



REQUEST FOR COMMENTS

April 7, 2005

TO: INTERESTED PARTIES
FROM: AIR POLLUTION CONTROL OFFICER
SUBJECT: **PROPOSED AMENDMENTS TO REGULATION 2,
RULE 1, SECTION 407**

Under District rules, any person who seeks to construct or modify a source of air pollution must first obtain an authority to construct (AC) from the District. The rules state that an AC expires after two years, or, if renewed, after four years. In 2004, the District proposed to allow AC renewal beyond four years in order to harmonize District requirements with California Environmental Quality Act requirements. If a project is covered by an environmental impact report (EIR) that addresses construction over a period longer than four years, the proposal would have allowed renewal throughout this construction period. The proposal was one of numerous proposed amendments to the District's permit rules that were discussed at a workshop on October 12, 2004. The BAAQMD Board of Directors considered and adopted rule amendments in December 2004, but the AC renewal language was withdrawn prior to the hearing by staff for additional development. The District has now developed new rule language and is seeking comments on the revised proposal.

The revised amendments to Section 2-1-407 do the following:

- Clarify that a renewal request is required for each renewal;
- Provide that the term of the AC is extended for the time necessary for the APCO to consider renewal if the APCO fails to act on the request before expiration;
- Retain the current four-year limit on the term of an AC for most projects;
- Allow an AC for a longer-term project covered by an EIR to be renewed beyond four years;
- Allow an AC that has been substantially used to be renewed beyond four years;
- Clarify the prerequisites for renewal.

This notice, the draft rule language, and a draft staff report can be found on the District website at <http://www.baaqmd.gov/pln/ruledev/workshops.asp>. Written comments on the proposed amendments to Section 2-1-407 will be taken during the period from April 7, 2005 through April 29, 2005. Comment should be directed to Steve Hill, BAAQMD, 939 Ellis Street, San Francisco, CA 94109 or by e-mail to shill@baaqmd.gov. Questions should be directed to Steve Hill at (415) 749-4673 or by e-mail.