

Resolution No: 16-067
Meeting Date: 06/29/16 (AP1)

RESOLUTION ADOPTING AMENDMENTS TO RULE 24 – TEMPORARY PERMIT TO OPERATE, OF REGULATION II OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT

On motion of Member Cox, seconded by Member D. Roberts, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board (Board), pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code and Section 51.102 of the Code of Federal Regulations; and

WHEREAS, pursuant to Section 40727 of the Health and Safety Code, the Board makes the following findings:

- (1) (Necessity) The adoption of proposed amendments to Rule 24 is necessary for consistency with federal law;
- (2) (Authority) The adoption of proposed amendments to Rule 24 is authorized by Health and Safety Code Section 40702;
- (3) (Clarity) Proposed amendments to Rule 24 can be easily understood by persons directly affected by them;
- (4) (Consistency) The adoption of proposed amendments to Rule 24 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;
- (5) (Non-duplication) The adoption of proposed amendments to Rule 24 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amendments to Rule 24 is necessary to comply with federal law;

WHEREAS, the Board further finds pursuant to Health and Safety Code Section 40001 that the adoption of proposed amendments to Rule 24 will facilitate the attainment of ambient air quality standards; and

WHEREAS, the Board further finds that an analysis comparing proposed amendments to Rule 24 with applicable requirements of federal and local regulations is not required pursuant to Health and Safety Code Section 40727.2 because the proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements; and

WHEREAS, the Board further finds that an incremental cost-effectiveness analysis pursuant to Health and Safety Code Section 40920.6(a) is not required for proposed amendments to Rule 24 because Rule 24 does not involve requirements for best available retrofit control technology; and

WHEREAS, the Board further finds that an assessment of the socioeconomic impacts of the proposed amendments to Rule 24 is not required pursuant to Health and Safety Code Section 40728.5 as the proposed amended rule will not significantly affect air quality or emissions limitations.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be, and hereby are amended as follows:

1. Proposed amended Rule 24 is to read as follows:

RULE 24. TEMPORARY PERMIT TO OPERATE

(Adopted & Effective 3/20/96; Rev. Adopted & Effective *(date of adoption)*)

(a) New Emission Unit – A person shall provide written notification to the Air Pollution Control Officer that construction is complete in accordance with a currently valid Authority to Construct before operating a new emission unit. Upon such notification, the Authority to Construct shall serve as a temporary Permit to Operate the emission unit and the emission unit shall be operated in accordance with the conditions specified in the Authority to Construct. This temporary Permit to Operate shall be valid until the emission unit is inspected by the Air Pollution Control Officer and a revised temporary Permit to Operate is issued or a Permit to Operate is granted or denied. If the Air Pollution Control Officer determines that construction has not been completed in accordance with the Authority to Construct and the emission unit has been operated under a temporary Permit to Operate, the Air Pollution Control Officer may grant a reasonable period of time for the construction to be completed in accordance with the Authority to Construct before acting on the application for a Permit to Operate. If, at the end of such reasonable period of time, the Air Pollution Control Officer determines that construction is not in accordance with the Authority to Construct, the Air Pollution Control Officer shall deny the Permit to Operate. If the Air Pollution Control Officer cancels the application for a Permit to Operate or denies the Permit to Operate, the Authority to Construct shall no longer serve as a temporary Permit to Operate. For the purpose of this section, a new emission unit is defined as an emission unit not previously authorized by the District to operate in San Diego County that is not a modified emission unit or a previously permitted emission unit as described in Sections (b) and (c) below. Emission units which were installed without a valid Authority to Construct may be operated only upon issuance of a valid Authority to Construct/Startup Authorization.

(b) **Modified Emission Unit** – A person shall provide written notification to the Air Pollution Control Officer that an emission unit having a valid Permit to Operate has been modified in accordance with the Authority to Construct granted for such modification before operating such modified emission unit. Upon such notification, the Authority to Construct granted to modify the emission unit shall serve as a temporary Permit to Operate the emission unit and the emission unit shall be operated in accordance with the conditions specified in the Authority to Construct and Permit to Operate unless the Authority to Construct conditions modify the Permit to Operate conditions in which case the Authority to Construct conditions shall take precedence. This temporary Permit to Operate shall be valid until the emission unit is inspected by the Air Pollution Control Officer and a revised temporary Permit to Operate is issued or until a modified Permit to Operate is granted or denied. If the Air Pollution Control Officer determines that the modification has not been completed in accordance with the Authority to Construct and the emission unit has been operated under a temporary Permit to Operate, the Air Pollution Control Officer may grant a reasonable period of time for the construction to be completed in accordance with the Authority to Construct before acting on the application for a Permit to Operate. If, at the end of such reasonable period of time the Air Pollution Control Officer determines that construction is not in accordance with the Authority to Construct, the Air Pollution Control Officer shall deny the modified Permit to Operate. If the Air Pollution Control Officer cancels the application for a Permit to Operate or denies the modified Permit to Operate, the Authority to Construct shall no longer serve as a temporary Permit to Operate. In such event, the owner or operator may return the emission unit to its premodified condition and operate the emission unit under the Permit to Operate that existed prior to the modification. This provision shall not apply if the modification was intended, in whole or in part, to bring the equipment into compliance with these Rules and Regulations and to return the emission unit to its pre-modified condition would result in a violation of these Rules and Regulations.

(c) **Previously Permitted Emission Unit Requiring a New Permit** – When a substantially complete application (including applicable fees and supplemental information forms) for a Permit to Operate is filed for an existing emission unit that had a valid Permit to Operate within the previous 18 months and the ownership of such emission unit has not been transferred to another person, the application shall serve as a temporary Permit to Operate the equipment. Such temporary Permit to Operate shall not be applicable to an emission unit that is a portable emission unit, as defined in Rule 20.1, or to an emission unit that has been relocated to a different stationary source or that has been altered or modified since a Permit to Operate was previously held. This temporary Permit to Operate shall be valid until the emission unit is inspected by the Air Pollution Control Officer and a revised temporary Permit to Operate is issued or until the Permit to Operate is granted or denied. Operation of such existing emission unit under a temporary Permit to Operate shall not be contrary to the conditions specified in the previous Permit to Operate. Operation of such emission unit shall be in compliance with all applicable provisions of these Rules and Regulations. Where operation of an existing emission unit under a previously valid Permit to Operate, pursuant to this section, would result in a violation of an applicable provision of these Rules and Regulations, compliance with these Rules and Regulations shall take precedence. If the Air Pollution Control Officer cancels the application for a Permit to Operate or denies the Permit to Operate, the application shall no longer serve as a temporary Permit to Operate.

(d) Withdrawal of Temporary Permit to Operate - Except as provided in Sections (a) and (b) above allowing the granting of a reasonable period of time for construction to be completed in accordance with the Authority to Construct before acting on the application for a Permit to Operate, the Air Pollution Control Officer shall modify or withdraw, in writing, the temporary Permit to Operate if the Air Pollution Control Officer determines that operation of the emission unit under a temporary Permit to Operate may be expected to be in violation of any condition of the temporary Permit to Operate or an applicable provision of these Rules and Regulations.

IT IS FURTHER RESOLVED AND ORDERED that proposed amendments to Rule 24 of Regulation II shall take effect on *(date of adoption)*.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: PAULA FORBIS, SENIOR DEPUTY

The foregoing Resolution was passed and adopted by the Air Pollution Control District, County of San Diego, State of California, on this 29th day of June, 2016, by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts

ABSENT: Horn

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STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control Board.

DAVID HALL
Clerk of the Air Pollution Control Board

By: 
Teresa Zurita, Deputy



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