

**REGULATION IV**  
**AUTHORITY TO CONSTRUCT REGULATIONS**

**Rule 418**      **Attainment Pollutant Control Technology**

- A.     The Air Pollution Control Officer shall deny an Authority to Construct for a facility or modification subject to review under the provisions of Rule 408 unless the facility or modification is designed to apply best available control technology for each applicable attainment pollutant or precursor. For an existing facility this requirement shall apply only to new or modified sources.
  
- B.     For applicable phased construction projects, the determination of best available control technology shall be reviewed, and modified as appropriate, at the latest reasonable time prior to commencement of each independent phase of the proposed facility or modification.
  
- C.     In the case of a major facility or major modification which the applicant proposed to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase that would be applicable if the area were a Class II area and where no new source performance standard under 40 CFR 60 has been promulgated for such source category, the Air Pollution Control Officer shall submit the determination of best available control technology to the Environmental Protection Agency for concurrence.
  
- D.     For those facilities or modifications required to meet the provisions of Section A of this Rule, the Air Pollution Control Officer may approve with the consent of the Air Resources Board the use of innovative control technology in lieu of best available control technology, provided that:
  - 1.     The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function, or cause emissions in excess of any standard contained in these Rules and Regulations or in 40 CFR Parts 60 and 61; and
  
  - 2.     The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that achieved by the application of best available control technology by a date specified by the Air Pollution Control Officer. Such date shall not be later than 4 years from the time of startup or 7 years from the date of issuance of the Authority to Construct.

**REGULATION IV  
AUTHORITY TO CONSTRUCT REGULATIONS**

- E. The Air Pollution Control Officer shall withdraw any approval to employ a system of innovative control technology approved under this Rule if:
1. The proposed system fails by the specified date to achieve the required continuous emission reduction rate; or
  2. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or
  3. The Air Pollution Control Officer decides at any time that the proposed system is unlikely to achieve the required level of control, or to protect the public health, welfare, or safety.

If a source or modification fails to meet the required level of continuous emissions reduction within the specified time period, or its approval is withdrawn pursuant to this Section, the Air Pollution Control Officer may allow the source or modification up to an additional 3 years to meet the requirements of best available control technology through use of a demonstrated control system.

- F. In the event that the Air Pollution Control Officer withdraws approval of a system of innovative control technology, the affected operator shall have the right to appeal such decision to the Hearing Board of the District within 30 days after receipt of the notice of withdrawal or approval.