

State of California

AIR RESOURCES BOARD

Resolution 76-35

August 10, 1976

WHEREAS, Health and Safety Code Section 41500 requires the Board to review the rules and regulations and enforcement practices of the districts to determine whether reasonable action is being taken to achieve and maintain the state ambient air quality standards;

WHEREAS, Health and Safety Code Section 41504 provides that if, after a public hearing, the State Board finds that the rules and regulations of a district will not likely achieve and maintain the adopted ambient air quality standards, the State Board may establish such rules and regulations as it deems necessary to enable the district to achieve and maintain such ambient air quality standards;

WHEREAS, the Board finds that the rules and regulations of the Bay Area Air Pollution Control District do not contain a requirement for the Air Pollution Control Officer to deny permission to construct a new stationary source or modification of an existing stationary source if the new source or modification would interfere with the attainment or maintenance of an ambient air quality standard in an air basin other than the San Francisco Bay Area Air Basin, and that, accordingly, the District's rules and regulations will not likely achieve and maintain the State ambient air quality standards in other air basins;

WHEREAS, the Board has held a public hearing in accordance with Health and Safety Code Section 41502;

NOW, THEREFORE BE IT RESOLVED, that the Air Resources Board hereby effective immediately amends § 1309 of Regulation 2 of the Bay Area Air Pollution Control District to read in its entirety as set forth in Exhibit A attached hereto.

BE IT FURTHER RESOLVED, that the Board hereby delegates to the Executive Officer the authority to review any amendment to § 1309 by the Bay Area Air Pollution Control District which is designed to provide for consideration of the impact of pollutants originating in the Bay Area Pollution Control District on air quality in other air basins and, if he finds such amendment adequate, to rescind the amendment made hereby.

State of California
AIR RESOURCES BOARD
Bay Area Air Pollution Control District
Regulation 2

§ 1309 Denial - Interference with the Attainment or Maintenance of Air Quality Standards. The Air Pollution Control Officer, after considering all available information about existing air quality, information about the emission of air contaminants from existing source operations, information about the emission of air contaminants from the proposed new source operations, and information on the projected levels of air quality, shall deny an authority to construct, erect, alter, or replace any facility, building, article, machine, equipment or other contrivance, the use of which may cause the emission or creation of a significant quantity of any air contaminant which would interfere with the attainment or maintenance of any air quality standard adopted by the California Air Resources Board or the Environmental Protection Agency in any area of the district, *in any air basin that is contiguous with the Bay Area Air Pollution Control District, or in any air basin that is not contiguous with the Bay Area Air Pollution Control District but that is found by the Air Pollution Control Officer to be a receptor air basin because of meteorological considerations.*

NOTE: New language is shown in italics.