

RULE 3.24 PREVENTION OF SIGNIFICANT DETERIORATION

Adopted June 13, 2012

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100 GENERAL

101 **PURPOSE:** The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities 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.

102 **APPLICABILITY:** The provisions of this Rule shall apply to any source and the owner or operator of any source subject to the requirements of Title 40 Code of Federal Regulations, Part 52, Subpart A, section 52.21 (40 CFR 52.21) as incorporated herein.

103 **INCORPORATION BY REFERENCE:** Except as provided in Section 104, the provisions of 40 CFR 52.21, in effect on June 13, 2012, are incorporated herein by reference and made part of the Rules and Regulations of the Yolo-Solano Air Quality Management District.

104 **EXCLUSIONS, GENERAL:** The following subsections of 40 CFR 52.21 are hereby excluded from this Rule: (a)(1), (b)(55)-(58), (f), (g), (i)(1)(i)-(v) and (ix)-(x), (i)(6)-(8), k(2), (p)(6)-(8), (q), (s), (t), (u), (v), (w), (x), (y), (z), and (cc).

105 **EXEMPTION, GREENHOUSE GAS AIR QUALITY ANALYSES:** Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR 52.21.

200 DEFINITIONS: Unless otherwise stated below, the terms used in this Rule are the same as defined in 40 CFR 52.21(b) as in effect on (date of rule adoption).

201 **ADMINISTRATOR:** The term "administrator" means:

201.1 "Federal Administrator" in 40 C.F.R. 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (l)(2) and (p)(2); and

201.2 "Air Pollution Control Officer (APCO)" elsewhere, as defined in District Rule 1.1, GENERAL PROVISIONS AND DEFINITIONS.

202 **PARAGRAPH (q):** The phrase "paragraph (q) of this section" in 40 CFR 52.21(p)(1) and (l)(2) shall read as follows: "the public participation provisions of Rule 3.24, sections 402".

300 STANDARDS

301 APPLICANT REQUIREMENTS: An owner or operator must:

301.1 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), and

301.2 Pay the applicable fees specified in District Rule 4.1, PERMIT FEES – STATIONARY SOURCES.

400 ADMINISTRATIVE REQUIREMENTS

401 DISTRICT REQUIREMENTS: Notwithstanding the provisions of any other District Rule or Regulation, the District shall:

401.1 Require compliance with this Rule prior to issuing a federal PSD permit as required by Clean Air Act (CAA) Section 165.

401.2 Determine whether the application is complete not later than 60 days after receipt of the application or after such longer time as both the applicant and the APCO have agreed in writing. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re-submittal of the application, a new 60-day period to determine completeness shall begin. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

401.3 Make a final determination within one year of receipt of a complete application.

402 PUBLIC PARTICIPATION: Prior to issuing a federal PSD permit pursuant to this rule and after receipt of a complete application, the APCO shall:

402.1 Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

402.2 Make available at the District office a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

- 402.3 Notify the public, by advertisement in a newspaper of general circulation in the District, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for written public comment.
- 402.4 Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: other State or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.
- 402.5 Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted.
- 402.6 Consider all written comments submitted within 30 days after the notice of public comment is published and all comments received at any public hearing(s) in making a final decision on the approvability of the application and make all comments available for public inspection at the District office.
- 402.7 Make a final determination whether construction should be approved, approved with conditions, or disapproved.
- 402.8 Notify the applicant in writing of the final determination and make such notification available for public inspection at the District office.