

RULE 18. ACTION ON APPLICATIONS (Rev. Effective 09/18/90)

(a) The Air Pollution Control Officer shall, within 30 days of receipt of an application for an Authority to Construct, Permit to Operate or Banking 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. When all the additional information is received and the application is deemed complete, the applicant will be so notified. (Rev. Effective 2/16/83)

(b) The Air Pollution Control Officer shall act on a completed application within 90 days if possible, or within a maximum of 180 days: namely approval, conditional approval or denial. If no action is taken within 180 days, the application shall be deemed approved. The 180 day period may be extended an additional 90 days with concurrence of the applicant.

(c) An application for a Permit to Operate associated with an Authority to Construct shall be deemed complete as soon as the applicant notifies the Air Pollution Control Officer that construction is complete and the Air Pollution Control Officer determines that construction is in accordance with the Authority to Construct.

(d) Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or his representative.

(e) (Effective 09/18/90) The Air Pollution Control Officer shall make effective any Permit to Operate or temporary authorization that meets the following criteria 40 days after the date of issuance of such permit or authorization, but within 180 days or the extended period provided in Section (b) of this rule:

(i) The permit or authorization allows the permit holder to conduct operations resulting in increased emissions, or 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; and

(ii) The permit or authorization allows operations of a temporary nature, including, but not limited to, special tests, experimental operations, and special short-term projects, that the permit holder could substantially complete within 40 days.

Operations of a temporary nature do not include startup and testing of operations other than described in Subsection (e)(ii) that are authorized by the District to determine compliance with District Rules and Regulations.

In the event a Permit to Operate or a temporary authorization for operations described herein is not appealed before the Hearing Board pursuant to Rule 25(b), the permit or temporary authorization will become effective 10 days after it is issued.

In the event the permit or temporary authorization is appealed, the effective date of the permit shall be 30 days after the date the appeal is filed, or the date the matter is resolved pursuant to Rule 25(e), or the date the Hearing Board rules on the appeal, whichever occurs first.