RULE 207 NEW AND MODIFIED STATIONARY SOURCE REVIEW
(Adopted prior to 3/17/80; Revised 9/7/93; 9/14/99; 10/22/2013)

A. General

A.1 Purpose:

A.1.a This Rule establishes preconstruction review requirements for new and modified Stationary Sources to ensure that the operation of such Sources do not interfere with the attainment or maintenance of Ambient Air Quality Standards (AAQS).

A.1.b This Rule shall provide for no net increase in emissions, pursuant to Health and Safety Code (H&SC) Section 40918, from new or modified Stationary Sources which emit or have the Potential to Emit 137 pounds per day or more of any Nonattainment Pollutant or their Precursors.

A.2 Applicability:

A.2.a This Rule shall apply to all new Stationary Sources and all Modifications to existing Stationary Sources which are subject to District permit requirements, and after Construction, emit or have the Potential to Emit one or more Affected Pollutants.

A.2.b Applications received by the District shall be subject to the requirements of this Rule in effect at the time such application is deemed complete, except when a more stringent new federal requirement not yet incorporated into this Rule shall apply to the new or modified Stationary Source.

A.2.c PUBLIC NOTIFICATION AND PUBLIC INSPECTION REQUIREMENTS: All applications for any new or modified Stationary Source or Emissions Unit shall be processed following the provisions of Rule 206, Processing of Applications, and shall be finalized by the Air Pollution Control Officer (APCO) only after being subject to the public notice and comment requirement of Rule 206.

A.2.d If any Source or Modification becomes a Major Stationary Source or Major Modification, as defined in this Rule, solely by virtue of a relaxation in any federally enforceable limitation which was established after August 7, 1980, on a capacity of the Source or Modification to emit a federal Nonattainment Pollutant or its Precursor such as a restriction on hours of operation, then the requirements of this Rule shall apply to such a Source or Modification as though construction had not yet commenced on the

Source or Modification.

B. Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in 40 Code of Federal Regulations (CFR) 51.165, as of July 1, 2012, shall apply.

ACTUAL EMISSIONS: measured or calculated emissions which most accurately represent the emissions from an Emissions Unit. Determination of Actual Emissions must be based on average actual production rates, fuel consumption and/or throughput rates from the last consecutive 24 months. Emission factors shall be established by Source testing or obtained from AP-42 or other approved sources.

ACTUAL EMISSIONS REDUCTIONS (AER): reductions of Actual Emissions from an Emissions Unit, calculated pursuant to Section E.2, which are Real, Quantifiable, Surplus, Permanent and Enforceable.

ACTUAL INTERRUPTIONS OF POWER: the interruption of electrical service by an unforeseeable event.

AFFECTED POLLUTANTS: pollutants for which an Ambient Air Quality Standard (AAQS) have been established by the United States Environmental Protection Agency (US EPA) or the California Air Resources Board (CARB) and the Precursors to such pollutants, and those pollutants regulated by the US EPA under the Clean Air Act (CAA) or by the CARB under the H&SC, except for greenhouse gases and hazardous air pollutants, including but not limited to: Volatile Organic Compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers (PM_{10}), Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers ($PM_{2.5}$), carbon monoxide (CO), lead, fluorides, sulfuric acid mist, hydrogen sulfide, and total reduced sulfur compounds. The term *Affected Pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, and which have not been delisted pursuant to Section 112(b)(3) of the CAA, unless the listed hazardous air pollutant is also regulated as a constituent or Precursor of a general pollutant listed under Section 108 of the CAA.

AGRICULTURAL SOURCE: means a Source of air pollution or a group of Sources used in the production of crops, or the raising of fowl or animals located on Contiguous Property under common ownership or control that meets any of the following criteria;

1. is a Confined Animal Facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor,

or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

2. is an Internal Combustion Engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the H&SC, except an engine that is used to propel implements of husbandry.

3. is a Title V Source or is a Source that is otherwise subject to regulation by the District or the CAA.

AIR POLLUTION CONTROL OFFICER (APCO): the person appointed by the Air Pollution Control Board and assigned to manage and direct the business and operations of the District, or their designee.

AMBIENT AIR QUALITY STANDARDS (AAQS): for the purposes of this Rule, Ambient Air Quality Standards (AAQS) shall be interpreted to include State and National AAQS. For the purposes of submittal of this Rule to the US EPA for inclusion in the California State Implementation Plan (SIP) all references in this Rule to AAQS shall be interpreted as National AAQS.

AUTHORITY TO CONSTRUCT: a written permit issued by the District for the Construction, installation, assembly, Modification, or replacement of any facility, article, machine, Equipment, or other contrivance.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT): for any Emissions Unit the more stringent of:

1. the most effective emission Control Device, emission limit, or technique which has been achieved in practice for such class or category of Source.

2. any other alternative emission Control Device, emission control technique, basic Equipment, fuel, or process determined to be technologically feasible and cost-effective by the APCO. Cost-effectiveness analyses shall be performed in accordance with methodology and criteria specified in the Best Available Control Technology Guideline for the South Coast Air Quality Management District, or an alternative methodology and criteria acceptable to the APCO.

3. under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of law or

regulation of the District, State and federal government, or the most stringent emissions limitation which is contained in the implementation plan of any State, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not technologically achievable. In no event shall the application of BACT result in the emissions of any pollutant which exceeds the emissions allowed by any applicable New Source Performance Standard (40 CFR, part 60) or National Emission Standard for Hazardous Air Pollutants (40 CFR, part 61 or part 63).

CARGO CARRIERS: Cargo Carriers are trains dedicated to a specific Stationary Source. For purposes of this Rule, the term "trains dedicated to a specific Stationary Source" shall not include any train for which the prime mover is owned and operated by a common carrier, and by which cargo is delivered to or from the Stationary Source under a contract of common carriage. The emissions from all trains dedicated to a specific Stationary Source, while operating in the District, including directly emitted and Fugitive Emissions, shall be considered as emissions from the Stationary Source.

CLASS I AREA**:** any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore.

CLEAN AIR ACT (CAA): the Federal Clean Air Act (42 United States Code Section 7401 et seq.) and implementing regulations.

CODE OF FEDERAL REGULATIONS (CFR): the United States document codifying federal regulations.

COMPLETE APPLICATION: completeness of an application for an Authority to Construct a new or modified Emissions Unit shall be evaluated on the basis of a list of required information which has been adopted by the District.

CONSTRUCTION: any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or Modification of an Emissions Unit) which would result in a change in emissions.

CONTIGUOUS PROPERTY: two or more Parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

CONTROL DEVICE: any device for reducing emissions into the Atmosphere.

CONTROL EQUIPMENT: air pollution Control Equipment that eliminates, reduces or controls the issuance of air emissions.

DAILY EMISSIONS LIMIT: one or a combination of permit conditions, specific to an Emissions Unit, which restricts its maximum daily emissions, in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limit must be:

1. contained in and Enforceable by the latest Authority to Construct or the latest Permit to Operate for the Emissions Unit, and

2. Enforceable on a daily basis, and

3. established pursuant to a permitting action occurring after September 7, 1993.

DISTRICT: the Imperial County Air Pollution Control District (ICAPCD).

EMISSION REDUCTION CREDITS (ERC's): reductions of Actual Emissions from an Emissions Unit that are registered with the District in accordance with the requirements of Rule 214.

EMISSION INCREASE: means any increase in a Stationary Source or an Emissions Unit's Potential to Emit, calculated pursuant to Section E.3 of this Rule.

EMISSIONS UNIT: an identifiable operation or piece of process Equipment, such as an article, machine, or other contrivance, which emits, has the Potential to Emit, or results in the emissions of any air pollutant directly or as Fugitive Emissions.

ENFORCEABLE: means certain actions which are assured by verifiable and legally binding conditions in an Authority to Construct and/or Permit to Operate.

EQUIPMENT: includes any article, machine, or contrivance that emits, has the Potential to Emit, or reduces emissions of any air pollutant emitted directly or as Fugitive Emissions.

ERC: see Emission Reduction Credits.

FEDERAL LAND MANAGER**:** the Secretary of the Department with authority over the specified federal lands.

FLUORIDES: elemental fluorine and all fluoride compounds.

FUGITIVE EMISSIONS: those emissions which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HALOGENATED HYDROCARBONS: all Halogenated Hydrocarbons listed as exempt under the definition of Volatile Organic Compounds.

HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

HISTORIC ACTUAL EMISSIONS: Actual Emissions from an existing Emissions Unit averaged over a 24 month period immediately preceding the date of application. The APCO may approve another 24 month period within the last 60 months, if the APCO determines that the other period is more representative of normal operations. Where an Emissions Unit has been in operation for less than 24 months a shorter averaging period of at least 12 months may be used providing it represents the full operational history of the Emission Unit. The Historic Actual Emissions from Emission Units which have been in operation for less than 12 months shall be equal to zero. Historic Actual Emissions are to be calculated in pounds per quarter for each calendar quarter. Historic Actual Emissions in quarters 2 or 3 may be lowered by transferring these emissions to quarters 1 or 4, provided that the resulting emissions in quarters 1 or 4 are no higher than the higher of quarters 2 or 3.

IDENTICAL REPLACEMENT UNIT: a replacement Emissions Unit which is the same as the original unit in all respects except for the serial number.

MAJOR MODIFICATION: a Modification to a Major Stationary Source which results in a Significant Emission Increase and a Significant Net Emission Increase of the pollutant for which the Stationary Source is classified as a Major Stationary Source.

MAJOR STATIONARY SOURCE: means a Stationary Source which emits, or has the Potential to Emit 100 tons per year (tpy) or more of Volatile Organic Compounds or Oxides of Nitrogen, or 70 tpy or more of PM_{10}, or a PM_{10} Precursor or 100 tpy or more of $PM_{2.5}$ or a $PM_{2.5}$ Precursor. In addition, any physical change occurring at a Stationary Source which is not already a Major Stationary Source, and which Modification would constitute a Major Stationary Source by itself, makes the Source a Major Stationary Source.

MODIFICATION: any physical change, change in method of operation of, or addition to, an existing Emissions Unit, or any change in hours of operation or production rate which would necessitate a change in permit conditions.

Unless previously limited by a permit condition, the following shall not be considered a Modification:

1. change in ownership of an existing Stationary Source with valid Permit(s) to Operate.

2. routine maintenance or repair.

3. an Identical Replacement Unit, if the Modification does not result in a Major Modification.

A Modification of an Emissions Unit also occurs when there is an increase in emissions from such a unit caused by a Modification of the Stationary Source and the Emissions Unit is not subject to a Daily Emissions Limit.

A Modification to a Stationary Source shall include any Modification of its permitted Emissions Unit(s) or the addition of any new Emissions Unit(s).

A Reconstructed Stationary Source shall be treated as a new Stationary Source and not as a Modification.

NONATTAINMENT AREA: an area designated by a State or federal agency as exceeding a State or National Ambient Air Quality Standard.

NONATTAINMENT POLLUTANT: any pollutant or Precursor which has been designated "nonattainment" by the US EPA as codified in 40 CFR Section 81.305 or that has been designated “nonattainment” by the CARB pursuant to H&SC Section 39607.

OFFSET: the use of an emission decrease to compensate for an Emission Increase from a new or modified Stationary Source subject to the requirements of Rule 207.

PARTICULATE MATTER: any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. Dust shall also be considered as Particulate Matter.

PARTICULATE MATTER (PM_{10}): Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PARTICULATE MATTER ($PM_{2.5}$): Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PERMANENT: the actual emission reductions that continue or endure for the duration of any Project utilizing the resulting ERC’s as Offsets.

PERMIT TO OPERATE: the written permit issued by the District for the operation of any facility, article, machine, Equipment, Emission Unit or other contrivance.

PERSON: any person, firm, association, organization, partnership, business

trust, corporation, company, limited liability company, contractor, supplier, installer, user or owner, or any federal, State or local government agency, public district, or any officer or employee thereof.

$PM_{2.5}$ NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

POTENTIAL EMISSIONS: the sum of the maximum emissions from all Emissions Units at a Stationary Source, based on the maximum design capacity, unless otherwise limited by practically and legally Enforceable conditions contained in the Authority to Construct and/or Permit to Operate, expressed in terms of pounds per quarter. (Pounds per quarter for PM_{10}, $PM_{2.5}$ and sulfur oxides shall be determined by multiplying the Daily Emission Limit, in pounds per day, by the permitted operating days per quarter.)

POTENTIAL TO EMIT: the maximum capacity of an Emissions Unit to emit an Affected Pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the Emissions Unit to emit a pollutant, including air pollution Control Equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as a practically and legally Enforceable permit condition.

PRECURSOR: a directly emitted Affected Pollutant that, when released into the Atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a State or National AAQS has been adopted, or whose presence in the Atmosphere will contribute to the violation of one or more State or National AAQS. The following Precursor secondary pollutant relationships shall be used for the purposes of this Rule:

PRECURSORS	SECONDARY POLLUTANTS
Hydrocarbons and substituted hydrocarbons (Volatile Organic Compounds).	a) Photochemical Oxidant (Ozone) b) The organic fraction of PM_{10} c) Organic fraction of $PM_{2.5}$, if Volatile Organic Compounds are determined to be a necessary part of the $PM_{2.5}$ control strategy in the attainment demonstration approved by the US EPA in the

	SIP
Nitrogen Oxides (NOx)	a) Nitrogen Dioxide (NO_2) b) The nitrate fraction of PM_{10} c) Photochemical Oxidant (Ozone) d) The nitrate fraction of $PM_{2.5}$
Sulfur Oxides (SOx)	a) Sulfur Dioxide (SO_2) b) Sulfates (SO_4) c) The sulfate fraction of PM_{10} d) The sulfate fraction of $PM_{2.5}$
Ammonia	a) Organic fraction of Nitrate, if ammonia is determined to be a necessary part of the $PM_{2.5}$ control strategy in the attainment demonstration approved by the US EPA in the SIP

PROJECT: activity, for which a permit is required, or that has the Potential to Emit Air Contaminants. A Project includes all of the Emission Units associated with the scope of the preconstruction application for a new or modified Stationary Source and any Emissions Unit(s) indirectly affected.

PROPOSED EMISSIONS: the Potential to Emit for a new or post Modification Emissions Unit.

QUANTIFIABLE: means a reliable, replicable and accurate basis for calculating the amount, rate, nature and characteristic of an emission reduction by adhering to a quantification protocol that can be established considering US EPA, CARB and District policies and procedures.

QUARTERLY: the calendar quarter beginning on January 1, April 1, July 1, and October 1.

REAL: a "real" emission reduction means that actual air emissions are reduced and that they are actually occurring and not artificially devised.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): is the most stringent of the following control options:

1. the most effective emission limits in existing regulations that are currently in effect in any District whose nonattainment status is designated as moderate, with such limits resulting from the application of retrofit technologies judged by the APCO to be demonstrated and reliable.

2. emission limits identified in existing Suggested Control Measures (SCM's), model rules, the US EPA's Control Techniques Guidelines (CTG's) or other such documents.

3. emission limits in new (post 1988) SCM's and the technical review group of the California Air Pollution Control Officers Association approved Reasonably Availability Control Technology/Best Available Retrofit Control Technology (RACT/BARCT) determinations, which are not identified as BACT and are less stringent than BACT.

4. the lowest emission limit that can be achieved by the specific Source by the application of control technology taking into account environmental impacts, technological feasibility, cost-effectiveness, and the specific design features or extent of necessary Modifications to the Source. Emission limits for existing specific Sources may be found in the field studies and evaluations of District regulations conducted by the US EPA and the CARB.

5. the lowest emission limit achieved for the Source category that is technically feasible, economically reasonable and achieved in practice anywhere (including outside the United States), with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.

6. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

RECONSTRUCTED STATIONARY SOURCE: any Stationary Source undergoing physical Modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new Stationary Source. Fixed capital cost means that capital needed to provide all the depreciable components.

RULE: a Rule of the Air Pollution Control District of Imperial County.

SHUTDOWN: means an action necessary to cease operation of an Emissions Unit and includes the amount of time needed to safely do so. For the purposes of calculating ERC's, means the Permanent cessation of emissions from an emitting unit and the surrender of the operating permit.

SIGNIFICANT: in reference to an Emission Increase or the potential of a Source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

1. $PM_{2.5}$: 10 tpy of direct $PM_{2.5}$ or 40 tpy of sulfur dioxide emissions or 40 tpy

of nitrogen oxide emissions.

2. Nitrogen oxides: 40 tpy;

3. Sulfur dioxide: 40 tpy;

4. VOC's: 40 tpy; and

5. PM_{10}: 15 tpy.

SIGNIFICANT EMISSION INCREASE: an increase in emissions that is Significant for that pollutant.

SIGNIFICANT NET EMISSION INCREASE: an increase in net emissions that is Significant for that pollutant. The "net emission increase" shall be determined as defined in 40 CFR 51.165.

SOURCE: a specific device, article, or piece of Equipment from which Air Contaminants are emitted, or the distinct place (such as with fires or other chemical activity) from which Air Contaminants are emitted. A Project or facility may have more than one Source and the term may be used to describe a group of "Sources."

STATIONARY SOURCE: any building, structure, facility, Equipment, or Emissions Unit which emits or may emit any Affected Pollutant directly or as a Fugitive Emission. Building, structure, or facility includes all pollutant emitting activities, including Emission Units, which:

1. are located on one or more contiguous or adjacent properties, and

2. are under the same or common ownership or operation, or which are owned or operated by entities which are under common control, and

3. belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common production process, industrial process, manufacturing process, or connected process involving a common raw material.

SURPLUS: the amount of emission reductions that are, at the time of generation of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. For the purposes of Sections C.2.c and C.2.d, "Surplus" means the amount of emission reductions that are, at the time of use of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. However, emission reductions

required by a State statute that provides that the subject emission reductions shall be considered Surplus may be considered Surplus for purposes of this Rule if those reductions meet all other requirements of this section. Examples of federal, State, and local laws and of SIP-related requirements include, but are not limited to, the following:

1. the federally-approved California SIP;

2. other adopted State air quality laws, and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally-required and publicly-available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;

3. any other Source or Source-category specific regulatory or permitting requirement, including, but not limited to, RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and the Lowest Achievable Emission Rates (LAER); and

4. any regulation or supporting documentation that is required by the CAA but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an Enforceable near-term emissions reduction commitment; assumptions used in conformity demonstrations, and assumptions used in emissions inventories.

5. emission reductions produced by monies from any public air quality related funding program including but not limited to the Carl Moyer Memorial Air Quality Standards Attainment Program and the vehicle registration surcharge fee.

TOTAL REDUCED SULFUR COMPOUNDS: the sulfur compounds methyl mercaptan, dimethyl sulfide, dimethyl disulfide, carbon disulfide, and carbonyl sulfide.

TRANSFER: in reference to ERC’s, means the conveyance of an ERC from one entity to another.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA): the Administrator or appropriate delegate of the "United States Environmental Protection Agency."

VOLATILE ORGANIC COMPOUND (VOC): any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

1. Methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
trifluoromethane (HFC-23);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes;
the following classes of perfluorocarbons:

   (A) cyclic, branched, or linear, completely fluorinated alkanes;
   (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
   (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
   (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and

2. the following low-Reactive Organic Compounds which have been exempted by the US EPA:
acetone;
ethane;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene;
methyl acetate;
propylene carbonate and
dimethyl carbonate

3. Perfluorocarbon and Methylated Siloxane compounds shall be assumed to

be absent from any product or process unless the manufacturer or operator indicates which specific, individual compounds from these broad classes are present, indicated the amount(s) present, and demonstrates the availability of a test method approved by the US EPA, the CARB, and the District for verifying the amount(s) present quantitatively.

4. Tertiary-Butyl Acetate (also known as t-butyl acetate, TBAC or TBAc) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements, but will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements with apply to VOCs.

C. Standards

C.1 Best Available Control Technology (BACT)

C.1.a An applicant shall apply (BACT) on a pollutant by pollutant basis to any new Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For $PM_{2.5}$ this provision applies only to Emissions Units located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.1.b An applicant shall apply (BACT) on a pollutant by pollutant basis to any modified Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For $PM_{2.5}$ this provision applies only to Emissions Units located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.1.c An applicant shall apply BACT to any new or modified Emissions Unit with a Potential to Emit equal to or greater than the following:

POLLUTANT	LBS/DAY
Carbon monoxide (CO attainment areas only).....	550
Lead…….....	3.3
Fluorides.....	16
Sulfuric Acid Mist.....	38
Hydrogen Sulfide.....	55
Total Reduced Sulfur Compounds.....	55

BACT shall be applied for each pollutant(s) for which a threshold is exceeded. For the purpose of submittal of Rule 207 to the US EPA for inclusion in the California SIP, this Subsection shall not be included.

C.1.d For projects to be constructed in phases, the BACT determination for Equipment to be added or modified in each phase shall be

reevaluated no more than 18 months prior to the commencement of construction of that phase of the project. If it is determined that current BACT will result in lower emissions than previously determined, then current BACT shall be applied. Equipment which was installed during prior phases and which will not be modified during the current phase shall not be subject to the redetermination of the BACT.

C.1.e Cargo Carriers shall not be required to implement BACT.

C.1.f BACT shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit used solely for the purpose of compliance with District, State, or federal air pollution control laws, regulations, or orders, as approved by the APCO, provided there is no increase in the permitted production rate, operating schedule, or maximum Equipment rating; and the new or modified Emissions Unit does not result in a new Major Stationary Source or Major Modification. This exemption applies only to the primary pollutant for which compliance with District, State, or federal air pollution control laws, regulations, or orders is required. The APCO shall require the use of RACT for control of consequent pollutants that are the direct result of the use of an abatement device or emission reduction techniques implemented to comply with the BACT requirements for control of another pollutant.

C.1.g BACT shall not be required for any Modification of an existing Emissions Unit used for voluntary emission reductions for the sole purpose of generating ERC's. This exemption applies only to the pollutant for which ERC's are obtained.

C.1.h For emergency standby Equipment which meets the requirements of Section C.2.g, only those emissions which occur during routine operation of the Equipment for maintenance purposes shall be considered for the purpose of determining if the application of BACT is required for the emergency standby Equipment.

C.2 Offset Requirements General: Offsets are Actual Emission Reductions (AER's), calculated pursuant to Section E of this Rule, sufficient to Offset Emission Increases from a new or modified Emissions Unit. A new or modified Emissions Unit subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter as specified in Subsection C.3. The quantity of emissions to be offset shall be based on an initial estimate of proposed Emission Increases for the Project. The APCO shall require the use of acceptable methods to accurately estimate the emissions from the proposed Project, and shall require acceptable methods to measure those emissions once the Source is operating.

C.2.a Offsets shall be required for any new or modified Stationary Source with a daily Potential to Emit, calculated pursuant to Subsection E.3, equal to or exceeding the following:

POLLUTANT	LBS/DAY
Volatile Organic Compounds	137
Nitrogen Oxides	137
Sulfur Oxides	137
PM_{10}	137
Carbon Monoxide (See Section C.2.h.).....	137

For the purpose of submittal of Rule 207 to the US EPA for inclusion in the California SIP, Subsection C.2.a shall not be included.

C.2.b A new Stationary Source or Modification of an existing Stationary Source which, on or after September 7, 1993, will result in a Potential to Emit for the Stationary Source of 137 pounds per day or more of nitrogen oxides, Volatile Organic Compounds, carbon monoxide, sulfur oxides, or PM_{10}, shall Offset all Emission Increases, including Cargo Carrier and Fugitive Emissions, which cause the Stationary Source Potential to Emit to exceed 137 pounds per day of nitrogen oxides, Volatile Organic Compounds, carbon monoxide, sulfur oxides, or PM_{10}. For the purpose of submittal of Rule 207 to the US EPA for inclusion in the California SIP, Subsection C.2.b shall not be included.

C.2.c Major Stationary Source Requirement to Provide Offsets: A Stationary Source whose Project emissions will result in a new Major Stationary Source determination shall Offset all Emission Increases from the Project for each Nonattainment Pollutant that constitutes a Major Stationary Source. For $PM_{2.5}$, this provision applies only to Stationary Sources located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.2.d Major Modification to a Major Stationary Source Requirement to Provide Offsets: A Modification of an existing Major Stationary Source whose Project emissions will result in a Major Modification shall Offset all Emission Increases that constitutes a Major Modification. For $PM_{2.5}$, this provision applies only to Stationary Sources located in the $PM_{2.5}$ Nonattainment Area of Imperial County.

C.2.e The PM_{10} emissions from an existing Stationary Source shall be calculated using applicable PM_{10} emission factors.

C.2.f In no case shall Halogenated Hydrocarbons be used as Offsets for Volatile Organic Compounds.

C.2.g The APCO may exempt an applicant from the requirements of Sections C.2 and C.3 of this Rule for Equipment to be used exclusively as emergency standby Equipment for non-utility electrical power generation and not used in conjunction with any utility voluntary demand reduction program, provided:

C.2.g.1 Operation for maintenance purposes is limited to 100 hours per year, and such maintenance shall be scheduled in cooperation with the District so as to have no adverse air quality impact, and to maintain Reasonable Further Progress, and operation of diesel engines may be further limited by the CARB's Airborne Toxic Control Measure for Stationary Compression Engines pursuant to H&SC Section 93115.6(a), and

C.2.g.2 Operation for other than maintenance purposes shall be limited to Actual Interruptions of Power by the serving utility. Appropriate record keeping shall be required to verify and maintain this exemption.

C.2.h Offsets for carbon monoxide emissions from Sources located in carbon monoxide attainment areas shall not be required if the applicant demonstrates to the satisfaction of the APCO, pursuant to Section F of this Rule, that the carbon monoxide Emission Increases will not cause or contribute to a violation of AAQS.

C.2.i Upon approval by the APCO, an exemption from Sections C.2.a and C.2.b, shall be allowed, provided BACT is utilized, for the following subject permit units:

C.2.i.1 Abrasive Blasting Equipment, which has been registered under the Statewide Portable Equipment Registration Program (PERP).

C.2.i.2 Air Pollution Control Devices: Emission Increases, which do not result in a new Major Stationary Source or Major Modification, from an Emissions Unit that results from the installation, operation or other implementation of any emission Control Device or technique used to comply with a District, State, or federal emission control requirement, including, but not limited to, requirements for the use of RACT or Best Available Retrofit Control Technology

(BARCT), unless there is a Modification that results in an increase in the capacity of the unit being controlled.

C.2.i.3 Emergencies: Emergencies which comply with the provisions of the Hearing Board Procedures for which Offsets are not required under those procedures.

C.2.j Except for Major Stationary Sources or Major Modifications, Agricultural Sources required to obtain a District permit shall be exempted from obtaining emission Offsets for any pollutant emitted from a particular Source, if the emissions from that Source would not meet the criteria necessary for creating Real, Permanent, Quantifiable, and Enforceable emission reductions.

C.3 Location of Offsets and Offset Ratios:

C.3.a A new or modified Stationary Source subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter equal to the Emission Increase for each calendar quarter, calculated in accordance with Section E of this Rule, and multiplied by using the appropriate Offset ratio listed in the following table:

LOCATION	Offset RATIO
Within the same Source	1 to 1
Within 50 miles of the Source	1.2 to 1
More than 50 miles from the Source, and within air basin	No greater than 3 to 1 or less than 1.2 to 1, as necessary to assure the Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS

C.3.b The APCO may impose, based on the air quality analysis, a higher Offset ratio such that the new or modified Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS.

C.3.c Offsets shall be obtained from emission Sources located within the same Nonattainment Area within the District as the proposed Source or an emission Source that is located in the same air basin and in a Nonattainment Area with equal or worse nonattainment status.

C.4 Offset Requirements:

C.4.a Offsets which are obtained to meet the requirements of Sections C.2 and C.3 from an air district other than that in which the proposed Source is located, but within the same air basin, may be used only if the APCO has reviewed the permit conditions issued by the air pollution control district in which the proposed Offsets are obtained and certifies that such Offsets meet the requirements of H&SC Section 40709.6 and this Rule and will not be used as mitigation for any other new or modified Emissions Unit(s). Intra-District Offsets used to meet Major Stationary Source Offset requirements shall be approved by the US EPA.

C.4.b Interpollutant Offsets, including interpollutant trades between PM_{10} and PM_{10} Precursors, may be approved by the APCO on a case-by-case basis, provided that the trade is technically justified and that the applicant demonstrates to the satisfaction of the APCO that the emissions from the new or modified Source will not cause or contribute to a violation of an AAQS. The APCO shall, based on an air quality impact analysis, impose Offset ratios equal to or greater than those required in Section C.3 of this Rule. PM_{10} emission reductions shall not be allowed to Offset nitrogen oxide or Volatile Organic Compound Emission Increases in ozone Nonattainment Areas. PM_{10} emission reductions shall not be allowed to Offset sulfur oxide Emission Increases in sulfate Nonattainment Areas. Interpollutant Offsets between $PM_{2.5}$ and $PM_{2.5}$ Precursors are only allowed at specific ratios as approved into the SIP by the US EPA. Interpollutant Offsets used to meet federal Nonattainment Area Offset requirements shall be approved by the US EPA.

C.4.c Offsets for new or modified Stationary Sources shall occur during the same annual time period as the Stationary Source will operate.

C.4.d Source Shutdowns or permanent curtailments in production or operating hours occurring before an application for an ERC is filed per Rule 214 may not be used as Offsets.

C.5 Additional Source Requirements:

C.5.a Alternative Siting: The applicant shall prepare an analysis functionally equivalent to the requirements of Division 13, Section 21000 et. seq. of the Public Resources Code for Sources for which an analysis of alternative sites, sizes, and production processes is required under Section 173 of the CAA.

C.5.b Ambient Air Quality Standards:

C.5.b.1 Emissions from a new or modified Emissions Unit shall not cause or make worse a violation of an AAQS.

C.5.b.2 Section F of this Rule shall be used to estimate the effects of a new or modified Emissions Unit. In making this determination the APCO shall take into account the increases in minor and secondary emissions as well as the mitigation of emissions through Offsets obtained pursuant to this Rule.

C.5.b.3 A new or modified Emissions Unit may be exempt from the provisions of Subsection C.5.b.2 provided that the new or modified Stationary Source is not subject to the public noticing requirements of Rule 206, Processing of Applications.

C.5.c Compliance By Other Owned, Operated, Or Controlled Sources: The Owner or Operator of a proposed new or modified Emissions Unit shall demonstrate to the satisfaction of the APCO that all Stationary Sources owned or operated by such Person (or by any entity controlling, controlled by, or under common control of such Person) in California which are subject to emission limitations, are in compliance or on a schedule for compliance with all applicable emission limitations and standards.

C.5.d Except for Major Stationary Sources or Major Modifications, Projects which burn municipal waste, landfill gas or digester gas shall also be reviewed consistent with H&SC Section 42314.1 and 42315.

C.5.e Issuance of an Authority to Construct shall not relieve any Owner or Operator of the responsibility to comply fully with any applicable provision of the District portion of the California SIP and any other requirements under District, State or federal law.

D. Administrative Requirements

The following administrative requirements, in addition to other requirements specified in all applicable District Rules and regulations, shall apply to all applications for a new or modified Emissions Unit, except for the review of power plants 50 megawatts and greater. Power plants 50 megawatts and greater shall be subject to the administrative requirements of Section D.4.

D.1 Authority To Construct - General Conditions:

D.1.a An Authority to Construct shall not be issued unless the new or

modified Emissions Unit complies with the provisions of this Rule and all applicable District Rules and regulations.

D.1.b An Authority to Construct shall require a new or modified Emissions Unit be built in accordance with specifications and plans contained in the application and approved by the APCO.

D.1.c An Authority to Construct shall contain all conditions deemed necessary by the APCO to assure Construction and operation of an Emissions Unit in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations.

D.1.d An Authority to Construct shall include all conditions deemed necessary by the APCO to assure compliance with the Offset requirements of this Rule.

D.1.e An Authority to Construct permit shall include Daily Emission Limits which reflect applicable emission standards.

D.1.f The APCO shall consult with the Federal Land Manager on a proposed Major Stationary Source or Major Modification that may impact visibility in any Class I Area.

An Authority to Construct permit shall address the potential to impact air quality (including visibility) of any Class 1 federal area.

D.1.g Prior to approving an Authority to Construct for a new or modified Source which emits hazardous air emissions and which is located within 1,000 feet from the outer boundary of a school site, the APCO shall implement the provisions of H&SC Section 42301.6 through 42301.9. For the purpose of submittal of Rule 207 to the US EPA for inclusion into the California SIP, Subsection D.1.g shall not be included.

D.2 Permit to Operate - General Conditions:

D.2.a A Permit to Operate shall require that a new or modified Emissions Unit be operated in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations and as conditioned in the Authority to Construct.

D.2.b A Permit to Operate shall include Daily Emission Limits which reflect applicable emission standards.

D.2.c Prior to the issuance of a Permit to Operate the APCO shall make a determination that the Source complies with the conditions established in the Authority to Construct.

D.3 Offset Conditions:

D.3.a For any Stationary Source which provides emission Offsets, the Source's Permit to Operate shall be subject to Enforceable permit conditions containing specific operational and Daily Emissions Limits, which ensure that the emission reductions are provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed Source which required Offsets.

D.3.b Where the Source of Offsets is not subject to a permit, a written contract shall be required between the applicant for the Source requiring Offsets and the Owner or Operator of the Offset Source, which contract, by its terms, shall be subject to the approval of, and Enforceable by the APCO. The Offset permits and contracts shall be submitted to the CARB for review and comment. A violation of the emission limitation provisions of any such contract shall invalidate the contract and the applicant for the Source using the Offsets shall be required to provide new Offsets. For the purpose of submittal of Rule 207 to the US EPA for inclusion into the California SIP, Subsection D.3.b shall not be included.

D.3.c Offsets required as a condition of an Authority to Construct or a Permit to Operate shall be Enforceable requirements at the time of Authority to Construct issuance and shall be in effect no later than the date of initial operation of the new or modified Emissions Unit. Where a new or modified Emissions Unit requires a shake-down period, and is a replacement for an existing Emissions Unit, the APCO may allow a maximum of 90 days as a start-up period for simultaneous operation of the existing Emissions Unit and the replacement Emissions Unit.

D.3.d For Major Stationary Sources and Major Modifications which are constructed in phases, the Authority to Construct shall clearly identify each phase of the p Project, the Emissions Unit(s) to be added at each phase, and the permitted emissions associated with those Emissions Units. The initial Authority to Construct for the Project shall identify sufficient Offsets for all Project phases in order to confirm Project feasibility. The Offsets for each phase shall (1) be implemented prior to the initiation of construction of that phase, (2) shall remain in effect for the life of the Equipment installed in that phase, (3) shall meet the Rules and regulations in effect at the

time of initiation of construction for that phase, and (4) shall be reevaluated for consistency with local, State and federal requirements by the District not more than 18 months prior to the initiation of construction for that phase. The Permit to Operate for each phase of the p Project shall be issued separately, after the District finds that the above requirements, in addition to any other applicable requirements of these Rules and regulations, have been met.

D.4 Power Plants: This section shall apply to all power plants proposed to be constructed within Imperial County and for which a Notice of Intent (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

D.4.a Within 14 days of receipt of a NOI, the APCO shall notify the CARB and the California Energy Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to the CARB and the California Energy Commission prior to the conclusion of the nonadjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:

D.4.a.1 A specific preliminary determination of BACT for the proposed facility;

D.4.a.2 A preliminary discussion of whether there is substantial likelihood that the requirements of this Rule and all other District Rules and regulations can be satisfied by the proposed facility; and

D.4.a.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable District Rules or regulations.

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

D.4.b Upon receipt of an application for certification for a power plant, the APCO 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 an Authority to Construct had been received for the power plant. If the information contained in the application for the certification does not meet the requirements of this Rule, the APCO shall, within 20 calendar days of receipt of

the application for certification, so inform the California Energy Commission, and the application for certification shall be considered incomplete and returned to the applicant for re-submittal.

D.4.c The APCO shall consider the application for certification to be equivalent to an application for an Authority to Construct during the determination of compliance review, and shall apply all provisions of this Rule which apply to applications for an Authority to Construct.

D.4.d The APCO may request from the applicant any information necessary for the completion of the determination of compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.

D.4.e Within 180 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall make a preliminary decision on:

D.4.e.1 whether the proposed power plant meets the requirements of this Rule and all other applicable District regulations; and

D.4.e.2 in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.

D.4.e.3 The preliminary written decision under Subsection D.4.e shall be treated as a preliminary decision under Rule 206, Processing of Applications, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Rule 206. The APCO shall not issue a preliminary determination of compliance unless all requirements of this Rule are met.

D.4.f Within 240 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall issue and submit to the California Energy Commission a preliminary determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an Authority to Construct only when and if the California Energy Commission approves the application for

certification, and the California Energy Commission certificate includes all conditions of the final determination of compliance.

D.4.g Any applicant receiving a certificate from the California Energy Commission pursuant to this section and demonstrates compliance with all conditions related to air pollution of the certificate shall be issued a Permit to Operate by the APCO.

E. Calculations

E.1 Calculation Of Offsets Required: Calendar quarter calculations used for determining Offsets required shall be determined as follows:

E.1.a the daily Emission Increase multiplied by the number of permitted days in each calendar quarter; or

E.1.b the Potential to Emit on a Quarterly basis, provided that in addition to Daily Emissions Limits, the Authority to Construct and Permit to Operate contain Enforceable conditions which limit emissions from the Emissions Unit for each calendar quarter

E.2 Calculation Of Actual Emissions Reductions (AER's) To Be Used As Offsets: AER's resulting from Modifications to existing Emissions Units shall be calculated based on emission reductions from the Historic Actual Emissions for that Emissions Unit. Only positive values so calculated may qualify as AER's. Prior to use as Offsets, all AER's must qualify for deposit into the District's Emissions Reduction Credit Bank, except for AERs used to Offset Emission Increases within the same source. AER calculations shall be adjusted based on the provisions of E.2.d.

E.2.a AER's from the Shutdown of an Emissions Unit shall be calculated as follows:

AER's = Historic Actual Emissions

E.2.b When the Modification consists solely of an application for new Control Equipment or implementation of a more efficient process, the AER's shall be calculated as follows:

AER's = Historic Actual Emissions minus post-Modification Potential to Emit

E.2.c AER's from other Modifications shall be calculated as follows:

AER's = Historic Actual Emissions minus the post Modification Potential to Emit.

E.2.d AER's shall meet the following criteria:

E.2.d.1 Shall be Real, Enforceable, Quantifiable, Surplus, and Permanent.

E.2.d.2 Shall be in excess of any emissions reduction which is (1) required or encumbered by any applicable laws, Rules, regulations, agreements, orders, or (2) attributed to a control measure noticed in the District for workshop, or (3) contained in an adopted District Plan, SIP or California Clean Air Act Attainment Plan applicable to the District.

E.2.d.3 Emission reductions attributed to a proposed control measure, may be re-eligible as an AER if for control measures not identified in a District Air Quality Plan or SIP, no Rule has been adopted within two years from the date of the latest public workshop notice.

E.2.d.4 Emission reductions achieved before the base year used in an attainment plan demonstration for that pollutant must be included in the inventory as growth to be eligible for use.

E.3 Calculation of Stationary Source Potential to Emit: The Potential to Emit for a Stationary Source shall be equal to the sum of Potentials to Emit for Permits to Operate (or Authority to Construct for Emissions Units for which a Permit to Operate has not been issued) for each Emissions Unit within a Stationary Source.

F. Air Quality Impact Analysis

F.1 In no case shall emissions from a new or modified Emissions Unit, cause or make worse the violation of an AAQS. The APCO may require an applicant to use an air quality model to estimate the effects of a new or modified Emissions Unit. For the purpose of performing an air quality impact analysis the following shall apply:

F.1.a Air quality models shall be consistent with the requirements contained in the most recent edition of EPA's "Guidelines on Air Quality Models, 40 CFR 51 Appendix W", unless the APCO finds that such model is inappropriate for use. After making such a finding the APCO may designate an alternate model only after allowing for public comment and only with the concurrence of the CARB and the US EPA. All Modeling costs associated with the siting of a new or modified Emissions Unit shall be borne by the applicant.

F.1.b In performing an air quality impact analysis, if the proposed stack height is higher than is dictated by good engineering practices, the actual height used for the purposes of Modeling shall be calculated in accordance with good engineering practices, as specified in 40 CFR 51.100(ii).