

# **RULE 518 PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT PROGRAM**

Adopted 02/10/11  
(Amended 10/13/16)

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**100 GENERAL**

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

**102 APPLICABILITY:** The provisions of this rule shall apply to any source and the owner or operator of any source subject to any requirement under 40 Code of Federal Regulations (CFR) Part 52.21 as incorporated into this rule.

**103 INCORPORATION BY REFERENCE:** Except as provided below, the provisions of Title 40 of the Code of Federal Regulations (CFR) Part 52.21, in effect October 13, 2016, are incorporated herein by reference and made part of the Rules and Regulations of the Placer County Air Pollution Control District.

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

**200 DEFINITIONS:** Unless otherwise defined below, the terms used in this rule are defined in 40 CFR Part 52.21(b):

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

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

201.2 "Air Pollution Control Officer (APCO)" elsewhere, as defined in District Rule 102, DEFINITIONS.

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

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

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

**203 PARAGRAPH (q):** The phrase "paragraph (q) of this section" in 40 CFR 52.21(l)(2) and (p)(1) shall read as follows: "the public notice and comment provisions of Rule 502, NEW SOURCE REVIEW".

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

## **300 STANDARDS**

### **301 REQUIREMENTS:**

- 301.1 An owner or operator must obtain a PSD permit pursuant to this Rule before beginning actual construction of a new major stationary source, a major modification, as defined in 40 CFR 52.21(b) or a Plantwide Applicability Limitation (PAL) major modification, as defined in 40 CFR 52.21(aa)(2).
- 301.2 Notwithstanding the provisions of any other District Rule or Regulation, the APCO shall require compliance with this rule prior to issuing a federal PSD permit as required by Clean Air Act (CAA) Section 165.
- 301.3 The applicant shall pay the applicable fees specified in District Rule 601, PERMIT FEES.
- 301.4 Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR Part 52.21 in effect on October 13, 2016.
- 301.5 The APCO shall provide written notice of any permit application for a proposed major stationary source or major modification to the EPA administrator. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct.
- 301.6 The APCO shall determine whether an application is complete not later than 30 days after receipt of the application or after such longer time as both the applicant and the APCO may agree. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information that is required. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The date of receipt of the application shall be the date on which the reviewing authority received all required information.

## **400 ADMINISTRATIVE REQUIREMENTS**

### **401 PUBLIC PARTICIPATION:** Prior to issuing a federal PSD permit pursuant to this rule and within one year after receipt of a complete application, the APCO shall:

- 401.1 Make a preliminary determination whether construction should be approved with conditions or disapproved.
- 401.2 Make available at the District office a copy of all materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit and a copy or summary of other materials, if any, considered in making the preliminary determination.
- 401.3 Notify the public, through a notice by prominent advertisement in the affected region of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for written public comment.
- 401.4 Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: Any

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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.

- 401.5 Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted.
- 401.6 Consider all written comments that were submitted within 30 days after the notice of public comment is published and all comments received at any public hearing(s) in making a final decision on the approvability of the application and make all comments available for public inspection in the same locations where the District made available preconstruction information relating to the proposed source or modification.
- 401.7 Make a final determination whether construction should be approved with conditions or disapproved.
- 401.8 Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the District made available preconstruction information and public comments relating to the source.

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