

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 26.13 - NEW SOURCE REVIEW - PREVENTION OF SIGNIFICANT
DETERIORATION (PSD) (Adopted 6/28/11)**

A. Purpose

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities that emit either criteria or greenhouse gas pollutants located in areas classified for an air pollutant as either attainment or unclassifiable. Rules 10 through 32 contain application requirements and processing requirements for permit actions. The intent of this Rule is to incorporate by reference federal PSD rule requirements into these Rules and Regulations.

B. 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 of the Code of Federal Regulations (40 CFR) Part 52.21 as incorporated into this rule.

C. Incorporation by Reference

Except as provided below, the provisions of 40 CFR Part 52.21, in effect August 2, 2010, are incorporated herein by reference and made part of these Rules and Regulations.

1. The following subsections of 40 CFR Part 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (i)(1)(i-v, ix, x), (i)(6-8), (p)(6-8), (q), (s), (t), (u), (v), (w), (x), (y), (z) and (cc).
2. The following definitions found in 40 CFR Part 52.21(b) are revised as follows:
 - a. In the definition of “potential to emit” contained in 40 CFR Part 52.21(b)(4), the phrase “is federally enforceable” shall read “is federally enforceable or enforceable as a practical matter.”
 - b. In the definition of “allowable emissions” contained in 40 CFR Part 52.21(b)(16):
 - 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.”
 - 2) Paragraph (iii) shall read as follows: “The emissions rate specified as an enforceable permit condition, including those with a future compliance date.”

3. The following terms found in 40 CFR Part 52.21(b) are revised as follows:
 - a. The term “administrator” means:
 - 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); or
 - 2) “Air Pollution Control Officer” elsewhere, as defined in Rule 2.
 - b. The phrase “paragraph (q) of this section” in 40 CFR 52.21(p)(1) shall read as follows: the public notice and comment provisions of Rule 26.7, New Source Review - Notification.

D. Requirements:

1. An owner or operator must obtain a prevention of significant deterioration (PSD) permit pursuant to this Rule before beginning actual construction of a new major stationary source, a major modification, or a Plantwide Applicability Limit (PAL) major modification, as defined in 40 CFR 52.21(b).
2. Notwithstanding the provisions of any other Rule or Regulation, the Air Pollution Control Officer shall require compliance with this rule prior to issuing a federal Prevention of Significant Deterioration permit as required by Clean Air Act (CAA) Section 165.
3. The applicant shall pay the applicable fees specified in Rule 42.

E. Public Participation:

1. Prior to issuing a federal PSD permit pursuant to this rule, the Air Pollution Control Officer shall comply with the public notice requirements of Rule 26.7, New Source Review - Notification.