



San Diego County Air Pollution Control District

March 2, 2022

COMPLIANCE ADVISORY

- **Rule 20.1 – New Source Review (NSR) – General Provisions;**
- **Rule 20.3 – New Source Review – Major Stationary Sources and Prevention of Significant Deterioration (PSD) Stationary Sources;**
- **Rule 20.4 – New Source Review – Portable Emission Units of Regulation II of the Rules and Regulations;**
- **Title V Operating Permits Rule 1401 – General Provisions of Regulation XIV of the Rules and Regulations of the San Diego County Air Pollution Control District**

On October 14, 2021, the San Diego County Air Pollution Control District (District) Governing Board adopted revisions to District NSR Rules 20.1, 20.3, and 20.4, and to District Title V Rule 1401.

The District's NSR Rules 20.1, 20.3 and 20.4 specify the air pollutant emission controls and related requirements applicable to new, modified, replaced, or relocated stationary equipment or portable emission units, operations and processes which require an Authority to Construct and Permit to Operate in accordance with District Rule 10 – Permits Required. The requirements are based on federal and State laws and regulations.

In summary, the amendments made the following four primary changes to these rules:

- Lowered the NSR major source applicability thresholds in Rule 20.1 for NO_x and VOC due to the redesignation of the San Diego region to a severe ozone non-attainment area. A major stationary source is now defined as a source which has an aggregate Potential to Emit (PTE) of 25 tons or more per year of either NO_x or VOC.
- Corrected a deficiency identified by the U.S. Environmental Protection Agency (EPA) in their limited disapproval of the District NSR Rule 20.1, adopted on June 26, 2019. The correction clarifies that facilities must comply with applicable NSR requirements (i.e. BACT/LAER, Emission Offsets, Modeling) at the time the Authority to Construct is issued instead of when the application is deemed complete. This means that federal major source thresholds of PTE of 25 tons or more per year of either NO_x or VOC, based on the San Diego region's Severe ozone non-attainment status, immediately apply to all applications that have not already been issued an authority to construct.
- Revised interpollutant trading provisions of Rule 20.4 based on court's decision (January 29, 2021, where the D.C. Circuit Court of Appeals decision in *Sierra Club v. EPA*, 984 F.3d 1055, issued a decision holding that the Clean Air Act does not allow interpollutant trading for ozone precursors) by prohibiting interpollutant trading of offsets for ozone precursors (NO_x and VOCs), and to provide consistency with interpollutant offset provisions found in existing Rule 20.3; and



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- Revised the applicability thresholds for Rule 1401, due to the redesignation of the San Diego region to severe non-attainment for ozone. The redesignation lowered the threshold requirement for “major stationary sources” to obtain a Title V operating permit. A major stationary source is now defined as a source which has an aggregate PTE of 25 tons or more per year of either NO_x or VOC.

Existing facilities that become subject to Title V permitting must file an initial application and corresponding fees within 12 months of becoming subject to Title V permitting. This date will be based on the effective date of the Rule 1401 provision which is currently pending EPA approval. The District expects this to occur this year and will issue a subsequent advisory when the deadline to apply for a Title V permit for affected existing facilities is set (i.e., the application deadline will likely be mid-2023).

The applicability of Title V permitting is based on a facility's "potential" emissions, which assumes the facility continuously operates at maximum permitted capacity, rather than its actual emissions.

Consequently, a facility with actual emissions that are less than the applicability thresholds may be at risk of federal enforcement or citizen lawsuit to obtain a Title V permit based on its potential emissions. To avoid this possibility, existing District Rule 60.1 (Limiting Potential to Emit at Small Sources) and District Rule 60.2 (Limiting Potential to Emit – Synthetic Minor Sources) are rules that specify procedures to voluntarily opt out of Title V permitting.

Rule 60.1 is designed for sources with actual emissions below 50 percent of the applicability thresholds and specifies recordkeeping and reporting requirements that must be met in order to be exempt from Title V permitting. Rule 60.2 is designed for sources with actual emissions between 50 and 100 percent of the applicability thresholds and provides an exemption from Title V permitting through applying for permit modifications to impose enforceable permit conditions that limit potential emissions to less than the applicability thresholds. Please note that the deadline to apply for synthetic minor status is 60 days prior to the applicable Title V application filing deadline. However, the District encourages sources to contact the District on the information required to be included in their application or file applications earlier to ensure compliance with the deadlines.

Copies of the amended rules are available on the District's website [here](#). If you have any questions, please contact the District's Engineering Division at (858) 586-2600 or by email at apcdengineering@sdapcd.org.



San Diego County Air Pollution Control District

April 6, 2023

COMPLIANCE ADVISORY

Notice of Title V Permit Requirements and Deadlines to File Applications

This advisory is to inform you that additional facilities may be subject to the San Diego County Air Pollution Control District (District) Title V Program (the Clean Air Act Operating Permit Program) in accordance with revised District Rule 1401¹.

On February 6, 2023, the United States Environmental Protection Agency (EPA) published in the Federal Register² a notice that the effective date of revised District Rule 1401³ was February 21, 2023. **In accordance with revised District Rule 1401, if a stationary source has emitted, or has the potential to emit, either Oxides of Nitrogen (NOx) or Volatile Organic Compounds (VOCs) in the amounts equal to or greater than 25 tons per year, that source is now considered a Major Source of NOx or VOCs and subject to the Title V permitting requirements. Therefore, the owner/operator of such stationary source must submit a Title V permit application to the District as soon as possible, but no later than February 21, 2024 (12 months after the effective date of revised District Rule 1401).**

The applicability of Title V permitting requirements is based on a facility's "potential" emissions (excluding fugitive emissions), which assumes the facility continuously operates at maximum permitted capacity, rather than its actual emissions. Also, it is the responsibility of each stationary source owner/operator to determine the potential emissions of NOx or VOCs to establish applicable Title V permitting requirements.

A facility with actual emissions that are less than the applicability thresholds may still be at risk of federal enforcement or citizen lawsuits to obtain a Title V permit if its potential emissions exceed the Title V applicability thresholds and has not applied for a Title V permit. To avoid this possibility, existing District Rule 60.1⁴ (Limiting Potential to Emit at Small Sources) and District Rule 60.2⁵ (Limiting Potential to Emit – Synthetic Minor Sources) specify procedures to voluntarily opt out of Title V permitting requirements. Rule 60.1 is designed for sources with actual emissions in any 12-month period below 50 percent of the Title V applicability thresholds and specifies recordkeeping and reporting requirements that must be met to be exempt from Title

¹ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-1401.pdf>

² <https://www.govinfo.gov/content/pkg/FR-2023-02-06/pdf/2023-02138.pdf>

³ Additional details regarding the rulemaking process are available at

<https://www.sdapcd.org/content/dam/sdapcd/documents/compliance/Compliance-Advisory-NSR-Rules-and-Rule-1401.pdf>

⁴ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-60.1.pdf>

⁵ <https://www.sdapcd.org/content/dam/sdapcd/documents/rules/current-rules/Rule-60.2.pdf>

V permitting requirements. Rule 60.2 is designed for sources with actual emissions in any 12-month period equal to or above 50 percent of the Title V applicability thresholds and provides an exemption from Title V permitting requirements if an application is submitted for permit modifications to obtain a synthetic minor permit and to impose enforceable permit conditions that limit potential emissions to less than the Title V applicability thresholds. **Please note that the deadline to apply for synthetic minor status is December 22, 2023 (60 days prior to the applicable Title V application filing deadline).**

This advisory includes a preliminary list of facilities with actual emissions of either NO_x or VOCs equal to or greater than 12.5 tons per year (50 percent of the Title V applicability thresholds). This list is based on the most recent 2018-2021 calendar year emission inventories. **However, this list is not inclusive of all sources which may be subject to the Title V permitting requirements based on their potential emissions. As mentioned earlier, it is the responsibility of each stationary source owner/operator to determine the potential to emit of NO_x or VOCs to establish applicable Title V permitting requirements.**

The District encourages facilities to contact the District Engineering Division at (858) 586-2600 or at APCDengineering@sdapcd.org regarding permitting application requirements and file applications as soon as possible to ensure compliance with the Title V permitting requirements.

**Preliminary List of Facilities
 (Based on 2018-2021 Calendar Year Emission Inventories)**

APCD Record No.	Facility Name	Pollutant	Highest Emission Inventory Year	Equipment Location
APCD1980-SITE-00204	BAE Systems SDSR	VOC	2020	2205 E Belt St. San Diego 92113
APCD1976-SITE-00116	CP Kelco	VOC and NOx	2019	2025 East Harbor Dr. San Diego 92113
APCD1984-SITE-03370	Encina Wastewater Authority	VOC and NOx	2018	6200 Avenida Encinas Carlsbad 92011
APCD1978-SITE-00031	GKN Aerospace Chemtronics Inc.	NOx	2021	1150 W Bradley Ave. El Cajon 92020
APCD1982-SITE-00365	Hydranautics	VOC	2018	401 Jones Rd. Oceanside 92058
APCD1992-SITE-08439	North City Water Reclamation Plant	VOC and NOx	2021	4949 Eastgate Mall San Diego 92121
APCD1976-SITE-00208	San Diego State University	NOx	2021	5500 Campanile Dr. San Diego 92182
APCD1990-SITE-07804	SD Metro Pumping Station #2	NOx	2021	4077 Harbor Dr. N San Diego 92101
APCD1980-SITE-02768	USMC MCAS Miramar	VOC and NOx	2018	USMC Miramar San Diego 92145
APCD1979-SITE-02796	USN Nav Sta 1 SCE	VOC and NOx	2021	32nd Street Naval Base San Diego 92136
APCD1993-SITE-08684	RR Donnelley & Sons Company	VOC	2018	960 Gateway Center Way San Diego 92102
APCD1980-SITE-00113	Tesoro Logistics	VOC	2019	2295 E. Harbor Dr. San Diego 92113
APCD1984-SITE-00143	Merit Oil Company	VOC	2020	635 W 3rd Ave. Escondido 92025
APCD1987-SITE-07166	Versum Materials	VOC	2020	1969 Palomar Oaks Way Carlsbad 92011
APCD1980-SITE-10639	USMC Base Marine Group Ops	VOC and NOx	2020	Camp Pendleton (23 Area) Camp Pendleton 92055