



SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT
POLICIES AND PROCEDURES

Policy No:	<u>6100.026.19</u>	Draft:	<u> </u>
Supersedes No:	<u>6100.026.16 (-91)</u>	Final:	<u> x </u>
Date:	<u>July 3, 2019</u>	Pages:	<u> 1 </u>
Topic:	<u>Informing Applicant/Permittee of Right to Appeal Permits Issued</u>		
Distribution:	<u>All Staff</u>		

During permit processing, an applicant may raise objections to permit conditions. According to District Rule 209 and the California Health and Safety Code (H&SC) Section 42302.1, all applicants/permittees have the right to appeal any permit (ATC, PTO, Reeval) issued in final form by the District. The permit engineer should inform an applicant/permittee of their right of appeal in writing at the time of permit issuance. This notification should:

- (a) inform the applicant/permittee that any discussions or meetings with District staff during or after permit issuance do not constitute an appeal under Rule 209 or the H&SC;
- (b) indicate that the appeal period is thirty (30) calendar days after issuance of the final permit (the issuance date is the date stamped on the permit) and mailing of the notice of issuance of the permit (issued concurrently with the final permit);
- (c) state that discussions or meetings with District staff do not stop or delay the 30-day appeal period once the final permit is issued;
- (d) inform the applicant/permittee that only a formal application to the Hearing Board can initiate an appeal;
- (e) refer the applicant/permittee to the Clerk of the Hearing Board for specific information concerning appeal initiation and procedures;
- (f) inform the applicant/permittee that if they accept the permit by commencing construction or operation of the newly permitted equipment, they forfeit any right of appeal.

The District includes the permit appeal notice on the cover letter for final permits (ATC, PTO, Reeval).

Policies and Procedures Memoranda are intended to provide agency staff, applicants and the public guidance relative to standardized District procedures. These policies and procedures shall not be interpreted in conflict with District Rules and Regulations or administrative policies, and may be modified or updated periodically without advance notice.