State of California

AIR RESOURCES BOARD

Resolution 74-35

August 15, 1974

WHEREAS, the Environmental Protection Agency has promulgated regulations which require that the construction of new sources of air pollution be prohibited if the source would cause a violation of any applicable national ambient air quality standards (40 CFR Sections 51.11 and 51.18);

WHEREAS, Sections 39274 and 39276 of the California Health and Safety Code empower the Air Resources Board to revise, where necessary, basinwide plans prepared pursuant to the provisions of Section 39273 of the California Health and Safety Code;

WHEREAS, pursuant to Sections 39274 and 39276 of the California Health and Safety Code the Air Resources Board has requested the North Coast Air Basin to amend its basinwide air pollution control plan to include the requirement that applicable ambient air quality standards be considered in the review of applications for authority to construct;

WHEREAS, the North Coast Air Basin has not, within the 60 day period required by Section 39276 of the California Health and Safety Code, revised its basinwide air pollution control plan as requested; and

WHEREAS, the Air Resources Board has held a public hearing after 30 days of notice in conformance with the provisions of Section 39054 of the California Health and Safety Code concerning the amendment of the North Coast Air Basin coordinated basinwide air pollution control plan to include the requirement that ambient air quality standards be considered in the review of applications to construct;

NOW, THEREFORE BE IT RESOLVED, that the Air Resources Board hereby adopts the attached amendments to the North Coast Air Basin Coordinated Basinwide Air Pollution Control Plan.

Resolution 74-35

AMENDMENTS TO THE NORTH COAST AIR BASIN
COORDINATED BASINWIDE AIR POLLUTION CONTROL PLAN

Air Pollution Control Districts in the North Coast Air Basin are required to adopt the following rule or an equivalent rule for review of new *and modified* stationary sources.

Rule: Denial of Authority to Construct

(a) Standards for Granting Applications

The Air Pollution Control Officer shall deny an authority to construct unless he determines that the article, machine, equipment, or other contrivance is designed or controlled by air pollution control equipment so that it may be expected to operate without emitting, or without causing to be emitted, air contaminants which will:

1) violate any of these Rules or Regulations; or
2) prevent the attainment or maintenance of any applicable ambient air quality standard.

(b) Application Contents

Application for authority to construct or modify shall be by means prescribed by the Air Pollution Control Officer and shall include but not be limited to the following:

1) site information, stack data, and the nature and amounts of emissions;
2) any additional information requested by the Air Pollution Control Officer which may be necessary to make the determination pursuant to Paragraph (a) of this Rule, including process and production data, techniques, and flow diagrams; and
3) any environmental impact report or environmental impact statement prepared by the applicant or other governmental entity which pertains to the authority to construct that is being sought.

(c) Review Process

1) Within 30 days after receipt of an application for an authority to construct, the Air Pollution Control Officer shall make an analysis of the impact of the proposed source on air quality and begin a 30-day period for public comment. The Air Pollution Control Officer's analysis and information submitted by the source proponent shall be available to the public *for inspection and review* during this period.

2) Opportunity for public comment on a proposed source must include:

~~(a)~~ a. publication in at least one newspaper of general circulation in the District of a notice which will apprise the public of the District's intent to review the application for authority to construct, the applicant's name, and the location and general nature of the proposed source.

~~(b)~~ b. notification of the following:

(1) Air Resources Board

(2) Air Basin Coordinating Council

(3) Other affected agencies

~~(c)~~ c. availability of documents for public inspection in at least one location in the District.

3) Within 30 days of the close of the public comment period the Air Pollution Control Officer shall make his determination as to the approvability of the proposed source.

(d) Analysis

1) In making his analysis of an applicaton for an authority to construct the Air Pollution Control Officer shall consider:

~~(a)~~ a. existing air quality in the Air Basin and in the area surrounding the proposed source; and

~~(b)~~ b. projected levels of air quality resulting from the applications of existing federal, state, and local control strategies.

2) In making his determination of whether or not to approve the application (after the 30-day review period), the Air Pollution Control Officer shall consider public comment on information submitted by the source proponent and on the proposed source's expected effect on ambient air quality.

3) Approval of authority to construct does not relieve the source proponent of the responsibility to comply with any other applicable laws, rules and regulations.

(e) Sources Subject to Review

Provisions of part (a) 2), (c) and (d) of this Rule shall apply only to the following stationary sources, with air pollution control devices, if any, in operation:

1) sources whose emissions exceed 25 tons per year of particulate matter, oxides of nitrogen, sulfur dioxide, or hydrocarbons; or

2) sources whose emissions exceed 100 tons per year of carbon monoxide.

(f) Exemptions

This Rule shall not apply to:

1) any article, machine, equipment, or other contrivance to be constructed, which in the judgment of the Air Pollution Control Officer will be a replacement for one existing, and which when used or operated, will cause no increase in the emissions of any air contaminant over the emissions from the item being replaced;

2) any scavenger plant which in the judgment of the Air Pollution Control Officer, will reduce emissions from an existing source; or

3) any article, machine, equipment, or other contrivance to be constructed,