

**RULE 20.9
NEW SOURCE REVIEW
MAJOR STATIONARY SOURCES AND PROVISIONS FOR MEETING
THE FEDERAL CLEAN AIR ACT REQUIREMENTS
(ADOPTED 5/17/94; EFFECTIVE UPON EPA
DELEGATION OF AUTHORITY)**

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NOTE: On May 17, 1994, Rule 20.9 was added to implement NSR and PSD requirements of the federal 1990 Clean Air Act Amendments. This rule will become effective upon EPA approval and upon EPA delegation of the authority to implement and enforce the NSR and PSD federal programs.

RULE 20.9. NEW SOURCE REVIEW - MAJOR STATIONARY SOURCES AND PROVISIONS FOR MEETING THE FEDERAL CLEAN AIR ACT REQUIREMENTS (Adopted 5/17/94; Effective upon EPA Delegation of Authority)

The purpose of Rule 20.9 is to satisfy the requirements of the 1990 federal Clean Air Act Amendments as they apply to San Diego County, for any new or modified emission unit located at a major stationary source or at a PSD stationary source.

(a) APPLICABILITY

Compliance in full with the provisions of Rule 20.3 shall be deemed to constitute compliance with the provisions of Rule 20.9. This rule applies to any new or modified major stationary source, to any new or modified emission unit and to any relocated emission unit being moved from a stationary source, if, after completion of the project, the stationary source will be a major stationary source, or a PSD Stationary Source.

(b) EXEMPTIONS

The exemptions contained in Rule 20.1, Section (b) apply to this rule. In addition, for purposes of this rule, the following exemptions shall apply.

(1) Maintenance emissions from emergency equipment shall be exempt from the Lowest Achievable Emission Rate (LAER) requirements of Subsection (d)(1) and shall instead be subject to the Best Available Control Technology (BACT) provisions of Subsection (d)(1)(iii), as applicable.

(2) Emission units which are to be temporarily relocated to another stationary source shall be exempt from the provisions of Subsection (d)(1) provided that:

- (i) the emission unit is not being modified,
- (ii) there is no increase in the emission unit's potential to emit,
- (iii) the unit is not located for more than 180 days at the stationary source where it is moved to, and
- (iv) the emission unit is not located at more than two stationary sources over any 365-day period.

(3) Emission units which are intended to be permanently relocated to another stationary source shall be exempt from the provisions of Subsection (d)(1), provided that:

- (i) There is no increase in the emission unit's potential to emit,
- (ii) The relocation occurs within 10 miles of the previous stationary source, and
- (iii) The relocated emission unit commences operating at the stationary source it was relocated to within one year of the emission unit ceasing operations at its previous stationary source.

(c) DEFINITIONS

The definitions contained in Rule 20.1, Section (c) apply to this rule.

(d) **STANDARDS**

(1) **BEST AVAILABLE CONTROL TECHNOLOGY (BACT) AND LOWEST ACHIEVABLE EMISSION RATE (LAER)**

The Air Pollution Control Officer shall deny an Authority to Construct for any emission unit subject to this rule unless the applicant demonstrates that the following requirements will be satisfied:

(i) **LAER Provisions**

As provided below, the Lowest Achievable Emission Rate (LAER) provisions apply to those air contaminants and their precursors for which the District is classified as non-attainment of the national ambient air quality standards and for which the stationary source exceeds a major stationary source trigger level, contained in Rule 20.1, Tables 20.1 - 6 and 20.1 - 6A, as applicable.

(A) **New or Modified Emission Units - LAER Provisions**

Except as provided for in Subsection (d)(7), any emission unit which has an increase in its potential to emit of a pollutant for which the stationary source is a new major stationary source or is an existing major stationary source where there is a major modification for that pollutant and which unit has a post-project potential to emit ten pounds per day or more of particulate matter (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC), oxides of sulfur (SO_x), carbon monoxide (CO), or lead (Pb) shall be equipped with LAER.

(B) **Relocated Emission Units - LAER Provisions**

Except as provided for in Subsections (b)(2), (b)(3) and (d)(7), any relocated emission unit with a post-project potential to emit of 10 pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with LAER.

(C) **Replacement Emission Units - LAER Provisions**

Except as provided for in Subsection (d)(7), any replacement emission unit with a post-project potential to emit of 10 pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with LAER.

(ii) **BACT Provisions**

As provided below, the Best Available Control Technology (BACT) provisions apply to those air contaminants for which the District is classified as attainment or unclassifiable of the national ambient air quality standards and for which the stationary source exceeds a Prevention of Significant Deterioration (PSD) stationary source trigger level, contained in Rule 20.1, Tables 20.1 - 10 and 20.1 - 11, as applicable:

(A) **New or Modified Emission Units - BACT Provisions**

Any emission unit which has an increase in its potential to emit of a pollutant for which the stationary source is a new PSD stationary source or is an

existing PSD stationary source where there is a PSD modification for that pollutant and which unit has a post-project potential to emit ten pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, carbon monoxide, or lead shall be equipped with BACT.

(B) Relocated Emission Units - BACT Provisions

Any relocated emission unit with a post-project potential to emit of 10 pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with BACT.

(C) Replacement Emission Units - BACT Provisions

Any replacement emission unit with a post-project potential to emit of 10 pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with BACT.

(D) New or Modified Emission Units - Non-Criteria Pollutants

Any new or modified emission unit at a PSD stationary source, which emission unit has an emission increase equal to or greater than the non-criteria pollutant emissions significance levels, shall be equipped with BACT for each such air contaminant.

(iii) Emergency Equipment Emission Units

Any new or modified emergency equipment emission unit which has any increase in its potential to emit and which unit has a post-project potential to emit of 10 pounds per day or more of particulate matter, oxides of nitrogen, volatile organic compounds, oxides of sulfur, or carbon monoxide, shall be equipped with BACT for each such air contaminant. BACT shall apply based on the unit's maintenance emissions and excluding the unit's emissions while operating during emergency situations.

(2) **RESERVED**

(3) **PREVENTION OF SIGNIFICANT DETERIORATION (PSD)**

The Air Pollution Control Officer shall deny an Authority to Construct for any project subject to this rule unless the applicant demonstrates that the following requirements are satisfied.

(i) Applicability

(A) New PSD Stationary Source and PSD Modification

The provisions of Subsections (d)(3)(ii) through (vii) shall apply to any new PSD stationary source and to any PSD modification, for those air contaminants for which the District is classified as attainment or unclassified of the national ambient air quality standard.

(B) Significant Impact

The provisions of Subsections (d)(3)(ii) through (vii) shall apply to any project which is expected to have a significant impact on any Class I area regardless of the Class I area's national attainment or non-attainment classification. For Class II areas, the provisions of Subsections (d)(3)(ii) through (vii) apply only if, in addition to causing a significant impact, the Class II area where the significant impact occurs is classified as attainment of the national ambient air quality standard for that pollutant.

(C) Non-Criteria Pollutant Emissions Significance Levels

The provisions of Subsections (d)(3)(ii), (iii), (v), and (vii) shall apply to any emission increase of a non-criteria air contaminant at a PSD stationary source with a potential to emit equal to or greater than a non-criteria emissions significance level for the air contaminant, occurring at a PSD stationary source.

(ii) Notification Requirements

(A) Notification of Federal Land Manager - Before Application Submittal

The applicant shall provide written notification to the Federal Land Manager of the applicant's intent to file an application for an Authority to Construct, Permit to Operate, or Determination of Compliance pursuant to Rule 20.5, not less than 30 days prior to application submittal. The applicant's notification to the Federal Land Manager shall include copies of all of the analyses required by this Subsection (d)(3). Concurrently, the applicant shall notify the federal Environmental Protection Agency and the District, and provide copies of the written notification given to the Federal Land Manager.

(B) Notification of Federal Land Manager - After Application Submittal

If a project is modified prior to issuance of an Authority to Construct such that it becomes subject to Subsection (d)(3), the Air Pollution Control Officer shall provide the notification required by Subsection (d)(3)(ii)(A) no later than 15 days after it is determined that the provisions of Subsection (d)(3) apply.

(C) Failure to Notify

If the applicant has failed to provide the notification required by Subsection (d)(3)(ii)(A) within the time periods described in that subsection, the applicant shall provide the notification required by that subsection no later than 15 days after the Air Pollution Control Officer informs the applicant that the provisions of Subsection (d)(3) apply.

(iii) Air Quality Impact Analysis (AQIA)

The applicant shall perform an AQIA for those pollutants for which, pursuant to Subsection (d)(3)(i), Subsection (d)(3) applies. When performing the AQIA, projected growth calculated pursuant to Subsection (d)(3)(v)(A) shall be taken into account. Area fugitive emissions of PM₁₀ shall not be included in the AQIA, unless the Air Pollution Control Officer determines, on a case-by-case basis, that a project's area fugitive emissions of PM₁₀ must be evaluated in order to protect public health and welfare. A demonstration shall not be required for determining the impacts from

a project's oxides of nitrogen or volatile organic compound emissions on the national ambient air quality standard for ozone, unless the Air Pollution Control Officer determines that adequate procedures exist for determining the impacts of oxides of nitrogen or volatile organic compound emissions from point sources on ozone ambient air quality standards and that such procedures are acceptable to the federal Environmental Protection Agency.

(A) The applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer through an air quality impact analysis, that the project will not:

- (1) cause a violation of a national ambient air quality standard anywhere that does not already exceed such standard, nor
- (2) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, nor
- (3) prevent nor interfere with the attainment or maintenance of any national ambient air quality standard.

If a particulate matter AQIA is required, the AQIA shall include both directly emitted particulate matter and particulate matter which would be formed by precursor air contaminants prior to discharge to the atmosphere.

(B) The Air Pollution Control Officer shall comply with the public comment and notice provisions of Subsection (d)(4) and with the following:

(1) Federal Land Manager and federal EPA Notification

Notify the Federal Land Manager and the Environmental Protection Agency (EPA). This notification shall include all of the analyses required by Subsection (d)(3), the location of the project, the project's approximate distance from all Class I areas within 100 km of San Diego County (as specified in Rule 20.1, Table 20.1 - 3), and the results of the AQIA, at least 60 days prior to the public comment period required by Subsection (d)(4).

(2) CARB, SCAQMD and Imperial County APCD Notification

Notify and submit to the California Air Resources Board (CARB), the South Coast Air Quality Management District (SCAQMD) and the Imperial County Air Pollution Control District all of the information required by Subsection (d)(4)(iv).

(iv) Air Quality Increment

If the stationary source is located in an area designated as attainment or unclassified for the sulfur dioxide, nitrogen dioxide, or particulate matter national ambient air quality standard pursuant to Section 107(d)(1)(D) or (E) of the federal Clean Air Act, the following shall be satisfied:

(A) The applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, using procedures approved by the Air Pollution Control Officer, that the applicable air quality increments are not exceeded within the project's impact area.

(B) The demonstration required by Subsection (d)(3)(iv)(A), shall include the following:

- (1) a description of the federal attainment area where a significant impact occurs and the attainment area's corresponding non-major source baseline date, and
- (2) an analysis of the air quality impacts of all increment consuming and increment expanding emissions within the impact area, and
- (3) an analysis of the air quality impacts of increment consuming and increment expanding emissions outside the impact area that may have a significant impact within the impact area.

(v) **Additional Impacts Analyses**

The analyses required by Subsections (d)(3)(v)(A) through (C), shall include the impacts of total emissions which exceed a non-criteria emissions significance level.

(A) **Growth Analysis**

The applicant shall prepare a growth analysis containing all of the following:

- (1) an assessment of the availability of residential, commercial, and industrial services in the area surrounding the stationary source,
- (2) a projection of the growth in residential, industrial and commercial sources, construction related activities, and permanent and temporary mobile sources which will result from the construction of the new major stationary source or major modification, including any secondary emissions associated with the construction,
- (3) an estimate of the emission of all pollutants from the projected growth, and
- (4) a determination of the air quality impacts occurring due to the combined emissions from the projected growth and the stationary source's emissions increase.

(B) **Soils & Vegetation Analysis**

The applicant shall perform an analysis of the impacts from air contaminants on soils and vegetation containing all of the following:

- (1) the analysis shall be based on an inventory of the soils and vegetation types found in the impact area, including all vegetation with any commercial or recreational value, and
- (2) the analysis shall consider the impacts of the combined emissions from projected growth as determined above, pursuant to Subsection (d)(3)(v)(A) and the stationary source's emissions increase.

(C) Visibility Impairment Analysis

The applicant shall perform a visibility impairment analysis. The analysis shall focus on the effects of the emission increases from the new PSD stationary source or PSD modification and their impacts on visibility within the impact area. The analysis shall include a catalog of scenic vistas, airports, or other areas which could be affected by a loss of visibility within the impact area, a determination of the visual quality of the impact area, and an initial screening of emission sources to assess the possibility of visibility impairment. If the screening analysis indicates that a visibility impairment will occur, as determined by the Air Pollution Control Officer, a more in-depth visibility analysis shall be prepared.

(vi) Protection of Class I Areas

(A) Requirements

(1) An AQIA shall be prepared as prescribed in Subsection (d)(3). The AQIA shall include a demonstration that the new or modified stationary source will not cause or contribute to a violation of any national ambient air quality standard nor interfere with the attainment or maintenance of those standards.

(2) The analyses contained in Subsections (d)(3)(iii) through (v) shall be prepared for all emission increases which will result in a significant impact.

(B) Application Denial - Federal Land Manager/Air Pollution Control Officer Concurrence

The Air Pollution Control Officer shall deny an Authority to Construct for a new or modified stationary source subject to this Subsection (d)(3)(vi), if the Federal Land Manager demonstrates, and the Air Pollution Control Officer concurs, that granting the Authority to Construct would result in an adverse impact on visibility, soils, vegetation or air quality related values of a Class I area. The Air Pollution Control Officer shall take into consideration mitigation measures identified by the Federal Land Manager in making the determination.

(vii) Additional Requirements

(A) Tracking of Air Quality Increment Consumption Sources

The Air Pollution Control Officer shall track air quality increment consumption, consistent with current requirements established by the federal Environmental Protection Agency.

(B) Stack Height Requirement

The applicant for any new or modified PSD stationary source with a stack height greater than 65 meters must demonstrate to the satisfaction of the Air Pollution Control Officer that the new or modified stationary source complies with the most recent Good Engineering Practice (GEP) requirements contained in the 1993 version of 40 CFR 51.100 (ii).

(C) Preconstruction Monitoring Requirement

The applicant shall submit at least one year of continuous monitoring data, unless the Air Pollution Control Officer determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a shorter period. The requirement for monitoring may be waived by the Air Pollution Control Officer if representative monitoring data is already available.

(D) Cancellation of Authority to Construct

Any Authority to Construct issued to a PSD stationary source subject to the provisions of Subsection (d)(3), shall become invalid if construction is not commenced within 18 months after its issuance or if construction is discontinued for a period of 18 months or more after its issuance. The 18-month period may be extended by the Air Pollution Control Officer for good cause.

(4) **PUBLIC NOTICE AND COMMENT**

The Air Pollution Control Officer shall not issue an Authority to Construct for any project subject to the PSD requirements of Subsection (d)(3) unless the following requirements are satisfied.

(i) Public Comment Period

At least 40 days before taking final action on an application, the Air Pollution Control Officer shall:

(A) provide the public with notice of the proposed action in the manner prescribed in Subsection (d)(4)(iii), and

(B) provide the federal Environmental Protection Agency with notice of the proposed action and all of the information specified in Subsection (d)(4)(iv), and

(C) make available for public inspection all information relevant to the proposed action as specified in Subsection (d)(4)(iv), and

(D) provide at least a 30-day period within which comments may be submitted.

The Air Pollution Control Officer shall consider all comments submitted.

(ii) Applicant Response

Except as agreed to by the applicant and the Air Pollution Control Officer and to the extent consistent with Rule 18, no later than 10 days after close of the public comment period, the applicant may submit written responses to any comment received during the public comment period. Responses submitted by the applicant shall be considered prior to the Air Pollution Control Officer taking final action. The applicant's responses shall be made available for public review.

(iii) **Publication of Notice**

The Air Pollution Control Officer shall publish a notice of the proposed action in at least one newspaper of general circulation in San Diego County. The notice shall:

- (A) describe the proposed action, and
- (B) identify the location(s) where the public may inspect the information relevant to the proposed action, and
- (C) indicate the date by which all comments must be received by the District for consideration prior to taking final action.

(iv) **Information to be Made Available for Public Inspection**

The relevant information to be made available for public inspection shall include, but not be limited to:

- (A) the application and all analyses and documentation used to support the proposed action, the District's compliance evaluation, a copy of the draft Authority to Construct or Permit to Operate and any information submitted by the applicant not previously labeled Trade Secret pursuant to Regulation IX, and
- (B) the proposed District action on the application, including the preliminary decision to approve, conditionally approve or deny the application and the reasons thereof.

(5) **EMISSION OFFSETS**

The Air Pollution Control Officer shall not issue an Authority to Construct for any project subject to this rule unless emission offsets are provided on a pollutant specific basis for emission increases of non-attainment air contaminants and their precursors. Emission offsets shall be provided only for those air contaminants for which the District is classified as non-attainment of a national ambient air quality standard or their precursors. Emission offsets shall be required for any increase in the potential to emit of a pollutant for which the stationary source is a new major stationary source or is an existing major stationary source where there is a major modification for that pollutant. Emission offsets shall be required to the extent by which the stationary source's post-project aggregate potential to emit is greater than 25 tons per year, as specified below. If the District has received final reclassification to a "serious" ozone non-attainment area by the federal Environmental Protection Agency, emission offsets shall be required to the extent by which the stationary source's post-project aggregate potential to emit is greater than 50 tons per year, as specified below. Interpollutant offsets may be used, provided such offsets meet the requirements of Subsection (d)(5)(vi).

(i) **Offset Requirements for VOC and NO_x Emission Increases - New or Modified Emission Units**

(A) **Offset Requirements for VOC Emission Increases**

The volatile organic compound (VOC) emission increase from a new or modified emission unit located at a stationary source with a volatile organic compound post-project aggregate potential to emit equal to or greater than 25 tons per year, shall be offset at the offset ratio specified in Table 20.9 - 2. If the

District is reclassified to a "serious" ozone non-attainment area by the federal Environmental Protection Agency, the offset ratios shall be those specified in Table 20.9 - 2A.

(B) Offset Requirements for NOx Emission Increases

The oxides of nitrogen (NOx) emission increase from a new or modified emission unit located at a stationary source with an oxides of nitrogen post-project aggregate potential to emit equal to or greater than 25 tons per year, shall be offset at the offset ratio specified in Table 20.9 - 2. If the District is reclassified as a "serious" ozone non-attainment area by the federal Environmental Protection Agency, the offset ratios shall be those specified in Table 20.9 - 2A.

TABLE 20.9 - 2
VOC and NOx Offset Ratios
Federal Severe Ozone Non-Attainment Classification

Stationary Source's Post-Project Aggregate VOC or NOx <u>Potential to Emit</u>	Offset Ratio	
	<u>NOx</u>	<u>VOC</u>
Potential < 25 tons/year	None	None
Potential ≥ 25 tons/year	1.3:1.0	1.3:1.0

TABLE 20.9 - 2A
VOC and NOx Offset Ratios
Federal Serious Ozone Non-Attainment Classification

Stationary Source's Post-Project Aggregate VOC or NOx <u>Potential to Emit</u>	Offset Ratio	
	<u>NOx</u>	<u>VOC</u>
Potential < 50 tons/year	None	None
Potential ≥ 50 tons/year	1.2:1.0	1.2:1.0

NOTE: The offset ratios specified in this Table shall be used only if San Diego County has received final reclassification to a "serious" ozone non-attainment area by the federal Environmental Protection Agency. As of May 17, 1994, San Diego County was classified as a "severe" ozone nonattainment area by the federal Environmental Protection Agency.

(ii) Offset Requirements for PM₁₀ and SOx Emission Increases - New or Modified Emission Units

(A) Offset Requirements for SOx Emission Increases

The oxides of sulfur (SOx) emission increase from a new or modified emission unit located at a stationary source with an oxides of sulfur post-project

aggregate potential to emit equal to or greater than 100 tons per year shall be offset at the offset ratio specified in Table 20.9 - 3.

(B) Offset Requirements for PM₁₀ Emission Increases

The particulate matter (PM₁₀) emission increase from a new or modified emission unit located at a stationary source with a particulate matter post-project aggregate potential to emit equal to or greater than 100 tons per year shall be offset at the offset ratio specified in Table 20.9 - 3.

TABLE 20.9 - 3
PM₁₀ and SO_x Offset Ratio

Stationary Source's Post-Project Aggregate PM ₁₀ or SO _x <u>Potential to Emit</u>	Offset Ratio	
	PM ₁₀	SO _x
Potential < 100 tons/year	None	None
Potential ≥ 100 tons/year	1 : 1	1 : 1

(C) RESERVED

(iii) Offset Requirements for CO Emission Increases - New or Modified Emission Units

(A) Offset Requirements for CO Emission Increases

The carbon monoxide (CO) emission increase from a new or modified emission unit located at a stationary source with a carbon monoxide post-project aggregate potential to emit equal to or greater than 100 tons per year, shall be offset at the offset ratio specified in Table 20.9 - 4.

TABLE 20.9 - 4
CO Offset Ratio

Stationary Source's Post-Project Aggregate CO <u>Potential to Emit</u>	Offset Ratio
	CO
Potential < 100 tons/year	None
Potential ≥ 100 tons/year	1 : 1

(B) Waiver of CO Offset Requirements

Notwithstanding the offset provisions of Subsection (d)(5)(iii)(A) above, if an applicant demonstrates to the satisfaction of the Air Pollution Control Officer, by means of an AQIA, that the new or modified emission unit will not cause or contribute to a violation, nor interfere with the attainment or maintenance, of any national ambient air quality standard for carbon monoxide, emission offsets for carbon monoxide shall not be required.

(iv) **RESERVED**

(v) **RESERVED**

(vi) **Interpollutant Offset Ratios**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.9 - 5 to satisfy the offset requirements of this Subsection (d)(5). The interpollutant ratios shall be multiplied by the emission offset ratios required by Subsection (d)(5), to determine the final offset ratio.

TABLE 20.9 - 5
Interpollutant Ratio

Emission Increase	Emission Decrease	Interpollutant Ratio
Particulate Matter (PM ₁₀)	PM ₁₀	1.0
	VOC	1.1
	NO _x	1.1
	SO _x	1.1
Oxides of sulfur (SO _x)	SO _x	1.0
	PM ₁₀	1.1
	VOC	1.1
	NO _x	1.1
Oxides of Nitrogen (NO _x)	NO _x	1.0
	VOC	2.0
Volatile Organic Compounds (VOC)	VOC	1.0
	NO _x	1.0

(6) **RESERVED**

(7) **BACT INSTEAD OF LAER**

Any stationary source which provides volatile organic compounds or oxides of nitrogen emission reductions from within the stationary source at a ratio of at least 1.3 to 1.0 for any increase of volatile organic compounds or oxides of nitrogen subject to the LAER provisions of Subsection (d)(1), may apply BACT instead of LAER for such increases. In addition, any modification of an existing stationary source which results in an emission increase of volatile organic compounds or oxides of nitrogen, may apply BACT instead of LAER, provided the stationary source's post-project aggregate potential to emit is less than 100 tons per year of volatile organic compounds or oxides of nitrogen. This provision shall apply on a pollutant specific basis.

(8) **RESERVED**

(e) **ADDITIONAL REQUIREMENTS**

(1) **Compliance Certification**

Prior to receiving an Authority to Construct pursuant to this rule, an applicant for any new or modified stationary source required to satisfy the LAER provisions of Subsection (d)(1) or the major source offset requirements of Subsection (d)(5) shall certify that all major stationary sources owned or operated by such person or by any entity controlling, controlled by or under common control with such a person, in the state are in compliance, or on an approved schedule for compliance, with all applicable emission limitations and standards under the federal Clean Air Act.

(2) **Alternative Siting and Alternatives Analysis**

The applicant for any new major stationary source required to satisfy the LAER provisions of Subsection (d)(1) or the major source offset requirements of Subsection (d)(5), shall conduct an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that the benefits of the proposed source outweigh the environmental and social costs imposed as a result of its location or construction. Analyses conducted in conjunction with state or federal statutory requirements may be used.