

RULE 1420. STANDARDS FOR GRANTING PERMITS (Adopted 1/18/94:
Revised 3/7/95)

(a) COMPLIANCE

The Air Pollution Control Officer shall deny a permit to operate, except as provided in Rule 1421, unless the requirements of this rule are met.

(b) NEW TERMS AND CONDITIONS

The Air Pollution Control Officer shall not impose any new or additional terms or conditions on any emission unit presently under permit that were not previously required in the currently valid permit to operate for that unit (or, if the unit is new, in permits to operate for similar units at other sources), unless:

(1) The new or additional term or condition is required by the federal Clean Air Act, or is required to implement an applicable requirement;

(2) The new or additional term or condition updates the permit to operate to conform to, or clarify, the requirements of these Rules and Regulations;

(3) The new or additional term or condition is a part of an alternative operating scenario proposed by the applicant, or is necessary to regulate trading under an emissions cap proposed by the applicant; or

(4) Terms or conditions substantially the same as the new or existing terms or conditions in the permit to operate are being imposed at the same time and in the same manner on similar emission units that are not subject to this regulation. If an affected emission unit is unique due to physical or operational characteristics, the emissions controls in place, or the permit conditions imposed previously, those requirements for equal treatment of "similar" emission units shall not be applicable.

(c) PROVISIONS FOR SAMPLING AND TESTING

Before a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such additional facilities for sampling and testing purposes as may be necessary to monitor compliance with any terms and conditions of the permit to operate that were not already contained in the existing permits to operate for the source. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform, the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of the State of California.

(d) INCORRECT INFORMATION IN AN APPLICATION

In acting upon a permit application, if the Air Pollution Control Officer finds that an emission unit does not correspond to the information in the permit application, he shall request clarifying or supplemental information. If satisfactory information is not received within 90 days of this request, or any longer period specified in the request, the Air Pollution Control Officer may cancel the application.

(e) APPLICATIONS PROPOSING TRADING UNDER AN EMISSIONS CAP

If an applicant proposes internal trading under a federally enforceable emissions cap to be established in the permit to operate independent of otherwise applicable requirements, the Air Pollution Control Officer shall approve the proposed trading provisions only if the applicant demonstrates, or the Air Pollution Control Officer otherwise determines, that the permit will specify replicable procedures that ensure that trades are enforceable, accountable and quantifiable. The terms and conditions of the permit allowing such emissions trading must ensure compliance with all applicable requirements.

For trades to be enforceable, the requirements applicable to emission units involved in a trade must be clear and unambiguous, and it must be practicable to determine compliance with those requirements. For trades to be accountable, it must be clear how trades will affect emissions from the source. For trades to be quantifiable, the permit must specify measuring techniques, including test methods, monitoring, recordkeeping and reporting requirements, as appropriate, which will be used to measure emissions.

(f) SPECIFIC COMPLIANCE REQUIREMENTS

The Air Pollution Control Officer shall deny a permit to operate or revised permit to operate, except as provided in Rule 1421, if the applicant does not show in its permit application that every emission unit at the source can be operated in compliance with:

(1) All relevant requirements of these Rules and Regulations including new source review. Where the proposed revision of permit to operate conditions, including the proposed revision of conditions relating to the method of operations, will result in an increased aggregate potential to emit for the source, the Air Pollution Control Officer shall evaluate the proposed revision in accordance with the provisions of the District's new source review rules and shall determine compliance with the District's new source review rules as if an application for an authority to construct had been received containing the proposed revised conditions. In said situations, the permit to operate with revised conditions shall not be granted in cases where such an authority to construct would not have been granted.

(2) All relevant requirements of Division 26 of the California Health and Safety Code.

(3) All applicable requirements of Section 112 of the federal Clean Air Act as amended in 1990.

(4) All applicable requirements of the federal Acid Rain Program contained in Title IV of the federal Clean Air Act as amended in 1990.

(5) Any requirements established in the permit to operate that were not already contained in permits to operate for the source.

(g) COMPLIANCE SCHEDULES

In acting upon a permit or modification application, if the Air Pollution Control Officer finds that the source is in compliance with all applicable requirements except those for which the Hearing Board has issued a variance, the Air Pollution Control Officer may approve the application provided a compliance plan is included with the application which meets the requirements of Rule 1414 (f)(3)(viii) and a compliance schedule and a requirement for submission of certified progress reports no less frequently than every six months are included as conditions of the permit to operate pursuant to Rule 1421.

(h) NOTIFICATION REQUIREMENTS MANDATORY

The Air Pollution Control Officer shall not issue a permit to operate unless all applicable provisions of Rule 1415, Permit Process-Public Notification, have been met.

**(i) FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA)
OBJECTIONS**

The Air Pollution Control Officer shall not issue a permit to operate required by this regulation if the Administrator of the federal EPA objects, within the review periods specified in Rule 1410, to such issuance. In such case, a permit to operate shall not be issued by the Air Pollution Control Officer except in a form consistent with the objection, or after the Administrator withdraws the objection.