



Eastern Kern

Air Pollution Control District

Gary Ray, Jr.
Air Pollution Control Officer

July 24, 2025

Board of Directors
Eastern Kern APCD
2700 "M" Street, Suite 302
Bakersfield, California 93301

SUBJECT: Adoption of Amendments to Rule 201.1, (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990)

Honorable Board:

Eastern Kern Air Pollution Control District (District) is proposing to adopt amendments to Rule 201.1, (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990). On May 15, 2025, the District held a public workshop at the District Board Chambers located at 414 W. Tehachapi Boulevard Suite D, Tehachapi, CA 93561, to present proposed amendments to Rule 201.1. A 30-day public review and comment period followed the workshop. No public comments were received.

The Environmental Protection Agency (EPA) notified the District that the *Emergency Affirmative Defense* provisions in Rule 201.1 needed to be removed due to changes to Title V of the Federal Clean Air Act. Additionally, the U.S. Supreme Court ruled that Greenhouse Gases (GHGs) could no longer solely trigger Title V permitting requirements. Amended Rule 201.1 will remove the Emergency Affirmative Defense provisions and revise GHG permitting conditions. The Extreme Major Source threshold of 10 tons per year of oxides of nitrogen (NOx) and volatile organic compounds (VOC) is also being added to the rule.

Amended Rule 201.1 will be sent to the California Air Resources Board (CARB) and Region IX of the EPA for approval and incorporation into the District's State Implementation Plan (SIP). Amended Rule 201.1 will become effective once it's included in the SIP.

A Notice of Public Hearing was duly published more than 30 days prior this hearing in the following newspapers: Mojave Desert News, Daily Independent, Tehachapi News, and Bakersfield Californian. The notice requested written comments on amended Rule 201.1 be submitted by July 23, 2025. A copy of the staff report, which includes the proposed amendments to the rule, is attached.

IT IS RECOMMENDED your Board Open Hearing; Receive Public Comment; Close Hearing; Adopt Amended Rule 201.1, (Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990) and Resolution Number 2025-001-07.

Sincerely,

Gary Ray, Jr.
Air Pollution Control Officer

GR: JC: CB