PROPOSED AMENDED RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

(a) The Executive Officer or designee shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, 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, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26, Section 41700, 41701, or 44300 (et seq.) of the State Health and Safety Code or of these rules.

(b) If the Executive Officer or designee finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.

(c) Prior to granting a Permit to Construct or permit modification for a significant project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's or designee's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a significant project requiring notification is will consist of:

(1) any all-new or modified permit units, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer or designee determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions); or,

(2) all-new or modified facilities which have on-site emission increases exceeding any of the daily-maximums specified in subdivision (g) of this rule.

(d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a significant project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer or designee that public notice has been distributed as required by this subdivision. In the case of negotiations performed under paragraphs (c)(2) of this rule and (e)(3), the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such

212 - 1 060

212 - 2 061
other area as determined appropriate by the Executive Officer or designee. In the case
of notifications performed under paragraph (c)(1) of this rule, distribution of the public
notice shall be to the parents or legal guardians of children in any school within 1/4
mile of the facility and the applicant shall provide distribution of the public notice to
each address within a radius of 1,000-750 feet from the outer property line of the
proposed new or modified facility.

(e) Any person may file a written request for notice of any decision or action pertaining to
the issuance of a Permit to Construct. The Executive Officer or designee shall provide
mailed notice of such decision or action to any person who has filed a written request
for notification. Requests for notice shall be filed pursuant to procedures established
by the Executive Officer or designee. The notice shall be mailed at the time that the
Executive Officer or designee notifies the permit applicant of the decision or action.
The 10-day period to appeal, specified in subdivision (b) of Rule 216(b), shall
commence on the third day following mailing of the notice pursuant to this
subdivision. The requirements for public notice pursuant to this subdivision are
fulfilled if the Executive Officer makes a good faith effort to follow procedures
established pursuant to this subdivision for giving notice and, in such circumstances,
failure of any person to receive the notice shall not affect the validity of any permit
subsequently issued by the Executive Officer or designee.

(f) An application for a Permit to Operate, for a permit unit installed or constructed
without a required Permit to Construct, shall be subject to the requirements of this
rule.

(g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or
Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward
boundary and for which the District has been designated as the corresponding onshore
area (COA), which undergo construction or modifications resulting in an emissions
increase exceeding any of the daily maximums specified as follows:

<table>
<thead>
<tr>
<th>Air Contaminant</th>
<th>Daily Maximum in lbs per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volatile Organic Compounds</td>
<td>30</td>
</tr>
<tr>
<td>Nitrogen Oxides</td>
<td>40</td>
</tr>
<tr>
<td>PM10</td>
<td>30</td>
</tr>
</tbody>
</table>

the process for public notification and comment shall include all of the applicable
provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and
40 CFR Part 124, Section 124.10. The federal public notice and comment procedures
for these facilities require that the public notice be distributed to the broadest possible
scope of interested parties, and include at a minimum:

(1) Availability of information submitted by the owner or operator and of District
analyses of the effect on air quality for public inspection in at least one location
in the area affected;

(2) Notice by prominent advertisement in the area affected of the location of the
source information and the District's analyses of the effect on air quality;

(3) Mailing a copy of the notice required in paragraph (c)(2) of this rule to the
following persons: The applicant, the Administrator of U.S. EPA through
Region 9, the Air Resources Board, affected local air pollution control
districts, the chief executives of the city and county or the onshore area that is
gerographically closest to where the major stationary source or major
modification would be located, any comprehensive regional land use planning
agency, and State, Federal Land Manager, or Indian Governing Body whose
lands may be affected by emissions from the regulated activity, and,

(4) A 30-day period for submittal of public comments.

(h) The Executive Officer may combine public notices to avoid duplication provided that
all required public notice requirements are satisfied.