

**REGULATION IV  
AUTHORITY TO CONSTRUCT REGULATIONS**

**Rule 402      Exemptions to Rule 401**

Unless required or allowed elsewhere within the District rules, or by a ARB Airborne Toxic Control Measure, or any other State or Federal regulation, an Authority to Construct shall not be required for:

- A.      (1) Any vehicle.
  - (2) Any structure designed for and used exclusively as a dwelling for not more than four families.
  - (3) An incinerator used exclusively in connection with a structure as described in A.(2).
  - (4) Barbecue equipment that is not used for commercial purposes.
  - (5) (a) Repairs or maintenance not involving structural changes to any equipment for which a Permit to Operate has been granted.
    - (b) As used in this subdivision, maintenance does not include operation.
  - (6) Nothing in this section shall affect any requirements imposed on a district or a source of air pollution, including, but not limited to, an agricultural source, pursuant to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).
  
- B.      Any facility or source with a toxic prioritization score less than 1 as determined by the District and that emits less than 1000 pounds per year of any criteria pollutant, precursor or toxic air contaminant.
  
- C.      Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 3,000,000 British Thermal Units (BTU) per hour gross, and are fired exclusively with one of the following:
  - (1) Natural gas;
  - (2) Liquefied petroleum gas;
  - (3) A combination of natural gas and liquefied petroleum gas.
  
- D.      Other sources that have not been deemed a nuisance or potential nuisance by the APCO and emit less than 1000 pounds per year of any one criteria pollutant or precursor or emit less than 2000 pounds of any combination thereof as determined by the APCO.