

RULE 206 PROCESSING OF APPLICATIONS
(Adopted 2/21/72; Revised 9/14/99; 10/10/2006; 10/22/2013)

A. Guidelines

- A.1 The Air Pollution Control Officer (APCO) shall prepare guidelines for the processing of applications and issuance of permits, to implement and supplement the provisions of these Rules and other laws (notably Article 1, Chapter 4, Part 4, Division 26 of the Health and Safety Code and Chapter 4.5, Division 1, Title 7, of the Government Code).
- A.2 The APCO shall determine whether the application is complete not later than 30 days after receipt of the application, or after such longer time as both the applicant and the APCO may agree. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements established by the District. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.
- A.3 Guidelines and procedures for processing and issuing permits shall insure that:
- A.3.a no Project will prevent or interfere with the attainment or maintenance of applicable Ambient Air Quality Standards, and
- A.3.b no Project will be permitted unless the APCO is satisfied that all applicable Rules, orders, and regulations will be complied with.
- A.4 The APCO shall provide guidelines specifying criteria and methods for the calculation of emissions, required by these Rules, and pursuant to applicable state and federal requirements.
- A.4.a Fugitive Emissions shall be included in the assessment of emissions for a Project.
- A.4.b Mobile sources (e.g. trucks, forklifts, tractors, etc.) whose activity is predominantly "on-site" shall be included in the assessment of emissions for a Project.
- A.4.c Toxic and hazardous air contaminants may be restricted. Beyond

the provisions of Rule 407 (Nuisance), the APCO shall take reasonable steps to insure that no Project will emit Air Contaminants that may endanger the short or long term health, safety or property of Persons. The APCO may include emission standards for toxic and hazardous Air Contaminants as conditions of permits even where standards for such materials have not been established by state, federal, or other agencies, if based upon a substantial body of responsible literature and data.

- A.5 The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in Rule 207 shall apply.

MAJOR PROJECT: means a Project which will emit pollutants under any of the following conditions: 250 or more lbs/day controlled for any single pollutant; 100 or more tons/yr uncontrolled for any single pollutant; 250 or more tons/yr uncontrolled for all emissions combined.

MINOR PROJECT: means a Project for which uncontrolled emissions will not exceed 35 lbs/day of any pollutant, and for which there will be no emission of pollutants which are toxic Air Contaminants or for which the District has been designated nonattainment.

B. Ministerial Permits

- B.1 Burn permits, permits for Minor Projects, transfer of named permittee, annual renewals, and permits to operate issued pursuant to a valid Authority to Construct permit, shall be considered ministerial. All other permits shall be considered discretionary permits, and subject to Section C of this Rule.
- B.2 Projects which do not require Control Equipment and for which malfunction of normal operating Equipment cannot result in emissions in violation of any Rule or standard, shall be considered ministerial.
- B.3 The APCO may determine, upon significant evidence, that an application should not be processed as ministerial. Such decision may be appealed to the Hearing Board.
- B.4 Within ten (10) days of acceptance as complete, the APCO shall approve an application for a ministerial Project which complies with all applicable Rules, procedures, and guidelines, and issue the permit, or shall deny the application and give the applicant a written statement of the reasons for the denial.

B.4.a Failure of the APCO to either approve or deny a ministerial permit

within the prescribed time limits shall be deemed an approval if all fees have been paid and the Project complies with all Rules and regulations.

- B.5 Any Project that meets the definition of a Major Stationary Source or a Major Modification, as defined in Rule 207, shall not be considered a ministerial permit

C. Discretionary Permits

- C.1 Following acceptance of an application for a discretionary permit as complete, the APCO shall perform the evaluations and environmental impact analysis required to determine compliance with all applicable Rules and regulations and make a preliminary written decision as to whether the permit should be approved, conditionally approved, or disapproved. The APCO shall deny any application if the APCO finds that the subject of the application would not comply with the requirements of this Rule or any other applicable Rule or regulation. The decision shall be supported by a succinct written analysis.
- C.2 Within ten (10) calendar days following the preliminary decision, the APCO shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The District shall transmit to the applicant, the California Air Resources Board (CARB), the United States Environmental Protection Agency (US EPA), and to any Person requesting such information its preliminary written decision (including proposed conditions of approval represented by permit conditions), the APCO's analysis, and a copy of the notice submitted for publication, no later than the date of publication.
- C.3 The requirements of Subsection C.2 shall not apply if the Potential to Emit of the new or modified Stationary Source is less than the values listed below, in terms of lbs/day or tons/year, as listed.

Pollutant	Lbs/day	Tons/year
VOC, Nitrogen oxides, Sulfur dioxide, Total Reduced Sulfur Compounds or Hydrogen Sulfide	100	
PM10 (non-fugitive)	80	
PM10 (including fugitive)	100	
PM2.5	40	
Carbon Monoxide (Offsets required)	137	
Carbon Monoxide (Offsets not required)	550	
Fluorides	16	
Sulfuric Acid Mist	38	

Pollutant	Lbs/day	Tons/year
Lead (Actual emissions)		5.0

- C.4 The APCO shall make available for public inspection at the District office, the information submitted by the applicant and the APCO's analysis no later than the date the preliminary decision is published. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Code of Regulations.
- C.5 Within 180 days after acceptance of an application as complete, or within 180 days (or one year if the District is lead agency) after the designated lead agency has approved the Project under the California Environmental Quality Act, whichever occurs later, the APCO shall take final action on the application after considering all written comments.
- C.6 The APCO shall provide written notice of the final permit action to the applicant, the US EPA, and the CARB and shall publish such notice on the District's website or in a newspaper of general circulation in the District. The APCO shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. The requirements of Subsection C.6 shall not apply if the Potential to Emit of the new or modified Stationary Source is less than the emission rates listed in Section C.3 above.
- C.7 Failure of the APCO to either approve or deny a discretionary permit within the prescribed time limits shall be deemed a denial. In such case the applicant may appeal, pursuant to the Hearing Board procedures, but without paying the appeal fee.
- C.8 A Notice of Determination, pursuant to the California Environmental Quality Act, shall be filed, for approved Projects.
- C.9 For Major Stationary Sources or Modifications to Major Stationary Sources, a copy of the approved permit shall be sent to the CARB and the US EPA, and make copies of the final approval and supporting documents available for public inspection.