

RULE 210. CONDITIONAL APPROVAL

Adopted: 08/20/79

- A. The Air Pollution Control Officer may issue an authority to construct or a permit to operate or use, subject to conditions which will assure the operation of any article, machine, equipment or other contrivance within the standards of Rule 209 in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 209 under the revised conditions.
- B. The Air Pollution Control Officer shall, as condition for the issuance of an authority to construct for a new stationary source or modification and with prior written consent of the owner or operator of any source which provides offsets:
1. Require that the new source or modification and any sources which provide offsets be operated in the manner assumed in making the analysis. The permit shall include an emissions limitation which corresponds with the application of best available control technology.
 2. Modify, or require modification of, the permit to operate for any source used to provide offsets to ensure that emissions reductions at that source which provide offsets will be enforceable and shall continue for the reasonable expected useful life of the proposed source. If offsets are obtained from a source for which there is no permit to operate, a written contract shall be required between the applicant and the owner or operator of such source which contract, by its terms, shall be enforceable by the Air Pollution Control Officer to ensure that such reductions will continue for the reasonable expected useful life of the proposed source.
 3. Permit any other reasonably enforceable methods, other than those described in Subsections 1 and 2 which the Air Pollution Control Officer is satisfied will assure that all required offsets are achieved.
- C. ANNUAL REVIEW OF CONDITIONS

Upon annual renewal, each permit to operate will be reviewed to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District rules and regulations applicable to the source for which the permit was issued which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing source by the District board and, if the conditions are not consistent, the permit will be revised to specify the permit conditions in accordance with all applicable rules and regulations.

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