

## Summary of Reasons for Proposed Amended Rule 810 Changes

Rule 810 Section Changed	Proposed Changes in Strikethrough and Underline Formatting	Reason for Change
A, Purpose	[. . .] Rule 201 <del>2</del> (Permits Required) contains application requirements and Rule 204 <del>2</del> (Applications), Rule 205 <del>2</del> (Standards for Granting Applications), Rule 206 <del>2</del> (Conditional Approval of Authority to Construct or Permit to Operate), Rule 207 <del>2</del> (Denial of Applications), and Rule 208 <del>2</del> (Action on Applications - Time Limits) contain [. . .]	Changes make the text consistent with the standard format used in other rules.
B, Applicability	[. . .] 40 Code of Federal Regulations, Part 52, Section 52.21 (40 CFR 52.21) in effect <del>August 2, 2010</del> <u>[date of amended rule adoption]</u> as incorporated into this rule.	<p>This change is consistent with the CAPCOA model rule. By changing the rule’s <i>in effect</i> date to refer to the most current 40 CFR 52.21 the rule will incorporate by reference the most recent changes and revisions made to 40 CFR 52.21 (and, by extension, 40 CFR 51.166).</p> <p>The substantive changes made to these sections include a revision to the definition of “regulated NSR pollutant” so that 1) condensable particulate matter is included as part of the emissions measurements for regulation of PM2.5 and PM10, and 2) the January 22, 2013 D.C. Circuit Court of Appeal Order vacating certain provisions of 40 CFR 51.166 and 40 CFR 52.21.</p> <p>Additional information on changes to the 40 CFR 52.21 may be obtained from this web page:  <a href="http://www.epa.gov/nsr/actions.html">www.epa.gov/nsr/actions.html</a>.</p>
C. Incorporation by Reference	Except as provided below, the provisions of Title 40 CFR 52.21 in effect <del>August 2, 2010</del> <u>[date of amended rule adoption]</u> are incorporated herein by reference [. . .]	Same as above.

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C.2	<p><del>2. The following definitions found in 40 CFR 52.21(b) are revised as follows:</del></p> <p><del>a. The definition of “potential to emit” contained in 40 CFR 52.21(b)(4) is revised so that the phrase “is federally enforceable” shall read “is federally enforceable or enforceable as a practical matter.”</del></p> <p><del>b. The definition of “allowable emissions” contained in 40 CFR 52.21(b)(16) is revised so that:</del></p> <p><del>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.”</del></p> <p><del>2) paragraph (iii) shall read as follows: “The emissions rate specified as an enforceable permit condition, including those with a future compliance date.”</del></p>	EPA determined that revisions to the <i>potential to emit</i> and <i>allowable emissions</i> terms are not necessary for approval.
C.2 (renumbered)	The following terms <u>and phrases</u> found in 40 CFR 52.21(b) are revised as follows:	The revision is needed to make the statement consistent with the sections below it.
C.2.b (renumbered)	The phrase “paragraph (q) of this section” in 40 CFR 52.21 <u>(1)(2) and (p)(1)</u> shall read as follows: “the public notice and comment provisions of Rule 810 Section E <u>below</u> .”	40 CFR 52.21(1)(2) also includes the phrase “paragraph (q) of this section.”. Including “below” in the phrase may have been confusing.
C.3 (new)	<u>The phrase “permit to construct” found in 40 CFR 52.21(p)(1) means “Authority to Construct” as defined in Rule 102, Definitions.</u>	This change is needed for consistency with phrases found in other SBC APCD rules and the D.1 provision below.
D.1 (renumbered and new)	<u>The Control Officer shall provide written notice of any permit application for a proposed major stationary source or major modification to the Environmental Protection Agency 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 an Authority to Construct</u>	Upon review and approval of other PSD rules using the CAPCOA Model Rule, EPA determined these revisions are a required element of a PSD program. See 40 CFR 51.166(p)(1). 40 CFR 52.21 does not contain these requirements because the regulation was intended to be administered by EPA.

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D.2 (renumbered and new)	<p><u>The Control Officer 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 Control Officer may agree. If the Control Officer 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 resubmittal of the application, a new 30-day period to determine completeness shall begin. If the Control Officer determines that the application is still not complete, the applicant may appeal that determination to the Board. The Board shall make its written determination within 60 days after receiving the applicant's appeal. If such determination is not made within that 60-day period, the application with the submitted materials shall be deemed complete. Appeals will be assessed a fee based on the cost reimbursement provisions of Rule 210, Fees. Upon determination that the application is complete, the Control Officer 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.</u></p>	<p>Upon review and approval of other PSD rules using the CAPCOA Model Rule, EPA determined these revisions are a required element of a PSD program. See 40 CFR 51.166(q)(1). 40 CFR 52.21 does not contain these requirements because they are contained in a separate portion of the CFR, which is not included in Rule 810. The District requested the addition of the appeal language to be consistent with how the District already determines application completeness in Rule 208, Action on Applications - Time Limits.</p>
E, Public Participation	<p>Prior to issuing a federal Prevention of Significant Deterioration permit pursuant to this rule and <u>within one year</u> after receipt of a complete application, the Control Officer shall:</p>	<p>Upon review and approval of other PSD rules using the CAPCOA Model Rule, EPA determined this additional phrase was inadvertently left out of the Model Rule. This is a required element of a PSD Program [reference 40 CFR 51.166(q)(2)].</p>