

## NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

### **RULE 220 - NEW SOURCE REVIEW STANDARDS**

#### **(a) Emission Analysis**

In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Control Officer to make the approval determinations required by the provisions of Rule 230.

*For the purposes of emission considerations:*

1. Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit any air contaminant subject to regulation under the Clean Air Act Amendments.
2. Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increases or reductions that may occur as a result of the modifications and both Authority to Construct and Permit to Operate conditions, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations. (52.21(b)(2&3))
3. Emissions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Control Officer that it would be more representative of normal source operation (52.21(b)(3&21))

#### **(b) New Source Review Procedure**

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 490 or 492; or for any new or modified stationary source which the Control Officer estimates will result in a significant net increase in emissions of any air contaminant regulated under the Clean Air Act Amendments, the Control Officer shall: (Significant levels are defined in Rule 130(s2))

1. Determine best available control technology (BACT) for each air contaminant for which the significance level is exceeded and so inform the applicant. (52.21(b)(12))
2. Determine the maximum achievable control technology (MACT), except those sources already regulated by a CAA 1990 section 112(d) MACT standard, for: (1) any new source that exceeds the significant level, or an existing source that adds a new process or production unit which, in and of itself, exceeds the significant level; or (2) any source with an existing process line or unit with significant level emissions which is proposed for reconstruction at a capital cost exceeding 50 percent of a comparable new process line or unit. Such procedures shall be carried out in accordance with 40 CFR Part 63.40 through 63.44.

3. Analyze the effect of the new or modified stationary source on air quality for each air contaminant for which the significance level is exceeded and require that the applicant comply with the pre-construction monitoring requirements of Section 52.21 of the Code of Federal Regulations. (52.21(m))
4. Determine that approved stack height good engineering practice is employed and prepare or cause to be prepared an analysis of the effect of increased emissions of air contaminants on the PSD increments and the expected net increase above baseline concentration for any proposed new major stationary source or major modification as defined in 40 CFR 52.21 (b), including any associated vessel emissions.
5. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall include the preliminary permit action determination; present the expected additional and cumulative PSD increment consumption; any Notice of MACT Approval; provide opportunity for a public hearing; and allow 30 days beginning on the date of publication, for the public to submit written comments on the application.
6. Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.
7. On the date of publication forward copies of the notice required in paragraph (4) to the Environmental Protection Agency, and for any PSD permit to the California Air Resources Board, all APCD's in the air basin, all adjoining APCD's in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact or is within 100 kilometers.
8. Hold a public hearing on the project in the event of an air quality controversy and consider all public comments submitted prior to the granting or denial of the Authority to Construct.
9. Transmit copies of the application and notice of each action affecting the application to EPA, and for PSD actions the managers of any affected Class I areas.
10. All comments and the final determination on the application shall be available for public inspection.

**(c) Power Plant Review Procedures**

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. The Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, which may include lost fees, incurred in order to comply with the provisions of this section.

1. Within fourteen days of receipt of an NOI, the Control Officer shall notify the ARB 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 Control Officer shall prepare and submit

a report to the ARB and the Commission prior to the conclusion of the non-adjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:

- A. a preliminary determination of the need for and a specific definition of best available control technology (BACT) for the proposed facility;
- B. a preliminary discussion of whether there is substantial likelihood that the requirements of Rule 230(a) and all other District regulations can be satisfied by the proposed facility;
- C. a preliminary list of conditions which the proposed facility must meet in order to comply with Rule 230(a) or any other applicable district regulation.

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

2. Upon receipt of an Application for Certification (AFC) for a power plant, the Control Officer shall conduct a Determination of Compliance review in accordance with the procedures of Rule 220. If the information contained in the AFC does not meet the requirements of Rule 200(b), the Control 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 re-submittal.
3. The Control Officer shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review.
4. The Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Control Officer is unable to obtain the information, he may petition the presiding Commissioner for an order directing the applicant to supply such information.
5. Within 180 days of accepting an AFC as complete, the Control Officer shall make a preliminary decision on:
  - A. whether the proposed power plant meets the requirements of Rule 230(a) and all other applicable district regulations; and
  - B. in the event of compliance, what permit conditions will be required including specific BACT requirements and a description of required mitigation measures; and
  - C. complete the new source review requirements of Rule 230.
6. Within 240 days of the filing date, the Control Officer shall submit to the Commission a Determination of Compliance, or if such a determination cannot be issued, shall so inform the Commission as to the reason for noncompliance.
7. Any applicant receiving a certificate from the Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the Control Officer.