

**RULE 201**

**GENERAL PERMIT REQUIREMENTS**

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## **100 GENERAL**

**101 PURPOSE:** To provide an orderly procedure for the review of new sources of air pollution and of the modification and operation of existing sources through the issuance of permits. Sources subject to Rule 207, TITLE V - FEDERAL OPERATING PERMIT PROGRAM, shall also obtain an operating permit under Rule 207. Procedure for issuing, modifying, or renewing Title V permits to operate for stationary sources subject to Rule 207, TITLE V - FEDERAL OPERATING PERMIT PROGRAM shall also be consistent with the procedures specified in that rule.

**110 EXEMPTION: GENERAL:** The exemptions contained in this rule shall not apply to otherwise exempt piece of equipment which is part of a process that requires a permit. An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 121, unless an emissions unit, as defined in Rule 202, is:

110.1 Subject to New Source Performance Standards;

110.2 Subject to National Emission Standards for Hazardous Air Pollutants;

110.3 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer, substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et. seq.; or

110.4 The Air Pollution Control Officer makes a determination that the unit may not operate in compliance with District Rules and Regulations.

**111 EXEMPTION: VEHICLES:**

111.1 Vehicles used to transport passengers or freight, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in piledriving adjacent to or in waterways.

**112 EXEMPTION: COMBUSTION AND HEAT TRANSFER EQUIPMENT:**

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard dry conditions. The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

112.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

**113 EXEMPTION: RESIDENTIAL STRUCTURES:** Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

**114 EXEMPTION: AGRICULTURAL OPERATIONS:** Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals.

**115 EXEMPTION: COOLING SYSTEMS AND VACUUM CLEANING:** Refrigeration, air conditioning, ventilating, water cooling towers or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.

**116 EXEMPTION: PLASTICS AND CERAMICS PROCESSING:** Ovens, kilns, or furnaces fired by electricity used exclusively for the heating, curing, softening, or annealing of plastics or ceramics, and not emitting more than 5 pounds of volatile organic compounds in any one day. This Section shall not apply to ovens used for heating or curing of fiberglass reinforced plastics.

**117 EXEMPTION: STORAGE AND TRANSFER:** Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:

117.1 Liquefied or compressed gases;

117.2 Unheated organic materials with an initial boiling point of 150°C (302°F) or greater, as determined by the testing procedure specified in Section 501.1, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.2;

117.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20oC, as determined by the testing procedure specified in Section 501.2, having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20oC to or from storage.;

117.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less;

#### **118 EXEMPTION: SURFACE COATING AND PREPARATION:**

118.1 Water solution for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.

118.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.

118.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less;

#### **119 EXEMPTION: FOOD PROCESSING:** The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:

119.1 Used in eating establishments for the purpose of preparing food for human consumption.

119.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet);

119.3 Mixers and blenders used in bakeries;

119.4 Confection cookers;

119.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.

#### **120 EXEMPTION: LABORATORY EQUIPMENT:** Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.

#### **121 EXEMPTION: REPAIRS AND MAINTENANCE:** Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.

#### **122 EXEMPTION: OTHER EQUIPMENT:** Other equipment deemed by the Air Pollution Control Officer and which would emit any pollutants without the benefit of air pollution control devices less than 2 pounds in any 24 hour period.

### **200 DEFINITIONS**

**201 ANNIVERSARY DATE:** The day and month of issuance of a permit to operate and that same day and month of each succeeding year.

**202 STATE AMBIENT AIR QUALITY STANDARDS:** All references in Rule 202 to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

### **300 STANDARDS**

**301 AUTHORITY TO CONSTRUCT:** Any person building, erecting, altering or replacing any article, machine,

equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction for the Air Pollution Control Officer as specified in Section 403 of this rule. An authority to construct shall remain in effect until a permit to operate the equipment is granted or denied or the application is canceled. An authority to construct shall expire two years from the date of issuance. If a written request to extend the authority to construct is received by the Air Pollution Control Officer prior to the expiration of the authority to construct, an extension may be granted for two years if the Air Pollution Control Officer determines that: (1) a good faith effort to complete the project has been made, and (2) the parameters of the project remain the same as in the initial application.

**302 PERMIT TO OPERATE:** Any person operating an article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain a written permit from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, constructed or installed without authorization as required by Section 301 of this rule, until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the Health and Safety Code.

### **303 STANDARDS FOR GRANTING APPLICATIONS:**

303.1 The Air Pollution Control Officer shall deny an authority to construct or permit to operate, except as provided in Rule 202 if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer. In addition, the Air Pollution Control Officer shall require the applicant, as a condition of the authority to construct, to comply with the requirements of Health and Safety Code Part 6, (Section 44300 et seq.), Air Toxics Hot Spots Assessment Act.

303.2 Before an authority to construct or permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide, maintain, and operate such facilities as are necessary for sampling, testing and air monitoring purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.

303.3 In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment, or other contrivance, 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, has not been constructed in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment, or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the authority to construct.

303.4 The Air Pollution Control Officer shall determine that an applicant has complied with applicable requirements of Health and Safety Code Section 42301.6, preparation and distribution of public notice, prior to approving an application for an authority to construct permit.

**304 TRANSFER:** An authority to construct or permit to operate shall not be transferable, whether by operation of law or

otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. In the event any person contemplates or desires to make any such transfer as herein above described, said person shall make application for authorization in accordance with Section 403 of this rule.

**305 PERMIT RENEWAL:** Every permit to operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one year after the date of issuance.

305.1 The permit to operate for a gasoline storage tank exempt from the vapor recovery requirements of Rule 448 shall not be required to be renewed annually.

305.2 The Air Pollution Control Officer shall review every permit to operate upon annual renewal, pursuant to Health and Safety Code Section 42301(c), 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. Applicable District rules and regulations shall include those 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 of Directors. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable rules and regulations.

## **400 ADMINISTRATIVE REQUIREMENTS**

**401 POSTING:** A person who has been granted a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

**402 MODIFICATIONS:** A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule.

**403 APPLICATIONS:** An application for an authority to construct or permit to operate shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule and Rule 202. When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the determination required by Section 302 of this rule, Rule 202, and any other applicable rule, regulation, or order additional information, plans, or specifications shall be submitted by the applicant as requested.

**404 ACTION ON APPLICATIONS:** The Air Pollution Control Officer shall notify the applicant in writing of his approval, conditional approval suspension, or denial of the application for authority to construct or permit to operate.

404.1 In the event said notification is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his option, deem the application to construct or permit to operate denied.

**405 CONDITIONAL APPROVAL:** The Air Pollution Control Officer may issue an authority to construct or a permit to operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance, 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 within the standards of Section 303 of this rule in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application if the applicant demonstrates that the article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, can operate within the standards of Section 303 of this rule under the revised conditions.

**406 DENIAL OF APPLICATION:** In the event of denial of an authority to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct or the permit to operate. If the Air Pollution Control Officer denies a permit to operate, then the authority to construct associated with the permit to operate shall also be deemed denied.

**407 SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to Health and Safety code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefore. The permit shall be reinstated when furnished with all requested information, analyses, plans, and specifications.

**408 APPEALS:** Within ten days after notice, by the Air Pollution Control Officer, of suspension, denial, or conditional approval of an authority to construct, permit to operate, or emissions reduction credits application the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

**409 COMPLIANCE DATES:** An application for a permit to operate shall be submitted to the Air Pollution Control Officer by May 26, 1991 for existing equipment constructed prior to February 26, 1991, except:

409.1 Existing internal combustion engines constructed prior to February 26, 1991 with a manufacturer's continuous rating of less than 150 brake horsepower and subject to Section 112.1 shall submit an application for Permit to Operate by August 26, 1991.

409.2 Existing boilers constructed prior to February 26, 1991 with a maximum heat input greater than 10,000,000 Btu per hour (gross) and subject to Section 112.2 shall submit an application for Permit to Operate by November 26, 1991.

409.3 Existing boilers constructed prior to February 26, 1991 with a maximum heat input less than 10,000,000 Btu per hour (gross) and subject to Section 112.2 shall submit an application for Permit to Operate by February 26, 1992.

## **500 MONITORING AND RECORDS**

### **501 TESTING PROCEDURES:**

501.1 INITIAL BOILING POINT: ASTM D-1078-86, "Test Method for Distillation Range of Volatile Organic Liquids".

501.2 VAPOR PRESSURE: ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".