately affect the permit has been renumbered to paragraph (g)(2) and reworded slightly for clarity.

Reopening for Cause by EPA

This subdivision has been renumbered from (f) to (h). This subdivision has been revised to make the procedures for reopening permits for cause by EPA more clear, and consistent with 40 CFR Part 70, Section 70.7 (g). Also, since 40 CFR Part 70 does not state when the Executive Officer should act if EPA agrees with the proposed permit action, new language has been added to this part that will give the Executive Officer 15 days to act after EPA agreement, or the end of the 90-day review period, whichever occurs first. Furthermore, additional clarification has been added to the resolution process if EPA objects to a proposed permit.

Operational Flexibility

This subdivision has been renumbered from (g) to (i). EPA has commented that the operational flexibility provisions under what is now paragraph (i)(1) are slightly inconsistent with the language in Section 70.4 (b)(12) of 40 CFR Part 70. Subparagraphs (i)(1)(A) and (i)(1)(B) require the facility to submit a notice to the EPA and the AQMD indicating when a change under the operational flexibility provisions will occur. A requirement stating that the facility and the AQMD are also required to attach the notice to the current version of the permit is missing from this paragraph. New language to this effect has been added in subparagraph (i)(1)(D) to include this requirement.

Also, the current rule language in this paragraph states that changes that constitute modifications under Title I of the federal Clean Air Act do not qualify for operational flexibility. Subdivision (k) of this rule also has the same restriction. However, neither subdivision explains what a Title I modification really is. Subparagraph (i)(1)(C) restricts some, but not all, actions that are Title I modifications from operational flexibility. Therefore, the references to Title I modifications have been deleted from both the operational flexibility subdivision (i) and subdivision (k). In their place, additional restrictions have been added to subparagraph (i)(1)(C) to describe all actions that are Title I modifications. They include actions

subject to AQMD's Regulation XVII - Prevention of Significant Deterioration (PSD), NSPS standards as described in 40 CFR Part 60, and NESHAP standards as described in 40 CFR Part 61 and Part 63.

Also, paragraph (k)(1) states that a Title V facility shall not make a change that is subject to the Acid Rain program under Title IV of the federal Clean Air Act without revising the permit. To maintain all of the restrictions to limiting changes without permit revisions in one place, paragraph (k)(1) has been deleted and moved under subparagraph (i)(1)(C).

Prohibitions on Changes Not Specifically Allowed by Permit

This subdivision has been renumbered from (i) to (k). Paragraphs (k)(1) and (k)(3) have been deleted (see previous discussion for Operational Flexibility above) and paragraph (k)(2) has been merged with the subdivision's introductory text. The words "administrative permit revision" have been removed because facilities are not prohibited from making those changes.

General Clean-Up

As previously described, every occurrence of "or designee" has been deleted from this rule. To remove redundant language and combine like requirements, the responsible official certification requirements in old subparagraph (d)(2)(E) have been merged into renumbered subparagraph (d)(2)(A).

RULE 3006 - PUBLIC PARTICIPATION

Application Content

Subparagraph (a)(1)(C) requires the applicant to prepare and submit a proposed public notice at the time of filing a Title V application. Consistent with Proposed Amended Rules 3003 and 3005, it is now AQMD's intent to prepare each public notice. Therefore, this requirement has been deleted.

Public Notice Contact Person and Public Hearing Request Procedures

Currently, the rule language in subparagraph (a)(1)(F) allows any person, after receiving notification that the AQMD proposes to issue a Title V permit to a facility, to request a public hearing within 10 days of the notice publication date. AQMD staff proposes to increase this amount of time to 15 days so that a person can have more time to read the notice, initial application, and proposed permit, and then complete and submit a public hearing request as appropriate.

To make a public hearing request, the individual must directly notify the Title V facility involved. However, the current rule language does not

require the identification of a specific individual in the public notice as the intended recipient of this type of Title V correspondence. To assure that the appropriate individual at a Title V facility will be directly notified, subparagraphs (a)(1)(B) and (a)(1)(F) now specify that the facility's contact person be identified in the public notice, and notified by the individual requesting the public hearing.

Subparagraphs (a)(1)(D) and (a)(1)(G) have been revised slightly to clarify that the Executive Officer will notice a proposed permit hearing at least 30 days prior to the scheduled hearing date. Also, subparagraph (a)(1)(G) has been revised to say that AQMD staff will hold a public hearing only if a valid request is received in accordance with the public hearing request procedures in subparagraph (a)(1)(F).

Also, for permit hearings for multiple facilities that share common issues, new subparagraph (a)(1)(H) has been added to allow the Executive Officer to combine permit hearings, provided that the affected facilities do not object.

"Draft Permit" vs. "Proposed Permit"

Currently, there are several places in this rule where the terms "draft permit" and "proposed permit" are used. This rule has been corrected to be consistent with the elimination of the term "draft permit" from Rule 3000 and its replacement with the term "proposed permit," and the corresponding procedures establishing a concurrent public, affected State, and EPA review of the proposed permit in Rules 3003 and 3005.

General Clean-Up

Subdivision (b) of this rule has been clarified to exempt de minimis significant permit revisions from public participation procedures. Subparagraph (a)(1)(F) has been clarified that a public request for a public hearing must contain all the listed information. As previously described, every occurrence of "or designee" has been deleted from this rule.

RULE 212 - STANDARDS FOR APPROVING PERMITS

Current Requirements

Rule 212 establishes criteria for the approval of permits by the AQMD. The amendments to this rule incorporate the changes to the California Health and Safety Code, Section 42301.6 and streamline and coordinate noticing requirements, particularly those associated with Regulation XXX.

Rule 212 currently includes procedures for notification of persons within a defined proximity of a "significant project," who may be affected by the

proposed construction or modification. The definition of "significant projects" represents a combination of AQMD policy and state law.

As currently defined, a significant project is:

- a new or modified permit unit that emits air contaminants and located within 1000 feet of a school;
- has emission increases exceeding Regulation XIII's old Community Bank thresholds previously established in the May 3, 1991 version of Rule 1309.1 - (NSR) Community Bank and Priority Reserve, or,
- one that emits carcinogenic air contaminants at levels which may expose an individual to a lifetime cancer risk greater than, or equal to, one in a million ($1x10^{-6}$)

The first criterion above is a state-mandated requirement, whereas the latter two reflect AQMD policy decisions, and California Environmental Quality Act (CEQA) requirements

The rule currently requires a public notification to be distributed within a radius of 750 feet of a new or modified source emitting an air contaminant that is located within 1000 feet of a school. For a new or modified source with emission increases exceeding the old Community Bank thresholds, the notice must be distributed to persons within 1/4-mile radius.

The rule also includes the requirement criteria and notification procedures for sources that will undergo construction or modifications resulting in an emissions increase exceeding the old Community Bank thresholds and that are:

- subject to NSR;
- subject to Regulation XX; or,
- Outer Continental Shelf (OCS) facilities located within 25 miles of the state's seaward boundary.

Proposed Amendments

The proposed amendments to Rule 212 reflect the new changes to the law that requires the radius of public notice distribution to be increased from 750 feet to 1000 feet. This will result in an average increase of 78 percent more people receiving notifications since the distribution radius has increased from 750 feet to 1000 feet.

In addition, due to the comments received, the rule language was modified to require the notices to be distributed to the legal guardians as well as to the parents of children.

The proposed amendments will eliminate the redundant requirement to mail notices to persons located within 1/4-mile radius of a new or modified source with emission increases exceeding the levels specified in subdivision

(g). This is because facilities are already subject to notification requirements pursuant to procedures specified under 40 CFR Part 51, Section 51.161 (b) and 40 CFR Part 124, Section 124.10. In addition, they may also be subject to Title V notification. This amendment will only change the method of noticing.

In the proposed amendments, public notification is required for facilities emitting toxic air contaminants resulting in an increased cancer risk of greater than or equal to:

- ten in a million ($10x10^{-6}$) for single permitted source facilities; or,
- one in a million ($1x10^{-6}$) for facilities with more than one permitted source, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide cancer risk is below $10x10^{-6}$.

These proposed changes are the result of reconciling the requirements in AQMD's permitting program, the state's AB2588 program, and CEQA with the current notification procedures in Rule 212. In addition, the proposed changes will reduce the number of facilities affected by noticing requirements. Specifically, these changes will:

- reduce the noticing requirements for small sources with a single permit (i.e., gas stations and small auto body shops) because the significant level for carcinogenic compounds is defined as $10x10^{-6}$ for the entire facility;
- reduce the unnecessary regulatory burden and permitting delays for small sources; and,
- require noticing for large facilities unless they have minimized their facility's toxic emissions and demonstrated that the facility-wide cancer risk is below $10x10^{-6}$.

The Executive Officer shall use Rule 1401 - New Source Review of Carcinogenic Air Contaminants, screening analysis procedures to determine if the cancer risk is below $10x10^{-6}$ for facilities with a single permitted source and $1x10^{-6}$ for facilities with multiple permitted sources. However, a facility with more than one permitted source has an option to demonstrate that the total facility-wide cancer risk is below $10x10^{-6}$ by using the risk assessment procedures and toxic substances specified in Rule 1402 - Control of Toxic Air Contaminants from Existing Sources.

In order to better reflect the nature of Rule 212, staff proposes that the title of the rule be changed to Standards for Approving Permits and Issuing Public Notice. Further, the phrase "Sections 41700, 41701, or 44300 (et sec.)" in subdivision (a) does not completely represent all the necessary requirements under Section 42301 of the California Health and Safety Code and instead, was replaced with the phrase "provisions of Division 26."

For clarification purposes, a reference to Rule 1401 risk assessment procedures was added to subparagraph (c)(2)(B) to determine the cancer risk of toxic substances listed in Table I of Rule 1401.

Based on the comments received during the consultation meeting on October 8, 1997, staff proposes that the phrase "significant project" be replaced with "project requiring notification." This change will remove potential confusion created due to the different definitions for significant project under Rule 212 and CEQA. Also for clarification purposes, "This paragraph" in the last sentence of paragraph (c)(2), was replaced with "Paragraph (c)(2)."

Previous Amendments

Rule 212 was originally adopted on January 9, 1976 to give the authority to the Air Pollution Officer to deny a P/C or P/O for sources emitting air contaminants in violation of Section 41700 or 41701 of the California Health and Safety Code. Since then, the rule has been amended nine times. The following is a summary of the rule's amendment history:

July 6, 1984: Rule 212 was amended to:

- Incorporate provisions of Section 39050.5 of the California Health and Safety Code. This amendment gave the authority to the Executive Officer or designee to issue a special conditional P/C for resource recovery projects.
- Require the AQMD to provide 30 days public notice of the intent to issue a P/C for resource recovery projects.

May 17, 1985: Rule 212 was amended to:

- Eliminate the public notification requirement for resource recovery projects.

May 1, 1987: Rule 212 was amended to:

- Include the NSR requirement of publishing a notice before a P/C was granted to a NSR project.
- Include the notification requirements for significant projects or one which had the potential to emit toxics.
- Define significant projects as:
  - All new plants subject to NSR;
  - Modifications to certain existing facilities subject to NSR (resource recovery, cogeneration, sewage plants, electric power plants, or refineries); and,
  - All plants emitting toxic or potentially toxic air contaminants.

(Potentially toxic air contaminants are defined as substances currently under review by CARB for possible identification as a toxic under the tanner process pursuant to AB1807 or any other material determined by the Executive Officer to be potentially toxic.)

- Require the public notice to be distributed to each address in a 2-mile radius instead of publishing a notice in a local newspaper.

July 10, 1987: Rule 212 was amended to:

- Include a significant threshold level for toxic and potentially toxic air contaminants for notification purposes.
- Specify the toxic significant threshold level as any toxic air contaminants which result in a cancer risk of greater than or equal to $1x10^{-6}$.
- Define toxic and potentially toxic air contaminants as substances identified or currently under review by CARB for possible identification as toxic air contaminants, or those categorized by the EPA as carcinogens. These definitions were modified in March 1989 and September 1991 amendments.

March 3, 1989: Rule 212 was amended to:

- Include changes to the California Health and Safety Code, Section 42301.6. The changes include notification requirement to the parents of children in any school within 1/4-mile of the source and to each address within a radius of 750 feet from the outer property line of the source.
- Define significant projects as all new or modified sources that emit air contaminants and are located within 1000 feet from the outer boundary of school; all new plants subject to NSR; modifications to certain existing facilities subject to NSR (resource recovery, cogeneration, sewage plants, electric power plants or refineries); and all plants emitting toxic which executive officer has made a determination that a person may be exposed to an individual cancer risk greater than or equal to $1x10^{-6}$.

June 28, 1990: Rule 212 was amended to:

- Include the amendments to NSR in order to meet the state law requirements in the California Clean Air Act (that all emissions are mitigated from newly permitted equipment) and 1989 AQMP (that all emissions are offset from new or modified sources).
- Include the NSR Community Bank threshold limits for public notice.
- Remove the conditional P/C provisions given to resource recovery projects.

September 6, 1991: Rule 212 was amended to:

- Include the exemption from notification for all new and modified sources located within 1000 feet from a school with no increase in emissions pursuant to State of California Senate Bill (SB) 274.
- Include the list of carcinogenic compounds regulated by Rule 1401.
- Add the new area of notification for the sources subject to Rule 1401. This gives the AQMD the authority to choose other appropriate radius.
- Include procedures to file written requests.

August 12, 1994: Rule 212 was amended to:

- Include the federal notification requirements for OCS facilities.

December 7, 1995: Rule 212 was amended to:

- Add federal notification requirements for facilities subject to NSR and RECLAIM.
- Clarify the rule language.

General Clean-Up

The phrase "Executive Officer or designee" is used throughout this rule. The words "or designee" are part of the definition of "Executive Officer" in Rule 102 and do not need to be repeated. Therefore, every occurrence of "or designee" has been deleted from this rule.

EMISSION IMPACT

The proposed amendments to Regulation XXX and Rule 212 have no impact on emission limits, and no direct impact on air quality. However, one purpose of Regulation XXX is to improve compliance of major sources with their permit conditions. To the extent that the regulation succeeds in this regard, air quality will benefit. The primary impact of the proposed Regulation XXX amendments is to allow sources of actual emissions that had made permanent reductions subsequent to 1992 to qualify for an exemption during the first three years of the program. Sources must continue to comply with all other applicable rules. Therefore, staff expects no significant emission impact.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

AQMD staff has reviewed the proposed amendments to Rule 212 and Regulation XXX, pursuant to State CEQA Guidelines Section 15002 (k)(1) and AQMD CEQA Implementation Guideline Section 1.2 (k)(1), and has determined with certainty that the proposed project is exempt from

the requirements of CEQA pursuant to State CEQA Guidelines Section 15061 (b)(3) and AQMD Implementation Guideline Section 5.1 (b)(3). The proposed project does not cause any potential significant impacts to air quality or any other environmental area. A Notice of Exemption has been prepared pursuant to State CEQA Guidelines Section 15062 and will be filed with the county clerks immediately following the adoption of the proposed amendments.

SOCIOECONOMIC ANALYSIS

The purpose of the proposed amendments to Regulation XXX is to improve the clarity, increase flexibility and enhance enforceability of the Title V permit rules. The proposed amendments to Rule 212 would make the public notice requirements consistent with state law and would eliminate duplicative or unnecessary noticing.

The proposed amendments to Regulation XXX and Rule 212 are administrative in nature and do not impose any additional requirements on affected sources. As such, the amendments to Regulation XXX and Rule 212 will not result in any adverse socioeconomic impacts.

On October 14, 1994, the Governing Board adopted a resolution that requires staff to address whether rules being proposed for adoption or amendment are being considered in order of cost-effectiveness. The 1997 AQMP ranks, in order of cost-effectiveness, all of the proposed control measures for which costs were quantified. The amendments to Regulation XXX and Rule 212 are not part of the 1997 AQMP, but to respond to issues raised by the public and affected sources. Consideration in order of cost-effectiveness is, therefore, not applicable.

California Health and Safety Code Section 40920.6 requires an incremental cost-effectiveness analysis for other potential control options which would achieve the emission reduction objective in the proposed regulations. No emission reductions are attributed to the amendments to Regulation XXX and Rule 212. Therefore, incremental cost-effectiveness analysis is not applicable for the proposed amendments.

DRAFT FINDINGS UNDER THE CALIFORNIA HEALTH AND SAFETY CODE

Before adopting, amending or repealing a rule, the California Health and Safety Code requires AQMD to adopt written findings of necessity, authority, clarity,

consistency, non-duplication, and reference, as defined in Health and Safety Code Section 40727. The draft findings are as follows:

Necessity - The Governing Board of the AQMD has determined that a need exists to amend Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements , Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, Rule 3006 - Public Participation, and Rule 212 - Standards for Approving Permits, to clarify rule requirements, improve application and permitting procedures for Title V facilities, address EPA conditions for full approval of AQMD's Title V program, make Rule 212 consistent with state law, and avoid unnecessary or duplicative noticing.

Authority - The AQMD Governing Board obtains its authority to adopt, amend or repeal rules and regulations from Health and Safety Code Sections 39620, 40000, 40001, 40440, 40441, 40463, 40702, 40725 through 40728.5, 42300, and 42301.

Clarity - The AQMD Governing Board has determined that the proposed amendments to Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements , Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, Rule 3006 - Public Participation, and Rule 212 - Standards for Approving Permits, are written or displayed so that their meaning can be easily understood by persons directly affected by it.

Consistency - The AQMD Governing Board has determined that proposed amendments to Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements , Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, Rule 3006 - Public Participation, and Rule 212 - Standards for Approving Permits, are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.

Non-Duplication - The AQMD Governing Board has determined the proposed amendments to Rule 3000 - General, Rule 3001 - Applicability, Rule 3002 - Requirements , Rule 3003 - Applications, Rule 3004 - Permit Types and Content, Rule 3005 - Permit Revisions, Rule 3006 - Public Participation, and Rule 212 - Standards for Approving Permits, do not impose the same requirements as any existing state or federal regulation, except to the extent necessary to implement federal regulations under Title V of the federal Clean Air Act and 40 CFR Part 70, and the proposed rules are necessary and proper to execute the powers and duties granted to, and imposed upon, AQMD.

Reference - In adopting these amended rules, the AQMD Governing Board references the following statutes which AQMD hereby implements, interprets or makes specific: federal Clean Air Act Sections 501-507 (Title 42 USC Sections 7410, 7502, 7503, 7661-7661f); 40 CFR Part 70 (Operating Permit Program);

Health and Safety Code Sections 39002, 40001 (rules to achieve ambient air quality standards), 42300 and 42301 (permit system).

EPA COMMENTS AND RESPONSES

Proposed Amended Regulation XXX

1. **Comment:** The definition of "potential to emit" in Rule 3000 (b)(16) should only refer to "federally enforceable" permit conditions and not to ones that are "legally and practically enforceable by the District" because this will be the subject of future EPA rulemaking and may have to be changed.

   Response: The proposed amendment has been removed. However, to be consistent with EPA's guidance memo dated August 27, 1996 (John Seitz), "Extension of January 25, 1995 Potential to Emit Transition Policy," the AQMD will interpret this definition to allow limitations that are not federally enforceable, but are legally and practically enforceable by AQMD, to also be considered in determining the potential to emit. The AQMD will follow this policy which is in effect until July 31, 1998 or until further EPA rulemaking, whichever is sooner. AQMD will amend Regulation XXX in accordance with and upon adoption of future revisions to 40 CFR Part 70 or other relevant regulations.

2. **Comment:** The proposed amendments in Rule 3001 (e)(2) that provide for exclusions from Phase Two of program implementation based on a facility-wide cap do not satisfy the requirements of EPA's model synthetic minor rule.

   Response: Staff has withdrawn the proposal.

3. **Comment:** The proposed language in Rule 3002 (a)(4) would allow, pursuant to Rule 202 - Temporary Permit to Operate, (c), a Title V facility to operate under an unwritten, temporary, permit to operate after altering or installing equipment without first obtaining a P/C. This is not consistent with 40 CFR Part 70, Sections 70.5 (a)(1)(ii) and 70.7 (b), which require a Title V facility to operate in compliance with its Title V permit and to obtain a permit revision prior to commencing operation of new or modified equipment (when preconstruction review is integrated with Title V).

   Response: Staff has withdrawn the proposal.

4. **Comment:** The proposed language in Rule 3004 (h)(1) incorrectly exempts temporary sources (portable equipment) that operate at a Title V facility from being on the Title V permit. Nothing in 40 CFR Part 70 excuses temporary sources from having a Title V permit.

ATTACHMENT D1

Response: Staff has deleted paragraph (h)(1) and proposed new paragraph (h)(5) to address portable equipment.

5. **Comment:** The exemption for research operations in Rule 3004 (h)(4)(B) should be limited to those that "do not contribute to the product produced or service rendered in greater than a de minimis manner," consistent with the proposed amendments to 40 CFR Part 70.

Response: The current rule and proposed amendments are consistent with EPA's White Paper No. 1. It is not appropriate to require AQMD to amend its Title V regulation in advance of EPA adopting the same amendments. However, if and when EPA does adopt such regulations, Regulation XXX will be amended accordingly.

6. **Comment:** The proposed amendments to paragraphs (c)(3) and (d)(3) of Rule 3005 should maintain the requirement for the AQMD to send the application to EPA within five business days of receipt, in order to assure that minor permit revisions are processed expeditiously within the allotted 90 days. Otherwise, there should be a mechanism that assures the AQMD will submit the proposed permit to EPA in sufficient time to meet the 90-day overall permit processing requirement.

Response: To assure that there is sufficient time for a 45-day EPA review prior to the 90-day deadline, the proposed amendments now require the Executive Officer to submit the proposed minor permit revision to EPA within 45 days of the deemed complete date. Similarly, the Executive Officer is required to submit all of the grouped minor applications within 135 days of receipt of the first complete application in the group. Both timelines take into account the 45 days allotted for EPA review, such that the overall processing time allowed for minor and group minor procedures, respectively, is consistent with the 90- and 180-day limits in paragraph (i)(2) of Rule 3003.

CARB COMMENTS AND RESPONSES

Proposed Amended Rule 3004

1. According to California Health and Safety Code (H&SC) Section 41753 (a)(1), the AQMD is preempted from issuing a Temporary Source Permit, or any other permit, to portable equipment registered under the State Portable Equipment Registration Program. To avoid conflict with state law, AQMD should revise paragraph (d)(1) to: "Except in the case of an affected source under the acid rain program or portable equipment registered by the State, an applicant..."

Response: Staff agrees and instead, has added similar clarifying language to paragraph (d)(1).

2. **Comment:** Proposed subparagraph (h)(5)(A) of Rule 3004 provides that contractor-owned portable equipment should not be identified in a facility's Title V permit unless the operation of such equipment at the facility is "routine and predictable." This provision is based on the document "Draft Title V Permitting Obligations for Portable Equipment Operating at a Title V Source" released by the CARB and EPA (Region IX) on May 22, 1997. Subsequent to the document's release, EPA (Region IX) commented that the phrase "routine and predictable" should be deleted from the guidance. Considering this objection, CARB cannot recommend that the phrase be used as a basis for excluding sources from a Title V permit at this time. Instead, CARB recommends that the AQMD follow the guidance provided in EPA's White Paper No. 1 for short-term activities when considering exclusions for certain portable equipment.

Response: Staff has deleted the previously proposed subparagraph (h)(5)(A) that was based on "routine and predictable" operations of contractor-operated or rental equipment.

PUBLIC COMMENTS AND RESPONSES

Proposed Amended Regulation XXX

General

1. **Comment:** When will a facility be able to apply for a federal AOC pursuant to Rule 518.2?

Response: Rule 505 - Lack of Permit, prohibits the Hearing Board from accepting a petition for a variance or AOC until a P/O is granted or denied. Similarly, all Title V facilities will be eligible to request an AOC beginning when their final Title V permits is issued.

2. **Comment:** Any Title V facility should be able to obtain an AOC and protection from federal enforcement pursuant to Rule 518.2 prior to issuance of a Title V permit.

Response: See response to comment 1.

3. **Comment:** The AQMD should publish an updated list of rules that are pending approval into the SIP.

Response: On a quarterly basis, EPA currently provides AQMD with a "SIP Action Log" containing a list of all rules that have had final action (approval or disapproval) taken to date If rule pending SIP action becomes approved or disapproved, the compliance certification Form 500-C1 is updated to reflect the change in SIP status

Proposed Amended Rule 3000

1. Comment: Based on the definition of "major source" in 40 CFR Part 70, Section 70.2, other states allow the splitting-up of a facility into separate facilities based on different, two-digit standard industrial classification (SIC) codes. The definition of "facility" in Rule 3000 (b)(9) should be changed to reflect this approach.

   Response: The recommendation to change the Title V definition of facility would make the definition conflict with the AQMD's definition of a facility in both Regulation XX and Regulation XIII. Since the AQMD's preconstruction review for both RECLAIM and non-RECLAIM facilities are integrated with Title V, the definition of facilities must remain consistent between these programs.

2. Comment: Rules 3000 (b)(5), 3003 (i)(1), and 3004 (a)(10)(C), all need to be corrected to consistently use the term "order for abatement."

   Response: Staff is in agreement with this recommendation and has made the necessary changes.

3. Comment: The way Rule 3000 (b)(12)(viii) is written, it seems to preclude any modification at a facility that is already subject to a NSPS or NESHAP from utilizing the minor or de minimis significant permit revision track. This could be problematic, since most activities at a refinery are subject to existing NSPS and MACT requirements for refineries. Therefore, this provision virtually makes several common changes at a refinery ineligible for the minor and de minimis significant permit revision tracks.

   Considering all of the modifications that occur at a refinery, this provision will create a permitting backlog and impede a refinery's ability to receive expedited permit revisions for relatively minor changes. Furthermore, excessive project delays will place refineries and other facilities in this district subject to the proposed language at a competitive disadvantage to facilities in other areas of the nation. The AQMD should reconsider making this proposed amendment at this time and, instead, wait until the revised 40 CFR Part 70 is promulgated by EPA.

   Response: Based on the criteria for minor permit revisions in 40 CFR Part 70, Section 70.7 (e)(2)(i)(A)(4), EPA requires this provision to be added. However, this subparagraph has been clarified to require only installations of new equipment

and modifications or reconstructions of existing equipment subject to new or additional NSPS or NESHAP requirements to be put through the significant permit revision process

4. Comment Rule 3000 should contain language that would allow the AQMD to issue more than one Title V permit to a military installation if it meets the criteria provided in the August 2, 1996 EPA guidance document regarding major source determinations

   Response: Although the definition of "facility" in Rule 3000 does not specifically state how a military installation would be treated, the AQMD has the discretion, as provided for in the above-mentioned EPA guidance document, to split up a military installation into separate Title V facilities and issue multiple Title V permits. Upon written request, AQMD staff will follow EPA's guidance and determine whether the military installation is eligible to be divided. If the criteria is met and the separation will not cause a conflict with other AQMD rules (such as Regulation XIII), multiple Title V permits will be issued accordingly. The rule does not need to be amended to accomplish this.

5. Comment: A temporary source should not be considered as a "facility" as proposed in Rule 3000 (b)(30), especially since the temporary source emissions are excluded from a facility's total reported emissions as proposed in Rule 3000 (b)(25).

   Response: For the purpose of this definition, a facility may consist of a single piece of portable equipment or several pieces of portable equipment that must operate together, such as a portable concrete batch plant. Some portable equipment or facilities operate independently and will be considered individually for determining applicability to Title V. Some portable equipment or facilities are owned by a Title V facility and operated on a temporary basis at various locations.

   While Rule 3000 (b)(25) does exclude "off-site" emissions from temporary sources when determining the Title V applicability of a stationary facility, it does not exclude emissions from temporary sources that occur at the stationary facility. Both 40 CFR Part 70 and Regulation XXX require that the emissions from all equipment that operate together at the same location be considered for applicability to Title V, regardless of whether the equipment is portable or not.

6. Comment The definition of temporary source in paragraph (b)(30) of Rule 3000 is inconsistent with the Statewide Portable Equipment Registration Program and AQMD's Regulation XIII in that a temporary source is a source operating at a location within a facility.

   Response: The definition is consistent with 40 CFR Part 70. What EPA calls a "source," the AQMD calls a "facility." The temporary source may consist of several permit units operating together.

ATTACHMENT D1

7. **Comment**: Emissions from sources opened to the atmosphere (e.g., open channels at wastewater treatment plants) should be added to the definition of "fugitive emissions" in Rule 3000 (b)(10).

   Response: EPA's definition of "fugitive emissions" in 40 CFR Part 70 is generic, and includes no specific examples. Whether emissions are fugitive or not must be determined on a case-by-case basis.

8. **Comment**: The definition of "minor permit revision" as proposed in Rule 3000 is too restrictive and should be restored to its original language except that subparagraph (b)(12)(vi) should be deleted or modified to allow applications with insignificant increases in HAPs to use the minor permit revision track.

   Response: The minor permit revision track is meant for relatively simple permit revisions and, except for RECLAIM facilities, is for applications that do not have an increase in emissions, including HAPs. Since all increases in HAPs must also undergo a Rule 1401 evaluation for toxics, the procedures for evaluating a revision with an increase in HAPs is beyond the scope of what constitutes a minor permit revision. Instead, the application would be evaluated as a de minimis significant or significant permit revision depending on the quantity of the HAPs increase. Also, see response to comment 3.

9. **Comment**: The definition of "proposed permit" as described in Rule 3000 (b)(18) needs to be clarified that the public and affected States do not review all types of proposed permits.

   Response: Rules 3006 (b) and 3003 (m)(1) already describe the types of permit revisions that are exempt from public participation and affected State review, respectively. Staff has modified the Rule 3000 (b)(18) definition to substitute "or" for "and" (as was previously proposed in an earlier version of the rule) to clarify it.

10. **Comment**: The statement in the definition of "renewal" in Rule 3000 (b)(24) that prevents a concurrent submittal of a permit revision with a permit renewal application isn't a requirement in 40 CFR Part 70 and should therefore be removed.

    Response: Staff agrees with this recommendation and has deleted this part. In fact, it is the AQMD's intent to require one application at the time a Title V facility is applying for a permit renewal and also requests a permit revision. However, permit revisions have different deadlines for the Executive Officer to act than do permit renewals, so they may have to be processed separately. If a request for a permit revision is submitted after the filing of a permit renewal application, a separate application is required.

11. **Comment**: Rule 3000 (b)(3) needs to explain whether or not tribal lands are included in the definition of "affected State."

    Response: Practically speaking, for the AQMD, the definition of "affected State" means Arizona and Nevada. EPA has proposed to revise this definition in 40 CFR Part 70 to include tribal lands. However, EPA's proposal has not been promulgated and as a result, the definition in Rule 3000 is the most correct and current version.

12. **Comment**: The term "status" in Rule 3000 (b)(1)(D) needs to be defined.

    Response: In accordance with comment 28, subparagraph (b)(1)(D) has been reworded and as a result the term "status" that was originally in this part has been deleted from this rule.

13. **Comment**: There is some confusion regarding AQMD's list of Rule 219-exempt equipment and EPA's list of "trivial activities" published in the TGD, and how they affect making a Title V applicability determination. The definition of "reported emissions" in Rule 3000 (b)(24) or the list of exemptions if Rule 3004 (h) needs to clarify how applicability determinations are to be made for equipment that are on both lists.

    Response: Rule 301 requires facilities to report all emissions, including those from Rule 219-exempt equipment. However, in the rare event that any emissions were reported from equipment listed by EPA as a trivial activity (this list can be found in the TGD), they are not counted towards a Title V applicability determination. This situation is more appropriately described in the TGD than in the rule.

14. **Comment**: The definition of "compliance documents" in Rule 3000 (b)(5) should include the submittal of deviation reports, Rule 430 - Breakdown Provisions, and Rule 2004 - (RECLAIM) Requirements, breakdown reports, and Rule 218 - Stack Monitoring, reports.

    Response: The AQMD agrees with this recommendation and has changed this definition to require "compliance reports" which can include deviation and breakdown reports.

15. **Comment**: Limiting the minor permit revision process to no increase in HAP emissions means that almost all emission increases will be excluded from this process because of trace HAP emission increases that will inadvertently accompany the non-HAP emission increase.

    Response: The minor permit revision track excludes any increase in HAPs because such a change would require a risk analysis calculation which could result in a more in-depth and lengthy evaluation process. If the proposed increase in

HAPs is no more than 30 pounds per day (cumulative over the 5-year life of the permit), the de minimis significant track could be utilized. The de minimis track has the same permit review process by EPA and affected States as minor permit revisions. The only difference is AQMD will have more time (180 days versus 90 days) to complete the evaluation and review processes.

16. Comment: Title V does not allow any Title I modification (including a modification subject to NSR) to go through the minor permit revision process, so how can any permit revision resulting in an emission increase use the minor track?

Response: Staff agrees that 40 CFR Part 70 does not allow a Title I modification to be processed as a minor permit revision. Therefore, the definition of minor permit revision has been amended. However, because AQMD requires all emission increases to go through NSR, EPA is not requiring that all modifications subject to AQMD's NSR to go through the significant revision track. Permit revisions with emission increases below certain cumulative emission thresholds may still qualify as a de minimis significant permit revision, which has the same review process as a minor permit revision, but allows more processing time.

17. Comment: A permit revision to change a RECLAIM concentration limit that does not trigger RECLAIM NSR should be eligible for an administrative permit revision.

Response: AQMD staff does not believe that a change in a RECLAIM concentration limit matches the simplistic nature of what constitutes an administrative revision.

18. Comment: Permit revisions to incorporate changes that have already been subject to public and EPA review (such as credit approvals in trading programs) should be processed as administrative or minor permit revisions.

Response: That is the case for most RECLAIM trading credit (RTC) transactions where all monitoring, reporting and recordkeeping requirements are clearly specified by the regulation, the transfer is a routine, and AQMD approval is not required.

While EPA and the public may review a new program (regulation) when the rule is adopted, they will continue to be entitled by 40 CFR Part 70 to review how the program is implemented for a specific facility if AQMD pre-approval is required, and the approval results in significant changes to the permit.

19. Comment: The proposed language in Rule 3000 (b)(12)(viii) for minor permit revisions needs to be revised to exclude only revisions that trigger either NSPS or NESHAP requirements. Otherwise, no change at a facility that is subject to NSPS

or NESHAP requirements could qualify for processing under the minor permit revision track.

Response: Staff has further clarified this part of the definition to say that installations of new equipment subject to NSPS or NESHAP requirements cannot qualify for minor permit revision processing. Also, staff proposed language in new subparagraph (b)(12)(ix) that prevents only modifications or reconstructions of existing equipment subject to new or additional NSPS or NESHAP requirements from being processed as a minor permit revision. Also, see response to comment 3.

20. Comment: To be consistent with 40 CFR Part 70, a definition of periodic monitoring should be added to Rule 3000. Furthermore, the rules should be clarified to say that recordkeeping can be considered sufficient to satisfy periodic monitoring requirements.

Response: Staff has added a definition of "monitoring," instead of "periodic monitoring," to Rule 3000 to include emission testing, continuous emissions monitoring, material testing, and instrumental and non-instrumental monitoring of process conditions. Staff has also added a statement to Rule 3004 (a)(4)(C) that allows recordkeeping to satisfy periodic monitoring requirements, as allowed by 40 CFR Part 70.

21. Comment: In addition to device numbers, equipment in existing RECLAIM permits have been assigned process and system numbers. This numbering system prevents equipment that would otherwise be eligible to be moved elsewhere within the facility from moving until after the permit is revised. Under Title V, these types of permit revisions should be handled under the administrative revision track.

Response: Staff agrees with this recommendation, provided that there is no change to permit conditions and that such move does not require an evaluation of regulatory requirements, such as Rule 1401. Proposed language has been added to the administrative permit revision definition under Rule 3000 (b)(1)(G).

22. Comment: The definitions of de minimis significant permit revision and RECLAIM pollutant in Rule 3000 seem to indirectly define non-RECLAIM pollutants as VOCs and PM-10 only.

Response: Actually, non-RECLAIM pollutants can be any of the following: hazardous air pollutant (HAP), VOC, NOx, SOx, CO, and PM-10. However, NOx and SOx are non-RECLAIM pollutants, only if emitted from a facility that is not subject to the RECLAIM program for either pollutant.

23. Comment: The definition of emergency in Rule 3000 needs to be modified to include situations that may be caused by improperly designed or otherwise faulty equipment of another facility under different ownership. For example, a failure of

a utility company's power lines may cause a wastewater treatment facility to operate its power generators in violation of the Title V permit and the facility operator may not be able to take immediate corrective action to restore normal operations

Response. The definition of emergency already covers this situation

24. **Comment**: Paragraph (b)(12) of Rule 3000 for minor permit revisions is organized in a way that seems to require all minor permit revision requests to involve the incorporation of an existing general permit. Since not all minor permit revisions will involve general permits, this part should be clarified by adding an "or" between subparagraphs (b)(12)(A) and (B).

Response: Staff agrees and has corrected the language accordingly.

25. **Comment**: The inclusion of fugitive HAP emissions in the definition of reported emissions in Rule 3000 for the determination of Title V applicability goes beyond what is required by 40 CFR Part 70.

Response: The definition of "major source" in 40 CFR Part 70, Section 70.2 requires fugitive HAP emissions to be considered for Title V applicability determinations.

26. **Comment**: Several modifications with individually small increases in emissions, each qualifying for the de minimis significant permit revision track but that collectively are large enough to trigger the significant permit revision track, should be processed as a de minimis significant permit revision up until the emission threshold is exceeded.

Response: Regulation XXX allows for this.

27. **Comment**: The proposed changes to the definition of reported emissions in Rule 3000 seem to say by default, that all other emissions from portable equipment and engines permitted under NSR would be included in a calculation to determine Title V applicability. If this is correct, this definition needs to be clarified.

Response: Reported emissions from a stationary facility should include emissions occurring at the facility from portable equipment and engines not specifically excluded by the definition. Also, see response to comment 5.

28. **Comment**: The staff report for Regulation XXX and the TGD need to explain that generic permit conditions at the P/C stage may change to more equipment-specific information at the P/O stage as part of an administrative clean-up procedure.

Response: Rule 3000 (b)(1)(D) has been amended to allow the use of administrative permit revision procedures to issue a final P/O that is different from the P/C, only if conditions that are no longer applicable are removed, or if the changes meet the other criteria in the administrative permit revision definition.

29 **Comment** Once a RECLAIM facility increases its starting allocation plus non-tradeables by acquiring and incorporating RTCs to offset emissions from new or modified equipment, there should be a mechanism for "re-setting" the applicability threshold to avoid the significant revision track for a new emission increase.

Response: Staff agrees and has proposed changes to clause (b)(12)(A)(v) that will allow emission increases below the new threshold to undergo a minor, instead of a significant, permit revision.

30. **Comment**: The definition of temporary source should be clarified to consider a temporary source as a facility only if its emissions alone exceed levels established in Table 1 or Table 2 of Rule 3001.

Response: There is no need or benefit to have the definition for temporary source be dependent upon emissions.

31. **Comment**: The definition of monitoring, in addition to Rule 3004, should say that recordkeeping may suffice as monitoring.

Response: Staff does not believe recordkeeping meets the definition of monitoring. However, recordkeeping can meet the periodic monitoring requirement in Rule 3004.

32. **Comment**: The definition of "potential to emit," which requires limitations to be federally enforceable, is not consistent with EPA policy guidance memoranda.

Response: See EPA comment 1.

33. **Comment**: The word "another" in subparagraph (b)(12)(B) needs to be clarified. Does this mean that a minor permit revision requires the issuance of another general permit?

Response: The word "another" in this definition refers to the issuance of another Title V permit that is issued after a request is made to add a separately issued general permit into a new or existing Title V permit.

34. **Comment**: Since not all process units need to be monitored continuously, the definition of "monitoring" needs to specifically include periodic monitoring also.

Response: See response to comment 20.

35. Comment: The addition of new restrictions to the definition of "significant permit revision," specifically subparagraph (b)(28)(F), will make almost all changes at a facility significant and should be deleted.

Response: Case-by-case evaluations of RACT are required to be a significant permit revision process, but this criterion wasn't originally stated in the definition Instead, the definitions of minor and de minimis significant permit revisions contained this restriction, implying that a RACT evaluation had to be processed as a significant permit revision. Subparagraph (b)(28)(F) was added to the definition of significant permit revision to make it consistent with the EPA-required changes made to the definition of minor permit revision in paragraph (b)(12) Also, see the discussion in Rule 3000 of the staff report for the changes to the definition of minor permit revisions.

36. Comment: Clause (b)(12)(A)(vi) should be deleted from the definition of minor permit revision so that applications with an insignificant increase of HAPs at a facility that has used up the 30 lbs/day limit over a five-year period can avoid a significant permit revision.

Response: See response to comment 15.

37. Comment: The phrase "essentially unchanged" in subparagraph (b)(1)(D) needs to be clarified.

Response: The previously proposed phrase "essentially unchanged" has been replaced with "no change" and new clauses (b)(1)(D)(i-ii) to allow administrative changes and the removal of P/C conditions that are no longer applicable when updating a P/C to a P/O.

38. Comment: The definition of "potential to emit" should exclude the same types of emissions that are excluded in the definition of "reported emissions."

Response: Staff agrees and has revised the definition of "potential to emit" accordingly.

Proposed Amended Rule 3001

1. Comment: Regulation XXX should include rule language to address the concept of Plantwide Applicability Limits (PAL).

Response: The PAL concept has not been included in Regulation XXX because it is not exclusive to Title V facilities. Instead, the PAL approach may be implemented as part of the Regulation XIII reform package. If adopted, Title V facilities will be eligible to apply to revise their Title V permits to obtain a PAL according to the guidelines in Regulation XIII.

2. Comment: Some facilities have made recent changes to reduce emissions but emission fee billing (EFB) reports do not yet reflect these reductions. In order for these facilities to avoid Title V permitting requirements, the exclusion provisions in Rule 3001 should be clarified to allow interim emissions data (i.e., reports submitted prior to the deadline for submitting annual EFB reports) to be used as evidence to support exclusion requests of this nature. Furthermore, if these facilities do not receive exclusion in time to avoid the initial application filing deadlines, these facilities should be able to qualify for a facility-wide emissions cap that would limit both permitted and unpermitted activities.

Response Facilities can apply for a local permit to limit their facility-wide potential to emit below applicability thresholds, provided that the facility accepts enforceable permit conditions to ensure that emissions remain below the permitted limit

3. Comment: A temporary source should only be considered a facility if its emissions meet or exceed the thresholds in Table 1 or 2 of Rule 3001.

Response: See response to comment 5 for Proposed Amended Rule 3000.

4. Comment: The requirement in Rule 3001 (c)(2) for a potential to emit calculation to be performed over an entire facility, for every modification proposed at what once would have been a non-Title V facility, is onerous and needs to be changed. During the first three years (Phase One) of the Title V program, all modifications of this nature should have applicability determinations based on actual emissions only.

Response: Both Rule 3001 (c)(2) and Rule 3002 (a)(3)(C) allow a facility to construct modifications and operate with non-Title V permits for up to three years after the effective date (Phase One). Then, after three years, a facility is required to apply for a Title V permit. Conducting potential to emit calculations at the time modifications are proposed will be helpful to both the facility and to AQMD staff to assess whether the facility will later be required to apply for a Title V permit.

5. Comment: Does Rule 3001 (e)(1) allow facilities with actual emissions less than the levels in Table 1 of Rule 3001 but with a potential to emit that is greater than the levels in Table 2 to be excluded from Phase One of the Title V program?

Response: Yes. However, in Phase Two, the facility would be required to obtain a Title V permit unless the facility can demonstrate pursuant to Rule 3001 (d)(2) that the facility's potential to emit has been reduced.

6. Comment: If a facility applies for an emissions cap, is the facility required to obtain a cap for each pollutant emitted?

Response: No. The facility will only need a cap for those pollutants whose potential to emit would exceed the Title V applicability thresholds in Table 2 of Rule 3001. Until a rule to limit potential to emit is promulgated by EPA, an emission cap on an existing facility can be established through the locally enforceable permit program.

7. **Comment**: Rule 3001 (b)(2) should explain that RTCs held by a source in certificate form are not considered for the purpose of Title V applicability.

   Response: Staff agrees and has added such language.

8. **Comment**: A facility should not have to demonstrate that emissions have declined as a result of a permanent change, as required by Rule 3001 (e)(1)(A)(ii), in order to be excluded. This requirement sets up a dual standard because facilities whose emissions were above eight tons in 1992, but below in 1993, 1994 and 1995, would not have to demonstrate a permanent change. Also, facilities should be excluded if they correct over-reported emissions.

   Response: Contrary to the comment, a facility that reported emissions exceeding any of the Phase One thresholds only in 1992 must also demonstrate that emissions were later reduced by a permanent change in order to gain exclusion. Regarding the second point, AQMD has and will continue to allow over-reported emissions to be corrected, without requiring a demonstration that a permanent change occurred.

9. **Comment**: To prevent relatively low emitting facilities from being required to obtain Title V permits, the AQMD should continue to work with EPA to limit Title V applicability during Phase Two of the program to actual emissions, instead of potential to emit.

   Response: EPA does not believe they are authorized by law to extend Phase One beyond the first three years of the program. However, AQMD staff will continue to pursue this issue with EPA.

10. **Comment**: Because of Rule 3001 (b)(2), RECLAIM facilities are currently precluded from assuming a cap to get out of the Title V program. There should be a mechanism for a RECLAIM facility to assume a cap that would prevent the acquisition of RTCs in excess of the Phase Two potential to emit thresholds.

    Response: See responses to comments 2 and 6.

11. **Comment**: If the AQMD intends to base Phase One applicability for existing, new and modified facilities on actual emissions, then Rule 3001 (c)(1) and (c)(2) need to be corrected to reflect this intent.

Response: Staff agrees with this recommendation and has proposed additional language to paragraphs (c)(1) and (c)(2) of Rule 3001 to use potential to emit to determine Title V applicability only for new or modified facilities that have applications for P/Cs and P/Os deemed complete after March 31, 2000.

12. **Comment**: The criteria for determining what type of change is "permanent" in Rule 3001 (e)(1)(A)(ii) needs to be explained.

    Response: "Permanent" means an equipment modification such as reduced ratings by removing burners, or process changes such as a switch from solvent-based cleaners to aqueous-based cleaners.

13. **Comment**: Facilities should be able to voluntarily accept federally enforceable emission caps pursuant to Regulation XIII to stay out of Title V.

    Response: See responses to comments 2 and 6.

14. **Comment**: AQMD should not require in Rule 3001 (e) that a facility demonstrate that actual emissions were reduced by a permanent change at the facility, in order to be excluded from Phase One of the Title V program.

    Response: Title V, as it is promulgated in the federal Clean Air Act and 40 CFR Part 70, is based solely on potential to emit, rather than actual emissions. However, EPA is giving AQMD the flexibility to base Phase One on actual emissions. Nevertheless, staff believes that emission reductions should be the result of permanent changes at the facility, not just reduced sales or production. Nearly all exclusion requests have qualified based on the proposed criterion. Also, see responses to comments 8 and 12.

15. **Comment**: Tables 1 and 2 of Rule 3001 should say they apply to only the Riverside County portions of the Salton Sea Air Basin.

    Response: Staff agrees and has made the change.

16. **Comment**: One option to get out of the Title V program would be pursuant to Rule 3001 (d)(2) which requires a demonstration that the facility potential to emit has been reduced to levels below those listed in Table 2 of Rule 3001. Would surrendering a permit be considered a reduction in potential to emit?

    Response: Yes.

Proposed Amended Rule 3002

1. **Comment**: Because temporary changes due to research operations should not be subject to a Title V permit revision, Rule 3002 (a)(4) (as proposed in the March

18, 1997 version of the rule package) needs to include the following language at the end of the sentence: "or under a research permit, as authorized by Rule 441."

Response: There is already an exclusion of this type in proposed Rule 3004 (h)(2).

2. Comment: Non-technology based limitations such as fuel throughput should also be covered by the emergency provisions in Rule 3002 (g). Also, paragraph (g)(1) should include language that requires a facility to retain records for no more than two years.

Response: 40 CFR Part 70 only allows these emergency provisions for technology-based limitations. Consistent with 40 CFR Part 70, Rule 3004(a)(4)(E) requires all records to be kept for five years.

3. Comment: Rule 3002 (a) restricts the construction of equipment without first obtaining a Title V permit. However, Title V facilities should be able to initiate the construction of non-emitting structural and utility service hook-up facilities prior to obtaining a P/C. Rule 3000 needs to contain a definition of "construction" to explain this situation.

Response: Current EPA policy, based on 40 CFR Part 51, Section 51.165 (a)(1)(v), does not allow this type of construction to occur without first obtaining a permit for all facilities, not just those affected by Title V. EPA is considering amendments to the law which could change this situation. If EPA promulgates amended regulations, the AQMD could implement it by defining the term "construction" in Rule 102.

4. Comment: Rule 3002 (c)(2) says that non-compliance with a permit condition is a violation of the Clean Air Act, but this is only true if the permit term is federally enforceable.

Response: Staff agrees and has amended the paragraph.

Proposed Amended Rule 3003

1. Comment: The proposed language in Rule 3003 (a)(4) allows a Title V facility to amend their initial application if a P/C or P/O is issued at least 30 days or more before the proposed permit is issued. In addition, the proposed language in Rule 3002 (a)(3-4) allows a Title V facility to construct, modify, relocate, or operate the P/C or P/O without first obtaining or revising a Title V permit. The proposed language in these rules makes a Title V facility vulnerable to a citizen suit because the facility would be operating the P/C or P/O without a current Title V permit and without an application shield.

Response: Staff believes that the proposed rule language is consistent with EPA's guidance about the procedures for incorporating changes such as new P/Cs and P/Os into a Title V application before final permit issuance. That is, a timely and complete initial application that is submitted to the AQMD and receives an application shield, and is later supplemented with additional information such as an application for a P/C or P/O, the facility's initial application including the supplemental information is still covered by the application shield. For non-Title V permits issued too late to incorporate into the initial application, Rule 3002 (a)(3) allows operation without a Title V permit. This has the same effect as an application shield. A citizen and EPA can only enforce the requirements of Regulation XXX.

2. Comment: Rule 3003 (a)(1)(A) should explain what document, if it isn't the TGD, will govern the Title V application format and forms.

Response: Subdivision (b) of Rule 3003 is the more appropriate place to specify application content. Because AQMD has prepared Title V-specific forms for applying for a Title V permit, it is sufficient to just refer to those forms.

3. Comment: The language in Rule 3003 (a)(7) needs to be clarified to explain that it applies to Title III major sources only.

Response: Staff agrees and has changed the language to refer to the definition of "major source" in 40 CFR Part 70, Section 70.2.

4. Comment: Rule 3003 (n) needs to also explain the applicant's options when the AQMD fails to take action on a Title V application within the designated timeline.

Response: If the applicant filed a timely and complete application for an initial or renewal Title V permit, the facility will be protected by the application shield from enforcement of the requirement to have a permit even if the Executive Officer fails to take action in a timely manner. In addition, under state law the applicant has the right to seek a writ of mandate (Code of Civil Procedure §1085) to compel action on the permit application. Finally, under AQMD rules the applicant has the option to deem the application denied and seek review by the AQMD Hearing Board.

5. Comment: New facilities entering the Title V program should be allowed more than 180 days to apply for a Title V permit. In fact, 40 CFR Part 70, Section 70.5 (a)(1) allows 12 months. Rule 3003 should be changed to match the timeline allowed in 40 CFR Part 70.

Response: According to Rule 3002 (a)(3)(B), new facilities are allowed to operate with non-Title V permits during Phase One of the Title V program. During Phase Two, Rule 3003 (a)(2)(A) requires these new facilities to submit a

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Title V application within 90 days of the AQMD's notice or by the end of 3 1/2 years after the effective date, whichever occurs first. During Phase Two, there is no deadline for a new facility to apply, but the new facility may not be constructed until the Title V permit is issued, because AQMD's Title V and NSR programs are integrated. The 180-day deadline could apply to an existing facility that reports in Phase One, for the first time, the emission of a pollutant that exceeds one of the levels in Rule 3001, Table 1.

6. **Comment**: Determining fees for a Title V application is complicated and could potentially cause some Title V applications that would otherwise be complete, to be deemed incomplete because of incorrect fees Therefore, the requirement in Rule 3003 (c)(1) referring to the completeness criteria in the TGD should exclude the reference to fees.

   Response: The federal Clean Air Act, EPA's 40 CFR Part 70, and AQMD's Rule 301 all require fees to accompany a Title V permit application Rule 301 is very specific about the amounts required for certain types of Title V applications AQMD staff is available to help applicants to determine the proper fee prior to filing the application.

7. **Comment**: Rule 3003 (i)(3)(D) inappropriately allows the AQMD an extra 180 days to process a Title V application that requires an Environmental Impact Report (EIR). This rule should be changed to streamline the amount of time allowed to handle this sort of Title V application.

   Response: The timeframe allowing an extra 180 days for processing time is to accommodate the possibility that the AQMD will be the lead agency on a project that requires an EIR. This provision in the rule does not necessarily mean that the AQMD will automatically take the entire 180 days to process such an application.

8. **Comment**: Currently there is no place in Regulation XXX that explicitly states that the public, affected State, and EPA review periods will occur concurrently. The definition of "proposed permit" in Rule 3000, Rule 3003 (j) & (m), and Rule 3006 need to be amended to explain this intent.

   Response: The AQMD agrees with this recommendation and has added clarifying language to Rule 3003 (i)(7).

9. **Comment**: If EPA objects to a final Title V permit, Rule 3003 (k)(2) allows 14 days for the AQMD to notify the applicants of the objection. Fourteen days is much too long to complete a simple notification process and instead, should be reduced to five business days.

   Response: Because the objection must be resolved between the AQMD and EPA, this time is necessary to evaluate the objection, discuss any discrepancies,

and negotiate a resolution. However, the AQMD will attempt to notify the applicant sooner than the time allowed whenever practicable.

10. **Comment**: Rule 3003 (k)(3) should be amended to reflect AQMD's intention to petition the EPA on behalf of the applicant if an objection appears to be made in error.

    Response: This part of the rule has been amended accordingly.

11 **Comment**: Section 505 (b)(2) of the federal Clean Air Act requires EPA to respond to public petitions within 60 days of receipt. Rule 3003 (l)(3) should be amended to reflect this requirement.

   Response: Although Title V of the federal Clean Air Act is the basis for Regulation XXX, it is the requirements promulgated by EPA in 40 CFR Part 70 that determine the contents and rule language in Regulation XXX. Since this requirement is not reiterated in 40 CFR Part 70, AQMD does not have the authority to add this requirement to Rule 3003 or to require EPA to act within the 60 day timeframe. Regardless of whether this requirement is reiterated in the rule, EPA is still subject to this particular requirement of the federal Clean Air Act.

12. **Comment**: Over what time frame must the emissions from minor permit revisions be accumulated to show they are less than the allowed 5 tpy, and eligible for group processing?

    Response: All permit revision applications with collective emissions totaling less than 5 tpy and submitted to the AQMD within 90 days of receipt of the first complete application in the series can be grouped. Another series of applications comprising a new group, and with an additional 5 tpy of emissions, may be submitted and processed within another 90-day window

13. **Comment**: Title V facilities should not be prohibited by Rule 3003 (i)(6)(B) from requesting a group change.

    Response: 40 CFR Part 70 and Rule 3003 (i)(6) require AQMD to issue 1/3 of the total Phase One Title V permits in each of the first three years. AQMD cannot meet this requirement if facilities are allowed to request group changes.

14. **Comment**: Comments from EPA, affected States, or the public received by AQMD regarding a proposed permit should be provided immediately to the facility.

    Response: 40 CFR Part 70 does not require this. However, during the evaluation of comments and resolution of pending issues within the permit, whenever feasible and appropriate, AQMD staff will keep the facility informed of

relevant comments and any additional changes that may need to be made to the proposed permit.

15. **Comment:** The proposed amendments to Regulation XXX need to include language that addresses potential compliance problems (SIP-gap) that all Title V facilities will face when two versions of the same rule are in effect during the term of a Title V permit. This rule change is necessary especially in the event where there is a rule relaxation involved, such that there is one older, federally enforceable version of a rule and one newer, locally enforceable, less stringent version in effect. When a portion of a Title V permit is affected by a rule relaxation, only the unaffected part of the permit should be issued. The permit should also contain a permit shield to protect the facility from having to comply with the more stringent (and federally enforceable) version of the rule. Then, upon SIP-approval of the rule relaxation, the previously delayed portion of the permit can be issued.

Since the EPA's SIP-approval process already has a public review process built-in, the mechanism to add the delayed portion of the permit into the main permit should not be required to undergo another public or EPA review via the significant permit revision track. Otherwise, significant review of changes to Title V permits caused by SIP-approvals will be never-ending to the point of creating an onerous permit revision backlog. (See definition of applicable requirements in Rule 3000 [b][4])

Response: According to EPA's White Paper No. 2, the AQMD is authorized, and intends to, delay the issuance of portions of a Title V permit for any locally-approved rule that is awaiting EPA approval into the SIP. However, the delay is only warranted when the rule is considered a relaxation and the facility proposes in its permit application that the permit should be based on the local rule until EPA approves the relaxation into the SIP.

AQMD has prepared a list of rules that represent relaxations from previous SIP-approved versions. AQMD and EPA have agreed to prepare a plan regarding the timing and review of the pending rules that represent relaxations within one year of the program's effective date. For rules that will be listed in this agreement, the AQMD will then be authorized to delay issuance of the portion of the permit affected by the pending rule until it becomes SIP-approved. However, the portions of the Title V permit which are delayed because of awaiting EPA approval of applicable rules into the SIP will continue to be subject to AQMD permit requirements.

For locally-approved rules that are more or equally stringent as the SIP-approved version, the AQMD will issue the Title V permit with the locally-approved rule. The procedures for handling this type of permitting will be included in the upcoming version of the Technical Guidance Document.

16. **Comment:** The compliance certification language that is referred to in Rule 3003 (c)(7) and Rule 3004 (a)(12) should be no more stringent than what is required by 40 CFR Part 70 and EPA's White Papers. It is unreasonable to expect the responsible official to have personal knowledge of the information in the package and to certify every Title V related document submitted to the AQMD.

Response: The rule language pertaining to the responsible official's compliance certification is no more stringent than 40 CFR Part 70.

17. **Comment:** Title V facilities should be able to receive protection similar to that provided by a federal AOC pursuant to Rule 518.2 under Rule 3003 (i)(1) for sources emitting HAPs that are regulated by Section 112 of the federal Clean Air Act.

Response: Rule 518.2 (c)(2) is very specific about the circumstances under which federal AOCs applies. Both variances and federal AOCs are restricted from protecting facilities from having to comply with federally promulgated requirements such as Section 112 of the federal Clean Air Act.

18. **Comment:** The 180-day application processing timeline for de minimis significant permit revisions is too long, considering that any increase in HAP emissions would trigger the de minimis track.

Response: Of all the procedures and timelines for processing non-Title V applications, the de minimis track is the one that most closely mirrors the AQMD's current permitting schedules. A non-Title V application with any increase in HAPs would automatically fall under the 180-day processing because of necessary calculations to determine compliance for emitting HAPs. Staff's proposal of 180-days is consistent with current evaluation timelines for permit actions that involve the alteration of existing equipment or permit conditions that increase facility emissions and necessitate a determination of BACT, air quality impacts, and emission offsets.

19. **Comment:** Rule 3003 (i)(4) should have additional language that requires the applicant to review the proposed permit prior to any public, affected State, and EPA review.

Response: Although 40 CFR Part 70 and Regulation XXX do not require this, AQMD staff intends to provide proposed permits to facilities for review.

20. **Comment:** For EPA to terminate, revoke, or revise a permit by adding conditions to a P/C pursuant to Rule 3003 (l)(4) after construction has begun is unfair and could be financially catastrophic to a Title V facility. Instead, no permit should be issued until all possible objections are addressed.

Response: Subdivision (l) of Rule 3003 is directly from the requirements in 40 CFR Part 70 and contains strict criteria in order for the public to object to a permit after its issuance. Because of this, staff doesn't anticipate many permit actions of this nature. Instead, staff believes that the public participation procedures for reviewing and commenting on a proposed permit are thorough and should adequately address the public's concerns prior to final permit issuance.

21. **Comment:** The application shield provisions should be extended to amendments made to a Title V application for any addition or modification that would be issued a permit 30 days prior to the issuance of the draft Title V permit, in accordance with Rule 3003 (a)(4).

Response: Non-Title V permits are expressly authorized by proposed amendments in Rule 3002 (a)(3) for facility changes applied for before a facility's initial Title V permit is issued. Therefore, an application shield from the requirements of Rule 3002 (a) is not required for this equipment.

22. **Comment:** Rule 3003 (i)(1) should also require that a facility submit a compliance plan and schedule for any non-compliance in order to be granted a permit.

Response: Staff agrees and has amended the paragraph.

23. **Comment:** As proposed in paragraph (i)(7), the Executive Officer should not commence public notice and review of Title V documents even if there is no request by the public. The public, upon receiving all required notifications and other related information, should, by itself, decide if it is willing to submit review and comments.

Response: Paragraph (i)(7) means that if an application is required to have a public or affected State notice, to shorten the overall review time needed to evaluate the application, the Executive Officer will attempt to coordinate the publishing of the notices for the appropriate review periods near or about the same time. The notice mentioned in this paragraph refers to the notice of intent to issue a Title V permit and not to a notice to hold a public hearing.

24. **Comment:** AQMD staff's interpretation of the rule language proposed in paragraph (n)(2) (see page 13 in the staff report) that "permits cannot be issued without undergoing public review" incorrectly assumes that the public is willing to provide comments and is unsatisfied with the proposed permit.

Response: The staff report has been revised to say that the permits can't be issued without the opportunity for public review.

Proposed Amended Rule 3004

1. **Comment:** The proposed changes to Rule 3004 (h) seem to require certain Rule 219-exempt equipment to be permitted and later subject to permit revision requirements if changes are proposed. If this is the case, then the exemption under Rule 219 is meaningless for Title V facilities. The way this portion of the rule is written, it is unclear as to the AQMD's intent to handle such equipment, and therefore, needs further clarification. If, in fact, it is only necessary to periodically update Rule 219-exempt equipment in a Title V permit, Title V facilities could update their exempt equipment listing in their permits at the time of submitting annual compliance certifications instead of triggering a full-blown permit revision.

Response: In order to obtain full EPA approval, AQMD must include all equipment that has source-specific regulatory requirements, regardless if the equipment is listed in Rule 219. However, Rule 219-exempt equipment will be listed in a separate part of the Title V permit, will only be generically described by equipment category, will not have to have a P/C, and will not be charged permit fees.

RECLAIM facilities are already required to annually update their permits with the most recent exempt equipment listing at the time of filing Annual Permit Emissions Program (APEP) reports. In addition, all Title V facilities will be required to update this listing at the time of filing a permit renewal application. Facilities revising their Title V permits, for other reasons than updating the exempt equipment list, may provide an updated list in the permit revision application. For these reasons, staff does not anticipate a need for non-RECLAIM facilities to annually update their Rule 219 equipment listing.

2. **Comment:** The requirement that all documents required by a Title V permit or Regulation XXX must be certified by a responsible official as proposed in Rule 3004 (a)(12) is too broad and should, instead, be limited to application forms, compliance plans, and annual compliance certifications only.

Response: The following citations in 40 CFR Part 70 support the proposed rule language as it is written: Section 70.5 (c)(9) and (d), Section 70.6 (a)(3)(iii)(A) and (c)(1), and Section 70.7 (e)(2)(ii)(C) and (e)(3)(ii)(C).

3. **Comment:** For equipment that is later determined not to qualify for a general permit after being approved for a general permit as stated in Rule 3004 (e)(8), the AQMD should be required to notify the facility of this determination, and the Title V facility should be allowed to submit a "regular" Title V application in accordance with the timelines in Rule 3003 (a) and (c).

Response: EPA is requiring language in Rule 3004 to make the facility subject to enforcement action for operating without a Title V permit, consistent with 40 CFR Part 70, Section 70.6 (d)(1), if the facility is found to not be eligible for the

general permit. There is no grace period to allow time for submittal of a new Title V application.

4. Comment: The requirement for public, affected State and EPA review of a permit renewal as proposed in Rule 3004 (f)(6) should be removed if there are no changes in operations at a Title V facility and no change in applicable requirements.

Response: Regardless of whether or not there are any changes that need to be made to a Title V permit at the time of permit renewal, 40 CFR Part 70, Section 70.7 (a)(ii), (iii) and (v) require public, affected State and EPA review. The proposed language is consistent with these requirements.

5. Comment: Because some research operations take more than one year to complete, the phrase "for a duration of one year or less" should be deleted from Rule 3004 (h)(2).

Response: Staff agrees and has deleted the language. Rule 441 requires that the permit duration be limited, but it could be for more than one year.

6. Comment: Rule 3004 (a)(5) requires "prompt reporting" of monitoring data. The term "prompt" is too broad, subject to interpretation that could vary between AQMD permitting staff, and should be further defined.

Response: Title V gives the AQMD authority to define "prompt" but it will not be defined in the rule. Instead, an implementation policy will be developed for permitting staff to assure consistent implementation in Title V permits.

7. Comment: Rule 3004 (a)(5) contains a requirement to report deviations from permit requirements. The AQMD should develop and include in Volume II of the TGD (Title V application form package) a standard deviation report form. In addition, a deviation report should only be required for breakdowns reported in accordance with Rule 430 or Rule 2004 and emission violations measured by a continuous emissions monitoring system (CEMS) required by Rule 218.

Response: To address upcoming compliance issues after Title V permits have been issued, AQMD staff will be preparing compliance forms, including a deviation report. Also, a deviation is not restricted to a breakdown or an exceedance measured by a CEMS. In fact, a deviation can occur from non-compliance with any requirement on a Title V permit.

8. Comment: Rule 3004 (a)(9) should be clarified to explain that emissions trading among facilities is not forbidden.

Response: This portion of the rule neither limits nor allows trading among facilities. Subdivision (b) of Rule 3004 assures that RECLAIM facilities will continue to be able to trade emissions in accordance with Regulation XX.

9. Comment: When referring to a temporary source in Rule 3004 (d)(2) and Rule 3000 (b)(29), all uses of the term "site" should be replaced with the term "location."

Response: AQMD staff agrees with this recommendation and has corrected the rule language accordingly.

10. Comment: Will solid waste incinerator units subject to Rule 3004 (f)(2) have to file an application and pay fees for the five-year review?

Response: Regulation XXX does not require a solid waste incinerator facility to either submit an application or pay application fees for the five year permit review. The Title V Technical Guidance Document will be updated later to describe the procedures pertaining to this type of review.

11. Comment: The provision in Rule 3004 (f)(4) is good and necessary to protect facilities from enforcement action if the AQMD doesn't issue or renew the current Title V permit before it expires.

Response: The AQMD agrees with this comment.

12. Comment: The requirement in Rule 3004 (c)(1)(C)(ii) for a facility to provide the "reason that a permit shield is sought" should be clarified. It could result in superfluous or inappropriate responses. Isn't AQMD really after the rationale for each requirement determined not to be applicable?

Response: Knowing the rationale for requesting a permit shield may be helpful to clarify the intent of a facility, but it might not be correct or consistent with the criteria used for determining the approvability of a permit shield request. This is why AQMD staff prefers to have the facility simply provide the reason(s) why it is requesting a permit shield so that the engineer reviewing the request can better understand what the facility's concerns are.

13. Comment: Temporary sources (portable equipment) should not be required to be listed on a Title V permit if the portable equipment has either valid AQMD permits or state registrations.

Response: Staff has included limited exemptions in Rule 3004 (h), to the extent allowed by federal and state law. See the explanation of the proposed amendments in the staff report. Also, see EPA comment 4.

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14. **Comment**: The previously proposed requirement in Rule 3004 (a)(13) for Title V facility operators to keep records of all temporary sources operating under a non-Title V permit or registration at the host facility will increase the Title V permitting burdens of monitoring, recordkeeping, and certification. There will also be a substantial cost impact incurred to monitor and certify the operations of visiting temporary sources. This language should be deleted. Instead, to alleviate these unnecessary burdens, the AQMD should require the operator of the temporary source to directly submit reports and certifications pertaining to visits made to Title V facilities to the AQMD.

Response: That particular paragraph has been deleted. However, stationary Title V facilities are still obligated to comply with Title V requirements, including recordkeeping, reporting and certification, for portable equipment operating at their facility that are not exempted by paragraph (h)(5) or other provisions of subdivision (h) of Rule 3004.

15. **Comment**: The term "temporary source" is mentioned several times throughout Regulation XXX with each reference contradicting the other. Rule 3004 (d)(2) describes a temporary source as equipment that doesn't operate at any one location or facility for more than 12 consecutive months. Yet, Rule 3004 (h)(1) describes a temporary source as portable equipment and Rule 3000 (b)(29) says the temporary source can be considered its own facility that operates at multiple temporary locations.

Response: All equipment operated together at the same location is defined by EPA's terms "stationary source" and "temporary source." AQMD also uses the term "facility" to refer to both stationary and temporary sources. "Temporary sources" is also used synonymously with "portable equipment."

16. **Comment**: CARB's Statewide Portable Equipment Registration Program and AQMD's Regulation XIII make a distinction between portable equipment and portable engines but Rules 3000 and 3004 (h)(1) do not. Both rules need to be changed to include both portable engines and portable equipment.

Response: Rule 3004 does not need to differentiate between portable engines and other portable equipment. The terms "temporary source" and "portable equipment" include both portable engines and other portable equipment.

17. **Comment**: Subdivision (g) of Rule 3004 is too broad and may be interpreted to say that all Title V permit terms and conditions are federally enforceable. Instead, this part should say, "...all terms and conditions that are specifically designated as federal requirements in a Title V permit..."

Response: To eliminate any potential confusion regarding which portions of the permit are federally enforceable, subdivision (g) of Rule 3004 has been changed to include the phrase, "unless the term or condition is designated as not

federally enforceable." AQMD will identify in the permit which terms and conditions are federally enforceable and which are not.

18. **Comment**: Industry supports the AQMD staff in working with EPA to determine a low-cost procedure to remove portable equipment from the Title V permitting system. However, temporary sources such as portable engines could theoretically exceed the potential to emit applicability threshold for NOx emissions, depending on their hourly operations. Unless an annual operating limit for each engine can be federally enforced, a Title V permit will have to be obtained for each engine. The permitting fees for this type of equipment could be substantial.

Response: If a portable engine has large enough actual emissions to earn its own Title V permit in Phase One, the fee would be $786.50 for each temporary source permit. However, each source can request a facility-wide emission cap through a locally enforceable permit to remain out of Title V in either Phase One or Phase Two.

19. **Comment**: The requirement under Rule 3004 (d)(3) for the facility to give the AQMD 10 calendar days advance notice of location changes of temporary sources is burdensome, and, in emergencies, cannot be complied with. Therefore, it is imperative to limit the potential to emit of temporary sources so that they can stay out of Title V and avoid having to comply with this noticing requirement.

Response: The 10-day noticing requirement in Rule 3004 (d)(3) is consistent with the requirement in 40 CFR Part 70, Section 70.6 (e)(2). Also, see response to comment 18.

20. **Comment**: Rule 3004 (d)(1) seems to restrict temporary sources operating at acid rain facilities from obtaining a separate temporary source permit.

Response: This provision does not restrict temporary sources with individual permits (either by temporary source permitting or by statewide registration) from visiting and operating at an acid rain facility.

21. **Comment**: Rule 3004 (e)(2)(B) seems to require emission limits to be added to a general permit. However, diesel-fired portable internal combustion engines are not required to have emission limits on their permits. In this example, it is unclear if an emission limit would be added to the permit.

Response: The general permit must include emission limits only if there are regulatory requirements placing emission limits on the equipment.

22. **Comment**: Monitoring, recordkeeping and reporting requirements to ensure compliance with an emissions cap need to be simple and streamlined - especially

for those facilities that wish to assume a cap to avoid Title V permitting requirements.

Response: See responses to comments 2 and 6 for Proposed Amended Rule 3001.

23 **Comment** The following language should be added to the end of Rule 3004 (a)(7)(A): "or in an AOC imposed pursuant to Rule 518.2"

Response: Staff agrees this is an appropriate amendment.

24. **Comment:** Rule 3004 (h)(3) incorrectly specifies that non-road engines manufactured on or after July 18, 1994 should not be listed on a Title V permit. Instead, the cut-off date needs to be changed to January 1, 1990 in accordance with the changes made to the statewide registration program.

Response: CARB is interpreting the cutoff date to be on or after November 15, 1990. Staff has changed the rule language accordingly.

25. **Comment:** Rule 3004 (h) should be changed to exclude non-major temporary sources from Title V consideration.

Response: See response to comment 13 and EPA comment 4.

26. **Comment:** Rule 3004 (a)(4)(A) doesn't explain how a test method is chosen and whether or not it has to be approved in the SIP in order to comply with the monitoring, reporting and recordkeeping requirements. For clarification, a definition of "test methods" needs to be added to Rule 3000 to allow AQMD's Source Test Manual, test procedures in the NSPS, NESHAP or AQMD Rules and Regulations to satisfy this part.

Response: Regardless of whether a rule is approved into the SIP, Rule 3004 (a)(4)(A) requires that a test method specified in a rule shall be included in the permit. For rules that do not specify a test method, AQMD staff will put an appropriate test method into the permit. AQMD doesn't believe that a definition of test method is necessary.

27. **Comment:** The Title V Ad Hoc Committee has sent a letter to EPA objecting to making a Title V facility responsible for contractor emissions and certifications.

Response: Staff is aware of this and has~~, but must deferred~~ to EPA for a resolution. Up to this time, EPA has said that Title V facility operators are responsible for portable equipment operated at their facility by a contractor (unless the equipment is exempt for other reasons by Rule 3004 [(h]).)

28. **Comment:** What is the status of the effort to develop criteria for periodic monitoring?

Response Staff has been is working on draft criteria and a version was for released to the public for review at by the end of August, 1997. Staff has invited industry to submit recommended criteria and is in the process of producing another draft for release to the public by the end of December 1997, although none has yet been received

29. **Comment:** Are Group A facilities required to include information regarding portable equipment in their Title V applications due July 28, 1997?

Response: No, but these facilities will be asked to supplement their Title V application with this information at a later date.

30. **Comment:** Is there a difference between the use of the words "...listed on a Title V permit..." in Rule 3004 (h) and "...included in the Title V permit..." in Rule 3004 (i)?

Response: No, but the rule has been revised to use the same terms.

31. **Comment:** Proposed paragraph (i)(3) of Rule 3004 says that portable equipment subject only to generic requirements does not have to be included in the Title V permit, but the generic requirements must say they apply to the portable equipment. Does a facility have to certify to compliance for the portable equipment? Is the equipment subject to periodic monitoring?

Response: The facility would have to certify to compliance with the generic requirements for the portable equipment. Periodic monitoring may or may not be required depending on the nature of the equipment. If it is required, it will be specified in the permit. (The requirement in question has been moved to subparagraph [h][5][BG].)

32. **Comment:** If an engine has a permit or registration that says it is a Part 89 non-road engine, and the Title V facility has a copy of that permit, would the Title V facility need any additional evidence that the engine is a non-road engine?

Response: No additional evidence would be required.

33 **Comment** Rule 3004 (d)(2) should not limit a temporary source to operating at a stationary facility for 12 months or less. It is not consistent with the definitions in Regulation XIII, Part 89, and Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines.

Response: Paragraphs (a)(7) and (a)(8) of Rule 1304 - (NSR) Exemptions, only allow portable equipment to operate at a facility for up to 12 consecutive

months. Operation for more than 12 consecutive months requires compliance with the same NSR requirements as a stationary facility. Part 89 non-road engines are exempt from Title V.

34. **Comment**: Title V should not apply to ski resorts whose engines are exempted from complying with Rule 1110.2.

Response: The engines require an AQMD permit, are subject to applicable requirements, and may not be excluded from Title V simply because they are not subject to Rule 1110.2.

35. **Comment**: The phrase "routine and predictable" proposed in Rule 3004 (i)(1)(B) used to describe contractor-operated equipment needs to be defined.

Response: The commenter is referring to a previous version of a proposed amendment that was later replaced by a newer version of subparagraph (h)(5)(A) and then removed in accordance with CARB comment 2. ~~Previously proposed subdivision (i) has been replaced with a provision in new paragraph (h)(5)(A) that exempts "non-routine and non-predictable" operations of portable equipment. AQMD is awaiting EPA's and CARB's policy regarding the meaning of "routine and predictable." Once finalized, this policy will be incorporated into the TGD to ensure consistent implementation in AQMD's Title V permits.~~

36. **Comment**: In Rule 3004 (d)(2) and (d)(5)(C), the term "facility" should not be used to determine if a source is "temporary." The source may operate at different locations at the same stationary facility and still remain temporary.

Response: If a portable major source moves around within a facility, but operates at the same facility for more than 12 consecutive months, it would not be eligible for a temporary source permit. The equipment would have to be issued a Title V permit for that location only, or be included in the Title V permit of the stationary facility. This is consistent with Rule 1304 (a)(7) and (a)(8) NSR provisions.

37. **Comment**: Old paragraph (h)(1) should not be deleted from Rule 3004. AQMD should try to persuade EPA staff to come up with a better way to handle the issue of portable equipment. Further, portable equipment with a permit or registration issued to the same owner as the stationary facility should not necessarily be subject to Title V. Only portable equipment with the same AQMD facility identification number as the stationary Title V facility it visits should be subject to Title V. Otherwise, all portable equipment operating within the county will need a Title V permit even if it doesn't visit a Title V facility.

Response: Portable equipment that aren't major sources and that don't visit a Title V facility will certainly not require a Title V permit. Many other portable equipment will also not require a Title V permit, even if they do visit a Title V

facility. See the staff report for a full explanation. ~~All portable equipment will not require a Title V permit.~~ Also, see EPA comment 4.

38. **Comment**: The latest addition to new paragraph (h)(1) should be excluded or reworded, otherwise many pieces of equipment that are subject to Rule 219 will be required to be included in the Title V permit. For example, motor vehicles, which are excluded from AQMD permitting, are subject to numerous, source-specific regulations, and therefore, may need to be included in the Title V permit.

Response: Most Rule 219-exempt equipment, including motor vehicles, are not subject to source-specific AQMD Rules and Regulations and will not be included in the Title V permit.

39. **Comment**: There exists a conflict between subparagraphs (i)(1)(A) and (i)(1)(B). For example, a contractor or rental yard could provide a facility with a Part 89 non-road engine for "routine and predictable" use. Will this require the Part 89 non-road engine to be added to the permit despite the exemption provided by Part 89?

Response: These previously proposed subparagraphs have been revised and moved to paragraph (h)(5) without the inclusion of the phrase "routine and predictable." Part 89 non-road engines, as described in Rule 3004 (h)(3), will not be listed on a Title V permit regardless of whether or not they are operating in a "routine and predictable" manner. Also, see CARB comment 2.

40. **Comment**: What type of portable equipment would qualify under paragraph (i)(3)? Will Rule 219-exempt gasoline-powered lawnmowers and leaf blowers be listed in the Title V permit along with generic permit conditions and periodic monitoring requirements?

Response: Previously proposed paragraph (i)(3) is now subparagraph (h)(5)(BG). Lawnmowers and leaf blowers used in groundskeeping activities are identified by EPA as trivial activities not subject to Title V. Furthermore, paragraph (h)(1) exempts this equipment from Title V.

41. **Comment**: Rule 3004 (i)(2) requires facilities to maintain copies of state registrations of portable equipment because the registrations will be considered part of the Title V permit. Must facilities annually certify compliance with the requirements in registration permits?

Response: Proposed paragraph (i)(2) has been removed and replaced by language in paragraph (h)(5). ~~until an agreement is reached by EPA. Therefore,~~ Uunless the portable equipment is exempted by a provision in Rule 3004 (h), the facility must certify to compliance with permit terms and conditions. See the discussion of portable equipment in the staff report.

42. Comment: Will a Title V permit revision be triggered each time a state-registered piece of equipment is added, removed or modified?

Response: Many portable equipment should be exempt from Title V based on various provisions of Rule 3004 (h). For other portable equipment that operates only temporarily at a Title V facility, AQMD intends to treat it in a generic manner that will not require a permit revision each time portable equipment visits the facility ~~only list general categories of portable equipment in the Title V permit, along with their regulatory requirements, rather than list each item of portable equipment. As long as a stationary facility's Title V permit includes a general category of portable equipment, such as open abrasive blasting, and the portable equipment has a valid AQMD or state permit or registration, it would not matter which or how many abrasive blasting units operate at the Title V facility.~~

43. Comment: Does registered equipment need to be included on all stationary facility Title V permits for owners with multiple Title V facilities?

Response: Only facilities where the registered equipment will actually operate at would have to be generically include require the general category of portable equipment to be on their Title V permit (assuming the equipment isn't otherwise exempt by Rule 3004[(h]).)

44. Comment: Facilities should not be required to provide "evidence that the engine meets the criteria of paragraph (h)(3)" as required by Rule 3004 (i)(5) for Part 89 non-road engines. The contractor or rental yard should have already provided evidence upon receipt of the permit for these engines.

Response: Although previously proposed paragraph (i)(5) has been deleted from the rule, there is a general obligation for a Title V facility to comply with all regulatory requirements. If a contractor operates an engine at a Title V facility that is not a Part 89, non-road engine, the Title V facility could be responsibleliable for operating without a permit and violating other Title V requirements. Accordingly, it would be prudent to ask for a copy of the contractor's permit, or other evidence, and keep a record of it.

Proposed Amended Rule 3005

1. Comment: If you are going to define the meaning of a "Title I modification" in Rule 3005 (k)(3), it should match EPA guidance that defines modifications that are considered to be subject to either major or minor NSR requirements. For this district, a Title I modification can be subject to local NSR requirements, pursuant to AQMD's Regulation XIII, as well as the federal requirements for PSD permits.

Response: Title I encompasses a multitude of requirements, specifically, AQMD's NSR program, and federal NSPS, NESHAP, and PSD requirements.

Staff agrees with the commenter that the current rule language needs to specify these individual requirements. However the requirements are now in subparagraph (i)(1)(C) of Rule 3005.

2. Comment: To update a Title V permit to reflect changes resulting from the adoption of rule amendments, requires a significant permit revision. To avert the significant permit revision process but still satisfy the public notice at the time of rule adoption, the AQMD should instead publish a list of all affected facilities in the public notice of the amended rule and then use the administrative permit revision process to update the Title V permits.

Response: AQMD staff has begun negotiating with EPA for this type of process. EPA says changes to the permit revision process in the rule are dependent upon EPA's promulgation of amendments to 40 CFR Part 70 expected in 1997. However, based on paragraph (g)(4) of Proposed Amended Rule 3005, some rule changes could be processed without going through the significant revision process. Take, for example, a rule amendment that only delayed a future compliance date from 1999 to 2002. It could qualify for a minor permit revision because it would not fall under any of the exclusions in Rule 3000 (b)(12). On the other hand, a rule amendment that significantly changed monitoring requirements could not qualify for a minor permit revision.

3. Comment: Regulation XXX does not address how the proposed Intercredit Trading (ICT) Program will operate under Title V.

Response: The ICT program is not yet a rule. However, Regulation XXX can be reopened later to address ICT requirements if the program is adopted.

4. Comment: To avoid exhausting the amount of emissions allowed under the de minimis significant revision track, a facility proposing a permit revision should be able to opt to use the significant permit revision track instead.

Response: Just because a permit revision meets the criteria to use less stringent procedures, nothing in Regulation XXX would prevent a Title V facility from utilizing another, more stringent revision track.

5. Comment: New subparagraph (e)(2)(A) of Rule 3005 incorrectly refers to the minor permit revision process instead of the de minimis significant permit revision procedures. Also, clause (e)(2)(A)(iii) is misnumbered.

Response: Staff agrees; and these corrections have been made.

6. Comment: Rule 3005 (g) and (h) should contain a requirement for the AQMD to notify facilities within five business days of a permit reopening.

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Response: Consistent with 40 CFR Part 70, Rule 3005 (g)(5) already requires AQMD to notify the facility at least 30 days prior to reopening the permit Neither 40 CFR Part 70 nor Regulation XXX require a notice to the facility if EPA reopens the permit.

7. **Comment**: With all the restrictions in subdivisions (i) and (k) of Rule 3005, there is little a facility can do under operational flexibility without going through a permit revision.

   Response: Staff agrees that the operational flexibility provisions are very limited.

8. **Comment**: The response to Rule 3005, comment 3 states that Regulation XXX can be reopened later to address ICT, but we understand that an alternative operating scenario (AOS) is a mechanism by which ICT could be used now.

   Response: An AOS could be used for ICT once the rule and protocols are developed, adopted and approved into the SIP.

9. **Comment**: What permit revision mechanism would be used for an application that needs to contain a demonstration of compliance with new air toxics emissions requirements in Rules 1401 and 1402?

   Response: Depending on the amount of toxics involved, the application could follow either the de minimis significant or significant permit revision track.

10. **Comment**: If a facility chooses to use the significant track for an application with an emissions increase that would otherwise qualify as a de minimis significant permit revision, will the emissions increase be attributed to the de minimis track?

    Response: No, the emissions will be attributed to the significant track instead. In other words, the facility could still have future applications proposing emission increases to go through the de minimis track.

Proposed Amended Rule 3006

1. **Comment**: Rule 3006 (a)(1)(B)(ii) should be changed to allow the facility's contact person, not the responsible official, to be identified in the public notice. Likewise, Rule 3006 (a)(1)(F) should be changed to require the person requesting a proposed permit hearing to send a copy of the request to the facility's contact person, instead of the responsible official.

   Response: Staff is in agreement with these recommendations and has made the requested changes.

2. **Comment**: Rule 3006 (a)(1)(F)(i-vi) lists all of the information that is required in a request for a proposed permit hearing This part should be clarified to read as follows "A complete request for a proposed permit hearing shall include all of the following information "

   Response Staff agrees and has added the recommended language.

3. **Comment**: Facilities should be allowed to opt out of a combined permit hearing if they choose.

   Response: Staff agrees and has accordingly added subparagraph (a)(1)(H) to Rule 3006.

4. **Comment**: We are concerned that extending the time for the public to request a permit hearing from 10 days to 15 days may delay the permitting process.

   Response: The public deserves sufficient time to review a Title V permit and request a permit hearing. Because of the concurrent public and EPA review, the process should be shorter with the proposed amendments.

5. **Comment**: The Title V Ad Hoc Committee strongly believes that the Executive Officer should not have the discretion to schedule a public hearing without a valid public request when in the "...best public interest...".

   Response: Staff has withdrawn the previously proposed language in subparagraph (a)(1)(G) pertaining to this discretion.

Proposed Amended Rule 212

1. **Comment**: Facilities subject to public notification under paragraph (c)(2) of Rule 212 should be required to distribute the public notice to each address within 1/4-mile radius from the facility boundary and not from the source.

   Response: Even though subdivision (d) of Rule 212 specifies the 1/4-mile distribution radius is to be measured from the source and not from the facility boundary, this subdivision includes language which allows the Executive Officer to require the facility to distribute the public notifications to other areas if he determines there are health impacts from the source. Therefore, no change to the rule is required.

2. **Comment**: California Health and Safety Code, Section 42301.6 requires facilities with a source located within 1,000 feet of a school provide public notification to parents of children in any school located within 1/4-mile from the source and not from the facility boundary. For notifications performed pursuant to

paragraph (c)(1), the word "facility" should be changed to "source" in subdivision (d) of Rule 212.

Response: This section of the rule applies to sources near a school where children are more vulnerable to the health impact from these sources. AQMD's rule is more stringent than the state law since it requires the facilities to distribute public notices to a wider area. Therefore, the distribution radius is to be measured from the facility boundary and not from the source. No change to the rule is necessary.

3. Comment: The California Health and Safety Code Section 42301.6 referenced in paragraph (c)(1) of Rule 212 describes a significant project as a "source" or a specific piece of equipment. Meanwhile, subdivision (d) describes the notification requirements for a "facility" or site boundary. Because of the term "facility," large facilities with sources far from the property boundary will be required to provide notification of insignificant impacts. The term "facility" should be replaced with "source" to prevent unnecessary noticing.

Response: See response to comment 2.

4. Comment: The proposed language in clauses (c)(2)(A)(i) and (c)(2)(A)(ii) of Rule 212 is unclear as to whether the cancer risk is determined on an individual source or facility-wide basis.

Response: According to clauses (c)(2)(A)(i) and (c)(2)(A)(ii), a facility will be exempt from public notification, if the total facility-wide cancer risk is below 10×10^{-6} or the individual cancer risk is below 1×10^{-6}. For example, for facilities with a single permitted unit (a source under Regulation XX, or equipment under Regulation XXX), the total facility-wide cancer risk is the same as the individual cancer risk. Therefore, the facility has to demonstrate that the total cancer risk of the permit unit, source, or equipment is below 10×10^{-6} to avoid the public notification requirement. For facilities with more than one permitted unit, source, or equipment, the facility has an option to demonstrate that either the increased cancer risk of the individual permit unit is below 1×10^{-6} or the total facility-wide cancer risk (for all sources within the facility) is below 10×10^{-6} in order to be relieved from the public notification requirement.

5. Comment: The deletion of the phrase "or designee" throughout the rule places an undue burden on the Executive Officer which could lead to delays or inaction on AQMD permitting activities.

Response: The words "or designee" are part of the definition of "Executive Officer" in Rule 102 and do not need to be repeated. The deletion of every occurrence of "or designee" from this rule in no way shifts the burden solely to the Executive Officer.

6. Comment: For facilities subject to both Rule 212 and Rule 3006, language should be added to paragraph (c)(1) of Rule 212 to coordinate the public notification process with the notification required by Title V.

Response: The public notification process, pursuant to Rule 212, does not share common requirements or procedures with Rule 3006. Rule 212 addresses both local and federal notification procedures, while Rule 3006 addresses only federal requirements. For example, the local procedures in Rule 212 require a door to door notification if there is a school located within 1000 feet of a facility's new construction or modification and if a risk analysis determines that there is an increase in emissions of toxic air contaminants that meets the criteria in paragraph (c)(2). Meanwhile, Rule 3006 does not contain any local noticing requirements at all.

Rule 212's federal notification procedures are handled through a newspaper and are applicable to a facility if the criteria in subdivision (g) is met. Again, the criteria for triggering federal notification requirements under Rule 212 is not the same as the federally enforceable criteria for public participation and notification procedures under Regulation XXX. For example, a Title V facility subject to both a door to door notification pursuant to Rule 212 and a notification pursuant to Regulation XXX will be required to conduct both notifications separately. However, if the equipment listed in a Title V permit is subject to federal notification requirements (in a newspaper) pursuant to Rule 212 and Regulation XXX, both notifications may be combined provided that all other public notice requirements are satisfied.

7. Comment: The word "and" that originally linked paragraphs (c)(1) and (c)(2) appears to have been deleted. Now, the rule language is not clear as to whether a significant project shall meet either or both requirements in paragraphs (c)(1) and (c)(2).

Response: A project is significant if it meets either requirement in paragraphs (c)(1) and (c)(2). Therefore, the word "or" has been added to the end of paragraph (c)(1).

8. Comment: Subdivision (d) requires the applicant to distribute a public notice to each address within 1/4-mile radius of the project. However, for certain facilities, the 1/4-mile radius from the project falls within the boundary of the facility such that no notices would be sent out. Instead, the public notice should be mailed to each address located within 1/4-mile radius from the <u>facility.</u>

Response: See response to comment 1.

9. Comment: The rule language in subdivision (d) should be revised to require distribution of notices to parents or legal guardians of children.

Response: AQMD staff agrees with this suggestion and has added the phrase "legal guardians" to subdivision (d).

10. **Comment:** The intent of the phrase "sources under Regulation XX, or equipment under Regulation XXX" in paragraph (c)(2) is unclear.

Response: The purpose of this phrase is to make the distinction that a permit unit is referred to differently in Regulation XX and Regulation XXX. That is, Regulation XX refers to a permit unit as a "source" and Regulation XXX refers to a permit unit as "equipment." Since Rule 212 is meant to apply all permit units, for clarity purposes, the aliases referenced in Regulation XX and Regulation XXX have been included in the rule language.

11. **Comment:** To avoid duplicative noticing, subdivision (h) needs to clearly state that the Executive Officer may combine public notices for the same facility.

Response: According to subdivision (h), the Executive Officer may combine any types of public notices for the same facility to avoid duplication, provided that all public notice requirements are satisfied. This includes public notices required by Rule 212 and Regulation XXX. Therefore, no change to the rule is required.

12. **Comment:** We believe that the proposed amendments to Rule 212 that will require notifications for facilities are overbroad and not consistent with current SCAQMD Rules 1401 and 1402. In our view, notification should only be required for new or modified facilities where there would be an increase greater than 1×10^{-6}. The current proposal would require notification whenever there is an insignificant increase in toxic emissions where the facility-wide health risk is greater than 10×10^{-6}. We do not believe that that is consistent with Rule 1402.

Response: A facility installing or modifying equipment, that has an increase in risk at level less than 1×10^{-6}, is not subject to public notification requirements under Rule 212, even if the facility-wide cancer risk is greater than 10×10^{-6}, unless the equipment is located within 1000 feet of a school. For facilities with multiple permit units, if the risk associated with the new or modified equipment is greater than 1×10^{-6}, Rule 212 requires the facility to conduct public notification, unless the facility exercises an option to avoid public notification by demonstrating that the total facility-wide cancer risk (for all sources within the facility, including the proposed source) is below 10×10^{-6}. Rule 212 is not inconsistent with Rules 1401 or 1402 since Rules 1401 and 1402 address the actual control of toxic emissions and not public notification.

13. **Comment:** The definition for "hazardous air emissions" under Rule 212 (c)(1) contradicts the definition of "HAP" in Rule 3000 (b)(11). Further, the lists of compounds in the California Health and Safety Code are not the same as the carcinogenic compounds identified in Rule 1401. AQMD should use a uniform

approach when defining toxic and HAP compounds throughout all related rules and regulations.

Response: This comment is based on an earlier version of the proposed rule and is no longer applicable.

14. **Comment:** Facilities should have the option to not have their public notices and public hearings combined with other facilities.

Response: Rule 212 only deals with public notices, not public hearings. Meanwhile, Rule 3006 addresses both public notices and public hearings. Unless specific circumstances make it necessary, AQMD does not anticipate combining Rule 212 notices for multiple facilities. However, for a facility that is subject to both Rule 212 and Rule 3006 noticing requirements, one notice can be published.

In addition, Volume II of the Title V Technical Guidance Document mentions that a Rule 3006 public notice can be combined for multiple Title V facilities whenever feasible. In the event that there are multiple facilities that are subject to both Rule 212 and Rule 3006, separate public notices can be issued and facilities can option out of combined public hearings. Also, see responses to comments 6 and 11. For additional discussion regarding combined public hearings under the Title V program, see response to comment 3 for Proposed Amended Rule 3006.

15. **Comment:** The proposed amendments to Rule 212 (c)(1) do not prescribe any method of determining how the risk from a facility would increase or decrease as a result of modification. Rule 212, subdivision (c) reference specific risk assessment guidelines for facilities under Rule 1402 and limit applicability to increases as determined pursuant to AQMD Rule 1401. We believe that clauses (c)(2)(A)(i) and (c)(2)(A)(ii) should both contain a clearer reference to increases under Rule 1401. We recommend inserting "per Rule 1401" after "Regulation XXX" in the two locations that phrase appears.

Response: Rule 212 requires public notification for all new or modified permit units with an increase of emissions of any air contaminant (there is no de minimis level) located within 1000 feet of school. This section does not require any determination of cancer risk due to an increase of the emissions. Therefore, there is no need to specify any procedures to estimate the cancer risk.

With respect to comment regarding clauses (c)(2)(A)(i) and (c)(2)(A)(ii), after a meeting with the commenter, staff believes that the reference to Rule 1401 is satisfactory.

16. **Comment:** The proposed definition of hazardous air emissions does not identify hazardous air emissions as those substances identified in Section 44321 (a) through (f) of Health and Safety Code which must be included by separate rule making.

Response: AQMD had defined hazardous air emissions to include all those substances identified under Section 42301.6 (h)(1) which includes all substances identified as toxic air contaminants by the Air Resources Board which includes all hazardous air pollutants listed in federal Clean Air Act, all substances listed in Rules 1401 and 1402, and all substances identified in subdivisions (a) through (f) of Health and Safety Code Section 44321 (AB2588 toxic compounds) Since the definition of hazardous air emissions is very broad, any equipment located within 1000 feet of a school with an increase in emissions of any air contaminant will be characterized as hazardous air emissions and therefore subject to notification This reflects the requirement under the current Rule 212, and as a result, AQMD decided to retain the requirement that notification be given for all permit units near schools emitting air contaminants.

17. Comment: Rule 212 is an "omnibus" public notice rule that will apply to NSR, Toxic NSR, RECLAIM, and Title V permitting actions Given that many permit actions will fall under more than one provision, we believe that subdivision (h) of the rule should allow the permit applicant input into combining public notices. We are requesting the Rule 212, subdivision (h) read: "The Executive Officer should consult with the permit applicant before finalizing the public notice and may combine public notices to avoid duplication provided that all required public notice requirements are satisfied."

Response: It is already AQMD's practice to consult with the applicant prior to finalizing a public notice. Staff does not believe it is appropriate to add this to the rule but instead has included the suggested language in the Board Resolution.

18. Comment: Rule 212 requires public notification for all new or modified permit units with an increase of emissions of any air contaminant (there is no deminimis level) located within 1000 feet of school. Rule 212 should have some deminimis level so that the equipment with emissions below this deminimis level will not be required to do public notification.

Response: Notification of the public for equipment located within 1000 feet of school is required by Section 42301.6 of the California Health and Safety Code. The state law does not provide any deminimis level for avoiding notification. The law allows exemption from notification only when there is no increase of emissions which is already in the rule.

19. Comment: Rule 212 refers to public notification requirements for significant projects. Significant projects should be referred to projects with significant emission levels or toxic health effects. An equipment with low non toxic emissions located within 1000 feet of school should not be considered a significant project. Change the word significant with something less alarming.

Response: AQMD staff believes that there may be some confusion between the CEQA significance level and the notification level for Rule 212, and as a result has agreed to replace the phrase "significant project" with "project requiring notification."

20. Comment: The proposed Rule 212 requires public notifications for new or modified equipment emitting carcinogenic substances at certain toxic threshold levels There is also a provision in the rule that requires public notification for other toxic substances that pose a potential risk of nuisance. Eliminate this requirement from the rule.

Response: The intention of this requirement was to provide the Executive Officer with some flexibility to deal with toxic substances which are either not listed in Rule 1401 or currently unknown and may pose a potential risk. Examples include respiratory irritants such as caustics, acids, and ammonia.

21. Comment: Make the information contained in the public notices simple and understandable. The current notices contain unclear and complex information.

Response: AQMD staff agrees with this suggestion and will work to make the public notices simpler and more understandable.

ATTACHMENT D1

Appendix A: Title V 60% - 80% Demonstration

In accordance with the requirements of EPA, AQMD staff has prepared this demonstration to show that: 1) at least 60 percent of all potential Title V facilities will be required to obtain Title V permits within the first three years of program implementation (Phase One); and 2) the Phase One facilities emit at least 80 percent of the emissions of all Title V facilities.

This demonstration is an update to the one that was submitted to EPA on May 16, 1996 and is based on the proposed amendments to the Phase One applicability criteria in Rule 3001, and on the 1993 inventory of Emissions Fee Billing reports submitted to the AQMD by facilities emitting four tons per year (tpy) or more.

There are 938 facilities that will be subject to the proposed Phase One, Title V, applicability criteria. The number of facilities subject to Phase Two Title V, based on potential to emit is unknown. However, EPA allows an estimate to be made based on the number of facilities that have actual, reported emissions of 50 percent or more of any of the Phase Two applicability criteria. Using this approach, AQMD estimates that 1522 facilities will eventually be subject to Title V. As shown in Table I, 62 percent of the facilities will require Title V permits in Phase One.

Table II shows the results of the emissions demonstration. Column (a) of Table II below reflects the emissions from the 938 Phase One facilities. Column (b) of Table II below reflects the emissions from the 1,522 facilities eventually subject to Title V. Both of these columns reflect adjustments made in response to corrections submitted by facilities listed on the previous Title V universe of sources and validated by AQMD staff. The adjustments include (on a pollutant-by-pollutant basis):

- Deducting the following from 1993 reported emissions:
  - ⇒ Fugitive emissions in accordance with Proposed Amended Rule 3000, subparagraph (b)(24)(A);
  - ⇒ On-road and off-road mobile equipment emissions in accordance with Proposed Amended Rule 3000, subparagraph (b)(25)(B);
  - ⇒ Off-site emissions from permitted portable equipment in accordance with Proposed Amended Rule 3000, subparagraph (b)(25)(C);
- Substituting 1994-5 emissions for facilities that reduced emissions below Title V thresholds due to a permanent reduction after 1992;
- Eliminating facilities, and their emissions, that are no longer in operation.

Table I: Adjusted 60% Demonstration of Title V Facilities for 1993

(a) Number of Phase One Facilities	(b) Number of Phase One and Phase Two Facilities	(c) Percent of All Facilities in Phase One
938	1522	62

Table II: Adjusted 80% Demonstration of Title V Emissions for 1993

Pollutant	(a) Reported Emissions From Phase One Facilities (tons)	(b) Reported Emissions From All Title V Facilities (tons)	(c) Percent of All Emissions Represented in Phase One (%)
CO	15,005	17,356	86
NOx	30,444	34,497	88
ROG	28,036	34,534	81
SOx	7,695	7,804	99
TSP	4,531	5,243	86

The data in Tables I and II show that the amendments to AQMD's Title V program will continue to include more than 60 percent of all Title V sources in Phase One, and that the emissions from these Phase One facilities exceed 80 percent of the emissions from all Title V facilities.

ATTACHMENT D2

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

~~Draft~~ Staff Report

Proposed Amended Rules
212 – Standards for Approving Permits and Issuing Public Notice
1401 – New Source Review of Toxic Air Contaminants
1401.1 – Requirements for New and Relocated Facilities Near Schools, and
1402 – Control of Toxic Air Contaminants from Existing Sources

~~March~~June 2015

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ATTACHMENT D2

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD

CHAIRMAN:	WILLIAM A. BURKE, Ed.D. Speaker of the Assembly Appointee
VICE CHAIRMAN:	DENNIS YATES Mayor, Chino Cities of San Bernardino
MEMBERS:	MICHAEL D. ANTONOVICH Supervisor, Fifth District Los Angeles County
	BEN BENOIT Mayor, Wildomar Cities of Riverside County
	JOHN BENOIT Supervisor, Fourth District County of Riverside
	JOE BUSCAINO Councilmember, 15th District City of Los Angeles Representative
	MICHAEL A. CACCIOTTI Councilmember, South Pasadena Cities of Los Angeles County/Eastern Region
	JOSEPH K. LYOU, Ph.D. Governor's Appointee
	JUDITH MITCHELL Councilmember, Rolling Hills Estates Cities of Los Angeles County/Western Region
	SHAWN NELSON Supervisor, Fourth District County of Orange
	DR. CLARK E. PARKER, SR. Senate Rules Appointee
	MIGUEL PULIDO Mayor, Santa Ana Cities of Orange County
	JANICE RUTHERFORD Supervisor, Second District County of San Bernardino
EXECUTIVE OFFICER:	BARRY R. WALLERSTEIN, D.Env.

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ATTACHMENT D2

EXECUTIVE SUMMARY

BACKGROUND

The California Office of Environmental Health Hazard Assessment (OEHHA) establishes risk exposure information (i.e., risk values) for toxic air contaminants (TACs). Additionally, AB2588 requires that OEHHA develop health risk assessment guidelines for implementation of the Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In 2003, OEHHA developed and approved the Health Risk Assessment Guidance (2003 OEHHA Guidelines). Since the adoption of the 2003 guidelines, new scientific information has shown that early-life exposures to air toxics contribute to an increased estimated lifetime risk of developing cancer and other adverse health effects, compared to exposures that occur in adulthood. Based on this information, OEHHA approved the Air Toxics Hot Spots Program Guidance Manual for Preparation of Risk Assessments (Revised OEHHA Guidelines) on March 6, 2015. The Revised OEHHA Guidelines incorporate age sensitivity factors which will increase estimated cancer risk ~~estimates~~ to residential and sensitive receptors, based on the change in methodology, by approximately 3 times, and more than 3 times in some cases depending on whether the toxic air contaminant has multiple pathways of exposure in addition to inhalation. Under the Revised OEHHA Guidelines, even though the toxic emissions from a facility have not increased, estimated cancer risk to a residential receptor will increase. Cancer risks for off-site worker receptors are similar between the existing and revised methodology because the methodology for adulthood exposures remains relatively unchanged.

PROPOSED AMENDMENTS TO RULES 1401, 1401.1, 1402, AND 212

The SCAQMD relies on OEHHA's health risk assessment guidelines in various aspects of its toxics regulatory program including the permitting program, AB2588 Hot Spots Program, and existing regulatory program. Amendments to the following rules are being proposed to reference the Revised OEHHA Guidelines for estimation of health risks:

- Rule 1401 – New Source Review of Toxic Air Contaminants
- Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools
- Rule 1402 – Control of Toxic Air Contaminants from Existing Sources
- Rule 212 – Standards for Approving Permits and Issuing Public Notice

The proposed amended rules will revise definitions and risk assessment procedures to be consistent with the Revised OEHHA Guidelines. Proposed amendments are to ensure SCAQMD staff can implement the Revised OEHHA Guidelines regarding how health risks are calculated. Staff is not recommending revisions to the health risk thresholds in Rules 1401, 1401.1 or 1402. Staff is preparing Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0 and Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588). Both documents will incorporate the Revised OEHHA Guidelines and will be used to implement Rules 1401, 1401.1, 1402, and 212.

The California Air Resources Board (CARB) and the California Air Pollution Control Officers Association's (CAPCOA) are finalizing Risk Management Guidelines for Permitting and AB2588 to be consistent with the Revised OEHHA Guidelines that are expected to recommend ~~the~~ using the 95th percentile breathing rate for children under two years of age to the last trimester of pregnancy and the 80th percentile breathing rate for all other ages. CARB and CAPCOA's Risk Management Guidelines are expected to be considered by the CARB Board in ~~May~~ 2015.

The SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 and the Supplemental Guidelines for Preparing Risk Assessments for AB2588 will also incorporate these modified breathing rates.

PUBLIC PROCESS AND OUTREACH EFFORTS

Development of PAR 212, 1401, 1401.1, and 1402 is being conducted through a public process. As part of the generalized work plan presented at the March 2015 Governing Board meeting, SCAQMD staff beganhas begun an extensive outreach and communication effort, including mailing 22,000 public workshop notices, to immediately engage all stakeholders regarding the Revised OEHHA Guidelines, including amendments to Rules 212, 1401, 1401.1, and 1402. SCAQMD staff has been meetingmet with industry groups to discuss the Revised OEHHA Guidelines. As part of the outreach efforts, staff will hosted five regional Public Workshops in March and April of 2015 throughout the Basin. The five public workshops wereare as follows:

- **March 31, 2015 at 10:00 a.m.**
  Norton Regional Events Center
  Auditorium
  1601 E. 3rd Street, San Bernardino, CA 92408
- **March 31, 2015 at 2:00 p.m.**
  Louis Robidoux Public Library
  Community Room
  5840 Mission Boulevard, Riverside, CA 92509
- **April 1, 2015 at 10:00 a.m.**
  SCAQMD Auditorium
  21865 Copley Drive, Diamond Bar, CA 91765
- **April 2, 2015 at 10:00 a.m.**
  Buena Park Community Center Ballroom
  6688 Beach Boulevard, Buena Park, CA 90621
- **April 2, 2015 at 4:00 p.m.**
  Wilmington Senior Citizen Center
  Community Room
  1371 Eubank Avenue, Wilmington, CA 90744

All responses to comments received at the Public Workshops havewill been included in an Appendix A of this reportto the Final Staff Report. The SCAQMD also conducted additional workshops for the following business groups requesting further information on the subject rule development and the Revised OEHHA Guidelines:

- Southern California Alliance of Publicly Owned Treatment Works (SCAP)
- San Gabriel Valley Legislative Coalition of Chambers
- California Small Business Alliance
- California Health Care Association
- California Council for Environmental and Economic Balance
- Western States Petroleum Association
- City of Industry Chamber of Commerce
- Greater Riverside Chambers of Commerce
- City of Santa Monica Chamber of Commerce

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, SCAQMD staff has evaluated the proposed project and made the appropriate CEQA determination. The public workshop meetings ~~will~~ also ~~solicit~~ solicited public input on any potential environmental impacts from the proposed project. Comments received at the public workshops on any environmental impacts ~~will~~were ~~be~~ considered when developing the final CEQA document for this rulemaking.

ATTACHMENT D2

CHAPTER 1: BACKGROUND

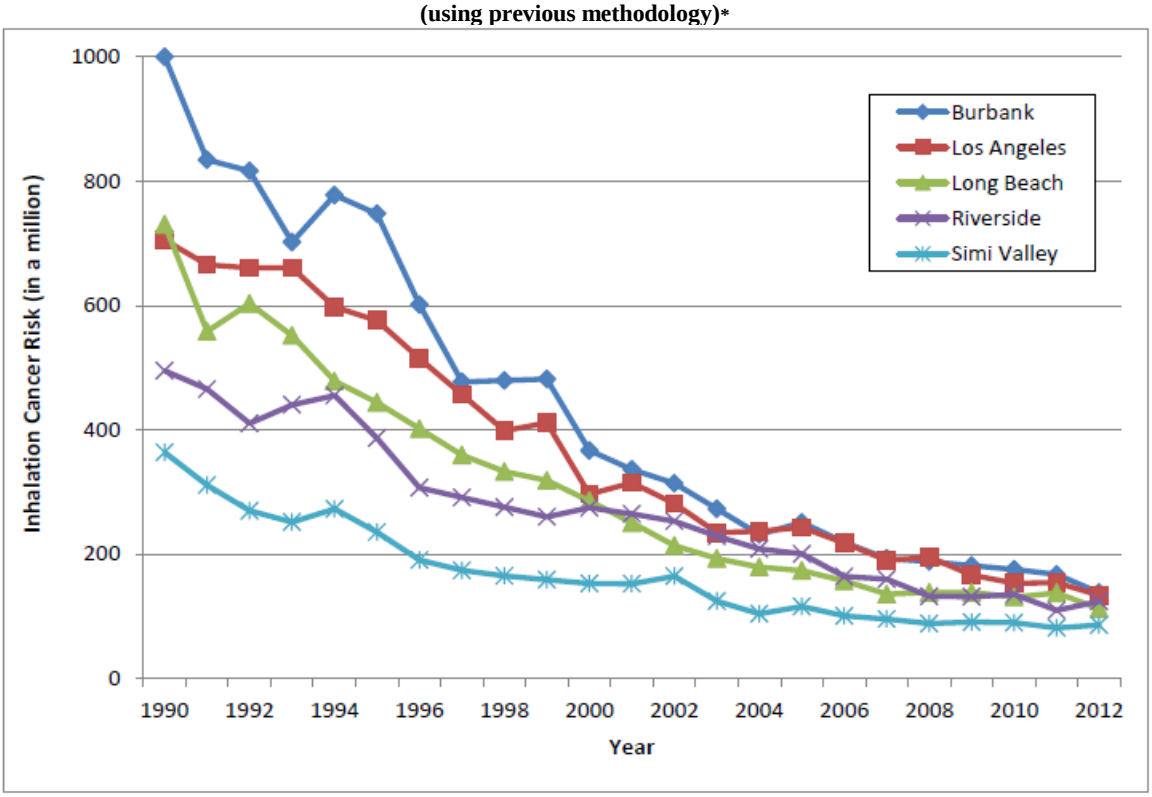
INTRODUCTION

On March 6, 2015, the California Office of Environmental Health Hazard Assessment (OEHHA) approved revisions to their Risk Assessment Guidelines (Revised OEHHA Guidelines). The Revised OEHHA Guidelines were triggered by the passage of the Children's Health Protection Act of 1999 (SB 25, Escutia) requiring OEHHA to ensure infants and children are explicitly addressed in assessing risk. Over the past decade, advances in science have shown that early-life exposures to air toxics contribute to an increased estimated lifetime risk of developing cancer, or other adverse health effects, compared to exposures that occur in adulthood. The new risk assessment methodology addresses this greater sensitivity and incorporates the most recent data on infants and childhood and adult exposure to air toxics. The Revised OEHHA Guidelines incorporate age sensitivity factors and other changes which will increase estimated cancer risk ~~estimates~~ to residential and sensitive receptors, based on the change in methodology, by approximately 3 times, and more than 3 times in some cases depending on whether the toxic air contaminant has multiple pathways of exposure in addition to inhalation. Health risks for off-site worker receptors are similar between the existing and revised methodology because the methodology for adulthood exposures remains relatively unchanged. Even though there may be no increase in toxic emissions at a facility, the estimated cancer risk using the Revised OEHHA Guidelines is expected to increase.

SCAQMD'S AIR TOXICS REGULATORY PROGRAM

The SCAQMD has a robust and comprehensive air toxics regulatory program that consists of rules to address new and modified toxic sources, AB2588 facilities (existing toxic sources), and source-specific toxic rules. Rules 1401, 1401.1, and 1402 are referred to as the "umbrella" rules that specify ~~requires~~ requirements for all new and modified permitted sources (Rules 1401 and 1401.1 for sources near schools) and requirements for the existing sources under the Air Toxics Hot Spots program (Rule 1402). In addition to these umbrella toxics rules, the SCAQMD's regulatory program includes over fifteen source-specific toxic rules regulating specific equipment or industry categories such as chrome plating, asbestos remediation, lead emission reductions, percholoroethylene dry cleaners, diesel internal combustion engines, and others. Over the past few decades, implementation of these programs by the SCAQMD has resulted in significant reductions in toxic emissions by businesses throughout the Basin from a variety of sources. Since the development of SCAQMD's Air Toxics Program in 1990, trends in estimated non-diesel inhalation cancer risks, as illustrated in Figure 1-1, have greatly declined. Although the Revised OEHHA Guidelines would change the estimated cancer risk values in Figure 1-1, this does not change the fact that estimated cancer risks have been significantly reduced between 75 to 86 percent, depending on the location within the Basin. The Revised OEHHA Guidelines do not change the toxic emission reductions already achieved by facilities in the Basin, nor do they change the overall percent reduction in estimated cancer risks. Rather, the Revised OEHHA Guidelines represents a change to the methodologies and calculations used to estimate health risk based on the most recent scientific data on exposure, childhood sensitivity, and breathing rates.

Figure 1-1
Trends in Non-Diesel Inhalation Cancer Risks in the South Coast Air Basin
(using previous methodology)*



***values do not consider OEHHA Revised Guidelines**

PROPOSED AMENDMENTS TO RULES 1401, 1401.1, 1402, AND 212

The SCAQMD relies on OEHHA's health risk assessment guidelines in various aspects of its toxics regulatory program including the permitting program, AB2588 Hot Spots Program, and existing regulatory program. Amendments to the following rules are being proposed to reference the Revised OEHHA Guidelines for estimation health risks:

- Rule 1401 – New Source Review of Toxic Air Contaminants;
- Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools;
- Rule 1402 – Control of Toxic Air Contaminants from Existing Sources; and
- Rule 212 – Standards for Approving Permits and Issuing Public Notice

The proposed amended rules will revise definitions and risk assessment procedures to be consistent with the Revised OEHHA Guidelines. Proposed amendments are to ensure SCAQMD staff can implement the Revised OEHHA Guidelines regarding how health risks are calculated, and staff is not recommending revisions to the health risk thresholds in Rules 1401, 1401.1 or 1402. The SCAQMD staff is preparing Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0 and the 2015 Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588). Both documents will incorporate the Revised OEHHA Guidelines and will be used to implement Rules 1401, 1401.1, 1402, and 212.

The California Air Resources Board (CARB) and the California Air Pollution Control Officers Association's (CAPCOA) are finalizing Risk Management Guidelines for Permitting and AB2588 to be consistent with the Revised OEHHA Guidelines that are expected to maintain the breathing rate using the 95th percentile breathing rate for children under two years of age and the 80th percentile breathing rate for all other ages. CARB and CAPCOA's Risk Management Guidelines are expected to be approved by the CARB Board in ~~May~~ 2015. The SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 and the Supplemental Guidelines for Preparing Risk Assessments for AB2588 will also incorporate these modified breathing rates. These modified breathing rates are consistent with CARB's 2003 Interim Risk Management Policy for Residential-Based Cancer Risk that was applied for Health Risk Assessments (HRAs) prepared using OEHHA's 2003 version of its HRA Guidance Manual. This policy recommended that HRAs utilize an 80th percentile breathing rate for inhalation residential cancer risks instead of the 95th percentile recommended in OEHHA's 2003 HRA Guidance Manual. This approach has been used in risk assessments state-wide since that time.

PUBLIC PROCESS AND OUTREACH EFFORTS

At the Governing Board Meeting on May 16, 2014, SCAQMD staff presented *Potential Impacts of the New OEHHA Risk Guidelines on SCAQMD Programs*. The presentation explained that several SCAQMD toxic rules that establish permitting requirements and implement the SCAQMD's Toxics Hot Spots Program, reference the OEHHA's health risk assessment guidelines and that the Revised OEHHA Guidelines would affect these programs. In addition, at the March 6, 2015 Governing Board Meeting, SCAQMD staff presented a Work Plan for implementing the OEHHA's Revised Air Toxics Hot Spots Program Risk Assessment Guidelines. The Work Plan included the following recommendations:

- Implement enhanced outreach and risk communication activities;
- Proceed with development of adjustments to SCAQMD's various programs related to Risk Assessment (Proposed Amended Rules 1401, 1401.1, 1402, and 212); and
- Provide updates to the Stationary Source Committee during rule development process.

Development of PAR 1401, 1401.1, 1402, and 212 is being conducted through a public process. As part of the generalized work plan presented at the March 2015 Governing Board meeting, SCAQMD staff beganhas begun an extensive outreach and communication effort, including mailing 22,000 public workshop notices, to immediately engage all stakeholders regarding the Revised OEHHA Guidelines, including amendments to Rules 212, 1401, 1401.1, and 1402. SCAQMD staff has metbeen meeting with industry groups to discuss the Revised OEHHA Guidelines. As part of the outreach efforts, staff will hosted five regional Public Workshops in March and April of 2015 throughout the Basin. The five public workshops wereare as follows:

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- San Gabriel Valley Legislative Coalition of Chambers
- California Small Business Alliance
- California Health Care Association
- California Council for Environmental and Economic Balance
- Western States Petroleum Association
- City of Industry Chamber of Commerce
- Greater Riverside Chambers of Commerce
- City of Santa Monica Chamber of Commerce

OEHHA

OEHHA is a state agency under the California Environmental Protection Agency that establishes risk exposure information (i.e., risk values) for toxic air contaminants and is responsible for developing health risk assessment guidance for the state of California. The Scientific Review Panel (SRP) reviews and approves the methodologies used to develop these risk values, thereby finalizing the values for use by state and local agencies in assessing health risks related ~~with~~ to exposure to toxic air contaminants. In addition, AB2588 requires that OEHHA develop health risk assessment guidelines for implementation of the Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In 2003, OEHHA developed and approved the Health Risk Assessment Guidance document (2003 OEHHA Guidelines) supported by Technical Support ~~documents~~ Documents (TSDs) reviewed and approved by OEHHA and the SRP. Since 2003, OEHHA and the SRP developed and approved three additional TSDs: TSD for the Derivation of Noncancer Reference Exposure Levels (2008), TSD for Cancer Potency Factors (2009), and TSD for Exposure Assessment and Stochastic Analysis (2012). The three TSDs provide new scientific information showing that early-life exposures to air toxics contribute to an increased estimated lifetime risk of developing cancer and other adverse health effects, compared to exposures that occur in adulthood. As a result, OEHHA developed and adopted the Revised OEHHA Guidelines on March 6, 2015 which incorporate~~s~~ the new scientific information.

TOXIC AIR CONTAMINANTS

A substance is considered toxic if it has the potential to cause adverse health effects in humans. A toxic substance released to the air is considered a toxic air contaminant (TAC) or "air toxic". TACs are identified by state and federal agencies based on a review of available scientific evidence. Federal agencies also use the term hazardous air pollutant.

Exposure to TACs can potentially increase the estimated risk of contracting cancer or result in other adverse health effects. Compounds with cancer risk values (carcinogens) may cause an increase in the probability that an exposed individual would develop cancer. Compounds with non-cancer risk values (chronic and acute) may cause other health effects including nausea or difficulty breathing and may contribute to immunological, neurological, reproductive, developmental, and respiratory problems. Rules 1401, 1401.1, and 1402 are designed to help protect the public from the health risks posed by TACs that are emitted by stationary sources. A health risk assessment is used to estimate the increased probability that an individual would contract cancer or experience other adverse health effects as a result of exposure to listed TACs. TACs are regulated by the SCAQMD based on risk values identified pursuant to the recommendations by OEHHA.

HEALTH RISK ASSESSMENT

A health risk assessment is used to estimate the likelihood that an individual would contract cancer or experience adverse health effects as a result of exposure to TACs. Risk assessment is a methodology for estimating the probability or likelihood that an adverse health effect will occur. OEHHA is the state agency with primary responsibility for developing and recommending risk assessment methods.

Risk assessment consists of four components:

- **Hazard identification**: The evaluation of compounds to determine whether they may cause adverse health effects;
- **Dose-response assessment**: The estimation of the biological response to a given exposure to a compound;
- **Exposure assessment**: The estimation of the level of exposure to a compound; and
- **Risk characterization**: The estimation of the health risk to individuals based on the estimate of exposure and the dose-response relationship.

Hazard identification and dose-response assessments are the responsibility of other regulatory agencies, such as OEHHA. Health risk assessments for particular facilities are conducted by integrating this information with a site-specific exposure assessment to develop an estimate of health risk from the facility's emissions. The latter two elements are conducted or reviewed by the air permitting agencies. To determine the potential health risk, factors such as the emission rate of the TAC, facility location, type of receptor (resident/worker), receptor distance, and meteorology in the area are used. Rule 1401 relies on OEHHA guidelines for calculating toxic risks. These guidelines are incorporated in the SCAQMD's Risk Assessment Procedures for Rule 1401 and 212.

SCAQMD RISK ASSESSMENT PROCEDURES

The SCAQMD staff ~~is preparing~~has prepared revisions to its risk assessment procedures used for permitting and the AB2588 Hot Spots program. Both risk assessment procedures have been based on OEHHA's risk assessment procedures. Revisions to Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0 and the 2015 Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588) ~~are~~ were ~~being~~ developed to incorporate the Revised OEHHA Guidelines as well as incorporate CARB's proposed modified breathing rates. Both documents ~~will~~ incorporate the Revised OEHHA Guidelines and will be used to implement Rules 1401, 1401.1, 1402, and 212.

SCAQMD Risk Assessment Procedures for Rules 1401 and 212

The SCAQMD Risk Assessment Procedures for Rules 1401 and 212, Version 7.0 (July 1, 2005) are used by SCAQMD permitting staff and the regulated community to estimate toxic risk from new, relocated, and modified permitted sources. The SCAQMD's Risk Assessment Procedures incorporate OEHHA's previous guidance for determining health risks. The SCAQMD's Risk Assessment Procedures provide four levels of screening risks: Tiers 1, 2, 3, and 4. The tiers are progressively more complex, require increasingly more site-specific details, and give increasingly more refined estimates of risk. Tier 1 uses a table of emission levels for screening based on worst-case assumptions and back-calculating to 1 in one million cancer risk or a hazard index of 1.0, whichever is more stringent. The user determines the emission level for the source and compares it to the table. If it is less than the screening level, no further analysis is needed and no control is required for toxics. Tier 2 provides a formula and the used inputs basic site-specific information to calculate risks. If the source does not pass Tier 2, then dispersion modeling (Tier 3 or Tier 4) can be used to do a more accurate site-specific risk analysis.

The current SCAQMD Risk Assessment Procedures are based on the 2003 OEHHA Guidelines. As a result, the SCAQMD staff is ~~working to update~~has updated these procedures to incorporate the Revised OEHHA Guidance and CARB's proposed modified breathing rates in Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0. In addition to refining Tier screening tables for consistency with the Revised OEHHA Guidelines, additional tables ~~may be~~have been added for specific parameters for select source categories and equipment, including adding modified breathing rates consistent with the California Air Resources Board (CARB) and the California Air Pollution Control Officers Association's (CAPCOA) Risk Management Guidelines for Permitting and AB2588 to the Risk Assessment Procedures, to ensure consistency with the Revised OEHHA Guidelines. The CARB and CAPCOA document is expected to be approved by the CARB Board in ~~May~~ 2015.

Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act

District staff ~~is updating~~has updated its Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588 Supplemental Guidelines) to be consistent with the updated OEHHA Guidelines. Revisions to the AB2588 Supplemental Guidelines include updated SCAQMD-specific guidance on default parameters to use in HARP2 software, default exposure parameters (e.g., breathing rates, exposure durations, etc.), and guidance for dispersion modeling conducted with AERMOD. The AB2588

Supplemental Guidelines ~~will~~ also incorporates the adjusted breathing rates provided in ARB's updated Risk Management Guidance.

Exposure Assessment

The estimated probability of contracting cancer due to exposure to a carcinogen is a function of the dose received, which is based on the airborne concentration of the toxic air contaminant in the vicinity of the source. This is usually estimated through air dispersion modeling. For some TACs, additional receptor exposure can occur due to deposition from the air onto surfaces such as skin, soil, or vegetation, which can then be ingested or otherwise absorbed by the exposed population. These exposures are also quantified. Since exposures to individuals will vary with distance from the source and other factors (such as meteorological or geographical conditions), exposure estimates are calculated for the most exposed individual. Based on the Revised OEHHA Guidelines, this estimate assumes that the potential maximally exposed individual will be exposed continuously for a 30-year lifetime if exposure occurs in a residential area. It should be noted that this is change from the 2003 OEHHA Guidelines assumption of a 70-year lifetime exposure. At commercial and industrial locations, under the Revised OEHHA Guidelines, the exposure duration is a 25 years. The 2003 OEHHA Guidelines assumed a worker exposure of 40 years.

Cancer Risk Characterization

Exposure to TACs can potentially increase the estimated risk of contracting cancer or result in other adverse health effects. Compounds with cancer risk values (carcinogens) may cause an increase in the probability that an exposed individual would develop cancer. Compounds with non-cancer risk values (chronic and acute) may cause other health effects including nausea or difficulty breathing and may contribute to immunological, neurological, reproductive, developmental, and respiratory problems. Rule 1401 is designed to help protect the public from the health risks posed by TACs that are emitted by stationary sources.

Risks from carcinogens are expressed as an added lifetime probability of contracting cancer as a result of a given exposure. For example, if the emissions from a facility are estimated to produce a risk of 1 in one million to the most exposed individual, this means that the individual's chance of contracting cancer has been increased by one chance in one million over and above his or her chance of contracting cancer from all other factors (for example, diet, smoking, heredity and other factors). This added risk to a maximally exposed individual is referred to as a "maximum individual cancer risk" or MICR. In Rule 1401, the risk to the exposed population is also characterized as an estimate of the number of excess cancer cases which may occur in the population as a result of exposure, or "cancer burden." For example, if one million people were subjected to an increased estimated risk of one in one million due to a given exposure, it would be estimated that over a lifetime, one excess cancer case may result in this population from this exposure.

SUMMARY OF SCAQMD RULES 1401, 1401.1, 1402, AND 212

RULE 1401

Rule 1401 – New Source Review for Toxic Air Contaminants was adopted by the SCAQMD Governing Board in June 1990. The rule establishes cancer and non-cancer health risk

requirements for new, relocated, or modified permitted sources of toxic air pollutants. Under Rule 1401, new and modified permitted sources cannot exceed an MICR of 1 in one million, if the source is not equipped with best available control technology for toxics (T-BACT). If T-BACT is installed, the MICR cannot exceed 10 in one million. The MICR is the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to toxic air contaminants. Rule 1401 also has requirements for cancer burden which represents the estimated increase in the occurrence of cancer cases in a given population due to exposure to TACs as well as non-cancer chronic and acute hazard thresholds. Rule 1401 has been amended several times to add or modify new compounds or risk values to the list of TACs as they are identified and risk values are finalized or amended by the state.

RULE 1401.1

Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools was adopted by the SCAQMD Governing Board in November 2005. The rule is designed to be more health protective for school children by establishing more stringent risk requirements related to facility-wide cancer risk and non-cancer acute and chronic HI for new and relocated facilities emitting toxic air contaminants located near schools, thereby reducing the exposure of toxic emissions to school children. For new facilities, the rule requires the facility-wide cancer risk to be less than 1 in one million at any school or school under construction within 500 feet of the facility. If there are no schools within 500 feet, the same risk levels must be met at any school or school under construction within 500 to 1,000 feet unless there is a residential or sensitive receptor within 150 feet of the facility. For relocated facilities, if a facility is relocating, the facility must demonstrate, for each school or school under construction within 500 feet of the facility, that either: 1) the risk at the school from the facility in its new location is no greater than the risk at that same school when the facility was a its previous location, or 2) the facility-wide cancer risk at the school does not exceed 1 in one million. Unlike other SCAQMD risk-based rules, the required risk thresholds of Rule 1401.1 do not change based on whether or not the source is equipped with T-BACT.

RULE 1402

Rule 1402 – Control of Toxic Air Contaminants from Existing Sources was adopted in April 1994. Rule 1402 establishes facility-wide risk requirements for existing facilities that emit TACs and implements the state AB2588 Air Toxics "Hot Spots" program. It contains requirements for toxic emissions inventories, health risk assessments, public notification and risk reduction. A maximum individual cancer risk exceeding 10 in one million, as demonstrated by an approved HRA, triggers the need for public notice. A maximum individual cancer risk of 25 in one million, as demonstrated by an approved HRA, triggers the need for the facility to reduce their facility-wide risk. Any facility whose facility-wide emissions of TACs exceed the significant risk level of 100 in one million is required to achieve risk reductions to achieve a level below 100 in one million within three years from initial risk reduction plan submittal.

RULE 212

Rule 212 – Standards for Approving Permits and Issuing Public Notice was adopted in January 1976 and contains public notification requirements for new, modified, or relocated sources of air contaminants based on proximity to schools, increases to emissions above rule-specified daily maximums, and increases in toxic air contaminant emissions resulting in a MICR of greater than

or equal to 10 in one million for single permitted source facilities, or 1 in one million for facilities with more than one permitted source, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide cancer risk is below 10 in one million.

ATTACHMENT D2

CHAPTER 2: SUMMARY OF PROPOSED AMENDED RULES

OVERVIEW

The primary purpose of amending Rules 1401, 1401.1, 1402, and 212 is to update rule language relating to cancer risk calculation methodologies so that they are consistent with the Revised OEHHA Guidelines adopted on March 6, 2015.

Proposed Amendments to Rule 1401

Considerations for SCAQMD's permitting approach to implement the Revised OEHHA Guidelines included maintaining public health protection and avoiding backsliding of emission reductions that result in toxic exposure. SCAQMD staff considered if implementation of the guidelines would not unduly impede business activities, and identified approaches to streamline the process to minimize business impacts and SCAQMD resources consistent with principles of transparency and public participation. The proposed amendments to implement the Revised OEHHA Guidelines will be forward-looking. The SCAQMD staff will not retroactively review previously issued permits relative to the Revised OEHHA Guidelines, only permits for new and modified equipment that have been deemed complete 30 days after Proposed Amended Rule 1401 has been adopted. Public notification pursuant to Rule 212 will not be applied retroactively but will apply to new and modified sources.

Proposed Amended Rule 1401 includes a provision to allow spray booths and retail gasoline transfer and dispensing facilities to continue to use the previous OEHHA risk guidelines which are used in SCAQMD Risk Assessment Procedures for Rules 1401 and 212 (Version 7.0, July 1, 2005) to calculate the cancer risk until the SCAQMD staff returns to the Board with specific ~~proposals~~ regulations and/or procedures for these industries. The SCAQMD staff evaluated permits received between October 1, 2009 and October 1, 2014 and found that some spray booths may have difficulties meeting the Rule 1401 risk thresholds using the Revised OEHHA Guidelines. Over the five year permitting period, the SCAQMD received issued approximately 1,400 permits to operate or permits to construct for spray booths. Because of the large number of permits issued and consideration that this particular source category tends to be associated with smaller businesses such as wood coating operations and autobody facilities, SCAQMD staff is recommending that spray booths continue to use the previous health risk guidelines for permitting under Rules 1401. The SCAQMD staff will begin ~~rulemaking~~ to identify regulatory and/or procedural approaches by which industries using spray booths can reduce their toxic emissions and/or toxic exposure.

The SCAQMD staff is also recommending that retail gasoline transfer and dispensing facilities continue to use the previous OEHHA risk guidelines. Based on permitted data, there are approximately 3,300 retail gasoline stations in the district. The SCAQMD receives approximately 15 permit applications annually for new gas stations and 18 permit applications annually for modifications to increase throughput at a gasoline dispensing facilities. The SCAQMD staff just received new emissions data from CARB ~~this month~~in March 2015 that could potentially change the emission estimates from gasoline dispensing facilities. Additional time is needed to better assess and understand the impacts from gasoline dispensing facilities before use of the Revised OEHHA Guidelines. All new gasoline stations are permitted with toxics best available controls and are required to comply with SCAQMD Rule 461 – Gasoline Transfer and Dispensing. PAR 1401 includes a commitment from the Executive Officer to

return to the Governing Board as quickly as practicable with Staff's analysis of emissions data from gasoline dispensing activities and applicable regulations and/or procedures.

The definition for "MAXIMUM INDIVIDUAL CANCER RISK (MICR)" in existing Rule 1401 is defined as the estimated probability of a potentially maximally exposed individual contracting cancer as a result of exposure to toxic air contaminants over "a period of 70 years" for residential receptor locations. The assumption for lifetime exposure relating to a residential receptor in the Revised OEHHA Guidelines has been changed from 70 years to 30 years. In order for consistency with the Revised OEHHA Guidelines, paragraph (c)(8) has been amended to omit the assumption of "70 years" and add language that MICR at residential receptor locations be "calculated pursuant to the Risk Assessment Procedures referenced in subdivision (e)" which will be reflected in SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0 and Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588).

Rule 1401 currently states that Executive Officer shall deny a permit to construct a new, relocated or modified permit unit if emissions of any listed toxic air contaminant occur, unless the applicant substantiates to the satisfaction of the Executive Officer that among other ~~criterion~~criteria, the "Risk Per Year" does not exceed "1/70 of the maximum allowable risk specified in the rule. The calculation for "Risk Per Year" is based on the 2003 OEHHA Guidelines relating to a residential exposure period of 70 years. The "Risk Per Year" requirement of Rule 1401 was established in order to cover specific instances where a permit application was submitted for a piece of equipment that would be in a particular location for a limited number of years, for example, equipment installed for short-term (i.e., 3 to 5 years) such as soil vapor extraction project. SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0, which incorporates the Revised OEHHA Guidelines, includes provisions that address short term projects. Therefore the "Risk Per Year" requirement in the rule is~~n~~ no longer necessary and has been removed.~~For consistency with the 30 year exposure period of the Revised OEHHA Guidelines, paragraph (d)(4) has been amended to require that the risk per year shall not exceed the maximum allowable risk specified in the rule divided by the applicable exposure period referenced SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0 and Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588) at any receptor locations in residential areas~~.

PAR 1401 also adds paragraph (g)(5) to allow the equipment category of "spray booths" and the industry category of "retail gasoline transfer and dispensing facilities" to continue using the SCAQMD Risk Assessment Procedures for Rules 1401 and 212 (Version 7.0, July 1, 2005) in order to calculate the cumulative increase in MICR pursuant to paragraph (d)(1).

Proposed Amendments to Rule 1401.1

The definition for "CANCER RISK" in paragraph (c)(1) is defined as the estimated probability of an exposed individual contracting cancer as a result of exposure to toxic air contaminants at a school or school under construction assuming "an exposure duration of 70 years". The assumption for lifetime exposure relating to a residential receptor in the Revised OEHHA

Guidelines has been changed from 70 years to 30 years. ~~In order f~~For consistency with the Revised OEHHA Guidelines, paragraph (c)(1) has been amended to omit the assumption of "70 years".

Proposed Amendments to Rule 1402

The definition for "MAXIMUM INDIVIDUAL CANCER RISK (MICR)" in paragraph (c)(9) is defined as the estimated probability of a potentially maximally exposed individual contracting cancer as a result of exposure to toxic air contaminants over "a period of 70 years" for residential receptor locations. The assumption for lifetime exposure relating to a residential receptor in the Revised OEHHA Guidelines has been changed from 70 years to 30 years. ~~In order f~~For consistency with the Revised OEHHA Guidelines, paragraph (c)(8) has been amended to omit the assumption of "70 years" and add language that MICR at residential receptor locations be "calculated pursuant to the Risk Assessment Procedures referenced in subdivision (j)" which will be reflected in SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212, Version 8.0 and Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act (AB2588). Amendments have also been made to subparagraphs (j)(1)(C) and (j)(1)(D) to omit references to the "70 year exposure". Other amendments include revisions to Tables I and II to revise emission reporting thresholds for specific TACs and industries for consistency with calculations and methodologies of the Revised OEHHA Guidelines.

Proposed Amendments to Rule 212

Rule 212 requires public notification if any new or modified permit unit results in increases in emission of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to a MICR greater than or equal to 1 in a million for facilities with more than one permitted unit, or greater than or equal to 10 in a million for facilities with a single permitted unit "during a lifetime exposure period of 70 years". The assumption for lifetime exposure relating to a residential receptor in the Revised OEHHA Guidelines has been changed from 70 years to 30 years. ~~In order f~~For consistency with the Revised OEHHA Guidelines, clause (c)(3)(A)(i) and (c)(3)(A)(ii) has omitted the "during a lifetime (70 years)" language from the rule.

CHAPTER 3: IMPACT ASSESSMENT

AFFECTED INDUSTRIES

Implementation of Proposed Amended Rules 1401, 1401.1, 1402, and 212 affects many industry categories. As a result, it is challenging to predict the type, number, and size of new and modified sources that will be seeking permit applications. As previously discussed, implementation of the Revised OEHHA Guidelines is expected to increase the estimated inhalation health risk by about 3 times for residential receptors due to the change in calculation methodology. SCAQMD staff conducted an analysis to better understand the potential number of sources that could be affected by the Revised OEHHA Guidelines for permitting new and modified sources (Rule 1401) and facilities under the AB2588 Hot Spots Program (Rule 1402). A discussion of the assumptions and basis for the number of facilities that could potentially require additional pollution controls is discussed below. A summary of the type of pollution controls is provided in Table 3-1 below. Table 3-1 identifies pollution control options, however to reduce toxic emissions an operator could choose other options such as less toxic coatings and solvents, process throughput limits, and distancing sources from receptors.

IMPACT ANALYSIS APPROACH

Rule 1401 and 1401.1 Analysis

To identify new and modified permitted equipment source categories that under Rule 1401 and 1401.1 could potentially need new or additional air pollution controls as a result of using the Revised OEHHA Guidelines, the SCAQMD staff evaluated permits that were issued over a five year period from October 2009 to October 2014. Based on this evaluation, the SCAQMD staff identified three general groups of equipment source categories based on the need for new or additional pollution controls using the Revised OEHHA Guidelines:

1) No new or additional air pollution controls needed:
2) New or additional pollution controls likely needed and/or additional time needed to understand potential impacts; and
3) Potential for new or additional air pollution controls could be required for some permits within an equipment source category.

Under the first group, no new or additional pollution controls are expected using the Revised OEHHA Guidelines because either the cancer risk was well below the Rule 1401 risk thresholds of 1 in one million without T-BACT, and 10 in one million with T-BACT, or there were no toxic emissions associated with the permitted source. Under the second group, SCAQMD staff found two equipment source categories (1) coating and solvents used in spray booths, and (2) retail gasoline dispensing facilities. For coating and solvents used in spray booths, for a percentage of permits reviewed it is likely that new or additional pollution controls would be needed to meet the Rule 1401 cancer risk threshold using the Revised OEHHA Guidelines. For retail gas stations, the SCAQMD staff has received new information from CARB staff regarding the latest speciation of emissions from gasoline dispensing. The SCAQMD staff needs additional time to assess the effects of this information and how it could affect new and modified gasoline dispensing facilities combined with the Revised OEHHA Guidelines. Therefore, Rule 1401 includes a provision to allow these two source categories to continue to use the existing OEHHA Guidelines. The SCAQMD staff will develop source-specific ~~requirements~~ regulations and/or procedures for these source categories to reduce toxic emissions and to address potential permitting issues. For gasoline dispensing facilities, the SCAQMD staff will expedite review of

emissions data for gasoline dispensing to better understand potential impacts from gasoline dispensing facilities before using the Revised OEHHA Guidelines.

Lastly under the third group, based on review of five years of permitted data there were five equipment source categories that the estimated cancer risk with the Revised OEHHA Guidelines could require additional controls: metal plating facilities, crematories, plasma arc and laser cutting, wet gate printing and film cleaning, and asphalt and concrete batch blending. Table 3-1 provides a summary for the number of permits annually expected to need additional controls, affected toxic air contaminants, and the possible air pollution control technology for ~~these~~ each of the identified source categories. For plasma arc and laser cutting, most permits are currently close to 1 in one million so it is reasonable to expect for this source category nearly all permits for plasma arc and laser cutting will need additional air pollution controls in order to satisfy T-BACT requirements in Rule 1401, for sources exceeding 1 in a million cancer risk. The SCAQMD staff is working on a rule for metal grinding and cutting that will address emissions from plasma arc and laser cutting. Based on the permitted data, staff estimates that approximately 24 plasma arc and laser cutting permits annually could have estimated health risks greater than 1 in a million requiring pollution additional controls such as a bag house to capture metal particulates. For the remaining equipment or industry categories in Table 3-1, based on the five years of permitted data approximately one permit per year could potentially require additional air pollution controls.

Table 3-1
New or Modified Permits that Potentially Could Require Additional Pollution Controls Using the Revised OEHHA Guidelines[1]

Equipment Category	Number of Permits (Annually)	Toxic Air Contaminants	Typical Control Device
Metal Plating Facilities – Plating Tanks	1	Metal – nickel, hexavalent chromium, cadmium	HEPA filter for nickel or chrome plating tank
Crematory – Furnace	1	Combustion emissions – PAHs	Oxidation catalysts
Plasma Arc and Laser Cutting	24	Nickel and hexavalent chromium emissions	Baghouse for metal particulates
Wet Gate Printing and Film Cleaning (Perc)	1	Perchloroethylene emissions from film cleaning	Carbon adsorber
Asphalt Blending and Concrete Batch (Diesel ICEs)	1	Diesel particulate	Diesel particulate filter on diesel engine

[1] Based on SCAQMD analysis of permits issued between 2009 and 2014.

SCAQMD staff did not include equipment or industry categories that are exempt from Rule 1401 such as emergency internal combustion engines and wood product stripping. SCAQMD staff also did not analyze impacts for permits related to change of ownerships, alterations, or modifications that did not result in an increase in toxic emissions. District Rule 1421 – Control

of Perchloroethylene Emissions from Dry Cleaning Systems contain requirements for the phase out of perchloroethylene dry cleaning equipment by 2020 and the state ATCM does not allow purchase of new perchloroethylene dry cleaning equipment. SCAQMD staff did not include the permitting of this equipment category into the impact analysis for this rule development since permitting data shows no permits issued for new perchloroethylene dry cleaning machines over the past five years.

AB2588 Air Toxics Hot Spots Program (Core Facilities) – Rule 1402 Analysis

Since Rule 1402 adoption in 1994, the SCAQMD staff has approved approximately 300 facility HRAs. Based on the most recent approved HRAs for each facility, the SCAQMD staff estimates that 21 facilities could potentially have a cancer risk greater than or equal to 25 in a million when using the Revised OEHHA Guidelines. Under Rule 1402, if the facility-wide health risk is greater than or equal to the action risk level the operator is required to implement risk reduction measures specified in a risk reduction plan to reduce the impact of total facility emissions below the action risk level as quickly as feasible, but by no later than three years. Regarding facilities that are in the AB2588 program, but have not been required to submit an HRA, the SCAQMD staff found that although more facilities will likely be required to submit an HRA, it is not expected that their cancer risk will be over the action risk threshold of 25 in one million. Therefore, no additional pollution controls are assumed for those facilities.

SCAQMD staff evaluated the main toxic driver(s) for the 22 AB2588 facilities that could potentially be required to implement risk reduction measures to make an estimate of the types of additional pollution controls that could potentially be implemented. Rule 1402 establishes a "facility-wide" risk threshold, so there are a variety of options which can be implemented such as process changes, material changes, additional air pollution controls, and reduced throughput. Table 3-2 summarizes the type of facility, key toxic air contaminant that is contributing to the cancer risk, and the type of air pollution controls that could be implemented to reduce the cancer risk.

Table 3-2
Potential Air Pollution Control Device(s)
For Use to Reduce Cancer Risk by AB2588 Facilities

Facility Type	Key Toxic Driver	Air Pollution Control Device(s)
Aerospace	hexavalent chromium, perchloroethylene, tetrachloroethylene	Scrubber/Carbon Adsorber
Aerospace	hexavalent chromium, cadmium	HEPA/Scrubber
Aerospace	perchloroethylene, tetracholorethylene, hexavalent chromium	Carbon Adsorber/HEPA/Scrubber
Aerospace	hexavalent chromium	HEPA/Scrubber
Aerospace	hexavalent chromium	HEPA/Scrubber
Aerospace	lead	HEPA/Scrubber
Asphalt Manufacturer	PAHs, formaldehyde	Scrubber/Carbon Adsorber
Hospital	formaldehyde, PAHs	Thermal oxidizer/Oxidation catalysts
Metal Forging and Heat Treating	nickel	HEPA/Scrubber
Metal Melting	cadmium, lead	HEPA/Scrubber
Metal Melting	cadmium, lead	HEPA/Scrubber
Metal Melting	arsenic, cadmium	Scrubber
Metal Plating and Finishing	hexavalent chromium, nickel, cadmium	HEPA/Scrubber
Metal Plating and Finishing	hexavalent chromium	HEPA/Scrubber
Metal Plating and Finishing	hexavalent chromium	HEPA/Scrubber
Petroleum Refining	1,3-butadiene, hexavalent chromium	Thermal oxidizer/HEPA
Petroleum Refining	diesel particulate matter, 1,3-butadiene (engines)	Diesel particulate filters/Thermal Oxidizer
Petroleum Refining	benzene, PAHs	Thermal oxidizer/Oxidation catalyst
Petroleum Refining	diesel particulate matter (engines), arsenic	Diesel particulate filters/Scrubber
Waste Management	dioxins, furans	Scrubber
Waste Management	formaldehyde	Carbon Adsorber
Waste Management	formaldehyde	Carbon Adsorber

It is assumed that 22 facilities could potentially need to install additional air pollution controls due to the Revised OEHHA Guidelines. This is likely a conservative estimate (meaning there are not likely to be more such facilities) where staff estimated based on previously approved HRAs. It is possible that some facilities could have implemented emission reduction projects that have reduced air toxic emissions and health risks since the HRA was approved.

AB2588 is the state-required Air Toxics Hot Spots Program required by Health and Safety Code §44360(b)(2) which is implemented here in the SCAQMD through Rule 1402. Under the AB2588 program, facilities are divided into four implementation groups. During the "quadrennial" review, AB2588 facilities are required to submit a more detailed emissions inventory for 177 toxic air contaminants. (During the three years between the quadrennial review

AB2588 facilities submit a toxics inventory for 23 toxic air contaminants.) Based on the quadrennial toxics emissions inventory, SCAQMD staff prioritizes facilities and sends a letter to those facilities with a high Priority Score to submit an even more detailed emissions inventory and HRA. Implementing the AB2588 program using the quadrennial review approach provides a more even workflow and reduces the impact on affected facilities to provide a detailed inventory. Implementation of the Revised OEHHA Guidelines will follow the existing quadrennial review process.

The type of control device(s) necessary for implementing risk reduction measures will vary by the pollutant(s) creating the risk. A summary of the type of pollution controls to address the particular TAC is identified in Table 3-2. Possible control options depending on the TAC could be carbon adsorbers, thermal oxidizers, baghouses with high efficiency particulate arrestors (HEPA), diesel particulate filters, and scrubbers. A facility could potentially use one or all of the possible pollution controls depending on the amount of risk reduction needed.

Rule 212 Analysis

Currently, the SCAQMD staff issues approximately five Rule 212 notices annually, on average, for increases in toxic emissions. Rule 212 notices are also issued for increases in criteria pollutant emissions and for projects that are within 1,000 feet of a school. Under Rule 212, a toxics notice is issued if the cancer risk is greater than 1 in a million for facilities with more than one permitted piece of equipment unless the facility-wide cancer risk is less than 10 in a million. A Rule 212 notice is also required if the permitted source is 10 in a million.

SOCIOECONOMIC ASSESSMENT

A socioeconomic assessment for PAR 1401, 1401.1, 1402, and 212 ~~will be~~was conducted and ~~will be~~is available to the public~~ at least 30 days prior to the SCAQMD Governing Board Meeting anticipated for May 1, 2015~~. Compliance costs are analyzed for PAR 1401, 1401.1, 1402, and 212 and the additional pollution control equipment and their permitting costs, submitting or updating HRAs, and the costs of issuing additional public notices. Assuming a 4% real interest rate, the estimated annual cost of compliance is $0.3 million for PAR 1401 and $1.6 million for PAR 1402, for a total overall annual cost of $1.9 million. The compliance costs conservatively assume that previously reported health risks and emission inventories apply today, even though they were reported in the previously approved HRAs and may not reflect the most recent status at the AB2588 facilities. Additional facilities were included where the calculated risks were near rule thresholds and emissions have remained stable or have increased.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, SCAQMD staff has evaluated the proposed project and is preparing the appropriate CEQA determination. The public workshop meetings ~~will~~ also served to solicit public input on any potential environmental impacts from the proposed project. Comments received at the public workshops on any environmental impacts ~~will be~~were considered when developing the final CEQA document for this rulemaking.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings
California Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

Necessity
PAR 1401, 1401.1, 1402, and 212 are needed to update rule language relating to risk assessment calculations such that they are consistent ~~to~~ with those specified in the state OEHHA Risk Assessment Guidelines adopted on March 6, 2015.

Authority
The AQMD Governing Board has authority to adopt amendments to Rules 1401, 1401.1, 1402, and 212 pursuant to the California Health and Safety Code Sections 39002, 39650 et. seq., 40000, 40001, 40440, 40441, 40702, 40725 through 40728, 41508, 41700, 41706, 44360 through 44366, and 44390 through 44394.

Clarity
PAR 1401, 1401.1, 1402, and 212 are written or displayed so that its meaning can be easily understood by the persons directly affected by them.

Consistency
PAR 1401, 1401.1, 1402, and 212 are in harmony with and not in conflict with or contradictory to, existing statutes, court decisions or state or federal regulations.

Non-Duplication
PAR 1401, 1401.1, 1402, and 212 will not impose the same requirements as any existing state or federal regulations. The proposed amended rules are necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD.

Reference
By adopting PAR 1401, 1401.1, 1402, and 212, the SCAQMD Governing Board will be implementing, interpreting or making specific the provisions of the California Health and Safety Code Sections 39666 (District new source review rules for toxics), 41700 (prohibited discharges), 44360 through 44366 (Risk Assessment), and 44390 et seq. (Risk Reduction Audits and Plans).

Rule Adoption Relative to Cost-effectiveness
On October 14, 1994, the Governing Board adopted a resolution that requires staff to address whether rules being proposed for adoption are considered in the order of cost-effectiveness. The 2012 Air Quality Management Plan (AQMP) ranked, in the order of cost-effectiveness, all of the control measures for which costs were quantified. It is generally recommended that the most cost-effective actions be taken first. PAR 1401, 1401.1, 1402, and 212 are not control measures in the 2012 Air Quality Management Plan (AQMP) and, thus, was not ranked by cost-

effectiveness relative to other AQMP control measures in the 2012 AQMP. In addition, cost-effectiveness defined as cost per ton of emission reductions is not meaningful for toxic risk since risk depends on several factors in addition to emission numbers such as geography, meteorology, and location of receptors.

Incremental Cost-effectiveness

Health and Safety Code Section 40920.6 requires an incremental cost effectiveness analysis for Best Available Retrofit Control Technology (BARCT) rules or emission reduction strategies when there is more than one control option which would achieve the emission reduction objective of the proposed amendments, relative to ozone, CO, SOx, NOx, and their precursors. Since the proposed amended rule applies to toxic air contaminants, the incremental cost effectiveness analysis requirement does not apply.

COMPARATIVE ANALYSIS

Health and Safety Code section 40727.2 requires a comparative analysis of the proposed amended rule with any Federal or District rules and regulations applicable to the same source. See Table 3-3 below.

Table 3-3
Comparative Analysis of PAR 212, 1401, 1401.1 and 1402 with Federal Regulations

Rule Element	PAR 212	PAR 1401	PAR 1401.1	PAR 1402	Equivalent Federal Regulation
Applicability	New or modified permit unit	New, relocated or modified permit unit	New or relocated permit unit	Existing facilities subject to Air Toxics "Hot Spots" Information and Assessment Act of 1987 and facilities with total facility emissions exceeding any significant or action risk level	None
Requirements	Provide public notice to all nearby addresses projects that are located within 1,000 feet of a school, increase risk or nuisance, or increase criteria pollutants above specified thresholds	Limits maximum individual cancer risk, cancer burden and chronic and acute hazards	Limits cancer risk and chronic and acute hazards near schools	Submittal of health risk assessment for total facility emissions when notified. Implement risk reduction measures if facility-wide risk is greater than or equal to action risk level	None
Reporting	Verification that public notice has been distributed	None	None	Progress reports and updates to risk reduction plans	None
Monitoring	None	None	None	None	None
Recordkeeping	None	None	None	None	None

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REFERENCES

REFERENCES

"2010 Clean Communities Plan," South Coast Air Quality Management District, November 2010.

"Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments," Office of Environmental Health Hazard Assessment, February 2015.

"Annual Report on AB 2588 Air Toxics "Hot Spots" Program," South Coast Air Quality Management District, June 2014.

"Final Staff Report for Proposed Rule 1402: Control of Toxic Air Contaminants From Existing Sources and Proposed Amended Rule 1401: New Source Review of Toxic Air Contaminants," South Coast Air Quality Management District, February 4, 1994.

"Risk Assessment Procedures for Rules 1401 and 212, Version 7.0," South Coast Air Quality Management District, July 1, 2005

"Staff Report for Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants and 1402 – Control of Toxic Air Contaminants from Existing Sources," South Coast Air Quality Management District, March 2005.

"Staff Report for Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools," South Coast Air Quality Management District, October 2005.

"The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments," Office of Environmental Health Hazard Assessment (OEHHA), March 2015.

APPENDIX A: RESPONSE TO COMMENTS

Response to Comments Received as of March 2015

1. Comment: For nearly 30 years, California businesses have worked with state and local air quality officials to reduce emissions and air toxic risks by 80 percent. OEHHA's latest proposed risk notification guidelines could force local businesses to notify surrounding communities that health risk from their operations is on the rise – even though their facility emissions have stayed the same or even decreased. It is important that the public realize air toxics emissions have not increased; rather, the state has changed the way it estimates air toxics risk. Failure to do so will leave the public with the false impression that air emissions have worsened, when the exact opposite is true.

Response: The SCAQMD staff acknowledges the collective efforts made by state and local air quality agencies and business owners and operators in the Basin to significantly reduce emissions and air toxic risk over the past few decades. Since 1990, toxic risks, excluding diesel particulate have decreased between 75 and 86 percent depending on the location. Staff also understands the concerns of business owners regarding public perception of actual versus estimated health implications resulting from the Revised OEHHA Guidelines. As a result, the staff report has been revised to expand the discussion regarding this concern in Chapter 1 to emphasize the significant decreases in toxic emissions and estimated cancer risks through SCAQMD programs and by businesses in the Basin since 1990. The SCAQMD ~~will also be hosting~~hosted five regional Public Workshops prior to the hearing on the amended rules by the Governing Board as part of an extensive outreach effort to inform business owners and the public of the Revised OEHHA Guidelines and the affected SCAQMD rules and programs. During these workshops, SCAQMD staff ~~will also reiterate~~ reiterated the achievements in actual air toxic emission and estimated cancer risk reductions throughout the Basin, and ~~emphasize~~ emphasized that it is the calculation methodologies to estimate health risks that have changed rather than the levels of emissions.

2. Comment: We urge the SCAQMD to develop and implement reasonable and realistic policies, including both risk communication and risk management guidelines. Risk communication policies must be developed in a way that the public is offered clear and credible explanations of why the health risk assessment guidelines have changed and what the changes really mean in terms of actual health risks.

Response: The proposed amended rules do not change the approach regarding existing health risk thresholds for permitting, public noticing, and risk reduction that facilities have been subject to prior to the adoption of the Revised OEHHA Guidelines. Regarding risk communication, the SCAQMD ~~will be~~ developed~~ing documents or~~ fact sheets explaining the Revised OEHHA Guidelines to include in public notifications that result

from implementation of the Revised OEHHA Guidelines. In addition, during the Regional Public Workshops, the presentation included background information about health risks and risk communication based on public input the SCAQMD staff received.

3. Comment: Before adopting your updated AB2588 communications and risk management guidelines, we urge you to listen and work with local business leaders in order to avoid unnecessarily alarming the public while harming local businesses and our economy.

Response: The SCAQMD staff has already begun an extensive outreach and communication effort to immediately engage all stakeholders regarding the Revised OEHHA Guidelines. Staff has met and will continue to meet with industry groups to discuss the implementation of the guidelines to SCAQMD toxic rules and programs. Additionally, five regional Public Workshops were ~~have been scheduled~~ held in March and April of 2015 throughout the Basin in order to inform the public of the Revised OEHHA Guidelines and to receive any comments, questions, or concerns regarding this rule development.

4. Comment: We are concerned that onerous new policies could significantly harm our members' operations or jeopardize their ability to obtain local permits. Our members need reasonable policies that will allow them to operate their business without excessive new costs for risk reduction measures or delaying their permitting renewal process. As such, we urge you to work with local businesses and organizations in developing your risk communications and risk management guidelines.

Response: Staff has conducted an impact analysis based on reviewing permits received over a five year period between 2009 and 2014. Because the majority of permits issued were well under the risk thresholds, even with the Revised Guidelines, the number of new and modified permits that will be affected is not expected to be significant as discussed in Chapter 3. As discussed in the Draft Staff Report, the SCAQMD staff is recommending that spray booths and retail gasoline stations use the current SCAQMD 1401 and 212 Guidelines – Version 7.0 (July 1, 2005) until further analysis can be performed and a determination made as to whether a separate source specific rule or procedures is warranted. Refer to Chapter 3 of the Final Staff Report for a more detailed assessment of impacts to facilities. As also discussed in Chapter 3, the SCAQMD staff does anticipate that there will be some permits that will be affected by the Revised Guidelines based on past permitting data. Based on the five year review of permitted data, the SCAQMD staff estimates about 30 permits a year could require additional controls due to implementation of the Revised OEHHA Guidelines. There are a variety of options that an applicant has in addition to adding pollution controls such as equipment location, product replacement particularly for coatings and solvents, and reduction in

throughput. In the Environmental Assessment and Socioeconomic analysis the SCAQMD staff assumed that facilities would install pollution controls. As described in the response to the previous comment, SCAQMD staff is working with all stakeholders on risk communication.

5. Comment: We are concerned about the potential impact these new guidelines will have on projects that already are currently in the pipeline, and urge you to work to adjust the guidelines accordingly to eliminate potentially duplicative effort and costly delays.

Response: The proposed amendments to implement the Revised OEHHA Guidelines will be forward-looking. Under PAR 1401, SCAQMD staff will not retroactively review previously issued permits relative to the Revised OEHHA Guidelines; only permits that are for new and modified equipment that have been deemed complete 30 days after Proposed Amended Rule 1401 has been adopted will be subject to the new Guidelines. Additionally, based on staff analysis of facility impacts, two equipment source categories that have been identified to have potential significant impacts due to the Revised OEHHA Guidelines will be allowed to continue using the 2003 OEHHA Guidelines under PAR 1401 until staff determines the full extent of impacts, if any, and/or source-specific rules are developed for the specified equipment source categories.

6. Comment: California hospitals are in the midst of complying with a $110 billion seismic safety mandate. A number of these hospitals are in your District. While renovating, retrofitting and constructing new buildings, hospitals are replacing old diesel backup generators, boilers, and installing newer and cleaner equipment in conformance with their seismic implementation schedule. At the same time, under state hospital licensing and national accreditation standards, hospitals are required to conduct weekly startups and monthly testing of their generators resulting in the emission of additional diesel particulate matter. As a result, a significant portion of diesel particulate matter generated by hospitals is from meeting requirements mandated by state law and national standards. New risk estimates resulting from changes to air toxics health risk assessment guidelines recently adopted by OEHHA could force hospitals to notify the communities they serve that health risk from their operations is on the rise even though their facility emissions have stayed the same or even decreased. It is our understanding that while hospital diesel particulate emissions have dropped by as much as 80 percent since 1990, the new OEHHA projections may increase the actual cancer risk by 250 to 300 percent.

Response: Emergency diesel generators are exempt from Rule 1401 requirements. However, they are subject to Rule 1470 which requires that new emergency generators at or near a sensitive receptor meet a PM emission rate of between 0.01 and 0.02 grams/BHP-hr for engines greater than 175

BHP. At this low emission rate, these engines are expected to be less than 1 in a million, based on the limited testing hours that are allowed under Rule 1470. Emergency back-up engines are also subject to Rule 212 public noticing, however, it is expected that hospitals will likely be below risk levels for noticing under Rule 212 when meeting the requirements of Rule 1470.

Based on staff's analysis of potential impacts relating to the permitting of boilers, it was found that boilers that are located further than 50 meters from a receptor would not result in an estimated cancer risk of greater than 1 in a million using a Tier 2 screening, and therefore would not have any additional requirements under PAR 1401. Under the SCAQMD's Tier 2 screening, it is expected that some boilers between 25 and 50 meters may need to go to a higher Tier screening level, such a Tier 3 and in some rare situations Tier 4 but these boilers are expected to meet a 1 in a million risk threshold with no additional controls. Health risk screening approaches used in Tier 3 and 4 incorporate more site specific information such as the location of the sensitive receptor, specific stack parameters, and air dispersion modeling specific to the location the inputs for that specific piece of equipment.

The SCAQMD staff will be re-evaluating its public notices to provide additional information to alleviate concerns of potential misconceptions of increased emissions in situations where the change in the estimated risk is attributed solely to the calculation methodology. The SCAQMD will be looking into risk communication tools such as developing documents or fact sheets explaining the Revised OEHHA Guidelines to include in public notifications that result from implementation of the Revised OEHHA Guidelines.

7. Comment: We request that SCAQMD reconsider its preliminary decision to leave unchanged the existing health risk action levels in Rules 1401, 1401.1 and 1402. Both District staff and Board members acknowledged that the expected increase in facility risk estimates are artifacts of OEHHA's changes to state risk assessment methodology, not actual increases in facility air toxics emissions. The risk is spread so far and wide that common activities will create hot spots. The proposal needs much more work including consideration for how it will be implemented and how the District should choose to manage risk thresholds instead of abrogating its risk management authority to OEHHA. For facilities whose air toxics emissions are unchanged or reduced from the most recent District approved air toxics emission inventory, we recommend that the District increase the current action levels to normalize the artificial increase.

Response: SCAQMD staff believes that Rule 1401 and 1402 thresholds are health protective and is recommending maintaining the existing thresholds. While the risk calculation procedure has been revised, the underlying

purpose of minimizing the risk to the public remains the same. Rule 1401 acts as gatekeeper for new permits to ensure that excessive new risks are avoided. Similarly, Rule 1402 addresses existing operations to identify and reduce risk. Altering the thresholds would set a precedent for the acceptable risk thresholds for all communities in the South Coast Basin in order to provide some temporary cost reduction relief for a handful of facilities that continue to present the highest risks to their surrounding communities.

As requested, a sensitivity analysis was conducted to evaluate the impacts of alternative risk thresholds. Staff examined the impacts at the alternative Rule 1402 action risk level thresholds of 30 in one million and 20 in one million compared to the existing action risk level of 25 in one million. The table below lists the number of impacted facilities and the estimated cost increase.

Risk Threshold	**20 in one million**	**25 in one million**	**30 in one million**
Additional Facilities Conducting Risk Reduction	28	22	10
Annual Cost	$1.86 million (+26%)	$1.48 million	$1.27 million (-14%)

In estimating the number of facilities that could potentially be subject to risk reduction under the Revised OEHHA Guidelines, the SCAQMD was conservative to include more facilities. For example, facilities whose previously approved Health Risk Assessment could potentially be just under or slightly above 25 in a million were included potentially impacted under the Revised Guidelines and subject to risk reduction. As shown in the table, increasing the risk threshold to 30 in a million would decrease the number of facilities by more than 50 percent, with a modest 14% decrease in cost.

8. Comment: SCAP recommends that facilities be provided with the opportunity to voluntarily commit to an early risk reduction program. Under this proposal, a facility would commit to reducing their facility risk to below 10 in one million and be granted four years to complete associated construction. Additionally, we request that early risk reduction facilities not be subject to notification and that the cost for any necessary permits be significantly reduced and expedited. Such a voluntary program would expedite risk reduction for many more facilities that currently proposed and reduce the burden on District staff.

Response: Staff intends to work closely with facilities committed to early risk reduction. The opportunity to both accelerate risk reductions and have the

reductions 60 percent lower than rule requirements is, as the commenter suggests, a win-win proposal. However, state law does not allow for eliminating public notification entirely (Health and Safety Code § 44362(b)). Staff is prepared to look at different notification strategies that fulfill regulatory requirements for public not but focus on explaining facilities commitment to early, enhanced risk reductions. However, staff does not agree that permit fees should be discounted as that would merely transfer the cost of risk reduction from the facility creating the risk to other fee-paying facilities.

9. Comment: Staff noted that a handful of facilities have pending HRAs and will be required to use the revised OEHHA guidelines. Additionally, staff indicated that these facilities would be handled on a case-by-case basis to determine timing and what inventory year should be used. WSPA requests that pending HRAs that were submitted prior to the release of the revised OEHHA Guidelines be allowed to use the existing 2003 OEHHA guidelines, unless the HRAs were not submitted in a timely manner.

Response: The SCAQMD staff is working with affected facilities to update their Health Risk Assessment using the Revised OEHHA Guidelines and doing the work itself rather than requiring the facilities to do so. Staff will use the best and most recent information when conducting risk assessments. Facilities have the opportunity to provide additional supporting information and evidence. However, staff also has the responsibility to ensure that recent information and supporting data is representative of operations over the long term and that review procedures are applied consistently. Staff believes that it is more efficient to update the HRA and understand the overall risks up front, rather than prepare an HRA with the previous OEHHA Guidelines and potentially be asked to prepare another HRA under the Revised OEHHA Guidelines. Also, the SCAQMD staff believes that it streamlines implementation for the facility, particularly if risk reduction is needed such that the facility is not required to conduct notification, and engineering designs, permitting, implementation of controls if risk reduction is needed.

10. Comment: WSPA requests that the District provide four years from an approved HRA to complete risk reduction measures before asking for an updated HRA. This practice would uniformly be applied to all facilities to ensure that there is adequate time for both permitting and implementation.

Response: When requesting an updated HRA, staff takes into account the facility's progress on conducting risk reductions. Generally, an updated HRA is not requested if further risk reductions are imminent.

11. Comment: We understand that although the health risk from emergency diesel ICEs emissions is included in the overall calculation of facility risk, a Board-

approved industry-wide policy states that it is not included for purposes of triggering risk reduction or public notification. We requests that staff confirm this interpretation and incorporate this policy into Rule 1402.

Response: Under the current AB2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation, facility operators are required to include health risk impacts of any diesel exhaust particulate emissions from stationary emergency internal combustion engines. The data is used for risk determination but not for risk reduction or notification purposes.

12. Comment: Some facilities with an approved HRA may request an updated prioritization score mid-cycle to determine the impact of the revised OEHHA Guidelines and to potentially implement risk reduction measures prior to submitting an updated HRA or providing public notice. Rule 1402 should clarify that 1) providing an updated prioritization score does not immediately trigger a new request for an HRA, and 2) the facility will remain in their current quadrennial cycle.

Response: Facilities subject to AB2588 are required to submit a detailed list of their toxic emissions every four years (referred to as a quadrennial update). Based on their level of toxic and criteria pollutant emissions, each year a different group of facilities will report a detailed list of its toxic emissions. Upon initial prioritization of facilities, the SCAQMD staff conducts further analyses to verify the Priority Score such as confirming the distance to the sensitive receptors and workers, reviewing emissions trends and facility changes such as new or modified permitted equipment or pollution controls, and comparing the Priority Score results with the last Health Risk Assessment submittal or Risk Reduction Plan, if applicable. This additional information obtained through Priority Score auditing will often negate the need to ask for a Health Risk Assessment. If, however, the Prioritization Score remains high, the facility is asked to prepare an Air Toxics Inventory Report and Health Risk Assessment.

13. Comment: We are concerned that the SCAQMD has not considered the significance thresholds when conducting risk analysis for CEQA determinations. This deferral of CEQA creates some chaos for facilities now in the process of conducting risk analyses for a CEQA determination. Facilities are currently investing significant financial resources and are in the middle of health risk analysis for CEQA determination. Based on the significant impact, we believe that additional time and effort needs to be put into revising the Proposed Amended Rules to address the risk thresholds and improve clarity of implementation for CEQA. Facilities undertaking costly analysis for determinations need this information to adapt in a timely and cost effective manner.

Response: The SCAQMD staff understands your concern. The Proposed Amended Rules are separate from the CEQA significance thresholds. The

SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board. In the interim, staff will continue to use the previous guidelines for CEQA determinations.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report
Proposed Amended Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment
Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice
Proposed Amended Rule 301 – Permitting and Associated Fees
Proposed Amended Rule 303 – Hearing Board Fees
Proposed Amended Rule 306 – Plan Fees
Proposed Amended Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory
Proposed Amended Rule 309 – Fees for Regulation XVI and Regulation XXV
Proposed Amended Rule 315 – Fees for Training Classes and License Renewal
Proposed Amended Rule 518.2 – Federal Alternative Operating Conditions
Proposed Amended Rule 1310 – Analysis and Reporting
Proposed Amended Rule 1605 – Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices
Proposed Amended Rule 1610 – Old-Vehicle Scrapping
Proposed Amended Rule 1612 – Credits for Clean On-Road Vehicles
Proposed Amended Rule 1620 – Credits for Clean Off-Road Mobile Equipment
Proposed Amended Rule 1623 – Credits for Clean Lawn and Garden Equipment
Proposed Amended Rule 1710 – Analysis, Notice, and Reporting
Proposed Amended Rule 1714 – Prevention of Significant Deterioration for Greenhouse Gases
Proposed Amended Rule 3006 – Public Participation

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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INTRODUCTION

Based on SCAQMD's concept to modernize public noticing, California Senate Bill (SB) 1502 was approved in June 2018, allowing air districts to electronically mail (email) public notices in lieu of mail for any person who requests noticing by email. Additionally, in 2016, the U.S. Environmental Protection Agency (U.S. EPA) revised the public notice provisions for Clean Air Act permitting programs (81 ~~Fed. Reg.~~FR 71613), requiring electronic notice (e-notice) for permit actions for federal permit programs in lieu of providing public notice by newspaper publication. U.S. EPA's rule further allows for e-notice as an option for permit actions by permitting authorities implementing U.S. EPA-approved programs, including but not limited to, New Source Review and Title V permitting. Permitting authorities that implement ~~e-notice~~ e-noticing are also required to make the draft permit available electronically, such as by posting on a permitting authority's ~~South Coast Air Quality Management District's (SCAQMD)~~ public website or on a public website identified by the permitting authority~~SCAQMD~~, for the duration of the comment period (e-access).

In an effort to streamline and modernize public noticing and communications with the public, staff reviewed all public noticing and communications in its regulatory program. ~~SCAQMD is proposing amendments to~~ Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (Proposed Amended Rules) will ~~to~~ modernize and extend flexibilities for public ~~notice~~ noticing and other communications and ~~to~~ allow electronic payment of certain fee invoices. Pursuant to SB 1502, SCAQMD is also proposing procedures ~~to develop a process~~ to collect email addresses for those stakeholders that elect to receive public notices via email instead of mail and procedures to update email addresses and preferences for email or mail.

BACKGROUND

In response to SB 1502 and 81 ~~Fed. Reg.~~FR 71613, SCAQMD is proposing amendments to modernize communications and streamline public notification. The Proposed Amended Rules ~~which~~ can be divided into four categories of amendments: 1) Public Notifications for New Source Review and Federal Permit Programs; 2) Public Notifications for Rulemaking Activities; 3) Communications for Implementing Fee Rules; and 4) Public Notifications for Offset Program Rules.

California Health and Safety Code Sections 40440.5 and 40440.7 require ~~air districts~~SCAQMD to send public workshop and public hearing notices for rule adoption, amendment, or repeal by mail. In June 2018, SB 1502[1] was approved which allows air districts to send public notices by email in lieu of by mail. Under SB 1502, air districts are required to send notices by mail to any person who requests noticing by mail and to adopt procedures for the public to request public notices to be sent by mail and ~~a process~~ to update ~~their~~ email addresses. These procedures must be adopted, and updated as needed, by the air districts' Governing Board. The requirements of SB 1502 are now codified in relevant part at California Health and Safety Code Section 40006. Consistent with state law, proposed amendments to Rule 110 will allow for both email and mail distribution of public notifications for rulemaking activities.

In October 2016, the U.S. EPA revised the public notice and public participation provisions for federal permit programs including the New Source Review (NSR), Title V, Prevention of

[1] California Senate Bill 1502:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1502

Significant Deterioration (PSD), and Outer Continental Shelf (OCS) permit programs of the Clean Air Act by revising permitting provisions in 40 Code of Federal Regulations (CFR) Parts 51, 52, 55, 70, 71, and 124 to update permit processing requirements.[2] The 2016 final rule removed the mandatory requirement for public notice of a draft air permit through publication in a newspaper, and instead requires ~~e-notice~~ e-noticing for U.S. EPA actions and actions by permitting authorities implementing the federal permitting rules, and allows for ~~e-notice~~ e-noticing, such as posting on an air district's website, as an option for actions by permitting authorities implementing U.S. EPA-approved programs. When ~~e-notice~~ e-noticing is provided, there must also be e-access to the draft permit. U.S. EPA defines "e-notice" as electronic posting on a publicly accessible website identified by the permitting authority and "e-access" as making a draft permit available electronically on a publicly accessible website identified by the permitting authority for the duration of the public comment period.

SCAQMD has received delegated authority to implement two programs under federal permitting rules. For these two permit programs, e-notice instead of newspaper publication is now mandated. The first program is a 2007 "Agreement for Partial Delegation of Authority" between SCAQMD and the U.S. EPA which partially delegated authority to issue PSD initial permits and to modify certain existing PSD permits, subject to the terms and conditions of the agreement.[3] The proposed changes in PAR 212 and Regulation XVII – Prevention of Significant Deterioration, specifically PAR 1710 and 1714, will ensure federal permitting rules are followed for permitting actions in keeping with the partial delegation. The second program is a 1994 "Agreement for Delegation of Authority" between SCAQMD and the U.S. EPA which delegated the authority to implement and enforce the requirements of the OCS Air Regulations (40 CFR Part 55) within 25 miles of the state's seaward boundary.[4] The delegation was expressly premised on SCAQMD working to ensure Rule 212 was interpreted (and amended, as needed) to incorporate the "public notice and comment procedures for permitting of OCS facilities."[5] The proposed changes in PAR 212 will also accomplish consistency with this historical delegation.[6]

Additionally, U.S. EPA's final rule on e-noticing includes the option of e-noticing for permits issued under the authority of U.S. EPA-approved programs. ~~Given~~ With reference to this option, SCAQMD implements a~~n~~ U.S. EPA-approved Title V permit program and is also the permitting authority of Nonattainment NSR permits. In June 2018, California Air Resources Board (CARB)

[2] Revisions to Public Notice Provisions in Clean Air Act Permitting Programs, 81 ~~Fed. Reg.~~FR 71613 (Oct. 18, 2016). https://www.gpo.gov/fdsys/pkg/FR-2016-10-18/pdf/2016-24911.pdf. New Source Review includes the minor NSR, Prevention of Significant Deterioration (PSD), and Nonattainment NSR programs.

[3] *U.S. EPA-South Coast Air Quality Management District Agreement for Partial Delegation of Authority to Issue and Modify Prevention of Significant Deterioration Permits Subject to 40 CFR 52.21*, July 25, 2017, https://www.epa.gov/sites/production/files/2015-08/documents/south_coast_aqmd_psd_delegation_agreement.pdf

[4] *U.S. EPA-South Coast Air Quality Management District Agreement for Delegation of Authority for Outer Continental Shelf Air Regulations (40 CFR Part 55)*, May 9, 1994, https://www.epa.gov/sites/production/files/2015-08/documents/south_coast_ocs_agreement.pdf; Notice of the delegation was published in the Federal Register on July 15, 1994.

[5] Updating Rule 212 is "mandatory" and appropriate according to the terms of the delegation agreement. In the fine print of the rule on e-noticing, U.S. EPA explained that e-notice and e-access was not generally required for "permitting authorities that are delegated authority to issue permits under 40 CFR part 55," and that this was not proposed. 81 ~~Fed. Reg.~~FR at 71618, n. 11.

[6] The District adopted Rule 1183-Outer Continental Shelf (OCS) Air Regulations on March 12, 1993, to enable its exercise of authority under the delegation. Changes to Rule 1183 which only incorporates provisions of 40 CFR Part 55, ~~and~~ are not presently warranted or needed.

Advisory 299[7] addressed the availability of this option for air districts, explaining that air districts can permissibly change their rules and practices for approved permit programs to accord with federally-authorized e-noticing and that such changes would not violate the Protect California Air Act of 2003[8]. CARB Advisory 299 also recommends a dedicated web page for listing all public notices related to NSR permitting and that all public notices contain certain minimum information requirements. U.S. EPA and CARB allow e-noticing to enhance public participation and to better inform the public. As CARB Advisory 299 indicates, newspaper publication of public notices may still be required under other provisions of the California Health and Safety Code and other laws and regulations, such as the California Environmental Quality Act.

Proposed amendments to Rules 212, 518.2, 1710, 1714, and 3006 are ~~offered~~ in direct response to the U.S. EPA rule changes in 2016 that allow or require e-noticing. Rules 1310, 1605, 1610, 1612, 1620, and 1623 were identified by staff. These rules concern permit-type actions (or actions ancillary to permitting actions) that involve offsets and emission reduction credits. California Health and Safety Code Section 40713 requires that there be procedures for the approval of reductions under offset programs, specifying that they provide "for public comment within 30 days after notice of any proposed approval" and that the procedures be "comparable to district permit procedures." There is no Health and Safety Code or federal requirement for notice by newspaper advertisement for these types of actions, and staff has therefore identified these rules as eligible for amendment ~~that also warrant updates~~ to enable e-noticing. Neither the U.S. EPA rule on e-noticing nor CARB Advisory 299 had reason to address these types of actions or to mandate requirements for them, but the stated justifications and rationale for e-noticing are the same, and the proposed amendments will serve to ensure that procedures remain "comparable to district permit procedures."

Proposed amendments to Rules 301, 303, 306, 307.1, 309, and 315 would also authorize modern means of communications and correspondence in the implementation of SCAQMD rules under Regulation III – Fees. These rules are subject to amendment under SCAQMD's general authority to adopt and revise rules, and they are eligible for amendment apart from the enactment of SB 1502. These changes would generally enable SCAQMD to mail, email, or electronically issue notices, communications, and invoices in the implementation of fee rules. The changes would also recognize that certain fee invoices may be paid electronically.

Rules 510 – Notice of Hearing, 515 – Findings and Decision, and 812 – Notice of Hearing, were initially identified as eligible for amendment by SB 1502. These rules call for the mailing or delivery of certain notices in the conduct of Hearing Board activities. Under further review, these notices are not necessarily "public notices" under the terms of Health and Safety Code Section 40006. Staff now recommends Rules 510, 515, and 812 not be amended, because SB 1502 does not specifically enable or invite such changes. Delivery of notices by email may be consistent with current rule text, yet staff has determined that the previously contemplated rule changes for these rules that had been considered in reference to SB 1502 are no longer warranted.

Staff had additionally studied Rule 1309 – Emission Reduction Credits and Short Term Credits, as eligible for amendment to also allow for e-noticing in lieu of notice by newspaper advertisement, but that rule's requirement to publish a newspaper notice (Rule 1309(f)(3)) is strictly the

[7] California Air Resources Board Advisory 299: https://www.arb.ca.gov/enf/advs/advs299.pdf

[8] California Senate Bill 288: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB288; California~~.~~ Health and Safety Code §§ 42501-42507.

responsibility of a facility that would request to generate or use Short Term Credits. It also bears noting that facilities have not been known to use this provision since its adoption. The rationale for e-noticing that applies when SCAQMD seeks public comment on its own proposed actions is not germane to this part of Rule 1309, and staff accordingly does not recommend amending Rule 1309.

AFFECTED INDUSTRIES

The proposed amendments are for permit actions, public notices required for rulemaking, and fee invoices. Therefore these amendments potentially affect every industry within the SCAQMD's jurisdiction.

PUBLIC PROCESS

~~The~~ A Public Workshop was held at the SCAQMD Headquarters in Diamond Bar on November 29, 2018. ~~The proposed rule amendments are administrative changes, and were deemed to not have a material impact on subject businesses, given the retention of the right to opt-in to remain on a mailing list for rules made eligible for amendment by SB 1502. A Public Hearing will be held, during which the public may provide input on the proposed amendments. The Public Hearing is scheduled to be held at the SCAQMD Headquarters in Diamond Bar on March 1, 2019.~~

ATTACHMENT D3

CHAPTER 2: SUMMARY OF PROPOSAL

INTRODUCTION

PROPOSED RULE AMENDMENTS

PROPOSED IMPLEMENTATION

ATTACHMENT D3

INTRODUCTION

The purpose of the proposed amendments is to allow for the option to send public notices by electronic mail (email), electronically notice (e-notice) permit actions, and email fee invoices. Proposed Amended Rule 110 incorporates the option provided by California Senate Bill (SB) 1502 to email public notices regarding rule development to stakeholders that indicate their preference to receive such notices by email.

Rules 212, 518.2, 1710, 1714, and 3006 pertain to approved or delegated Clean Air Act permit programs, specifically New Source Review (NSR) permitting, which includes Prevention of Significant Deterioration (PSD) permitting; Outer Continental Shelf (OCS) permitting; and the Title V operating permits program. These rules are proposed for amendment to align with new amendments to the U.S. Environmental Protection Agency's (U.S. EPA's) permitting rules for the e-noticing of draft permits. These changes for Clean Air Act permit programs were published as a final rule on October 18, 2016 at 81 ~~Fed. Reg.~~FR 71613. Accordingly, for South Coast Air Quality Management District's (SCAQMD's) delegated permit programs, e-noticing of draft permits has been required per 40 Code of Federal Regulations (CFR) parts 52, 55, 71, and 124 since the effective date in 2016. For SCAQMD's approved permit programs, the final rule authorizes permitting authorities to adopt e-noticing when it is adopted as the "consistent noticing method". Permitting authorities that conduct e-noticing are not precluded from supplementing ~~e-notice~~e-noticing with additional means of notification to the public, which may include newspaper advertisement. SCAQMD staff has coordinated with California Air Resources Board (CARB) staff in its development of the proposed changes to permit rules to ensure appropriate adherence to CARB Advisory 299. The text of the proposed amendments has been made to align with the regulatory text that U.S. EPA promulgated in its final rule, as now found in the pertinent paragraphs on public participation at 40 CFR sections 51.165, 51.166, 52.21, 70.7, and 124.10. To satisfy the final rule's requirement for electronic access (e-access) to draft permits, SCAQMD will host its existing, dedicated public web pages for permit actions to meet requirements for e-notice and e-access, as federally required. Adjusting changes to the website will be made, as appropriate, to reflect that ~~e-notice~~e-noticing will serve as the consistent noticing method for permit actions. The provision of e-access will not affect the SCAQMD's record retention policies.

SCAQMD proposes to enable options for electronic notification or communication in multiple other rules. The proposed rule amendments are administrative changes.

Additional details regarding the implementation of these options for electronic notification or communication are found in Appendix 1 – Procedures for Including Electronic Public Notice ~~and Invoice Delivery~~.

PROPOSED RULE AMENDMENTS

The rules proposed for amendment include:

- Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment
- Rule 212 – Standards for Approving Permits and Issuing Public Notice
- Rule 301 – Permitting and Associated Fees
- Rule 303 – Hearing Board Fees
- Rule 306 – Plan Fees
- Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory

- Rule 309 – Fees for Regulation XVI and Regulation XXV
- Rule 315 – Fees for Training Classes and License Renewal
- Rule 518.2 – Federal Alternative Operating Conditions
- Rule 1310 – Analysis and Reporting
- Rule 1605 – Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices
- Rule 1610 – Old-Vehicle Scrapping
- Rule 1612 – Credits for Clean On-Road Vehicles
- Rule 1620 – Credits for Clean Off-Road Mobile Equipment
- Rule 1623 – Credits for Clean Lawn and Garden Equipment
- Rule 1710 – Analysis, Notice, and Reporting
- Rule 1714 – Prevention of Significant Deterioration for Greenhouse Gases
- Rule 3006 – Public Participation

The proposed amendments are categorized into four groups:

1. Public Notifications for New Source Review and Federal Permit Programs

Proposed Amended Rules 212, 518.2, 1710, 1714, and 3006 ~~are proposed for amendment to~~ will satisfy U.S. EPA's modernized requirements for public noticing~~notice~~ and public participation for delegated and approved Clean Air Act permit programs. The proposed amendments include removing provisions requiring public notification by newspaper and adding requirements to post draft air permits and public notices for permit actions on the SCAQMD website. These changes ensure SCAQMD permit processing will follow the e-notice and e-access requirements in U.S. EPA regulations.

2. Public Notifications for Rulemaking Activities

Proposed Amended Rule 110 ~~is proposed for amendment to~~will allow SCAQMD to send public notices by email if an email address is available~~,~~; by other electronic means; and by mail should an individual opt-in to receive public notices by mail only or has not registered his or her noticing preferences. SB 1502 enables the SCAQMD to amend its rules to expand public noticing options to include by email.

3. Communications for Implementing Fee Rules

Proposed Amended Rules 301, 303, 306, 307.1, 309, and 315 will ~~are proposed for amendment to~~ allow ~~SCAQMD to email~~ certain fee invoices to be emailed and expand ~~. Additionally,~~ payment options for certain fee invoices ~~payment options are expanded~~ to include electronic payment.

4. Public Notifications for Offset Program Rules

Proposed Amended Rules 1310, 1605, 1610, 1612, 1620, and 1623 will ~~are proposed for amendment to allow SCAQMD to post notices for public comment on the publicly accessible SCAQMD website.~~remove the requirement to conduct public noticing by newspaper publishing and instead require posting public notices on the SCAQMD website. Additionally, changes clarify that information required at the time the public notice is posted will now be available for public inspection upon request instead of immediately available.

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Tables 1 through ~~-~~ 4 summarize~~s~~ the categories of ~~categorical~~ amendments for each rule:

Table 1. Public Notifications for New Source Review and Federal Permit Programs

Rule Number	Rule Title
212	Standards for Approving Permits and Issuing Public Notice
518.2	Federal Alternative Operating Conditions
1710	Analysis, Notice, and Reporting
1714	Prevention of Significant Deterioration for Greenhouse Gases
3006	Public Participation

Table 2. Public Notifications for Rulemaking Activities

Rule Number	Rule Title
110	Rule Adoption Procedures to Assure Protection and Enhancement of the Environment

Table 3. Communications for Implementing Fee Rules

Rule Number	Rule Title
301	Permitting and Associated Fees
303	Hearing Board Fees
306	Plan Fees
307.1	Alternative Fees for Air Toxics Emissions Inventory
309	Fees for Regulation XVI and Regulation XXV
315	Fees for Training Classes and License Renewal

Table 4. Public Notifications for Offset Program Rules

Rule Number	Rule Title
1310	Analysis and Reporting
1605	Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices
1610	Old-Vehicle Scrapping
1612	Credits for Clean On-Road Vehicles
1620	Credits for Clean Off-Road Mobile Equipment
1623	Credits for Clean Lawn and Garden Equipment

An example of each type of change is below:

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Public Notifications for New Source Review and ~~Title V Permit Programs~~Federal Permit Programs

Proposed Amended Rule 3006 - Subparagraph (a)(1)(A)

The District shall give ~~public~~ notice by posting a ~~public~~ notice on the District public website for the duration of the public comment period. In addition, ~~public~~ notice shall be given to persons on a mailing or electronic mailing list that has been developed to enable interested parties to subscribe to the mailing list. The Executive Officer may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such request within a reasonable timeframe.~~publication in a newspaper of general circulation in the county where the source is located, by mail to those who request in writing to be on a list to receive all such notices, and by any other means determined by the Executive Officer to be necessary to assure adequate notice to the affected public.~~

Public Notifications for Rulemaking Activities

Proposed Amended Rule 110 - Subdivision (a)

In addition to providing the public notice of District Board meetings and hearings as required by Health and Safety Code Section 40725, the District shall consult with state and local governmental agencies having jurisdiction by law with respect to the subject matter of a proposed rule or regulation, and public notice shall be sent by mail, electronic mail, or other electronic means, ~~mailed~~ to all persons who have requested such notice in writing. For informational purposes, public notice may be posted on the District public website and may be provided to newspapers of general circulation, to all persons believed to be interested in the proceeding, and to the State Clearinghouse for circulation to public agencies.

Communications for Implementing Fee Rules

Proposed Amended Rule 301 - Subparagraph (c)(1)(B)

For fees due upon notification, such notice may be given by personal service ~~or by deposit, postpaid, in the United States~~ or sent by mail, electronic mail, or other electronic means, and shall be due thirty (30) days from the date of personal service, ~~or~~ mailing, or electronic transmission. For the purpose of this subparagraph, the fee payment will be considered to be received by the District if it is delivered, postmarked ~~by the United States Postal Service~~, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date.

Public Notifications for Offset Program Rules

Proposed Amended 1310 – Paragraph (c)(2)

Within ten calendar days following such decision, post a public notice on the District public website ~~publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer or designee and where the public may inspect the information required to be made available

under paragraph (c)(3). The public notice shall provide 30 days from the date of ~~publication public notice~~posting for the public to submit written comments on the preliminary decision; and

PROPOSED IMPLEMENTATION

These administrative amendments will facilitate: e-noticing of permit actions and providing e-access to draft permits; sending public notices by email; and sending certain fee invoices by email and allowing electronic payment for certain fee invoices when possible and appropriate. Public notices required for rulemaking activities will continue to be delivered by mail until a facility or interested party submits a confirmation that notice by email ~~or e-notice~~ is preferred.

Air ~~Districts~~ districts utilizing the flexibilities extended by SB 1502 are required to have their district board "adopt, and update as needed, procedures for a person to request public notices to be sent by mail and update an electronic email address." These procedures are included in Appendix 1 – Procedures for Including Electronic Public Notice, ~~and Invoice Delivery.~~ and will occur in two phases. Phase I will be a data gathering campaign to collect email addresses and preferences. During Phase I, public notices will be mailed in addition to being emailed. Phase II will continue to collect email addresses and preferences and will remove public noticing by mail for individuals who have requested public noticing by email. ~~In addition, Appendix 1 discusses procedures regarding how permitted facilities and interested parties may receive other types of public notices and fee invoices regularly sent by SCAQMD, but these procedures are not in the purview of SB 1502 and the requirement for procedures that is codified at Health and Safety Code Section 40006(c).~~

In order to comply with U.S. EPA rules for e-noticing in the administration of Clean Air Act permit programs and CARB Advisory 299, SCAQMD will maintain and enhance a dedicated web page on its website to e-notice all public notices related to permit actions. This web page will provide e-access to the public and contain the draft permit. Supplementary material such as the permit application and preliminary determination materials will be made available for public inspection, upon request. These public notices will be available for e-access by the public for the duration of the public comment period for each permit action. Information on permitting actions that require public notice is maintained on the website beyond the end of the comment period, up to a maximum duration of six (6) months, under existing practices. The posted public notice provides directions on how to submit comments on a draft permit.

Noticing of permit actions by newspaper publication may continue to be retained as an additional and supplemental means of public noticing while SCAQMD pursues web page enhancements to better promote public participation in keeping with the e-notice and e-access requirements for Clean Air Act permit programs. An existing dedicated web page already serves to ensure SCAQMD satisfies e-noticing requirements for the issuance of federal Prevention of Significant Deterioration permits, and public notices for permit actions under Rule 3006 are already posted on the SCAQMD website. Changes will be made to specifically indicate that the website provides these notices to accomplish a consistent noticing method. Historically, public notices for permit-related actions, e.g., Rule 1310 or in the Rules under Regulation XVI, have been rare, but they would have the potential to be posted on the same dedicated web page.

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ATTACHMENT D3

CHAPTER 3: IMPACT ASSESSMENT

ATTACHMENT D3

INTRODUCTION

The proposed amendments allow for the option to send public notices by electronic mail (email), to electronically notice (e-notice) permit actions and provide electronic access (e-access) to these permit actions, and to email and allow for electronic payment of fee invoices.

RULE ADOPTION RELATIVE TO COST EFFECTIVENESS

The proposed amendments are administrative and have been determined to have no negative impact on air quality.

COMPLIANCE COSTS

South Coast Air Quality Management District (SCAQMD) has determined that no additional costs will be incurred to stakeholders. All elections to remain on a mailing list will be made either on the SCAQMD website or on existing print material presented to an individual, such as a sign-in sheet.

SOCIOECONOMIC ASSESSMENT

The amendments proposed are administrative in nature and will not impose any additional costs to facilities or result in other socioeconomic impacts. The proposed amendments do not significantly affect air quality and do not establish an emission limit or standard, and therefore, no socioeconomic analysis is required under California Health and Safety Code Sections 40440.8 and 40728.5.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, the SCAQMD, as lead agency for the proposed project, has reviewed the proposed amendments to the rules identified above (the proposed project) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. SCAQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 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.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health and Safety Code Section 40727 requires that prior to adopting, amending, or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

Necessity

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are needed to align SCAQMD's rule language with U.S. Environmental Protection Agency, California Air Resources Board, and California Senate directives and recommendations. These proposed amendments are necessary to facilitate email public noticing and fee invoicing and to increase the public awareness of permit actions such as those triggered by New Source Review via e-noticing on the SCAQMD website. The proposed amendments also address the need that persons may still desire to receive communications from SCAQMD by mail, which the proposed amendments, in alignment with California Senate Bill 1502, allow. The adoption of these proposed amendments will allow for more efficient communication between SCAQMD and facilities and interested parties, promoting increased public engagement and improved communication.

Authority

The SCAQMD obtains its authority to adopt, amend, or repeal rules and regulations pursuant to California Health and Safety Code Sections 39002, 39650 et. seq., 40000, 40440, 40441, 40506, 40702, 40709, 40725 through 40728, 41508, 42300 et. seq., and 44380 et. seq.~~41511.~~

Clarity

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are written or displayed so that their meaning can be easily understood by the persons directly affected by them.

Consistency

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

Non-Duplication

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 will not impose the same requirements as any existing state or federal regulations. The proposed amended rules are necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD.

Reference

In amending these rules, the following statutes which the SCAQMD hereby implements, interprets, or makes specific are referenced: Health and Safety Code Sections 39002, 40001, 40506, 40006, 40702, 40709, 40713, 40440(a), 40725 through 40728.5, and 41511.

COMPARATIVE ANALYSIS

Pursuant to Health and Safety Code 40727.2(g), the SCAQMD is electing to comply with subdivision (a) by finding that the proposed amended rules do not impose new or more stringent monitoring, reporting, or recordkeeping requirements.

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APPENDIX 1: PROCEDURES FOR INCLUDING ELECTRONIC PUBLIC NOTICE ~~AND INVOICE DELIVERY~~

~~**INTRODUCTION**~~

~~**RULE ADOPTION RELATIVE TO COST-EFFECTIVENESS**~~

~~**COMPLIANCE COSTS**~~

~~**SOCIOECONOMIC ASSESSMENT**~~

~~**CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS**~~

~~**DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727**~~

~~**COMPARATIVE ANALYSIS**~~

ATTACHMENT D3

BACKGROUND

California Senate Bill (SB) 1502, adopted on June 28, 2018, requires the South Coast Air Quality Management District (SCAQMD) Governing Board to adopt and update procedures that must identify how a person ~~:~~

~~R~~requests public notices to be sent by mail ~~;~~ and

~~U~~updates an electronic mail (email) address.

The procedures in this ~~appendix~~ Appendix describe how certain email distribution and ~~e-notice~~e-noticing processes will take place ~~and how permitted facilities and interested parties may receive other types of public notices and fee invoices regularly sent by SCAQMD~~.

~~Separately, this appendix also provides details on programmatic compliance with U.S. Environmental Protection Agency rules for e-noticing in the administration of Clean Air Act permit programs and California Air Resources Board Advisory 299.~~

CURRENT PRACTICE FOR MANAGING EMAIL SUBSCRIPTION AND PUBLIC NOTICE LISTS

SCAQMD currently collects and manages email subscription and public notice lists for various purposes. These lists are used to send communications via mail, email, or both, and utilize various means of data collection and storage for mailing addresses, email addresses, and other similar contact information.

Currently, the SCAQMD website includes a link for individuals to sign up for email distribution of public notices and other information of specific interest to that person at http://www.aqmd.gov/sign-up. The list of subscriptions for which an individual may enroll includes:

- General Notifications
- Clean Air Plans/CEQA Updates
- Equipment Exchange
- Incentive Programs
- Permit/Compliance Notifications
- Refinery Flare Emission Notification
- New Technology
- Rule Updates

Additionally, SCAQMD offers newsletter updates on these topics through its subscription-based public outreach tool. The subscriber is allowed to manage and update his or her subscription information including unsubscribing from lists, subscribing to additional lists, or updating his or her email address and other additional information. Subscription information is stored and managed at SCAQMD and communications are distributed to subscribers via automated public notices, for example Air Alerts for daily pollution forecasts or specific pollution levels in a particular area. In addition, subscribers may receive targeted information on selected and subscribed topics.

ATTACHMENT D3

PROCEDURES TO COMPLY WITH SB 1502

SCAQMD will develop a program to collect and manage preferences for public noticing required by SCAQMD rules and regulations and a mechanism to provide and update an email address from approximately 22,000 permitted facilities as well as from interested parties. The procedures will be developed in ~~three~~ two phases: 1) Data Gathering and Basic Email Noticing; and 2) Advanced Email Noticing~~; and 3) Email Delivery of Fee Invoices~~.

Once completed, the program will allow SCAQMD to send notices:

1. By email to all facilities required to receive these public notices;
2. By mail to all facilities requesting to receive these public notices by mail; and
3. By email or mail to all interested parties that specify an interest in receiving these public notices either by email or mail, respectively.

Phase I: Data Gathering and Basic Email Noticing

The first phase of these procedures is to provide a means for permit holders and interested parties to provide their email addresses for notification. The primary objective is to collect email addresses and associated contact information, as well as public notice preferences (e.g.~~i.e.~~, "All Permit Actions" or "All Title V Permit Actions"). Subsection "Notifying Permit Holders and Interested Parties of Procedures" within this Appendix 1~~I~~ lists outreach methods for notifying individuals and permit holders to register their public notice preferences. Phase I will use the SCAQMD's existing subscription-based public outreach program which can be accessed at http://aqmd.gov/sign-up. This tool will be used for emailing public notices, but will not replace any required mail-outs to permit holders and interested parties. Persons who specify an email notice preference will receive that public notice by both mail and email until Phase II is complete. The information collected in Phase I will be transferred to the new tool in Phase II.

Phase II: Advanced Email Noticing

Phase II will create a dedicated tool for emailing the appropriate public notices to permit holders and interested parties. This phase of the procedures is to enhance Phase I by adding additional, more-specific noticing preferences ~~(e.g., noticing by NAICS code)~~. The new tool will require an input field for mailing address in order to remove duplicate mailed public notices for those that ~~specified~~ specify the email noticing preference.

~~Phase III: Email Delivery of Fee Invoices~~

~~This phase of the procedures is to provide a means for permit holders and interested parties to receive fee invoices by email instead of by mail. This phase will require a separate and more complex system to be developed and released in the future. Appropriate and advance notice will be given to all permit holders and interested parties when that project is complete and will include instructions for how to register their information to receive such items by email.~~

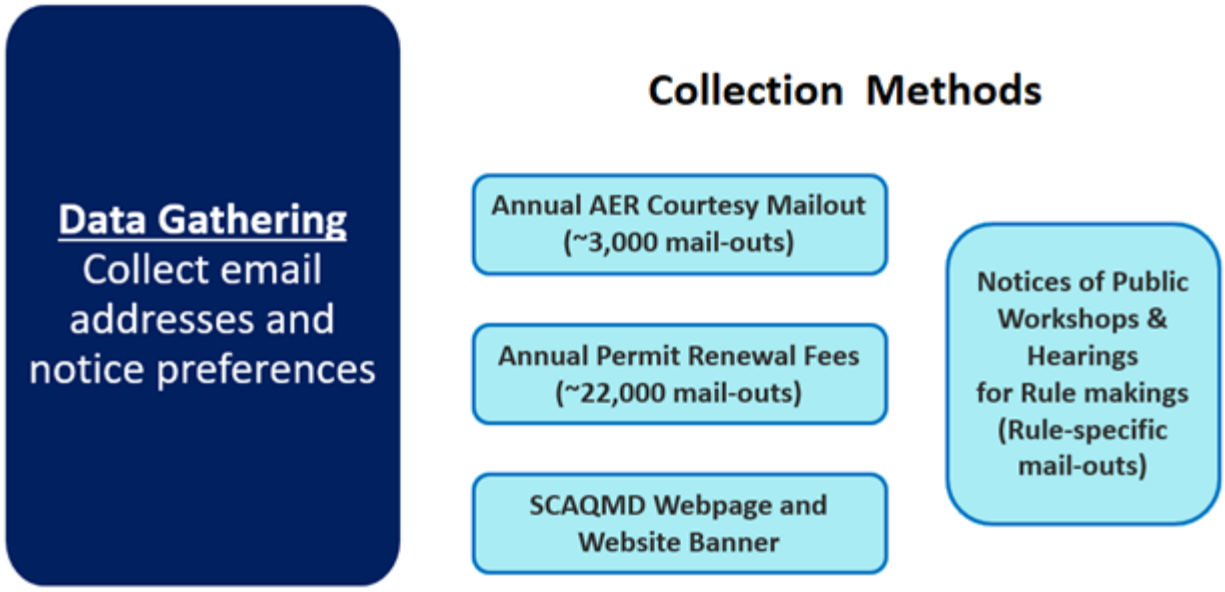
SCAQMD proposes to establish through these procedures the process to collect email addresses for all permit holders and for other interested parties who wish to receive certain notices ~~through the Procedures~~. The electronic infrastructure to collect and update email addresses needs to be developed. This document will be updated as necessary.

NOTIFYING PERMIT HOLDERS OF INTERESTED PARTIES OF PROCEDURES

To facilitate the transition to email noticing and~~,~~ web-based e-noticing~~, and email invoicing~~, SCAQMD will conduct outreach efforts to permitted facilities and interested parties as part of a Data Gathering campaign to collect notice preference information. Figure 1 illustrates some, but not all, avenues SCAQMD may utilize for its Data Gathering campaign. These include mail-outs that are normally distributed to permit holders and interested parties which will include language to submit the recipients' notice preferences on the SCAQMD website.

With regard to delivery of public notices required under rulemakings, SCAQMD will make the effort to contact each permit ~~-~~holder a minimum of three times to obtain an email address and noticing preferences, using the methods described above in Phase I.

Figure 1. Data Gathering Collection Methods



~~**PROCEDURES TO ELECTRONICALLY NOTICE PERMIT ACTIONS SUBJECT TO PUBLIC NOTIFICATION AS ALLOWED OR REQUIRED BY THE CODE OF FEDERAL REGULATIONS AND CALIFORNIA AREA RESOURCES BOARD ADVISORY 299**~~

~~SCAQMD will maintain and enhance a dedicated web page on its website to e-notice all public notices related to permit actions. This web page will provide e-access to the public and contain the draft permit. with any s~~Supplementary ~~material such as the permit application and preliminary determination materials will be made available for public inspection, upon request, at the SCAQMD office~~made available, upon request. ~~These public notices will be available for e-access by the public for the duration of the public comment period for each permit action. Information on permitting actions that require public notice is already maintained on the website beyond the~~

~~end of the comment period, up to a maximum duration of six (6) months, under existing practices. The posted public notice provides directions on how to submit comments on a draft permit.~~

~~Noticing of permit actions by newspaper publication may continue to be retained as an additional and supplemental means of public notice while SCAQMD pursues web page enhancements to better promote public participation in keeping with the e-notice and e-access requirements for Clean Air Act permit programs. An existing dedicated web page already serves to ensure SCAQMD satisfies e-noticing requirements for the issuance of federal Prevention of Significant Deterioration permits, and public notices for permit actions under Rule 3006 are already posted on the SCAQMD website. Changes will be made to specifically indicate that the website provides these notices to accomplish a consistent noticing method. Historically, public notices for permit-related actions, e.g., Rule 1310 or in the Rules under Regulation XVI, have been rare, but they would have the potential to be posted on the same dedicated web page.~~

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APPENDIX 2: PUBLIC COMMENTS

ATTACHMENT D3

Public Comments

Comments on the preliminary proposed amended rules ~~draft rule~~ were provided by stakeholders at the November 29, 2018 Public Workshop. Comments received at the Public Workshop and South Coast Air Quality Management District (SCAQMD) staff's responses are summarized below.

Comments Made During the Public Workshop

Todd Paxman, Environmental Consultant for AECOM

Comment 1: Facilities will have difficulty verifying delivery of public notices for permit actions to recipients within a quarter-~~-~~mile for permit actions if they are delivered by email.

Response to Comment 1: The proposed language has been removed. The requirement for facilities to mail or distribute public notices for permit actions to recipients will remain unchanged. If an email address is provided by an individual within the quarter-~~-~~mile area, they will receive an email version of the public notice in addition to the facility's mailed public notice.

Curtis Coleman, Executive Director for Southern California Air Quality Alliance

Comment 2: I have concern over if there is a designee for a facility for receipt of public notices by email that then leaves or retires and the email does not reach the facility or bounces back. How will SCAQMD handle this?

Response to Comment 2: Under the proposal, SCAQMD will deliver public notices to permitted facilities by mail until a facility affirmatively indicates a preference for email. The email option will allow for multiple individuals from a facility to receive the email, mitigating the single-point-of-contact issue.

Bill La Marr, Executive Director for the California Small Business Alliance

Comment 3: An individual may receive multiple copies of the same public notice and/or receive the same public notice under different titles and affiliations the individual has had.

Response to Comment 3: Staff will make an effort to minimize duplicate delivery of public notices to the same recipient. As stated in Phase I of ~~the Procedures~~Appendix 1, an individual may update his or her subscription information, including email address and other contact information.

Comment 4: Who is the permit holder for a facility? What happens when an individual retires from the company? A physical mailed notice coming to a mailing address will draw the attention of someone there, another manager or owner or some responsible person, and will hopefully get forwarded to the proper channel.

Response to Comment 4: Please see Response to Comment 2.

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Susan Stark, Marathon Oil

Comment 5: It appears that occasionally an individual will be dropped from an email list and said individual will not find out about the notice of the working group until a friend or colleague forwards it to him/her. Occasionally the forward recipient will unsubscribe, thus indirectly unsubscribing the original recipient.

Response to Comment 5: Under the proposal, SCAQMD will develop a data management tool to ensure that emails are sent to the email addresses provided by a facility or interested party. This issue will be taken into consideration in the development of this tool.

ATTACHMENT E

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: **NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

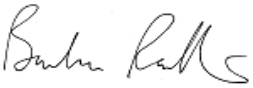
PROJECT TITLE: **SUBMISSION OF AMENDED RULE 212 – STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE, FOR INCORPORATION INTO THE STATE IMPLEMENTATION PLAN**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD), as Lead Agency, has prepared a Notice of Exemption pursuant to CEQA Guidelines Section 15062 – Notice of Exemption for the project identified above.

The proposed project is to forward Rule 212 – Standards for Approving Permits and Issuing Public Notice, as amended on March 1, 2019 and all previous amendments since December 7, 1995, to the California Air Resources Board for approval and submission to the United States Environmental Protection Agency for incorporation into the State Implementation Plan.

The proposed project has been reviewed pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Since the proposed project is administrative in nature and would not cause any physical changes that would adversely affect any environmental topic area, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. If the project is approved, this Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties. In addition, this Notice of Exemption will be electronically filed with the State Clearinghouse to be posted on their CEQAnet Web Portal which may be accessed via the following weblink: https://ceqanet.opr.ca.gov/search/recent.

Any questions regarding this Notice of Exemption should be directed to Kendra Reif (c/o Planning, Rule Development and Area Sources) at the above address. Ms. Reif can also be reached at (909) 396-3479. Mr. Michael Morris is also available at (909) 396-3282 to answer any questions regarding the submittal of Rule 212 into the State Implementation Plan.

Date: July 28, 2020 **Signature:** 

Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources

Reference: California Code of Regulations, Title 14, Division 6, Chapter 3

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

To: County Clerks: Counties of Los Angeles, Orange, Riverside and San Bernardino; and Governor's Office of Planning and Research - State Clearinghouse	**From:** South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765

Project Title: Submission of Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, for Incorporation Into the State Implementation Plan

Project Location: The project is located within the South Coast Air Quality Management District (South Coast AQMD) jurisdiction which includes the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB).

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project is to forward Rule 212 – Standards for Approving Permits and Issuing Public Notice, as amended on March 1, 2019 and all previous amendments since December 7, 1995, to the California Air Resources Board for approval and submission to the United States Environmental Protection Agency for incorporation into the State Implementation Plan.

Public Agency Approving Project:	**Agency Carrying Out Project:**
South Coast Air Quality Management District	South Coast Air Quality Management District

Exempt Status: CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

Reasons why project is exempt: Pursuant to the California Environmental Quality Act (CEQA), South Coast AQMD, as Lead Agency, has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Since the proposed project is administrative in nature and would not cause any physical changes that would adversely affect any environmental topic area, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption.

Date When Project Will Be Considered for Approval (subject to change):
South Coast AQMD Governing Board Hearing: August 7, 2020

CEQA Contact Person:	**Phone Number:**	**Email:**	**Fax:**
Ms. Kendra Reif	(909) 396-3479	kreif@aqmd.gov	(909) 396-3982
Regulation Contact Person:	**Phone Number:**	**Email:**	**Fax:**
Mr. Michael Morris	(909) 396-3282	mmorris@aqmd.gov	(909) 396-3324

Date Received for Filing: _____ **Signature:** *(Signed Upon Board Approval)*

Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Area Sources