



Air Pollution Control Board

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November 30, 2015

NOTICE OF WORKSHOP

FOR DISCUSSION OF DRAFT PROPOSED AMENDMENTS TO RULE 24 – TEMPORARY PERMIT TO OPERATE

The San Diego County Air Pollution Control District (District) will hold a public meeting to present and discuss draft proposed amendments to Rule 24 – Temporary Permit to Operate. Comments and questions concerning the draft proposal may be submitted in writing before or made at the workshop, which is scheduled as follows:

DATE: Wednesday, January 20, 2016
TIME: 9:30 a.m. to 11:30 a.m.
PLACE: San Diego County Operations Center
5500 Overland Avenue, 1st Floor, Room 120
San Diego, CA 92123

Rule 24 was adopted in March 1996 to provide, under certain conditions, a streamlined process for sources to obtain a temporary Permit to Operate prior to completion of the District's permitting process. Specifically, current Section (d) of Rule 24 authorizes existing, unpermitted sources to operate upon filing a substantially complete permit application, which serves as their temporary Permit to Operate. In practice, however, Section (d) has provided unintended opportunities for operation of existing equipment during the application review process that may adversely impact air quality and public health.

Current Section (e) of Rule 24 was designed to mitigate the possible adverse air quality impacts of Section (d), as it authorizes the District to withdraw the temporary permit if operation of the source is in violation of the District's Rules and Regulations. However, notwithstanding Section (e), there remains a potential for harmful emissions of criteria and/or toxic air pollutants prior to the determination of a violation, since significant analysis may be required to determine a violation of the Rules and Regulations. To eliminate this potential, a proposed amendment of Rule 24 is now considered necessary.

Most of the draft proposed amendments to the rule have been made to Section (d) to limit the conditions for which the rule would apply to existing emission units.

Specifically, proposed amended Rule 24 will:

- Redefine "new emission unit" as an emission unit that is not a modified or existing emission unit.
- Redefine "existing emission unit" as:
 - An emission unit for which a Permit to Operate is required solely due to a change in Rule 11 (Exemptions from Rule 10 Permit Requirements); or

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- An emission unit which was constructed, erected or installed, and operated in San Diego County prior to *(3 years prior to the date of rule adoption)*, and for which a valid Authority to Construct or Permit to Operate has never been issued; and
- An emission unit that is not located within 1,000 feet from the outer boundary of a school (K through 12 inclusive), with the distance measuring from the property line where the emission unit is located to the property line of the school; and
- An emission unit that does not require public notice prior to issuance of an Authority to Construct.
- Require an owner or operator of an existing emission unit to file a substantially complete application, including but not limited to, the applicable fees and supplemental information forms for an Authority to Construct and Permit to Operate.
- Allow the substantially complete application to serve as a temporary Permit to Operate for the emission unit for no longer than 60 days or until the application is deemed complete (in accordance with the requirements of Rules 14 – Applications, 18(a) – Action on Applications, and 40 – Permit and Other Fees) in writing by the District, whichever comes first. Once the application is deemed complete, the application shall continue to serve as a temporary Permit to Operate for the emission unit until an Authority to Construct, Startup Authorization or Permit to Operate is issued, or the application is denied or cancelled.
- Specify that if additional information is required by the District after the application is deemed complete, the applicant has no more than 10 calendar days, unless otherwise approved by the Air Pollution Control Officer, to provide the requested information to the District. If the information is not submitted within that time period, the application shall be cancelled by the District.
- Specify that submission of an application for an Authority to Construct and Permit to Operate for an existing emission unit does not preclude the District from taking enforcement action against a stationary source for noncompliance with Rule 10 – Permits Required, Sections (a) and (b).
- Specify in Section (e) that the Air Pollution Control Officer shall modify or withdraw the temporary Permit to Operate if operation of the emission unit may be expected to be in violation of the permit or any applicable Rules and Regulations.

Copies of draft proposed amendments to Rule 24 and a map of the workshop location are available on the District's website at http://www.sdapcd.org/homepage/public_part/workshops/public_workshops.pdf. The District requests that workshop participants bring their own copies of the draft proposed rule. If you have any questions concerning the rule, please contact Angela Ortega at (858) 586-2753.



ROBERT C. REIDER, Deputy Director
Air Pollution Control District

RR:AO:jlmm

RULE 24. TEMPORARY PERMIT TO OPERATE

(Adopted ~~and~~ Effective 3/20/96; Rev. Adopted & Effective *(date of adoption)*)

(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~~ that is not a modified emission unit or an existing emission unit as described in Sections (b) and (d) below.

(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 premodified 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

(1) For the purpose of this Section, an existing emission unit is defined as:

(i) An emission unit for which a Permit to Operate is required solely due to a change in Rule 11; or

(ii) An emission unit which was constructed, erected or installed, and operated in San Diego County prior to (3 years prior to the date of adoption), and for which a valid Authority to Construct or Permit to Operate has never been issued; and

(iii) An emission unit that is not located within 1,000 feet from the outer boundary of a school (K through 12 inclusive), with the distance measuring from the property line where the emission unit is located to the property line of the school; and

(iv) An emission unit that does not require public notice prior to issuance of an Authority to Construct.

(2) The owner or operator of an existing emission unit shall file a substantially complete application, including but not limited to, the applicable fees and supplemental information forms, for an Authority to Construct and Permit to Operate.

(3) The substantially complete application shall serve as a temporary Permit to Operate for the emission unit for no longer than 60 days or until the application is deemed complete (in accordance with the requirements of Rules 14, 18(a) and 40) in writing by the District, whichever comes first.

(4) Except as provided in Section (e), once the application is deemed complete, the application shall continue to serve as a temporary Permit to Operate for the emission unit until an Authority to Construct, Startup Authorization or Permit to Operate is issued, or the application is denied or cancelled.

(5) If additional information is required after the application is deemed complete, the applicant shall submit the information within 10 calendar days, or such other time frame as approved by the Air Pollution Control Officer. If the requested information is not submitted within that time period, the application shall be cancelled by the District.

(6) Submission of an application for an Authority to Construct and Permit to Operate for an existing emission unit does not preclude the District from taking enforcement action against a stationary source for noncompliance with Rule 10(a) and 10(b). With the exception of Rule 10(a) and 10(b), operation of the existing emission unit shall be in compliance with all applicable provisions of these Rules and Regulations.

~~—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 may be expected to be in violation of any condition of the temporary Permit to Operate or an applicable provision of these Rules and Regulations.