

Rule 1302 Procedure

(A) Applicability

- (1) This Rule shall apply to all new or modified Facilities
 - (a) EEGFs as defined in District Rule 1301(T) shall also be subject to the provisions of District Rule 1306.

(B) Applications

- (1) Initial Analysis
 - (a) Any application for an ATC or modification to a PTO, submitted pursuant to the procedures of District Regulation II, shall be analyzed to determine if such application is complete. An application shall be deemed complete when it contains the following, as applicable:
 - (i) General Requirements
 - a. Enough information to allow all the applicable analysis and calculations required under this Regulation to be made including but not limited to identification of all new or modified Emissions Units, the amount of potential emissions from such new or modified Emissions Units, information sufficient to determine all rules, regulations or other requirements applicable to such Emissions Units, and information regarding air quality modeling protocols and results.
 - b. A Comprehensive Emissions Inventory. If a Facility has a current, approved Comprehensive Emissions Inventory on file with the District such Facility may, upon written request and approval of the APCO, update the Comprehensive Emission Inventory to reflect the addition, deletion or modification of all Emissions Units affected by the application.
 - c. A District Rule 1600 applicability analysis sufficient to determine whether the Facility or Modification is or is not a Major PSD or a Major PSD Modification as defined in District Rule 1600(B) using the procedures set forth in 40 CFR 52.21(a)(2).
 - d. Any other information specifically requested by the District.
 - (ii) Requirements for Facilities Requiring Offsets

- a. For all new and modified Facilities requiring offsets pursuant to District Rule 1303(B):
 - 1. An alternative siting analysis including an analysis of alternative sites, sizes and production processes pursuant to 42 U.S.C. §7503(a)(5) (Federal Clean Air Act §173(a)(5)). Such analysis shall be functionally equivalent to that required pursuant to Division 13 of the California Public Resources Code (commencing with section 21000).
 - 2. A statewide compliance certification stating that all Facilities which are under the control of the same person (or persons under common control) in the State of California are in compliance with all applicable emissions limitations and standards under the Federal Clean Air Act and the applicable implementation plan for the air district in which the other Facilities are located.
 - 3. A District Rule 1310 applicability analysis sufficient to show that the Facility or Modification is or is not a Federal Major Facility or a Federal Major Modification as defined in District Rule 1310(C).
 - 4. The requirements of subsections (B)(1)(a)(ii)a.1. and .2 shall not apply if the Facility or Modification has been determined to not be a Federal Major Facility or a Federal Major Modification as defined in District Rule 1310(C)(6) and (7) or the Facility has previously applied for and received a valid Plantwide Applicability Limit (PAL) pursuant to the provisions of District Rule 1310(F).
- (iii) Mandated Class I Federal Area Protection Analysis
 - a. An application for a Federal Major Facility or a Facility with a Federal Major Modification as defined in District Rule 1310(C)(6) and (7) which is located within 100 km (62.137 miles) or which may have an impact upon visibility in any Mandatory Class I Federal Area, as defined in 40 CFR 51.301, shall include in its application an analysis of any anticipated impacts on visibility within that Mandated Class I Federal Area. Such analysis shall include, but is not limited to, an analysis of the factors found in 40 CFR 51.307(c).
- (iv) Plantwide Applicability Limit (PAL) Analysis
 - a. For a Facility requesting a PAL pursuant to District Rule 1310(F) an analysis sufficient to justify the classification of the Facility as a Federal Major Facility as defined in District Rule 1310(C) and any information necessary to issue the proposed PAL in conformance with all applicable provisions of 40 CFR 51.165(f)(1-15).

- b. For a Facility requesting a PAL pursuant to the provisions of 40 CFR 52.21(aa) an analysis sufficient to justify the applicability to obtain a PAL and any information necessary to issue the proposed PAL in conformance with all applicable provisions of 40 CFR 52.21(aa).
- (v) Prevention of Significant Deterioration (PSD) Analysis
 - a. For a Facility which is a Major PSD Facility or Major PSD Modification as defined in District Rule 1600(B):
 - 1. A modeling protocol consistent with the most recent USEPA guidance and approved by the APCO. Such protocol shall also be submitted to USEPA and, if applicable, the Federal Land Manager(s) of any potentially impacted area; and
 - 2. A control technology review pursuant to 40 CFR 52.21(j); and
 - 3. A source impact analysis, including but not limited to analysis pursuant to 40 CFR 52.21(k) and a per-application analysis pursuant to 40 CFR 52.21(m)(1); and
 - 4. Information required pursuant to 40 CFR 52.21(n) if not provided elsewhere in the application; and
 - 5. An additional impact analysis including but not limited to analysis of direct and indirect impacts of the proposed emissions increase on soils, vegetation and visibility, pursuant to 40 CFR 52.21(o); and
 - 6. An analysis of anticipated impacts on a Class I area if the Facility is located within 63 miles (100 kilometers) of such area pursuant to 40 CFR 52.21(p); and
 - (b) The APCO shall determine whether the application is complete not later than thirty (30) calendar days after receipt of the application, or after such longer time as both the applicant and the APCO may agree in writing.

(2) Notifications Regarding Applications

- (a) After the determination of completeness has been made, the APCO shall transmit a written determination of completeness or incompleteness within 10 working days to the applicant at the address indicated on the application.
 - (i) If the application is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete.
 - a. Upon receipt by the APCO of information required to render an application complete or upon resubmittal of the entire application, a new thirty (30) day period in which the APCO must determine completeness, shall begin.

- (ii) When an application subject to the provisions of Rule 1600 is determined to be complete the APCO shall transmit a copy of the written completeness determination to USEPA and, upon request, provide USEPA with a copy of the application.
 - (b) In the alternative, the APCO may complete the issuance of the ATC(s) within the thirty (30) calendar days after receipt of the application so long as all applicable analysis required pursuant to section (C) have been performed and the provisions of subsection (C)(7)(d) applies.
 - (c) If the application contains an analysis of anticipated visibility impacts on a Mandated Class I Federal Area, as defined in 40 CFR 51.301, pursuant to subsection (B)(1)(a)(iii) above or (B)(1)(a)(v)a.5., the APCO shall, within thirty (30) calendar days after receipt of the application, notify USEPA and the Federal Land Manager of the affected Class I Area.
 - (i) The APCO shall include in such notification a copy of the application and all information relevant thereto.
- (3) Effect of Complete Application
- (a) After an application is determined to be complete, the APCO shall not subsequently request of an applicant any new or additional information which was not required pursuant to subsection (B)(1)(a) or by a determination of incompleteness pursuant to subsection (B)(2)(a)(i).
 - (b) Notwithstanding the above, the APCO may, during the processing of the application, require an applicant to clarify, amplify, correct or otherwise supplement the information required in such list in effect at the time the complete application was received.
 - (c) A request by the APCO for clarification pursuant to subsection (B)(3)(b) above does not waive, extend, or delay the time limits in this Rule for final action on the completed application, except as the applicant and the APCO may both agree in writing.
- (4) Fees
- (a) The APCO shall not perform any analysis as set forth in section (C) below unless all applicable fees, including but not limited to Project Evaluation Fees for Complex Sources as set forth in District Rule 301, have been paid.

(C) Analysis

(1) Determination of Emissions

- (a) The APCO shall analyze the application to determine the type, amount, and change (if any) in emissions pursuant to the provisions of District Rules 1304, 1310 and 1600.

(2) Determination of Nonattainment NSR Requirements

- (a) After determining the emissions change (if any) The APCO shall determine if any or all of the provisions of District Rule 1303 apply to the new or modified Facility.
- (i) If none of the provisions of District Rule 1303 apply to the new or modified Facility, then the APCO shall continue the analysis at subsection (C)(5) below.
- (ii) If only the provisions of District Rule 1303(A) apply to the new or modified Facility, and the application does not utilize SERs to reduce PE then:
- a. The APCO shall develop and include conditions on any proposed ATC or PTO to implement BACT on all new or modified Emissions Unit(s) subject to the provisions of District Rule 1303(A) at the Facility; and
- b. Continue the analysis at subsection (C)(4) below.
- (iii) If only the provisions of District Rule 1303(A) apply to the new or modified Facility, and the application utilizes SERs to reduce PE then:
- a. The APCO shall produce a Facility engineering analysis which contains substantially the same information required for a decision under section (D) below; and
- b. After the production of the Facility engineering analysis the APCO shall develop and include conditions on any proposed ATC or PTO required to implement BACT on all new or Modified Emission Unit(s) subject to the provisions of District Rule 1303(A) at the Facility; and
- c. Continue the analysis at subsection (C)(4) below.
- (iv) If the provisions of District Rule 1303(B) apply to the new or modified Facility then the APCO shall continue the analysis at subsection (C)(3) below.

(3) Determination of Offsets

- (a) If the provisions of District Rule 1303(B) apply to the new or modified Facility, then the APCO shall analyze the application to determine the amount and type of Offsets required pursuant to the provisions of District Rule 1305.

- (i) The APCO shall thereafter notify the applicant in writing of the specific amount and type of Offsets required.
 - (b) Upon receipt of the notification, the applicant shall provide to the APCO a proposed Offset package which contains evidence of Offsets eligible for use pursuant to the provisions of District Rule 1305.
 - (i) The APCO shall analyze the proposed Offset package to determine if an adjustment in the value of such Offsets is required pursuant to the provisions of District Rule 1305(C)(4).
 - (ii) The APCO shall disallow the use of any Offsets which were created by the shutdown of Emissions Unit(s) when:
 - a. The Offsets were created by a shutdown of Emissions Unit(s) which was not contemporaneous with the creation of the Offsets or were not in compliance with the provisions of 40 CFR 51.165(a)(3)(ii)(C); and
 - b. USEPA has disapproved the applicable implementation plan for the District or USEPA has made a finding of a failure to submit for the District of all or a portion of an applicable implementation plan.
 - (iii) After determining that the Offsets are real, enforceable, surplus, permanent and quantifiable and after any permit modifications required pursuant to District Rule 1305 or Regulation XIV have been made, the APCO shall approve the use of the Offsets.
 - a. For a Federal Major Facility as defined in District Rule 1310(C)(6) or Federal Major Modification as defined in District Rule 1310(C)(7) and which is located in a Federal nonattainment area, the APCO's approval shall be subject to the approval of CARB and USEPA during the comment period required pursuant to subsection (D)(2) below.
 - b. For all other Facilities or Modifications subject to this provision the APCOs approval shall be subject to the approval of CARB during the comment period required pursuant to subsection (D)(2) below.
 - (iv) The Offset package must be submitted and approved by the APCO prior to the issuance of the NSR Document and any permits.
 - (v) The Offsets must be obtained prior to the commencement of construction on the new or modified Facility.
 - (vi) The Offsets must be fully enforceable and in effect by the time the new or modified Facility commences operation.
 - (c) After determination of the amount and type of offsets required and approval of the Offset package the APCO shall continue the analysis at subsection (C)(4) below.
- (4) Determination of Additional Federal Requirements
- (a) For Facilities which have provided information pursuant to subsection (B)(1)(a)(ii)a.3. the APCO shall, after the analysis, determine if any or all

of the provisions of District Rule 1310 apply to the new or modified Facility.

- (i) If none of the provisions of District Rule 1310 apply to the new or modified Facility the APCO shall continue the analysis at subsection (C)(5) below.
 - (ii) If any of the provisions of District Rule 1310 apply to the new or modified Facility the APCO prior to issuing any ATC or PTO shall:
 - a. Ensure that an alternative site analysis required under 42 U.S.C. §7530(a)(5) (Federal Clean Air Act §173(a)(5)) has been performed; and
 - b. Ensure that a statewide compliance certification pursuant to subsection (B)(1)(a)(ii)a.2. has been performed and submitted; and
 - c. Add any conditions to the applicable permits required to implement any provisions of District Rule 1310; and
 - d. Continue the analysis at subsection (C)(5) below.
- (b) For Facilities and Modifications which require offsets pursuant to District Rule 1303(B) which do not provide information pursuant to (B)(1)(a)(vi)a. prior to issuing any ATC or PTO the APCO shall:
- (i) Ensure that an alternative site analysis required under 42 U.S.C. §7530(a)(5) (Federal Clean Air Act §173(a)(5)) has been performed; and
 - (ii) Add any conditions to the applicable permits required to implement any provisions of District Rule 1310; and
 - (iii). Continue the analysis at subsection (C)(5) below.
- (c) For a Facility requesting a PAL pursuant to the provisions of District Rule 1310(F) the APCO shall add any conditions to the applicable permits required to implement the PAL and continue the analysis at subsection (C) (5) below.
- (5) Determination of Requirements for Toxic Air Contaminants
- (a) The APCO shall determine if any of the provisions of District Rule 1320 - New Source Review of Carcinogenic Air Contaminants apply to the new or modified Facility.
 - (i) If none of the provisions of District Rule 1320 apply the APCO shall continue the analysis at subsection (C)(6) below.
 - (ii) If any of the provisions of District Rule 1320 apply to the new or modified Facility the APCO shall
 - a. Require the Facility to comply with the applicable provisions of that Rule prior to proceeding with any further analysis or processing of an application pursuant to this Regulation; and

- b. Add any conditions to the applicable permits required to implement any provisions of Rule 1320; and
 - c. Continue the analysis at subsection (C)(6) below.
- (6) Determination of Requirements for Prevention of Significant Deterioration (PSD)
- (a) The APCO shall review the PSD applicability analysis submitted pursuant to subsection (B)(1)(a)(i)c. to determine if the proposed new or modified Facility is or is not a Major PSD Facility or a Major PSD Modification as defined in District Rule 1600 and determine which, if any of the provisions of District Rule 1600 apply to the new or modified Facility.
 - (i) If the APCO determines that proposed new or modified Facility is a Major PSD Facility or a Major PSD Modification as defined in District Rule 1600 then the APCO shall perform the analysis required pursuant to the provisions of District Rule 1600(D)(2); and
 - (ii) If the proposed new or modified Facility contains a request for a new or modified PAL then the APCO shall perform the analysis required pursuant to the provisions of 40 CFR 52.21(aa)(1-15); and
 - (iii) The APCO shall either complete the PSD permit issuance pursuant to the provisions of Rule 1600(D) or combine the appropriate analysis and necessary conditions with those required pursuant to this Regulation; and
 - (ii) Continue the analysis at subsection (C)(7) below
- (7) Determination of Notice Requirements
- (a) If any of the following apply then the APCO shall commence the issuance of the ATC(s) or modification of the PTO(s) pursuant to the provisions of subsection (D).
 - (i) The Facility with the new or modified permit unit is subject to the provisions of District Regulation XII – *Federal Operating Permits*;
 - (ii) The provisions of District Rule 1303(B) apply;
 - (iii) The provisions of District Rule 1310 apply;
 - (iv) The provisions of District Rule 1600 apply.
 - (b) If any of the proposed new or modified Emissions Units require public notification pursuant to the provisions of District Rule 1320(E)(3)(e)(iii) or (F)(2)(b) then the APCO shall:
 - (i) Provide the notice specified by the applicable provision(s) of District Rule 1320 in addition to any other required notice; or
 - (ii) Provide notice pursuant to the provisions of subsection (D)(3)(a) containing any additional information required pursuant to the applicable provision(s) of District Rule 1320.

- (c) If none of the provisions listed in subsection (7)(a) or (b) above apply then the APCO shall commence the issuance of the ATC(s) or modification of the PTO(s) pursuant to the provisions of District Regulation II and provide notification of such permit issuance pursuant to the provisions of subsection (D)(3)(a)(ii) if any of the following apply:
 - (i) The application uses SERs to reduce PE pursuant to the provisions of District Rule 1304; or
 - (ii) The emissions change (if any) for any Regulated Air Pollutant as calculated under subsection (C)(1) is greater than any of the following:
 - a. 80% of the Major Facility Threshold for a Nonattainment Air Pollutant as set forth in District Rule 1303(B); or
 - b. 80% of the Federal Major Facility Threshold for HAPs as set forth in District Rule 1201(S)(1)(c) or (S)(2)(b); or
 - c. The Federal Significance Level for a Regulated Air Pollutant as defined in 40 CFR 52.21(b)(23).
- (d) If none of the provisions listed in subsection (7)(a), (b) or (c) above apply then the APCO shall commence the issuance of the ATC(s) or modification of the PTO(s) pursuant to the provisions of District Regulation II.

(D) Permit Issuance Procedure

(1) Preliminary Decision

- (a) After the analysis has been completed, the APCO shall issue a preliminary decision as to whether the NSR Document should be approved, conditionally approved, or disapproved and whether ATC(s) should be issued to the new or modified Facility.
- (b) The preliminary decision shall include:
 - (i) A succinct written analysis of the approval, conditional approval or denial; and
 - (ii) If approved or conditionally approved, proposed permit conditions for the ATC(s) or modified PTO(s) and the reasons for imposing such permit conditions.
- (c) The preliminary decision and draft NSR Document may be combined with any document(s) produced pursuant to District Rule 1600.
- (d) The preliminary decision, draft NSR Document, and draft PSD Document, if any, may also be combined with any document(s) produced pursuant to District Regulation XII. In such case the preliminary decision, Draft NSR Document and draft PSD Document shall conform to the applicable provisions of District Regulation XII and 40 CFR 70.6(a-g), 70.7(a-b) and

70.8 and will serve as the draft Statement of Legal and Factual Basis and draft Federal Operating Permit.

(2) CARB, USEPA and Affected State Review

- (a) If notice is required pursuant to the provisions of subsection (C)(7)(a-c) the APCO shall, concurrently with the publication required pursuant to subsection (D)(3) below, send a copy of the preliminary decision and any underlying analysis to CARB, USEPA and any Affected State.
- (b) CARB, USEPA and any Affected State shall have thirty (30) days from the date of publication of the notice pursuant to subsection (D)(3) below to submit comments and recommendations regarding the preliminary decision.
- (c) Upon receipt of any comments and/or recommendations from CARB USEPA and any Affected State the APCO shall either:
 - (i) Accept such comments and/or recommendations and modify the preliminary decision accordingly; or
 - (ii) Reject such comments and/or recommendations, notify CARB, USEPA, and/or the Affected State of the rejection and the reasons for such rejection.
- (d) For applications containing an analysis of anticipated visibility impacts on a Mandated Class I Federal Area, as defined in 40 CFR 51.301, pursuant to subsection (B)(1)(a)(iii) or (B)(1)(a)(v)a.5.-6. above, the APCO, upon receipt of any comments from USEPA or the Federal Land Manager of the affected Modified Class I Federal Area, shall:
 - (i) Accept such comments and/or recommendations and modify the preliminary decision accordingly; or
 - (ii) Reject such comments and/or recommendations; notify CARB, USEPA, and/or the Federal Land Manager of the affected Mandated Class I Federal Area of the rejection and the reasons for such rejection.

(3) Public Review and Comment

- (a) Publication of Notice and Notice Requirements
 - (i) If notice is required pursuant to the provisions of subsection (C)(7)(a) or (D)(4)(d) then, within ten (10) days of the issuance of the preliminary determination, the APCO shall:
 - a. Produce a notice containing all the information set forth in subsection (D)(3)(a)(iii); and
 - b. Publish a notice in at least one newspaper of general circulation within the District; and
 - c. Send a copy of the notice containing the information set forth in subsection (D)(3)(a)(iii) to the applicant; CARB;

- USEPA; Affected State(s); City and County where the proposed Facility or Modification is located; any State or Federal Land Manager or Indian governing body who's lands might be affected by emissions from the proposed Facility or Modification; and all persons who have requested such notice and/or on a list of persons requesting notice of actions pursuant to this regulation generally on file with the Clerk of the Board for the District; and
- d. Provide notice by other reasonable means including but not limited to posting on the District's website, if such notice is necessary to assure fair and adequate notice to the public.
- (ii) If notification of permit issuance is required pursuant to the provisions of subsection (C)(7)(c) then, within thirty (30) days of the issuance of the engineering analysis the APCO shall:
- a. Produce a notice containing the information set forth in subsection (D)(3)(a)(iv) below; and
- b. Post the notice on the District's website; and
- c. Send a copy of the notification to the applicant; CARB; USEPA; Affected State(s); and all persons who have requested such notice and/or on a list of persons requesting notice of actions pursuant to this regulation generally on file with the Clerk of the Board for the District.
- (iii) The notice required pursuant to subsection (D)(3)(a)(i) shall provide thirty (30) days from the date of the publication of the notice for the public to submit written comments on the preliminary decision and shall include:
- a. The name and location of the Facility, including the name and address of the applicant if different.
- b. A statement indicating the availability, conclusions of the preliminary decision and a location where the public may obtain or inspect the preliminary decision and supporting documentation; and
- c. A brief description of the comment procedures and deadlines; and
- d. If the APCO has rejected comments regarding anticipated visibility impacts on a Mandated Class I Federal Area, a notation of the availability of the reasons for such rejection; and
- e. If the provisions of District Rule 1600(C) apply:
1. The degree of increment consumption; and
 2. Where a copy of the application and preliminary decision may be obtained; and
 3. Notice of opportunity to request a public hearing regarding the air quality impact, control technology or other appropriate considerations of the preliminary determination for the Major PSD Facility or Major PSD Modification.
- f. If the provisions of District Regulation XII apply and the Federal Operating Permit is being issued concurrently then

notice of the opportunity to request a public hearing on the proposed Federal Operating Permit pursuant to District Rule 1207(A)(1)(d).

- (iv) The notification required pursuant to subsection (D)(3)(a)(ii) shall include:
 - a. Identification of the Facility; including the name, address and Facility number; and
 - b. Identification of the permit(s) involved; including permit number, and a brief description of the action taken;
 - c. Information regarding obtaining review of the permit issuance decision by the District Hearing Board pursuant to the provisions of Health & Safety Code §42302.1.

(b) Availability of Documents

- (i) If notice is required pursuant to the provisions of subsection (C)(7)(a) or (b), then at the time of publication of the notice required above the APCO shall make available for public inspection at the offices of the District or in another prominent place the following information:
 - a. The application and any other information submitted by the applicant; and
 - b. The preliminary decision to grant or deny the Authority to Construct, including any proposed permit conditions and the reasons therefore; and
 - c. The supporting analysis for the preliminary decision.
- (ii) Notwithstanding the above, the APCO is not required to release confidential information. Information shall be considered confidential when:
 - a. The information is a trade secret or otherwise confidential pursuant to California Government Code 6254.7(d); or
 - b. The information is entitled to confidentiality pursuant to 18 U.S.C. §1905; and
 - c. Such information is clearly marked or otherwise identified by the applicant as confidential.

(c) The APCO shall accept all relevant comment(s) submitted to the District in writing during the thirty (30) day public comment period.

(d) The APCO shall, if requested pursuant to the provisions provided for in the published notice, hold a public hearing regarding the proposed preliminary determination.

- (i) Such hearing shall be scheduled no less than thirty (30) days after the publication of a notice of public hearing is published pursuant to the provisions set forth in subsection (D)(3)(a).

- (e) The APCO shall consider all written comments submitted by the public during the comment period as well as any oral or written comments received at any public hearings(s).
 - (f) The APCO shall provide a summary of any oral comments and keep a copy of all written comments received during the public comment period or at any public hearing and shall retain copies of such comments and the District's written responses to such comments in the District files for the particular Facility.
 - (g) If any changes are made to the preliminary decision as a result of comments received from the public, CARB, USEPA or any Affected State the APCO shall send a copy of the proposed changes to CARB and USEPA for review.
 - (h) Nothing in this subsection shall be interpreted to limit the availability of documents pursuant to the California Public Records Act (Government Code §§6250 et. seq.) as effective upon the date of the request for documents.
- (4) Final Action
- (a) After the conclusion of the comment period and consideration of the comments, the APCO shall produce a final New Source Review Document.
 - (b) Thereafter, the APCO shall take final action to issue, issue with conditions or to deny issuance of the NSR Document.
 - (i) Such final action shall take place no later than 180 days after the application has been determined to be complete.
 - (ii) The APCO shall not take final action to issue the New Source Review Document if either of the following occurs:
 - a. USEPA objects to such issuance in writing; or
 - b. USEPA has determined, as evidenced by a notice published in the Federal Register, that the applicable implementation plan is not being adequately implemented in the nonattainment area in which the new or modified Facility is located.
 - (c) The APCO shall provide written notice of the final action to the applicant, USEPA and CARB.
 - (d) If substantive changes have been made to the Preliminary Decision or other NSR Document after the opening of the public comment period, the APCO shall publish a notice of final action pursuant to the provisions of subsection (D)(3)(a) above.
 - (e) If substantive changes are made to the preliminary decision or PSD Document which are substantial enough to require changes to the

underlying requirements or which result in a less stringent BACT determination then the APCO shall reissue and renotice the preliminary decision and draft PSD document pursuant to the provisions of section (D).

- (f) The final New Source Review Documents and all supporting documentation shall remain available for public inspection at the offices of the District.
- (g) The final NSR Document may be combined with a final PSD Document produced pursuant to District Rule 1600(D).

(5) Issuance of ATC(s)

- (a) In conjunction with final action on the NSR Document the APCO shall issue ATC(s) for the new or modified Facility pursuant to the provisions of District Regulation II. Such ATC(s) shall contain, at a minimum, the following conditions:
 - (i) All conditions regarding construction, operation and other matters as set forth in the NSR Document; and
 - (ii) If a new or modified Facility is a replacement, in whole or in part, for an existing Facility or Emissions Unit on the same or contiguous property, a condition allowing a maximum of one hundred eighty (180) days start up period for simultaneous operation of the new or modified Facility and the existing Facility or Emissions Unit; and
 - (iii) A condition requiring the Facility to be operated in accordance with the conditions contained on the ATC(s); and
 - (iv) A condition requiring that the offsets must be obtained prior to the commencement of construction on the new or modified Facility and fully enforceable and in effect by the time the new or modified Facility commences operation.
- (b) The APCO shall not issue ATC(s) to a new or modified Facility pursuant to this regulation unless:
 - (i) The new Facility or Modification to an existing Facility is constructed using BACT for each Nonattainment Air Pollutant when the provisions of Rule 1303(A) apply.
 - (ii) Any increase in emissions for each Nonattainment Air Pollutant has been properly offset pursuant to the provisions of District Rule 1305 or District Regulation XIV – *Emission Reduction Credit Banking* when the provisions of Rule 1303(B) apply.
 - a. Such offsetting emissions reductions are real, enforceable, quantifiable, surplus and permanent; and
 - b. The permits(s) of any Facility or Emissions Unit(s) which provided offsetting emissions reductions have been properly modified and/or valid contracts have been

- obtained pursuant to the provisions of District Rule 1305 or District Regulation XIV.
- (iii) The new or modified Facility complies with all applicable Rules and Regulations of the District.
 - (iv) The new or modified Facility will not interfere with the attainment or maintenance of any National Ambient Air Quality Standard.
- (6) Issuance of PTO(s)
- (a) After the final action on the New Source Review Document pursuant to this Regulation and/or the issuance of ATC(s) pursuant to the provisions of District Regulation II, the APCO shall deny the subsequent issuance of PTO(s) unless the APCO determines that:
 - (i) The owner or operator of the new or modified Facility has submitted a completed application for ATC(s) or modification of a PTO.
 - a. An initial application for PTO(s) may be considered an application for a ATC(s) if the application and the applicant comply with all the provisions of this Regulation.
 - (ii) The new or modified Facility has been Constructed and is operating in a manner consistent with the conditions as set forth in the NSR document and the ATC(s); and
 - (iii) That the permit(s) of any Facility or Emissions Unit(s) which provided Offsets to the new or modified Facility have been properly modified and/or valid contracts have been obtained pursuant to the provisions of District Rule 1305 or Regulation XIV.
 - (iv) That the Offsets, if required pursuant to District Rule 1303(B), were real, permanent, and quantifiable prior to the commencement of construction of the Facility.
 - (v) That all conditions contained in the ATC(s) requiring performance of particular acts or events by a date specified have occurred on or before such dates.
 - (vi) If the actual emissions are greater than those calculated when the ATC was issued:
 - a. That the owner/operator has provided additional offsets to cover the difference between the amount of offsets originally provided and the amount of offsets required when calculated pursuant to District Rule 1305 as based upon the actual emissions of the facility; and
 - b. That such additional offsets were provided within ninety (90) days of the owner/operator being notified by the APCO that such additional offsets are required.

See SIP Table at: <http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>

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