



PUBLIC HEARING NOTICE

May 2, 2005

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

On **Wednesday, June 1, 2005**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to discuss proposed amendments to **Regulation 2: Permits, Rule 1: General Requirements, Section 407**. The proposed amendments would modify existing provisions regarding the renewal of authorities to construct. The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. **The Board meeting will commence at 9:45 a.m.**

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. Section 407 states 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. The BAAQMD Board of Directors considered and adopted various permit rule amendments in December 2004, but the AC renewal language was withdrawn prior to the hearing by staff for additional development.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 proposing adoption of the new language.

The revised amendments to Section 2-1-407 would 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.

The District has determined that these proposed amendments to Regulation 2, Rule 1, Section 407 are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to State CEQA Guidelines, Sections 15061, subd. (b)(3) and 15273. The proposed amendments are administrative in nature, and do not in themselves affect air emissions from any sources or operations subject to the rule. It can therefore be seen with certainty that there is no possibility that these proposed amendments will have a significant environmental impact. The District intends to file a Notice of Exemption pursuant to State CEQA Guidelines, Section 15062.

This notice, the proposed rule language, and a draft staff report can be found on the District website at http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.asp. Copies of these documents may also be requested by calling May Leung at (415) 749-4729. Questions and comments regarding this proposal should be directed to Steve Hill at (415) 749-4673, or electronically to shill@baaqmd.gov, or by mail to Steve Hill BAAQMD, 939 Ellis Street, San Francisco, CA 94109. **Written comments on the proposed amendments will be received by the District during the period from May 2, 2005 to 5:00 p.m. on Tuesday, May 24, 2005.**

PUBLIC TRANSPORTATION

MUNI--#42, 47, 49 NORTH AND SOUTH OF VAN NESS AVENUE

BART--CIVIC CENTER STATION, 8TH AND MARKET STREETS

Attendees are encouraged to rideshare, bicycle, walk,
or take public transportation to and from the hearing