

KERN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 210.5 - VISIBILITY PROTECTION

(Adopted 11/18/85, Amended 5/2/96)

"This Rule becomes effective on the date the Environmental Protection Agency publishes in the Federal Register its final approval of this Rule for inclusion in the State Implementation Plan, or upon the date the Environmental Protection Agency publishes its final approval of Rule 210.1 for inclusion in the State Implementation Plan, whichever date is later."

I. Definition

A. Adverse impact on visibility means visibility impairment which interferes with management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairments and how these factors correlate with:

1. Times of visitor use of the Federal Class I area, and
2. The frequency and timing of natural conditions that reduce visibility.

B. For the purpose of this Rule, definitions of other terms shall be the same as those defined in Rule 210.4 Prevention of Significant Deterioration.

II. Standards for Approval

A. For any new major stationary source or major modification which would have the potential to emit nitrogen oxides, sulfur dioxide or particulate matter in significant amounts and is required to utilize BACT/LAER for such pollutants, the APCO shall not issue an Authority to Construct unless the analysis required by this Rule demonstrates that an adverse impact on visibility will not occur.

III. Procedures

A. Applicants for Authority to Construct subject to this Rule shall provide:

1. An analysis of the proposed source's anticipated impacts on visibility in any Class I area which may be affected by the source's emissions; and
2. Monitoring of visibility in any Class I area near the proposed source for such purposes and by such means as the Control Officer determines is necessary and appropriate.

The analysis shall be consistent with "The Workbook for Estimating Visibility Impairment" - EPA 450-4-80-031.

B. The APCO shall notify all affected Federal Land Managers within 30 days of receipt of any advance notification of any such permit application.

C. The APCO shall provide notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within such area. The APCO shall provide such notice promptly after receipt of the application.

The notice shall include a copy of the application, the analysis of the proposed source's anticipated impacts on the visibility in any Class I area which may be affected by the source's emissions and all information relevant to the application.

This information shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for an Authority to Construct.

D. The APCO shall provide the Federal Land Manager and such Federal official with a copy of the preliminary determination and shall make available to them any materials used in making that determination, promptly after reaching such determination.

E. The APCO shall consider any analysis performed by the Federal Land Manager and/or Federal official, provided within 30 days of the preliminary determination notification required by this Rule, that the proposed source may have an adverse impact on any Class I area.

F. Where the APCO finds that the Federal Land Manager's analysis provided under this Rule does not demonstrate to the satisfaction of the APCO that an adverse impact on visibility will result in the Class I area, the APCO shall in the notice of public hearing on the permit application either explain the decision or give notice as to where the explanation can be obtained.