

RULE 201. PERMITS REQUIRED. (Adopted 10/18/1971, revised 5/1/1972, readopted 10/23/1978, revised 7/2/1979, 4/17/1997, and 6/19/2008)

A. Applicability

This rule applies to any person who builds, erects, alters, replaces, operates or uses any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants.

B. Exemptions

Exemptions to this rule appear in Rule 202 (Exemptions to Rule 201).

C. Definitions

See Rule 102 for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

"Erect" means the setting up, installing, or assembling of equipment that can be moved from one location to another and that must be stationary in order to operate.

D. Requirement - Authority to Construct

Any person building, erecting, altering, replacing, or using 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, shall first obtain an Authority to Construct for such construction or use from the Control Officer. An Authority to Construct issued to a source shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application expires.

E. Requirement - Permit to Operate

1. Source Compliance Demonstration Period

After issuance of an Authority to Construct and prior to issuance of a Permit to Operate, the Control Officer may require an applicant to undergo a Source Compliance Demonstration Period, to evaluate each article, machine, equipment or other contrivance listed within the Authority to Construct. The applicant must show that all of the listed equipment is so designed, controlled or equipped with such air pollution control equipment, that it may be expected to be operated in compliance with Sections 41700 or 41701 of the Health and Safety Code and these Rules and Regulations and any limitation or permit condition of the Authority to Construct.

2. Permit to Operate

Before any article, machine, equipment or other contrivance described in Rule 201(D) may be operated or used, a written permit shall be obtained from the Control Officer. No Permit to Operate or use shall be granted either by the Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 201(D) constructed or installed without authorization as required by Rule 201(D) until the applicant presents such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which the source may discharge. The Control Officer may also require the same information if an article, machine, equipment or contrivance is altered or modified to conform to the standards set forth in these Rules and Regulations. Further, the Control Officer may require that the disclosures described be certified by a professional engineer registered by the State of California.

3. Consolidated Authority to Construct/Permit to Operate

The Control Officer may issue a consolidated Authority to Construct/Permit to Operate.

F. Requirement - Expiration of Authority to Construct

If unused, an Authority to Construct shall automatically expire one year from the date of issuance. An application for Permit to Operate existing equipment may be canceled one year from the date of filing of the application, if unused.

G. Requirement - Permit Reissuance and Reevaluation

A Permit to Operate shall be valid for one year and shall be eligible for extension provided the permittee is in compliance with permit conditions as determined by the District's annual compliance inspection and upon the payment of fees. The Control Officer may prohibit the reissuance of a Permit to Operate, or revise it as authorized by law, if the article, machine, equipment or contrivance subject to the permit does not comply with all applicable orders, rules and regulations of the District and CARB, and Division 26 of the Health and Safety Code, including Health and Safety Code Sections 42301(e) and (f). A Permit to Operate shall be reevaluated by the Control Officer every three years to determine that the permit conditions are adequate to ensure compliance with, and the enforceability of, District rules and regulations applicable to the source.

H. Requirement - Notification to Officials

The Control Officer shall notify the building department or division of every governmental agency, excluding federal agencies, within the District boundaries, on an annual basis, that the owner or authorized agent of development projects which do not require a development permit other than a building permit, will need to comply with the requirements for a permit for construction or modification from the District. In addition, to assist the County and each city to comply with Government Code Section 65850.2, the Control Officer will provide the building officials with relevant Authority to Construct permit information to be distributed to building permit applicants.

I. Requirement - Posting of Authority to Construct or Permit to Operate

1. A person who has been granted under this Rule an Authority to Construct or a Permit to Operate for any article, machine, equipment, or other contrivance described in Section D or E of this rule shall maintain the Authority to Construct or Permit to Operate, or an approved facsimile readily available to the District and operating personnel at all times on the operating or construction premises, or at a location disclosed to the Control Officer, and shall provide it upon request to the Control Officer or to the Control Officer's representative.
2. No person shall deface, alter, forge, counterfeit, or falsify a permit, or facsimile thereof issued or maintained pursuant to the provisions of this Rule.

J. Requirements - Absence of Permitted Equipment

Items of equipment, other than portable internal combustion engines which are eligible for registration pursuant to Health & Safety Code 41750 *et seq.*, for which a Permit to Operate is granted, shall be at all times present within the boundaries of the stationary source unless the operator shows to the satisfaction of the District that the absence of the equipment is due to its being rebuilt or otherwise reworked offsite, or in temporary storage onsite. Failure to make this showing at the time of permit reevaluation and failure to obtain a permit modification listing the absent equipment shall result in removal of the absent equipment from the Permit to Operate upon the next reevaluation of the permit.

K. Requirement - Inoperability of Permitted Equipment

A permitted item of equipment found in inoperable condition must be demonstrated by the operator, to the satisfaction of the Control Officer, either to function in compliance with applicable permit conditions or to have no pollutant emissions. This section shall not apply to well heads.