

**SANTA BARBARA COUNTY**  
**AIR POLLUTION CONTROL DISTRICT**  
**POLICIES AND PROCEDURES**

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| Policy No.     | <u>6100.071.2016</u><br>Div Pol Yr                    | Draft _____    |
| Supersedes No. | <u>6100.071.1998</u><br>Div Pol Yr                    | Final <u>x</u> |
| Date:          | <u>August 25, 2016</u>                                | Pages <u>2</u> |
| Topic:         | <u>New Source Review – Public Noticing of Permits</u> |                |
| Distribution:  | <u>Engineering Division Staff</u>                     |                |

**1.0 APPLICABILITY**

This policy and procedure applies to all New Source Review (NSR) permit applications.

**2.0 BACKGROUND**

This policy and procedure addresses how one determines when an Authority to Construct requires public noticing. Regulation VIII (*New Source Review*) contains three rules that, under certain circumstances, require a permit to be public noticed. These are Rule 802 (*New Source Review*), Rule 809 (*Federal Minor Source New Source Review*) and Rule 810 (*Federal Prevention of Significant Deterioration*). Section I.1 of Rule 802 (*Analysis, Notice and Reporting*), Section G (Analysis and Public Notice) of Rule 809 and Section E (*Public Participation*) of Rule 810 address the requirements for public noticing New Source Review projects.

The notice requirements of the rules are clear as applied to new projects. Some ambiguity exists as to minor modifications to a previously permitted project that required offsets and AQIA. For many minor modifications, the existing AQIA does not need to be revised. Additionally, while a small amount of offsets may be necessary for a modification to a previously permitted project, no new offset analysis is required. In such instances, the AQIA and offset analysis that support the permit have been publicly circulated as part of the permitting of the original project. Therefore, as provided in Section 3.0, below, such modifications shall not require public notice.

**3.0 POLICY**

The requirement to public notice a New Source Review permit shall be determined by following Guidelines below. Any questions regarding the interpretation or implementation of this flowchart shall be decided by the Division Manager.

Public Noticing Required When:

- Project potential to emit (PTE) exceeds the AQIA thresholds of the applicable rule

- The source PTE exceeds the offsets thresholds of either 240 lb/day or 25 tpy for the first time
- A school (k-12) is located within 1,000 feet of a proposed new source or modification to an existing source (property boundary to property boundary) if the proposed project has the potential to increase emissions of toxic air contaminants
- Any time a company creates ERCs (under Rule 806) that will either exceed 10 tpy for any nonattainment pollutant, 15 tpy for PM<sub>10</sub>, 25 tpy for CO and 20 tpy for all other attainment pollutants
- Any time the APCD determines the new source or modification to an existing source affects the public interest

Public Noticing Not Required When:

- An AQIA was previously performed for the source and the proposed project will not have any substantive changes to original AQIA analyses
- An existing source is already over the offsets thresholds of 240 lb/day or 25 tpy (based on the PTE) and they are proposing a modification whose project PTE is less than the above daily and annual thresholds
- The project is located within 1,000 feet of a school (k-12), but there is no increase in their emissions of toxic air contaminants