

## GENERAL EVALUATION GUIDANCE

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### Completeness Determination

Every application for an authority to construct or a permit to operate must include applicable District forms and contain all of the information required for the APCO to make a decision on the application. Each of the permit handbook chapters has a listing of the District forms and additional information required for each of the sources in the various source categories. In addition, the permit handbook chapters refer to the applicable fee calculation procedures to determine the required fee. A [Completeness Determination Checklist](#) has been developed to aid in the preparation of a complete application.

If an application is not complete, the APCO shall notify the applicant in writing and indicate what additional data or fees are required to complete the application. Typically, the District must review and determine whether an application is complete within 15 working days of receipt of the application. The APCO may cancel an application if the applicant fails to furnish the requested information or pay all appropriate fees during the requested time frame. In general, the APCO notifies the applicant in writing of the approval or denial of their application within 35 working days of receipt of a completed application.

However, the deadlines are different for certain special permit types:

- Deposit Emission Reduction Credits;
- Major Facility Review (Title V);
- Prevention of Significant Deterioration (PSD);
- Projects within 1000 feet of a school boundary;
- Projects that require CEQA environmental review and documentation;
- Projects that trigger publication, and public comment requirements of [Regulation 2-2-405](#), [2-4-405](#), or [2-9-405](#).

In addition, the deadlines may be extended upon mutual consent of the applicant and the APCO.

### Evaluation Report

After a complete application has been provided, the permit evaluator prepares an “evaluation report” which documents the evaluation and the resulting decision (approval or denial) of the application. The sections within the evaluation report include a brief background description of the application, emission calculations, applicable requirements, and recommended permit conditions. The following sections of this guidance will provide the details to be considered in preparing the evaluation report. [Evaluation Report Template Guidance](#) has been prepared to aid in the preparation of an evaluation report.

### Background

The permit evaluator should include a background of the sources to be permitted. The background should list the sources included in the permit application. Relevant historical information regarding sources (e.g., initial date of operation, if already operating, or proposed date of construction) should be included in the background.

### Emission Calculations

The emissions from the proposed source(s) will normally be calculated using the specific procedures and/or emission factors referenced in the District’s Permit Handbook chapter for that source type. Deviations from these procedures may make the permitting decision non-ministerial and therefore subject to CEQA. Emission calculations should include all relevant criteria pollutants including [toxic air contaminants \(TAC\)](#) and for all relevant time periods:

- Annual;
- Maximum daily; and

- Maximum 1-hour (if TAC has a acute trigger level listed in Table 2-5-1 of Regulation 2-5) Regulations [2-2-604](#) and [2-5-601](#) provide the emission calculation procedures for criteria pollutants and TACs, respectively.

### **Applicable Requirements**

For each source, the permit evaluator must list, and determine compliance with, each applicable requirement identified in the District's Permit Handbook chapter for the source type. A permit cannot be approved without the source being in compliance with all applicable regulatory requirements.

#### District Rules and Regulations

The permit handbook chapters identify all applicable District rules that may apply to each specific source type in each source category.

#### Best Available Control Technology (BACT)

In accordance with [Regulation 2-2-301](#), BACT is triggered if emissions of Precursor Organic Compounds (POC), Non-Precursor Organic Compounds (NPOC), Nitrogen Oxides (NO<sub>x</sub>), or Sulfur Dioxides (SO<sub>2</sub>) exceed 10 pounds per highest day.

BACT for a source can be determined from the [BACT/TBACT Workbook](#). The BACT determination tables presented in the [BACT/TBACT Workbook](#) have two BACT levels of control as discussed previously: 1) Technologically Feasible/Cost-Effective and 2) Achieved in Practice. The minimum BACT level of control is the second category; the emission control or emission limitation has already been generally achieved in practice. Then the user should look for a BACT entry in the first BACT level of control, technologically feasible/cost-effective controls or emission limitations, and determine whether the control or emission limitation is appropriate for the specific application under review. The fact that there is a BACT Level 1 entry in the table indicates that a determination has already been made that the technology is feasible and is potentially cost-effective. The Air Pollution Control Officer, with the assistance of District staff, will make the final determination of the applicability of that BACT determination for the specific source equipment, usage, and operating condition under review. Staff will also review the proposed control equipment and/or emission control level for obsolescence, and determine whether a more efficient control technique and/or more stringent emission limitation has been shown to be feasible and cost effective. As discussed in the Cost Effectiveness Determination section, such factors as the material usage or process throughput limits expected on the permit to operate will have a major impact on the final determination. If no control technology or emission limitation in the "technologically feasible/cost-effective" BACT1 category is applicable, then BACT reverts back to BACT2, the "achieved in practice category," or to some intermediate level of control. If a source has been deemed subject to BACT1 control requirements, then CEQA review is also triggered.

#### Offsets

In accordance with [Regulation 2-2-302](#), offsets are triggered if a facility emits more than 10 ton per year of POC or NO<sub>x</sub>. If the facility has potential emissions above 10 but below 35 tons per year of POC or NO<sub>x</sub>, then the District shall provide the offsets from the Small Facility Bank, if the facility or its parent company (see [policy](#)) doesn't already own emission reduction credits held in a [Banking Certificate](#). If the facility has emissions above 35 tons per year, the facility shall provide the offsets. The District permit evaluator should indicate in the evaluation report the quantity of offsets required and how offsets are provided. A permit cannot be approved without the required offsets.

#### Prevention of Significant Deterioration (PSD)

In accordance with [Regulation 2-2-304, 305, 306, and 308](#), PSD modeling is triggered for the following:

1. A new major facility that will emit 100 tons per year or more from one of twenty eight (28) PSD source categories listed in [Section 169\(1\) of the federal Clean Air Act](#) or 250 tons per year of more for an unlisted category;
2. A major modification of a major facility if the cumulative increase from the PSD Baseline Date, as defined in [Regulation 2-2-204](#), minus the contemporaneous emission reduction credits at the facility are in excess of the following:

- a. 40 tons per year of sulfur dioxide or nitrogen dioxide; or
  - b. 15 tons per year of PM<sub>10</sub>; or
  - c. 0.6 tons per year of lead.
3. A major modification of a major facility with an increase of 100 tons per year or more of carbon monoxide.
  4. A new or modified facility if the new or modified facility will emit greater than 100 tons per year of carbon monoxide, PM<sub>10</sub>, sulfur dioxide, precursor organic compounds or nitrogen oxides, and the increase in emissions due to the permit application, minus the onsite contemporaneous emission reduction credits associated with the permit application are in excess of the following annual average amounts specified:

	ANNUAL AVERAGE		DAILY	
	kg/yr	(ton/yr)	g/day	(lb/day)
Lead	530	(0.6)	1450	(3.2)
Asbestos	6	(0.007)	17	(0.04)
Beryllium	0.3	(0.0004)	0.9	(0.002)
Mercury	88	(0.1)	240	(0.5)
Fluorides	2720	(3)	7450	(16)
Sulfuric Acid Mist	6350	(7)	17400	(38)
Hydrogen Sulfide	9050	(10)	24800	(55)
Total Reduced Sulfur	9050	(10)	24800	(55)
Reduced Sulfur Compounds	9050	(10)	24800	(55)

5. A facility for which the cumulative increases minus the contemporaneous emission reduction credits occurring since the PSD Baseline Date, are greater than zero, and which would construct in a Class 1 Area or within 10 kilometers (6.2 miles) of a Class 1 area, and would have an impact on such area equal to or greater than 1 microgram per cubic meter.

A permit application cannot be approved unless the modeling analysis demonstrates that the proposed source emissions will not interfere with the attainment or maintenance of a National Ambient Air Quality Standard (NAAQS), and, if applicable, will not cause an exceedance of a Prevention of Significant (PSD) increment. For District purposes, NAAQS is defined to include both California and national standards. [Guidance from the District's Engineering Division](#) is available for the applicant's use to give the permit applicant specific assumptions, requirements, conventions, and procedures for the preparation of a modeling analysis. Because this guidance cannot cover every aspect of the analysis needed for a proposed source without becoming unwieldy, the applicant should submit a modeling plan (protocol) with their application before beginning the analysis.

The District permit evaluator shall include reference of the modeling analysis and summarize the results in the evaluation report and attach the analysis to the evaluation report. If PSD modeling is triggered, then the publication and public comment requirement of [Regulation 2-2-405](#) is also triggered.

California Environmental Quality Act (CEQA)

Permit applications which are reviewed following the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook will be classified as ministerial and will accordingly be exempt from CEQA review per [Regulation 2-1-311](#). In indicating that the permit application is ministerial, the District permit evaluator should indicate in the evaluation report the permit handbook chapter(s) that is being followed for the proposed source(s).

Notwithstanding the requirement of [Regulation 2-1-311](#), the District may review on a case-by-case basis permit applications to determine whether the District's evaluation of the permit application will involve any element of discretion. If as a result of this case-by-case review, the District determines that the evaluation of the permit application will not involve any element of discretion on its part, then the application may be treated as a ministerial project, per [Regulation 2-1-314](#), as long as the following conditions are met:

- 314.1 The District makes a specific written finding to this effect as part of its determination that the permit application is complete;
- 314.2 The District will merely apply the law to the facts as presented in the permit application; and

- 314.3 The District's evaluation of the permit application and its decision regarding whether to issue the permit will be limited to the criteria set forth in [Section 2-1-428](#).

In addition, the District has determined that source(s) that require [BACT1](#) control technology may involve elements of discretion and may trigger CEQA review. The permit engineer should follow the [procedure](#) for determining CEQA applicability to evaluate whether CEQA is triggered.

In addition to ministerial projects, the following categories of permit applications will be exempt from CEQA review: (Basis: [Regulation 2-1-312](#)), unless another agency has assumed responsibility as the lead agency.

- 312.1 Applications to modify permit conditions for existing or permitted sources or facilities, which do not involve any increases in emissions or physical modifications.
- 312.2 Permit applications to install air pollution control or abatement equipment.
- 312.3 Permit applications for projects undertaken for the sole purpose of bringing an existing facility into compliance with newly adopted regulatory requirements of the District or of any other local, state or federal agency.
- 312.4 Permit applications submitted by existing sources or facilities pursuant to a loss of a previously valid exemption from the District's permitting requirements.
- 312.5 Permit applications submitted pursuant to the requirements of an order for abatement issued by the District's Hearing Board or of a judicial enforcement order.
- 312.6 Permit applications relating exclusively to the repair, maintenance or minor alteration of existing facilities, equipment or sources involving negligible or no expansion of use beyond that previously existing.
- 312.7 Permit applications for the replacement or reconstruction of existing sources or facilities where the new source or facility will be located on the same site as the source or facility replaced and will have substantially the same purpose and capacity as the source or facility replaced.
- 312.8 Permit applications for cogeneration facilities, which meet the criteria of Section 15329 of the State CEQA Guidelines.
- 312.9 Any other project, which is exempt from CEQA review pursuant to the State CEQA Guidelines.
- 312.10 Applications to deposit emission reductions in the emissions bank pursuant to Regulation 2, Rule 4 or Regulation 2, Rule 9.
- 312.11 Permit applications for a proposed new or modified source or sources or for process changes which will satisfy the "No Net Emission Increase" provisions of District Regulation 2, Rule 2, and for which there is no possibility that the project may have any significant environmental effect in connection with any environmental media or resources other than air quality. Examples of such projects include, but are not necessarily limited to, the following:
  - 11.1 Projects at an existing stationary source for which there will be no net increase in the emissions of air contaminants from the stationary source and for which there will be no other significant environmental effect;
  - 11.2 A proposed new source or stationary source for which full offsets are provided in accordance with Regulation 2, Rule 2, and for which there will be no other significant environmental effect;
  - 11.3 A proposed new source or stationary source at a small facility for which full offsets are provided from a small facility bank established by the APCO pursuant to Regulation 2-4-414, and for which there will be no other significant environmental effect;
  - 11.4 Projects satisfying the "no net emission increase" provisions of District Regulation 2, Rule 2 for which there will be some increase in the emissions of any toxic air contaminant, but for which the District staff's preliminary health risk screening analysis shows that a formal health risk assessment is not required, and for which there will be no other significant environmental effect.

Any permit applicant for any project that is not ministerial must include in its permit application the following CEQA related information: (Basis: [Regulation 2-1-426.1](#))

- 426.1 A preliminary environmental study which shall describe the proposed project and discuss any potential significant adverse environmental impacts, alternatives to the project, and any necessary mitigation measures to minimize adverse impacts. The preliminary environmental study shall include all activities involved in the project and shall not be limited to those activities affecting air quality. In preparing the preliminary environmental study, the applicant may utilize the Environmental Information Form in Appendix H of the State CEQA Guidelines or an equivalent format specified by the APCO. (see also Appendix G, Significant Effects.) The preliminary environmental study shall list all other local, state and federal governmental agencies that require permits for the project and indicate any environmental documentation required by such agencies; or
- 426.2 When an agency other than the District is to be the Lead Agency under CEQA, either:
  - 2.1 A Draft or Final Environmental Impact Report prepared by or under the supervision of the Lead Agency; or
  - 2.2 A contract for the preparation of a Draft Environmental Impact Report executed by the Lead Agency together with the Initial Study prepared by the Lead Agency; or
  - 2.3 A Negative Declaration prepared by the Lead Agency; or
  - 2.4 A Notice of Preparation of a Draft EIR prepared by the Lead Agency;
  - 2.5 A copy of the Initial Study prepared by the Lead Agency, or
  - 2.6 A commitment in writing from another agency indicating that it has assumed the role of Lead Agency for the project in question.

In indicating that the permit application is exempt from CEQA review per [Regulation 2-1-312](#), the District permit evaluator shall indicate in the evaluation report the subsection within Subsection 312, which is applicable, and ensure that a completed Appendix H Environmental Information Form or other required CEQA documentation has been submitted with the application.

Notwithstanding the exemptions from CEQA review set forth in Regulation 2-1-312, such exemptions shall not apply under the following circumstances:

- (i) to any project for which the District staff’s preliminary health risk screening analysis shows that a formal health risk assessment must be submitted by the applicant,
- (ii) to any project covered by the categories set forth in subsections 2-1-312.1 through 312.9 where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, or due to cumulative impacts of successive projects of the same type in the same place over time. Such projects shall be reviewed in accordance with the requirements of CEQA.

If the permit application is subject to CEQA, then CEQA review is triggered. For those permit applications, which must be reviewed in accordance with the requirements of CEQA, the District will not normally be a Lead Agency under CEQA. Rather, pursuant to CEQA, the Lead Agency will normally be an agency with general governmental powers, such as a city or county, rather than a special purpose agency such as the District. However, if no Lead Agency exists, then the District must take on the role as Lead Agency and perform the required CEQA review. [BAAQMD CEQA Guidelines](#) are available, in addition to the [State of California’s website](#), to provide details on how to comply with the requirements.

School Notification

AB 3205 ([H&S Code Section, 42301.6 through 42301.9](#)) addresses sources of hazardous air pollutants near schools. It requires new or modified sources of “hazardous air emissions” located within 1000 feet of the outer boundary of a school to give public notice to the parents or guardians of children enrolled in any school located within one-quarter mile of the source and to each address within a 1000-foot radius.

As a result, any new or modified source located within 1000 feet of the outer boundary of a school and which results in the increase of any “hazardous air emissions” into the ambient air, triggers the public notice requirement of [Regulation 2-1-412](#). A school is defined as any public or private school of more than 12 children in kindergarten or any grades 1 to 12, excluding private schools in which education is primarily conducted in private homes. H&S Code Section 42301.6(h)(1) defines “hazardous air emissions” as the following:

"Hazardous air emissions" means emissions into the ambient air of air contaminants which have been identified as a toxic air contaminant by the state board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code."

As indicated in the definition, “hazardous air emissions” are identified on the following lists:

- [AB2588 List – AB2588appa](#)
- [Regulation 2-5 List - Table 2-5-1](#)
- [Proposition 65 List – Prop65list120806](#)
- [CalARP Program List](#)

All four lists should be reviewed to determine whether the applicant will emit a “hazardous air emission”.

The permit evaluator should check whether the facility is located within 1000 feet of a school. The District evaluator shall use the internal District “schools” program. [Applicants may use the following web sites to check the facility location and the location of the nearest schools: [MapQuest](#) and [GreatSchools.net](#).] If the preliminary check indicates that the facility location is within 1500 feet of a school, then the permit evaluator should contact the school(s) to verify that they are indeed a K-12 school of more than 12 children, which is operating at the identified location. If the school is large enough to trigger public notice requirements, the applicant must provide a satellite map showing 1) the location of the source, 2) the boundary of the school, and 3) the scale of the map. Once one school is identified within 1000 feet, the search radius must be enlarged to 0.25 mile (1320 feet) to determine whether there are more schools within this new search radius. Once all the schools have been identified, and prior to approving any authority to construct or permit to operate, a public notice must be distributed to all parents/guardians of students going to the school and all addresses within 1000 feet of the school. The public notice shall describe the proposed new or modified source, and the proposed emissions and allow 30 days for public comment. The APCO shall review and consider all comments received during the 30 days after the notice is distributed, and shall include a written response to the comments in the permit application file prior to taking final action on the application. A [public notification checklist](#) is available to guide the permit evaluator.

#### [Health Risk Screening Analysis \(HRSA\)](#)

In accordance with [Regulation 2-5](#), the total emissions of each applicable [TAC](#) from all new and modified sources contained within a permit application shall constitute the “project” for the purpose of determining whether an [HRSA](#) must be prepared. In addition, in order to prevent circumvention which might be achieved by breaking a project into smaller pieces and submitting more than one permit application over a period of time, a project shall include those new or modified sources of [TACs](#) at a facility that have been permitted within the two-year period immediately preceding the date a complete application is received, unless the applicant demonstrates to the satisfaction of the APCO that construction or modification of the sources included in the current application was neither (1) a reasonably foreseeable consequence of the previous project, nor (2) a critical element or integral part of the previous project. If the estimated project emission of any identified [TAC](#) exceeds its respective acute or chronic trigger level listed in [Table 2-5-1 of Regulation 2-5](#), then an [HRSA](#) is required for the project.

The permit evaluator should calculate [TAC](#) emission rates, including annual average emission rates, and maximum hourly emission rates (if the [TAC](#) has an acute trigger level) to determine if an [HRSA](#) is required. If an [HRSA](#) is required, the permit evaluator should submit a completed [HRSA](#) form with accompanying facility plot plan and local street map indicating the location of the facility, the source location(s), any surrounding building(s), application information from other new or modified sources of TACs at the facility that have been permitted within the two-year period immediately preceding the date the complete application was received, and a transmittal interoffice memorandum to the District's Toxics Section Manager. [Regulation 2-5](#) dictates that the cancer risk is acceptable if it is below one in a million, or if TBACT is applied and the cancer risk is below 10 in a million; the non-cancer risk is acceptable if the chronic hazard index is less than or equal to 0.2, or if TBACT is applied and the chronic hazard index is less than or equal to 1.0, and the acute hazard index is less than or equal to 1.0. The District permit evaluator should summarize the risk assessment in the evaluation report. Unless the cancer and non-cancer risks are acceptable in accordance with [Regulation 2-5](#), a permit application cannot be approved.

#### Air Toxics Control Measures (ATCM)

The permit handbook chapters will identify any applicable [ATCM](#) that may apply for each specific source type in each source category.

#### New Source Performance Standards (NSPS)

Section 111 of the Clean Air Act, "Standards of Performance of New Stationary Sources," requires EPA to establish federal emission standards for source categories, which cause or contribute significantly to air pollution. These standards are intended to promote use of the best air pollution control technologies, taking into account the cost of such technology and any other non-air quality, health, and environmental impact and energy requirements. These standards apply to sources, which have been constructed or modified since the proposal of the standard. Since December 23, 1971, the Administrator has promulgated nearly 75 standards. These standards can be found in the Code of Federal Regulations at Title 40 (Protection of Environment), Part 60 ([Standards of Performance for New Stationary Sources](#)).

The permit handbook chapters will identify any applicable [NSPS](#) that may apply for each specific source type in each source category.

#### National Emissions Standards for Hazardous Air Pollutants (NESHAP)

The Federal Clean Air Act requires the Environmental Protection Agency (EPA) to regulate emissions of toxic air pollutants from a published list of industrial sources referred to as "source categories." As required under the Act, EPA has developed a list of source categories that must meet control technology requirements for these toxic air pollutants. The EPA is required to develop [NESHAP](#) for all industries that emit one or more of the pollutants in significant quantities in 40 CFR 63. In addition, in 40 CFR 61, they also adopted NESHAPs based on control of certain types of hazardous pollutants. EPA has developed implementation [tools](#) (e.g. checklists, brochures) to help comply with the standards.

The permit handbook chapters will identify any applicable [NESHAP](#) that may apply for each specific source type in each source category. These standards are also called Maximum Achievable Control Technology (MACT) standards. Most apply in the event that the facility is a Title V facility. However, there are a few MACT standards that apply to small sources. The source-specific permit handbook chapters will identify these cases.

#### **Permit Conditions**

Standardized conditions for the various source types for each source category are available from each permit handbook chapter and the [Permit Condition Guidance](#). Deviations from standard permit conditions must be clearly indicated in the permit evaluation, and may result in a project being deemed non-ministerial, thereby triggering further CEQA review. Each of the permit handbook chapters contains applicable permit conditions for each source type.