

## **REGULATION II. PERMITS**

Information regarding APC permits and AB 884 requirements ("Lists and Criteria for Development Projects," Ch. 4.5, Div. 1, Title 7, Government Code) can be obtained from the APCD at 10124 Old Grove Road, San Diego, CA 92131, Phone (858) 586-2600.

### **RULE 10. PERMITS REQUIRED** (Adopted 1/1/69; Rev. Effective 5/15/96)

(a) **AUTHORITY TO CONSTRUCT.** Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminant, shall first obtain written authorization for such construction from the Air Pollution Control Officer. A separate Authority to Construct will be required for each piece of equipment, product line, system, process line or process that produces a product or performs a service independently of other equipment, product lines, systems, process lines or processes. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) **PERMIT TO OPERATE.** Before a person operates or uses, or causes to be operated or used, any article, machine, equipment or other contrivance described in Rule 10(a) (Authority to Construct) that person shall obtain a written Permit to Operate from the Air Pollution Control Officer. No Permit to Operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a) which is constructed or installed without authorization as required by Rule 10(a) until all information required for the Authority to Construct of Rule 10(a) is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these Rules and Regulations. A separate Permit to Operate will be required for each piece of equipment, product line, system, process line or process that produces a product or performs a service independently of other equipment, product lines, systems, process lines or processes.

A temporary authorization may be issued for the sole purpose of testing and/or evaluating the article, machine, equipment or contrivance to determine compliance with the conditions of the Authority to Construct, District Rules and Regulations and applicable state and federal law. A temporary authorization may be extended to cover the period before a final Permit to Operate can be issued provided the article, machine, equipment, or contrivance has been determined to be in compliance. For temporary operations as described in Rule 18(e), any temporary authorization shall be issued with a delayed effective date as specified in Rule 18(e).

A final Permit to Operate shall not be issued while the Authority to Construct or temporary authorization is being appealed before the Hearing Board in accordance with Rule 25 of District Rules and Regulations. A temporary authorization for testing and/or evaluation as provided herein may be issued despite an appeal of the Authority to Construct filed pursuant to Rule 25(b).

In the case of an appeal of an Authority to Construct for equipment proposed to be installed in conjunction with existing equipment operating under a Permit to Operate, to comply with new requirements of District Rules and Regulations, enforcement of the new requirements shall be

deferred until the appeal is resolved. This paragraph applies only to an Authority to Construct issued before the effective date of the new requirements.

(c) **POSTING OF PERMIT TO OPERATE.** A person who has been granted under Rule 10(a) Permit to Operate any article, machine, equipment or other contrivance described in Rule 10(b), shall firmly affix the current Permit to Operate or an approved facsimile upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

(d) **ALTERATION OF PERMIT.** A person shall not willfully deface, alter, forge, counterfeit or falsify any permit issued under these Rules and Regulations.

(e) **(Reserved)**

(f) **(Reserved)**

(g) **CONTROL EQUIPMENT.** Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices or equipment of a particular type or design, if the required emission standard may be met by machinery, device, equipment, product or process change otherwise available.

(h) **ANNUAL RENEWAL OF PERMITS TO OPERATE.** Permits to Operate shall be renewable annually on a staggered schedule to be determined by the Air Pollution Control Officer. Any person who holds a Permit to Operate as required by Rule 10(b) and who desires to operate any article, machine, equipment or other contrivance pursuant to said permit after the expiration date of the permit shall, prior to the expiration date of the permit, apply to the Air Pollution Control Officer for an annual renewal permit. Expired permits may be reinstated only:

- (1) Within the first six months following the expiration date of the permit, and
- (2) Upon application for renewal to the Air Pollution Control Officer, and
- (3) Upon payment of the appropriate renewal fee and penalty. (See Rule 40 for applicable fees.)

Any person who holds a Permit to Operate as required by Rule 10(b) and who desires to not operate any article, machine, equipment or other contrivance pursuant to said permit may, prior to the expiration date of the permit, apply to the Air Pollution Control Officer for a revised permit indicating the equipment is to be maintained in an inactive status. A renewal permit in this case shall contain a condition prohibiting operation of the equipment. Any portable equipment having an inactive status permit shall be stored at a fixed address known to the Air Pollution Control District. All such inactive status permits shall be renewable annually. The condition prohibiting operation of the equipment shall be removed by the Air Pollution Control Officer, notwithstanding Rule 21, upon receipt of an application and payment of the appropriate renewal fees pursuant to Rule 40. Operation of inactive equipment without prior authorization from the District shall constitute a violation of Rules 10(a), 10(b), and 21, and a new Authority to Construct and Permit to Operate shall be required for continued operation of the equipment.

(i) **CHANGE OF LOCATION.** Any person who possesses a Permit to Operate any article, machine, equipment or other contrivance and desires to change the location of such article, machine, equipment or other contrivance shall first apply to the Air Pollution Control Officer for an Authority to Construct and Permit to Operate. (See Rule 40 for applicable fees.) The provisions of Rule 10(i) shall not apply to any change of work location for any portable article, machine, equipment or other portable contrivance, or any change of location within a contiguous parcel of land in the possession of, or owned by, or recorded as the property of, the same person.

(j) **TRANSFER OF OWNERSHIP**

(1) Any article, machine, equipment or other contrivance which has a valid Permit to Operate and which is transferred from one person to another shall not be operated until an application to transfer the ownership of the Permit to Operate is made to the Air Pollution Control Officer and a temporary or final permit to operate is issued. If the article, machine, equipment or other contrivance had a valid permit to operate within the 18-month period immediately preceding the application to transfer ownership of the permit to operate, such application, if submitted with all required fees, shall be deemed a temporary permit to operate until a temporary or final permit to operate is issued or denied. Such temporary permit to operate shall be subject to all terms and conditions of the permit to operate being transferred. The application to transfer a permit to operate shall not be deemed a temporary permit to operate for an article, machine, equipment or other contrivance that has been shut down and its associated emission reductions banked pursuant to Rules 26.0 - 26.10 unless the requirements of Rule 26.8 are met.

(2) Any article, machine, equipment or other contrivance which is being transferred from one person to another shall not be altered or modified (unless the alteration or modification is exempt under Rule 11) until an application for Authority to Construct and Permit to Operate has been filed with the District and an Authority to Construct for such alteration or modification has been granted by the District. (See Rule 40 for applicable fees.)

(3) Any article, machine, equipment or other contrivance shall not be relocated from where it was previously permitted to another stationary source, as defined in Rule 20.1, and operated under a temporary permit to operate pursuant to this section unless it was previously permitted as portable equipment .

**RULE 10.1. NSPS AND NESHAPS REQUIREMENTS** (Effective 11/8/76)

A person building, erecting, altering or replacing any type source subject to the provisions of any federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAPS) which has been delegated to the Air Pollution Control District of San Diego County must, in addition to complying with Rule 10, comply with Regulation X or Regulation XI, respectively.