

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

RULE 217 -- ANNUAL REVIEW OF PERMITS

(Adopted 1-17-90) (Revised 10-16-02)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish formal District requirements to comply with the mandate of the California Clean Air Act of 1988, requiring annual review, and revision as necessary, of all permits to operate. The statute, codified at Health and Safety Code section 42301(e), requires that all permits be reviewed annually "to ensure compliance with, and enforceability of, district rules and regulations...." Any permit found to be inadequate for these purposes is to be revised to remedy the inadequacy.

1.2 Applicability

This Rule applies to any person to whom the District has issued a permit to operate.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on October 16, 2002.

1.5 References

1.5.1 The requirements of this Rule arise from the provisions of California Health and Safety Code Section 42301(e).

1.5.2 Other related or referenced District rules or regulations include: Rule 101 (Definitions); Rule 200 (Permits Required); and Rule 300 (District Fees).

PART 2 DEFINITIONS

Reserved.

PART 3 ADMINISTRATIVE REQUIREMENTS

3.1 Annual Review of Permits

3.1.1 Prior to the anniversary date each year of every outstanding permit to operate, the District shall review each permit for adequacy as part of the annual permit renewal process pursuant to Rule 300. Such review shall determine whether the terms and conditions of each permit are adequate to assure the source's compliance with, and the enforceability of, all District rules and regulations which are applicable to the source at the time of permit review.

3.2 Permit Revisions

3.2.1 Whenever, upon annual review, the Air Pollution Control Officer (APCO) determines that the terms or conditions of any permit may not be adequate to assure

the source's compliance with, or the enforceability of, any District rule or regulation applicable to the source, a revised permit shall be issued.

- 3.2.2 Prior to the issuance of a revised permit, the District shall issue a "draft" revised permit, inviting comment by the permit holder. Such permittee shall have the opportunity to file, and the APCO shall consider such comments prior to issuance of a revised permit, written comments within 10 calendar days of transmittal of the draft revised permit. This period may be extended by the APCO for up to 20 calendar days for good cause shown, if the permittee, within 10 days of transmittal of the draft revised permit, gives notice of its intent to file comments.
- 3.2.3 Any such revised permit shall terminate the reviewed permit and replace it, effective on the date of issuance of the revised permit. Any revised permit shall retain the anniversary date of the original permit it replaces unless an alternative date is requested.
- 3.2.4 Any revised permit which requires any action to be performed by the permitted source, or which requires modification of the source or of its operating procedures, shall specify the date(s) when the new or additional requirements shall be effective. Any modification of a source required by any revised permit must receive prior District authorization by submitting an application for, and receiving from the District, an Authority to Construct pursuant to District Rule 200. Upon completion of the modifications, a new permit to operate will be issued, deleting the condition requiring the modifications.
- 3.2.5 Permit revisions may include either revised or additional terms or conditions on the permit which the APCO determines to be reasonable to assure compliance with, or enforceability of, District rules and regulations applicable to the source. Such revisions may include, but are not limited to, improved description of the source or its process(es), conditions requiring reporting of information, emission monitoring, source impact ambient monitoring, emission or process limitations, additional or different operating procedures, or any other reasonable requirement which will remedy the compliance or enforceability inadequacies identified during the annual permit review.
- 3.2.6 The District shall notify any person, whose permit it intends to revise, of the pendency of the permit revision action, when the billable time spent pursuant to Rule 300, Section 3.8, reaches four (4) hours.

PART 4 APPEAL

4.1 Appeal to the Hearing Board

- 4.1.1 Whenever any person to whom a revised permit has been issued objects to the revision(s), and has submitted comments to the draft revised permit as provided by Subsection 3.2.2 above, such person may file a written appeal to the District Hearing Board within 30 days of the issuance of the final revised permit.
- 4.1.2 Such appeals to the Hearing Board shall be governed by Regulation VI, Hearing Board Rules, which sets forth the filing and other procedural requirements for Hearing Board adjudications.
- 4.1.3 The Hearing Board shall hold a public hearing and shall render its decision on whether the revised permit was properly issued within 30 days of the filing of an appeal. The Hearing Board's review shall be limited to acting only on the revised provisions incorporated in the revised permit at issue.

PART 5 VIOLATIONS

5.1 Violations

- 5.1.1 Failure to comply with any term or condition of any revised permit which has become final pursuant to this Rule constitutes a violation of these Rules and Regulations, as provided by Rule 200.3.7.

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