

RULE 1418. ACTION ON APPLICATIONS (Adopted 1/18/94; Revised 3/7/95)
(Rev. 8/13/03; Eff. 2/27/04)

Action on applications submitted pursuant to this regulation shall be in accordance with this rule notwithstanding other provisions of these Rules and Regulations.

(a) COMPLETENESS DETERMINATION

The Air Pollution Control Officer shall, within 60 days of receipt of an application for an initial permit to operate, for significant modification of a permit to operate or for renewal of such a permit, determine whether the application is complete or incomplete and so notify the applicant; if incomplete, the notice shall specify the additional information needed from the applicant to complete the application. An application for a permit to operate shall be determined to be complete when all required information and fees specified in Rule 1414 are submitted, even if the applicant or the Air Pollution Control Officer determines that testing will be required, before a decision can be made to approve or disapprove the permit application. The completeness determination for a permit application shall not be delayed pending compliance with any authority to construct conditions that are unrelated to the completeness determination. When all the additional information is received and the application is deemed complete, the applicant will be so notified. Unless the Air Pollution Control Officer determines that an application is not complete within 60 days of receipt of the application, such application shall be deemed complete.

(b) ACTION TIME (Rev. 8/13/03; Eff. 2/27/04)

The Air Pollution Control Officer shall act on at least one third of initial permit applications for existing sources in each of the three years following the effective date of this regulation.

For all other applications, the Air Pollution Control Officer shall approve or deny each complete application within the following time limits:

(1) For administrative permit amendments, 60 days from receipt of a request by the applicant or, when the request for administrative amendment results from the provisions of Rule 1410, Section (q) - Enhanced Procedures for Authorities to Construct, no more than 60 days after the applicant demonstrates compliance with all applicable requirements, terms and conditions of the Authority to Construct and these Rules and Regulations, whichever is later;

(2) For minor permit modification, no more than 90 days from receipt of a complete application or 15 days after the end of the Administrator's 45-day review period, whichever is later;

(3) For a significant permit modification, not more than 18 months from the receipt of a complete application; or

(4) For an initial permit or renewal, not more than 18 months from the receipt of a complete application except as provided above in this section.

(c) DELAY IN SUBMISSION TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) (Rev. 8/13/03; Eff. 2/27/04)

The Air Pollution Control Officer shall delay the submission of decisions on permits to operate and appeals to the federal EPA, in order to allow time for an appeal to the Hearing Board, in the following circumstances:

(1) Submission shall be delayed for 30 days after notice has been provided to the applicant if the Air Pollution Control Officer has reason to expect an appeal to be filed; or if the Air Pollution Control Officer has been notified by the applicant or by any person entitled to appeal, that an appeal will be taken; or if the permit would substantially modify the terms and conditions proposed by the applicant in a manner adverse to the applicant; or if the proposed action has not been subject to prior public notice and comment, and the approval allows the permit holder to conduct operations for more than 40 days that will result in increased emissions or in the release of different pollutants regulated under Section 44300 (et seq.) of the Health and Safety Code, as compared to emissions from operations conducted by the permit holder prior to issuance of the permit.

(2) Submission shall be further delayed until any appeal to the Hearing Board is resolved or until 30 days after the appeal is filed (whichever occurs first), if an appeal raising issues within Hearing Board jurisdiction is filed within 10 days after notice to the applicant by a person entitled to appeal, or if any person entitled to appeal notifies the Clerk of the Hearing Board and the Air Pollution Control Officer in writing, within 10 days after notice to the applicant, that an appeal will be filed.

(3) Notwithstanding the above, there shall be no delay in submission of a proposed action on a permit or modification beyond 30 days after notice to the applicant unless an appeal raising issues within the Hearing Board's jurisdiction is actually filed by a person entitled to make such appeal within such 30 days.

(d) DELIVERY OF NOTICE OF ACTION

Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or the applicant's representative.

(e) EFFECTIVE DATE OF PERMIT ACTION

(Rev. 8/13/03; Eff. 2/27/04)

Administrative amendments shall be effective on the date they are approved by the Air Pollution Control Officer. For issuance and renewals of permits, and approval of permit modifications, the Air Pollution Control Officer shall make the effective date of the permit action the date that notice of the action to issue, renew, or approve is given to the Responsible Official. The effective date shall not be sooner than the first day, and not later than 30 days, following the last day for any applicable federal EPA review unless the federal EPA has objected to the permit action.