

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 206 - PROCESSING OF APPLICATIONS

(Adopted 2/21/72; revised 9/14/99; 10/10/2006)

A. Guidelines

- A.1 The Air Pollution Control Officer shall prepare guidelines for the processing of applications and issuance of permits, to implement and supplement the provisions of these Rules and other laws (notably Article 1, Chapter 4, Part 4, Division 26 of the Health and Safety Code and Chapter 4.5, Division 1, Title 7, of the Government Code).
- A.2 The Air Pollution Control Officer shall determine whether the application is complete not later than 30 days after receipt of the application, or after such longer time as both the applicant and the Air Pollution Control Officer may agree. If the Air Pollution Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements established by the District. Upon determination that the application is complete, the Air Pollution Control Officer shall notify the applicant in writing. The Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.
- A.3 Guidelines and procedures for processing and issuing permits shall insure that:
- A.3.a no Project will prevent or interfere with the attainment or maintenance of applicable Ambient Air Quality Standards, and
- A.3.b no Project will be permitted unless the Air Pollution Control Officer is satisfied that all applicable rules, orders, and regulations will be complied with.
- A.4 The Air Pollution Control Officer shall provide guidelines specifying criteria and methods for the calculation of emissions, required by these Rules, and pursuant to applicable state and federal requirements.
- A.4.a Fugitive Emissions shall be included in the assessment of emissions for a Project.
- A.4.b Mobile sources (e.g. trucks, forklifts, tractors, etc.) whose activity is predominantly "on-site" shall be included in the assessment of emissions for a Project.

A.4.c Toxic and hazardous air contaminants may be restricted. Beyond the provisions of Rule 407 (Nuisance), the Air Pollution Control Officer shall take reasonable steps to insure that no Project will emit air contaminants that may endanger the short or long term health, safety or property of Persons. The Air Pollution Control Officer may include emission standards for toxic and hazardous air contaminants as conditions of permits even where standards for such materials have not been established by state, federal, or other agencies, if based upon a substantial body of responsible literature and data.

B. Ministerial Permits

B.1 Burn permits, permits for Minor Projects, transfer of named permittee, annual renewals, and permits to operate issued pursuant to a valid Authority to Construct permit, shall be considered ministerial.

B.2 Projects which do not require Control Equipment and for which malfunction of normal operating equipment cannot result in emissions in violation of any Rule or Standard, shall be considered ministerial.

B.3 The Air Pollution Control Officer may determine, upon significant evidence, that an application should not be processed as ministerial. Such decision may be appealed to the Hearing Board.

B.4 Within ten (10) days of acceptance as complete, the Air Pollution Control Officer shall approve an application for a ministerial Project which complies with all applicable rules, procedures, and guidelines, and issue the permit, or shall deny the application and give the applicant a written statement of the reasons for the denial.

B.4.a Failure of the Air Pollution Control Officer to either approve or deny a ministerial permit within the prescribed time limits shall be deemed approval if all fees have been paid and the Project complies with all rules and regulations.

B.4.b For Major Projects or others with complex inspection and evaluation, the time limit for an approval or denial of a Permit to Operate may be extended by the actual time required for the evaluation.

C. Discretionary Permits

C.1 Following acceptance of an application for a non-ministerial Project as complete, the Air Pollution Control Officer shall perform the evaluations and environmental impact analysis required to determine compliance with all applicable rules and regulations and make a preliminary written decision as to whether the permit should be approved, conditionally approved, or disapproved. The Air Pollution Control Officer

shall deny any application if the Air Pollution Control Officer finds that the subject of the application would not comply with the requirements of this regulation or any other applicable rule or regulation. The decision shall be supported by a succinct written analysis.

- C.2 Within ten (10) calendar days following the preliminary decision, the Air Pollution Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The District shall transmit to the applicant, the California Air Resources Board, the U.S. Environmental Protection Agency, and to any Person requesting such information its preliminary written decision (including proposed conditions of approval represented by permit conditions), the Air Pollution Control Officer's analysis, and a copy of the notice submitted for publication, no later than the date of publication. These requirements relating to notification and publication of the Air Pollution Control Officer's preliminary decisions, do not apply if the application is for a new or modified Stationary Source with a Potential to Emit less than 100 pounds per day of nitrogen oxides, reactive organic compounds, carbon monoxide (Nonattainment Areas only), sulfur oxides, or PM10, or 550 pounds per day of carbon monoxide in attainment areas.
- C.3 The Air Pollution Control Officer shall make available for public inspection at the Air Pollution Control District's office, the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the date the preliminary decision is published. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Code of Regulations.
- C.4 Within 180 days after acceptance of an application as complete, or within 180 days (or one year if the District is lead agency) after the designated lead agency has approved the Project under the California Environmental Quality Act, whichever occurs later, the Air Pollution Control Officer shall 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 U.S. Environmental Protection Agency, and the California Air Resources Board and shall publish such notice in a newspaper of general circulation in the District. The Air Pollution Control Officer shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. These requirements relating to notification and publication of the Air Pollution Control Officer's action, do not apply if the application is for a new or modified Stationary Source with a Potential to Emit less than 100 pounds per day of nitrogen oxides, reactive organic compounds, carbon monoxide (Nonattainment Areas only), sulfur oxides, or PM10, or 550 pounds per day of carbon monoxide in attainment areas.
- C.5 Failure of the Air Pollution Control Officer to either approve or deny a discretionary

permit within the prescribed time limits shall be deemed a denial. In such case the applicant may appeal, pursuant to the Hearing Board Procedures, but without paying the appeal fee.

- C.6 A Notice of Determination, pursuant to the California Environmental Quality Act, shall be filed, for approved Projects.
- C.7 For Major Projects, a copy of the approved permit shall be sent to the California Air Resources Board and the Environmental Protection Agency, notice of the approval published, and copies of the approval and supporting documents made available for public inspection.