

RULE 217 – PUBLIC NOTICE REQUIREMENTS FOR PERMITS
Adopted 8-23-12

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100 **GENERAL**

101 **PURPOSE:** The purpose of this rule is to provide an administrative mechanism for public notification and review of the issuance of authorities to construct and permits to operate at new and modified stationary air pollution sources.

102 **APPLICABILITY:** This rule shall apply to all new stationary sources and emissions units and all modifications to existing stationary sources and emissions units which are subject to Rule 201, GENERAL PERMIT REQUIREMENTS, except that emissions units exempted by Rule 201 must be included in the potential to emit of the stationary source unless the emissions unit emits less than 2 pounds per day of each pollutant. This rule shall not apply to prescribed burning of forest, or range land, road construction or any other non-stationary source common to timber harvesting. This Section 102 shall not be used to exempt any stationary source or modification, which would be subject to review under U.S. Environmental Protection Agency regulations, from permit requirements.

103 **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and effect to the extent allowed by law.

110 **EXEMPTION: NOTIFICATION REQUIREMENTS:** The requirements of Section 401, relating to notification, publication, and public inspection of Preliminary Decisions; and notification, publication, and public inspection of Final Actions shall not apply if the application is for any new or modified emissions unit where the combined potential to emit from the project would have an increase in potential to emit, as defined in Section 403, of less than the amounts listed below. This exemption does not apply where emission offsets are required pursuant to the applicable New Source Review requirements.

Pollutant

Volatile organic compounds	5,000 pounds per quarter
Nitrogen oxides	5,000 pounds per quarter
Sulfur oxides	9,200 pounds per quarter
PM10	7,300 pounds per quarter
PM2.5	10 tons per year
Carbon monoxide	49,500 pounds per quarter

200 **DEFINITIONS:** Unless otherwise defined below, the terms in this rule are defined in Rule 101, GENERAL PROVISIONS AND DEFINITIONS, Rule 201, GENERAL PERMIT REQUIREMENTS, and Rule 214, FEDERAL NEW SOURCE REVIEW.

201 **FINAL ACTION:** The final action to grant or deny a permit pursuant to Rule 201, GENERAL PERMIT REQUIREMENTS.

202 **POTENTIAL TO EMIT:** The maximum physical and operational design capacity to emit a pollutant. Limitations on the physical or operational design capacity, including emissions control devices and limitations on hours of operation, may be considered only if such limitations are incorporated into the applicable Authority to Construct and Permit to Operate as a permit condition that is enforceable as a practical matter and, for all new and modified major stationary sources, federally enforceable. The potential to emit shall include both directly emitted and fugitive emissions.

203 **PRELIMINARY DECISION:** The proposed action of the Air Pollution Control Officer to grant or deny a permit, pursuant to Rule 201, GENERAL PERMIT REQUIREMENTS. This includes the preliminary decision to determine whether a power plant over 50 megawatts will be in compliance with all applicable New Source Review requirements.

300 **STANDARDS (NOT INCLUDED)**400 **ADMINISTRATIVE REQUIREMENTS**

- 401 **PUBLIC NOTIFICATION, INSPECTION, AND REVIEW:** Except as provided in Section 110, the following administrative requirements shall apply to all preliminary decisions and final actions:
- 401.1 **PRELIMINARY DECISION NOTIFICATION:** The Air Pollution Control Officer shall transmit to the California Air Resources Board and the U.S. Environmental Protection Agency the Air Pollution Control Officer's preliminary written decision and analysis for sources subject to Best Available Control Technology or emission offsets, upon issuance of the preliminary decision, for a 30-day review period.
- 401.2 **PUBLICATION AND PUBLIC COMMENT:** Within ten calendar days following a 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 of the Air Pollution Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled). The Air Pollution Control Officer shall give notice of any public hearing at least 30 days in advance of the hearing.
- 401.3 **PUBLIC INSPECTION:** The Air Pollution Control Officer shall make available for public inspection at the District's office the information submitted by the applicant and the Air Pollution Control Officer's written analysis no later than the date the notice of the preliminary decision is published, pursuant to Section 401.2. All such information shall be transmitted no later than the date of publication to the California Air Resources Board and the U.S. Environmental Protection Agency regional office, and to any party which requests such information. 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 Administrative Code.
- 401.4 **AUTHORITY TO CONSTRUCT, FINAL ACTION NOTIFICATION:** The Air Pollution Control Officer shall provide written notice of the final action to the applicant, the U.S. Environmental Protection Agency, the California Air Resources Board, and to any party that requests such information. The Air Pollution Control Officer shall publish the notice, only after considering all written comments, on the District's website and shall make the notice and all supporting documents available for public inspection at the District's office.
- 402 **NOTIFICATION FOR CLASS I AREA VISIBILITY AND FEDERAL LAND MANAGER CONSULTATION:** In addition to the public notification procedures of Section 401, the following additional administrative requirements shall apply to all preliminary decisions and final actions that require a visibility analysis to be prepared pursuant to Rule 214, FEDERAL NEW SOURCE REVIEW.
- 402.1 **PUBLIC HEARING:** The Air Pollution Control Officer shall provide an opportunity for a public hearing allowing interested persons to appear and submit comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations as allowed by 40 CFR 51.166(q)(2)(v). The Air Pollution Control Officer shall give notice at least 30 days in advance of the hearing.

402.2 **PUBLIC INSPECTION AND CONSIDERATION OF COMMENTS:** The Air Pollution Control Officer shall consider all comments received in making a final decision on the approvability of the application. The Air Pollution Control Officer shall make available all comments received, any analysis provided from the Federal Land Manager, and a copy or summary of other materials considered for public inspection at the District's office, pursuant to 40 CFR 51.166(q)(2)(ii) and 40 CFR 51.166(q)(2)(vi).

402.3 **PUBLICATION:** The Air Pollution Control Officer shall send a written notification to all relevant officials and agencies having cognizance over the location where the proposed construction would occur as required by 40 CFR 51.166(q)(2)(iv). The written notification must include a copy of all information relevant to the permit application within 30 days of receipt and at least 60 days prior to a public hearing on the permit application.

403 **EMISSION CALCULATIONS:** The following provision shall be used:

403.1 Notification – Increase in Potential to Emit: The increase in potential to emit, for purposes of determining whether Section 110 – Exemption: Notification Requirements applies, shall be calculated by subtracting the potential to emit for the project prior to modification from the potential to emit for the project after the proposed modification.

500 **MONITORING AND RECORDS (NOT INCLUDED)**

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