

**Rule 400 Permit Requirements**

*(Adopted January 4, 1972, September 18, 1990; Amended & Recodified August 6, 1985; Amended September 18, 1990 and November 9, 1993; Recodified and Amended April 26, 2001; Recodified August 22, 2002)*

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**RULE 400****1—GENERAL REQUIREMENTS**

~~1.1—No person shall cause or permit the construction or modification of any new source of air contaminants without first obtaining an Authority to Construct from the Air Pollution Control Officer (APCO) as to the location and design of such new source to comply with applicable Rules and Regulations and ambient air quality standards of the Butte County Air Quality Management District (DISTRICT).~~

~~1.2—The APCO shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the APCO that the new source can be expected to comply with all applicable State laws and DISTRICT Rules and Regulations.~~

~~2—AUTHORITY TO CONSTRUCT: Any person building, erecting, altering or replacing any 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, shall first obtain written authorization for such construction from the APCO. An Authority to Construct shall remain in effect until a permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.~~

~~3—PERMIT TO OPERATE: Before any article, machine, equipment or other contrivance described in Section 2 above may be operated or used, or leased or rented for operation or use, a written permit shall be obtained from the APCO. No Permit to Operate shall be granted either by the APCO or the DISTRICT Hearing Board for any article, machine, equipment or contrivance described in Rule Section 2 above, constructed or installed without authorization as required by Section 2 above, until the information required pursuant to these Rules and Regulations is presented to the APCO and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth elsewhere in these Rules and Regulations. The equipment shall not be operated contrary to the conditions specified in the Permit to Operate.~~

~~Any facility, article, machine or other contrivance in existence prior to June 15, 1982 which does not possess permits to operate and which emits any controlled pollutant shall obtain the necessary permits and pay the required fees as prescribed in Regulation V of these Rules and Regulations.~~

~~A stationary source subject to Rule 1101 of these Rules and Regulations shall obtain a Federal Operating Permit from the DISTRICT under Title V of the Federal Clean Air Act as amended in 1990. The DISTRICT will issue a Federal Operating Permit separately from, and in addition to, the permits required pursuant to Regulation IV of these Rules and Regulations. The requirements of Rule 1101 shall~~

augment and take precedence over conflicting administrative requirements of other provisions of the DISTRICT's Rules and Regulations.

~~4~~ **EXEMPTION TO PERMIT TO OPERATE:** The exemptions contained in this Rule shall not apply to any new stationary source or modification as defined in Section 4 of Rule 430 of this Regulation, New Source Review (NSR), which would emit any pollutants in excess of the quantities stated in Section 5 of Rule 430. The exemptions set forth also do not supersede the provisions of Rule 1101, Title V-Federal Operating Permits of these Rules and Regulations. An Authority to Construct and Permit to Operate shall not be required for:

~~4.1~~ Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

~~4.2~~ Vehicles used to transport passengers or freight.

~~4.3~~ Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than two (2) families, including incinerators used exclusively in connection with such a structure.

~~4.4~~ Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

~~4.5~~ Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

~~4.6~~ Equipment used exclusively for steam cleaning.

~~4.7~~ Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

~~4.8~~ Steam generators, water boilers or water heaters fired exclusively by natural gas, liquefied petroleum gas or a combination thereof, having a maximum fuel input heating value of less than one million (1,000,000) British Thermal Units (BTU) per hour or thirty (30) horsepower.

~~4.9~~ Space heaters.

~~4.10~~ Equipment used in eating establishments for the purpose of preparing food for human consumption.

~~4.11 Self-propelled mobile construction equipment other than pavement burners.~~

~~4.12 Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals that are exempt from DISTRICT permit requirements pursuant to the applicable provisions of the California Health and Safety Code.~~

~~4.13 Other sources of minor significance specified by the APCO.~~

~~5 **PERMIT CONDITIONS:** To assure compliance with all applicable Regulations, the APCO may impose written conditions on any Authority to Construct or Permit to Operate. Commencing work or operation under such a permit shall be deemed acceptance of all the conditions so specified.~~

~~6 **EMISSIONS CALCULATIONS:** The APCO shall retain at all times the sole authority relating to emissions calculations. Calculations shall be based on the most current information available to the DISTRICT at the time of submittal of the initial application or annual renewal.~~

~~7 **ANNIVERSARY DATE:** Permits issued prior to the adoption of this Rule shall expire on the next anniversary date of issuance. The APCO may, at his discretion, combine permit anniversary dates for facilities with more than one (1) Permit to Operate.~~

~~8 **POSTING OF PERMITS:** A person or entity to whom a Permit to Operate and/or Authority to Construct has been granted shall post such permit in a conspicuous location clearly visible and accessible to the operator of the article, machine, equipment or other contrivance under permit.~~

~~9 **REVOCAION OF PERMIT:** The APCO may request that the DISTRICT Hearing Board hold a hearing to revoke an existing Authority to Construct and/or Permit to Operate or Burn Permit if the applicant or permittee violates the conditions of such permit as specified by the APCO.~~

~~The APCO may grant the previously revoked permit at such time as the applicant or permittee shows that the condition(s) previously violated are currently being attained or can demonstrate to the APCO that the condition(s) can be attained and that the violation which was the basis of the revocation will not recur. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation which resulted from the failure to meet any permit condition as specified by the APCO.~~