RULE 20.4
NEW SOURCE REVIEW
PORTABLE EMISSION UNITS

(ADOPTED AND EFFECTIVE 5/17/94)
(REV. ADOPTED AND EFFECTIVE 12/17/97)
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NOTE: The following listed sections and subsections will not be submitted to the federal Environmental Protection Agency (EPA) for inclusion in the San Diego State Implementation Plan (SIP). As such, the following listed sections and subsections are not enforceable by EPA, but remain enforceable by the San Diego County Air Pollution Control District.

Subsections (b)(2) and (b)(3); Subsection (d)(1)(iii); Subsections (d)(2)(i)(B), (d)(2)(iv), and (d)(2)(v)(B); and Subsections (d)(3) and (d)(5).

RULE 20.4. NEW SOURCE REVIEW - PORTABLE EMISSION UNITS
(Adopted & Effective 5/17/94)
(Rev. Adopted & Effective 12/17/97)
(Rev. Adopted 11/4/98; Effective 12/17/98)
(Rev. Adopted & Effective 4/27/16)

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

(a) **APPLICABILITY**

This rule applies to any new, modified or replacement portable emission unit. Subsection (d)(2)(v) of this rule also applies to any stationary source where one or more portable emission units will be located. This rule does not apply to identical or like-kind replacement portable emission units exempt from Authority to Construct and modified Permit to Operate requirements pursuant to these Rules and Regulations. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) **EXEMPTIONS**

The exemptions contained in Rule 20.1, Section (b) apply to this rule. In addition, for purposes of this rule, the following exemptions shall apply.

(1) Except as provided in Subsection (d)(2)(v) of this rule, the provisions of this rule shall not apply to any previously permitted portable emission unit, unless such unit is modified or replaced.

(2) Emission increases resulting from an air contaminant emission control project to reduce emissions from a portable emission unit shall be exempt from the emission offset requirements of Subsection (d)(5) of this rule to the extent that the project does not include an increase in the capacity of the emission unit being controlled. Emission increases that are associated with an increase in capacity of the emission unit being controlled shall be subject to the emission offset provisions of this rule, as applicable. This exemption from offsets shall not apply to any air contaminant for which the emissions increase constitutes a new federal major stationary source or a federal major modification.

(3) The emission offset requirements of Subsection (d)(5) of this rule shall not apply to a portable emission unit operating at a stationary source if the operation of such unit is not related to the primary activities of the stationary source, as defined herein.

(c) **DEFINITIONS**

The definitions contained in Rule 20.1, Section (c) shall apply to this rule. In addition, for purposes of this rule, the following definition~~s~~ shall apply.

(1) "**Related to the Primary Activities of the Stationary Source**" means with regard to the operation of a portable emission unit, that the unit is considered under the same major industrial grouping, as identified by the first two digits of the applicable code in *The Standard Industrial Classification Manual*, as the stationary source where such unit will be operated, or is used as part of or supplements a primary process at the stationary source where the operation of one is dependent upon or affects the operations of the other. This includes industrial processes, manufacturing processes and any connected processes involving a common material, service or product.

(d) **STANDARDS**

(1) **BACT AND LAER FOR NEW, MODIFIED OR REPLACEMENT PORTABLE EMISSION UNITS**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any new, modified or replacement portable emission unit unless the applicant demonstrates that the following requirements will be satisfied. These requirements shall be applied on an air contaminant-specific basis.

(i) **Portable Emission Units - BACT**

Unless a portable emission unit is equipped to comply with Lowest Achievable Emission Rate (LAER), as provided in Subsection (d)(1)(ii) of this rule, for the following air contaminants otherwise subject to BACT, any new or modified portable emission unit which has any increase in its potential to emit particulate matter (PM_{10}), NOx, VOC, or oxides of sulfur (SOx), and which unit has a post-project potential to emit of 10 pounds per day or more of PM_{10}, NOx, VOC, or SOx, respectively, and any replacement portable emission unit which has such a post-project potential to emit, shall be equipped with Best Available Control Technology (BACT) for each such air contaminant.

(ii) **Portable Emission Units - LAER**

Any new, modified or replacement portable emission unit which has any emissions increase of an air contaminant or its precursors for which the District is designated as non-attainment with respect to a national ambient air quality standard, and which may be expected to operate at a stationary source that is a major stationary source or a federal major stationary source of such air contaminant or precursor, shall be equipped to comply with LAER for each such air contaminant or precursor except as provided in (A) or (B) below. For each air contaminant for which LAER is not required by the following, BACT shall apply:

(A) LAER shall not apply if the applicant demonstrates, to the satisfaction of the Air Pollution Control Officer, and agrees to federally enforceable permit conditions to ensure that, the emissions increase of such nonattainment air contaminant or precursor from such unit will not constitute a new major stationary source, a new federal major stationary source, or a major modification or federal major modification at any stationary source at which it is to be located and which is major for such non-attainment air contaminant or precursor.

(B) LAER shall not apply if operation of the portable emission unit is not related to the primary activities of the major stationary source or federal major stationary source at which it is to be located, provided the portable emission unit, or aggregation of such portable emission units co-located at the same stationary source, does not constitute a new federal major stationary source.

(iii) **Portable Emission Units - PSD Stationary Sources**

Any new, modified or replacement portable emission unit which may be located at a Prevention of Significant Deterioration (PSD) stationary source, and which emission unit has an emission increase of one or more air contaminants which constitutes a new PSD stationary source (see Table 20.1-11) or PSD modification (see Tables 20.1-8 and 20.1-10) shall be equipped with BACT for each such air contaminant.

(2) **AIR QUALITY IMPACT ANALYSIS (AQIA)**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any new, modified or replacement portable emission unit unless the following requirements are satisfied. Modeling shall be used to conduct any Air Quality Impact Analysis (AQIA). The AQIA shall be performed using maximum expected ambient air contaminant concentrations within San Diego County, based on existing data, unless the applicant agrees to enforceable permit conditions that require a new AQIA whenever the equipment is to be located at a stationary source for which the initial AQIA was not representative.

The demonstrations required by this Subsection (d)(2) shall be based on the emission unit emission exhaust system design and discharge characteristics but not to an extent greater than good engineering practice stack height. This provision shall not be applied to limit actual stack height.

(i) **AQIA for Portable Emission Units**

(A) For each new, modified or replacement portable emission unit which results in an emissions increase equal to or greater than the amounts listed in Table 20.4 - 1, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, through an AQIA, as defined in Rule 20.1, that the new, modified or replacement portable emission unit will not:

(1) cause a violation of a national ambient air quality standard anywhere that does not already exceed such standard, nor

(2) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, nor

(3) prevent or interfere with the attainment or maintenance of national ambient air quality standard.

(B) For each new, modified or replacement portable emission unit which results in an emissions increase equal to or greater than the amounts listed in Table 20.4 - 1, the applicant shall demonstrate to the satisfaction of the Air Pollution Control Officer, through an AQIA, that the new, modified or replacement portable emission unit will not:

(1) cause a violation of a state ambient air quality standard anywhere that does not already exceed such standard, nor

(2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection(d)(2)(iv), nor

(3) prevent or interfere with the attainment or maintenance of any state ambient air quality standard.

TABLE 20.4 - 1
AQIA Trigger Levels

	Emission Rate		
Air Contaminant	(lb/hr)	(lb/day)	(tons/yr)
Particulate Matter (PM_{10})	---	100	15
Fine Particulate Matter ($PM_{2.5}$)	---	67	10
Oxides of Nitrogen (NOx)	25	250	40
Oxides of Sulfur (SOx)	25	250	40
Carbon Monoxide (CO)	100	550	100
Lead and Lead Compounds	---	3.2	0.6

(ii) **AQIA for $PM_{2.5}$ and PM_{10} Emission Increases**

In determining if a $PM_{2.5}$ or PM_{10} AQIA is required under this Subsection (d)(2), the emissions increases shall include both directly emitted $PM_{2.5}$ and PM_{10}, and $PM_{2.5}$ and PM_{10} which would condense after discharge to the atmosphere. If a $PM_{2.5}$ or PM_{10} AQIA is required, the AQIA shall include both directly emitted $PM_{2.5}$ or PM_{10}, and $PM_{2.5}$ or PM_{10} which would condense after discharge to the atmosphere. Any permit terms or conditions limiting emissions of $PM_{2.5}$ or PM_{10} as a result of the requirements of this Subsection (d)(2) shall apply to the combination of both directly emitted and condensable $PM_{2.5}$ or PM_{10}. The provisions of this Subsection (d)(2)(ii) shall apply separately to $PM_{2.5}$ and PM_{10}.

(iii) **AQIA Not Required for NOx or VOC Impacts on Ozone**

Notwithstanding any other provision of this rule, a demonstration shall not be required for determining the impacts from a portable emission unit's NOx or VOC emissions on an ambient air quality standard~~s~~ for ozone, unless the Air Pollution Control Officer determines that adequate procedures exist for determining the impacts of NOx or VOC emissions from such portable emission units on ozone ambient air quality standards and that such procedures are acceptable to the California Air Resources Board (ARB) with regard to state ambient air quality standards and the federal Environmental Protection Agency (EPA) with regard to national ambient air quality standards.

(iv) **AQIA Requirements for PM_{10} Impacts May be Waived**

Notwithstanding the requirements of Subsection (d)(2)(i) above, the Air Pollution Control Officer may waive the AQIA requirements for PM_{10} impacts on the state ambient air quality standards, as follows:

(A) If the emission unit, individually or in combination with any other portable emission units proposed to be co-located, will result in a maximum particulate matter air quality impact of less than 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (annual geometric mean basis), all of the emission unit's PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at a ratio of 1.5 to 1.

(B) If the emission unit, individually or in combination with any other portable emission units proposed to be co-located, will result in a maximum PM_{10} air quality impact equal to or greater than 5 $\mu g/m^3$ but less than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 3 $\mu g/m^3$ but less than 6 $\mu g/m^3$ (annual geometric mean basis):

(1) the emission unit must be equipped with BACT for PM_{10} without consideration for cost-effectiveness,

(2) all of the emission unit's PM_{10} emission increases, including area fugitive emissions of PM_{10}, must be offset at an overall ratio of 1.5 to 1,

(3) sufficient emission offsets must be provided within the emission unit's impact area to offset all of the project's PM_{10} emission increases, including area fugitive emissions of PM_{10}, at a ratio of at least 1 to 1,

(4) emission offsets in an amount and location which are demonstrated to have a modeled off-stationary source air quality impact at least equal to the emission unit's PM_{10} ambient air quality impact minus 5 $\mu g/m^3$ (24-hour average basis) and 3 $\mu g/m^3$ (annual geometric mean basis) must be provided, and

(5) all reasonable efforts to reduce the air quality impacts of the project are made.

(C) In no case shall the emission unit, individually or in combination with any other portable emission units proposed to be co-located, result in a maximum PM_{10} air quality impact equal to or greater than 10 $\mu g/m^3$ (24-hour average basis) or equal to or greater than 6 $\mu g/m^3$ (annual geometric mean basis).

(v) **AQIA May be Required**

(A) Notwithstanding any other provision of this rule, the Air Pollution Control Officer may require an AQIA for any portable emission unit, or aggregation of portable emission units, if it may be expected to:

(1) cause a violation of a national ambient air quality standard anywhere that does not already exceed such standard, or

(2) cause additional violations of a national ambient air quality standard anywhere the standard is already being exceeded, or

(3) prevent or interfere with the attainment or maintenance of any national ambient air quality standard.

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any portable emission unit or aggregation of portable emission units for which an AQIA is required pursuant to this Subsection (d)(2)(v)(A) unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the emission increases from such unit or aggregation of units will not result in any of the impacts to the national ambient air quality standards specified above in (1), (2) and (3) of this Subsection (d)(2)(v)(A).

(B) Notwithstanding any other provision of this rule, the Air Pollution Control Officer may require an AQIA for any portable emission unit, or aggregation of portable emission units, if it may be expected to:

(1) cause a violation of a state ambient air quality standard anywhere that does not already exceed such standard, or

(2) cause additional violations of a state ambient air quality standard anywhere the standard is already being exceeded, except as provided for in Subsection (d)(2)(iv), or

(3) prevent or interfere with the attainment or maintenance of any state ambient air quality standard.

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any portable emission unit or aggregation of portable emission units for which an AQIA is required pursuant to this Subsection (d)(2)(v)(B) unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the emission increases from such unit or aggregation of units will not result in any of the impacts to state ambient air quality standards specified above in (1), (2) and (3) of this Subsection (d)(2)(v)(B).

(C) If the Air Pollution Control Officer determines that concurrent operations of more than one portable emission unit at the same stationary source may be expected to cause any of the air quality impacts specified in this Subsection (d)(2)(v) to occur, the Air Pollution Control Officer may require the owner or operator of the units, or of the stationary source, to apply for and obtain a Permit to Operate for the operations and to demonstrate that the operations will not cause any such air quality impacts to occur.

This Subsection (d)(2)(v) may be invoked notwithstanding the equipment being previously permitted.

(3) **SIGNIFICANT IMPACT IN CLASS I AREAS**

The Air Pollution Control Officer shall deny an Authority to Construct or modified Permit to Operate for any portable emission unit which is expected to have a significant impact on any Class I area, as determined by an AQIA required pursuant to Subsection (d)(2), unless the following requirements are satisfied. The Air Pollution Control Officer shall:

(i) **Federal Land Manager and Federal EPA Notification**

Notify the Federal Land Manager and the federal EPA in writing. This notification shall include all of the information specified by Subsection (d)(4)(iv), the location(s) where operation of the portable emission unit may cause a significant impact on any Class I area, the approximate distance from all Class I areas within

100 km of San Diego County (as specified in Rule 20.1, Table 20.1-3) and the results of the AQIA, and

(ii) **ARB, SCAQMD and Imperial County APCD Notification**

Notify and submit to the California ARB, the South Coast Air Quality Management District and the Imperial County Air Pollution Control District the information specified in Subsection (d)(4)(iv).

(4) **PUBLIC NOTICE AND COMMENT**

The Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any portable emission unit subject to the AQIA or notification requirements of Subsections (d)(2) or (d)(3), nor for any emission unit or project which results in an emissions increase of VOCs equal to or greater than 250 pounds per day or 40 tons per year, unless the following requirements are satisfied.

(i) **Public Comment Period**

At least 40 days before taking final action on an application subject to the requirements of Subsections (d)(2) or (d)(3), the Air Pollution Control Officer shall:

(A) provide the public with notice of the proposed action in the manner prescribed in Subsection (d)(4)(iii), and

(B) provide a copy of the public notice to the federal EPA Administrator, through its Region 9 office, to the California ARB, and to any tribal air pollution control agencies having jurisdiction in the San Diego Air Basin, and

(C) make available for public inspection all information relevant to the proposed action as specified in Subsection (d)(4)(iv), and

(D) provide at least a 30-day period within which comments may be submitted.

The Air Pollution Control Officer shall consider all comments submitted.

(ii) **Applicant Response**

Except as agreed to by the applicant and the Air Pollution Control Officer, no later than 10 days after close of the public comment period, the applicant may submit written responses to any comment received during the public comment period. Responses submitted by the applicant shall be considered prior to the Air Pollution Control Officer taking final action. The applicant's responses shall be made available in the public record of the permit action.

(iii) **Publication of Notice**

The Air Pollution Control Officer shall publish a notice of the proposed action ~~in at least one newspaper of general circulation in San Diego County~~ *and a copy of the draft Authority to Construct or modified Permit to Operate* on the public notice section of the Air Pollution Control District's website~~,~~ for the duration of the public comment period. *In addition, the notice shall be published in at least one newspaper of general circulation in San Diego County.* The notice shall:

(A) include the name and address of the applicant, and

(B) describe the proposed District action, including the preliminary decision to approve, conditionally approve, or deny the application, and

(~~A~~C) describe the proposed action and emission changes, including the use of any modified or substitute air quality impact model as allowed under 40 CFR Part 51, Appendix W, and

(~~B~~D) identify the location(s) where the public may inspect the information relevant to the proposed action, and

(~~C~~E) indicate the date by which all comments must be received by the District for consideration prior to taking final action~~.~~, and the duration of the public comment period, and

(F) describe procedures for providing public comment, and

(G) include the time and place of any hearing, if already scheduled, or the procedures for petitioning for a hearing.

(iv) **Information to be Made Available for Public Inspection**

The relevant information to be made available for public inspection shall include, but is not limited to:

(A) the application and all analyses and documentation used to support the proposed action, the District's compliance evaluation, a copy of the draft Authority to Construct or Permit to Operate and any information submitted by the applicant not previously labeled Trade Secret pursuant to Regulation IX, and

(B) the proposed District action on the application, including the preliminary decision to approve, conditionally approve or deny the application and the reasons therefore.

(5) **EMISSION OFFSETS**

Except as provided in Subsections (b)(3) and (b)(4) of this rule, the Air Pollution Control Officer shall not issue an Authority to Construct or modified Permit to Operate for any new, modified or replacement portable emission unit or project which has any emissions increase of VOC or NOx and which may be located at a major stationary source of such air contaminant unless emission offsets are provided for such emission increases. Emission offsets shall be required on an air contaminant-specific basis and shall meet the requirements specified below and in Subsection (d)(5) of Rule 20.1 of these Rules and Regulations. Interpollutant offsets may be used, provided such offsets meet the requirements of Subsection (d)(5)(iv) below.

(i) **Emission Offsets - Portable Emission Units**

Emission offsets shall be required for emission increases of VOC and NOx emissions from portable emission units which may be operated at a major stationary source of VOC or NOx emissions, respectively. If the VOC and NOx emission increases of the portable emission unit have been previously fully offset by permanent, enforceable emission reductions or the permanent surrender of emission reduction credits pursuant to these Rules and Regulations, no further offsets shall be required unless the unit is subsequently modified resulting in an emissions increase.

If the NOx and VOC emissions of the unit have not previously been fully and permanently offset, the owner or operator of such unit shall first apply for and obtain a modified Permit to Operate for operation at the major stationary source and shall provide emission offsets, on a pollutant-specific basis, for all VOC and NOx emissions from the portable emission unit. Emission offsets shall be provided at a ratio of 1.2 to 1.0 if the portable emission unit is equipped to comply with LAER for VOC or NOx emissions, as applicable, or at a ratio of 1.3 to 1.0 if the portable emission unit is equipped to comply with BACT for VOC or NOx emissions, as applicable.

If a portable emission unit is brought onto a major stationary source of VOC or NOx to remedy an immediately occurring emergency situation, the application for a modified Permit to Operate the portable emission unit shall be submitted within 24 hours from the time the portable emission unit is first located at the affected stationary source.

(ii) **Permanent and Temporary Emission Offsets**

Emission offsets required by this Subsection (d)(5) shall be provided as specified in paragraphs (A) or (B) below.

(A) Permanent Emission Offsets

The owner or operator of a portable emission unit may satisfy the offset requirements of this Subsection (d)(5) by permanently surrendering to the Air Pollution Control Officer sufficient emission reduction credits or providing sufficient permanent actual emission reductions prior to the first date such new, modified or replacement portable emission unit commences operating at a major stationary source of VOC or NOx emissions, as applicable, in San Diego County. Thereafter, further emission offsets shall not be required for the applicable air contaminant unless such unit is modified resulting in an emissions increase.

(B) Temporary Emission Offsets

The owner or operator of a portable emission unit may satisfy the emission offset requirements of this Subsection (d)(5) by temporarily surrendering to the Air Pollution Control Officer sufficient emission reduction credits or temporarily providing concurrent, enforceable actual emission reductions for the entire period of time that the portable emission unit is located at the stationary source where emission offsets are required.

(iii) **RESERVED**

(iv) **Interpollutant Offsets**

The Air Pollution Control Officer may allow the use of interpollutant emission offsets at the ratios specified in Table 20.4 - 2 to satisfy the offset requirements of this Subsection (d)(5), provided the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the AQIA requirements of Subsection (d)(2), as applicable, are satisfied for the emission increase. The interpollutant ratios shall be multiplied by the applicable emission offset ratios required by Subsection (d)(5)(i) of this rule to determine the final offset ratio.

TABLE 20.4 - 2
Interpollutant Ratios

Emission Increase	Decrease	Interpollutant Ratio
Oxides of Nitrogen (NOx)	NOx	1.0
	VOC	2.0
Volatile Organic Compounds (VOC)	VOC	1.0
	NOx	1.0