

**SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

**DRAFT PROPOSED AMENDMENTS TO
RULE 20.1 – NEW SOURCE REVIEW GENERAL PROVISIONS,
DRAFT PROPOSED AMENDMENTS TO
RULE 20.4 – NEW SOURCE REVIEW PORTABLE EMISSION UNITS
AND DRAFT PROPOSED AMENDMENTS TO
RULE 1401 – TITLE V GENERAL PROVISIONS**

ADDENDUM TO THE WORKSHOP REPORT

On February 3, 2021, the San Diego County Air Pollution Control District (District) held a public workshop to present and receive comments on draft proposed amendments to District Rules 20.1, 20.4 and 1401. Following this workshop, the District prepared a Workshop Report summarizing the comments received and the District's responses and distributed the report to workshop participants. Subsequently, the United States Environmental Protection Agency (EPA) provided an additional comment on the District's New Source Review rules, in light of a recent court ruling prohibiting interpollutant offset trading for ozone precursors.¹ The additional EPA comment and District response are provided below:

RULE 20.4 COMMENT

1. EPA COMMENT

On January 29, 2021, the D.C. Circuit Court of Appeals ruled that the Clean Air Act does not allow for interpollutant trading (IPT) for ozone precursors and struck down the provisions allowing IPT in the EPA's nonattainment New Source Review (NSR) regulations. This court vacatur is now in effect: *Sierra Club v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021). EPA will soon promulgate a rulemaking removing this provision, consistent with the court's decision. EPA advises the removal of any IPT provisions from any of the District's NSR rules, prior to making a NSR State Implementation Plan submittal for the 2015 Ozone National Ambient Air Quality Standards.

DISTRICT RESPONSE

The District recognizes that the EPA is no longer able to approve New Source Review rules that allow for IPT for ozone precursors and therefore has amended its proposal to remove Subsection (d)(5)(iii), Interpollutant Offsets, in its entirety from Rule 20.3 – New Source Review (NSR)-Major Stationary Sources and Prevention of Significant Deterioration (PSD) Stationary Sources and Subsection (d)(5)(iv), Interpollutant Offsets, in its entirety from Rule 20.4 – New Source Review (NSR)-Portable Emission Units.

¹ Under an interpollutant trading program for ozone-precursor emissions, new or modified major sources can offset their increases in volatile organic compound (VOC) emissions with reductions in nitrogen oxide (NOx) emissions, and vice versa.

Workshop Report Addendum
Draft Proposed Amendments to Rules 20.1, 20.4 & 1401

Draft proposed amendments are available on the District's website at https://www.sandiegocounty.gov/content/sdc/apcd/en/Rule_Development/Workshops.html. Those unable to access the document may contact Janet McCue (858-586-2712, Janet.McCue@sdcountry.ca.gov).

Please contact Omar Rana (Omar.Rana@sdcountry.ca.gov) or Angela M. Fisch (858-229-0256, Angela.Fisch@sdcountry.ca.gov) with any questions.

RR:AMF:jlm
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