

Frequently Asked Questions Rule 9510 Indirect Source Review (ISR)

1. What is the purpose of Rule 9510 Indirect Source Review (ISR)?

The purpose of this rule is to reduce emissions from nitrogen oxide (NO_x) and particulate matter of 10 microns or less (PM₁₀) that are associated with construction and operation of new development projects in the San Joaquin Valley. As land development and population in the San Joaquin Valley continues to increase, so will indirect air emissions that negatively affect air quality. The emissions are called indirect because they don't come directly from a smokestack, like traditional industry emissions, but rather the emissions are indirectly caused by this growth in population. Mobile source emissions make up over 85% of the Valley's NO_x emissions, the primary driver in the formation of particulate matter (PM) and ozone pollution. Although the San Joaquin Valley Air Pollution Control District (District) has no regulatory authority to control tailpipe emissions from motor vehicles, the District undertook groundbreaking action to reduce vehicle miles traveled by adopting Rule 9510 Indirect Source Review (ISR).

2. What pollutants does ISR target?

The ISR rule looks to reduce the growth in NO_x and PM₁₀ emissions associated with the construction and operation of new development projects, including transportation and transit development projects in the San Joaquin Valley.

For example, NO_x emissions can come from the combustion of fuels in motor vehicles, and other off-road vehicles such as construction equipment. PM emissions can be from fugitive dust particles or fine particles directly emitted from combustion processes

3. What are the emission reduction requirements under ISR?

The rule requirement is to reduce a development project's construction NO_x and PM₁₀ emissions by 20% and 45%, respectively, as well as reducing a development project's operational NO_x and PM₁₀ emissions by 33.3% and 50%, respectively, when compared to unmitigated project baseline emissions.

4. How can I comply with the emission reduction requirements?

The emission reduction requirements can be met through any combination of on-site District approved air friendly project design elements or off-site fees.

The District encourages air friendly project design elements to be incorporated into the development project, or, if clean air project design elements cannot be designed into the development project, by paying an off-site fee that will be used to fund off-site emission reduction projects:

- For construction, this includes using a **construction clean fleet**, for example.
- For operational, this includes, **project design elements** such as using on-road clean heavy duty truck fleet, locating near existing or planned bus stops, or exceeding Title 24 requirements.

A list of air friendly project design elements is available online at:

<https://www.valleyair.org/media/ob0pweru/clean-air-measures.pdf>.

5. What is a Construction Clean Fleet?

“Construction Clean Fleet,” is defined as a construction fleet mix that is to reduce construction emissions by 20% for oxides of nitrogen (NOx) and 45% for particulate matter of 10 microns or less in size (PM10) from the statewide construction fleet average. A construction fleet for a project includes all the off-road pieces of construction equipment that are greater than 50 horsepower and generate emissions from the use of internal combustion engines related to construction activity. On average a mix of construction fleet with engine model years five (5) years or newer from the current calendar year would likely achieve the required reduction for NOx and PM10. Please note, the construction start year, fleet engine year mix, equipment type, and the number of hours used by each piece of equipment all can affect the ability to achieve the required reductions. As such, the District recommends using the cleanest reasonably available construction equipment. Please contact District staff at 559-230-6000 or ISR@valleyair.org for further determination.

6. When is a development project subject to ISR?

- A development project is subject to ISR if it received its final discretionary approval from a public agency on or after March 1, 2006, and meets or exceeds any one of the following District applicability thresholds:

2,000 sq. ft. commercial	25,000 sq. ft. light industrial	100,000 sq. ft. heavy industrial
20,000 sq. ft. medical office	39,000 sq. ft. general office	9,000 sq. ft. educational
10,000 sq. ft. government	20,000 sq. ft. recreational	50 residential units
9,000 sq. ft. of space not included in the list		

- A development project meeting or exceeding any one of the following District “Large Development Project” applicability thresholds is subject to ISR if it received its project-level approval from a public agency on or after March 21, 2018:

10,000 sq. ft. commercial	125,000 sq. ft. light industrial	500,000 sq. ft. heavy industrial
100,000 sq. ft. medical office	195,000 sq. ft. general office	45,000 sq. ft. educational
50,000 sq. ft. government	100,000 sq. ft. recreational	250 residential units
45,000 sq. ft. of space not included in the list		

- A transit or transportation development project is subject to ISR if construction exhaust emissions equal or exceed 2 tons of NOx or 2 tons of PM10. As a rule of thumb, constructing the equivalent of 0.125 mile (1/8 mile) of two-lane paved road may exceed the 2 ton threshold.

7. How can I check if my development project is subject to ISR?

Please call the District at 559-230-6000 to discuss specific cases or e-mail a request to ISR@valleyair.org.

8. What do I do next if my development project is subject to ISR?

You must submit an Air Impact Assessment (AIA) application for your project (AIA Project) to the District by the timing listed in Rule 9510 Section 5.0 Application Requirements. In addition, no construction related activities can occur prior to receiving an approved AIA from the District and, if applicable, paying the off-site fees.

9. Where can the AIA application forms be found?

AIA Application forms are available online at:

<https://www.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications>.

10. What development project is not subject to ISR, or exempt from ISR?

Please call the District at 559-230-6000 to discuss specific cases or e-mail a request to

ISR@valleyair.org.

11. For the purposes of ISR, what is discretionary approval?

A decision by a public agency that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular development project, as distinguished from situations where the public agency merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

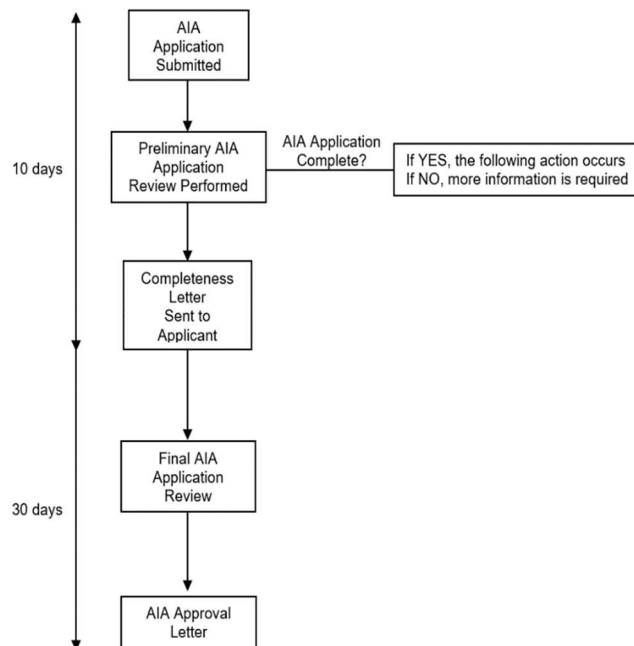
12. Is there an AIA application filing fee?

Yes, there is an ISR application filing fee listed on the application form. In addition a processing fee may be required by the District to process your AIA project.

13. What is the District's AIA application processing time?

The processing time is:

- 10 days for determining application completeness, and
- 30 days for the final application review and approval after the AIA application is deemed complete



14. Will I receive a refund of my application filing fee if the District determines that my development project is not subject to ISR?

According to rule 3180, Administrative Fees for Indirect Source Review, when an AIA application is submitted and an analysis by the District is required to determine the ISR applicability, the application filing fee is not refundable.

15. What emission model does the District use to assess projects under ISR?

The approved model is the California Emissions Estimator Model (CalEEMod).

16. How do I know that my AIA Project has been approved?

Once your AIA is finalized, you will receive an approval letter, along with the Monitoring and Reporting Schedule (MRS), and, if applicable, a fee schedule and an invoice for the project processing fees and/or project off-site fees.

17. What must I do if I committed to using a construction clean fleet?

If you have committed to using a construction clean fleet, you must submit construction fleet summary to the District within 30-days of completing construction. The District will perform an analysis to verify if the actual fleet complies with the rule requirements. If the analysis demonstrates that the actual fleet does not comply with rule requirements, off-site fees are required. The "Construction Clean Fleet" forms are available online at:
<https://www.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications>.

18. What is the off-site fee rate?

The current off-site fee rate is \$9,350 per ton for NOx and \$9,011 per ton for PM10.

19. How are off-site fees used by the District?

The monies collected through payment of off-site fee are reinvested into the San Joaquin Valley to reduce emissions utilizing the District's highly successful incentive grant administration program. The funds are awarded to businesses, residents, and municipalities as partial payment of clean air projects that generate real and quantifiable reduction in emissions. Examples of clean air projects that have been funded using off-site fees include replacement of old heavy duty off-road vehicles and on-road vehicles with newer, cleaner versions, replacement of wood burning stoves with newer, cleaner versions, and replacement of old school buses.

20. When must the AIA Project processing fees and/or off-site fees be paid?

The off-site fees must be paid in full by the invoice due date or prior to starting construction such as grading, whichever occurs first.

The AIA Project processing fees must be paid within 60 days after invoice issuance.

21. What must I do if my development project changes ownership?

The seller must inform the District of the change of ownership by filling a "Change of Developer" form with the District prior to the buyer generating emissions associated with the project. The "Change of Developer" form is available online at:
<https://www.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications>.

22. Where can I find additional information/resources?

- ISR Rule: <https://ww2.valleyair.org/media/cjlnn0u1/r9510-a.pdf>.
- ISR website: <https://www.valleyair.org/permitting/indirect-source-review-rule-overview/>.
- Contact District by E-mail: ISR@valleyair.org.
- Contact District by Phone: (559) 230-6000