

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 401 - STANDARDS FOR GRANTING APPLICATIONS

(Adopted January 4, 1972, July 26, 1979; Amended April 29, 1980; Recodified August 6, 1985; Amended September 18, 1990; Recodified August 22, 2002)

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RULE 401

- 1 **ACCESS TO SOURCE TESTING LOCATIONS:** Before an Authority to Construct or Permit to Operate is granted, the Air Pollution Control Officer (APCO) may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such a requirement, the APCO shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.
- 2 **PERMIT TO OPERATE DENIAL:** In acting upon a Permit to Operate, if the APCO finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the Authority to Construct, he shall deny the Permit to Operate. The APCO shall not accept any further application for a permit to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

- 3 APPLICANTS RESPONSIBILITY:** The fact that an Authority to Construct or a Permit to Operate for an article, machine, equipment or other contrivance described therein shall have been issued by the APCO, shall not be an endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the APCO that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.
- 4 CONDITIONAL APPROVAL:** The APCO may issue an Authority to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment, or other contrivance within the permit standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The APCO shall issue an Authority to Construct or a Permit to Operate 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 permit standards under the revised conditions.
- 5 REQUIRED INFORMATION:** Before acting on an application for an Authority to Construct or Permit to Operate, the APCO may require the applicant to furnish information or further plans or specifications.

In addition, the APCO may, at any time, require from any source which, in the opinion of the APCO, has the potential to emit any air contaminants, such information, analysis, plans or specifications which will disclose the nature, extent, quality or degree of air contaminants which are or may be discharged into the atmosphere.

- 6 ACTION ON APPLICATIONS:** Unless the APCO has notified the applicant of a Authority to Construct or Permit to Operate in writing that such application is under further consideration, the APCO shall either grant or deny the application for permit within thirty (30) days after applicant furnishes further information, plans, and specifications requested by the APCO. Within thirty (30) days after the first day on which the application is denied, the applicant may appeal pursuant to the procedures set forth in Section 8 below.
- 7 STATE IMPLEMENTATION PLAN:** The APCO may issue an Authority to Construct for a new stationary source or modification which is subject to Rule 430 of this Regulation only if all Butte County Air Quality Management District (DISTRICT) Regulations contained in the State Implementation Plan approved by

the United States Environmental Protection Agency, are being carried out in accordance with that plan.

- 8 APPEALS:** Within ten (10) days after service of notice by the APCO of denial or conditional approval of an Authority to Construct or a Permit to Operate, the applicant may petition the DISTRICT Hearing Board, in writing, pursuant to the provisions of Regulation VI of these Rules and Regulations, for a public hearing. The DISTRICT Hearing Board, after notice and a public hearing held within thirty (30) days after filing of the petition, may order the action of the APCO sustained or reversed. Such order may be made subject to specified conditions.

Any applicant filing an appeal pursuant to this Rule shall pay a filing fee pursuant to Regulation V of these Rules and Regulations.