

RULE 208. ACTION ON APPLICATIONS - TIME LIMITS. (Adopted 10/18/1971, readopted 10/23/1978, and revised 4/17/1997)

A. Applicability

This rule shall apply to any person applying for an Authority to Construct or a Permit to Operate.

B. Exemptions.

This Rule shall not apply to any person applying for a permit pursuant to Regulation XIII.

C. Definitions

See Rule 102 for definitions.

D. Requirements - General - Application Form and Completeness

1. Every application for a permit required under these Rules and Regulations shall be filed in a manner and form prescribed by the Control Officer and shall include information necessary to enable the Control Officer to make a determination required by Rule 205 and any other standard applicable to the granting or denial of permits.
2. Not later than 30 days after receiving an application for a permit required by these Rules and Regulations, the Control Officer shall determine, in writing, whether the application is complete and shall immediately transmit the determination to the applicant.
3. Where an application has been deemed incomplete pursuant to (D)(2), upon receipt of any resubmittal or additional information a new 30 day period shall begin during which the Control Officer shall determine the completeness of the application. If the Control Officer determines that the application is still not complete, the applicant may appeal that determination to the Board. The Board shall make its written determination within 60 days after receiving the applicant's appeal. Pursuant to Government Code section 65943(c), if such determination is not made within that 60 day period, the application with the submitted materials shall be deemed complete. Appeals will be assessed a fee based on the cost reimbursement provisions of Rule 210.
4. An application for an Authority to Construct or Permit to Operate shall be denied 120 days after the date of filing if the applicant has not submitted sufficient information to enable the Control Officer to deem it complete, unless the Control Officer has, in writing, extended the time. A permit application shall not be denied during the pendency of an appeal to the Board pursuant to (D)(3).
5. An applicant and the Control Officer may mutually agree in writing to extend any time limit provided for in this subsection.

E. Requirements - Authority to Construct

1. Unless a shorter time period is specifically provided in these Rules and Regulations or in Division 26 of the Health and Safety Code or other applicable State or federal law, the time limits of the Permit Streamlining Act, Government code section 65920 *et seq.*, shall apply to any application for an Authority to Construct.
2. At the request of the applicant, the District shall commence processing a permit application prior to final action on the development project by the lead agency to the extent that information necessary to commence the processing is available. If, as a result of the final lead agency action, the project description in the submitted permit application is changed in a way that affects emissions of air pollutants, then the applicant may be required to submit a new permit application.

3. Large Sources. The Control Officer shall act within 180 days from the date an application for an Authority to Construct permit has been deemed complete or 180 days after the approval of the project by the lead agency, whichever period of time is longer, and shall notify the applicant in writing of the approval, conditional approval or denial of the application.
4. Medium Sources. The Control Officer shall act within 90 days from the date an application for an Authority to Construct has been deemed complete or 90 days after lead agency approval, whichever period of time is longer, and shall notify the applicant in writing of the approval, conditional approval or denial of the application.
5. Small Sources. An applicant for a small source may apply simultaneously for an Authority to Construct/Permit to Operate. The Control Officer shall act within 30 days from the date an application for an Authority to Construct/Permit to Operate has been deemed complete and shall notify the applicant in writing of the approval, conditional approval or denial of the application. For good cause, the Control Officer may determine that an Authority to Construct/Permit to Operate shall not be issued simultaneously to an applicant for a small source, in which case, the time limits and procedures for medium sources shall apply.
6. Notwithstanding any other provision in this Rule, if an Environmental Impact Report or Negative Declaration is required for a project for which the District is the lead agency, the time limits specified in Government Code section 65950 shall apply.
7. Projects subject to Health and Safety Code Section 42314.2 may receive additional extensions as authorized by that section.
8. The Control Officer may extend any time limit prescribed by this subsection up to the maximum time limit authorized by State law or required by federal statute or regulation. If the Control Officer fails to take action on or extends the time limit prescribed by this subsection for action on an application for Small or Medium sources, the applicant may request the Board set a date certain on which the permit will be acted upon by the Control Officer, provided the applicant provides written notice to the Control Officer 7 days prior to filing the request. The request shall be filed in accordance with the filing requirements adopted by the Board and heard at the next regularly scheduled meeting in accordance with such filing requirements.
9. A small modification at a large or medium source, where the modification does not trigger any NSR (BACT, AQIA, offsets) requirements, may be considered on a case-by-case basis for small source permit processing pursuant to Section E.5 of this rule.

F. Requirements - Permits to Operate

1. Large Sources. The Control Officer shall act within 120 days from the date an application for a Permit to Operate has been deemed complete and shall notify the applicant in writing of the approval, conditional approval or denial of the application. The Control Officer may at any time request further information, plans or specifications from the applicant. The 120 day time limit may be extended by written agreement executed by the Control Officer and the applicant. If the Control Officer shall fail to act within the said 120 days, or any extension thereof by written agreement, the applicant may optionally deem the application denied for the purpose of appeal.
2. Medium Sources. The Control Officer shall act within 60 days from the date an application for a Permit to Operate has been deemed complete and shall notify the applicant in writing of the approval, conditional approval or denial of the application.