

RULE 202. PERMITS

(Adopted 8/2/76; Revised 12/6/76, 3/27/78, 11/13/84, 2/23/88, 11/5/91, and 12/2/2009)

A. GENERAL

1. 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 contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer.
2. Permits to Operate. Before any article, machine, equipment or other contrivance, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated or used, a Permit to Operate shall be obtained from the Control Officer, except as provided in subsection A.5.
3. Permit to Sell or Rent. The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 204, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 204 under the revised conditions.
4. Notification to Building Officials, etc. It shall be the duty of the Air Pollution Control Officer to notify in writing the building department or division of every governmental agency within the District boundaries that every applicant for construction, alteration or other permit which involves 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, reduce or control the issuance of air contaminants will be required under these Rules to obtain an "Authority to Construct" before commencing construction of any such article, machine, equipment or other contrivance, and will further be required thereafter to conform to these Rules in such operation.
5. Temporary Permit to Operate. Upon written notification to the District that the equipment listed in an Authority to Construct has been installed and or is ready for operation, the Authority to Construct shall serve as temporary Permit to Operate. The temporary Permit to Operate shall be treated as Permit to Operate according to District Rules. The equipment shall not be operated contrary to any conditions specified in the Authority to Construct. This temporary Permit to Operate may specify a reasonable period of time during which the District may determine if the equipment can operate in compliance with these Rules and Regulations.

6. Posting of Permit to Operate. A person who has been granted, under Rule 202, a Permit to Operate any article, machine, equipment or other contrivance described in Rule 202.A.2 or A.3 shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the Permit number 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.
7. Defacing a Permit to Operate. No person shall deface, alter, forge, counterfeit, or falsify a permit or facsimile thereof or identification to operate any article, machine, equipment or other contrivance issued or mounted or displayed pursuant to the provisions of the Rule 202.
8. Loss of Exemption. Within 90 days of written notification by the APCO of the need for a permit, any person exempt under Rule 201 who loses an exemption because of changes in that rule or changes in Federal, California or District laws or regulations shall apply for a Permit to Operate the subject emission unit.

B. TRANSFER

1. An Authority to Construct, Permit to Operate or Permit to Sell or Rent shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

C. CANCELLATION OF APPLICATIONS

An Authority to Construct shall expire and the application shall be cancelled one year from the date of issuance of the Authority to Construct, if unused. An application for a Permit to Operate existing equipment shall be cancelled one year from the date of filing of the application, if unused. At the Air Pollution Control Officer's discretion, substantial economic commitment may be deemed to have used said Authority to Construct or Permit to Operate. The APCO may grant an extension of an application for Authority to Construct or Permit to Operate upon receipt of a written request by the applicant explaining the need for an extension and the additional time required.

D. INDEMNIFICATION

Each applicant for, and recipient of, an Authority to Construct or Permit to Operate agrees to indemnify, defend and hold the District (including Board Members, officers, directors, managers, employees and agents) harmless and free and clear from and against any liability, debt, obligation, claim, judgment, action, cause of action or cost or expense, of any amount or nature whatsoever incurred by or imposed upon the District arising out of, as a result of, related to or in any way connected with the denial, issuance, modification or renewal of a permit, including a permit or variance by the Hearing Board. Such costs or expenses shall include, but not be limited to, reasonable attorneys' fees, expert witness fees, and all other litigation expenses.