

Rule 1314

Federal Nonattainment New Source Review For Ozone Precursors

(A) Purpose

- (1) The purpose of this Rule is to set forth additional requirements and procedures for satisfying Federal New Source Review (NSR) requirements for Federal Major Stationary Sources emitting Ozone Precursors.

(B) Applicability

- (1) This Rule shall apply to all new or Modified Facilities that propose a Project that will result in a:
 - (a) Federal Major Modification, or
 - (b) New Federal Major Stationary Source.
- (2) At such time that a particular source or Modification becomes a Federal Major Stationary Source or Federal Major Modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or Modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source or Modification as though construction had not yet commenced on the source or Modification.

(C) Definitions

Notwithstanding any other definitions provided in Rules 1301 or 102, the following definitions shall apply and take precedence:

- (1) **Actual Emissions** - The actual rate of emissions of a Regulated Air Pollutant from an Emission Unit(s), as determined in accordance with paragraphs (a) and (b) of this section, except that this definition shall not apply for calculating whether a Significant Emissions Increase has occurred. Instead, the definitions found in Sections (C)(2) and (C)(11) shall apply for those purposes.
 - (a) In general, Actual Emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The APCO shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual Emissions shall be calculated using the

unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

- (b) For any Emission Unit(s) that has not begun normal operations on the particular date, Actual Emissions shall equal the Potential to Emit of the unit on that date.

(2) **Baseline Actual Emissions** - means the rate of emissions, in tons per year, of a Regulated Air Pollutant, as determined in accordance with sections (a) through (c) of this definition.

- (a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The APCO shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - (i) The average rate shall include Fugitive Emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - (ii) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
 - (iii) For a Regulated Air Pollutant, when a Project involves multiple emissions units, only one consecutive 24-month period must be used to determine the Baseline Actual Emissions for the Emission Unit(s) being changed. A different consecutive 24-month period can be used for each Regulated Air Pollutant.
 - (iv) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (2)(a)(ii).
- (b) For an Existing Emission Unit(s) (other than an electric utility steam generating unit), Baseline Actual Emissions means the average rate, in tons per year, at which the Emission Unit(s) actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the Project, or the date a complete permit application is received by the APCO for a permit required either under Rule 201 or under a plan approved by the Administrator, whichever is earlier.
 - (i) The average rate shall include Fugitive Emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - (ii) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above

an emission limitation that was legally enforceable during the consecutive 24-month period.

- (iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the Federal Major Stationary Source must currently comply, had such Federal Major Stationary Source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR Part 63, the Baseline Actual Emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165 (a)(3)(ii)(G).
 - (iv) For a Regulated Air Pollutant, when a project involves multiple Emission Unit(s), only one consecutive 24-month period must be used to determine the Baseline Actual Emissions for the Emission Unit(s) being changed. A different consecutive 24-month period can be used For each Regulated Air Pollutant.
 - (v) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (2)(b)(ii) and (2)(b)(iii).
- (c) For a New Emission Unit(s), the Baseline Actual Emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's Potential to Emit.

(3) **Basic Design Parameters –**

(a) Means:

- (i) Except as provided in paragraph (iii) of this section, for a process unit at a steam electric generating Facility, the owner or operator may select as its Basic Design Parameter(s) either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate.
- (ii) Except as provided in paragraph (iii) of this section, the Basic Design Parameter(s) for any process unit that is not at a steam electric generating Facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a Basic Design Parameter.
- (iii) If the owner or operator believes the Basic Design Parameter(s) in paragraphs (i) and (ii) of this section is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the APCO an alternative Basic Design Parameter(s) for the source's

process unit(s). If the APCO approves of the use of an alternative Basic Design Parameter(s), the APCO shall issue a permit that is legally enforceable that records such Basic Design Parameter(s) and requires the owner or operator to comply with such parameter(s).

(b)

- (i) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the Basic Design Parameter(s) specified in paragraphs (a)(i) and (ii) of this definition.
- (ii) If design information is not available for a process unit, then the owner or operator shall determine the process unit's Basic Design Parameter(s) using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.
- (iii) Efficiency of a process unit is not a Basic Design Parameter.

(4) **Emission Unit** – means any part of a stationary source that emits or would have the Potential to Emit any Regulated Air Pollutant. For purposes of this section, there are two types of Emission Unit(s) as described below.

- (a) A **New Emission Unit(s)** is any Emission Unit(s) which is (or will be) newly constructed and which has existed for less than 2 years from the date such Emission Unit(s) first operated.
- (b) An **Existing Emission Unit(s)** is any Emission Unit(s) that does not meet the definition of a New Emission Unit(s). A Replacement Unit is an Existing Emission Unit(s).

(5) **Federal Major Modification** – means a physical or operational change at an existing Federal Major Stationary Source for NO_x or VOC, which results, or may result, in a Significant Emissions Increase and a Significant Net Emissions Increase, or in a Non-De minimis Emissions Increase.

- (a) A physical change or change in the method of operation shall not include:
 - (i) Routine maintenance, repair, and replacement;
 - (ii) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act.
 - (iii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
 - (iv) Use of an alternative fuel at a steam generating unit, to the extent that the fuel is generated from municipal solid waste;
 - (v) Use of an alternative fuel or raw material by a Facility which:
 - (A) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any

Federally Enforceable permit condition which was established after December 12, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I; or

- (B) The source is approved to use under any permit issued under regulations approved pursuant to Regulation XIII.
 - (vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any Federally Enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR part 51 subpart I;
 - (vii) Any change in ownership at a Facility;
 - (viii) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (A) The State Implementation Plan for the State in which the project is located, and
 - (B) Other requirements necessary to attain and maintain the national ambient air quality standard during the project and after it is terminated.
- (6) **Federal Major Stationary Source** – Any Emission Unit(s), Project or Facility which has, or will have after issuance of an Authority to Construct or Modified Permit to Operate, an aggregate Potential to Emit equal to or greater than 25 tpy of NO_x or VOC. Fugitive Emissions shall not be included in determining the aggregate Potential to Emit for purposes of applying this definition unless the Emission Unit(s), Project or Facility, as applicable, belongs to one of the following source categories listed in 40 CFR 51.165 (a)(1)(iv)(C).
- (7) **Net Emissions Increase** –
- (a) Means with respect to any Ozone Precursor emitted by a Federal Major Stationary Source, the amount by which the sum of the following exceeds zero:
 - (i) The increase in emissions from a particular physical change or change in the method of operation at a Federal Major Stationary Source as calculated pursuant to section (E)(1); and
 - (ii) Any other increases and decreases in Actual Emissions at the Federal Major Stationary Source that are contemporaneous with the particular change and are otherwise creditable. Baseline Actual Emissions for calculating increases and decreases shall be determined as provided in the definition of Baseline Actual Emissions, except that paragraphs (2)(a)(iii) and (2)(b)(iv) of that definition shall not apply.
 - (b) An increase or decrease in Actual Emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs;
 - (c) An increase or decrease in Actual Emissions is creditable only if:

- (i) It occurs within the last 5 consecutive calendar years, including the calendar year in which such increase occurred; and
 - (ii) The District has not relied on it in issuing a permit for the source under Regulations XIII or XVII, which permit is in effect when the increase in Actual Emissions from the particular change occurs; and
 - (iii) As it pertains to an increase or decrease in Fugitive Emissions (to the extent quantifiable), it occurs at an Emission Unit(s) that is part of one of the source categories listed in 40 CFR 51.165 (a)(1)(iv)(C) or it occurs at an Emission Unit(s) that is located at a major stationary source that belongs to one of the listed source categories. Fugitive Emission increases or decreases are not creditable for those Emission Unit(s) located at a Facility whose primary activity is not represented by one of the source categories listed in 40 CFR 51.165(a)(1)(iv)(C) and that are not, by themselves, part of a listed source category.
- (d) An increase in Actual Emissions is creditable only to the extent that the new level of Potential to Emit exceeds the old level.
- (e) A decrease in Actual Emissions is creditable only to the extent that:
- (i) The old level of Actual Emissions exceeds the new level of Actual Emissions;
 - (ii) It is Enforceable as a practical matter at and after the time that actual construction on the particular change begins; and
 - (iii) The District has not relied on it in issuing any permit under Regulations XIII and XVII or the District has not relied on it in demonstrating attainment or reasonable further progress;
 - (iv) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
- (f) An increase that results from a physical change at a source occurs when the Emission Unit(s) on which construction occurred becomes operational and begins to emit a particular pollutant. Any Replacement Unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
- (g) The provisions in paragraph (C)(1)(a) of this rule (definition of Actual Emissions) shall not apply for determining creditable increases and decreases or after a change.
- (8) **Non-De minimis Emissions Increase** – means an emissions increase from the proposed Project located in a Serious or Severe ozone Nonattainment Area, including Fugitive Emission increases, aggregated with all other Net Emissions Increases from the Facility that occurred during the last 5 consecutive calendar years, including the calendar year in which such increase occurred, equal to or greater than 25 tpy of NO_x or VOC.

- (9) **Ozone Precursors** – means nitrogen oxides (NO_x) or volatile organic compounds (VOC), or both.
- (10) **Project** – means an Emission Unit(s) or aggregation of Emission Unit(s) for which an application or combination of applications for one or more Authorities to Construct or Modified Permits to Operate is under District review.
- (11) **Projected Actual Emissions** –
- (a) Means, the maximum annual rate, in tons per year, at which an Existing Emission Unit(s) is projected to emit a Regulated Air Pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the Project, or in any one of the 10 years following that date, if the project involves increasing the Emission Unit(s) design capacity or its Potential to Emit of that Regulated Air Pollutant and full utilization of the unit would result in a Significant Emissions Increase or a Significant Net Emissions Increase at the Federal Major Stationary Source.
- (b) In determining the Projected Actual Emissions before Beginning Actual Construction, the owner or operator of the major stationary source:
- (i) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved plan; and
- (ii) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and
- (iii) Shall exclude, in calculating any increase in emissions that results from the particular Project, that portion of the unit's emissions following the Project that an Existing Emission Unit(s) could have accommodated during the consecutive 24-month period used to establish the Baseline Actual Emissions and that are also unrelated to the particular Project, including any increased utilization due to product demand growth; or,
- (iv) In lieu of using the method set out in paragraphs (11)(b)(i) through (iii) of this section, may elect to use the Emission Unit(s) Potential to Emit, in tons per year, as defined in Rule 1302.
- (12) **Replacement Unit** – means an Emission Unit(s) for which all the criteria listed in paragraphs (a) through (d) below are met. No creditable emission reductions shall be generated from shutting down the Existing Emission Unit(s) that is replaced.
- (a) The Emission Unit(s) is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1) or the Emission Unit(s) completely takes the place of an Existing Emissions Unit;

- (b) The Emission Unit(s) is identical to or functionally equivalent to the replaced Emission Unit(s);
 - (c) The replacement does not alter the basic design parameters of the process unit; and
 - (d) The replaced Emission Unit(s) is permanently removed from the Federal Major Stationary Source, otherwise permanently disabled, or permanently barred from operation by a permit that is Enforceable as a practical matter. If the replaced Emission Unit(s) is brought back into operation, it shall constitute a New Emission Unit(s).
- (13) **Significant Emissions Increase** – means an emissions increase from the proposed project, including Fugitive Emission increases, equal to or greater than 25 tpy of NO_x or VOC. The emission increase shall be determined according to Section (E)(1)(b).
- (14) **Significant Net Emissions Increase** – means a Net Emissions Increase, including Fugitive Emission increases, equal to or greater than 25 tpy of NO_x or VOC. The emission increase shall be determined according to Section (E)(1)(b).
- (15) **Volatile Organic Compound** – means the same as defined in 40 CFR 51.100(s).

(D) Requirements

- (1) The APCO shall use the calculation procedures in Section (E)(1) to determine if a proposed Project will result in a new Federal Major Stationary Source or a Federal Modification for an Ozone Precursor. If so, then the APCO shall not issue an ATC or PTO, pursuant to Rule 1302 (D)(4)(b), unless the permit ensures compliance with the following requirements:
- (a) Best Available Control Technology (BACT)

Each new or Modified Permit Unit shall be equipped with Best Available Control Technology (BACT) for the particular Ozone Precursor.
 - (b) Offsets
 - (i) The emission increases of each Nonattainment Air Pollutant for which the Project results in a new Federal Major Stationary Source or a Federal Major Modification, shall be offset with Federally Enforceable ERCs.
 - (ii) The quantity of ERCs required to satisfy the applicable Offset requirement shall be determined in accordance with the procedures specified in Section (E)(2).
- (2) Offset Requirements
- (a) All Offsets required by Section (D)(1)(b) shall meet the following requirements:

- (i) ERCs from one or more sources may be used in order to satisfy offset requirements.
 - (ii) Emissions reductions achieved by shutting down an Emission Unit(s) or curtailing production or operating hours may only be credited for offsets if such reductions are Surplus, Permanent, Quantifiable, and Federally Enforceable.
 - (iii) Emission reductions used to satisfy an offset requirement must be Federally Enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
 - (iv) Except as provided by paragraph (D)(2)(a)(v), the decrease in actual emissions used to generate ERCs must occur no later than the commencement of operation of the source or sources that comprise the Federal Major Stationary Source or Federal Major Modification.
 - (v) Where the New Emission Unit(s) is a replacement for an Emission Unit(s) that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the New Emission Unit(s) before the Existing Emission Unit(s) is required to cease operation.
- (3) Emission Reduction Requirements
- (a) ERCs used to satisfy an Offset requirement shall be:
 - (i) Real, Surplus, Permanent, Quantifiable, and Federally Enforceable; and
 - (ii) Surplus at the time of issuance of the Authority to Construct containing the Offset requirements.
 - (b) Permitted sources whose emission reductions are used to satisfy Offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced Potential to Emit, including legally and practicably Enforceable conditions to limit their Potential to Emit.
 - (c) Emission reductions must be obtained from the same Nonattainment Area, however, the APCO may allow emission reductions from another Nonattainment Area if the following conditions are met:
 - (i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and
 - (ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the Nonattainment Area in which the source is located.
 - (d) The use of ERCs shall not provide:
 - (i) Authority for, or the recognition of, any pre-existing vested right to emit any Regulated Air pollutant;
 - (ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or

- (iii) An exemption to a Facility from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.
- (4) Restrictions on Offset Pollutants
 - (a) The emission Offsets obtained shall be for the same Regulated Air Pollutant.
 - (b) In no case shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as Offsets for Volatile Organic Compounds.
 - (c) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in 40 CFR 51.100(s).
- (E) Calculation Procedures
 - (1) Emissions: The following provisions shall be used to determine if the proposed Project will result in a new Federal Major Stationary Source or Federal Major Modification.
 - (a) The definition of Federal Major Stationary Source shall be used to determine if a new or Modified Facility is a new Federal Major Stationary Source. Different pollutants, including individual Precursors, are not summed to determine applicability of a major stationary source.
 - (b) The provisions set out in paragraphs (i) through (vii) below shall be used to determine if a proposed Project will result in a Federal Major Modification. Different pollutants, including individual precursors, are not summed to determine applicability of a Federal Major Modification. These provisions shall not be used to determine the quantity of Offsets required for a Project subject to the requirements of this rule.
 - (i) The procedure for calculating (before Beginning Actual Construction) whether a Significant Emissions Increase will occur depends upon the type of Emission Unit(s) being added or Modified as part of the Project, according to paragraphs (iv) through (vii) of this Section.
 - (ii) The procedure for calculating (before Beginning Actual Construction) whether a Significant Net Emissions Increase will occur at the Federal Major Stationary Source is contained in the definition of Net Emissions Increase.
 - (iii) The procedure for calculating (before Beginning Actual Construction) whether a Non-De minimis Emissions Increase will occur at the Federal Major Stationary Source is contained in the definition of Non-De minimis Emissions Increase.
 - (iv) *Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emission Unit(s)*. A Significant Emissions Increase of an Ozone Precursor is projected to occur if the sum of the difference between the Projected Actual Emissions and the Baseline

- Actual Emissions, for each Existing Emission Unit(s), equals or exceeds 25 tpy for that Ozone Precursor.
- (v) *Actual-to-Potential Test for Projects that Only Involve Construction of a New Emission Unit(s).* A Significant Emissions Increase of an Ozone Precursor is projected to occur if the sum of the difference between the Potential to Emit from each New Emission Unit(s) following completion of the Project and the Baseline Actual Emissions of these units before the Project equals or exceeds 25 tpy for that Ozone Precursor.
 - (vi) *Hybrid Test for Projects that Involve Multiple Types of Emission Unit(s).* A Significant emissions increase of a Nonattainment Air Pollutant is projected to occur if the sum of the emissions increases for each Emission Unit(s), using the method specified in paragraphs (c) or (d) of this section, as applicable, with respect to each Emission Unit(s), equals or exceeds 25 tpy for that Ozone Precursor.
 - (vii) The ‘sum of the difference’ as used in paragraphs (iv), (v) and (vi) of this section shall include both increases and decreases in emissions calculated in accordance with these paragraphs.
 - (viii) Regardless of any such preconstruction projections, a Federal Major Modification results if the Project causes a Significant Emissions Increase and a Significant Net Emissions Increase, or a Non-De Minimis Increase.
 - (ix) Secondary Emissions shall not be considered in determining whether a Facility would qualify as a Federal Major Stationary Source. If a Facility is subject to this rule on the basis of direct emissions from the Facility, the requirements of Section (D) must also be met for Secondary Emissions.
- (2) Offsets: The quantity of ERCs required to satisfy the Section (D)(1)(b) Offset requirements shall be determined in accordance with the following:
- (a) The unit of measure for Offsets and ERCs shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.
 - (b) The quantity of ERCs required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (E)(2)(c) and the applicable Offset ratio in Table 1 below. The Offset ratio is expressed as a ratio of emissions increases to emission reductions.
 - (c) The amount of increased emissions shall be determined as follows:
 - (i) When offsets are required by the construction of a new Federal Major Stationary Source, the amount of increased emissions shall be the sum of the Potential to Emit of all Emission Unit(s), including Fugitive Emissions if the Facility belongs to one of the source categories as listed in 40 CFR 51.165(a)(1)(iv)(C).
 - (ii) When the Offset are required for a Federal Major Modification of an existing Federal Major Stationary Source, the amount of increased emissions shall be the sum of the differences between the Potential

to Emit after the modification and the Actual Emissions before the Modification for each Emission Unit(s).

- (iii) The amount of increased emissions includes Fugitive Emissions.

Table 1. Federal Offset Ratio Requirements by Area Classification and Pollutant

Area Designation	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NO _x or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO _x or VOC	1:1.15
Serious Ozone Nonattainment Area	NO _x or VOC	1:1.2
Severe Ozone Nonattainment Area	NO _x or VOC	1:1.3

(F) ERC Transfer Review

(a) ERCs Obtained from Other Air Districts and Within the Air Basin

- (i) ERCs occurring within the air basin but outside the District are eligible to be used as Offsets upon approval of the APCO. The APCO's approval shall be made in consultation with CARB and the USEPA, on a case-by-case basis.
- (ii) The ERCs are obtained in a Nonattainment Area which has a greater or equal nonattainment classification than the area where the Offsets are to be used.

(b) ERCs from Other Air Districts and Outside the Air Basin

- (i) ERCs from outside the air basin are eligible to be used as Offsets upon approval of the APCO. The APCO's approval shall be made in consultation with CARB and the USEPA, on a case-by-case basis.
- (ii) The ERCs are obtained in a Nonattainment Area which has a greater or equal nonattainment classification than the area where the Offsets are to be used; and
- (iii) Emissions from the other Nonattainment Area contribute to a violation of the Ambient Air Quality Standards in the area where the Offsets are to be used.

[SIP: See AVAQMD SIP table at <https://avaqmd.ca.gov/rules-plans>]