

RULE 24. TEMPORARY PERMIT TO OPERATE
(Adopted and Effective 3/20/96)

(a) New Emission Unit - A person shall provide written notification to the Air Pollution Control Officer that construction is complete in accordance with the Authority to Construct before operating a new emission unit that has been granted a currently valid Authority to Construct. 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 and for which a currently valid Authority to Construct has been issued.

(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 pre-modified 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) Existing Emission Unit - When a substantially complete application (including the applicable fees and supplemental information forms) for an Authority to Construct and Permit to Operate is filed for an existing emission unit, the application shall serve as a temporary Permit to Operate the emission unit. 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 nor to any emission unit constructed, erected or installed within 1,000 feet from the outer boundary of a school (K through 12 inclusive) and subject to the public notification requirements of Section 42301.6 of the Health and Safety Code. This temporary Permit to Operate shall be valid until the Authority to Construct is granted or denied. If the Authority to Construct is denied, the application shall no longer serve as the temporary Permit to Operate. If the Authority to Construct is granted it shall serve as the temporary Permit to Operate and operation of the emission unit shall be in accordance with the conditions specified in the Authority to Construct. The temporary Permit to Operate will remain valid until the emission unit is inspected by the Air Pollution Control Officer and a revised temporary Permit to Operate is issued or the Permit to Operate is granted or denied. Operation of such emission unit shall be in compliance with all applicable provisions of these Rules and Regulations. If the Air Pollution Control Officer cancels the application for a Permit to Operate or denies the Permit to Operate, the application or Authority to Construct, whichever is in effect at the time, shall no longer serve as a temporary Permit to Operate. This section shall not apply to new or modified major stationary sources as defined in Rule 20.1 of these Rules and Regulations. For the purpose of this section, existing emission unit is defined as an emission unit which has been constructed, erected or installed in San Diego County and for which a currently valid Authority to Construct has not been issued.

(e) 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 is in violation of any condition of the temporary Permit to Operate or an applicable provision of these Rules and Regulations.