



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Frequently Asked Questions: Bay Area Air Quality Management District Permitting Process

Q: Who needs to apply for a permit from the Air District?

- A person or entity needs to obtain an air quality permit from the Air District for:
 - o Most equipment that may emit or release air pollution;*
 - o A modification or change in operation of existing permitted equipment;
 - o Permitted equipment that is moved to a new location; or
 - o Installation of equipment used to control emissions.

*Not all sources of air pollution require a permit. The Air District does not regulate emissions from motor vehicles, for example, and many small pieces of equipment—such as in-home appliances—do not require air permits. The Air District's Regulation 2: Permits, Rule 1: General Requirements describes the types of equipment and operations that are exempt from the permitting requirement.
- There are four different types of permits that may be issued for each project that an applicant proposes:
 - o 1. Authority to Construct: issued before construction and after Air District engineers review the applicant's project to ensure it will comply with air quality laws.
 - o 2. Permit to Operate: issued after the project is built and Air District engineers confirm it complies with air quality laws. This must be renewed annually.
 - o 3. Certificate of Exemption: issued, upon request, if the type of equipment or activity does not require an Air District permit or registration. Exempt equipment must comply with Air District regulations.
 - o 4. Registration: issued to qualifying small stationary sources of air pollution after Air District engineers after submittal of required completed forms and fees. This must be renewed annually.

Q: What does the Air District evaluate before issuing an Authority to Construct or Permit to Operate?

- The Air District evaluates air pollutant emissions from a proposed project. A project applicant supplies the Air District with information about the project proposal. The Air District staff then uses this information to determine emissions and compliance with the local, state, and federal air quality regulations governing new source review permitting. Air District staff determine impacts to nearby receptors and the level of control necessary to reduce emissions from the project. The Air District staff also considers recently permitted emissions at air pollution sources that are included in a permit application.

Q: Does the Air District deny permit applications?

- The Air District has the authority to deny permit applications that do not comply with the permitting regulation. In practice, however, permit denials are not common because permit applicants generally modify their projects to comply with Air District regulations. For example, they may propose emission controls or change product formulations. Applicants may also withdraw applications that cannot meet the Air District's emissions standards and then reapply once they revise their project to meet Air District standards and regulations.
- When an entity applies for a permit, Air District staff work with the applicant to ensure all air quality laws would be complied with. This may include discussing options with the applicant on ways to reduce emissions from the sources included in the proposed project. The applicant can make modifications to the proposed project application based on Air District staff's determination of emissions. The Air District will not relax its standards to allow a project to be constructed or operated.

Q: Does the Air District revoke permit applications when facilities break the law?

- If the Air District determines that a permit holder is violating any applicable order, rule, or regulation, or is violating any provision or condition of the authority to construct or permit to operate, the Air District will issue a Notice of Violation or a Notice to Comply. The Air District Hearing Board may hold a hearing to determine whether to revoke the permit. The Hearing Board consists of five members who hear requests related to Air District permits at the Air District Executive Officer's request.

Q: How long does an Air District permit last?

- A permit recipient must renew their Permit to Operate or Registration annually by paying a fee to the Air District. If the permitted entity does not pay the annual fee on time, it may lose its permit. At the time of renewal, the Air District updates the facility's emissions inventory, checks for compliance with applicable regulations and permit conditions and the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588). If rules and regulations change, the permit condition may be updated.

Q: Does the Air District permitting analysis evaluate cumulative impacts?

- There are elements of the current permitting analysis that evaluate cumulative impacts. For example, the Air District rules for obtaining a permit also analyze air toxic emissions from all related projects at the facility within the past three years. This enables the Air District to make sure that projects are not broken up, which would allow projects to be permitted piece by piece.
- Some permit applications trigger a law called the California Environmental Quality Act, also known as "CEQA." Unless exempt from CEQA, all permit applications must be

reviewed in accordance with it. The Air District cannot issue a permit unless the CEQA requirements are met. CEQA in some situations requires the Air District to evaluate what it defines as “cumulative impacts.” Under CEQA, “cumulative impacts” means “two or more individual effects which are considerable, or which compound or increase other environmental impacts when considered together.”

Q: How can the public get involved with the permitting process?

- The Air District welcomes comments from the public on all permit applications during the review process. You can receive information on permit application activities by signing up for weekly email notifications by visiting the following webpage on the Air District’s website: <https://www.baaqmd.gov/permits/public-notice/public-comments-on-permit-applications>.
- On this webpage, the Air District provides guidelines on how to make your comments as effective as possible. The Air District reviews and considers all comments. Comments become part of the Air District’s public record.
- Certain public applications require public notice and a public comment period due to federal, state, or Air District rules and regulations. Please visit the Air District’s Permit Public Notices webpage to view posted public notices and to learn more about programs that require public notification: <http://www.baaqmd.gov/permits/public-notice>.

Q: How is the Permitting Regulation enforced?

- Air District staff routinely inspect facilities and respond to public complaints regarding facility operations. This involves making sure that facilities possess valid permits, and that facilities are complying with the conditions stated in the permit (and compliant with all applicable Air District, Federal, and State rules and regulations). Air District staff will issue violation notices, which carry monetary penalties, to facilities that fail to comply with the law.