

CHAPTER I. -- PURPOSE AND GENERAL REQUIREMENTS

Rule 5-100 - Purpose

The purpose of Regulation 5 is to implement the requirements of Title V of the federal Clean Air Act, as amended in 1990, for permits to operate. Additionally, Regulation 5 is used to implement the Phase II acid deposition control provisions of Title IV of the Clean Air Act, including provisions for Acid Rain Permits.

Rule 5-110 - General Requirements of Regulation 5

After the effective date of Regulation 5, the Mendocino County Air Quality Management District will implement an operating permit program pursuant to the requirements of this Regulation, as provided in Title V. Title V provides for the establishment of operating permit programs for sources, which emit regulated air pollutants, including attainment and non-attainment pollutants.

Sources subject to Regulation 5 include major sources, acid rain units subject to Title IV of the Clean Air Act, solid waste incinerators subject to Section 111 or 129 of the Clean Air Act, and any other sources specifically designated by rule of the U.S. EPA.

Sources subject to Regulation 5 shall obtain permits to operate pursuant to it. Each permit to operate issued pursuant to Regulation 5 will contain conditions and requirements adequate to ensure compliance with and the enforceability of the following:

- (a) All applicable provisions of Division 26 of the Health and Safety Code, commencing with Section 39000;
- (b) All applicable orders, rules, and regulations of the District and the California Air Resources Board;
- (c) All applicable provisions of the applicable state implementation plan required by the Clean Air Act;
- (d) Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the Clean Air Act; and
- (e) The requirements of all pre-construction permits issued pursuant to Parts C and D of the Clean Air Act.
- (f) The operation of an emissions unit to which Regulation 5 is applicable without a permit or in violation of any applicable permit condition or requirement constitutes a violation of Regulation 5.

[Reference: 40 CFR 70.6(a)(6)(i) and 70.7(b)]

Rule 5-120 - Precedence over Conflicting Requirements and Continuation of Existing Program

The requirements of Regulation 5 shall augment and take precedence over conflicting administrative requirements of other provisions of the District's rules and regulations, if any.

Regulation 5 does not alter any applicable requirement that a source obtain preconstruction permits, or permits to operate pursuant to Health and Safety Code, Section 42301. The District will continue to implement its existing program pertaining to prevention of significant deterioration, Regulation 1, Rule 220, and permits required by Regulation 1, Rules 200, 220 and 240, including authorities to construct, Rule 200 or new source review, Rule 220. Nothing in Regulation 5 limits the authority of the District, including the Hearing Board, to deny, revoke or terminate a permit pursuant to provisions of state law, including California Health and Safety Code, Sections 40808 and 42301-42309, or to impose conditions on a permit pursuant to state law.

[Reference: 40 CFR 70.7(a)(6)]