



# San Diego County Air Pollution Control District

August 1, 2023

## **NOTICE OF PROPOSED AMENDMENTS TO RULE 1415 – PERMIT PROCESS-PUBLIC NOTIFICATION**

The San Diego County Air Pollution Control District (District) invites you to provide input regarding draft proposed amendments to Rule 1415 – Permit Process-Public Notification of the District's Regulation XIV Title V permitting program.

The District's Title V permit program is mandated by Title V of the federal Clean Air Act. It requires each existing "major stationary source" of regulated air pollutants to obtain a federally enforceable operating permit from the District that addresses all applicable requirements under the Clean Air Act including monitoring, record keeping, and reporting requirements. Rule 1415 specifically describes the public, affected state, and federal notice requirements of the District's Regulation XIV Title V permitting program.

To address feedback from the Environmental Protection Agency (EPA), the District is proposing to amend Rule 1415 Sections (a), (c), and (d), to specify that in addition to posting a draft of the proposed Title V permit, a draft of the Statement of Basis (SB) must also be electronically published and available for public, affected state, and federal review and comment. Amendments to Rule 1415 also propose to replace the requirement to publish the notice of intent to issue a Title V permit in a newspaper with an electronic public notification system. Additionally, the District is proposing to clarify existing procedures for the publishing of the New Application list and recordkeeping requirements described in Sections (g) and (j) of Rule 1415. The proposed amendments to Rule 1415 will not have any emissions impact, as this is an administrative rule for the public notification process of the Title V permit program and does not control any emissions.

A public workshop to discuss the proposed amendments has not been scheduled at this time because the proposed revisions are minor and for administrative purposes only. A workshop will be scheduled only if there are any concerns with the proposed amendments. If there are no concerns during the 30-day comment period, the District will proceed with submitting the proposed amendments to the Air Pollution Control Governing Board for consideration of adoption in late 2023.

### **Draft Documents**

Copies of the draft proposed amendments to Rule 1415 are available on the District's website at <https://bit.ly/workshops-public-notices>. Those unable to access the document may contact Janet McCue at 858-586-2712 or [Janet.McCue@sdapcd.org](mailto:Janet.McCue@sdapcd.org).

### **Comment Deadline**

Comments and questions regarding the draft proposed amendments to Rule 1415 may be submitted in writing within 30 days and no later than August 31, 2023. Please email all written comments directly to [APCDRules@sdapcd.org](mailto:APCDRules@sdapcd.org).

### **More Information**

Please contact Miriam Sanchez (858-586-2850 or [Miriam.Sanchez@sdapcd.org](mailto:Miriam.Sanchez@sdapcd.org)) or Nick Cormier (858-586-2798 or [Nick.Cormier@sdapcd.org](mailto:Nick.Cormier@sdapcd.org)) with any questions.



# San Diego County Air Pollution Control District

1 de agosto de 2023

## **AVISO DE ENMIENDAS PROPUESTAS A REGLA 1415 – PROCESO DE PERMISOS-NOTIFICACIÓN PÚBLICA**

El Distrito de Control de la Contaminación del Aire del Condado de San Diego (Distrito) lo invita a brindar su opinión sobre el borrador de las enmiendas propuestas a la Regla 1415 – Proceso de Permisos-Notificación Pública del programa de permisos del Título V de la Regulación XIV del Distrito.

El programa de permisos del Título V del Distrito es un mandato del Título V de la Ley de Aire Limpio que federalmente requiere que cada "fuente estacionaria principal" existente de contaminantes atmosféricos regulados obtenga un permiso del Distrito el cual aborde todos los requisitos federales incluyendo los requisitos de monitoreo, mantenimiento de registros y presentación de informes. La Regla 1415 especifica los requisitos de notificación pública, estatal y federal del programa de permisos del Título V de la Regulación XIV del Distrito.

Para abordar los comentarios de la Agencia de Protección Ambiental (EPA), el Distrito propone enmendar las Secciones (a), (c) y (d) de la Regla 1415 para especificar que además de publicar un borrador del permiso Título V propuesto, un borrador de la Declaración de Base (SB) también debe publicarse electrónicamente y estar disponible para revisión y comentarios del público, estados afectados y federales. Las enmiendas a la Regla 1415 también proponen reemplazar el requisito de publicar el aviso de intención de emitir un permiso Título V en un periódico con un sistema electrónico. Adicionalmente, el Distrito propone aclarar los procedimientos existentes de la publicación de la lista de Solicitudes Nuevas y los requisitos de mantenimiento de registros descritos en las Secciones (g) y (j) de la Regla 1415. Las enmiendas propuestas a la Regla 1415 no tendrán ningún impacto en las emisiones, ya que esta es una regla administrativa para el proceso de notificación pública del programa de permisos del Título V y no controla ninguna emisión.

No se ha programado un taller público para discutir las enmiendas propuestas en este momento porque las revisiones propuestas son menores y administrativas. Se programará un taller público solo si hay alguna preocupación sobre las enmiendas propuestas. Si no hay preocupaciones durante el período de comentarios de 30 días, el Distrito procederá a presentar las enmiendas propuestas en la Junta de Gobierno del Control de la Contaminación del Aire para que se considere su adopción a fines de 2023.

### **Borrador y Documentos**

Las copias del borrador de las enmiendas propuestas a la Regla 1415 están disponibles en el sitio web del Distrito en <https://bit.ly/workshops-public-notice>. Quienes no puedan acceder al documento en el sitio web pueden comunicarse con Janet McCue al 858-586-2712 o [Janet.McCue@sdapcd.org](mailto:Janet.McCue@sdapcd.org).

### **Fecha del Periodo para Comentarios**

Los comentarios y preguntas sobre el borrador de enmiendas propuestas a la Regla 1415 pueden enviarse por escrito durante de los 30 días y a más tardar el 31 de agosto de 2023. Por favor envíe todos los comentarios escritos por correo electrónico directamente a [APCDRules@sdapcd.org](mailto:APCDRules@sdapcd.org).

### **Más Información**

Para más información o si tiene preguntas, por favor contacte a Miriam Sanchez (858-586-2850 o [Miriam.Sanchez@sdapcd.org](mailto:Miriam.Sanchez@sdapcd.org)) o Nick Cormier (858-586-2798 o [Nick.Cormier@sdapcd.org](mailto:Nick.Cormier@sdapcd.org)).

**RULE 1415. PERMIT PROCESS-PUBLIC NOTIFICATION**

(Adopted 1/18/94; Revised 3/7/95)

(Rev. 5/23/01; Eff. 12/31/01)

(Rev. 8/13/03; Eff. 2/27/04)

(Rev. Adopted (date of adoption); Effective (date of EPA approval into SIP))

(a) **PUBLIC NOTICE** (Rev. 8/13/03; Eff. 2/27/04)

At least 30 days prior to issuance of a five year initial permit to operate subject to this regulation, a revised permit resulting from an application for significant modification or renewal of such a permit, the Air Pollution Control Officer shall publicly notice and make available a draft of the proposed permit and Statement of Basis (SB) for public and affected state review and comment as follows:

(1) ~~Publication in a newspaper of general circulation of a notice of intent to issue a permit to operate. Posting a notice of intent to issue a permit to operate, along with a draft of the proposed permit and SB, on the public notice section of the Air Pollution Control District's web site, for the duration of the public comment period, that includes the comment period duration and dates.~~

(2) Notification to all persons requesting to be included in a mailing list for purposes of notification of all permit actions.

(3) By other means if determined necessary by the Air Pollution Control Officer to assure adequate notice to the affected public.

(4) Availability of a copy of the draft proposed permit and SB for public review at the Air Pollution Control District offices.

(b) **PUBLIC HEARINGS**

Pursuant to any petition from the public as a result of public notice, the Air Pollution Control Officer shall, with reasonable cause, hold a public hearing to receive comments regarding initial issuance, modification, or renewal of a permit to operate. All public hearings shall be preceded by issuance of a public notice containing all information specified in Section (d) of this rule at least 30 days prior to the public hearing.

**(c) NOTICE TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA)**

At least 45 days prior to issuance of a five year initial permit to operate subject to this regulation, or significant modification or renewal of such a permit, a draft of the proposed permit, and SB shall be made available to the federal EPA, Region IX for the purpose of comment on the proposed permit. In the event a proposed permit to operate issuance or renewal is substantively changed after submittal to federal EPA, such changes shall be resubmitted to federal EPA. An additional 45 days shall be provided for federal EPA review and comment regarding the changes. The federal EPA shall be provided with a copy of the final permit with supporting analysis used as a basis for permit issuance.

The Air Pollution Control Officer shall not issue a permit to operate required by this regulation if the Administrator of the federal EPA objects, within the specified review period, to such issuance. In such case, a permit to operate shall not be issued by the Air Pollution Control Officer except in a form consistent with the objection, or after the Administrator withdraws the objection.

**(d) CONTENTS OF PUBLIC NOTICE**

Notice to the public shall:

- (1) Identify the affected facility by name and address;
- (2) Provide the name and address of the District processing the permit;
- (3) Identify the activity or activities involved in the proposed permit action;
- (4) Identify the emissions change involved in any modification;
- (5) Any additional information, as determined by the APCO, that ensures the notice is meaningful, relevant, and understandable to the public;

~~(6)~~ Identify the name, telephone number and address of the person who can provide additional information including:

- (i) a copy of the proposed permit draft;
- (ii) a copy of the SB;
- (iii) the permit application; and
- ~~(iv)~~ all relevant supporting materials available to the Air Pollution Control Officer.

(76) Describe procedures for providing comments;

(87) Include the time and place of any hearing, if already scheduled, or the procedures for petitioning for a hearing; and

(98) Identify the scope of the permit review and identify areas that are appropriate for public comment.

**(e) COORDINATED PROCESSING OF RELATED PERMITS**

The District shall endeavor to issue a single public notice, to hold a single public hearing (if a hearing is necessary), and to coordinate notice to the federal EPA for any group of permits for similar sources that raises similar issues.

**(f) EXCEPTIONS**

The public notice requirements of this rule shall not apply to minor modifications and administrative amendments.

**(g) NEW APPLICATION LISTS**

~~Lists of new p~~Permit applications received will be posted in the District office ~~on a weekly basis or on the District's website. These lists will be available~~ for public review ~~during normal business hours. A e~~Copies of the list will be ~~applications can also be~~ provided to any person or interested group who ~~has requested~~s a copy in writing.

**(h) CONSIDERATION OF COMMENTS** (Rev. 5/23/01; Eff. 12/31/01)

(1) Comments that are relevant to the permit review and areas appropriate for public comment identified pursuant to Subsection (d)(8) of this rule shall be considered and responded to by the District in the review of an application for permit.

(2) The Air Pollution Control Officer shall provide a written response, including reasons for not accepting comments and recommendations for a proposed permit, to persons or agencies that submitted written comments which are postmarked or otherwise submitted by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request.

**(i) COPIES OF PERMIT ACTION**

Upon issuance of an Authority to Construct, Temporary Authorization, Permit to Operate, or a revised Permit to Operate, the Air Pollution Control Officer shall mail a copy of such action to any person or interested group who has requested a copy in writing.

**(j) PUBLIC INSPECTION**

(1) The permit file will be open to public inspection to the extent required by District Rules and Regulations, and state and federal law.

(2) The District shall retain all records listed in subsections (d)(5)(i) through (d)(5)(iv) of this rule in electronic and/or hardcopy format for at least five calendar years from the date of permit approval by the District and made available to the public, affected State, and EPA upon request.

**(k) TRADE SECRETS**

Nothing in this regulation shall require or authorize the Air Pollution Control Officer to release to the public or the federal EPA any information which has been labeled as "trade secret" by the person furnishing such information except as provided in Regulation IX and 40 CFR Section 70.4 (b)(3)(viii). However, the Air Pollution Control Officer will provide the federal EPA with notice of which specific trade secret information has been withheld.

**(l) ACTION ON APPLICATIONS**

Notwithstanding the requirements of Sections (a) through (k) of this rule, the Air Pollution Control Officer shall take final permit action on an application for an initial permit, a revised permit, or a reopening of a permit within the time limits specified in Rule 1410.

**(m) TRANSMITTAL OF PERMIT DOCUMENTS TO THE FEDERAL EPA**

The Air Pollution Control Officer shall provide to the Administrator of the federal EPA a copy of each application (or summary thereof) for initial permit, permit renewal, administrative permit amendment and permit modification, each proposed permit, and each final initial, revised or renewed permit.