RULE 802. ~~NONATTAINMENT~~ NEW SOURCE **REVIEW**~~.~~
(Adopted 4/17/1997, revised 8/25/2016)

[*Non-federal New Source Review requirements are being consolidated into Rule 802. Many of these new provisions are being relocated from Rule 803, Prevention of Significant Deterioration. The requirements of Rule 803 are being moved to Rules 802, 804 and 805. Rule 803 will be eliminated. Certain Rule 802 offset and modeling requirements are being moved to Rules 804 and 805, respectively.*~~-~~]

A. Applicability

The purpose of ~~Nonattainment~~ New Source Review is to provide for the review of new and modified stationary sources of air pollution and provide mechanisms by which Authorities to Construct for such sources may be granted without interfering with the attainment or maintenance of any ~~national primary~~ ambient air quality standard, ~~or~~ preventing reasonable further progress towards the attainment or maintenance of any ~~national primary~~ ambient air quality standard and without interfering with the protection of areas designated attainment or unclassifiable. This rule shall apply to any applicant for a new or modified stationary source which emits or may emit any affected pollutant. ~~This Rule shall apply to all new or modified stationary sources which are subject to Rule 801 and which emit or may emit any nonattainment pollutants or their precursors.~~

B. Exemptions

[*The following provision is from Rule 801.B.*]

1. The provisions of this ~~Regulation~~ rule shall not apply to any existing stationary source which was previously exempt from the permit provision of these Rules and Regulations and a Permit to Operate is required solely because of a change in p~~P~~ermit exemptions.

[*The following item is newly proposed*]

2. The Control Officer may exempt any equipment replacement from the offset requirements of Section E of this rule if:

    a. The replacement is functionally equivalent,

    b. There is no increase in the potential to emit of any air contaminant,

    c. The applicant applies Best Available Control Technology, and

    d. The replacement does not debottleneck the process (e.g., increase the system's production rate).

[*The following is an existing exemption from Rule 804, Section D.8 with revisions as shown.*]

3. ~~Offsets shall not be required for any emission increase at a source where prohibited by~~ Projects that meet the requirements of Health and Safety Code sections 42301.2 or~~and~~ 42301.13 are exempt from the offset requirements of Section E of this rule. If such emission increases are later reduced or eliminated, the emission reduction shall not be considered surplus for the purpose of emission reduction credits.

[*The following exemption for emergency standby generator, flood control, and firewater pump engines reflects actual District practice since 2005 that applied to most sources and now will apply to all sources.*

Prior to 2005, all piston-type internal combustion engines powering emergency generators, flood control, and firewater pumps were exempt from permit.]

4. Emergency standby generator, flood control, and firewater pump piston-type internal combustion engines are exempt from the offset requirements of Section E of this rule.

C. Definitions

See Rule~~s~~ 102, Definitions, and Rule 801, New Source Review – Definitions and General Requirements, for definitions.

~~C~~D. Requirements – Best Available Control Technology

1. An applicant shall apply Best Available Control Technology to a new or modified stationary source which has a potential to emit any nonattainment pollutant or its precursors which meets or exceeds any ~~emission level~~ threshold specified in Table 1 or has a potential to emit any attainment pollutant or its precursors which meets or exceeds any threshold specified in Table 2. For the purposes of this s~~S~~ection, "potential to emit" for modified stationary sources means the potential to emit from the project.

Table 1: Nonattainment Pollutant ~~BACT~~ Best Available Control Technology Thresholds

Pollutant	Pounds/day
Any nonattainment pollutant or its precursors (except c~~C~~arbon m~~M~~onoxide)	25
Carbon Monoxide – if designated nonattainment	150

[*The following table is being transferred from Rule 803.D.1. The table's title changed. Clarified NOx and SOx and added a new PM2.5 threshold. Deleted PM10 precursors as the precursors are*

listed separately in the table and to reflect actual District practices. Revised the CO threshold to be consistent with PAR 809 requirements.]

Table ~~1~~2: ~~PSD~~ Attainment Pollutant
Best Available Control Technology ~~& Modelling~~ Thresholds

Pollutant	Pounds/day	Tons/year
Particulate Matter	120	--
PM_{10} ~~and its precursors~~	80	--
$PM_{2.5}$	55	--
Carbon Monoxide	~~550~~500	--
Nitrogen Oxides (~~NO_x~~ as Nitrogen Dioxide)	120	--
Sulfur Oxides (as ~~SO_x~~ Sulfur Dioxide~~,~~)	120	--
Reactive Organic Compounds (~~and~~ ROCs)	120	--
Lead	3.28	--
Asbestos	0.04	--
Beryllium	0.0022	--
Mercury	0.55	--
Vinyl Chloride	5.48	--
Fluorides	16.4	--
Sulfuric Acid Mist	38.4	--
Total Reduced Sulfur (including H_2S)	54.8	--
Reduced sulfur compounds	54.8	--
Municipal waste combustor organics	--	0.0000035
Municipal waste combustor metals	--	15
Municipal waste combustor acid gases	--	40
All other attainment pollutants or precursors	120	--

2. For any stationary source subject to ~~this Rule,~~ a nonattainment pollutant Best Available Control Technology requirement, Best Available Control Technology shall be the more stringent of:

   a. The most effective emission control device, emission limit, or technique which has been achieved in practice for the type of equipment comprising such stationary source; or

   b. The most stringent limitation contained in any State Implementation Plan; or

   c. Any other emission control device or technique determined after public hearing to be technologically feasible and cost-effective by the Control Officer.

[*New Section D.3 is from Rule 803.D.2 with amended text.*]

3. For any stationary source subject to ~~this Rule~~ an attainment pollutant Best Available Control Technology requirement, Best Available Control Technology shall be an emission limitation based on the maximum degree of reduction achievable for each pollutant, ~~which would be emitted from any new or modified stationary source, which~~ Best Available Control Technology shall be determined on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, ~~, is achievable for such source or modification through~~ Best Available Control Technology may consist of any of the following: application of alternative production processes, ~~or available methods, systems, and techniques, including~~ fuel cleaning or treatment, ~~or~~ innovative fuel combustion techniques, or any other technique for control of ~~such~~ each pollutant. In no event shall application of Best Available Control Technology result in emissions which would exceed the emissions allowed under the applicable New Source Performance Standards ~~of Performance~~.

[*New Section D.4 is from Rule 803.D.1 with amended text. Section D.1 addresses attainment BACT in general. This section retains the Class I area BACT provision.*]

4. An applicant shall apply attainment pollutant Best Available Control Technology ~~to a new source or modification of an existing source, for any net emissions increases of any attainment pollutant which is equal to or greater that any emission level shown in Table 1. In addition, an applicant shall apply Best Available Control Technology~~ to a new source or modification of an existing major stationary source ~~or major modification~~, for any ~~net~~ emissions increase which would construct within 10 kilometers of a Class I area and which would have an impact on such area equal to or greater than 1 microgram per cubic meter (24-hour average).

[*The Rule 802 "Requirements - Emission Offsets" section is being amended and relocated here to go before the Rule 802 "Requirements - Air Quality Impact Analysis Thresholds" requirements. Consolidated Rule 803 offset thresholds here*]

E. Requirements – ~~Emission~~ Offsets Thresholds~~.~~

~~1.~~ The applicant for a ~~N~~new or modified stationary source~~s~~ with a potential to emit ~~net emissions increases~~ of any ~~nonattainment~~ affected pollutant or its precursors which is equal to or greater than any ~~emission level~~threshold shown in Table 3 shall mitigate the project's potential to emit ~~those net emissions increases through actual emission reductions~~ by providing Emission Reduction Credits ~~reducing emissions from existing stationary or non-stationary sources~~as qualified under Rule 806, Emission Reduction Credits. The applicant subject to offsets shall comply with the requirements in Rule 804, Offsets.

[*These revisions reflect the Districts change to the State-mandated 25 tpy offsets threshold. The 240 lb/day threshold for attainment pollutants was transferred from Rule 803.E.1.b. $PM_{2.5}$ is not proposed for addition since it is already included as a component of PM_{10}*]

Table 3: ~~Nonattainment Pollutant~~ Offset Thresholds

Pollutant	Pounds/day	Tons/year
~~PM_{10}~~	~~80~~	~~15~~
Carbon Monoxide – if designated nonattainment	150	25
~~All other n~~Nonattainment pollutants and precursors (except carbon monoxide and $PM_{2.5}$)	~~55~~--	~~10~~25
Attainment pollutants and precursors (except carbon monoxide and $PM_{2.5}$)	240	--

[*Deleted 802.E.2 has been relocated to Rule 804.D.1.*]

~~2. Emission reductions shall be actual, average quarterly enforceable emission reductions from existing sources sufficient to offset all anticipated quarterly emission increases associated with a new or modified stationary source and which will result in a net air quality benefit.~~

[*The following is being relocated to Rule 804.D.7*]

3. Emission reductions shall be sufficient to offset any net emissions increase, result in a net air quality benefit and shall take effect at the time, or before initial operation, of the new or modified source.

[*The following deleted emission offset text and ratio requirements are being replaced by provisions in proposed amended Rule 804.D.8, D.9, and D.10.*]

4. Emission reductions shall be provided at a ratio as specified in Table 4, below .

Table 4 -- Nonattainment Pollutant Offset Ratios

Ratio	Location of ATC Source	Location of Offsets
1.2 to 1	North Zone	North Zone (within 7.5 miles)
1.5 to 1	North Zone	North Zone
1.2 to 1	South Zone	South Zone (Within 7.5 miles)
1.5 to 1	South Zone	South Zone
6.0 to 1	North Zone	South Zone
6.0 to 1	South Zone	North Zone
6.0 to 1	South Zone	Adjacent Areas of Ventura County
No Trades	South Zone	Cuyama
No Trades	Cuyama	South Zone

Cuyama is part of the Northern Zone, except for trading purposes between Cuyama and the Southern Zone. For the purposes of Table 4, Cuyama shall be considered to be the area north of the crest of the Sierra Madre Mountains.

[*The following Section F title is being deleted as it is no longer needed with the F.1 deletion and the F.2 relocation.*]

F. Requirements - Calculations

[*The following Section F.1 has been deleted as it is redundant to the Rule 102 definition of "Potential to Emit."*]

1. The maximum design capacity (potential to emit) at a new stationary source or modification shall be used to determine the maximum hourly, maximum daily, maximum quarterly, and annual maximum emissions from the new source or modification. However, the applicant may agree to federally enforceable limitations on the operation of the new source or modification. If these limitations are included in both Authority to Construct and Permits to Operate issued according to this Regulation, then those limitations shall be used to establish the emission from the new source or modification.

[*The following deleted Section F.2 has been relocated to Rule 804.E.*]

2. The emissions from an existing source to be used as an offset, shall be based upon the actual operating conditions of the existing source averaged over the three consecutive years immediately preceding the date of application, or such shorter period as may be applicable in cases where the existing source has not been in operation for three consecutive years. The Control Officer may approve any other time period of at least three years within five years prior to the date of application that is more representative of normal source operation. If violation of Laws, Rules, Regulations, Permit conditions or orders of the District, the Air Resources Board or the Environmental Protection Agency occurred during the period used to determine the operating conditions, an adjustment shall be made to determine the emissions the existing source would have caused without such violations.

[*Requirements - Air Quality Impact Analysis is being relocated here from Rule 802.D to follow the offset threshold provisions.*]

~~D~~F. Requirements – Air Quality Impact Analysis Thresholds

[*A portion of Rule 803.F.1 is being integrated into proposed amended Rule 802.F.1.*]

1. **~~Thresholds~~**

~~Any~~ The applicant for any new or modified stationary source with a potential to emit ~~net emissions increase~~ of any ~~nonattainment~~ pollutant or its precursors which is equal to or greater than ~~the~~ any ~~emission level~~threshold shown in ~~Table 2~~ Table 4 shall submit an Air Quality Impact Analysis with their ~~an~~ application. The Air Quality Impact Analysis shall be conducted pursuant to Rule 805, Air Quality Impact Analysis, Modeling, Monitoring, and Air Quality Increment Consumption, and shall demonstrate ~~containing information that demonstrates, by Air Quality Impact Analysis,~~ to the satisfaction of the Control Officer~~,~~ that the emissions will not cause a violation or interfere with the expeditious attainment or maintenance of any ~~national primary~~ ambient air quality standard~~,~~ or prevent reasonable progress towards the expeditious attainment or maintenance of any ~~national~~ ambient air quality standard or cause any ambient air quality increment to be exceeded. For the purposes of this section, "potential to emit" for modified stationary sources means the potential to emit from the project. In addition, the Control Officer may require an Air Quality Impact Analysis for any new or modified stationary source that the Control Officer has determined has the potential to cause or contribute to a violation of any ambient air quality standard or increment. This paragraph shall not require an Air Quality Impact Analysis for the assessment of the effects of ozone precursor emissions on ozone.

[Combined the AQIA thresholds from the previous Table 2 of Rule 802 and the previous Table 1 of Rule 803. Revised the table to include $PM_{2.5}$ and revised CO threshold to be consistent with the new

Table 2 changes. The values in Table 4 are now identical to the new Table 2, except for the last value which applies to both attainment and nonattainment pollutants.]

Table ~~2~~4: ~~ Nonattainment Pollutant AQIA~~Air Quality Impact Analysis Thresholds

Pollutant	Pounds/day	Tons/year
Particulate Matter	120	--
PM_{10}	80	--
$PM_{2.5}$	55	--
Carbon Monoxide	500	--
Nitrogen Oxides (as Nitrogen Dioxide)	120	--
Sulfur Oxides (as Sulfur Dioxide)	120	--
Reactive Organic Compounds (ROCs)	120	--
Lead	3.28	--
Asbestos	0.04	--
Beryllium	0.0022	--
Mercury	0.55	--
Vinyl Chloride	5.48	--
Fluorides	16.4	--
Sulfuric Acid Mist	38.4	--
Total Reduced Sulfur (including H_2S)	54.8	--
Reduced sulfur compounds	54.8	--
Municipal waste combustor organics	--	0.0000035
Municipal waste combustor metals	--	15
Municipal waste combustor acid gases	--	40
All other attainment or nonattainment pollutants or precursors	120	--

~~Pollutant~~	~~Pounds/day~~
~~PM_{10}~~	~~80~~
~~Carbon Monoxide - if designated nonattainment~~	~~550~~
~~All other nonattainment pollutants and precursors~~	~~120~~

[*The following is being deleted as it is redundant to Rule 810*]

~~2. Major Stationary Sources and Major Modified Stationary Sources: Alternative Sites Analysis~~

~~For major stationary sources and major modified stationary sources, the Air Quality Impact Analysis shall include an analysis of alternative sites, sizes, production processes, and environmental control techniques which demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.~~

[*The following threshold is being relocated from Rule 803.F.2 with text amendments.*]

2. The applicant for a new or modified stationary source which ~~emits in its entirety~~ has the potential to emit more than 20 pounds per hour of any attainment pollutant or total suspended particulates shall demonstrate to the satisfaction of the Control Officer through use of air quality models meeting the requirements of ~~Section K(3)~~ Rule 805, Section D.1 (Air Quality Models) and Rule

805, Section F (Requirements – Ambient Air Quality Standards and Air Quality Increments~~Air Quality Impact Analysis~~), that their emissions will not cause an~~no~~ ambient air quality standard or increment to be exceeded.

[*The following Section G.1 - 4 text and Table 5 have been relocated from Rule 803.G and the text was modified.*]

G. Requirements – Air Quality Impact Analysis: Pre and Post-Construction Monitoring

1. The ~~owner or operator~~applicant for ~~of~~ a new or modified stationary source which will have a ~~net emissions increase~~ potential to emit any attainment pollutant greater than a threshold ~~of more than any emission level~~ shown in Table ~~2~~5 ~~of any other attainment pollutant~~ shall conduct ambient air quality monitoring ~~with pre-construction monitoring not less than~~ for at least one year ~~in duration~~ before commencing construction.

   The Control Officer may exempt ~~N~~new non-major stationary sources or modifications ~~can be exempt~~ from this requirement if ~~the Control Officer finds that~~ there ~~will be~~ is sufficient data ~~available~~ to determine the effects that the emissions from the stationary source or modification may have~~, or are having~~ on air quality in the area.

   [*The following text is deleted as this is covered by Rule 810*]

   ~~New major stationary sources and major modifications must comply with the pre-construction monitoring requirement unless the Control Officer finds that there will be sufficient data available to determine the effects that the emissions from the stationary source or modification may have, or are having, on air quality, in the area; and if the applicant can demonstrate to the satisfaction of the Control Officer that the new major source or major modification impacts less than those listed in 40 CFR 52.21(I)(8).~~

   [*The following table is from Rule 803.G.1. Was Table 2 in Rule 803. Added $PM_{2.5}$ to the table.*]

Table ~~2~~5: ~~Prevention of Significant Deterioration~~ Attainment Pollutant Monitoring Thresholds

Pollutant	Pounds/day
Particulate Matter	120
PM_{10}	80
$PM_{2.5}$	55
All other attainment pollutants	240

2. The applicant shall conduct ~~P~~post-construction monitoring ~~shall be required~~ until ~~such time as~~ the Control Officer determines the effects of emissions from the stationary source or modification. ~~may have.~~

3. All monitoring shall comply with Environmental Protection Agency guidelines (see 40 CFR 58~~, Appendix B~~) and other instructions of the Control Officer.

~~2~~4. Protection of Class I Areas

   ~~Any net emissions increase of less than 120 pounds per day of an attainment pollutant or total suspended particulates, except PM_{10}, which is 80 pounds per day, or 15 tons per year, associated~~

~~with a stationary source emitting over 100 tons per year of any attainment pollutant which would construct~~
The applicant for any new or modified stationary source shall conduct post-construction monitoring if all the following conditions are met:

a. The source will be within a Class I or Class I impact area, ~~and~~

b. The source ~~would~~ will increase ambient pollutant concentration within the Class I area by one microgram per cubic meter (24 hour average) ~~or more shall be subject to monitoring.~~, and

c. The source has the potential to emit over 100 tons per year of any attainment pollutant.

[*The following is relocated from Rule 803.H and the text was modified.*]

H. Requirements ~~–~~ – Visibility, Soils, and Vegetation Analysis

For a new or modified stationary source ~~which emits~~with a potential to emit any attainment pollutant ~~, in its entirety, more than~~ over any ~~emission level~~ threshold shown in Table ~~2~~5, ~~of any attainment pollutant,~~ the applicant shall provide the Control Officer with an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the source or modification and of general commercial, industrial, and other growth associated with the source or modification.

~~G~~I. Requirements – Administration

1. Analysis, Notice and Reporting

[*The following revision clarifies District practice that this applies to ATC applications. EPA references are deleted as this rule is not being submitted to the SIP. The text has been reworded to be more straight-forward.*]

~~Before granting or denying an application for any new or modified stationary source subject to an air quality impact analysis or requiring emission offsets, T~~the Control Officer shall comply with the following requirements for any new or modified stationary source with an emission increase of any air pollutant (or its precursors) which is equal to or greater than any threshold shown in Tables 3 and 4 of this rule.

~~a. Analyze the effect of the stationary source on air quality. Such analysis shall be based on the application of existing federal, state and local control strategies and the requirements of this Regulation. Such analysis shall be completed within 120 days after an application for an Authority to Construct has been deemed complete.~~

~~b. Following completion of the analysis and, before granting approval, the Control Officer shall:~~

a.~~1)~~ Make available for public inspection at the District's office~~, except as limited by controls on release of confidential information submitted by the applicant,~~ the ~~District's~~ analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct ~~or Permit to Operate~~.

~~2)~~b. Publish a notice once by advertisement in at least one newspaper of general circulation in the District, stating where the public may inspect the information on the preliminary decision to grant an Authority to Construct. The notice shall provide 30 days ~~beginning on the date of publication,~~ for the public to submit comments on the application, beginning on the date of publication.

~~3)~~c. Notify~~, in writing, at the time of public notice,~~ the applicant, ~~Environmental Protection Agency,~~ Air Resources Board, and adjoining air pollution control districts of the District's preliminary decision to grant the Authority to Construct ~~or Permit to Operate~~. The notice will be provided in writing at the time of public notice. The Air Resources Board ~~and Environmental Protection Agency wi~~shall be provided an analysis support package for the determination ~~made when the source is required to obtain offsets pursuant to this Rule~~.

~~4)~~d. Consider all comments submitted. If within the 30-day notice period the Control Officer receives a written request from ~~either Environmental Protection Agency or~~ the Air Resources Board to defer his or her decision pending ~~the~~ that ~~requesting~~ agency's review of the application, the Control Officer shall defer any decision for a period of 30 days from the date of such request. ~~Within the applicable time period specified in Rule 208,~~ T~~t~~he Control Officer shall take final action on the application after considering all written comments.

[*The following is transferred from Rule 803.K.6 with text revisions.*]

~~5)~~e. The public notice will include notification of the opportunity for a public hearing and will indicate the anticipated degree of increment consumption. A public hearing may be called if sufficient interest is generated or if any aggrieved party so requests in writing within the 30-day comment period. ~~-~~All public hearings shall have a public notice issued at least 30 days prior to the hearing. After considering all comments, including those presented at any hearings held, the Control Officer will reach a decision and notify the ~~appropriate parties~~applicant, Air Resources Board, adjoining air pollution control districts, and any person who has made a written request to be notified of the final decision. The Control Officer's notification of the final decision may be made electronically.

2. Conditional Requirements for Authority to Construct

The Control Officer shall, as a condition for the issuance of an Authority to Construct for a new stationary source or modification and with the prior written consent of the ~~owner or operator~~applicant for ~~of~~ any source which provides offsets:

a. Require that the new source or modification and any sources which provide offsets be operated in the manner assumed in making the analysis. The ~~Permit~~ permit shall, if applicable, include an emissions limitation which corresponds with the application of Best Available Control Technology or innovative control technology.

b. Modify, or require modification of, the Authority to Construct and Permit to Operate for any source used to provide offsets to ~~insure~~ ensure that emission~~s~~ reductions at that source which provide offsets will be enforceable and maintained throughout the operation of the new or modified source which is the beneficiary of the offsets.

c. Permit any ~~federally~~ enforceable methods, other than those described in sub-section b), which ~~the Control Officer is satisfied,~~ will assure that all required offsets are achieved~~,~~ and meet the requirements of ~~Regulation~~ Rule 804, ~~(Emission~~ Offsets~~)~~.

3. Issuance of Permit to Operate

a. The Control Officer shall issue a Permit to Operate if it is determined that:

1) The new or modified stationary source will operate without emitting pollutants in violation of any applicable state, federal or local emission limitation or these Rules and Regulations; and

2) The emissions of any pollutants from the new or modified stationary source are less than or equal to the emissions used by the Control Officer in granting an Authority to Construct; and

3) The offsets required as a condition of the Authority to Construct will commence at the time of or prior to initial operations of the new source or modification, will be maintained throughout the operation of the new or modified source, and are ~~federally~~ enforceable. In the case of a new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the Control Officer may allow a maximum of ninety (90) days as a start-up period for simultaneous operation of the existing source and the new source or replacement; and

4) All conditions specified in the Authority to Construct have been or will ~~likely~~ be complied with by any dates specified.

4. Denial of Authority to Construct

The Control Officer shall deny an Authority to Construct for any new stationary source or modification, or any portion thereof unless the new source or modification, or applicable portion thereof, complies with the provisions of this ~~R~~rule and all other applicable District Rules and Regulations.

[*The following tracking requirement was created to satisfy one of the CARB's concerns regards the offset exemption for equipment replacements*]

5. Offset Exemption Tracking

The Control Officer shall prepare an annual report that lists all equipment units that have been exempted from offset requirements under the equipment replacement provisions in Section B.2. The report shall include a comparison of the emissions of the new equipment and the emissions of the replaced equipment. This report shall be made available to the public and the Air Resources Board.

~~5. State Implementation Plan~~

~~The Control Officer shall issue an Authority to Construct for a major new stationary source or major modification to a stationary source, which is subject to this Rule, only if all District Regulations contained in the State Implementation Plan submitted to the EPA are being carried out in accordance with that Plan.~~