

May 10, 2023

Martha Guzman
Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
guzman.martha@epa.gov

Dear Administrator Guzman:

The California Air Resources Board (CARB) is submitting to the U.S. Environmental Protection Agency (U.S. EPA) revisions to the California State Implementation Plan (SIP) that consist of adopted, amended, and rescinded local district rules listed in Attachments A and B to CARB Executive Order S-23-006. These revisions are from the following air pollution control and air quality management districts (Districts):

- Eastern Kern Air Pollution Control District
- Feather River Air Quality Management District
- Mojave Desert Air Quality Management District
- Sacramento Metropolitan Air Quality Management District
- San Diego County Air Pollution Control District
- South Coast Air Quality Management District
- Tehama County Air Pollution Control District

Enclosed is CARB Executive Order S-23-006, adopting the District rule revisions identified in Attachment A as revisions to the California SIP. The rules identified in Attachment A were adopted, amended, or rescinded to reduce emissions and fulfill SIP requirements under the federal Clean Air Act (Act). Further, the rules included in this submittal address requirements for new source review for Tehama County Air Pollution Control District and Act section 185 fees for the Mojave Desert and Sacramento Metropolitan Air Quality Management Districts. CARB also requests additional rescissions, identified in Attachment B, of older versions of rules that were previously approved and are no longer appropriate for inclusion in the California SIP.

Further, CARB and the Districts are coordinating with U.S. EPA to speed action on revisions to the SIP. The District rules identified in Attachment C are no longer appropriate for inclusion in the California SIP as U.S. EPA has not acted on these SIP submittals within the required time frame specified in the Act. Therefore, as the agency designated under State law to revise the SIP, CARB now formally withdraws the submittals identified in Attachment C from consideration for inclusion in the California SIP.

To meet U.S. EPA's criteria for determining that rule submittals are administratively and technically complete, we have enclosed evaluations of the rules including their effect on emissions, consistency with 40 CFR 51, and other supporting documentation provided to us by the Districts. This SIP submittal also includes the complete District packages for the rule revisions and letter for withdrawals that were submitted to CARB.

If you have any questions, please contact Edie Chang, Deputy Executive Officer, at (916) 445-4383 or have your staff contact Dr. Michael Benjamin, Chief, Air Quality Planning and Science Division at (916) 201-8968.

Sincerely,



Steven S. Cliff, Ph.D., Executive Officer

Enclosures (24)

cc: With Executive Order and Attachment A and B Only

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**State of California
Air Resources Board**

Executive Order S-23-006

Adoption and SIP Submittal of the First Quarter 2023 District Rules Package

Whereas, the California Legislature in Health and Safety Code (H&SC) section (§) 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

Whereas, CARB is responsible for preparing a State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. § 7401 et seq.), and to this end is directed by H&SC § 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

Whereas, CARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in H&SC §§ 39002, 39500, and part 5 (commencing with § 43000), and for ensuring that the districts meet their responsibilities under the Act pursuant to H&SC §§ 39002, 39500, 39602, 40469, and 41650;

Whereas, the local air districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules and regulations to attain the NAAQS within their boundaries pursuant to H&SC §§ 39002, 40000, 40001, 40701, 40702, and 41650;

Whereas, H&SC § 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

Whereas, H&SC §§ 39515 and 39516 provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

Whereas, on May 21, 2012, U.S. EPA designated Eastern Kern County, Sacramento Metro, San Diego County, South Coast Air Basin, Tuscan Buttes, and West Mojave Desert as nonattainment for the 75 parts per billion (ppb) 8-hour ozone NAAQS;

Whereas, on June 4, 2018, U.S. EPA designated Eastern Kern County, Sacramento Metro, San Diego County, South Coast Air Basin, Tuscan Buttes and West Mojave Desert as nonattainment for the 70 ppb 8-hour ozone NAAQS;

Whereas, the rules identified in Attachment A have been adopted, amended or rescinded by the following air pollution control and air quality management districts (Districts):

Eastern Kern Air Pollution Control District
Feather River Air Quality Management District
Sacramento Metropolitan Air Quality Management District

San Diego County Air Pollution Control District
South Coast Air Quality Management District

Tehama County Air Pollution Control District
Mojave Desert Air Quality Management District

Whereas, the Eastern Kern Air Pollution Control District (APCD) is the district responsible for air quality planning for the Eastern Kern County ozone nonattainment area;

Whereas, the Mojave Desert Air Quality Management District (AQMD) is one of two districts responsible for air quality planning for the West Mojave Desert ozone nonattainment area;

Whereas, the Sacramento Metropolitan AQMD and Feather River AQMD are two of five districts responsible for air quality planning for the Sacramento Metro ozone nonattainment area;

Whereas, the San Diego County APCD is the district responsible for air quality planning for the San Diego County ozone nonattainment area;

Whereas, the South Coast AQMD is the district responsible for air quality planning for the South Coast Air Basin ozone nonattainment area;

Whereas, the Tehama County APCD is the district responsible for air quality planning for the Tuscan Buttes ozone nonattainment area;

Whereas, U.S. EPA has published implementation rules for each NAAQS which require the submission of new source review, emissions statement, and section 185 fee regulations for the applicable standards and nonattainment areas;

Whereas, the Mojave Desert AQMD and Sacramento Metro AQMD submitted the rule revisions identified in Attachment A to CARB for submission to U.S. EPA for inclusion in the California SIP to address requirements of the Act for section 185 fee rules for the 80 ppb, 75 ppb, and 70 ppb 8-hour ozone NAAQS;

Whereas, the Tehama County APCD submitted the rule revisions identified in Attachment A to CARB for submission to U.S. EPA for inclusion in the California SIP to address requirements of the Act for new source review for the 75 ppb and 70 ppb 8-hour ozone NAAQS;

Whereas, the Eastern Kern APCD submitted the rule revisions identified in Attachment A to CARB for submission to U.S. EPA for inclusion in the California SIP to address requirements of the Act related to the 70 ppb 8-hour ozone standard;

Whereas, the San Diego County APCD submitted the rule revisions identified in Attachment A to CARB for submission to U.S. EPA for inclusion in the California SIP to address requirements of the Act related to permitting;

Whereas, the Mojave Desert AQMD is requesting rescission from the SIP of the rules identified in Attachment B and replacement with the rules identified in Attachment A;

Whereas, the Districts are authorized by H&SC § 40001 to adopt and enforce the rules identified in Attachment A;

Whereas, federal law set forth in §110(l) of the Act and title 40, Code of Federal Regulations (CFR), §51.102 requires that one or more public hearings, preceded by at least 30 days notice and opportunity for review, must be conducted prior to the adoption and submittal to U.S. EPA of any SIP revision;

Whereas, following duly noticed public hearings, the Districts adopted, amended or rescinded the rules identified in Attachment A and Attachment B;

Whereas, the rule revisions in Attachment A have been submitted to CARB for inclusion in the California SIP as meeting the requirements in the Act;

Whereas, CARB has determined that the rule revisions in Attachment A meet the requirements of the Act and are necessary for inclusion in the SIP;

Whereas, CARB is authorized by H&SC §§ 39601, 39602, and 41650 through 41652 to adopt district rules as revisions to the SIP;

Whereas, the Eastern Kern APCD, San Diego County APCD, and South Coast AQMD certified in their Governing Board resolutions, for the rules listed in Attachment A, that these actions pose no significant impact on the environment and is exempt from California Environmental Quality Act (CEQA) under §15061 of the CEQA guidelines;

Whereas, the Feather River AQMD and the Mojave Desert AQMD certified in their Governing Board resolutions, for the rule revisions listed in Attachment A and Attachment B, that these actions are categorically exempt from CEQA under §15308 of the CEQA guidelines;

Whereas, the Sacramento Metropolitan AQMD certified in their Governing Board resolutions, for the rule listed in Attachment A, that these actions are exempt from CEQA under §15273 of the CEQA guidelines, which provides that CEQA does not apply to the adoption or amendment of fee rules that establish or modify fees for the purpose of meeting operating expenses; and

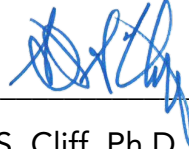
Whereas, CARB has determined that CARB's subsequent adoption of the rule changes are a "ministerial" approval for purposes of the CEQA, (CCR, title 14, § 15268) because CARB's review is limited to determining if the rule change meets the requirements of the Act, and CARB lacks authority to modify or not approve the rule changes in response to environmental concerns.

Therefore, it is ordered that CARB hereby adopts the Districts' rule revisions identified in Attachment A and Attachment B as revisions to the California SIP.

Be it further ordered that CARB hereby submits to U.S. EPA the Districts' rule revisions as identified in Attachment A and Attachment B and requests that U.S. EPA approve them as revisions to the California SIP.

I certify, pursuant to 40 CFR 51.102(f), that the rules identified in Attachment A and Attachment B were adopted, amended, or rescinded after notice and public hearings as required by 40 CFR 51.102(a) and 51.102(d).

Executed in Sacramento, California, this 10 day of May, 2023.



Steven S. Cliff, Ph.D., Executive Officer

Attachment A to Executive Order S-23-006

Date: May 10, 2023

Rules that were adopted, amended, or rescinded by the following air quality management and air pollution control districts, and are submitted as revisions to the California State Implementation Plan

District	Rule Number	Date Adopted, Amended, or Rescinded	Rule Title (Rule Action)
Eastern Kern APCD	410	9/1/2022	Organic Solvents (Amended)
Eastern Kern APCD	410.8	11/03/2022	Aerospace Assembly and Coating Operations (Amended)
Eastern Kern APCD	432	9/1/2022	Polyester Resin Operations (Amended)
Feather River AQMD	3.0	10/03/2022	Visible Emissions (Re-adopted)
Feather River AQMD	3.1	10/03/2022	Exceptions to Rule 3.0 except section D (Re-adopted)
Feather River AQMD	3.2	10/03/2022	Particulate Matter Concentration (Re-adopted)
Feather River AQMD	3.3	10/03/2022	Dust and Fumes (Amended)
Feather River AQMD	3.4	10/03/2022	Separation of Emissions (Re-adopted)
Feather River AQMD	3.5	10/03/2022	Combination of Emissions (Re-adopted)
Feather River AQMD	3.6	10/03/2022	Abrasive Blasting (Re-adopted)
Feather River AQMD	3.7	10/03/2022	Reduction of Animal Matter (Re-adopted)

District	Rule Number	Date Adopted, Amended, or Rescinded	Rule Title (Rule Action)
Feather River AQMD	3.10	10/03/2022	Sulfur Oxides (Re-adopted)
Feather River AQMD	3.13	10/03/2022	Circumvention (Re-adopted)
Feather River AQMD	9.6	10/03/2022	Equipment Breakdown (Re-adopted)
Mojave Desert AQMD	315	02/27/2023	Federal Clean Air Act Section 185 Penalty (1979 Ozone Standard) (Amended)
Mojave Desert AQMD	404	02/28/2022	Particulate Matter - Concentration (Apply the San Bernadino County APCD July 25, 1977 version of Rule 404 throughout the District, especially for the for the Palo Verde Valley/Blythe area of Riverside County)
Mojave Desert AQMD	405	02/28/2022	Solid Particulate Matter - Weight (Apply the San Bernadino County APCD July 25, 1977 version of Rule 405 throughout the District, especially for the for the Palo Verde Valley/Blythe area of Riverside County)
Mojave Desert AQMD	408	04/25/2022	Circumvention (Apply the San Bernadino County APCD July 25, 1977 version of Rule 408 throughout the District, especially for the for the Palo Verde Valley/Blythe area of Riverside County)
Mojave Desert AQMD	409	04/25/2022	Combustion Contaminants (Apply the San Bernadino County APCD July 25, 1977 version of Rule 409 throughout the District, especially for the for the Palo Verde Valley/Blythe area of Riverside County)

District	Rule Number	Date Adopted, Amended, or Rescinded	Rule Title (Rule Action)
Mojave Desert AQMD	443	10/24/2022	Labeling of Solvents (Apply the San Bernadino County APCD July 25, 1977 version of Rule 443 throughout the District, especially for the for the Palo Verde Valley/Blythe area of Riverside County)
Mojave Desert AQMD	472	08/22/2022	Reduction of Animal Matter (Apply the San Bernadino County APCD July 25, 1977 version of Rule 472 throughout the District, especially for the for the Palo Verde Valley/Blythe area of Riverside County)
Mojave Desert AQMD	480	9/26/2022	Natural Gas Fired Control Equipment (Rescinded)
Mojave Desert AQMD	701	09/26/2022	Air Pollution Emergency Contingency Actions (Amended)
Mojave Desert AQMD	1600	02/27/2023	Prevention of Significant Deterioration (PSD) (Amended)
Sacramento Metropolitan AQMD	307	03/23/2023	Clean Air Act Penalty Fees
San Diego County APCD	11	10/13/2022	Exemptions from Rule 10 Permit Requirements (Amended)
South Coast AQMD	1118	01/06/2023	Control of Emissions from Refinery Flares (Amended)
South Coast AQMD	1147.1	08/06/2021	NOx Reductions from Aggregate Dryers (Adopted)
Tehama County APCD	2.3c	02/28/2023	New and Modified Major Sources in the Tuscan Buttes Nonattainment Area (Adopted)

Attachment B to Executive Order S-23-006

Date: May 10, 2023

Rules that were rescinded by Mojave Desert Air Quality Management District (MDAQMD) and are Requested as Revisions to the California State Implementation Plan

Rules 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712 (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 701 listed in Attachment A and adopted by MDAQMD on September 26, 2022, and approved for replacement in the SIP of MDAQMD Rules 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712:

- Rescind MDAQMD Rules 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712.

South Coast Air Quality Management District Rule 404, Particulate Matter - Concentration (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 404 as listed in Attachment A, adopted by the San Bernardino County Air Pollution Control District (SBCAPCD) on July 25, 1977, and approved by U.S. EPA into the SIP for the San Bernardino County portion of the MDAQMD on December 21, 1978 at 43 FR 52489, and approved by the MDAQMD on February 28, 2022 for replacement in the SIP of SCAQMD Rule 404:

- Rescind the applicable portions of SCAQMD Rule 404 for the MDAQMD, especially for the Blythe/Palo Verde Valley area within the MDAQMD.

South Coast Air Quality Management District Rule 405, Solid Particulate Matter - Weight (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 405 as listed in Attachment A, and adopted by the SBCAPCD on July 25, 1977, and approved by U.S. EPA into the SIP for the San Bernardino County portion of the MDAQMD on December 21, 1978 at 43 FR 52489, and approved by the MDAQMD on February 28, 2022 for replacement in the SIP of SCAQMD Rule 405:

- Rescind the applicable portions of SCAQMD Rule 405 for the MDAQMD, especially for the Blythe/Palo Verde Valley area within the MDAQMD.

South Coast Air Quality Management District Rule 408, Circumvention (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 408 as listed in Attachment A, and adopted by the SBCAPCD on July 25, 1977, and approved by U.S. EPA into the SIP for the San Bernardino County portion of the MDAQMD on June 14, 1978 at

43 FR 25684, and approved by the MDAQMD on April 25, 2022 for replacement in the SIP of SCAQMD Rule 408:

- Rescind the applicable portions of SCAQMD Rule 408 for the MDAQMD, especially for the Blythe/Palo Verde Valley area within the MDAQMD.

South Coast Air Quality Management District Rule 409, Combustion Contaminants (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 409 as listed in Attachment A, and adopted by the SBCAPCD on July 25, 1977, and approved by U.S. EPA into the SIP for the San Bernardino County portion of the MDAQMD on June 14, 1978 at 43 FR 25684, and approved by the MDAQMD on April 25, 2022 for replacement in the SIP of SCAQMD Rule 409:

- Rescind the applicable portions of SCAQMD Rule 409 for the MDAQMD, especially for the Blythe/Palo Verde Valley area within the MDAQMD.

South Coast Air Quality Management District Rule 443, Labeling of Solvents (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 443 listed in Attachment A and adopted by the MDAQMD on July 25, 1977 and approved for replacement in the SIP of SCAQMD Rule 443 on October 24, 2022 :

- Rescind the applicable portions of SCAQMD Rule 443 for the MDAQMD, especially for the Blythe/Palo Verde Valley area within the MDAQMD.

South Coast Air Quality Management District Rule 472, Reduction of Animal Matter (Rescinded)

Upon approval into the California SIP of the version of MDAQMD Rule 472 as listed in Attachment A, and adopted by the SBCAPCD on July 25, 1977, and approved by U.S. EPA into the SIP for the San Bernardino County portion of the MDAQMD on June 14, 1978 at 43 FR 25684, and approved by the MDAQMD on August 22, 2022 for replacement in the SIP of SCAQMD Rule 472:

- Rescind the applicable portions of SCAQMD Rule 472 for the MDAQMD, especially for the Blythe/Palo Verde Valley area within the MDAQMD.

San Bernadino County Air Pollution Control District Rule 480, Natural Gas Fired Control Equipment (Rescinded)

As no facilities within the MDAQMD have requested or submitted a plan such as described in Rule 480, and because any alternative fuel use plans as described in Rule 480 are currently either covered on the relevant permits for affected devices and/or would be addressed by the Hearing Board variance process, the rule is unused, unnecessary, and duplicative of existing processes. As approved by the MDAQMD on September 26, 2022:

- Rescind Rule 480 for the entire jurisdiction of the MDAQMD, including the version of Rule 480 as adopted by the San Bernadino County APCD on February 20, 1979, and as applicable within the San Bernadino County portion of the MDAQMD.

Attachment C

Date: May 10, 2023

Withdrawal of Air Quality Management and Air Pollution Control District Rule Submittals from Consideration for Inclusion in the California State Implementation Plan

District	Rule Number	Date Adopted, Amended or Rescinded	Date of Submittal to U.S. EPA	Rule Title
El Dorado County AQMD	523	11/20/2001	12/18/2001	New Source Review
Tehama County APCD	2:3c	6/9/2020	7/27/2020	New and Modified Major Sources in the Tuscan Buttes Nonattainment Area

SIP COMPLETENESS CHECKLIST

AQPSD/AQPB-011 (REV. 08/2019) PAGE 1 OF 3

All rules submitted to the U.S. Environmental Protection Agency (U.S. EPA) as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the U.S. EPA. Rules will not be evaluated for approvability by the U.S. EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to CARB for submittal to the U.S. EPA, please fill out the following form and include it with the rule package you send CARB. See [40 CFR 51, Appendix V](#). Adopted rules and rule amendments should be checked against U.S. EPA's [Guidance Document for Correcting Common VOC & Other Rule Deficiencies](#) (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by U.S. EPA.

District: Tehama County APCD
Rule No.: 2:3c
Rule Title: New and Modified Major Sources in the Tuscan Buttes Nonattainment Area
Date Adopted or Amended: February 28, 2023

CHECKLIST

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

Attached	Not Attached	N/A	ADMINISTRATIVE MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	COMPLETE COPY OF THE RULE: Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UNDERLINE AND STRIKEOUT COPY OF THE RULE: If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COMPLETE COPY OF THE REFERENCED RULE(S): For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to U.S. EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PUBLIC NOTICE EVIDENCE: Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. The public notice must adhere to the California Health and Safety Code , Sections 40725 through 40727, including 40727.2(f).

SIP COMPLETENESS CHECKLIST

AQPSD/AQPB-011 (REV. 08/2019) PAGE 2 OF 3

Attached	Not Attached	N/A	ADMINISTRATIVE MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RESOLUTION/MINUTE ORDER: Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 .
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PUBLIC COMMENTS AND RESPONSES: Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

Attached	Not Attached	N/A	TECHNICAL MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RULE EVALUATION FORM: See instructions for completing the Rule Evaluation Form and the accompanying sample form.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NON-EPA TEST METHODS: Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to U.S. EPA. U.S. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MODELING SUPPORT: Provide if appropriate. In general, modeling support is not required for VOC and NO _x rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where U.S. EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current U.S. EPA modeling guidelines. If current U.S. EPA modeling guidelines were not used, then new modeling may be required.

SIP COMPLETENESS CHECKLIST

AQPSD/AQPB-011 (REV. 08/2019) PAGE 3 OF 3

Attached	Not Attached	N/A	TECHNICAL MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM U.S. EPA POLICIES: The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant U.S. EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet U.S. EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are the minimum according to U.S. EPA's RACM/BACM policy.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ADDITIONAL MATERIALS: Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.

RULE EVALUATION FORM

AQPSD/AQPB-010 (REV. 12/2019) PAGE 1 OF 3

PART I: GENERAL INFORMATION

Air District: Tehama County APCD	
Rule Number(s): 2:3c	Adopted/Amended/Rescinded: Repealed/Adopt 6/9/2020
Date Adopted/Amended/Rescinded: Repealed/Adopt 2/28/2023	Date Submitted to CARB: March 7, / 2023
Rule Title(s): New and Modified Major Sources in the Tuscan Buttes Nonattainment Area	
If an Amended Rule, Date Last Amended (or Adopted): February 28, 2023	
Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If no, do not complete the remainder of this form.	
District Contact Person: Joseph Tona	Phone Number: (530) 527-3717
Email Address: jtona@tehcoapcd.net	
Narrative Summary of: <input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amended Rule	
<p>This NSR is a program under the Clean Air Act that regulates the construction and modification of new or modified major stationary sources of air pollution. The purpose of NSR is to ensure that new and modified sources of air pollution do not significantly worsen air quality and to mitigate the impact of pollution on public health and the environment. To accomplish this, NSR program sets emissions limits and establishes monitoring and reporting requirements to ensure that the source meets federal and state air quality standards. On December 2022, the US EPA again informed the District that they would not be able to approve the Rule due to a recent U.S. Court of Appeals case decided on January 29, 2021. The decision disallows inter-pollutant offset trading for ozone precursors and impacts section 4.5.2 of the June 2020 rule. The revised rule removes section 4.5.2 and clarifies section 1.3 and Provides for monitoring of visibility in section 5.1.</p>	
Pollutant(s) Regulated by the Rule (Check One): <input type="checkbox"/> ROG <input type="checkbox"/> CO <input type="checkbox"/> NOx <input type="checkbox"/> PM <input type="checkbox"/> SO ₂ <input type="checkbox"/> TAC (Name):	

PART II: EFFECT ON EMISSIONS

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: <input type="checkbox"/> Increase <input type="checkbox"/> Decrease <input checked="" type="checkbox"/> N/A
Emission Reduction Commitment in SIP for this Source Category:
Inventory Year Used to Calculate Changes in Emissions:

RULE EVALUATION FORM

AQPSD/AQPB-010 (REV. 12/2019) PAGE 2 OF 3

Area Affected: Tuscan Buttes Nonattainment Area
Future Year Control Profile Estimate (provide information on as many years as possible):
Baseline Inventory in the SIP for the Control Measure:
Emissions Reduction Commitment in the SIP for the Control Measure:
Revised Baseline Inventory (if any):
Revised Emission Reduction Estimate (if developed):

NOTE: The district's input to the Rule Evaluation Form will not be used as input to CARB's emission forecasting and planning.

PART III: SOURCES/ATTAINMENT STATUS

District is: <input type="checkbox"/> Attainment <input type="checkbox"/> Nonattainment <input checked="" type="checkbox"/> Split
Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: N/A
Percent in Nonattainment Area: N/A
Number of Large (\geq 100 TPY) Sources Controlled: N/A
Percent in Nonattainment Area: N/A
Name(s) and Location(s) (City and County) of Large (\geq 100 TPY) Sources Controlled by Rule (attach additional sheets as necessary):

RULE EVALUATION FORM

AQPSD/AQPB-010 (REV. 12/2019) PAGE 3 OF 3

PART IV: EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, those limits are in which section(s) of the rule?		
Other Methods in the Rule for Achieving Emission Reductions:		

PART V: OTHER REQUIREMENTS

The Rule Contains:
Emission Limits in Section(s):
Work Practice Standards in Section(s):
Recordkeeping Requirements in Section(s):
Reporting Requirements in Section(s):

PART VI: IMPACT ON AIR QUALITY PLAN

Impact on Air Quality Plan:	<input type="checkbox"/> No Impact	<input type="checkbox"/> Impacts RFP	<input type="checkbox"/> Impacts Attainment
Discussion:			

RESOLUTION NO. 2023-12

RESOLUTION BY THE BOARD OF DIRECTORS OF THE TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT AMENDING TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT RULE 2:3C NEW AND MODIFIED MAJOR SOURCES IN THE TUSCAN BUTTES NONATTAINMENT AREA

WHEREAS, the Board of Directors of the Tehama County Air Pollution Control District (District) has heretofore promulgated certain rules for said District; and

WHEREAS, it is the intent of the Board to review and revise said rules to ensure their appropriateness; and

WHEREAS, the provisions of Sections 40725 through 40728 of the California Health and Safety Code have been complied with; and

WHEREAS, as set forth in the accompanying Staff Report, the Board of Directors has deemed that adoption of amendments to Rule 2:3C meets the statutory requirements of Section 40727 of the California Health and Safety Code with respect to necessity, authority, clarity, consistency, non-duplication, and reference;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- SECTION: 1. Rule 2:3C New and Modified Major Sources in the Tuscan Buttes Nonattainment Area of the Tehama County Air Pollution Control District is hereby repealed.
2. Rule 2:3C New and Modified Major Sources in the Tuscan Buttes Nonattainment Area is hereby added to the Tehama County Air Pollution Control District Rules and Regulations as set forth in Exhibit 1 to this resolution.

The foregoing resolution was offered on a motion by Director Carlson seconded by Director Hansen and adopted by the following vote of the Board.

AYES: Moule, Hansen, Leach, Nolen, Carlson

NOES: No

ABSENT OR NOT VOTING: No

STATE OF CALIFORNIA)
) ss

COUNTY OF TEHAMA)

I JENNIFER VISE, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Air Pollution Control District, State of California, hereby certify the above and foregoing to be a full and correct copy of a Resolution adopted by the Board of Directors on the 28th day of February 2023.

Dated this 28th day of February 2023.

JENNIFER VISE, County Clerk
and *ex-officio* Clerk of the Board of
Directors, Tehama County Air
Pollution Control District, State of
California.

By: 
Deputy

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
RULE 2:3C New and Modified Major Sources in the Tuscan Buttes Nonattainment Areas
Adopt 09/01/2015, repealed/adopt 6/9/2020, ~~repealed/adopt x/xx/xxxx~~

1 Applicability Procedures

1.1 Preconstruction Review Requirements

1.1.1 The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.

1.1.2 Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 Authority to Construct Requirement: No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 Emission Calculation Requirements to Determine NSR Applicability

1.3.1 New Major Stationary Sources: The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source. ~~Different pollutants, including individual precursors, are not summed to determine applicability of a major stationary source.~~

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1.3.2 Major Modifications: The provisions set out in paragraphs (1.3.2.1) through (1.3.2.5) below shall be used to determine if a proposed project will result in a major modification. ~~Different pollutants, including individual precursors, are not summed to determine applicability of a major modification.~~ These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

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1.3.2.1 Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

1.3.2.2 The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (1.3.2.3) through (1.3.2.5) of this Section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of Net Emissions Increase. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

- 1.3.2.3 **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- 1.3.2.4 **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
- 1.3.2.5 **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (1.3.2.3) or (1.3.2.4) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.
- 1.4 Major Sources with Plant-wide Applicability Limitations (PAL): For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.
- 1.5 Projects That Rely On a Projected Actual Emissions Test: Except as otherwise provided in paragraph (1.5.7.3) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (1.5.7) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of Projected Actual Emissions to calculate projected actual emissions.
 - 1.5.1 Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
 - 1.5.1.1 A description of the project;
 - 1.5.1.2 Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - 1.5.1.3 A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions and an explanation for why such amount was excluded, and any netting calculations, if applicable.
 - 1.5.2 If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (1.5.1) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 2:3c before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation II Rule 2:1, or other applicable requirements.
 - 1.5.3 The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit

identified in paragraph (1.5.1.2) of this Section; and calculate and maintain a record of the annual emissions, in tpy, on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

- 1.5.4 If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (1.5.3) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
- 1.5.5 If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (1.5.1.2) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of Projected Actual Emissions) as documented and maintained pursuant to paragraph (1.5.1.3) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
- 1.5.5.1 The name, address, and telephone number of the major stationary source;
- 1.5.5.2 The annual emissions, as calculated pursuant to paragraph (1.5.3) of this Section; and
- 1.5.5.3 Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- 1.5.6 The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- 1.5.7 A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:
- 1.5.7.1 A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
- 1.5.7.2 A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions, sums to at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.
- 1.5.7.3 For a project in which a reasonable possibility occurs only within the meaning of paragraph (1.5.7.2), and not also within the meaning of (1.5.7.1), the provisions of paragraphs (1.5.2) through (1.5.5) of this Section do not apply to the project.
- 1.6 Secondary Emissions: Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

- 1.7 Stationary Sources: For purposes of this rule, the term stationary source does not refer to the

source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act.

- 1.8 Environmental Protection Agency Determination: Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.

- 2 Definitions: For the purposes of this rule, the definitions provided in paragraphs (2.1), (2.2), (2.3) and (2.4) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (2.1), (2.2), (2.3) and (2.4), below, the definition in the paragraph that is listed first below shall control.

- 2.1 The definitions contained in 40 CFR 51.165(a)(1), shall apply, and are hereby incorporated by reference, with the exception of the definition of "Reviewing authority" at 40 CFR 51.165(a)(1)(xxxviii), which has the meaning specified in paragraph (2.2) below.

- 2.2 The following definitions shall also apply:

2.2.1 "Air Pollution Control Officer (APCO)" means the Air Pollution Control Officer of the Tehama County Air Pollution Control District.

2.2.2 "Class I area" means 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, or a national lakeshore or seashore.

2.2.3 "Clean Air Act (CAA)" means the federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended.

2.2.4 "Complete" means, in reference to an application, that the application contains all of the information necessary for processing.

2.2.5 "District" means the Tehama County Air Pollution Control District.

2.2.6 "Emission reduction credit (ERC)" means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

2.2.7 "Internal emission reductions" means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

2.2.8 "Nonattainment pollutant" means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

2.2.9 "Permanent" means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

2.2.10 "Reviewing authority" means the Air Pollution Control Officer (APCO).

2.2.11 "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

- 2.2.12 “Startup” means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.
- 2.2.13 “State Implementation Plan (SIP)” means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.
- 2.2.14 “Surplus” means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (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 State Implementation Plan (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 applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:
 - 2.2.14.1 The federally-approved California SIP;
 - 2.2.14.2 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;
 - 2.2.14.3 Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and
 - 2.2.14.4 Any regulation or supporting documentation that is required by the Federal Clean Air Act, 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 emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.
- 2.2.15 “Temporary source” means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.
- 2.2.16 “Tons per year (tpy)” means annual emissions in tons.

- 2.3 The definitions contained in 40 CFR 51.100 shall apply and are hereby incorporated by reference.
- 2.4 The definitions contained in 40 CFR 51.301 shall apply and are hereby incorporated by reference.

3 Application Requirements

- 3.1 Application Submittal: The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

- 3.2 Application Content: At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:
- 3.2.1 Identification of the applicant, including contact information.
 - 3.2.2 Identification of address and location of the new or modified source.
 - 3.2.3 An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
 - 3.2.4 A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
 - 3.2.5 A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
 - 3.2.6 A projected operating schedule for each emissions unit included in the new source or modification.
 - 3.2.7 A determination as to whether the new source or modification will result in any secondary emissions.
 - 3.2.8 The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).
 - 3.2.9 The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
 - 3.2.10 The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
 - 3.2.11 The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
 - 3.2.12 Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
 - 3.2.13 If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.
- 3.3 Lowest Achievable Emission Rate (LAER): The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.
- 3.4 Statewide Compliance: The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.
- 3.5 Analysis of Alternatives: The applicant shall submit an analysis of alternative sites, sizes,

production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

- 3.6 Sources Impacting Class I Areas: The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).
- 3.7 Application Fees: The applicant shall pay the applicable fees specified in District Rule 2:11, FEES.

4 Emissions Offsets

4.1 Offset Requirements:

- 4.1.1 The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.
- 4.1.2 ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
- 4.1.3 Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and
- 4.1.4 The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
- 4.1.5 The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 Timing:

- 4.2.1 Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
- 4.2.2 Except as provided by paragraph (4.2.3) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.
- 4.2.3 Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 Quantity: The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- 4.3.1 The unit of measure for offsets, ERCs, and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.
- 4.3.2 The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (4.3.3) of this Section, and the offset ratio, as determined in accordance with paragraph (4.3.4) of this Section.
- 4.3.3 The amount of increased emissions shall be determined as follows:

- 4.3.3.1 When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
- 4.3.3.2 When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
- 4.3.3.3 The amount of increased emissions includes fugitive emissions.

- 4.3.4 The ratios listed in Table 1 shall be applied based on the area's ~~classification, designation~~ for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area ~~Classification~~~~Designation~~ and Pollutant

Area Classification Designation	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NOX or VOC	1:1.1
Moderate Ozone Nonattainment Area	NOX or VOC	1:1.15
Serious Ozone Nonattainment Area	NOX or VOC	1:1.2

4.4 Emission Reduction Requirements

- 4.4.1 Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - 4.4.1.1 Real, surplus, permanent, quantifiable, and federally enforceable; and
 - 4.4.1.2 Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- 4.4.2 Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- 4.4.3 Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
 - 4.4.3.1 The other area has an equal or higher nonattainment classification than the area in which the source is located; and
 - 4.4.3.2 Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- 4.4.4 The use of ERCs shall not provide:
 - 4.4.4.1 Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - 4.4.4.2 Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - 4.4.4.3 An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 Restrictions on Trading Pollutants

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4.5.1 The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.

~~4.5.2 For the purposes of satisfying the offset requirements for the ozone precursors NOX and VOC, the APCO may approve interpollutant emission offsets for these precursor pollutants on a case by case basis, if all other requirements for such offsets are also satisfied. The permit applicant shall submit information to the reviewing authority, including the proposed ratio for the precursor substitution for ozone, a description of the air quality model(s) used, and the technical demonstration substantiating the equivalent or greater air quality benefit for ozone in the nonattainment area. The APCO shall impose, based on the air quality analysis, emission offset ratios in addition to the requirements of Table 1.~~

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~~4.5.34.5.2~~ In no case, shall the compounds excluded from the definition of Volatile Organic Compounds be used as offsets for Volatile Organic Compounds.

5 Administrative Requirements

- 5.1 Visibility: The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307. ~~The APCO may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the APCO deems necessary and appropriate.~~
- 5.2 Ambient Air Quality Standards: The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (4.3.4) of Section 4.3.
- 5.3 Air Quality Models: All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W ("Guideline on Air Quality Models"). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.
- 5.4 Stack Height Procedures: The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

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5.4.1 Before the ~~APCOControl Officer~~ issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the ~~APCOControl Officer~~ shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

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5.4.2 Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the ~~APCOControl Officer~~ prior to any emission limit being established.

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5.4.3 The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility. 6 Authority to Construct – Decision

6.1 Preliminary Decision: Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 Authority to Construct – Preliminary Decision Requirements:

6.2.1 Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:

6.2.1.1 That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District's portion of the California State Implementation Plan (SIP); and

6.2.1.2 That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and

6.2.1.3 That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the CAA. The term "emission limitation" shall also include such design, operational, or equipment standards; and

6.2.1.4 The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and

6.2.1.5 That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and

6.2.1.6 That the quantity of ERCs or internal emission reductions determined under paragraph (4.3.2) of Section 4.3 will be surrendered prior to commencing operation.

6.2.2 Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (6.2.1.4), (6.2.1.5) and (6.2.1.6) of this Section.

6.3 Authority to Construct Contents

- 6.3.1 An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:
 - 6.3.1.1 which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
 - 6.3.1.2 sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (6.3.2) and (6.3.3) of this Section.
- 6.3.2 A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
- 6.3.3 A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 Authority to Construct – Final Decision

- 6.4.1 Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.
- 6.4.2 The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.
- 6.4.3 The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.
- 6.4.4 The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

- 6.5 Permit to Operate: The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emissions units.

7 Source Obligations

- 7.1 Enforcement: Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.
- 7.2 Termination: Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

7.3 Compliance: Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

7.4 Relaxation in Enforceable Limitations: At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

8 Public Participation: After the APCO has made a preliminary written decision to issue or deny an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

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8.1 Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8.2, and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).

8.2 No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.

8.3 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: any 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.

8.4 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. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9 Plant-wide Applicability Limits (PAL): The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (14). The provisions of 40 CFR 51.165(f)(1) through (14), are hereby incorporated by reference.

10 Invalidation: If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 Effective Date for Referenced Federal Regulations: All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on July 1, 2019.

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 2:3C New and Modified Major Sources in the Tuscan Buttes Nonattainment Areas

Adopt 09/01/2015, repealed/adopt 6/9/2020, repealed/adopt x/xx/xxxx

1 Applicability Procedures

1.1 Preconstruction Review Requirements

1.1.1 The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.

1.1.2 Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 Authority to Construct Requirement: No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 Emission Calculation Requirements to Determine NSR Applicability

1.3.1 New Major Stationary Sources: The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source. Different pollutants, including individual precursors, are not summed to determine applicability of a major stationary source.

1.3.2 Major Modifications: The provisions set out in paragraphs (1.3.2.1) through (1.3.2.5) below shall be used to determine if a proposed project will result in a major modification. Different pollutants, including individual precursors, are not summed to determine applicability of a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

1.3.2.1 Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

1.3.2.2 The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (1.3.2.3) through (1.3.2.5) of this Section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of Net Emissions Increase. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

- 1.3.2.3 **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- 1.3.2.4 **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
- 1.3.2.5 **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (1.3.2.3) or (1.3.2.4) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.
- 1.4 Major Sources with Plant-wide Applicability Limitations (PAL): For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.
- 1.5 Projects That Rely On a Projected Actual Emissions Test: Except as otherwise provided in paragraph (1.5.7.3) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (1.5.7) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of Projected Actual Emissions to calculate projected actual emissions.
 - 1.5.1 Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
 - 1.5.1.1 A description of the project;
 - 1.5.1.2 Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - 1.5.1.3 A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions and an explanation for why such amount was excluded, and any netting calculations, if applicable.
 - 1.5.2 If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (1.5.1) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 2:3c before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation II Rule 2:1, or other applicable requirements.
 - 1.5.3 The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit

identified in paragraph (1.5.1.2) of this Section; and calculate and maintain a record of the annual emissions, in tpy, on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

- 1.5.4 If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (1.5.3) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
- 1.5.5 If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (1.5.1-2) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of Projected Actual Emissions) as documented and maintained pursuant to paragraph (1.5.1.3) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
 - 1.5.5.1 The name, address, and telephone number of the major stationary source;
 - 1.5.5.2 The annual emissions, as calculated pursuant to paragraph (1.5.3) of this Section; and
 - 1.5.5.3 Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- 1.5.6 The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- 1.5.7 A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:
 - 1.5.7.1 A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
 - 1.5.7.2 A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions, sums to at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.
 - 1.5.7.3 For a project in which a reasonable possibility occurs only within the meaning of paragraph (1.5.7.2), and not also within the meaning of (1.5.7.1), the provisions of paragraphs (1.5.2) through (1.5.5) of this Section do not apply to the project.
- 1.6 Secondary Emissions: Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

- 1.7 Stationary Sources: For purposes of this rule, the term stationary source does not refer to the

source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act.

- 1.8 Environmental Protection Agency Determination: Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.
- 2 Definitions: For the purposes of this rule, the definitions provided in paragraphs (2.1), (2.2), (2.3) and (2.4) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (2.1), (2.2), (2.3) and (2.4), below, the definition in the paragraph that is listed first below shall control.
 - 2.1 The definitions contained in 40 CFR 51.165(a)(1), shall apply, and are hereby incorporated by reference, with the exception of the definition of “Reviewing authority” at 40 CFR 51.165(a)(1)(xxviii), which has the meaning specified in paragraph (2.2) below.
 - 2.2 The following definitions shall also apply:
 - 2.2.1 “Air Pollution Control Officer (APCO)” means the Air Pollution Control Officer of the Tehama County Air Pollution Control District.
 - 2.2.2 “Class I area” means 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, or a national lakeshore or seashore.
 - 2.2.3 “Clean Air Act (CAA)” means the federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended.
 - 2.2.4 “Complete” means, in reference to an application, that the application contains all of the information necessary for processing.
 - 2.2.5 “District” means the Tehama County Air Pollution Control District.
 - 2.2.6 “Emission reduction credit (ERC)” means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.
 - 2.2.7 “Internal emission reductions” means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.
 - 2.2.8 “Nonattainment pollutant” means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxvii)(C).
 - 2.2.9 “Permanent” means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.
 - 2.2.10 “Reviewing authority” means the Air Pollution Control Officer (APCO).
 - 2.2.11 “Shutdown” means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

- 2.2.12 “Startup” means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.
- 2.2.13 “State Implementation Plan (SIP)” means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.
- 2.2.14 “Surplus” means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (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 State Implementation Plan (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 applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:
 - 2.2.14.1 The federally-approved California SIP;
 - 2.2.14.2 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;
 - 2.2.14.3 Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and
 - 2.2.14.4 Any regulation or supporting documentation that is required by the Federal Clean Air Act, 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 emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.
- 2.2.15 “Temporary source” means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.
- 2.2.16 “Tons per year (tpy)” means annual emissions in tons.

- 2.3 The definitions contained in 40 CFR 51.100 shall apply and are hereby incorporated by reference.
- 2.4 The definitions contained in 40 CFR 51.301 shall apply and are hereby incorporated by reference.

3

Application Requirements

- 3.1 Application Submittal: The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

- 3.2 Application Content: At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:
- 3.2.1 Identification of the applicant, including contact information.
 - 3.2.2 Identification of address and location of the new or modified source.
 - 3.2.3 An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
 - 3.2.4 A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
 - 3.2.5 A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
 - 3.2.6 A projected operating schedule for each emissions unit included in the new source or modification.
 - 3.2.7 A determination as to whether the new source or modification will result in any secondary emissions.
 - 3.2.8 The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).
 - 3.2.9 The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
 - 3.2.10 The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
 - 3.2.11 The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
 - 3.2.12 Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
 - 3.2.13 If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.
- 3.3 Lowest Achievable Emission Rate (LAER): The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.
- 3.4 Statewide Compliance: The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.
- 3.5 Analysis of Alternatives: The applicant shall submit an analysis of alternative sites, sizes,

production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

- 3.6 Sources Impacting Class I Areas: The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).
- 3.7 Application Fees: The applicant shall pay the applicable fees specified in District Rule 2:11, FEES.

4 Emissions Offsets

4.1 Offset Requirements:

- 4.1.1 The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.
- 4.1.2 ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
- 4.1.3 Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and
- 4.1.4 The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
- 4.1.5 The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 Timing:

- 4.2.1 Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
- 4.2.2 Except as provided by paragraph (4.2.3) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.
- 4.2.3 Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 Quantity: The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- 4.3.1 The unit of measure for offsets, ERCs, and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.
- 4.3.2 The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (4.3.3) of this Section, and the offset ratio, as determined in accordance with paragraph (4.3.4) of this Section.
- 4.3.3 The amount of increased emissions shall be determined as follows:

- 4.3.3.1 When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
- 4.3.3.2 When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
- 4.3.3.3 The amount of increased emissions includes fugitive emissions.
- 4.3.4 The ratios listed in Table 1 shall be applied based on the area's classification ~~designation~~ for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area Classification and Pollutant

Area Classification	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NOX or VOC	1:1.1
Moderate Ozone Nonattainment Area	NOX or VOC	1:1.15
Serious Ozone Nonattainment Area	NOX or VOC	1:1.2

4.4 Emission Reduction Requirements

- 4.4.1 Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - 4.4.1.1 Real, surplus, permanent, quantifiable, and federally enforceable; and
 - 4.4.1.2 Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- 4.4.2 Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- 4.4.3 Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
 - 4.4.3.1 The other area has an equal or higher nonattainment classification than the area in which the source is located; and
 - 4.4.3.2 Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- 4.4.4 The use of ERCs shall not provide:
 - 4.4.4.1 Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - 4.4.4.2 Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - 4.4.4.3 An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 Restrictions on Trading Pollutants

- 4.5.1 The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.
- 4.5.2 In no case, shall the compounds excluded from the definition of Volatile Organic Compounds be used as offsets for Volatile Organic Compounds.

5 Administrative Requirements

- 5.1 Visibility: The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307. The APCO may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the APCO deems necessary and appropriate.
- 5.2 Ambient Air Quality Standards: The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (4.3.4) of Section 4.3.
- 5.3 Air Quality Models: All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W ("Guideline on Air Quality Models"). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.
- 5.4 Stack Height Procedures: The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.
 - 5.4.1 Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.
 - 5.4.2 Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the APCO prior to any emission limit being established.
 - 5.4.3 The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.
- 6 Authority to Construct – Decision
 - 6.1 Preliminary Decision: Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed

complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 Authority to Construct – Preliminary Decision Requirements:

6.2.1 Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:

6.2.1.1 That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District’s portion of the California State Implementation Plan (SIP); and

6.2.1.2 That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and

6.2.1.3 That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the CAA. The term “emission limitation” shall also include such design, operational, or equipment standards; and

6.2.1.4 The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and

6.2.1.5 That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and

6.2.1.6 That the quantity of ERCs or internal emission reductions determined under paragraph (4.3.2) of Section 4.3 will be surrendered prior to commencing operation.

6.2.2 Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (6.2.1.4), (6.2.1.5) and (6.2.1.6) of this Section.

6.3 Authority to Construct Contents

6.3.1 An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:

6.3.1.1 which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.

6.3.1.2 sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (6.3.2) and (6.3.3) of this Section.

6.3.2 A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.

- 6.3.3 A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.
- 6.4 Authority to Construct – Final Decision
- 6.4.1 Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District’s response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.
- 6.4.2 The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.
- 6.4.3 The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.
- 6.4.4 The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.
- 6.5 Permit to Operate: The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emissions units.
- 7 Source Obligations
- 7.1 Enforcement: Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.
- 7.2 Termination: Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.
- 7.3 Compliance: Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.
- 7.4 Relaxation in Enforceable Limitations: At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

- 8 Public Participation: After the APCO has made a preliminary written decision to issue or deny an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:
- 8.1 Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8.2, and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).
 - 8.2 No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.
 - 8.3 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: any 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.
 - 8.4 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. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.
- 9 Plant-wide Applicability Limits (PAL): The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (14). The provisions of 40 CFR 51.165(f)(1) through (14), are hereby incorporated by reference.
- 10 Invalidation: If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.
- 11 Effective Date for Referenced Federal Regulations: All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on July 1, 2019.

Red Bluff Daily News

PO Box 885
Red Bluff, CA 96080
530-527-2151
dispatch@redbluffdailynews.com

3528854

TEHAMA COUNTY AIR POLLUTION CONTROL DIST
ATTN: ACCOUNTS PAYABLE
PO BOX 1169
RED BLUFF, CA 96080

Notice:

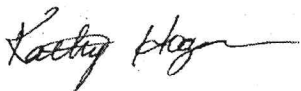
STATE OF CALIFORNIA } ss.

County of Tehama

Kathy Hogan, being first duly sworn, deposes and says: That at all times hereinafter mentioned, she was a citizen of the United States, over the age of eighteen years, and a resident of said county, and was at and during said times legal clerk of the *Red Bluff Daily News*, a newspaper of general circulation printed and published daily except Sundays and certain holidays in the city of Red Bluff, County of Tehama, State of California; that said *Red Bluff Daily News* is and was at all times herein mentioned a daily newspaper of general circulation as the terms "newspaper of general circulation" and "daily newspaper" are defined in Sections 6000, 6001, 6045 and 6040.5 of the Government code of the State of California; that, as provided in said section 6000, said newspaper is published for the dissemination of local and telegraphic news and intelligence of a general character, and has a bona fide subscription list of paying subscribers; that said newspaper has been established, printed and published as those terms are defined in Article 1, Chapter 1, Division 7, Title 1, of the said Government Code, in the said City of Red Bluff, State of California, at regular intervals for more than one year next preceding the date of the first publication of the notice herein mentioned; that said newspaper is not devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or for any number thereof; that said notice was set in type not smaller than nonpareil and was preceded with words printed in black face type, not smaller than nonpareil, describing or expressing in general terms the purport and character of the notice intended to be given; that the notice of which the annexed is a printed copy, was printed and published in said newspaper 1 times, beginning on 01/25/2023 and ending on 01/25/2023, both days inclusive, to wit on 01/25/2023.

I Certify (or Declare), under penalty of perjury, that the foregoing is true and correct, at Red Bluff, California.

Dated: 01/25/2023 at Red Bluff, California.



(Signature)

Legal No.

0006727671

Notice of Public Hearing

Notice is Hereby given that the Tehama County Air Pollution Control District Board of Directors will hold a public hearing on Tuesday February 28, 2023, at 1:30 pm or as soon thereafter as may be heard in the board chambers 727 oak Street, Red Bluff, California, to consider amendments to Rule 2:3c New Source Review, New and Major Stationary Sources in the Tuscan Buttes Nonattainment Area.

The purpose of the proposed rule is to meet requirements set by the US EPA for Districts with nonattainment areas in their jurisdiction. In September of 2016 California recommended that a new partial-county area be designated as "nonattainment" for the 2015 1-hour ozone National Ambient Air Quality Standards (NAAQS) based on data collected from Federal Equivalent Method (FEM) monitors. The proposed rule will pertain specifically to the area defined as those portions of the immediate Tuscan buttes area, located within township 28N Range 2W Mount Diablo Base and Meridian, at or above 1800 feet elevation, as referenced in 40 CFR 81.305.

A Copy of the proposed Rule and staff report are available for viewing by the public at the Tehama Air Pollution Control District office located at 1834 Walnut Street, Red Bluff, California and the Districts Website www.tchcoapcd.net. Written views or comments may be submitted within thirty (30) days of the date of this notice. Any Comments received will be considered. Please submit comments to the Air Pollution Control District Office, attention Joseph Tona, Air Pollution Control Officer or by calling (530) 527-3717 no later than February 24, 2023 or may be delivered at or prior to the public hearing to the Tehama County Clerk of the Board of Supervisors, 633 Washington Street, Rm. 12, Red Bluff, CA. 1/25/2023

Draft Staff Report

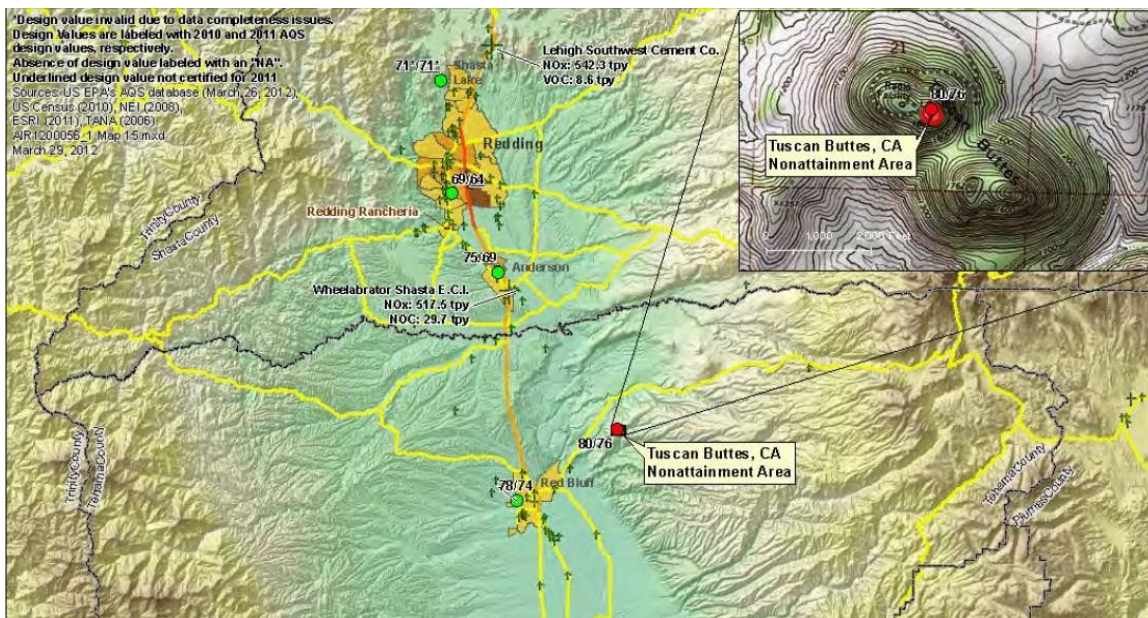
For the Proposed addition of Rule 2:3C New Source Review (NSR) Rule for New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area.

BACKGROUND

On February 28, 2023, the Tehama County Board of Supervisors will consider adoption of proposed Rule 2:3c New source Review (NSR) Rule for New and Modified Major Stationary Sources in the Tuscan Buttes Nonattainment Area.

March 2009, California recommended that a new partial-county area be designated as “nonattainment” for the 2008 Ozone National Ambient Air Quality Standard (NAAQS) based on 2006-2008 air quality data. On October 2015 the EPA strengthen the NAAQS for ground-level ozone to 70 parts per billion (ppb). The Tuscan Buttes was designated as a Rural Transport nonattainment area for the 2015 standard. The classifications are based on data from Federal Equivalent Method (FEM) monitors sited and operated in accordance with 40 CFR Part 58.

The Tuscan Buttes comprises the portions of Tehama County above 1,800 feet. The proposed rule amendments will pertain specifically to the area depicted below (see map).



RULE SUMMARY

This NSR is a program under the Clean Air Act that regulates the construction and modification of new or modified major stationary sources of air pollution. The purpose of NSR is to ensure that new and modified sources of air pollution do not significantly worsen air quality and to mitigate the impact of pollution on public health and the environment. To accomplish this, NSR program sets emissions limits and establishes monitoring and reporting requirements to ensure that the source meets federal and state air quality standards.

Currently the Tehama County Air Pollution Control District implements a comprehensive program to evaluate the expected air quality impacts of stationary, portable, and other non-mobile sources to ensure that these sources are constructed and operated in a manner that reduces the expected

air quality impacts. The District's permitting program includes review of preconstruction permits, annual and ongoing regulation of sources through operating permits and applicable emission standards, and regular inspections of these sources to ensure that they comply with all applicable requirements

Tehama County (Tuscan Buttes) is currently designated as a nonattainment area for the federal ozone standard. A strategy to control air pollution is to reduce emissions from new and modified existing stationary sources located at an existing facility through a New Source Review (NSR) program. The Federal Clean Air Act (CAA) and its associated regulations contain requirements for the District to adopt and implement a State Implementation Plan (SIP)-approved NSR program for minor stationary sources and major stationary sources and major modifications. Under the California Health and Safety Code (HSC) and California Code of Regulations, the District is required to establish a no net increase program for emissions of nonattainment pollutants from new or modified stationary sources located at facilities listed in 40 CFR 81.305, which emit, or have the potential to emit, 100 tons or more per year of volatile organic compounds (VOCs) or nitrogen oxides (NOx).

Rule 2:3c New and Modified Major Sources in the Tuscan Buttes Nonattainment Area became effective on September 1, 2015 per Board action on September 1, 2015. The District submitted the adopted rule to the California Air Resources Board (CARB) on September 4, 2015 for adoption into the SIP. On November 13, 2015 the rule was adopted by the rule to the SIP and were submitted to US EPA for approval.

The District was informed by the US EPA that the model NSR Rule that EPA had previously provided to the District had been revised. The US EPA requires that the current version of Regulation 2:3c be revised in order to be approved. EPA provided a new template that indicated the revisions that were needed before the Rule would be approvable by the EPA. The new NSR rule had only minor changes and did not materially change the content of Regulation 2:3c. Except for minor organizational changes, the main changes are stack height procedures, addition of clarifying definitions and incorporation by reference for certain definitions. On June 2020, these changes were adopted by the board and resubmitted to the EPA for SIP approval.

On December 2022, the US EPA again informed the District that they would not be able to approve the Rule due to a recent U.S. Court of Appeals case decided on January 29, 2021. The decision disallows interpollutant offset trading for ozone precursors and impacts section 4.5.2 of the June 2020 rule. The revised rule removes section 4.5.2 and clarifies section 1.3 and Provides for monitoring of visibility in section 5.1.

HEALTH IMPACTS:

Ground level ozone is a secondary pollutant formed from photochemical reactions of NOx and VOCs in the presence of sunlight. Ozone is a strong irritant that adversely affects the human health and damages crops and other environmental resources. As documented by the U.S Environmental Protection Agency (EPA) in the most recent Criteria Document for Ozone (U.S EPA 2006), both short-term and long-term exposure to ozone can irritate and damage the human respiratory system, resulting in:

- Decreased lung function;
- Development and aggravation of asthma;

- Increased hospitalizations and emergency room visits; and
- Premature deaths.

SOCIOECONOMIC IMPACT:

HSC Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Tehama County population is below 500,000 persons.

RULE CONSISTENCY ANALYSIS

Pursuant to the California H&SC Section 40727.2 (g) a rule consistency analysis of the draft rule is not required. The draft rule does not strengthen emissions limits or impose more stringent monitoring, reporting, or recordkeeping requirements.

WRITTEN ANALYSIS OF EXISTING FEDERAL AND DISTRICT REGULATIONS

The proposed amended rule does not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements. Pursuant to Health and Safety Code section 40727.2, subdivision (g), the foregoing satisfies the requirement of a written analysis of existing regulations prior to adopting, amending or repealing a regulation.

RULE DEVELOPMENT PROCESS

U.S. EPA Region IX worked with the California Air Resources Board (CARB) to draft a nonattainment Model NSR Rule that would satisfy the SIP submittal requirements.

A Public notice for a public hearing inviting the community to review and comment on the proposed revisions was published in the Red Bluff Daily newspaper, on May 1, 2020, and the Districts website.

BOARD ACTIONS AND ALTERNATIVES:

Staff requests the Board to do the following:

- a) Hold a Public Hearing to consider the repeal of current Tehama County Air Pollution Control District Rule 2:3C New and Major Sources (NSR), and adoption of the amended Tehama County Air Pollution Control District Rule 2:3C New and Major Sources (NSR) and;
- b) RESOLUTION - Request the repeal of current Tehama County Air Pollution Control District Rule 2:3C New and Major Sources (NSR), and adoption of the amended Tehama County Air Pollution Control District Rule 2:3C New and Major Sources (NSR). or;
- c) Propose changes to the text of the amendment to Rule 2:3c New and Major Sources (NSR), and re-schedule the public hearing to consider the proposed Rule(s) as revised.
or;
- d) Take no action.

ENVIRONMENTAL REVIEW AND COMPLIANCE:

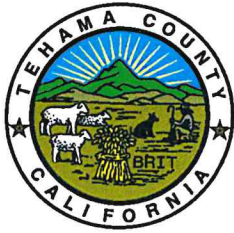
REQUIRED FINDINGS

FINDINGS	DEFINITIONS	REFERENCE
Authority	A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions.	Health and Safety Code sections 40000, 40001, 40716, 40910, and 42311, subdivision (g) are provisions of law that provide the District with the authority to adopt this Rule.
Necessity	The District has demonstrated a need for the rule.	Districts with area designated as nonattainment for federal National Ambient Air Quality Standards (NAAQS) are required by US EPA to establish Federal New Source Review (NSR) rules for inclusion into the Districts State Implementation Plan (SIP)
Clarity	The rule is written or displayed so that their meanings can easily be understood by the persons directly affected by it.	There is no indication, at this time, that the proposed rule is written in such a manner that persons affected by the proposed rule cannot easily understand them.
Consistency	The proposed rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The District has found that the proposed rule is consistent with applicable statutory requirements.
Non-duplication	The proposed rule does not impose the same requirements as an existing State or federal regulation, unless the District finds that the requirements are necessary and proper and duties granted to, and imposed upon, the district.	The proposed rule does not duplicate any existing local, state or federal requirements.
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	The proposed rule implements Health and Safety Code sections 40716, 40910, and 42311, subdivision (g).

Respectfully submitted,

Joseph H. Tona

Air Pollution Control Officer



County of Tehama Air Pollution Control District

P.O. Box 1169 • Red Bluff, California 96080

Joseph H. Tona
Phone: (530) 527-3717

Fax: (530) 527-0959

Air Pollution Control Officer
E-mail: jtona@tehcoapcd.net

March 10, 2023

ARB District Rules
Ms. Ariel Fideldy
California Air Resources board

Dear Ms. Fideldy

Re: NSR Rule 2:3c

Please find the enclosed Rule Action Package for the revised Rule 2:3c (New and Modified Major Sources in the Tuscan Buttes Nonattainment Area), which was adopted by the Tehama County Board of Supervisors on February 28, 2023. The revised rule became effective upon Board adoption.

We request that the California Air Resources Board (CARB) forward all appropriate documentation to the US EPA Region IX office. Additionally, we request that CARB update their District Rule database of rules and Regulations located on the CARB website <https://ww2.arb.ca.gov/current-air-district-rules>.

Included in the Rule Action Plan Package are the following attachments:

1. Completed and Clean Copy of the Rule
2. Certified Board of Supervisors Resolution
3. Certified Notice of Exemption to the Clerk
4. Evidence of Public Notice and Public Hearing
5. Other Materials (Staff Report)

In addition, the Tehama County Air Pollution Control District is requesting the withdrawal of the Rule 2:3C for New and Modified Major Sources in the Tuscan Buttes nonattainment area that was adopted on June 9, 2020.

If you Have any questions, please call Joseph Tona, Air Pollution Control Officer, at (530) 527-3717.

Sincerely,

Joseph H. Tona
Air Pollution Control Officer
Tehama County Air Pollution Control District