

Rule 102 Required Permits

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**RULE 102:
REQUIRED PERMITS****1.0 GENERAL REQUIREMENTS:**

- 1.1** No person shall cause or permit the construction or modification of any new source of air contaminants, including an indirect source, without first obtaining an Authority to Construct Permit from the Air Pollution Control Officer (APCO), which specifies the location and design of such new source and incorporates necessary permit conditions so as to ensure compliance with applicable Rules and Regulations and State and Federal Ambient Air Quality Standards.
- 1.2** The APCO shall not approve such construction for any source of air contaminants subject to Section 1.1 or 2.0 or modification unless the applicant demonstrates to the satisfaction of the APCO that the new source can reasonably be expected to comply with all applicable State and Federal laws and AQMD Rules and Regulations.

- 2.0 AUTHORITY TO CONSTRUCT PERMIT:** Before any person building, erecting, altering or replacing any article, machine, equipment or other contrivance or indirect source, 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, the person shall first obtain written authorization in the form of an Authority to Construct Permit for such construction from the APCO. An Authority to Construct Permit shall remain in effect until a Permit to Operate for the equipment for which the application was filed, is granted or denied by the APCO or the application is cancelled either voluntarily, by operation of law or by the APCO.

3.0 PERMIT TO OPERATE: Before any article, machine, equipment or other contrivance described in Section 2 above may be operated or used, or leased or rented for operation or use including any indirect source, a written authorization must first be obtained from the APCO in the form of a Permit to Operate. No Permit to Operate shall be granted either by the APCO or the AQMD Hearing Board for any article, machine, equipment or contrivance described in Rule Section 2 above, constructed or installed without authorization as required by Section 2 above, until the information required pursuant to these Rules and Regulations is presented to the APCO and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards ensure compliance with all Rules and regulations, State or Federal laws. The equipment shall not be operated or out of compliance with the conditions specified in the Permit to Operate.

A stationary source subject to Regulation V of these Rules and Regulations shall obtain a Federal Operating Permit from the AQMD under Title V of the Federal Clean Air Act as amended in 1990. The AQMD will issue a Federal Operating Permit separately from, and in addition to, the permits required pursuant to Regulation V of these Rules and Regulations. The requirements of Regulation V shall augment and take precedence over conflicting administrative requirements of other provisions of the AQMD's Rules and Regulations.

4.0 EXEMPTION TO PERMIT TO OPERATE: The exemptions contained in this Rule shall not apply to any new stationary source or modification as defined in Section 4 of Rule 102 of this Regulation, New Source Review (NSR), which would emit any pollutants in excess of the quantities stated in Section 5 of Rule 102. The exemptions set forth do not supersede the provisions of Regulation V, Title V-Federal Operating Permits of these Rules and Regulations. An Authority to Construct and Permit to Operate shall not be required for:

- 4.1 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.
- 4.2 Vehicles used to transport passengers or freight.
- 4.3 Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for no more than two (2) families, including multi-chambered incinerators used exclusively in connection with such a structure.
- 4.4 Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
- 4.5 Reserved.
- 4.6 Equipment used exclusively for steam cleaning.
- 4.7 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, except those which have the potential to emit or may emit chrome in any chemical forms (e.g. hexavalent chrome).

- 4.8** Steam generators, water boilers or water heaters fired exclusively by natural gas, liquefied petroleum gas or a combination thereof, having a maximum fuel input heating value of less than one million (1,000,000) British Thermal Units (BTU) per hour or thirty (30) horsepower.
- 4.9** Space heaters which do not operate on diesel fuel.
- 4.10** Equipment used in eating establishments for the purpose of preparing food for human consumption.
- 4.11** Self-propelled mobile construction equipment other than pavement burners.
- 4.12** Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals that are exempt from AQMD permit requirements pursuant to the applicable provisions of the California Health and Safety Code.
- 4.13** Any article, machine, equipment or other contrivance which the Control Officer finds emits air contaminants below the significance level and he determines should be exempted. No exemption from the requirements listed herein under Rule 102 (1.5) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review.
- 5.0 PERMIT CONDITIONS:** To assure compliance with all applicable Regulations, the APCO may impose written conditions on any Authority to Construct or Permit to Operate. Commencing work or operation under such a permit shall be deemed acceptance of all the conditions so specified.
- 6.0 EMISSIONS CALCULATIONS:** The APCO shall retain at all times the sole authority relating to emissions calculations. Calculations shall be based on the most current information available to the AQMD at the time of submittal of the initial application or annual renewal.
- 7.0 PERMIT TERM:** Permits issued pursuant to this rule shall be issued for a limited term.
- 7.1 Authority To Construct:** The permit term shall not exceed two years from the date of authorization, unless extended by the APCO for good cause.
- 7.2 Permit To Operate:** The permit term shall not extend beyond the fiscal year in which the permit is authorized. Annually thereafter, the Air Pollution Control Officer may elect to renew the permit for a term not to exceed one fiscal year.
- 7.3 Exemption:** The provisions of this section shall not apply to permits issued pursuant to Regulation V.

8.0 POSTING OF PERMITS: A person or entity to whom a Permit to Operate and/or Authority to Construct has been granted shall post such permit in a conspicuous location clearly visible and accessible to the operator of the article, machine, equipment or other contrivance under permit.

9.0 REVOCATION OF PERMIT: The APCO may request that the AQMD Hearing Board hold a hearing to revoke an existing Authority to Construct and/or Permit to Operate or Burn Permit if the applicant or permittee violates the conditions of such permit as specified by the APCO.

The APCO may grant the previously revoked permit at such time as the applicant or permittee shows that the condition(s) previously violated are currently being attained or can demonstrate to the APCO that the condition(s) can be attained and that the violation which was the basis of the revocation will not recur. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation which resulted from the failure to meet any permit condition as specified by the APCO.