

Rule 400 Permits

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Rule 400**1 General Requirements**

- 1.1** No person shall cause or permit the construction or modification of any new source of air contaminants without first obtaining an Authority to Construct from the Air Pollution Control Officer so as to comply with applicable regulations and rules and ambient air quality standards of the District.
- 1.2** The Air Pollution Control Officer shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the new source can be expected to comply with all the applicable state laws and District regulations and rules.

2 Permits Required (amended 4/12/94)**2.1 Authority to Construct**

Any person building, erecting, altering or replacing 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 or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied. An Authority to Construct shall be canceled in two years from date of issue if the Air Pollution Control Officer determines that substantial construction has not commenced.

- 2.1.1** A stationary source which will be operated at a single location for a period of less than 45 days shall file a notification of operation with the Air Pollution Control Officer prior to the start of the operation.

2.2 Permit to Operate

Before any article, machine, equipment or other contrivance described in subsection a., above, may be operated or used, or leased or rented for operation or use, a written permit shall be obtained 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 described in Section 2.1, above, constructed or installed without authorization as required by Section 2.1. above, until the information required pursuant to these regulations and rules is presented to the Air Pollution Control Officer.

2.3 Permit to Operate For Sources Subject to Rule 1101

A source subject to Rule 1101 shall obtain a Title V permit to operate issued by the APCO under Title V of the Federal Clean Air Act as amended in 1990. The APCO will issue a Title V permit separately from, and in addition to, the permit Required pursuant to Section 2.2, above. The requirements of Rule 1101 shall augment and take precedence over conflicting administrative requirements of other provisions of the District's rules and regulations.

3 Existing Emission Sources

It is required that all owners or operators of existing equipment, machinery, contrivances or places of business that send emissions into the atmosphere, be registered or permitted with the Air Pollution Control District. Such registration or permit shall be on a form acceptable to the Air Pollution Control Officer.

4 Standards for Granting Applications

- 4.1** Before Authorization to Construct or 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.
- 4.2** In acting upon an application for a Permit to Operate, the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed 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 is in accordance with the Authorization to Construct.
- 4.3** The fact that an Authorization to Construct or modify or a Permit to Operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emissions standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm, or corporation to who such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission

standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

5 Conditional Approval

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 permit standards of these regulations, 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 Authority to Construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the facility, article, machine, equipment, or other contrivance can operate within the permit standards under the revised conditions.

6 Denial of Application

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 therefore. 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 further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reason for denial of the Authorization to Construct, or the Permit to Operate.

7 Further Information

Before acting on an application for Authorization to Construct or Permit to Operate, the Air Pollution Control Officer may require the applicant to furnish full information including any plans or specifications. The Air Pollution Control Officer shall, when requested make available to the public for examination all information and data compiled by or submitted to him in accordance with Section 6254.7 of the Government Code.

7.1 In accordance with Section III, of the California Business and Professions Code, the information specified by the applicant as trade secrets shall not be considered public information and the confidentiality of such information.

8 Action on Application

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 applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

9 Appeals

Within fifteen (15) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authorization to Construct or a 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 may sustain or reverse the action of the Air Pollution Control Officer:

Such order may be subject to specified conditions.

10 Emission Monitoring

The Air Pollution Control Officer may require the owner of any air contaminant source to install, use and maintain monitoring equipment; sample emissions; establish and maintain records; and make periodic emission reports in a format acceptable to the Air Pollution Control Officer.

11 Records and Reports

Air pollution monitoring data, facility operation records, and such fuel composition data as deemed necessary shall be recorded, compiled and submitted to the Air Pollution Control Officer by the owner of a stationary source.

12 Tests

All tests shall be made and the results calculated in accordance with test procedures approved by the Air Pollution Control Officer. All tests shall be made under the direction of person qualified by training and experience in the field of air pollution control and approved by the Air Pollution Control Officer.

12.1 The Air Pollution Control Officer may conduct or require the owner of a stationary source to conduct tests of emissions of air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants

13 Field Inspection

Each source of air pollution subject to permit or registration shall be inspected or tested at such intervals of time so that no extended periods of violations will occur.

14 State Ambient Air Quality Standards

All references in Rule 430 to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

15 Implementation Plans

The Air Pollution Control Officer may issue a Permit to Construct for a new stationary source or modification which is subject Section 7, of Rule 430, only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with that plan.

16 Alteration of Permit

No person shall willfully deface, alter, forge, counterfeit or falsify any permit issued under this regulation.

17 Posting of Permit

A person who has been granted, under this regulation, a permit to operate any article, machine, equipment, or other contrivance, shall firmly affix such Permit to Operate, any approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the 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 article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

18 Transfer of Permit

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment to another, or from one person to another.