


**San Joaquin Valley
Unified Air Pollution Control District**

PSD Administrative Requirements Procedure

Approved By:  David Warner Director of Permit Services	Date: <u>May 22, 2013</u>
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I. Purpose

The purpose of this policy is to summarize the administrative procedures that must be followed when processing applications subject to the requirements of District Rule 2410, *Prevention of Significant Deterioration (PSD)*. The procedures outlined in this policy will ensure compliance with the administrative requirements of District Rule 2410, as well as commitments made in the District's clarification letter to EPA (dated May 18th, 2012).

Please note that the evaluation of the applicability and determination of the requirements of District Rule 2410 will be made as part of the normal ATC application review process.

The Permit Services intranet page (Permits > Source Category > Applications Subject to Rule 2410) contains various templates and reference materials to assist staff in satisfying these administrative requirements.

II. Single Application Review

In order to streamline the PSD and the non-attainment NSR review processes, only one application review document will be prepared that integrates the application package, project proposal, emission calculations, compliance demonstration, modeling, permit conditions, etc. into a single document package that encapsulates both the *statement of basis* and the *administrative record*.

Statement of Basis:

According to 40 CFR 124.7, the *statement of basis* shall:

. . . briefly describe the derivation of the conditions of each draft permit and the reasons for them or, in the case of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

The Compliance Section of our typical application review document will serve as the *statement of basis* for PSD permitting actions.

Administrative Record:

40 CFR 124.9 states the *administrative record* shall consist of the following:

- The application, if required, and any supporting data furnished by the applicant;
- The draft permit or notice of intent to deny the application or terminate the permit;
- The statement of basis;
- All documents cited in the statement of basis, and
- Other documents contained in the supporting file for the draft permit.

The application together with the District's application review document satisfies the requirements for a "*statement of basis*" and an "*administrative record*".

III. PSD Application Processing Procedures

The PSD permitting process involves the following major components, each of which will be discussed individually.

Preliminary Review:

Staff shall use the Preliminary Review Checklist form (G:/Intranet Files/PER/forms/Internal/misc/preliminary_review.doc - District internal document).

Within 30 days of receiving an application subject to the requirements of District Rule 2410, the District must review it for completeness and notify the applicant in writing whether the application is complete or incomplete. Since this process will be nearly identical to our typical non-attainment NSR preliminary review process, a single letter that addresses both PSD and NSR completeness/incompleteness may be used when applicable.

In order to minimize any delays in processing, the reviewing staff should ensure that the application package contains sufficient information and that the appropriate parties are notified. For example:

- Within 30 days of receipt of the application package, send a notification letter with a copy of the application package to the Federal Land Manager(s) (regardless of the distance to the Class I area). See this link for a list of Class 1 areas in EPA Region 9: http://www.epa.gov/region9/air/maps/r9_class1.html. The Permit Services intranet page (Permits > Source Category > Applications Subject to Rule 2410) contains contact information for Federal Land Managers.
- In order to ensure the application package contains all the requisite modeling, impact analyses, and BACT information, follow the procedures outlined in the Preliminary Review Checklist form.

If the application package contains all of the above elements, it must be deemed complete within 30 days of receipt. Conversely, if the application package does not contain all of the above elements, it must be deemed incomplete within 30 days of receipt.

Final Review:

Pursuant to Section 5.3 of District Rule 2201 and District Rule 2410, the District must take final action on the PSD project within 180 days after receiving a complete application or within 180 days after the lead agency has approved the project under CEQA. During this time, the District must formally evaluate the application for compliance with all applicable regulations, perform all required public noticing, respond to all comments received, and make a final determination.

Public Participation:

Preliminary Decision:

Pursuant to Section 5.0 of District Rule 2201 and District Rule 2410, the preliminary decision on the project must undergo a 30-day public notification process prior to issuance of ATC(s). If both PSD and NSR public notice processes are triggered, only one notice of preliminary decision shall be prepared (noting the project is subject to both NSR and PSD regulations). Notification of the preliminary decision shall be given by the following methods:

- Send a copy of the notice to the following entities:
 - The applicant;
 - EPA;
 - CARB;
 - The chief executive of the city where the proposed project will be located ([\\central1\shared\permit i f modifiable\public agency addresses.xls](#) - District internal document);
 - The chief executive of the county where the proposed project will be located ([\\central1\shared\permit i f modifiable\public agency addresses.xls](#) - District internal document);
 - The Federal Land Managers for the National Park Service and U.S. Forest Service (regardless of the distance to the Class I area);
 - Any Indian Governing Body whose federally recognized tribal lands may be affected¹ by emissions from the proposed project. See this link for a map of federally recognized tribal lands in California: http://www.epa.gov/region9/air/maps/ca_tribe.html, See this link for tribal contact information: <http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm#c>);
 - Affected¹ local air pollution control agencies;
 - Any persons who have expressed interest in the project and have requested to be on a mailing list or email list;

¹ For the purposes of this document, "affected" means those agencies or entities whose lands are within 100 km of the project location.

The Permit Services intranet page (Permits > Source Category > Applications Subject to Rule 2410 > Distribution List for Applications Subject to Rule 2410) contains a list of the commonly contacted agencies.

- Publication of the notice in a local newspaper of general circulation for the county in which the project will be located. See (G:/Intranet Files/PER/ceqa_isr_intranet_home_page/newspapers.doc - District internal document) for a list of newspapers of general circulation. The notice shall state the emissions change and the degree of increment consumption that is expected from the proposed project. The notice shall also state the ability for the public to make a request for a public hearing.

During the 30-day public comment period, the District will accept comments from all interested parties.

If requested and/or otherwise deemed necessary, a public hearing may also be held. Public notification of a public hearing shall be given at least 30 days before the hearing. The comment period shall be extended to 2 weeks after the close of any public hearing.

Final Decision:

At the conclusion of the public comment period, the District shall issue a final decision on the proposed project. At the time the final permit decision is issued, the District shall issue a response to all written comments received during the 30-day comment period and during any public hearing. The response shall specify which provisions of the permit, if any, have been changed and the reasons for the change. Any documents cited in the response to comments shall be included in the administrative record for the final permit decision. The response to comments shall be made available to the public. Upon issuing a final decision, the District shall notify in writing those entities that were notified in the preliminary decision.

IV. Appeals Process

Within 30 days of issuance of the final decision, any person who provided written comments during the public comment period or during a public hearing may submit a written request to appeal the final decision pursuant to REGULATION V – PROCEDURE BEFORE THE HEARING BOARD.