

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION II  
PERMITS**

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**RULE 206. STANDARDS FOR ISSUING AUTHORITIES TO CONSTRUCT AND PERMITS TO OPERATE**

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(Adopted 1-19-70; Revised 12-13-84, 5-16-90, and 3-21-2001.)

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**PART 1 GENERAL**

**1.1 Purpose**

The purpose of this Rule is to establish standards for issuing Authorities to Construct and Permits to Operate.

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1.2 Applicability

The provisions of this Rule shall apply to any person who applies for a District Permit.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on March 21, 2001.

1.5 References

The requirements of this Rule arise from the provisions of California Health and Safety Code Section 42301. Referenced or related District Rules include: 101 (Definitions); 200 (Permits Required); and 201 (Sources Not Requiring Permits).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

3.1 Authority to Construct Issuance Criteria

The District shall deny an Authority to Construct if the applicant does not show that every 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, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air

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contaminants in violation of Section 41700, or 44300 (*et.seq.*) of the California Health & Safety Code, or of the District Rules and Regulations.

3.2 Permit to Operate Issuance Criteria

The District shall deny a Permit to Operate for any new or modified stationary source or any portion thereof unless:

- 3.2.1 the District has determined that the source and any offset source(s) have been constructed and/or modified to operate, and has/have operated consistent with the conditions imposed on their respective Authority(ies) to Construct and/or Permit(s) to Operate; and,
- 3.2.2 the District has determined that any offsets required as a condition of the Authority to Construct will commence at the time of or prior to initial operations of the new source or modification, and that the offsets will be maintained throughout the operation of the new or modified source. In the case of a new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the District may allow a maximum of 90 days as a startup period for simultaneous operation of the existing stationary source and the new stationary source or replacement.

3.3 Sampling Requirements

Before an Authority to Construct or Permit to Operate is issued, the District 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 requirement, the District 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 Industrial Safety Orders of the State of California.

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3.4 Existing and Future Regulations

The issuance of an Authority to Construct or Permit to Operate does not exempt the holder from existing and future regulations of the Air Pollution Control District.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Verification of Compliance

The District shall perform the evaluations required to determine compliance with this rule and shall take final action to approve, approve with conditions or deny an Authority to Construct or a Permit to Operate for a new or modified stationary source.

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