

RULE 3.1 GENERAL PERMIT REQUIREMENTS

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100 GENERAL

101 **PURPOSE:** The purpose of this rule is to provide an orderly procedure for the review of new sources of air pollution and of the modification and operation of existing sources through the issuance of permits.

110 **EXEMPTIONS:** An Authority to Construct and Permit to Operate shall not be required for equipment listed in Sections 101 to 113 of Rule 3.2, EXEMPTIONS.

200 DEFINITIONS

201 **ANNIVERSARY DATE:** The day and month of issuance of a permit to operate and that same day and month of each succeeding year.

202 **STATE AMBIENT AIR QUALITY STANDARDS:** All references in Rule 3.4, NEW SOURCE REVIEW, to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

300 STANDARDS

301 AUTHORITY TO CONSTRUCT:

301.1 No person shall build, erect, alter, or replace any facility, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, without first obtaining an authorization to construct from the Air Pollution Control Officer as specified in Section 401 of this Rule.

301.2 No person shall issue any building permit for a building or structure erecting, altering, or replacing any facility, article, machine, equipment, or other contrivance the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants unless the Air Pollution Control Officer shall have first issued an authorization to construct for such work.

302 PERMIT TO OPERATE:

302.1 No person shall operate any facility, article, machine, equipment, or other contrivance, for which an authorization to construct is required by these Rules and Regulations without first obtaining a written permit from the Air Pollution Control Officer. No permit to operate or use shall be

granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment, or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, constructed or installed without authorization as required by Section 301 of this Rule, until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment, or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is altered, if necessary, and made to conform to the standards set forth in Section 303 of this Rule, elsewhere in these Rules and Regulations including the requirements of Rule 3.8, FEDERAL OPERATING PERMITS, and in the Health and Safety Code.

302.2 No person shall operate any facility, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, without obtaining a permit from the Air Pollution Control Officer or the Hearing Board.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny authorization to construct or permit to operate, except as provided in Section 405 of this Rule and Rule 3.4, NEW SOURCE REVIEW, if the applicant does not show that every facility, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designated, controlled, equipped, and operated with such air pollution control equipment, that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of Sections 41700 or 41701, of the Health and Safety Code, of these Rules and Regulations, or any federal statutes or regulations as may be enforceable by the Air Pollution Control Officer. In addition, the Air pollution Control Officer shall require the applicant, as a condition of the authority to construct, to comply with the requirements of Health and Safety Code Part 6, (Section 44300 et. seq.), Air Toxics Hot Spots Assessment Act.

303.2 Before authorization to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the facility, article, machine, equipment, or other contrivance described in the authorization to construct or permit to operate. In the event of such a requirement, the Air Pollution Control

Officer shall notify the applicant in writing of the required size, number, and location of sampling holes, the location of the sampling platform, the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

303.3 On acting upon a permit to operate, if the Air Pollution Control Officer finds that the facility, article, machine, equipment, or other contrivance has been constructed not in accordance with the authorization to construct, he shall deny the permit. The Air Pollution Control Officer shall not accept any further application for permit to operate the facility, article, machine, equipment, or other contrivance so constructed until he finds that the facility, article, machine, equipment, or other contrivance has been reconstructed in accordance with the authorization to construct.

303.4 The Air Pollution Control Officer shall determine that an applicant has complied with the applicable requirements of Health and Safety Code Section 42301.6, preparation and distribution of public notice, prior to approving an application for an authority to construct.

304 **TRANSFER:** Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another or from one piece of equipment to another. It shall be the transferee's responsibility to inform the District on assumption of ownership or operating control of any item under a permit from the District and for which a permit to operate will be required. Any such transfer as herein above described, said transferee shall make application for authorization in accordance with Section 401 of this Rule.

305 **PERMIT RENEWAL:** Each permit to operate shall be renewable annually on the permit's anniversary date, commencing one year after the date of issuance. The Air Pollution Control officer shall review every Permit to Operate upon annual renewal, pursuant to Health and Safety Code Section 42301(c), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations applicable to the article, machine equipment, or contrivance for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time when the Permit was issued or modified, or which have been subsequently been adopted and made retroactively applicable to an existing article, machine, equipment, or contrivance, by the District Board of Directors. The Air Pollution Control officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable Rules and Regulations.

400 ADMINISTRATIVE REQUIREMENTS

401 APPLICATIONS:

401.1 Requests for an authorization to construct or a permit to operate shall be initiated by filing an application with the Air Pollution Control Officer or his designee together with the filing fee required by these Rules and Regulations. The application shall contain all information necessary to enable the Air Pollution Control Officer to make a determination as required by Section 303 of this Rule, and Rule 3.4, NEW SOURCE REVIEW, and Rule 3.8, FEDERAL OPERATING PERMITS. When the information is not sufficient for the Air Pollution Control officer to make the determination required by Section 303 of this Rule, Rule 3.4, NEW SOURCE REVIEW, and any other applicable rule, regulation, or order additional information, plans, or specifications shall be submitted by the applicant as requested.

401.2 All applications for authorization to construct a facility subject to the provisions of this rule shall include information as listed in Exhibit B which is hereby incorporated into this regulation. The Air Pollution Control Officer may within 30 days of receipt of application stipulate relative information not specifically listed in Exhibit B.

401.3 The Air Pollution Control Officer shall inform each applicant that the criteria to be used for evaluating applications for an authorization to construct or a permit to operate shall be that given in Exhibit B which is hereby incorporated into this regulation.

402 **CONDITIONAL APPROVAL:** To assure compliance with all applicable regulations, the Air Pollution Control Officer may impose written conditions on any authorization to construct or permit to operate. The Air Pollution Control Officer may, after 30-day notice to the permittee, add or amend written conditions on any permit upon annual renewal to ensure compliance with and enforceability of any applicable rule or regulation. Additional provisions, as required by Title V of the Federal Clean Air Act, for the reopening of permits are specified in Rule 3.8, FEDERAL OPERATING PERMITS. Commencing work or operation under such a revised permits shall be deemed acceptance of all of the conditions so specified.

403 **DENIAL OF APPLICATIONS:** In the event of denial of authorization to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served. The Air Pollution Control Officer shall

not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authorization to construct or the permit to operate.

404 **APPLICATIONS DEEMED DENIED:** The applicant may, at his option, deem the authorization to construct or permit to operate denied if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnishes the further information, plans, and specifications requested by the Air Pollution Control Officer, whichever is later. Facilities subject to the provisions of Rule 3.8, FEDERAL OPERATING PERMITS, shall be subject to the timelines established in that Rule.

405 **INFORMATION:**

405.1 The Air Pollution Control Officer may at any time require from an applicant for, holder of, or one required to hold, an authorization to construct or permit to operate or from a person who will be required to hold a permit in the future by Section 302.1 of this Rule, such information, analysis, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged into the atmosphere.

405.2 Any facility, article, machine, equipment, or other contrivance for which a permit to operate has been issued will be reviewed annually for nature and amount of emissions and any other information as may be deemed necessary by the Air Pollution Control Officer to determine the status under permit requirements. Operators of such sources shall furnish appropriate information on forms prescribed by the Air Pollution Control Officer.

405.3 The owner or operator of any facility, article, machine, equipment, or other contrivance for which a permit to operate is in effect shall notify the District office whenever a breakdown, malfunction, or operational upset condition exists which would tend to increase emissions of air pollutants or whenever any operating condition contrary to any provision of the permit to operate exists. Such notice shall be given to the District no later than four hours after occurrence during regular workday hours or no later than two hours of the District workday following an occurrence not during regular District workday hours. The notice shall provide the District information as to causes and corrective action being taken, with a schedule for return to required operating conditions. If a facility is subject to the provisions of Rule 3.8, FEDERAL OPERATING PERMITS, then all recordkeeping requirements of that Rule pertaining to upsets, breakdowns, or malfunctions apply.

405.4 Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records of a required continuous monitoring device, shall be reported by the operator of the source to the District within 96 hours after such occurrence. The District shall, in turn, report the violation to the State Board within five working days after receiving the report of the violation from the operator.

405.5 In order to ascertain that any facility, article, machine, equipment or other contrivance for which a permit to operate exists is operating according to permit requirements the Air Pollution Control Officer may at any time without notice inspect the operations and any pertinent records.

405.6 If a permit to operate is given for a source which has been evaluated to have emissions equal to or more than 90% of the offset levels specified in Section 302.1 of Rule 3.4, NEW SOURCE REVIEW, the Air Pollution Control Officer shall require that within 90 days after start up or as soon thereafter as operations are at a level representative of maximum emissions a source test to determine emissions will be performed.

If the source operator establishes that emissions can be determined confidently by other means, the Air Pollution Control Officer may exempt the source from source testing.

406 **APPEALS:** Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an authorization to construct or permit to operate, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

407 **TERM OF AUTHORIZATION TO CONSTRUCT:** An authorization to construct shall remain in effect only until an application for a permit to operate the facility, article, machine, equipment, or other contrivance in question is granted or denied; however, such an authorization shall not remain in effect beyond two years from the date of issuance unless the Air Pollution Control Officer finds that the time required for construction requires an extension and grants one or more extensions to a time within five years of the date of issuance.

408 **POSTING:** A person who has been granted under these Rules and Regulations a permit to operate any facility, article, machine, equipment, or other contrivance, shall firmly affix such permit to operate, an approved facsimile, or other

approved identification bearing the permit number upon the facility, article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the facility, article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the facility, article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

- 409 **SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefor. The Permit shall be reinstated when the District is furnished with all requested information, analyses, plans, and specifications.