

RULE 2410 PREVENTION OF SIGNIFICANT DETERIORATION (Adopted June 16, 2011, effective upon federal EPA approval)

1.0 Purpose

The prevention of significant deterioration (PSD) program is a construction permitting program for new major stationary sources and major modifications to existing major stationary sources located in areas classified as attainment or in areas that are unclassifiable for any criteria air pollutant. The intent of this Rule is to incorporate the federal PSD rule requirements into the District's Rules and Regulations by incorporating the federal requirements by reference.

2.0 Applicability

The provisions of this rule shall apply to any source and the owner or operator of any source subject to any requirement under Title 40 Code of Federal Regulations (40 CFR) Part 52.21 as incorporated into this rule. This rule shall become effective upon the effective date of the federal Environmental Protection Agency's (EPA's) final and full approval of Rule 2410. The District expects the effective date to occur 30 days after EPA publishes their final approval in the federal register.

3.0 Incorporation by Reference

Except as provided below, the provisions of 40 CFR Part 52.21, in effect on June 16, 2011, are incorporated herein by reference and made part of the Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District.

3.1 The following subsections of 40 CFR Part 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (i)(1)(i-v) and (ix-x), (i)(6-8), (p)(6-8), (q), (s), (t), (u), (w), (x), (y), (z) and (cc).

3.2 The following definitions found in 40 CFR Part 52.21(b) are revised as follows:

3.2.1 The definition of "potential to emit" contained in 40 CFR, Part 52.21(b)(4), is revised so that the phrase "is federally enforceable" shall read "is federally enforceable or enforceable as a practical matter."

3.2.2 The definition of "allowable emissions" contained in 40 CFR, Part 52.21(b)(16), is revised so that:

3.2.2.1 The phrase "unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both" shall read, "unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both."

3.2.2.2 Paragraph (iii) shall read as follows: “The emissions rate specified as an enforceable permit condition, including those with a future compliance date.”

3.3 The following terms found in 40 CFR Part 52.21(b) are revised as follows:

3.3.1 The term “administrator” means:

3.3.1.1 “Federal administrator” in 40 CFR 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (l)(2) and (p)(2); and

3.3.1.2 “Air Pollution Control Officer (APCO)” elsewhere, as defined in District Rule 1020.

3.4 The phrase “procedures developed in accordance with paragraph (q) of this section.” in 40 CFR 52.21(l)(1) shall read as follows, “the public notice and comment provisions of District Rule 2201, Section 5.5.1 through 5.5.6, and Sections 5.9.1.1 through 5.9.1.5.”

3.5 The phrase “paragraph (q) of this section,” in 40 CFR 52.21(p)(1) shall read as follows, “District Rule 2201, Section 5.5.1 through 5.5.6, and Sections 5.9.1.1 through 5.9.1.5.”

4.0 Requirements

4.1 An owner or operator must obtain a PSD permit pursuant to this Rule before beginning actual construction of a new major stationary source, a major modification, or a plantwide applicability limitation (PAL) major modification, as defined in 40 CFR 52.21(b).

4.2 Notwithstanding the provisions of any other District Rule or Regulation, the APCO shall require compliance with this rule prior to issuing a federal PSD permit as required by Clean Air Act (CAA) Section 165.

4.3 Except as specified in Section 4.3.1, the PSD requirements of this rule shall be incorporated into and made enforceable through authority to construct permits and permits to operate according to the permitting requirements of Regulation II of the District’s Rules and Regulations.

4.3.1 For power plants which will be licensed by the California Energy Commission, the PSD requirements of this rule shall be incorporated into and made enforceable through Determinations of Compliance and Permits to Operate according to the requirements of Rule 2201, Section 5.8, and the permitting requirements of Regulation II of the District’s Rules and Regulations.

4.4 The applicant shall pay the applicable fees specified in Regulation III of the District's Rules and Regulations.

5.0 Public Participation

Prior to issuing a federal PSD permit pursuant to this rule, the APCO shall comply with the public notice requirements of District Rule 2201, Sections 5.5.1 through 5.5.6, and Sections 5.9.1.1 through 5.9.1.5.

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