APPENDIX J

HEALTH AND SAFETY CODE SECTION 42301.2 –
OFFSET REQUIREMENTS: INSTALLATION/OPERATION OF REQUIRED DEVICES/TECHNIQUES
Health and Safety Code

Section 42300 shall do all of the
permitting professional, to determine
whether any variance or abatement order is
otherwise satisfied. The issuance of any variance
or abatement order is a matter of state law and procedure only and does not amend a
Title V permit in any way. Those terms and conditions of any variance or abatement
order that prescribe a compliance schedule may be incorporated into the permit
consistent with Title V and this division.

(c) Require, upon annual renewal, that each permit be reviewed to determine
that the permit conditions are adequate to ensure compliance with, and the
enforceability of, district rules and regulations applicable to the article, machine,
equipment, or contrivance 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 article, machine, equipment, or
contrivance, by the district board and, if the permit conditions are not consistent,
require that the permit be revised to specify the permit conditions in accordance with
all applicable rules and regulations.

(f) Provide for the reissuance or transfer of a permit to a new owner or operator
of an article, machine, equipment, or contrivance. An application for transfer of
ownership only, or change in operator only, of any article, machine, equipment, or
contrivance which has a valid permit to operate within the two-year period
immediately preceding the application is a temporary permit to operate. Issuance of
the final permit to operate shall be conditional upon a determination by the district
that the criteria specified in subdivisions (b) and (e) are met, if the permit was not
surrendered as a condition to receiving emission reduction credits pursuant to
banking or permitting rules of the district. However, under no circumstances shall the
criteria specify that a change of ownership or operator alone is a basis for requiring
more stringent emission controls or operating conditions than would otherwise apply
to the article, machine, equipment, or contrivance.

(Amended by Stats. 1994, Ch. 727, Sec. 5.)

H&S 42301.1 Issuance of Temporary Permit

42301.1. Whenever necessary and appropriate to ensure compliance with all
applicable conditions prior to issuance of a permit to operate an article, machine,
equipment, or contrivance, a district may issue a temporary permit to operate. The
temporary permit to operate shall specify a reasonable period of time during which
the article, machine, equipment, or contrivance may be operated in order for the
district to determine whether it will operate in accordance with the conditions
specified in the authority to construct.

(Amended by Stats. 1988, Ch. 1568, Sec. 28.)

H&S 42301.2 Offset Requirements: Installation/Operation of Required Devices/Techniques

42301.2. A district shall not require emission offsets for any emission increase
at a source that results from the installation, operation, or other implementation of
any emission control device or technique used to comply with a district, state, or
federal emission control requirement, including, but not limited to, requirements for
the use of reasonably available control technology or best available retrofit control
technology, unless there is a modification that results in an increase in capacity of the
unit being controlled.

(Amended by Stats. 1996, Ch. 771, Sec. 5.)