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Amended: 12/07/95; Amended: 07/14/96; Amended: 03/20/01;
Amended: 07/20/21)

RULE 1306

New Source Review for Electric Energy Generating Facilities

(A) General

- (1) This Rule shall apply to all EEGF proposed to be constructed in the District and for which an NOI or AFC has been accepted by the CEC, as such terms are defined in District Rule 1301(V), (YY), (G) and (M) respectively.
- (2) If any provision of this Rule conflicts with any other provision of this Regulation, the provisions contained in this Rule shall control.

(B) Intent to Participate

- (1) Notification of Intent to Participate (NOI)
 - (a) Within 14 days of receipt of an NOI, the APCO shall notify CARB and the CEC of the District's intent to participate in the NOI proceeding.
- (2) Preliminary Report
 - (a) If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a preliminary report to CARB and the CEC prior to the conclusion of the nonadjudicatory hearings specified in California Public Resources Code §25509.5 as it exists on the date of the last amendment of this rule.
 - (b) The Preliminary Report shall include, at a minimum:
 - (i) A preliminary specific definition or description of BACT for the proposed Facility; and
 - (ii) A preliminary discussion of whether there is a substantial likelihood that the requirements of this Regulation and all other District Rules can be satisfied by the proposed Facility; and

(iii) A preliminary list of conditions which the proposed Facility must meet in order to comply with this Regulation and any other applicable District Rules.

(c) The preliminary determination shall be as specific as practicable within the constraints of the information contained in the NOI

(C) Applications

(1) Application for New Source Review

(a) The APCO shall consider the AFC to be equivalent to an application pursuant to District Rule 1302(B) during the Determination of Compliance review, and shall apply all applicable provisions of District Rule 1302 to the application.

(b) If the information contained in the AFC does not meet the requirements which would otherwise comprise a complete application pursuant to District Rule 1302(B)(1), the APCO shall, within 20 calendar days of receipt of the AFC, specify the information needed to render the application complete and so inform the CEC.

(2) Requests for Additional Information

(a) The APCO may request from the applicant any information necessary for the completion of the Determination of Compliance review.

(b) If the APCO is unable to obtain the information, CARB or the APCO may petition the presiding committee of the CEC for an order directing the applicant to supply such information.

(D) Determination of Compliance Review

(1) Upon receipt of an AFC for an EEGF, the APCO shall conduct a Determination of Compliance review. This Determination shall consist of a review identical to that required pursuant to District Rule 1302(C).

(E) Permit Issuance Procedure

(1) Preliminary Decision

- (a) Within 150 days of accepting an AFC as complete and after the determination of compliance review has been completed, the APCO shall make a preliminary determination of compliance containing the following:
 - (i) A determination whether the proposed EEGF meets the requirements of this Regulation and all other applicable District Rules; and
 - (ii) In the event of compliance with all applicable District Rules and Regulations, what permit conditions will be required, including the specific BACT requirements.

(2) Public Notice Requirements

- (a) The preliminary determination of compliance decision shall be treated as a preliminary decision under Rule 1302(D)(1) and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Rule 1302(D)(2-3).

(3) Determination of Compliance

- (a) Within 210 days of accepting an AFC as complete and after the notice provisions have been completed, the APCO shall issue and submit to the CEC either of the following:
 - (i) A final determination of compliance; or,
 - (ii) If such a determination of compliance cannot be issued, an explanation regarding why such determination of compliance cannot be issued.
- (b) A determination of compliance shall confer the same rights and privileges as the new source review document and ATC(s) if and when the CEC approves the AFC, and the CEC certificate includes all conditions contained in the determination of compliance.

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

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