

RULE 201. PERMITS REQUIRED. (Adopted 10/18/1971, revised 5/1/1972, readopted 10/23/1978, revised 7/2/1979, and 4/17/1997, and [date of revised rule adoption])

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

1. — Any person building, erecting, altering, ~~or~~ 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.

~~2. — Notwithstanding any exemption in these rules and regulations, equipment used for the dredging of waterways, except during emergencies declared by public officials in accordance with state law, or equipment used in pile driving adjacent to or in waterways, or pipe laying and derrick barges, shall obtain an Authority to Construct and a Permit to Operate when the potential to emit of such equipment per stationary source is equal to or greater than 25 tons per year of any affected pollutant during any consecutive 12 month period. The Control Officer shall not require Best Available Control Technology for such sources if federal law preempts this requirement.~~

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