State of California
AIR RESOURCES BOARD

Resolution 79-80

October 23, 1979

WHEREAS, Section 39602 of the Health and Safety Code designates the Air Resources Board (ARB) as the air pollution control agency for all purposes set forth in federal law and designates the ARB as the state agency responsible for the preparation of the State Implementation Plan (SIP) required by the Clean Air Act;

WHEREAS, the Clean Air Act as amended in 1977 mandates the revision of the SIP for designated nonattainment areas of the state in order to assure that the SIP provides for the attainment and maintenance of the national ambient air quality standards by specified deadlines;

WHEREAS, the South Coast Air Basin was designated as a nonattainment area for ozone, carbon monoxide, nitrogen dioxide, and primary particulate matter pursuant to Section 107(d) of the Clean Air Act;

WHEREAS, the air pollution control districts in California are required by Section 40001 of the Health and Safety Code to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain the state ambient air quality standards and to endeavor to achieve and maintain the national ambient air quality standards;

WHEREAS, Section 40402 of the Health and Safety Code states the legislative finding that rapid abatement of existing emission levels in the South Coast Air Basin is necessary in order to achieve ambient air quality standards;

WHEREAS, Section 40443 of the Health and Safety Code required the South Coast District Board to adopt revised and updated emission limitations for inclusion in the SIP by December 31, 1977;

WHEREAS, Sections 41650-41652 of the Health and Safety Code authorize the Board, pursuant to public hearing, adopt revisions to a nonattainment plan necessary to comply with the requirements of the Clean Air Act;

WHEREAS, Section 42301 of the Health and Safety Code requires that the permit system established by a district for the construction, modification, and operation of sources of air contaminants insures that any article, machine, equipment, or contrivance will not prevent or interfere with the attainment or maintenance of state or national ambient air quality standards;

WHEREAS, Section 40506 requires the South Coast District Board to establish rules for the issuance of permits to construct or operate sources of air contaminants in accordance with specific legislative declarations, including the necessity for the attainment of national ambient standards and for the consistency of construction and operation of new sources with the Basin's air quality goals;

WHEREAS, Health and Safety Code Section 41700 states that no person shall discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public or which cause, or have a natural tendency to cause, injury or damage to business or property;

WHEREAS, Public Resources Code Section 21080.5 and ARB rules and regulations in Title 17 of the California Administrative Code require that no activity will be adopted as proposed if feasible alternatives or regulation measures are available to substantially lessen any adverse environmental impact of the activity;

WHEREAS, Health and Safety Code Section 39002 directs the state board, after public hearings, to undertake control activities in any area wherein it determines that the local or regional authority is not meeting the responsibilities given to it by Division 26 of the Health and Safety Code or by any other provision of law;

WHEREAS, the ARB has been directed by Section 39600 to do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board by Division 26 or by any other provision of law;

WHEREAS, the ARB is required by Sections 41500 and 41507 of the Health and Safety Code to review the rules and regulations and programs of the districts to determine whether the rules and regulations and programs assure that reasonable provision is made to achieve and maintain the national ambient air quality standards;

WHEREAS, the ARB is directed by Section 41504 to establish a program or rules or regulations as it deems necessary to enable the district to achieve and maintain the ambient air quality standards upon finding that the program or rules or regulations of the district will not likely do so;

WHEREAS, the state board held public hearings on April 26 and 27, and May 10, 1979, to consider the approval of the nonattainment area plan developed by the Southern California Association of Governments and the South Coast Air Quality Management District (SCAQMD) as a revision to the State Implementation Plan, and instructed the SCAQMD at that time to submit to ARB for review, rules adopted by the District to implement the plan;

WHEREAS, the state board on April 26 and 27, May 10, and October 22 and 23, 1979, has held public hearings and in compliance with the requirements of Sections 39002, 41502, 41650-41652 of the Health and Safety Code and of the Clean Air Act and EPA regulations, to determine whether the District has adopted rules and regulations which assure that reasonable provisions are made to achieve and maintain state and national ambient air quality standards and whether the District's Rules and Regulations meet the requirements of the Clean Air Act;

WHEREAS, the Board finds:

1. That the state and national ambient air quality standards for photochemical oxidant (ozone) are exceeded in the SCAQMD; and

2. That organic gases have been demonstrated to be a chemical precursor to photochemical oxidant (ozone), and contribute to or are responsible for exceedances of the state oxidant standard and the national standard; and

3. That the SCAQMD does not have in place new source review rules or regulations which adequately require the denial of a permit for construction, modification, or operation of emission sources which would prevent or interfere with the attainment or maintenance of the state and national ambient air quality standards; and

4. That oxides of nitrogen have also been demonstrated to be chemical precursors to photochemical oxidant (ozone) and contribute to or are responsible for exceedance of ambient air quality standards for ozone; and

5. That analysis of current air quality data indicates that increased emissions of oxides of nitrogen in the SCAQMD will lead to aggravation of existing exceedances of the national standard, the state oxidant standards, and the national nitrogen dioxide standard; and

6. That the state and national ambient air quality standards (annual and 24-hour) for total suspended particulate matter and the state visibility standard are exceeded in the SCAQMD; and

7. That sulfur oxides emitted in portions of the Basin as a result of the combustion of sulfur-containing fuels lead to the formation of sulfate aerosols in the atmosphere, contributing to exceedances of both the state ambient air quality standards for sulfates and visibility and the state and national ambient air quality standards for total suspended particulate matter; and

8. That a substantial fraction of the oxides of nitrogen emitted in the Basin is converted to nitrate aerosols in the atmosphere, contributing to exceedances of the state and national ambient air quality standards for total suspended particulate matter and the state visibility standard; and

9. That further increases in emissions of ozone, sulfate, oxides of nitrogen, and total suspended particulate precursors will interfere with progress toward achievement of the national ambient air quality standards for ozone, nitrogen dioxide, and total suspended particulates and of the state air quality standards for oxidant, sulfates and total suspended particulates; and

10. That Regulation XIII of the SCAQMD will not likely achieve and maintain the state's ambient air quality standards and does not meet the requirements of the federal Clean Air Act, as is set forth in detail below.

WHEREAS, the Board makes the following further findings:

Applicability Date

The Board finds that NSR Rules 213, 213.1, and 213.2 do not meet the requirements of the 1977 Amendments to the Clean Air Act, as set forth in ARB Resolution 79-27 adopted May 10, 1979, and do not conform to the provisions of the South Coast Air Basin Nonattainment Plan. Application of those rules to permits received after July 1, 1979, violates the requirements of Sections 110(a)(2)(I), 129, 172, and 173, of the Clean Air Act. The amendment adopted by the Board to Section 1301(c) of Regulation XIII meets the requirements of the Clean Air Act by insuring that an adequate NSR rule applies to all permit applications received after July 1, 1979.

Definition of Air Contaminant

The Board finds that emissions of ethane will adversely affect ambient ozone concentrations, and that emissions of 1,1,1-trichloroethane, methylene chloride and trichlorotrifluoroethane will likely result in depletion of the ozone layer and/or injurious effects to public health, and may be expected to affect adversely plant and insect life. The failure of Regulation XIII to consider such emissions in evaluating new or modified source applications violates the requirements of Section 172(b)(11)(A) of the Clean Air Act. The Amendment adopted by the Board to Section 1302(c) of Regulation XIII meets the requirements of Section 172(b)(11)(A) by requiring analysis of techniques to control emissions of the identified substances, and is a feasible mitigation measure which will substantially lessen the adverse impacts associated with the emissions of such substances.

BACT

The Board finds that the definition of BACT contained in Regulation XIII does not require continuing evaluation and implementation of technologically feasible and cost-effective emissions control techniques. The failure of Regulation XIII to require such measures violates the provisions of Sections 110, 129, 171(3) and 173 of the Clean Air Act. The amendment adopted by the Board to Rule 1302(e) of Regulation XIII meets the requirements of those sections of the Clean Air Act by requiring evaluation and implementation of BACT.

Offshore Emissions

The Board finds that emissions from the offshore portions within California Coastal Waters of new or modified onshore facilities, including cargo carriers, will have a significant adverse impact on air quality within the South Coast Air Basin. Regulation XIII does not meet the requirements of Sections 110 and 173 of the Clean Air Act in that it does not take into account such emissions in determining the total source emissions from a new or modified onshore facility and does not require that the impact of these emissions be assessed or mitigated. The amendments adopted by the Board to Regulation XIII taking into the acount the impacts of such offshore emissions meet the requirements of the Clean Air Act.

Modeling

The Board finds that the SCAQMD does not have the necessary financial and personnel resources to perform adequately complex modeling in connection with applications for new or modified sources, and that without ARB concurrence in the modeling used by SCAQMD, there is no assurance of statewide uniformity. This lack of adequate resources to perform modeling and of statewide uniformity violates the provisions of Sections 110(a)(2)(C) and (F), 129, 172, and 173 of the Clean Air Act. The amendment adopted by the Board to Rule 1302(l) of Regulation XIII meets the requirements of the Clean Air Act by assuring that, through the participation of adequate and expert ARB staff, sufficient resources will be committed to develop and implement state-of-the-art modeling on a uniform statewide basis.

Precursors

The Board finds that known and recognized precursors exist to several criteria pollutants designated by EPA, and that such precursors must be regulated in a nonattainment area to achieve and maintain national ambient air quality standards. The failure of Regulation XIII to specify the relation of such precursors and secondary pollutants may prevent adequate consideration and mitigation of precursor impacts on air quality as required by Clean Air Act Section 172 and the Nonattainment Plan for the South Coast Air Basin. The amendment adopted by the Board to Rule 1302(o) of Regulation XIII meets the requirements of the Clean Air Act by assuring adequate consideration during preconstruction review of new and modified sources of such precursors which could otherwise interfere with attainment and maintenance of national ambient air quality standards by the dates specified in the Act.

Stationary Source Definition

The Board finds that the definition of stationary source set forth in Rule 1302(p) of Regulation XIII does not provide for the aggregation of related air-contaminant-emitting and non-air-contaminant-emitting facilities. This allows a permit applicant to construct numerous pieces of logically connected and related, but remotely located, facilities but does not require the integrated evaluation of emissions from such remotely located yet directly affected facilities. This failure creates a risk of significant emissions increases which would not be mitigated. This definition is therefore not an appropriate definition of a common sense industrial grouping in accord with the definition of major source or modification contained in Sections 111, 172, and 173 of the Clean Air Act as interpreted by the Court of Appeals for the District of Columbia in Alabama Power and Light v. Costle, slip opinion No. 78-1006 (June 18, 1979). The amendment adopted by the Board to Rule 1302(p) of Regulation XIII meets the requirements of the Clean Air Act by requiring a complete, integrated evaluation of emissions from such related sources. Since the provisions of Rule 1307 relating to emission offset requirements are predicated on the narrow stationary source definition adopted by the District, the Board finds that the amendments adopted to the emission offset requirements of Rule 1307 are necessary to make those requirements consistent with the amended stationary source definition, and with the net air quality benefit requirements of Sections 110, 129, 171, 172, and 173 of the Clean Air Act.

Innovative Technology Exemption

The Board finds that allowing the exemption for innovative technology to apply to all air contaminants emitted by the new source or modification, rather than to those air contaminants controlled by the innovative technology, will not ensure net air quality benefits from the new or modified source, and that the potentially large increase in air contaminants from the sources not controlled by the innovative technology may, in fact, have an adverse impact on air quality. This will interfere with the attainment and maintenance of national ambient air quality standards, in violation of the requirements of Sections 110, 129, 172, and 173 of the Clean Air Act. The amendments adopted by the Board to Rule 1304(g) of Regulation XIII meet the requirements of the Clean Air Act in that they insure that adequate emission reductions will be obtained by new or modified source applicants, resulting in a net air quality benefit for those air contaminants not controlled by the innovative technology.

Concurrence

The Board finds that numerous issues addressed under Regulation XIII require a uniform statewide approach and implementation. The failure of Regulation XIII to include any provisions to bring about statewide uniformity violates Sections 110, 129, 172, and 173 of the Clean Air Act. The amendments adopted by the Board to Regulation XIII requiring ARB concurrence in specified District action meet the requirements of the Clean Air Act by providing a means of insuring statewide uniformity.

Calculation of Emissions

The Board finds that if maximum allowable emissions rates are used as a basis of emissions from existing sources for the purpose of calculating emissions offsets, there is a likelihood that in numerous cases new sources will be permitted which will, in fact, increase emissions from actual emission levels existing prior to construction or modification. This will interfere with the attainment and maintenance of national ambient air quality standards, in violation of the requirements of Sections 110, 129, 172, and 173 of the Clean Air Act. The amendments adopted by the Board to Rule 1306(c) of Regulation XIII meet the requirements of the Clean Air Act in that they insure that actual, rather than allowable maximum, emission rates are used and thus bring about a net air quality benefit.

Emission Offsets

The Board finds that permitting emission offsets reductions to 150 lbs/day of affected air contaminants rather than to zero will not insure net air quality benefits from new or modified sources and, because of the large number of sources with emissions above 150 lbs/day, may in fact, have an adverse impact on air quality. The emissions reduction cut-off at 150 lbs/day is inconsistent with the South Coast Air Basin Nonattainment Plan and does not represent a net air quality benefit as required by Sections 110, 129, 171, 172, and 173 of the Clean Air Act. The amendment adopted by the Board to Rule 1307(a) of Regulation XIII insures that adequate emission reductions will be obtained by new or modified source applications, results in a net air quality benefit in all cases, and hence meets the requirements of the Clean Air Act.

Eligibility of Emission Offsets

The Board finds that allowing emission offsets to occur at great distances from the new source or modification, without regard to geographical or meteorological criteria, and without requiring modeling to ensure that the emission offsets will, in fact, mitigate the adverse air quality impacts of the new source or modification, will interfere with the attainment and maintenance of ambient air quality standards. This policy contained in Regulation XIII does not satisfy the net air quality benefit requirements contained in Sections 110, 129, 171, 172, and 173 of the Clean Air Act. The amendment adopted by the Board to Rule 1308(b)(3) of Regulation XIII ensures that if sources of emissions offsets are located at great distances from where the emissions increases occur, those offsets will only be allowed if they will result in a net air quality benefit in the area affected by the new source or modification.

Lack of Standards for Executive Officer Discretion

The Board finds that the vesting of discretion in the District Executive Officer to determine exemptions from the offset requirements of Regulation XIII (Rule 1304(h)) and to calculate emission increases and decreases (Rule 1306(e) as adopted by the SCAQMD October 5, 1979), in the absence of clearly defined standards and criteria governing the exercise of such discretion, renders Regulation XIII difficult to enforce on a consistent basis, and may also result in actual emission increases from new sources. The exercise of such discretion without specified standards violates Sections 110, 129, 172, and 173 of the Clean Air Act. The amendments adopted by the Board to Rules 1304(h) and 1306(e) meet the requirements of the Clean Air Act by removing from Regulation XIII areas of unlimited discretion, which renders the Regulation uncertain and hence unenforceable and which may interfere with attainment of national ambient air quality standards.

Technical Changes

The Board finds that Regulation XIII is in certain particulars unclear and hence difficult to interpret and apply. This violates Sections 110 and 172 of the Clean Air Act. The technical amendments adopted by the Board to Regulation XIII insure that the Regulation is enforceable and hence meets the requirements of the Clean Air Act.

NOW THEREFORE BE IT RESOLVED, that the Air Resources Board amends Regulation XIII of the South Coast Air Quality Management District Rules and Regulations as set forth in Attachment A to this Resolution.

BE IT FURTHER RESOLVED, that the aforesaid rules and regulations as amended shall become effective immediately and shall apply to all permit applications received after July 1, 1979, as to which final action has not been taken as of the date of adoption of this Resolution. Regulation XIII as amended by this Resolution shall have the same force and effect as rules and regulations adopted by the SCAQMD, and shall be enforced by the District in accordance with Section 41504 of the Health and Safety Code.

BE IT FURTHER RESOLVED, that the SCAQMD Regulation XIII as amended by this Resolution may subsequently be amended by the District, provided that no such amendment shall be effective unless and until the Executive Officer of the State Air Resources Board finds that such amendment does not impair the overall effectiveness or stringency of said Regulation, or efforts to attain statewide uniformity. The Executive Officer shall be deemed to have made such a finding unless he notifies the District to the contrary within thirty days of the filing with the Board of such amendments.

BE IT FURTHER RESOLVED, that the Board encourages the District to adopt, subject to the concurrence of the Executive Officer as provided in this Resolution and in Section 1314 of Regulation XIII as amended by this Resolution, any technical amendments it deems necessary and desirable to facilitate application of Regulation XIII.

I certify that the above is a true and correct copy of Resolution 79-80 as adopted by the Air Resources Board.

Sally Rump.

Sally Rump, Board Secretary

As Amended
October 23, 1979

REGULATION XIII
New Source Review

Rule 1300	State Ambient Air Quality Standards
Rule 1301	General
Rule 1302	Definitions
Rule 1303	Applicability and Analysis
Rule 1304	Exemptions from Regulation XIII
Rule 1305	Special Permit Provisions
Rule 1306	Emission Calculations
Rule 1307	Emission Offsets
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REGULATION XIII

Rule 1300. State Ambient Air Quality Standards

For the purpose of this regulation, all references to the national ambient air quality standards shall be interpreted to include state ambient air quality standards.

Rule 1301. General

(a) Purpose
This regulation sets forth the requirements for the preconstruction review of new stationary sources or modifications to existing stationary sources, to ensure that the construction of such stationary sources does not interfere with the attainment of the national ambient air quality standards, without unnecessarily restricting future economic growth within the District.

(b) Applicability to Non-attainment Areas
The requirements of this regulation shall apply to preconstruction review of stationary sources in those areas of non-attainment of the national ambient air quality standards for such non-attainment air contaminants.

(c) Existing Rules
This regulation shall supersede Rules 213, 213.1, 213.2, 213.3, 203.1, and 203.2 except that such rules shall apply to applications for permits to construct and operate submitted prior to ~~the date of adoption of this regulation~~ July 1, 1979.

Rule 1302. Definitions

For the purpose of this regulation the following definitions shall apply:

(a) Affected Air Contaminant means any air contaminant for which the net emission increase from a stationary source of that air contaminant is greater than 68 kilograms (150 pounds) per day, except carbon monoxide for which the value is an increase greater than 340 kilograms (750 pounds) per day.

(b) Affected Source means a new stationary source or modification to an existing stationary source which results in a net increase in the emissions of any air contaminant of more than 68 kilograms (150 pounds) per day except carbon monoxide for which the value is an increase of more than 340 kilograms (750 pounds) per day.

(c) Air Contaminant means any air pollutant ~~or precursor~~ for which there is a national ambient air quality standard, or precursor to such air pollutant, including but not limited to carbon monoxide, sulfur dioxide, nitrogen oxides, particulate matter, lead, and organic gases, but excluding methane~~, ethane, trichlorofluoromethane, dichlorodifluoromethane~~.

Rule 1302 (Cont'd)

(d) Basin means either the South Coast Air Basin or that portion of the Southeast Desert Air Basin within the South Coast Air Quality Management District. The boundaries of each air basin shall be as defined by the California Air Resources Board.

(e) Best Available Control Technology (BACT) means the more stringent of:

(1) The most effective emission control technique which has been achieved in practice, for such permit unit category or class of source; or

(2) The control technique which will result in the most stringent emissions limitation contained in any state implementation plan approved by the Environmental Protection Agency for such permit unit category or class of source unless the owner or operator of the proposed source demonstrates to the satisfaction of the Executive Officer that such control techniques are not available (i.e. that such emissions limitations are not presently achievable). No control technique, the application of which would result in emissions from a new or modified source in excess of the amount allowable under applicable new source performance standards specified in Regulation IX of these Rules and Regulations may be considered Best Available Control Technology; or

(3) Any other emissions control technique found, after public hearing, by the District or the Air Resources Board to be technologically feasible and cost effective for such class or category of sources or for a specific source.

(f) Southern California Coastal Waters means that area between the California coastline and a line starting at 34.5°N, 120.5°W at the Pacific Ocean (Pt. Conception),

thence to 34.5°N	121.0°W
thence to 34.0°N	120.5°W
thence to 33.0°N	119.5°W
thence to 32.5°N	118.5°W

and ending at the California-Mexico border at the Pacific Ocean.

(g) Cogeneration Project means a project which:

(1) makes use of exhaust steam, waste steam, heat, or resultant energy from an industrial, commercial, or manufacturing plant or process for the generation of electricity, or,

(2) makes use of exhaust steam, waste steam, or heat from a thermal power plant, in an industrial, commercial, or manufacturing plant or process.

For the purposes of this definition the "industrial, commercial or manufacturing plant or process" shall not be a thermal power plant or portion thereof. A cogeneration project shall not consist of steam or heat developed solely for electrical power generation. To qualify as a cogeneration project, the processes listed in (1) and (2) above must concurrently recover, for useful purposes, at the first stage of heat transfer, not less than 25 percent of the energy.

(h) Contiguous Properties mean two or more parcels of land in actual physical contact or separated solely by a public roadway or other public right-of-way.

Rule 1302 (Cont'd)

(i) Exempt Permit Unit means a specific article, machine, equipment, or other contrivance which may cause the issuance or control the issuance of air contaminants but which has been exempted from permit requirements by Rule 219.

(j) Intermittent Source means a stationary source which may operate annually, but which emits 80 percent or more of the annual emissions on less than 120 days per year.

(k) Mobile Source means a device by which any person or property may be propelled, moved, or drawn upon a roadway, stationary rails or tracks, waterways, or through the atmosphere, and which emits air contaminants.

(l) Modeling means using an air quality simulation model, for sulfur oxides, oxides of nitrogen, carbon monoxide, and particulate matter based on specified assumptions and data, and which model has been approved in writing by the Executive Officer and the Executive Officer of the Air Resources Board.

(m) Modification means any physical change in, change in method of operation of, or addition to an existing stationary source, requiring an application for permit to construct except that routine maintenance or repair shall not be considered to be a physical change. A change in the method or operation, unless previously limited by an enforceable permit condition, shall not include:
(1) An increase in the production rate, if such increase does not exceed the maximum design capacity of the source.
(2) An increase in the hours of operation.
(3) A change in ownership of a source.

(n) Permit Unit means any article, machine, equipment, or other contrivance, or combination thereof, which may cause the issuance or control the issuance of air contaminants, and which requires a permit pursuant to these Rules and Regulations.

(o) Precursor means a substance that, when released, to the atmosphere, forms or causes to be formed or contributes to the formation of another air contaminant for which a national ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more national ambient air quality standards.

Precursors	Secondary Pollutants
Hydrocarbons and substituted hydrocarbons (reactive organic gases)	a) photochemical oxidant (ozone) b) the organic fraction of suspended particulate matter
Nitrogen oxides (NO_x)	a) nitrogen dioxide (NO_2) b) the nitrate fraction of suspended particulate matter c) photochemical oxidant (ozone)
Sulfur oxides (SO_x)	a) sulfur dioxide (SO_2) b) sulfates (SO_4) c) the sulfate fraction of suspended particulate matter.

Rule 1302 (Cont'd)

(p) Seasonal Source means a stationary source which operates during a period of less than 120 days and only within one five consecutive month period per year.

(q) Stationary Source includes any structure, building, facility, equipment, installation, or operation (or aggregation thereof) which is located on one or more contiguous properties within the District and which is owned, operated, or under shared entitlement to use by the same person.
Items of air-contaminant-emitting equipment shall be considered aggregated into the same stationary source, and items of nonair-contaminant-emitting equipment shall be considered associated with air-contaminant-emitting equipment only if:
a. The operation of each item of equipment is dependent upon, or affects the process of, the others; or
b. The operation of all such items of equipment involves a common raw material or product.
Emissions from all such aggregated items of air-contaminant-emitting equipment and all such associated items of nonair-contaminant-emitting equipment of a stationary source shall be considered emissions of the same stationary source. To the extent required in Rule 1306, the emissions from mobile sources shall be considered as emissions from the stationary source.

Rule 1303. Applicability and Analysis

(a) Applicability
The provisions of this regulation shall apply to new stationary sources or modifications to existing stationary sources and relocation to non-contiguous property of existing stationary sources as provided in subsection (c) which result in a net emission increase from such stationary source of any air contaminant greater than 68 kilograms (150 pounds) per day except carbon monoxide for which the value is an increase of 340 kilograms (750 pounds) per day.

(b) Analysis
The Executive Officer shall deny the permits to construct for permit units subject to this regulation as provided by Rule 1303(a) unless:
(1) The new source or modification complies with all applicable rules and regulations of the District; and
(2) The applicant certifies in writing prior to the issuance of such permit that all stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the State of California are in compliance with all applicable emission limitations and standards under the Clean Air Act (42 USC 7401, et. seq.) and all applicable emission limitations and standards which are part of the state implementation plan approved by the Environmental Protection Agency or on a compliance schedule approved by the appropriate federal, state or district officials.

Rule 1303 (Cont'd)

The requirements of this subsection shall apply to stationary sources with allowable emissions of any air contaminant of 25 tons per year or more; and

(3) The new source or modification will be constructed using BACT for each affected air contaminant. In carrying out this provision, the Executive Officer shall annually publish a guideline of BACT for commonly processed permit unit categories or classes of sources. BACT for other permit unit categories or classes of sources shall be determined on a case by case basis; and

(4) The net increase in emissions for each affected air contaminant has been offset pursuant to Rule 1307; and

(5) The applicant has substantiated with modeling or other analyses approved by the Executive Officer that the new source or modification will not cause a violation or make measurably worse an existing violation of any national ambient air quality standard at the point of maximum ground level impact. However, modeling shall not be required if all offset sources are within a distance of 8 kilometers (5 miles) from the affected permit units; and

(6) The Executive Officer determines that the new source or modification will not result in emissions which interfere with the schedule of reasonable further progress set forth in the state implementation plan for the South Coast Air Quality Management District, approved by the Environmental Protection Agency.

(c) The provisions of this regulation shall apply to existing stationary sources relocated to non-contiguous properties, provided:

(1) The relocation distance is greater than 8 kilometers (five miles) and the emissions of any air contaminant, at the new location, are greater than 68 kilograms (150 pounds) per day except carbon monoxide for which the value is 340 kilograms (750 pounds) per day; or

(2) The relocation distance is less than 8 kilometers (five miles) and there is a net emission increase of any air contaminant greater than 68 kilograms (150 pounds) per day except carbon monoxide for which the value is an increase of 340 kilograms (750 pounds) per day.

Rule 1304. Exemptions from Regulation XIII

Upon approval by the Executive Officer, and provided BACT is employed on the subject permit units, an exemption from this regulation, for one or more air contaminants as appropriate, shall be allowed for the permit unit or source which:

(a) Fuel Conversion
Is exclusively a modification to convert from use of gaseous fuels to liquid fuels because of a demonstrable shortage of gaseous fuels (for the purpose of this subsection, modification shall include the permit units for storing, or transferring such fuel at the facility), provided:

Rule 1304 (Cont'd)

(1) the applicant demonstrates that best efforts have been made to obtain the required emission offsets, and the applicant certifies that the required offsets will be sought until construction of the modification begins, and that all required offsets available shall be used; and
(2) the applicant agrees to conditions on the operating permit requiring conversion to gaseous or other equivalent low-polluting fuels should they become available; or

(b) Portable Equipment
Is portable and used for not more than one 90 consecutive day period in any twelve consecutive month period within the District; or

(c) Essential Public Services
Will be used exclusively for providing essential public services; including but not limited to schools, hospitals, or police and fire fighting facilities; but specifically excluding sources of electrical power generation other than for emergency standby use at essential public service facilities; or

(d) Air Pollution Control Equipment
Is air pollution control equipment used solely to reduce the issuance of air contaminants from an existing stationary source, provided the applicant establishes with modeling that the affected source will not cause a new violation or make measurably worse an existing violation of any national ambient air quality standard at the point of maximum ground level impact; or

(e) Resource Conservation and Energy Projects
Is a cogeneration project, a project using refuse-derived or biomass-derived fuels for useful energy generation, a resource recovery project using municipal wastes, or other energy-related project but excluding such other energy-related projects at power plants or refineries, provided:
(1) the applicant establishes by modeling that the affected source will not cause a new violation or make measurably worse an existing violation of any national ambient air quality standard at the point of maximum ground level impact; and
(2) the applicant demonstrates that best efforts have been made to obtain the required emission offsets, and that the applicant certifies that required offsets will be sought until construction of the affected source begins, and that all required offsets available shall be used; and
(3) the Executive Officer determines that the project will not interfere with the schedule of reasonable further progress set forth in the state implementation plan for the South Coast Air Quality Management District, approved by the Environmental Protection Agency; or

(f) Relocations
Is a relocation of an existing stationary source within a distance of 8 kilometers (five miles) and the net increase in emissions of any air contaminant is less than 68 kilograms (150 pounds) per day, except carbon monoxide for which the value is a net increase of 340 kilograms (750 pounds) per day.

Rule 1304 (Cont'd)

(g) Innovative Technology
Is innovative equipment or a process which:
(1) the applicant demonstrates will likely result in a significantly lower emission rate from the affected source than would have occurred with the use of previously recognized BACT; and
(2) can be expected to serve as a model for emission reduction technology; and
(3) the applicant establishes by modeling that the affected source will not cause the violation of, or make measurably worse an existing violation of any national ambient air quality standard at the point of maximum ground level impact. This exemption shall apply only to air contaminants which are reduced by the innovative equipment or process. Written concurrence shall be obtained from the Air Resources Board prior to granting this exemption.

(h) Exemptions for projects which the Executive Officer determines will result in significant basinwide benefits to air quality may be allowed provided the concurrence of the Air Resources Board is obtained.

Rule 1305. Special Permit Provisions

(a) Modifications to Equipment Under Existing Permits
Any person operating permit units who plans to make modifications to those permit units for the purpose of effecting emission reductions required by Rule 1307, shall submit applications for new permits to construct or operate for both the basic and control equipment involved in such reductions, regardless of whether modifications or additions are to be made to the basic or control equipment, or both.

(b) Surrender of Permits
Existing permits to operate pertaining to the basic and control equipment as specified above shall be surrendered and cancelled at the time such new permits to operate are issued. Permits to operate for equipment taken out of service to effect an emission reduction under Rule 1307 shall be surrendered at the time the affected permit unit or source is issued a permit to operate.

(c) Evaluation
In evaluating the applications submitted pursuant to this rule the Executive Officer shall:
(1) Determine completeness of the application and inform the applicant of such pursuant to Rules 210 and 1310(a); and
(2) Evaluate only those portions of the applicant's operations which pertain to the reduction to be made under the provisions of this regulation. No other review or analysis shall be made for the purpose of issuing new permits pursuant to this rule; and

Rule 1305 (Cont'd)

(3) Consider emission reductions only if before the applications are determined to be complete, rules or regulations have not been adopted which would require the same emission reductions from the same equipment type as those proposed by the applicant.

Rule 1306. Emission Calculations

Deleted.

Rule 1306. Emission Calculations

This rule shall be used as the basis to calculate whether Regulation XIII applies because of the daily emission increases delineated under Rule 1303. This rule shall also be used as the basis to calculate annual emission increases which are to be used for offset calculations under Rule 1307 and for emission banking under Rule 1309.

(a) Accumulation of Emissions

(1) Mobile and stationary source emission increases and decreases for each air contaminant, including the emission increases or decreases directly associated with the affected permit units or source, shall be summed either (A) within the last five years prior to the date of submittal of applications for permits to construct or (B) from October 8, 1976. Whichever time period of (A) or (B) is less will be the basis for accumulating emission increases or decreases. In those cases where (B) is the appropriate time period for determination, emission increases of any air contaminants occurring from October 8, 1976, to date of adoption shall be forgiven up to a maximum amount of 45 kilograms (100 pounds) per day.

(2) Such sum of accumulated emissions, after proper calculations, shall be the basis for the threshold determination of Rule 1303, for the offset requirements of Rule 1307, and for emission banking of Rule 1309.

(3) Emission increases or decreases occurring during the period described in subsection (a)(1) are those associated with a new or modified permit to operate or a permit to construct issued during the same period, excluding any emissions reductions required to comply with federal, state, or district laws, rules or regulations.

(b) If in calculating emission increases and decreases, it is determined that violations of District, state or federal laws, rules, regulations, permit conditions, or orders occurred during the period used to determine the operating conditions, adjustments to the operating conditions shall be made to determine the emissions the existing source would have caused without such violations. The provisions of this subsection shall not apply to ambient air quality standards.

Rule 1306 (Cont'd)

(c) Emission Increases for Stationary Sources

(1) Emission increases from new permit units in a stationary source shall be calculated using the maximum rated capacity, the maximum proposed daily hours of operation, and the actual materials to be processed.

(2) Emission increases from modified permit units in a stationary source shall be calculated using the maximum rated capacity, the maximum proposed daily hours of operation, and the actual materials to be processed after modification. The emissions before modification shall be based on the actual average emissions during the highest three years occurring in the five year period prior to the date of submittal of the application for permits to construct the modification.

(3) To the extent that conditional permits restrict the operation of the permit units, such restricted operations shall be used as the basis for calculations.

(4) Emission reductions appropriate to the air pollution reduction equipment or process shall be used in the calculations of subsections (1), (2) and (3).

(d) Emission Increases for Mobile Sources

(1) For mobile sources, the daily emission increases for each air contaminant used in the accumulation of emission increases under subsection (a) and for the threshold determination of Rule 1303 shall be calculated based on usage established by records or other data approved by the Executive Officer.

(2) Mobile source emission increases to be accumulated are:

(A) Motor vehicle emissions while loading and unloading cargo.

(B) Diesel locomotive emissions while loading and unloading cargo.

(C) Ship emissions while loading and unloading cargo and while hoteling.

(D) In-plant vehicles.

(E) All cargo carriers (excluding motor vehicles) while operating within the Basin, including marine cargo vessels while operating within the Southern California Coastal Waters which load or unload at the source.

(e) Emission Reductions for Stationary Sources

(1) For stationary source permit units the daily emission reductions for each air contaminant used in the accumulation of emission reductions under subsection (a) and for the threshold determination of Rule 1303 shall be calculated using the actual emissions. For modifications to permit units or for permit units or stationary sources taken out of service, the emissions before modification or before being taken out of service shall be calculated using the sum of the actual emissions during the highest three years of the previous five year period, divided by the total number of actual operating days in those three years.

Rule 1306 (Cont'd)

(2) To the extent that conditional permits restrict the operation of the permit units, such restricted operations shall be used as the basis for calculations.

(3) Emission reductions appropriate to the air pollution reduction equipment or process, if any, shall be used in the calculations of subsections (1) and (2).

(f) Emission Reductions for Mobile Sources

(1) For mobile sources, the daily emission reductions for each air contaminant used in the accumulation of emission reductions under subsection (a) and for the threshold determination of Rule 1303 shall be calculated based on usage established by records or other data approved by the Executive Officer.

(2) Mobile source emission reductions which shall be accumulated are:

(A) Reduced motor vehicle emissions while loading and unloading cargo.

(B) Reduced ship emissions while loading and unloading cargo and while hoteling.

(C) Reduced in-plant vehicles emissions.

(D) Reduced diesel locomotive emissions while loading and unloading cargo.

(E) Reduced cargo carrier emissions (excluding motor vehicle emissions) while operating within the Basin, including marine cargo vessels while operating within the Southern California Coastal Waters, which load or unload at the source.

(g) Emissions to be Offset

(1) For the purpose of determining required emission offsets pursuant to Rule 1307, the procedures and requirements of subsections (a), (b), (c), (d), (e), and (f) of this rule shall be used and the resultant affected air contaminant rate shall be converted to annual emissions using actual annual operating schedules. Emission decreases to provide such emission offsets shall be based on the emission calculations of subsections (h) and (i).

(h) Stationary Source Emission Decreases for Offsets and Banking

(1) Emission decreases from existing stationary source permit units or exempt permit units used for calculating offsets or banking shall be calculated using the actual operating conditions and actual operating schedule of each permit unit.

(2) Such emission decreases shall be based on actual average annual emissions. The actual annual average shall be calculated by dividing the total actual emissions emitted during the highest three years of the previous five year period by three.

(3) To the extent that conditional permits restrict the operation of the permit units, such restricted operations shall be used as the basis for calculations.

Rule 1306 (Cont'd)

(4) Emission reductions appropriate to the air pollution reduction equipment or process, if any, shall be used in the calculations of subsections (1) and (2).

(i) Other Emission Decreases for Offsets and Banking

(1) Emission decreases from other sources to be calculated for offset or banking purposes shall be on the basis listed in subsections (i)(2) and (i)(3).

(2) If the decreases are from mobile sources, the calculation shall be based upon:

(A) For light duty motor vehicles, the make and model year of the vehicles and 11,000 miles per year driven for each vehicle; or

(B) For other mobile sources, the annual usage established by use records or other data approved by the Executive Officer; or

(C) Notwithstanding Rule 1307 the offset factor for mobile source emission reductions shall be 2.0.

(3) If the decreases are from other sources, the calculations shall be on the basis approved by the Executive Officer.

Rule 1307. Emission Offsets

(a) Offset Calculation

Affected sources shall offset all emission increases of all affected air contaminants greater than 68 kilograms (150 pounds) per day, except carbon monoxide for which the value is an increase greater than 340 kilograms (750 pounds) per day, as determined pursuant to Rule 1306 times the offset factor determined as follows:

(1) For increased emissions due to replacement of permit units pursuant to Rule 1306(c)(1)(A) provided such replacement occurs in the same stationary source: Offset factor = 1.0

(2) For increased emissions due to modifications to existing permit units provided compensating emission reductions occur at permit units located in the same stationary source and within 8 kilometers (5 miles) of the existing permit units: Offset factor = 1.1

(3) For increased emissions due to new permit units provided compensating emission reductions occur at permit units located in the same stationary source and within 8 kilometers (5 miles) of the new permit units: Offset factor = 1.2

(4) For increased emissions with compensating emission reductions not in the same stationary source in all other circumstances: Offset factor = 1.2 + b(x)

where: x = the distance in kilometers between the affected source permit unit and the offset source permit unit

b = 0; when x is less than 8 kilometers (5 miles)

Rule 1307 (Cont'd)

b = 0.01; when x is equal to or greater than 8 kilometers (5 miles)

(b) Seasonal Sources
In addition to the requirements of section (a) above, seasonal emissions used for offset shall generally occur during the same five consecutive month period as the new source or modification operates. Seasonal offset sources shall not offset any other affected source other than a seasonal source.

(c) Intermittent Sources
In addition to the requirements of section (a) above, for affected intermittent sources and intermittent offset sources the emission increases and reductions shall be shown on annual emission profiles. Separate profiles for the affected and offset source shall be constructed by plotting on the same graph the absolute value of the source emissions and offset reductions in order of descending magnitude. The abscissa shall show the number of days in the year and the ordinate shall show the source emissions and offset reductions. Separate profiles shall be constructed for each affected air contaminant. The offset profile shall at no point fall below the profile of the affected intermittent source. Intermittent offset sources shall not offset any affected source other than an intermittent source.

(d) Interbasin Offsets
Interbasin offsets shall be allowed where the Executive Officer finds them to be the best offsets available to reduce air contaminants in the South Coast Air Quality Management District, and finds them adequate to result in a net air quality benefit in the area impacted by the affected source, provided the written concurrence of the Air Resources Board is obtained.

Rule 1308. Eligibility of Emission Offsets

(a) Source Eligibility
All offset sources and offset emissions shall be subject to the approval of the Executive Officer. In determining the eligibility of emission offsets within a Basin pursuant to this regulation, the Executive Officer shall consider reductions of the same air contaminant as the result of:

(1) For stationary sources the additional control of air contaminants from or removal from service of:

(A) Existing permit units, provided that in accordance with Rule 1305, new applications for permits to construct and operate are submitted for modified permit units or are surrendered for permit units taken out of service; or

(B) Existing exempt permit units, excluding equipment used in conjunction with any structure designed and used exclusively as a dwelling and excluding mobile

Rule 1308 (Cont'd)

sources. If modified or controlled in order to be used as an offset source, such equipment shall lose its exempt status and such permit unit will be subject to the requirements of Rule 203; or

(2) For mobile source emission reductions, provided the applicant demonstrates sufficient control over the mobile sources to assure the claimed reductions are realized, and provided the emission reductions are the result of:
   (A) substitution and usage of high occupancy vehicles for low occupancy vehicles; or
   (B) installation of additional emission control devices; or
   (C) any other means, upon prior written approval of the Executive Officer; or

(3) For emission reductions which result from energy conservation projects; or

(4) For emission reductions by any other means, upon prior written approval of the Executive Officer.

(b) Offset Eligibility Requirements
The Executive Officer shall disallow an emission offset unless:
(1) the Executive Officer determines the offset is enforceable; and
(2) the affected source applicant demonstrates the degree of emission reduction; and
(3) in cases where the offset permit units are located more than 24 kilometers (15 miles) from the affected source permit units, the applicant demonstrates, through modeling, to the satisfaction of the Executive Officer that the offsets will result in a net air quality benefit in the area impacted by the affected source.

(c) Changes in Operating Hours
For the purpose of this rule, reductions in emissions due to changes in the hours of operation shall not qualify as an offset.

(d) Interpollutant Offsets
For the purpose of offsetting increased particulate emissions the Executive Officer may allow offsets of reactive hydrocarbons, SO_2 or NO_x, provided the applicant demonstrates to the satisfaction of the Executive Officer that required particulate emission offsets are not available. ~~For the purposes of this regulation, reductions in the emissions of ten kilograms of reactive hydrocarbons, four kilograms of sulfur oxides or two kilograms of oxides of nitrogen shall be considered equivalent to a reduction of one kilogram of particulate matter.~~
The rate of emission reductions between hydrocarbons, SO_2 or NO_x and particulate matter shall be determined by the Executive Officer based on existing air quality data and subject to the approval of the Air Resources Board.

(e) Emission reductions of 1,1,1-trichloroethane, methylene chloride, or trichlorotrifluoroethane shall not qualify as offsets for increases in emissions of reactive hydrocarbons.

Rule 1309. Banking

Reserved

Rule 1310. Analysis, Notice, and Reporting

(a) Completeness of Application
The Executive Officer shall determine whether the application is complete not later than 30 calendar days after receipt of the application, or after such longer time as both the applicant and the Executive Officer may agree. Such determination shall be transmitted in writing immediately to the applicant at the address indicated on the application. 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. Upon receipt by the Executive Officer of any resubmittal of the application, a new 30-day period in which the Executive Officer must determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the guideline for such, published by the Executive Officer. After acceptance of an application as complete, the Executive Officer shall not subsequently request of an applicant any new or additional information which was not specified in the Executive Officer's list of items to be included within such applications. However, the Executive Officer may, during the processing of the application, request 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. Making any such request does not waive, extend, or delay the time limits in this rule for decision on the completed application, except as the applicant and Executive Officer may both agree.

(b) Requirements for Public Notice
For those sources subject to this regulation or exempt pursuant to Rule 1304(a), (c), (d), (e), or (g) following acceptance of an application as complete, the Executive Officer shall:

(1) Perform the evaluations required to determine compliance with this regulation and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved, or exempt. The decision shall be supported by a succinct written analysis; and

(2) Within 10 calendar days following such decision, 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 and where the public may inspect the information required to be made available under subsection (b)(3). The notice shall provide 30 days from the date of publication for the public to submit written comments on the preliminary decision; and

Rule 1310 (Cont'd)

(3) At the time notice of the preliminary decision is published, make available for public inspection at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny the permit to construct, including any proposed permit conditions, and the reasons therefor. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code; and

(4) No later than the date of publication of the notice required by subsection (b)(2), forward the analysis, the preliminary decision, and copies of the notice to the Air Resources Board (attn: Chief, Stationary Source Control Division) and the Regional Office of the U.S. Environmental Protection Agency; and

(c) Comments
Consider all written comments submitted during the 30-day public comment period; and

(d) Final Action
Within 180 days after acceptance of the application as complete, take final action on the application after considering all written comments. The Executive Officer shall provide written notice of the final action to the applicant, the Environmental Protection Agency, and the California Air Resources Board, shall publish such notice in a newspaper of general circulation, and shall make the notice and all supporting documents available for public inspection at the District office.

Rule 1311. Power Plants

This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission (Commission).

(a) Intent to Participate and Preliminary Report
Within fourteen days of receipt of an NOI, the Executive Officer shall notify the California Air Resources Board and the Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Executive Officer shall prepare and submit a report to the California Air Resources Board and the Commission prior to the conclusion of the nonadjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:

(1) a preliminary specific definition or description of BACT for the proposed facility; and

(2) a preliminary discussion of whether there is substantial likelihood that the requirements of this regulation and all other District regulations can be satisfied by the proposed facility; and

(3) a preliminary list of conditions which the proposed facility must meet in order to comply with this regulation or any other applicable District regulation.

Rule 1311 (Cont'd)

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

(b) Determination of Compliance Review
Upon receipt of an AFC for a power plant, the Executive Officer shall conduct a Determination of Compliance review. This Determination shall consist of a review identical to that which would be performed if an application for a permit to construct had been received for the power plant. If the information contained in the AFC does not meet the requirements which would otherwise comprise a complete permit to construct application pursuant to these Regulations, the Executive Officer shall, within 20 calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal.

(c) Application for Permit to Construct
The Executive Officer shall consider the AFC to be equivalent to an application for a permit to construct during the Determination of Compliance review, and shall apply all provisions of these Regulations which apply to applications for a permit to construct.

(d) Additional Information
The Executive Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Executive Officer is unable to obtain the information, the Executive Officer may petition the presiding Commissioner for an order directing the applicant to supply such information.

(e) Preliminary Decision
Within 180 days of accepting an AFC as complete, the Executive Officer shall make a preliminary decision on:
(1) whether the proposed power plant meets the requirements of this regulation and all other applicable District rules and regulations; and
(2) in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.

(f) Preliminary Decision Public Notice Requirements
The preliminary written decision made under subsection (e) shall be treated as a preliminary decision under Rule 1310(b)(1) and shall be finalized by the Executive Officer only after being subject to the public notice and comment requirements of Rule 1310.

(g) Determination of Compliance
Within 240 days of the filing date, the Executive Officer shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall so inform the Commission. A Determination of Compliance shall confer the same rights and privileges as a permit to construct only when and if the Commission approves the AFC, and the Commission certificate includes all conditions of the Determination of Compliance.

Rule 1312. Alternative Siting

Reserved

Rule 1313. Permits to Operate

(a) Analysis
The Executive Officer shall analyze the effects on air quality of sources subject to this regulation as determined in Rule 1303(a) and shall deny the permit to operate unless:
(1) the owner or operator of the source has submitted a completed application for permit to construct. Such application is deemed complete upon receipt by the applicant of the notice from the Executive Officer pursuant to Rule 1310; and
(2) it is determined that the new source or modification, and any sources which provide offsets have been taken out of service or constructed and operated in a manner consistent with the condition of the permit to construct; and
(3) it is determined that any offsets required as a condition of the permit to construct will commence at the time of or prior to initial operations of the new source or modification. For a new source or modification which will be a replacement, in whole or part, for an existing source on the same or contiguous property, a maximum of 90 days may be allowed as a start up period for simultaneous operation of the subject sources; and
(4) it is determined that all conditions specified in the permit to construct have been or will be complied with by any dates specified in such permits.

(b) Permit Conditions
The Executive Officer shall require as a condition for the issuance of any permit to operate for a new or modified source, that the source and any offset source be operated consistent with any conditions imposed on their respective permits to construct.

(c) Change of Ownership
The Executive Officer shall exempt from the provisions of this rule any stationary source which is a continuing operation, without modification or change in operating conditions, when a permit to operate is required solely because of permit renewal or change in ownership.

(d) No Permit to Construct Issued
For new or modified permit units or sources which are constructed without the required permit to construct, the permit to operate application shall, for the purposes of this regulation, be considered a permit to construct application. The Executive Officer shall deny the permit to operate unless the new source or modification complies with all rules in this regulation whether the rules pertain to a permit to construct or permit to operate.

Rule 1314. Requirements for Amending Regulation XIII

On and after October 23, 1979, this Regulation may be amended by the SCAQMD, provided that no such amendment shall be effective unless and until the Executive Officer of the State Air Resources Board finds that such amendment does not impair the overall effectiveness or stringency of said Regulation, or efforts to attain statewide uniformity. The Executive Officer shall be deemed to have made such a finding unless he notifies the District to the contrary within thirty days of the filing with the Board of such amendments.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Amendments to the Rules and Regulations of the South Coast Air Quality Management District

Public Hearing Date: October 22, 1979

Issuing Authority: Air Resources Board

Comment: Ethane, 1,1,1 trichloroethane, methylene chloride, and trichlorotrifluoroethane are omitted from the definition of air contaminant contained in Rule 1302(c) of Regulation XIII. These substances may have an adverse environmental impact in that ethane will adversely effect ambient ozone concentrations, and that emissions of 1,1,1 trichloroethane, methylene chloride, and trichlorotrifluoroethane will likely result in depletion of the ozone layer and/or injurious effects to public health, and may be expected to affect adversely plant and insect life.

Response: The Board proposes to mitigate the identified adverse environmental effects by including emissions of such substances in the definition of air contaminants contained in Regulation XIII.

CERTIFIED: Sally Rump
Board Secretary, Air Resources Board

Date: October 23, 1979