

(Adopted: 10/05/79; Amended: 09/10/82; Replaced SCAQMD Reso:  
82-35 10/15/82; Rescinded: 06/28/90; Readopted by Statute:  
07/01/97; Adopted: 03/20/01; Readopted by Statute: 01/01/02;  
Amended: 07/20/21)

## RULE 1300

### New Source Review General

#### (A) Purpose

- (1) The purpose of this Regulation is to:
  - (a) Set forth the requirements for the preconstruction review of all new or Modified Facilities.
  - (b) Ensure that the Construction, or Modification of Facilities subject to this Regulation does not interfere with the attainment and maintenance of Ambient Air Quality Standards.
  - (c) Ensure that there is no net increase in the emissions of any Nonattainment Air Pollutants from new or Modified Major Facilities which emit or have the Potential to Emit any Nonattainment Air Pollutant in an amount greater than or equal to the amounts set forth in District Rule 1303(B)(1).
  - (d) Implement the provisions of California Health & Safety Code §§40709, 40709.5, 40709.6, 40710, 40711, 40712 and 40713 regarding a system by which all reductions in the emissions of air contaminants (which are to be used to offset certain future increases in emissions) shall be banked prior to use to offset future increases in emissions.
  - (e) Ensure that the Construction or Modification of Facilities subject to this Regulation comply with the preconstruction review requirements as set forth in District Rule 1401 – *New Source Review for Toxic Air Contaminants*.
  - (f) Ensure that the Construction or Modification of Facilities subject to this Regulation or District Regulation XVII – *Prevention of Significant Deterioration* comply with the preconstruction review requirements as set forth in District Rule 1700.

#### (B) Applicability

- (1) The provisions of this Regulation shall apply to any new or Modified Facility or Emissions Unit which is subject to the provisions of District Rules 201 or 203.

- (2) The provisions of this Regulation regarding Emission Reduction Credits (ERCs) shall apply to the creation, banking, ownership and use of ERCs within the District.

(C) Violations

- (1) Failure to comply with the provisions of this Regulation shall result in enforcement action under applicable provisions of Division 26, Part 4, Chapter 4 of the California Health and Safety Code (commencing with §42300) and or applicable provisions of the Federal Clean Air Act (42 U.S.C. §§ 7401 et.seq.)

(D) Exemptions

- (1) Change of Ownership or Operator

- (a) Any Facility which is a continuing operation, shall be exempt from the provisions of this Regulation when:

- (i) A new permit to operate is required solely because of permit renewal, change in ownership or a change in facility operator; and
- (ii) There is no Modification or change in operating conditions at the Facility.

- (2) Change in Rule 219

- (a) Any Facility which is a continuing operation, shall be exempt from the provisions of this Regulation when:

- (i) A new permit to operate is required solely because of a change to Rule 219 - *Equipment Not Requiring a Permit*; and
- (ii) There is no Modification or other change in operating conditions at the Facility.

(E) Interaction with Other Federal, State and District Requirements

- (1) Interaction with Other District Rules

- (a) ATC(s) and PTO(s) issued pursuant to this Regulation shall also comply with the applicable provisions of District Regulation II.

- (2) Prevention of Significant Deterioration (PSD)
- (a) Nothing in this Regulation shall be construed to exempt a Facility or an Emissions Unit located in an area designated by USEPA as attainment or unclassified for a Regulated Air Pollutant from complying with the applicable provisions of Title I, Part C of the Federal Clean Air Act (42 U.S.C. §§7470-7492, Prevention of Significant Deterioration of Air Quality), the regulations promulgated thereunder and the provisions of District Rule 1700.
- (3) Other Federal Requirements
- (a) Nothing in this Regulation shall be construed to exempt a Facility or an Emissions Unit from complying with all other applicable Federal Requirements including, but not limited to, the following:
- (i) Any standard or other requirement contained in the applicable implementation plan for the District, and any amendments thereto, approved or promulgated pursuant to the provisions of Title I of the Federal Clean Air Act (42 U.S.C. §§7401-7515).
- (ii) Any standard or other requirement under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111); 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder.
- (iii) Any standard or other requirement under Title IV of the Federal Clean Air Act (42 U.S.C. §§7651-7651o, Acid Rain) or the regulations promulgated thereunder.
- (iv) Any standard or other requirement under Title V of the Federal Clean Air Act (42 U.S.C. §§7661a - 7661f, Permits), the regulations promulgated or the District program approved thereunder.
- (v) Any standard or other requirement of the regulations promulgated under Title VI of the Federal Clean Air Act (42 U.S.C. §§7671-7671q, Stratospheric Ozone Protection) or the regulations promulgated thereunder.
- (vi) Any national Ambient Air Quality Standard or increment or visibility requirement promulgated pursuant to part C of Title I of the Federal Clean Air Act (42 U.S.C. §7401-7515).

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

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