

RULE 209-B. STANDARDS FOR PERMITS TO OPERATE

Adopted: 08/20/79 Revised: 05/12/93

A. GENERAL

The Air Pollution Control Officer shall deny a permit to operate for any new or modified stationary source or any portion thereof to which Rule 209-A applies unless:

1. The owner or operator of the source has obtained an authority to construct granted pursuant to Rule 209-A; and
2. The Air Pollution Control Officer has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective authorities to construct under Rule 210; and
3. The Air Pollution Control Officer has determined that any offsets required as a condition of the authority to construct will commence at the time of or prior to initial operations of the new source or modification, and that the offsets will be maintained throughout the operation of the new or modified source. In the case of new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the Air Pollution Control Officer may allow a maximum of ninety (90) days as a start-up period for simultaneous operation of the existing stationary source and the new stationary source or replacement; and
4. The Air Pollution Control Officer has determined that all conditions specified in the authority to construct have been or will be likely complied with by any dates specified.

B. REQUIREMENTS

The Air Pollution Control Officer shall require as a condition for the issuance of any permit to operate for a new or modified source, that the source and any offset source be operated consistent with any conditions imposed on their respective authorities to construct under Rule 210, and Section 44300 (et. seq.) of the California Health and Safety Code.

C. PROCEDURES

1. The Air Pollution Control Officer shall perform the evaluations required to determine compliance with this rule and shall take final action to approve, approve with conditions, or disapprove any permit to operate a new or modified stationary source or any portion thereof to which Rule 209-A applies within 60 days after receipt of an application for such a permit.
2. In the event that the Air Pollution Control Officer fails to take final action on such written request within such 60-day period, such failure to act shall be deemed denial of such permit to operate and may be appealed to the District Hearing Board.

C. EXEMPTIONS

The Air Pollution Control Officer shall exempt from the provisions of this Rule any stationary source which is a continuing operation, without modification or change in operating conditions, when a permit to operate is required solely because of permit renewal or change of ownership.

E. DEFINITIONS

The definitions contained in Rule 209-A shall be applicable to this rule.

F. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.