

## **VENTURA COUNTY APCD STAFF REPORT**

### **Rule 26.13, New Source Review – Prevention of Significant Deterioration (PSD) FINAL – October 2015**

#### **EXECUTIVE SUMMARY**

The Ventura County Air Pollution Control District (District) is proposing revisions to District Rule 26.13, New Source Review – Prevention of Significant Deterioration (PSD). Rule 26.13 was adopted on June 28, 2011 in order for the District to assume responsibility for PSD permitting in Ventura County from the United States Environmental Protection Agency (USEPA). The rule adopted in 2011 was based on a model rule provided by the California Air Pollution Control Officers Association (CAPCOA). During its review of Rule 26.13 as a proposed revision to the Ventura County portion of the California State Implementation Plan (SIP), USEPA determined Rule 26.13 was deficient and requested some clarifying changes.

Staff is proposing to add the language requested by USEPA to Rule 26.13 along with additional minor editorial changes. If the revised rule is adopted as proposed, USEPA will add the revised Rule 26.13 to the SIP and allow the District to fully assume responsibility for PSD permitting.

The changes requested by USEPA can be summarized as the following:

1. Removing unnecessary clarifications regarding the term “federally enforceable”
2. Clarification of the section noting where the term “administrator” refers to the USEPA administrator and where it refers to the District Air Pollution Control Officer (APCO)
3. Addition of time limits for the APCO to determine if a PSD application is complete and requirements for notification of USEPA
4. Addition of an option for permitting electric power generation projects through the California Energy Commission Determination of Compliance process
5. Expanded and clarified public participation requirements.

Rule 26.13 with the proposed revisions will again adopt the provisions of the current version of 40 CFR Part 52.21, the federal PSD regulation, by reference. On August 19, 2015 a direct final rule by USEPA was published in the Federal Register. This rule deleted sections of the federal PSD and Title V permit rules which had been vacated by the United States Supreme Court’s action on June 23, 2014. This action allowed the Rule 26.13 amendments to proceed since the

Code of Federal Regulations no longer has the vacated provisions.

A new major PSD source or significant modification to an existing major source of a PSD pollutant will require a PSD permit regardless of the issuing agency.

The proposed changes will not directly affect the cost of compliance for regulated sources. However, if the proposed amendments are adopted, USEPA will delegate PSD permitting authority to the District. As a result, the cost for applicants might increase since the District applies the Rule 42 permit fees and USEPA does not charge fees for PSD permits. However, any PSD permit issued by USEPA would also require a District Authority to Construct and be subject to associated fees.

Staff estimates the cost of a PSD permit could range from \$50,000 to \$200,000 depending on the complexity of the project. A significant portion of the fees would be applicable due to the District Authority to Construct regardless of which agency issues the PSD permit. If the District is delegated PSD authority, the Rule 42 fees will also apply to air quality modeling performed by the District instead of USEPA. This could result in a significant increase in fees.

These amendments will allow the District to integrate all requirements in a single permit. If these amendments are adopted, a permit applicant will submit a single application to the District and will no longer be required to submit a separate application to USEPA. This streamlines the permitting process and will likely be beneficial to the regulated community.

The addition of strict time limits for completeness determinations and permit decision notifications will provide guarantees of timely service to applicants. This could actually produce a cost savings due to fewer delays in the District’s permitting actions as compared to the USEPA PSD permitting actions.

This report contains five sections: (1) Background, (2) Proposed Rule Revisions, (3) Comparison of Proposed Rule Requirements with Other Air Pollution Control Requirements, (4) Impact of the Proposed Rule, and (5) Environmental Impacts of Methods of Compliance. The first section provides background information including regulatory history

and source description. The second section explains the key features of the proposed revisions. The third section compares the proposed requirements with existing federal requirements and BACT. The fourth section is an analysis of the proposed amendment's

effect on emissions, cost-effectiveness, and socioeconomic impacts. The last section examines the possible environmental impacts of compliance methods and mitigation of those impacts.

## BACKGROUND

### Introduction

Prevention of Significant Deterioration (PSD) is a federal pre-construction permitting program for facilities located in areas that either comply with the National Ambient Air Quality Standards (NAAQS) for specified pollutants (classified as attainment) or are unclassifiable for specific pollutants. PSD applies to new major stationary sources and existing major stationary sources where a significant modification is proposed. The counterpart of PSD in federal permitting is the Non-attainment New Source Review (NSR) Program for major sources of pollutants located in areas that are not in attainment of the NAAQS for specific pollutants.

The purpose of the PSD program is to protect air quality that meets clean air standards while allowing economic growth. The central provision of PSD is the requirement that new major sources and significant modifications of existing major sources be equipped with Best Available Control Technology (BACT) for all PSD pollutants. This, along with other aspects of the PSD program, prevents violations of the NAAQS; protects the air quality in areas of special natural, recreational, scenic or historic value; and ensures the public is informed and has an opportunity to comment on PSD permitting actions.

### PSD Applicability

The PSD program applies to any new facility that will have "major" and "significant" amounts of air pollution for any criteria pollutant in an area classified as attainment for that pollutant. It also applies to any existing facility that plans to modify its operations such that the modification leads to increases of air pollution that will be "major" or, if the plant is already a major source, "significant."

"Major" means emitting or having the potential to emit 100 tons per year (tpy) or more of any criteria pollutant for the specific source categories listed in the PSD regulations. There are 28 listed source categories, which include power plants that use steam to generate electricity, Portland cement plants and chemical processing plants. If a plant does not fall into one of the listed source categories, then a

threshold of 250 tpy applies. "Significant" refers to thresholds assigned to each criteria pollutant and certain non-criteria pollutants as listed in Table 1.

On December 7, 2009, the USEPA Administrator signed the greenhouse gas (GHG) "endangerment" and "cause or contribute" findings. These actions set in motion regulation of GHG as a PSD pollutant. On May 13, 2010 USEPA issued a final rule setting the major source and significant modification thresholds for GHG. In April of 2011 the District's board approved amendments to several rules to address GHG as a regulated pollutant.

On June 23, 2014 the Supreme Court of the United States (SCOTUS) vacated the USEPA rules treating GHG as a regulated pollutant for the purpose of determining if a project is a major source or significant modification subject to PSD. In addition, the SCOTUS ruled the USEPA may continue to require BACT for GHG sources already subject to PSD due to emissions of other PSD pollutants.

Rule 26.13 with the proposed revisions will adopt the provisions of the September 1, 2015 version of 40 CFR Section 52.21, the federal PSD regulation, by reference. On August 19, 2015 a direct final rule by USEPA was published in the Federal Register. This rule deleted sections of the federal PSD and Title V permit rules which had been vacated by the United States Supreme Court. This action allowed the Rule 26.13 amendments to proceed since the Code of Federal Regulations no longer has the vacated provisions.

As a result of the changes to the federal rules, a project will no longer be subject to PSD permitting solely due to GHG emissions exceeding 100,000 tons per year. However, if a project is subject to PSD due to other pollutants, BACT will apply to GHG emissions if the source has the potential to emit GHG in excess of 75,000 tons per year. USEPA noted in its rulemaking documentation it intends to further revise the PSD regulations in a separate rulemaking to fully implement the SCOTUS judgment.

Ventura County is currently classified as attainment for all criteria pollutants except ozone. Since ozone

is a secondary pollutant (i.e. ozone forms in the atmosphere due to the reactions of other pollutants), NSR permitting applies to sources of the ozone precursors nitrogen oxides (NO<sub>x</sub>) and reactive organic compounds (ROC). Even though Ventura County is classified as attainment for nitrogen dioxide (NO<sub>2</sub>), the requirements of both PSD and nonattainment NSR apply to sources of NO<sub>2</sub> since NO<sub>2</sub> is a precursor to ozone. PSD also applies to the other criteria pollutants, specifically particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), sulfur dioxide, carbon monoxide and lead. In addition, PSD applies to significant increases of other pollutants at existing major sources as shown in Table 1.

### Rule History

District Rule 26.13, New Source Review – Prevention of Significant Deterioration, was adopted in June of 2011. At that time, the rule was prepared based on a model rule provided by USEPA and CAPCOA. The final staff report associated with the original rule adoption proceedings contains details of the intention and justification for the original rule requirements. The adopted rule was submitted to the Air Resources Board (ARB) for inclusion in the

Ventura County portion of the California SIP on August 4, 2011. ARB submitted the rule to USEPA on August 23, 2011 as part of a package of SIP amendments. USEPA has not issued a formal action on the rule as of the date of this report.

USEPA communicated directly with the District regarding deficiencies in Rule 26.13. USEPA made a request for specific changes in the rule language by providing an edited copy of the rule using strikeout/underline format. The USEPA indicated the requested changes resulted from further review of the model rule, including the need to maintain consistency with 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) and rulings in court cases.

The proposed amendments to Rule 26.13 are exactly those requested by USEPA, updated based on the June 23, 2014 SCOTUS decision as implemented by the US District Court of Appeals and discussions with USEPA staff. Additional minor editorial changes are included in the proposed amendments as discussed below.

Table 1  
Pollutant Significant Emissions Increase Rates for  
Major Modifications in 40 CFR Part 52.21 (b)(23)

Pollutant	Significant Emissions Increase
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides (NO <sub>x</sub> )	40 tpy
Sulfur dioxide (SO <sub>2</sub> )	40 tpy
Particulate matter	25 tpy
PM <sub>10</sub>	15 tpy
PM <sub>2.5</sub>	10 tpy of direct PM <sub>2.5</sub> emissions, also 40 tpy of SO <sub>2</sub> or NO <sub>x</sub> emissions
Ozone	40 tpy of volatile organic compounds or NO <sub>x</sub>
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H <sub>2</sub> S)	10 tpy
Total reduced sulfur (including H <sub>2</sub> S)	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 <sup>-6</sup> tpy
Municipal waste combustor metals (measured as particulate matter)	15 tpy
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tpy
Municipal solid waste landfills emissions (measured as nonmethane organic compounds)	50 tpy

## PROPOSED RULE REVISIONS

The Ventura County Air Pollution Control District (District) is proposing revisions to District Rule 26.13, New Source Review – Prevention of Significant Deterioration. The proposed revisions were requested by USEPA during review of the original rule for incorporation in the SIP. The revisions requested by USEPA and proposed for adoption are discussed below by rule section. Staff is proposing no changes to sections A and B of Rule 26.13.

### Section C. Incorporation by Reference

In the initial sentence in Section C, staff proposes to replace the date “August 2, 2010” with the date “September 1, 2015” (the date staff confirmed the direct final rule changes by EPA were reflected in the electronic Code of Federal Regulations). This date was chosen to ensure the incorporated version of the Code of Federal Regulations will contain the text of the referenced rule after it is updated based on recent court rulings.

Staff is proposing to delete existing subsection C.2 in its entirety, thereby removing changes to definitions in 40 CFR Section 52.21 relating to potential to emit and allowable emissions. The deleted subsection merely removed the “federally” qualifier from discussion of enforceable limits so it will not significantly impact the rule requirements. USEPA requested this change based on advice from attorneys that the term “federally enforceable” is appropriate.

Staff proposes the following changes to the text of existing Subsection C.3, renumbered to Subsection C.2. The initial sentence will be deleted and replaced with “Unless otherwise defined below, the terms used in this rule are defined in 40 CFR Part 52.21.” In revised Subsection C.2.a.1, the term “federal” is replaced with “USEPA” to clarify the administrator is the USEPA administrator rather than another federal administrator, since the term administrator is not defined in 40 CFR Part 52.21. Note that the USEPA requested “federal” be changed to “EPA” but staff changed it to “USEPA” to avoid confusion with the California EPA.

Staff is proposing changes to existing Subsection C.3.b to revise the public notice procedures. It will be renumbered to Subsection C.3 because it does not address a defined term but rather modifies language in the federal rule. Staff is adding section (l)(2) to the sections of 40 CFR 52.21 modified by this subsection. In addition, the reference to Rule 26.7, New Source Review – Notification has been replaced with a reference to Rule 26.13 Section E. Although

not requested by USEPA, staff added quotation marks around the text after the colon to properly define the revision to the section of 40 CFR Section 52.21. These changes effectively redirect the public notification requirements to newly added requirements in Rule 26.13 Section E.

### Section D. Requirements

Staff is proposing to add four new subsections, D.4, D.5, D.6, and D.7 to Rule 26.13. The edited rule provided by USEPA added these sections numbered D.4 and D.5 in the proposed amendments as D.1 and D.2, renumbering the existing sections. Staff determined the order of the sections was not important and simplified the changes by adding the new subsections as D.4 and D.5. Staff corrected the wording in subsection D.1 so the term is correctly stated as “Plantwide Applicability Limitation.” Staff also corrected a typographical error in Section D.2, so the word “notwithstanding” is now spelled correctly. No changes were made to subsection D.3.

New subsection D.4 requires notification of the USEPA administrator within 30 days of receipt of a PSD permit application. The notice must also be sent at least 60 days prior to any public hearing regarding the application. This revision was requested to maintain consistency with 40 CFR Section 51.166(p).

New subsection D.5 describes requirements for the District to determine whether a PSD application is complete and notification of the application status to the applicant. This section specifies the date of receipt of the application as the date on which the District receives all information necessary to determine the application is complete. This revision was requested to maintain consistency with 40 CFR Section 51.166(q)(1).

New subsection D.6 excludes GHG emissions from source impact analysis (modeling and increment) and pre-application air quality analysis (local area monitoring) requirements in 40 CFR Sections 52.21(k) and 52.21(m). This exclusion was requested by USEPA because GHG do not have localized health effects and are not regulated in the same manner as criteria pollutants. As with the adoption by reference date, the exclusion indicates the requirements of the specified sections in effect on September 1, 2015 do not apply.

New subsection D.7 provides an option for the District if a power plant regulated by the California Energy Commission applies for a PSD permit through the Notice of Intention and Application for

Certification process. Subsection D.7 allows the District to implement PSD requirements through the Determination of Compliance for such a project rather than an Authority to Construct or a separate PSD permit.

### Section E. Public Participation

The original text of this section indicates the District will comply with public notice requirements in Rule 26.7. USEPA requested removal of this reference and addition of specific public participation requirements. The revisions in Section E were requested to maintain consistency with 40 CFR Section 51.166(q).

Staff is proposing to delete the current text of Rule 26.13 Section E. The proposed text of Section E states “Prior to issuing a federal PSD permit pursuant to this rule and within one year after receipt of a complete application, the Air Pollution Control Officer shall:” followed by eight subsections.

The new subsections of Section E include specific requirements for a preliminary determination whether the permit will be approved or not, and public availability of the application and supplementary materials. Public notification in a newspaper and direct notification of USEPA and other interested parties (with a list of suggested agencies and individuals) are also required. Subsection E.5 requires the District to provide an opportunity for a public hearing if the APCO believes it is warranted.

In addition, the revisions require consideration of all written comments and comments provided during any public hearing, and public availability of such comments and the District’s response. The District must make a final determination to approve or disapprove the project, notify the applicant in writing of the decision, and make the decision available to the public at the same location as the initial public information availability.

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## COMPARISON OF PROPOSED RULE REQUIREMENTS WITH OTHER AIR POLLUTION CONTROL REQUIREMENTS

California Health and Safety Code Section 40727.2(a) requires Districts to compare the requirements of a proposed revised rule with other air pollution control requirements. These other air pollution control requirements include federal New Source Performance Standards (NSPS), federal National Emissions Standards for Hazardous Air Pollutants (NESHAPS), Best Available Control Technology (BACT), and any other District rule that applies to the same equipment.

The proposed revisions do not include or affect emission control standards; therefore, the requirements of Health and Safety Code § 40727.2(a) are satisfied pursuant to Health and Safety

Code § 40727.2(g). Nevertheless, the PSD program requires the implementation of BACT. It is not possible to determine the nature of the BACT requirement until a project is evaluated. However, a PSD project may also need BACT under District Rule 26.2 for ROC, NO<sub>x</sub>, PM<sub>10</sub> and/or SO<sub>x</sub>. Rule 26.2 BACT may be more stringent than PSD BACT as these BACT requirements have different definitions.

Note also that the PSD program is implemented pursuant to federal law. A new major source or a significant modification to an existing major source of a PSD pollutant will require a PSD permit regardless of the identity of the issuing agency.

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## IMPACT OF THE PROPOSED RULE

### Emissions Impacts

Staff analysis of the emission inventory database and permitted emissions shows five existing major sources of PSD pollutants in Ventura County (see Table 2). Rule 26.13 will apply to any of these sources if they propose a modification that will cause a significant net increase in a PSD pollutant as listed in Table 1. In addition, any existing or new facility with a project that will be a major source of a PSD pollutant by itself must obtain a PSD permit. The

significance level for PSD review will not change as a result of the proposed amendments.

### Cost-Effectiveness

Health and Safety Code § 40703 states that air districts must consider, and make public, “the cost-effectiveness of a control measure.” The proposed amendments to Rule 26.13 do not impose or modify a control measure, so a cost-effectiveness analysis is not necessary.

The proposed amendments to Rule 26.13 will facilitate delegation of PSD permitting responsibility from USEPA to the District. As a result, any new PSD projects will be subject to District permitting fees resulting in an increase in cost for the source (the USEPA PSD program does not impose fees on the applicant). In addition, the District might experience a cost increase to implement the PSD program. The permit fees charged by the District will cover the cost of PSD permit review and issuance. It should be noted that no PSD permits have been issued by the District in the history of the program.

If a PSD project is proposed in the District after adoption of the rule amendments, the BACT analysis required by the PSD program might result in reduced emissions from the source. However, as stated above, these requirements are in place regardless of the identity of the permitting authority and Rule 26 BACT will apply as well. In addition, it is not possible to determine the quantity of emissions reductions until an application is received. Therefore, the cost-effectiveness of the proposal cannot be calculated.

Table 2  
Existing Major Sources of PSD Pollutants

Facility Name and ID Number	PSD Major Pollutants	SIC Code*	Industry Description
Mandalay Generating Station (00013)	NO <sub>2</sub> , CO	4911	Electricity Generation
Procter & Gamble Paper Products (00015)	CO	2676	Sanitary Paper Products Manufacturing
Aera Energy LLC (00041)	CO	1311	Crude Oil Production
Ormond Beach Generating Station (00065)	NO <sub>2</sub> , CO, PM	4911	Electricity Generation
Crimson Pipeline, L.P. (00385)	CO	4612	Crude Petroleum Pipelines

\* Standard Industrial Classification Code

#### Incremental Cost-Effectiveness Analysis

Health and Safety Code Section 40920.6(a) requires air agencies to identify one or more potential control options, assess the cost-effectiveness of those options, and calculate the incremental cost-effectiveness. Health and Safety Code Section 40920.6 also requires an assessment of the incremental cost-effectiveness for proposed regulations for ozone, carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), and their precursors.

Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options achieving the same emission reduction goal of a regulation. The proposed amendments to Rule 26.13 do not specify control options and may not require emission reductions. Therefore, the incremental cost-effectiveness analysis does not apply to the proposed rule amendments.

#### Socioeconomic Analysis

Assembly Bill 2061 (Polanco), which became effective January 1, 1992, requires that the District's governing board consider the socioeconomic impacts of any new rule or rule revision. The Board must therefore evaluate the following socioeconomic information on proposed amendments to Rule 26.13.

- (1) *The type of business, including small business, affected by the rule or regulation.*

The adoption of amendments to this rule will most likely affect the five existing permitted major sources of PSD pollutants in the county, since the emission threshold for PSD applicability is lower for existing major sources. These include electricity generation, crude oil production, crude oil pipelines, landfills, crop preparation services, wastewater treatment, and sanitary paper product manufacturing operations.

Major source construction projects are generally associated with large industrial facilities so small businesses are unlikely to be affected. There is a known project in preliminary consideration stages, a 300 MW power generation facility requested by the Public Utilities Commission, that might be a PSD source for CO and NO<sub>2</sub>. None of the companies involved in the proposal process are small businesses.

- (2) *The impact of the rule amendments on employment and the economy of the region.*

Revisions to this rule are not expected to have a negative impact on either employment or the economy of Ventura County. A new major source or significant modification to an existing

major source of a PSD pollutant will require a PSD permit regardless of the issuing agency. Any new PSD source will likely be in an industry familiar with PSD regulations.

- (3) *The range of probable costs, including costs to industry or business, including small business, of the rule or regulation.*

The District proposes to charge for PSD permit processing as specified in Rule 42. Because of the modeling required, actual labor hours required to process a PSD permit could be significant but difficult to estimate. Also, costs could vary considerably depending on the level of participation by both the public and USEPA.

The current hourly service rate for an Air Quality Engineer is \$120.00 per hour. Staff estimates that, depending on the complexity, the cost of a PSD permit could be from \$15,000 to \$150,000.

- (4) *The availability and cost-effectiveness of alternatives to the rule or regulation being proposed or amended.*

The PSD program is implemented pursuant to federal law. A new major source or significant modification to an existing major source of a PSD pollutant will require a PSD permit regardless of the issuing agency. No alternatives exist.

- (5) *The emission reduction potential of the rule or regulation.*

A new major source or significant modification to an existing major source of a PSD pollutant will require a PSD permit regardless of the issuing agency. Therefore, adoption of the proposed amendments to Rule 26.13 will not affect emissions.

- (6) *The necessity of adopting, amending, or repealing the rule or regulation to attain state and federal ambient air standards pursuant to Chapter 10 (commencing with Section 40910).*

Since the PSD program is in effect and will not change due to the change in the issuing agency, the proposed rule amendments will not impact attainment of air quality standards.

**ENVIRONMENTAL IMPACTS OF METHODS OF COMPLIANCE**

California Public Resources Code Section 21159 requires the District perform an environmental analysis of the reasonably foreseeable methods of compliance if the proposed rule requires “the installation of pollution control equipment, or [specifies] a performance standard or treatment requirement...”

The Proposed rule amendments are administrative in nature but may involve a requirement to install air pollution control equipment. It is not possible to determine the nature of the control equipment until the project is proposed and evaluated. In addition, the controls required will not change due to the

change in the issuing agency that will result from the proposed amendments. Therefore, an analysis is not possible.

**CEQA Requirements**

Staff concludes that the adoption of the proposed amendments to Rule 26.13 is within the scope of the categorical exemptions from the CEQA under CEQA Guideline sections 15307, Protection of Natural Resources, and 15308, Protection of Environment, and that no exceptions to these categorical exemptions apply.

**PUBLIC MEETINGS AND COMMENTS**

**Public Workshop**

Due to the administrative nature of the proposed rule amendments, District staff and management determined a public workshop was not warranted. The initial opportunity for public input was during the public notice process for the Advisory Committee meeting.

**Advisory Committee**

On June 12, 2014 staff received comments from USEPA on the proposed revisions to Rule 26.13 provided to EPA in advance of the Advisory Committee meeting. USEPA stated two of the revisions in their original request were no longer

necessary because USEPA had made the changes in the CFR as required by court decisions.

Subsection 52.21(k)(2) has been revised by USEPA to the text “Reserved” so there is no longer any need to add subsection (k)(2) to the list of excluded sections. In addition, USEPA has revised subsection 52.21(i)(5)(i)(c) to read “PM<sub>2.5</sub> – 0 µg/m<sup>3</sup>”. This makes the revision originally requested by USEPA and included in the initial proposed revisions to Rule 26.13 as subsection C.3 unnecessary. Staff made the changes suggested by USEPA.

The proposed revisions presented to the Advisory Committee included the changes made based on USEPA’s comments. After a presentation regarding the proposed revisions to Rule 26.13 and some discussion, the Advisory Committee voted

unanimously to recommend adoption of the proposed revisions to the Air Pollution Control Board.

Two changes were made to the rule text after the Advisory Committee meeting on June 24, 2014. Staff removed the revision to the language in 40 CFR Section 52.21(b)(49)(ii)(a) requested by USEPA and originally included as subsection C.2. This provision was intended to remove the provisions of the USEPA Deferral Rule which temporarily excluded biogenic CO<sub>2</sub> emissions from regulation. However, the Deferral Rule expired on its own terms on July 21, 2014 so the text was no longer required in Rule 26.13. In addition, the specific date of the Code of Federal Regulations version of 40 CFR Section 52.21 to be adopted by reference was updated to September 1, 2015 to ensure it included the court-mandated changes.

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## ACKNOWLEDGEMENTS AND REFERENCES

### Acknowledgements

Ventura County APCD, *Proposed New Rule 26.13, New Source Review – Prevention of Significant Deterioration Final Staff Report*, April 27, 2011.

Yannayon, L., USEPA Region 9, (2014, April 22). Telephone interview.

### References

*Utility Air Regulatory Group v. EPA*, 134 S.Ct. 2427 (2014).

*Coalition for Responsible Regulation, Inc. v. EPA*, 45 ELR 20072, No. 09-1322 et al., (D.C. Cir., 04/10/2015).

Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements, 80 Fed. Reg. 160 (19 August 2015), 50199, 50203 (amending 40 C.F.R. § 52.21).

40 C.F.R. § 52.21 (2015 effective Sept. 1).