

## SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 223. POWER PLANTS***(Adopted 3/24/99)*

**A. APPLICABILITY.** This Rule shall apply to all power plants with a gross electrical generating capacity of 50 megawatts or more that are proposed to be constructed in the San Luis Obispo County Air Pollution Control District and for which an Application for Certification (AFC) has been filed with the California Energy Commission (Commission).

**B. DETERMINATION OF COMPLIANCE REVIEW.** Upon receipt of an AFC for a power plant, the Air Pollution Control Officer (APCO) shall conduct a determination of compliance (DOC) review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant.

1. If the APCO determines that the AFC does not contain the information necessary to determine compliance, the APCO shall within 20 calendar days of receipt of the AFC so inform the Commission and the applicant, and shall specify in writing those parts of the application that are incomplete and the manner in which it can be made complete.
2. The APCO may request from the applicant any information necessary for the completion of the DOC review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner of the Commission for an order directing the applicant to supply such information.
3. The APCO shall consider the AFC to be equivalent to an application for an Authority to Construct during the DOC review, and shall determine whether the project will comply with all provisions of the District's rules and regulations that apply to applications for an Authority to Construct.
4. The applicant, in accordance with Rule 302, Schedule of Fees, shall reimburse the APCO for all costs incurred while complying with the provisions of this Rule.

**C. DECISIONS.** Within 180 calendar days of the Commission accepting an AFC as complete, the APCO shall:

1. submit a final DOC to the Commission, that specifies all conditions necessary to ensure compliance including the specific Best Available Control Technology (BACT) requirements and a description of any required mitigation measures, if the proposed power plant meets the requirements of all applicable District rules and regulations; or
2. submit a final DOC to the Commission that identifies the specific rules and regulations that would be violated and the basis for such determination, if the proposed power plant does not meet the requirements of all applicable District rules and regulations. The DOC shall further identify those rules and regulations, if any, with which the power plant would comply, including required BACT and mitigation measures.

**D. PERMIT ACTIONS**

1. If all applicable conditions from a DOC are included in the certificate issued by the Commission to an applicant pursuant to section 25500 et seq. of the Public Resources Code, the issuance of the Commission's certificate shall confer the same rights and privileges, and enforcement powers as an Authority to Construct.
2. After construction, an applicant found to be in compliance with the Commission's certification shall be issued a Permit to Operate by the APCO.

