

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

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**RULE 200. PERMITS REQUIRED**

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(Adopted 1-19-70; Revised 1-29-73, 7-16-76, 7-18-79; Affirmed unmodified 2-23-83; Revised 12-21-83, 12-17-86; and 12/13/2000.)

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**PART 1 GENERAL**

**1.1 Purpose**

The purpose of this Rule is to identify when District permits are required..

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1.2 Applicability

The provisions of this Rule shall apply to any person who builds, erects, alters, or replaces any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants.

1.3 Exemptions

Exemptions to this Rule are contained in Rule 201 (Sources Not Requiring Permits).

1.4 Effective Dates

This Rule, as most recently revised, is effective on December 13, 2000.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Sections 40910 *et seq.*) and Health and Safety Code Section 42300. Referenced or related District Rules include: 101 (Definitions); and 201 (Sources Not Requiring Permits).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

3.1 Authority to Construct

No person shall build, erect, alter, or replace any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants unless the facility owner or

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operator has obtained a separate written Authority to Construct for each permit unit from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

An Authority to Construct allows for temporary operation, until the issuance of a Permit to Operate, to verify compliance. The temporary operation must be in accordance with all District Rules and Regulations and the conditions contained on the Authority to Construct.

3.2 Permit to Operate

Except as allowed for in Section 3.1 above, before any article, machine, equipment or other contrivance may be operated or used, a separate written permit shall be obtained from the Air Pollution Control Officer for each permit unit. No Permit to Operate shall be granted either by the Air Pollution Control Officer, or the Hearing Board for any article, machine, equipment or contrivance until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in these Rules and Regulations.

3.3 Review of Permits

The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any Authority to Construct or Permit to Operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.

3.4 Posting of Permit to Operate

A person who has been granted a permit to operate any article, machine, equipment, or other contrivance, shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

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3.5 Alteration of Permit

A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these rules and regulations.

3.6 Control Equipment

Nothing in this rule shall be construed to authorize the Air Pollution Control Officer to require the use of machinery, devices, equipment of a particular type or design if the required emission standard may be consistently met by machinery, devices, equipment, product, or process change otherwise available.

3.7 Violations Prohibited

No person shall violate, or fail to comply with, any term or condition of any Authority to Construct or Permit to Operate issued by the District. Any such noncompliance shall be a violation of these Rules and Regulations.

**PART 4 ADMINISTRATIVE REQUIREMENTS**

4.1 Federally Enforceable Permit Conditions

Only those conditions included on an Authority to Construct or a Permit to Operate that are derived from federal requirements imposed by the federal Clean Air Act or USEPA regulations shall be federally enforceable.

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