

(Adopted November 4, 1977)(Amended August 7, 1981)

**RULE 220. EXEMPTION -- NET INCREASE IN EMISSIONS**

- (a) Upon petition of the owner or operator of a source, and after notice and hearing in accordance with the procedures provided in Health and Safety Code Sections 40826 and 40807, the Executive Officer may exempt a source from any prohibitory rule of Regulations IV and XI if he makes a finding that installation of controls and/or process changes required to achieve compliance with the subject prohibitory rule will result in a net adverse impact on air quality.
- (b) In granting an exemption hereunder, the Executive Officer shall require the person seeking the exemption to install, as a condition to its permit to operate, alternative controls and/or process changes which will result in the greatest practical net emission reduction.
- (c) In making the finding set forth above, the Executive Officer shall consider secondary emissions including but not limited to, incremental electrical power generation emissions.
- (d) Provisions of this rule shall not apply to those sources with primary emissions of one pound per hour or more of the air contaminant which the rule from which the exemption is sought is designed to control.
- (e) The Executive Officer may revoke the exemption if he determines after a hearing that conditions have changed such that there is no longer a net air quality benefit.
- (f) The hearing shall be conducted by the Executive Officer. The Executive Officer shall report each determination to grant or deny an exemption hereunder to the District Board at its next regular meeting following the grant or denial of such exemption. Any person who has been denied an exemption hereunder or whose exemption has been revoked, may petition the District Board to rehear the matter. Such petition shall contain a verified statement of facts setting forth the basis for petitioner's claim that the Executive Officer improperly denied or revoked the exemption. The District Board, after considering the petition, may grant or deny a hearing. If it denies a hearing, it shall state the basis for its denial.