

November 5, 2010

**PROPOSED RULE 1714 Prevention of Significant Deterioration for Greenhouse Gases****(a) Purpose**

This rule sets forth preconstruction review requirements for greenhouse gases (GHG). The provisions of this rule apply only to GHGs as defined by EPA to mean the air pollutant as an aggregate group of six GHGs: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. All other attainment air contaminants, as defined in Rule 1702 subdivision (a), shall be regulated for the purpose of Prevention of Significant Deterioration (PSD) requirements pursuant to Regulation XVII, excluding Rule 1714.

**(b) Applicability**

The provisions of this rule shall apply to any source and the owner or operator of any source subject to any GHG requirements under 40 Code of Federal Regulations Part 52.21 as incorporated into this rule.

**(c) Incorporation by Reference**

Except as provided below, the provisions of Title 40 of the Code of Federal Regulations (CFR) Part 52.21, are incorporated herein by reference and made part of the Rules and Regulations of the South Coast Air Quality Management District.

(1) The following subsections of 40 CFR Part 52.21 are excluded: (a)(1), (b)(13), (b)(14), (b)(15), (b)(55-58), (c), (d), (e), (f), (g), (h), (i)(1)((i-v) and (ix-xi), (i)(6-8), (k), (l), (m), (o), (p), (q), (s), (t), (u), (v), (w), (x), (y), (z), (aa), and (cc).

(2) The following term found in 40 CFR Part 52.21(b) is revised as follows:

(A) The term “administrator” means:

(i) “federal administrator” in 40 C.F.R. 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), and (b)(51); and

(ii) Executive Officer elsewhere, as defined in Rule 102.

**(d) Requirements**

(1) An owner or operator must obtain a PSD permit pursuant to this rule before beginning actual construction, as defined in 40 CFR 52.21 (b)(11), of a new major stationary source or major modification to an existing major source as defined in 40 CFR 52.21 (b)(1) and (b)(2), respectively.

- (2) Notwithstanding the provisions of any other District Rule or Regulation, the Executive Officer shall require compliance with this rule, if applicable, prior to issuing a PSD permit for GHG emissions as required by CAA Section 165.

(e) Public Participation

For major stationary sources subject to Rule 1714, after receipt of a complete application, the Executive Officer shall:

- (1) Make a preliminary determination whether construction shall be approved, approved with conditions, or disapproved;
- (2) Make available for public review a copy of materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit, and a copy or summary of other materials, if any, considered in making the preliminary determination. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code;
- (3) Notify the public, by advertisement in a newspaper of general circulation in the District, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, whether an alternative to an EPA approved model was used, and of the opportunity for written public comment. The applicant shall be responsible for the distribution of the public notice to each address within a 1/4-mile radius of the project or such other greater area as determined appropriate by the Executive Officer. The applicant shall provide verification to the Executive Officer that the public notice has been distributed as required by this Section. The notice shall provide 30 days from date of publication for the public to submit written comments;
- (4) Send a copy of the notice of public comment to the applicant, the EPA Administrator, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located, any comprehensive regional land use planning agency, and any State or Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification;
- (5) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations;

- (6) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The Executive Officer shall make all comments available for public inspection in the same locations where the Executive Officer made available preconstruction information relating to the proposed source or modification.
- (7) Make a final determination whether construction should be approved, approved with conditions, or disapproved; and
- (8) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Executive Officer made available preconstruction information and public comments relating to the source.