

The BACT Team will review this LAER determination with the BACT SRC prior to listing in the BACT Guidelines.

Whenever permitting staff makes a LAER determination that is more stringent than what SCAQMD has previously required as LAER, the permit to construct may be subject to a public review. In any event depending on Rule 212, the permitting team will forward the preliminary LAER determination to the BACT Team, who will prepare and send a public notice of the preliminary determination to the BACT SRC, potentially interested persons, and anyone else requesting the information. Staff will consider all comments filed during the 30-day review period before making a permit decision. Staff will make every effort to conduct the public review consistent with the requirements of state law. However, if the 30-day review period conflicts with the deadline of the Permit Streamlining Act⁷ for issuing the permit, the permit will be issued in accordance with state law. The 30-day public review may also be done in parallel with other public reviews mandated by *Rule 212 - Standards for Approving Permits and Issuing Public Notice or Regulation XXX - Title V Permits* in applicable cases.

On a periodic basis, the SCAQMD BACT Team will provide standing status reports to the SCAQMD Governing Board's Stationary Source Committee and to the Governing Board.

In summary, as technology advances, many categories in the SCAQMD's BACT Guidelines will be updated with new listings. This on-going process will reflect new lower emitting technologies not previously identified in the Guidelines.

CLEAN FUEL GUIDELINES

In January 1988, the SCAQMD Governing Board adopted a Clean Fuels Policy that included a requirement to use clean fuels as part of BACT/LAER. A clean fuel is one that produces air emissions equivalent to or lower than natural gas for NO_x, SO_x, ROG, and fine respirable particulate matter (PM₁₀). Besides natural gas, other clean fuels are liquid petroleum gas (LPG), hydrogen and electricity. Utilization of zero and near-zero emission technologies are also integrated into the Clean Fuels Policy. The burning of landfill, digester, refinery and other by-product gases is not subject to the clean fuels requirement. However, the combustion of these fuels must comply with other SCAQMD rules, including the sulfur content of the fuel.

The requirement of a clean fuel is based on engineering feasibility. Engineering feasibility considers the availability of a clean fuel and safety concerns associated with that fuel. Some state and local safety requirements limit the types of fuel, which can be used for emergency standby purposes. Some fire departments or fire marshals do not allow the storage of LPG near occupied buildings. Fire officials have, in some cases, vetoed the use of methanol in hospitals. If special handling or safety considerations preclude the use of the clean fuel, the SCAQMD has allowed the use of fuel oil as a standby fuel in boilers and heaters, fire suppressant pump engines and for emergency standby generators. The use of these fuels must meet the requirements of SCAQMD rules limiting NO_x and sulfur emissions.

AIR QUALITY-RELATED ENERGY POLICY

In September 2011, the SCAQMD Governing Board adopted an air quality-related energy policy to help guide a unified approach to reducing air pollution while

⁷ The requirements of the Permit Streamlining Act are also found in SCAQMD's Rule 210.

addressing other key environmental concerns including environmental justice, climate change and energy independence. The air quality-related energy policy outlines 10 policies and 10 action steps to help meet federal health-based standards for air quality in the South Coast Air Basin while also promoting the development of zero- and near-zero emission technologies.

Policy 7 is to require any new/repowered in-Basin fossil-fueled generation power plant to incorporate BACT/LAER as required by District rules, considering energy efficiency for the application. These power plants will need to comply with any requirements adopted by the California Air Resources Board, California Energy Commission, Public Utilities Commission, California Independent System Operator, or the governing board of a publicly-owned electric utility, as well as state law under the California Environmental Quality Act. In recognizing that fossil fuel electric generation will still be needed in the Basin to complement projected increased use of renewable energy sources, this policy ensures that all fossil-fueled plants will meet existing BACT/LAER requirements and SCAQMD's BACT/LAER determinations will also take into consideration generating efficiency in setting the emission limits. Parts E and F of the BACT Guidelines compliment and support this policy.