

LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 6:5 - ADMINISTRATIVE REQUIREMENTS

The following administrative requirements shall apply to activities pursuant to this rule, except for the review of power plants over 50 megawatts. Power plants over 50 megawatts shall be subject to the review requirements of Rule 6:7.

- a. **Complete Application** - The Air Pollution Control Officer shall determine whether the application is complete not later than 30 days after receipt of the application, or after such longer time as both the applicant and the Air Pollution Control Officer may agree. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any resubmittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements set forth in District regulations (adopted pursuant to Article 3, 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the Government Code) as they exist on the date on which the application or resubmitted application was received. Upon determination that the application is complete, the Air Pollution Control Officer shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.
- b. **Increment Analysis** - The Air Pollution Control Officer shall evaluate the impact on the increment of the emissions from the proposed source and any offsets obtained pursuant to Section 6:4(b). Any emissions from secondary source growth associated with the source shall be included in the determination of increment consumption.
- c. **Review of Increment Consumption** - The Air Pollution Control Officer shall assess the remaining increment at least every five years, or every two years in areas where a source subject to Section 6:4(b) has been sited since the last assessment of increment has occurred. The assessment of the ?
- d. with the requirements provided in the "Guidelines on Air Quality Models, OAQ PS 1.2-80" unless the Air Pollution Control Officer finds that such model is inappropriate for use. After making such finding the Air Pollution Control Officer may designate an alternate model only after allowing for public comment and only with concurrence of the Air Resources Board and the Environmental Protection Agency. All modeling costs associated with the siting of stationary source shall be borne by the applicant.
- e. **Permit Notice** - The Air Pollution Control Officer shall provide a copy of the portion of the application dealing with the emissions and air quality impacts of a new or modified source, for any permit application for a proposed major stationary source whose emissions would affect a Class I area, to the Federal Land Manager and the federal official charged with direct responsibility for management of the affected lands within 10 days of the determination that a Class I area will be impacted. The Federal Land Manager shall be notified within 10 days of all subsequent actions relating to the consideration of such permit.

- f. **Preliminary Decision** - Following acceptance of an application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with this Rule and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis. The district shall transmit to the Air Resources Board its preliminary written decision and analysis for sources subject to Sections 6:3(c), 6:4(a), 6:4(b), 6:4(c), 6:4(d), 6:4(g), 6:8(a), and 6:8(b) no later than the date of publication as required in Section 6:5(g).
- g. **Publication and Public Comment** - Within 10 calendar days following a preliminary decision pursuant to Rule 6:2 or Rule 6:4, the Air Pollution Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the Air Pollution Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication.
- h. **Source I Impacting Class I Areas** - The Air Pollution Control Officer shall accept, and consider comments offered within public comment period following date of publication, by the Federal Land Manager of any lands contained within a Class I area impacted by a proposed major facility or major modification. If the Federal Land Manager demonstrates that the emission from a proposed major facility or major modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I areas, and if the Air Pollution Control Officer concurs with such demonstration, then the Air Pollution Control Officer shall deny the Authority to Construct.
- i. **Federal Land Manager Appeals** - If the Air Pollution Control Officer recommends a permit with which the Federal Land Manager or the federal official charged with direct responsibility over the specified lands does not concur, the decision may be appealed to the hearing board.
- j. **Public Inspection** - the Air Pollution Control Officer shall make available for public inspection at the Air Pollution Control District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the time that notice of the preliminary decision is published, pursuant to Section 6:5(f). Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the Government Code of the State of California. Further, all such information shall be transmitted, no later than the date of publication, to the Air Resources Board and the Environmental Protection Agency regional office, and to any party which requests such information.
- k. **Authority to Construct, Final Action** - Within 180 days after acceptance of an application as complete, the Air Pollution Control Officer shall take final action on the application after considering all written comments. The Air Pollution Control Officer shall provide written notice of the final action to the applicant, the Environmental Protection Agency, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation and shall make the notice and all supporting documents

available for public inspection at the Air Pollution Control District's office.

1. **Requirements, Permit to Operate** - As a condition for the issuance of a permit to operate, the Air Pollution Control Officer shall require that the new source or modification, and any sources which provide offsets, be operated in the manner assumed in making the analysis to determine compliance with this Rule, or as conditioned in the authority to construct. The Permit to Operate shall include specific emissions limitation which reflect BACT. The operation of any source which provides offsets shall be subject to enforceable permit conditions, containing specific emission limitations, to ensure that the emission reductions will be provided in accordance with the provisions of this rule and shall continue for the reasonably expected life of the proposed source. Where the source of offsets is not subject to a permit, a written contract shall be required between the applicant and the owner or operator of such source, which contract, by its terms, shall be enforceable by the Air Pollution Control Officer. The permit and the contract shall be submitted to the ARB to be forwarded to the EPA as part of the SIP. A violation of the emission limitation provisions of any such contract shall be chargeable to the applicant.

- m. **Issuance, Permit to Operate** - The Air Pollution Control Officer shall issue a permit to operate a stationary source subject to the requirements of this Rule if it is determined that any offsets required as a condition of an Authority to Construct or amendment to a permit to operate will commence not later than the initial operation of the new or modified source, and that the offsets shall be mandated throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, the Air Pollution Control Officer shall determine that all conditions specified in the Authority to Construct have been or will be complied with by any dates specified. Conditions which have not been met at the time the Permit to Operate is issued shall be incorporated into the Permit to Operate. Where a new or modified stationary source is, in whole or in part, a replacement for existing stationary source on the same property, the Air Pollution Control Officer may allow a maximum of 90 days as a start-up period for simultaneous operation of the existing stationary source and the new source or replacement.

- n. **Replacement in Force Govern** - The granting or denial of an authority to construct shall be governed by the requirements of this rule in force on the date the application is deemed complete. In addition, the Air Pollution Control Officer shall deny a permit to construct for any new stationary source or modification, or any portion thereof, unless:
 1. The new source or modification, or applicable portion thereof, complies with the provisions of this rule and all other applicable district rules and regulations; and
 2. The owner or operator of that proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in California which are subject to emission limitations are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.