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ARTICLE 2. APPLICATION FOR BUILDING PERMIT

Sec. 10 CONSTRUCTION PERMIT REQUIRED. Before any building permit may be issued by the County or City for any building other than residential, which involves emissions into the air, approval by the Air Pollution Control District must be first obtained. No construction or use of any building, article, machine, equipment, etc., which may cause emission of air contaminant shall take place without approval of the Air Pollution Control District.

Sec. 11 REGISTRATION REQUIRED. Registration of all existing equipment, contrivances, or places of business that have burning or send emissions into the atmosphere is required by July 31, 1971. Registration shall be made on forms provided by APCD.

Sec. 12 EXEMPTIONS FROM PERMIT AND REGISTRATION. An authorization to construct, permit to operate, or registration, shall not be required for:

- (a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.
- (b) Vehicles used to transport passengers or freight.
- (c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four (4) families.
- (d) The following equipment:
  - (1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
  - (2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
  - (3) Piston type internal combustion engines.
  - (4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
  - (5) Equipment used exclusively for steam cleaning.
  - (6) Presses used exclusively for extruding metals, minerals, plastics or wood.
  - (7) Residential incinerators when used for burning of paper or leaves.
- (e) Space heaters.
- (f) Equipment for food preparation.
- (g) Steam heated by natural gas or LPG or both.

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(h) Self propelled mobile construction equipment other than pavement burners.

Sec. 15 STANDARDS FOR GRANTING APPLICATIONS FOR BUILDING PERMITS.

- (a) The Air Pollution Control Officer shall deny authorization to construct, or permit to operate or permit to sell or rent, except as provided in Section 16, if the applicant does not show that every 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, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.
- (b) 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 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 size and 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.
- (c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

Sec. 16 CONDITIONAL APPROVAL.

- (a) The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 15, in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 15 under the revised conditions.
- (b) The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 15, in which case the conditions shall be specified in writing. Selling or renting under such a permit to

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sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 15 under the revised conditions.

- Sec. 17 **DENIAL OF APPLICATIONS.** In the event of denial of authorization to construct, permit to operate, or permit to sell or rent, 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, the permit to operate or the permit to sell or rent.
- Sec. 18 **FURTHER INFORMATION.** Before acting on an application for authorization to construct, or permit to operate, or permit to sell or rent, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.
- Sec. 19 **APPLICATIONS DEEMED DENIED.** The applicant may, at his option, deem the authorization to construct, permit to operate, or permit to sell or rent approved 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 furnished the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.
- Sec. 20 **APPEALS.** Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent, 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.

Sec. 51 NUISANCE. A person shall not discharge from any source whatsoever such quantities of air contaminants or other substances which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

Note: Pursuant to Section 24241 of Chapter 2, Division 20 of the State Health and Safety Code, Section 50 and 51 are effective as of March 3, 1970.

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✓ RULE 207 Particulate Matter. A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, or particulate matter emissions in excess of 0.1 grains per cubic foot of gas at standard conditions.

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RULE 403 Responsibility of Permittee.

Issuance of a permit pursuant to these Rules and Regulations does not release permittee of the responsibility of any and all other applicable permits and authorizations issued by other governmental agencies.

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RULE 405 Separation of Emissions. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point. The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the Source Operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.

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✓ RULE 402 Public Records.

- A. All information, analysis, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.
- B. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.



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C. Except as otherwise provided in (D), trade secrets are not public records under the Regulation. Trade secrets, as used in this regulation may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production rate, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing his justification for claiming material as Trade Secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the District to readily identify the information requested.

D. Notwithstanding any other provisions of the law, all air pollution emission data, including these emission data which constitute trade secrets as defined in (C), are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

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RULE 501 B. Permit to Operate. Before any equipment, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate shall be granted either by the Air Pollution Control Officer or the Hearing Board without authorization as required by Rule 501 A, until the information required is presented to the Air Pollution Control Officer and such equipment is altered, if necessary, and made to conform to the standards set forth in Rule 514 (Standards for Granting Applications) and elsewhere in these Rules and Regulations.

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RULE 502 Exemptions. An authority to construct or a permit to operate shall not be required for:

- A. Vehicles used to transport passengers or freight, or otherwise as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under provisions of these Rules and Regulations.
- B. Internal combustion engines used on other than vehicles for transporting passengers or freight, and fired with natural gas or liquified petroleum gas, or those having 1000 cubic inches cylinder displacement or less and fired with diesel oil or gasoline.
- C. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two families.
- D. Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals.
- E. Refrigeration, air conditioning, ventilating, water cooling towers or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these Rules and Regulations.
- F. Steam generators, water boilers, water heaters or space heaters having a maximum fuel input heating value of less than 250,000,000 British Thermal Units (BTU) per hour, and which are fired exclusively by natural gas, liquified petroleum gas, or a combination thereof.
- G. The following processing equipment for food or other consumables and exhaust systems or collections serving exclusively such equipment:
  - 1. Used in eating establishments for the purpose of preparing food for human consumption;
  - 2. Smokehouse in which the maximum horizontal inside cross sectional area does not exceed 20 square feet;
  - 3. Ovens, mixers and blenders used in bakeries;

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4. Confection cookers;
  5. Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.
- H. The following equipment used in material cleaning of conditioning.
1. Laundry drying, extracting or tumbling in fabric cleaning only with water solutions of bleach or detergents, or lint traps used exclusively with fabric drying or dry cleaning equipment;
  2. Dyeing or stripping (bleaching) of textiles, where no organic solvents are used;
  3. Washing or drying products fabricated from metal or glass where no volatile organic materials are used in the process and no oil or solid fuel is burned;
  4. Steam cleaning;
- I. Miscellaneous Equipment:
1. Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum producing equipment;
  2. Photographic processing by which an image is reproduced upon material sensitized by radiant energy;
  3. Printing presses without dryers including sheet fed printing presses;
  4. Hydraulic or hydrostatic testing.
- J. Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

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Rule 505 Cancellation of Authority to Construct. An Authority to Construct shall be cancelled one year from the date of filing of the application unless reasonable progress can be demonstrated. At the request of the applicant, the Air Pollution Control Officer may cancel the Authority to Construct prior to one year from the date of filing.

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**RULE 507** Provision of Sampling and Testing Facilities. The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any 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, to:

- A. Provide to the Air Pollution Control Officer data on process and production rates and techniques, flow diagrams, descriptions of basic equipment and control equipment, rates of emissions and other information which the Air Pollution Control Officer may require.
- B. 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 equipment in question. 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 size and location of the sampling platform, and the utilities shall be constructed in accordance with the general industry safety orders of the State of California.
- C.
  1. Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.
  2. A person installing, operating or using any of the following equipment shall provide, properly install, maintain in good working order, and in operation, continuous stack monitoring systems as described below:
    - a. Oxides of nitrogen ( $\text{NO}_x$ ) and carbon dioxide ( $\text{CO}_2$ ) or oxygen ( $\text{O}_2$ ) from steam generators with a heat input of 63 million kilogram calories (250 million British Thermal Units) or more per hour and with a use factor of at least 30 percent.
    - b.  $\text{NO}_x$  from all new nitric acid plants.
    - c. Sulfur dioxide ( $\text{SO}_2$ ) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) boilers of regenerators of fluid catalytic cracking units, new fluid cokers and existing fluid cokers with a feed rate greater than 1,590,000 liters (10,000 barrels) per day.

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3. A person operating or using a stack-monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and the manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District.

Records from the monitoring equipment shall be kept by the owner for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he directs.

4. A violation of emission standards of these Rules, as shown by the stack-monitoring system, shall be reported by such person to the Air Pollution Control Officer within 96 hours.
5. In the event of a breakdown of monitoring equipment, the owner shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner shall inform the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.
6. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.

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D. The Air Pollution Control Officer District may require that disclosures required by this Rule be certified by a professional engineer registered in the State. Studies necessary to provide such information shall be at the expense of the person causing the emissions.

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**RULE 508 NEW SOURCE REVIEW**

**STANDARDS FOR PERMITS TO CONSTRUCT**

**A. APPLICABILITY AND EXEMPTIONS**

1. This rule (excluding sub-section C) shall apply to all new stationary sources and modifications which are required pursuant to District rules to obtain a permit to construct.
2. Sub-section (C) of this rule shall apply to new stationary sources and modifications which result in either:
  - a. A net increase in emissions of 250 or more pounds during any day of any pollutant for which there is a national ambient air quality standard (excluding carbon monoxide), or any precursor of such a pollutant; or
  - b. A net increase in carbon monoxide emissions which the Air Pollution Control Officer determines would cause the violation of any national ambient air quality standard for carbon monoxide at the point of maximum ground level impact.
3. Any new stationary source or modification which receives a permit to construct pursuant to this rule and complying with the following two conditions shall be deemed as having met the provisions of Part C of the Clean Air Act, as amended in 1977, and any regulations adopted pursuant to those provisions.
  - a. The applicant establishes by modeling that the new stationary source or modification will not cause the violation of any national ambient air quality standard at the point of maximum ground level impact. The Air Pollution Control Officer shall obtain written concurrence from the Air Resources Board prior to granting a permit pursuant to this subsection.



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- b. The applicant shall demonstrate, to the satisfaction of the Air Pollution Control Officer, that the proposed new source or modification will not have a significant air quality impact on any Class I area in cases where either the Air Pollution Control Officer, the Air Resources Board, or the U.S. Environmental Protection Agency requests such a demonstration at any time during the District's review of the application for an authority to construct or within 30 days of the public notice of the Air Pollution Control Officer's decision on the application.
4. Notwithstanding the provisions of sub-section (A) (2), the Air Pollution Control Officer shall exempt from sub-section (C) (3) any new source or modification:
- a. Which will be used exclusively for providing essential public services, such as schools, hospitals, or police and fire fighting facilities, but specifically excluding sources of electrical power generation other than for emergency standby use at essential public service facilities.
  - b. Which is exclusively a modification to convert from use of a gaseous fuel to a liquid fuel because of a demonstrable shortage of gaseous fuels, provided the applicant establishes to the satisfaction of the Air Pollution Control Officer that it has made its best efforts to obtain sufficient emissions offsets pursuant to sub-section (C) of this rule, that such efforts had been unsuccessful as of the date the application was filed, and the applicant agrees to continue to seek the necessary emissions offsets until construction on the new

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stationary source or modification begins. This exemption shall only apply if, at the time the permit to operate was issued for the gas burning equipment, such equipment could have burned the liquid fuel without additional controls and been in compliance with all applicable district regulations.

- c. Which uses innovative control equipment or processes which will likely result in a significantly lower emission rate from the stationary source than would have occurred with the use of previously recognized best available control technology, and which can be expected to serve as a model for technology to be applied to similar stationary sources within the state resulting in a substantial air quality benefit, provided the applicant establishes by modeling that the new stationary source or modification will not cause the violation of any national ambient air quality standard at the point of maximum ground level impact. This exemption shall apply only to pollutants which are controlled by the innovative control equipment or processes. The Air Pollution Control Officer shall obtain written concurrence from the Air Resources Board prior to granting an exemption pursuant to this subsection.
- d. Which consists solely of the installation of air pollution control equipment which, when in operation, will directly control emissions from an existing source.
- e. Which will be a replacement for an existing stationary source, or portion thereof, on the same or bordering property, if the resulting emissions of any pollutant will not be increased beyond those from the existing stationary source. The Air Pollution Control Officer may allow a maximum of 90 days as a startup period for simultaneous operation of the existing stationary source and the replacement stationary source.

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- f. Which is equipment used on a temporary basis within the District such as portable sandblasting equipment and portable facilities which will be relocated outside the District within one year.
- 5. This Rule shall not apply to applications for new stationary sources or modifications to existing sources which were filed with the District prior to adoption of this Rule.

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B. CALCULATION OF EMISSIONS

1. The maximum design capacity of a new stationary source or modification shall be used to determine the emissions from the new source or modification unless the applicant, as a condition to receiving permits to construct and operate such new source or modification, agrees to limitations on the operations of the new source or modification, in which event the limitations shall be used to establish the emissions from the new source or modification.
2. The emissions from an existing source shall be based on the specific limiting conditions set forth in the sources' permits to construct and operate, and, where no such conditions are specified, on the actual operating conditions of the existing source averaged over the three consecutive years immediately preceding the date of application, or such shorter period as may be applicable in cases where the existing source has not been in operation for three consecutive years. If violations of laws, rules, regulations, permit conditions, or orders of the District, the California Air Resources Board, or the Federal Environmental Protection Agency occurred during the period used to determine the operating conditions, then adjustments to the operating conditions shall be made to determine the emissions the existing source would have caused without such violations.
3. The net increase in emissions from new stationary sources and modifications which are not seasonal sources shall be determined by using yearly emissions. The net increase in emissions from a modification to an existing source shall be determined by comparing the yearly emissions for the existing source to the yearly emissions for the proposed source after modification.
4. The net increase in emissions from new stationary sources and modifications which are seasonal sources shall be determined by using quarterly emissions.

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The net increase in emissions from a modification to an existing seasonal source shall be determined by comparing the quarterly emissions for the existing source to the quarterly emissions for the proposed source after modification.

5. When computing the net increase in emissions for modifications, the Air Pollution Control Officer shall take into account the cumulative net emissions changes which are represented by permits to construct associated with the existing stationary source and issued pursuant to this rule or an equivalent regulation, excluding any emissions reductions required to comply with federal, state, or district laws, rules or regulations.
6. Yearly or quarterly emissions reductions for any offsets which may be required for mitigation under sub-section C.3. shall be calculated by subtracting the amount of yearly or quarterly emissions which the offset source will be allowed to emit pursuant to sub-section D after mitigation from the yearly or quarterly emissions of the existing offset source before mitigation.

C. BEST AVAILABLE CONTROL TECHNOLOGY, COMPLIANCE CERTIFICATION AND MITIGATION REQUIREMENTS

1. Best Available Control Technology

All new stationary sources and modifications subject to this section, shall be constructed using best available control technology.

2. Compliance Certification

For all new stationary sources and modifications subject to this section, the applicant must certify on the date a complete application is filed that each existing major stationary source owned or operated by such applicant in California satisfies one of the following requirements on such date:

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- a. Such existing source is not subject to any final civil or criminal judgment by any Hearing Board of any District in California, or by any California court or federal court sitting in California, issued as the result of the non-compliance of such source with any emission limitations or standards under the Clean Air Act (42 USC 7401 et seq.) and all applicable emission limitations and standards which are part of the California State Implementation Plan approved by the Environmental Protection Agency; or
- b. Such existing source has complied with any such final civil or criminal judgment; or
- c. Such existing source is on a schedule for compliance with any such applicable emission limitations and standards.

3. Mitigation

- a. For all new stationary sources and modifications subject to this section, mitigation shall be required for net emissions increases (i.e. increases after the application of best available control technology):
  - (1) of each pollutant for which a national ambient air quality standard was exceeded within the air basin more than three discontinuous times (or, for annual standards, more than one time) within the three years immediately preceding the date when the application for the permit to construct was filed, and for all precursors of such pollutants; provided, however, that mitigation of net emission increases of sulfur oxides, total suspended particulates, carbon monoxide, or nitrogen oxides shall not be required if the applicant demonstrates through modeling that emissions from the new source or modification will not cause a

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new violation of any national ambient air quality standard for such pollutants, or make any existing violation of any such standard worse, at the point of maximum ground level impact.

- (2) not subject to sub-section (1) but which the Air Pollution Control Officer determines would cause a new violation of any national ambient air quality standard, or would make any existing violation of any such standard worse, at the point of maximum ground level impact. Emissions reductions required as a result of this subsection must be shown through modeling to preclude the new, or further worsening of any existing, violation of any national ambient air quality standard that would otherwise result from the operation of the new source or modification, unless such reductions satisfy the requirements of Section (C) (3) (b).

- b. Net emissions increases subject to Section (C) (3) (a) (1) shall be mitigated (offset) by reduced emissions from existing stationary or non-stationary sources. Emissions reductions shall be sufficient to offset any net emissions increase and shall take effect at the time, or before initial operation, of the new source, or within 90 days after initial operation of a modification.
- c. Yearly or quarterly emissions shall be used to determine whether proposed offsets mitigate the net emissions increases from proposed new sources or modifications.
- (1) Yearly or quarterly emissions offsets shall be calculated by dividing the proposed emissions reductions by the offset ratio determined in subsection (d).
- (2) Such adjusted emissions offsets shall be compared with the yearly emissions for non-seasonal sources and quarterly emissions for seasonal sources to determine whether such net emissions increases have been mitigated.

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- d. A ratio of emissions offsets to emissions from the new source or modification (offset ratio) of 1.2:1 shall be required for emissions offsets located either:

- (1) upwind in the same or adjoining counties; or
- (2) within a 15 mile radius of the proposed new source or modification.

For emissions offsets located outside of the areas described above, the applicant shall conduct modeling to determine an offset ratio sufficient to show a net air quality benefit in the area affected by emissions from the new source or modification.

- e. Emissions reductions associated with a source which was shut down or curtailed after December 31, 1976, may be used as offsets for any proposed new source or modification, subject to the other provisions of this section.
- f. Notwithstanding any other provision of this section any emissions reductions not otherwise authorized by this rule may be used as offsets of emissions increases from the proposed source provided the applicant demonstrates that such reductions will result in a net air quality benefit in the area affected by emissions from the new source or modification, the Air Pollution Control Officer shall confer with the Air Resources Board prior to approving an offset pursuant to this section.
- g. Emissions reductions resulting from measures required by adopted federal, state, or district laws, rules or regulations shall not be allowed as emissions offsets unless a complete application incorporating such offsets was filed with the District prior to the date of adoption of the laws, rules, or regulations.



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- j. If an applicant for a resource recovery project using municipal waste demonstrates to the satisfaction of the Air Pollution Control Officer that the most likely alternative for treating such waste would result in an increase in emissions allowed under existing district permits and regulations, those emissions increases which would not occur as a result of the resource recovery project may be used to offset any net emissions increase from the resource recovery project in accordance with the other provisions of this section.
- k. Emissions reductions of one precursor may be used to offset emissions increases of another precursor of the same secondary pollutant provided the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the net emissions increase of the latter precursor will not cause a new violation, or contribute to an existing violation, of any national ambient air quality standard at the point of maximum ground level impact. The ratio of emission reductions between precursor pollutants of the same secondary pollutant shall be determined by the Air Pollution Control Officer based on existing air quality data the Air Pollution Control Officer shall confer with the Air Resources Board prior to granting an offset pursuant to this section.

D. PERMIT CONDITION REQUIREMENTS

The Air Pollution Control Officer shall, as a condition for the issuance of a permit to construct for a new stationary source or modification and with prior

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1. Require that the new source or modification and any sources which provide offsets be operated in the manner assumed in making the analysis. The permit shall include an emissions limitation which corresponds with the application of best available control technology.
2. Modify, or require modification of, the permit to operate for any source used to provide offsets to ensure that emissions reductions at the source which provide offsets will be enforceable and shall continue for the reasonably expected useful life of the proposed source. If offsets are obtained from a source for which there is no permit to operate, a written contract shall be required between the applicant and the owner or operator of such source which contract, by its terms, shall be enforceable by the Air Pollution Control Officer to ensure that such reductions will continue for the reasonably expected useful life of the proposed source.
3. Permit any other reasonably enforceable methods, other than those described in sub-sections (1) and (2) which the Air Pollution Control Officer is satisfied will assure that all required offsets are achieved.

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E. ANALYSIS, NOTICE, AND REPORTING

1. The Air Pollution Control Officer shall determine whether the application is complete not later than 30 calendar days after receipt of the application, or after such longer time as both the applicant and the Air Pollution Control Officer may agree. Such determination shall be transmitted in writing immediately to the applicant at the address indicated on the application. If the application is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete. Upon receipt by the Air Pollution Control Officer of any resubmittal of the application, a new 30-day period in which the Air Pollution Control Officer must determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the requirements set forth in (district regulations adopted pursuant to AB 884 regarding information requirements) as it exists on the date on which the application or resubmitted application was received. After the Air Pollution Control Officer accepts an application as complete, the Air Pollution Control Officer shall not subsequently request of an applicant any new or additional information which was not specified in the Air Pollution Control Officer's list of items to be included within such application. However, the Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct or otherwise supplement the information required in such list in effect at the time the complete application was received. Making any such request does not waive, extend, or delay the time limits in this rule for decision on the completed application, except as the applicant and Air Pollution Control Officer may both agree.

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2. Following acceptance of an application as complete, the Air Pollution Control Officer shall:
  - a. Within 60 days following such acceptance, perform the evaluations required to determine compliance with this rule and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis.
  - b. Within 10 calendar days following such decision, publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating the preliminary decision of the Air Pollution Control Officer and where the public may inspect the information required to be made available under Subsection (c). The notice shall provide 30 days from the date of publication for the public to submit written comments on the preliminary decision.
  - c. At the time of notice of the preliminary decision is published, make available for public inspection at the Air Pollution Control District's office the information submitted by the applicant, the Air Pollution Control Officer's supporting analysis for the preliminary decision, and the preliminary decision to grant or deny the permit to construct, including any proposed permit conditions, and the reasons therefor. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code and relevant sections of the Administrative Code of the State of California.
  - d. No later than the date of publication of the notice required by Subsection (b), forward the analysis,

the preliminary decision and copies of the notice to the Air Resources Board and the Regional Office of the U.S. Environmental Protection Agency.

- e. Consider all written comments submitted during the 30 day public comment period.
  - f. Within 180 days after acceptance of the application as complete, take final action on the application after considering all written comments. The Air Pollution Control Officer shall provide written notice of the final action to the applicant, the Environmental Protection Agency, and the California Air Resources Board, shall publish such notice in a newspaper of general circulation, and shall make the notice and all supporting documents available for public inspection at the Air Pollution Control District's office.
3. The public notice and reporting requirements set forth in Subsections (2) (b) through (2) (f) shall not be required for any permit which does not include conditions requiring the control of emissions from an existing source.

**F. DEFINITIONS**

1. "Best Available Control Technology (BACT)" means for any source the more stringent of:

- a. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or
- b. Any other emissions control technique found, after public hearing, by the Air Pollution Control Officer or the Air Resources Board to be technologically feasible and cost/effective for such class or category of sources or for a specific source; or
- c. The most effective emission limitation which the EPA certifies is contained in the implementation plan of any state approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable.

In no event shall the emission rate reflected by the control technique or limitation exceed the amount allowable under applicable new source performance standards.

2. "Modification" means any physical change in, change in method of operation of, or addition to an existing stationary source, except that routine maintenance or repair shall not be considered to be a physical change. A change in the method of operation, unless previously limited by an enforceable permit condition, shall not include:

a. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.

b. An increase in the hours of operation.

c. Change in ownership of a source.

3. "Stationary Source" includes any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated, or under shared entitlement to use by the same person.

Items of air-contaminant-emitting equipment shall be considered aggregated into the same stationary source, and items of non-air-contaminant-emitting equipment shall be considered associated with air-contaminant-emitting equipment only if:

a. The operation of each item of equipment is dependent upon, or affects the process of, the others; and

b. The operation of all such items of equipment involves a common raw material or product.

Emissions from all such aggregated items of air-contaminant-emitting equipment and all such associated items of non-air-contaminant-emitting equipment of a stationary source shall be considered emissions of the same stationary source.

4. "Precursor" means a directly emitted pollutant that, when released to the atmosphere, forms or causes to be formed or contributes to the formation

of a secondary pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards. The following precursor-secondary pollutant relationships shall be used for purposes of this rule:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Hydrocarbons and substituted	a) photochemical oxidant (ozone)
Hydrocarbons (reactive organic gases)	b) the organic fraction of suspended particulate matter.
Nitrogen oxides ( $\text{NO}_x$ )	a) Nitrogen dioxide ( $\text{NO}_2$ )
	b) the nitrate fraction of suspended particulate matter.
Sulfur oxides ( $\text{SO}_x$ )	a) sulfur dioxide ( $\text{SO}_2$ )
	b) sulfates ( $\text{SO}_4$ )
	c) the sulfate fraction of suspended particulate matter.

5. "Seasonal source" means any source with more than 75 percent of its annual operating hours within a consecutive 90-day period.
6. The "upwind" area shall be bounded by a line drawn perpendicular to the predominant wind flow line passing through or nearest to the site of the new source or modification and extending to the boundaries of the same or adjoining counties within the same air basin except where the APCO determines that for reasons of topography or meteorology such a definition is inappropriate. The predominant wind flow lines used in this rule shall be those contained in Figure 1.



7. "Modeling" means using an air quality simulation model, based on specified assumptions and data, which has been approved in writing by the Executive Officer of the Air Resources Board.

**G. SEVERABILITY**

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

## II. STANDARDS FOR PERMITS TO OPERATE

### A. GENERAL

The Air Pollution Control Officer shall deny a permit to operate for any new or modified stationary source or any portion thereof to which Section I applies unless:

1. The owner or operator of the source has obtained a permit to construct granted pursuant to Section I; and
2. The Air Pollution Control Officer has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective permits to construct under subsection (D) of Section I; and
3. The Air Pollution Control Officer has determined that any offsets required as a condition of the permit to construct will commence at the time of or prior to initial operations of the new source or modification, and that the offsets will be maintained throughout the operation of the new or modified source. In the case of a new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the Air Pollution Control Officer may allow a maximum of ninety (90) days as a start-up period for simultaneous operation of the existing stationary source and the new stationary source or replacement; and
4. The Air Pollution Control Officer has determined that all conditions specified in the permit to construct have been or will be likely complied with by any dates specified.

### B. REQUIREMENTS

The Air Pollution Control Officer shall require as a condition for the issuance of any permit to operate for a new or modified source, that the source and any offset source be operated consistent with any conditions imposed on their respective permits to construct under Subsection (F) of Section I.

### C. PROCEDURES

1. The Air Pollution Control Officer shall perform the evaluations required to determine compliance with this Rule and shall take final action to

approve with conditions or disapprove any permit to operate a new or modified stationary source or any portion thereof to which Section I applies within 60 days after receipt of an application for such a permit.

2. In the event that the Air Pollution Control Officer fails to take final action on such written request within such 60-day period, such failure to act shall be deemed denial of such permit to operate, and may be appealed to the District Hearing Board.

#### D. EXEMPTIONS

The Air Pollution Control Officer shall exempt from the provisions of this Rule any stationary source which is continuing operation, without modification or change in operating conditions, when a permit to operate is required solely because of permit renewal or change of ownership.

#### E. DEFINITIONS

The definitions contained in Section I shall be applicable to the Section.

#### F. SEVERABILITY

If any portion of this Rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the Rule which shall continue to be in full force and effect.

### III. STATE AMBIENT AIR QUALITY STANDARDS

All references in Sections I and II to national ambient air quality standards shall be interpreted to include state ambient air quality standards.