



California
Air Resources Board
Compliance Division

Advisory

(REGULATION CHANGES)

Number 30

December 7, 1988

California Clean Air Act
AB 2595 (Subsection 42301(c) and Section 42301.1)
Revision of Permit Conditions / Temporary Permit to Operate

Attached is a copy of Section 42301 and Section 42301.1 of the 1988 California Clean Air Act (CCAA) which was signed into law on September 30, 1988. Among its many significant provisions, the CCAA adds Subsection 42301(c) and Section 42301.1 to the Health and Safety Code. The CCAA becomes effective January 1, 1989. Subsection 42301(c) and Section 42301.1 will apply to permitting activities which occur on or after that date.

Under Subsection 42301(c), district permit systems must require that all permits be reviewed upon annual renewal to determine whether the permit conditions are adequate to ensure compliance with, and enforceability, of district rules which: (1) were in effect at the time the permit was issued or modified, or (2) have subsequently been adopted and made retroactively applicable to existing equipment. The permit system must also require the district to revise a permit as appropriate if the annual review discloses that the permit conditions are not consistent with applicable district regulations.

Staff of the Air Resources Board believe that revisions to permit conditions are important for ensuring that the actual emissions from equipment are not greater than the permitted level and that the equipment is in compliance with all applicable rules. We urge districts to amend their permit rules in a timely fashion to reflect the requirements in new Subsection 42301(c).

Section 42301.1 will authorize a district to issue a temporary permit to operate when a district determines that a temporary permit is necessary and appropriate to ensure compliance with all applicable conditions specified in the authority to construct prior to the issuance of a regular permit to operate. The temporary permit to operate must specify a reasonable period of time during which the source may operate the piece of equipment in order for the district to determine whether the source can operate in accordance with conditions in the authority to construct.

The temporary permit to operate may prove to be a valuable additional mechanism in a district's permit program. It would be advisable for districts to amend their permit rules to assure that they can issue temporary permits to operate in appropriate instances.

If you have any questions regarding this bill, please call the Air Resources Board, Compliance Division at (800) 952-5588.

Attachment

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**CALIFORNIA
CLEAN AIR ACT
1988**

**AB 2595, SHER
(Chapter 1568, Statutes of 1988)**



SEC. 26. Section 41712 is added to the Health and Safety Code, to read:

41712. (a) On or before January 1, 1992, the state board shall adopt regulations to achieve the maximum feasible reduction in reactive organic compounds emitted by consumer products, if the state board determines that adequate data exists for it to adopt the regulations.

(b) The state board shall not adopt regulations pursuant to subdivision (a) unless the regulations are technologically and commercially feasible, and necessary to carry out this division.

(c) For purposes of this section, a "consumer product" means a chemically formulated product used by household and institutional consumers, including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; and automotive speciality products but do not include paint, furniture coatings, or architectural coatings.

(d) Prior to January 1, 1994, a district shall adopt no regulation relating to a consumer product which is different than any regulation adopted by the state board for that purpose.

SEC. 27. Section 42301 of the Health and Safety Code is amended to read:

42301. A permit system established pursuant to Section 42300 shall do all of the following:

(a) Ensure that the article, machine, equipment, or contrivance for which the permit was issued shall not prevent or interfere with the attainment or maintenance of any applicable air quality standard.

(b) Prohibit the issuance of a permit unless the air pollution control officer is satisfied, on the basis of criteria adopted by the district board, that the article, machine, equipment, or contrivance will comply with all applicable orders, rules, and regulations of the district and of the state board and with all applicable provisions of this division.

(c) Require, upon annual renewal, that each permit be reviewed to determine that permit conditions are

adequate to ensure compliance with, and the enforceability of, district rules and regulations applicable to the article, machine, equipment, or contrivance for which the permit was issued which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing article, machine, equipment, or contrivance, by the district board and, if the conditions are not consistent, require that the permit be revised to specify the permit conditions in accordance with all applicable rules and regulations.

(d) Provide for the reissuance or transfer of a permit to a new owner or operator of an article, machine, equipment, or contrivance. An application for transfer of ownership only, or change in operator only, of any article, machine, equipment, or contrivance which had a valid permit to operate within the two-year period immediately preceding the application is a temporary permit to operate. Issuance of the final permit to operate shall be conditional upon a determination by the district that the criteria specified in subdivisions (b) and (c) are met, if the permit was not surrendered as a condition to receiving emission reduction credits pursuant to banking or permitting rules of the district. However, under no circumstances shall the criteria specify that a change of ownership or operator alone is a basis for requiring more stringent emission controls or operating conditions than would otherwise apply to the article, machine, equipment, or contrivance.

SEC. 28. Section 42301.1 is added to the Health and Safety Code, to read:

42301.1. Whenever necessary and appropriate to ensure compliance with all applicable conditions prior to issuance of a permit to operate an article, machine, equipment, or contrivance, a district may issue a temporary permit to operate. The temporary permit to operate shall specify a reasonable period of time during which the article, machine, equipment, or contrivance may be operated in order for the district to determine whether it will operate in accordance with the conditions specified in the authority to construct.