



## AIR POLLUTION CONTROL DISTRICT

**POLICY:** Guidelines for Staff Processing of Permit Applications

**EFFECTIVE:** April 29, 1986  
October 17, 2022 (revised)

**POLICY NUMBER:** 2

**REFERENCE:** Rule 206, 207, 208, 212, 301, 302  
Policies 1 and 4

**EXHIBITS:** A through F

### GENERAL:

Rule 206 and Policy 1 include the basic information necessary for an applicant to complete and submit an application for a permit. The other rules and policies cited above provide additional information that may be necessary. California Health and Safety Code, Sections 42300 through 42315, and Government Code, Sections 65920 through 65960, cite state requirements for permit processing. The procedures of this and the referenced guidelines satisfy those state code requirements. Division 6, Title 14 of the California Administrative Code (Section 15000 et. seq.) are the guidelines for implementing the California Environmental Quality Act (CEQA). This policy provides supplemental information to the CEQA Guidelines. Generally, however, this policy does not repeat the provisions of these other Policies, Rules, and laws. Staff should be familiar with, and have readily at hand, all of these referenced documents.

Persons inquiring about what they may or may not do, and whether they need a permit, should first be referred to Policy 1 and Rule 206. If the prospective applicant is still uncertain about what they want or need, or if their project will be large or complicated, or if they request it, they should then meet with an APCD Engineer or the Permitting Division Manager.

### STAFF GUIDELINES

- Give prospective applicants a copy of Policy 1, the General Application form, "List and Criteria" Supplemental forms, and any other exhibit forms they request.
- Encourage applicants to review Rules, other policies, and other material at the APCD website: <https://apcd.imperialcounty.org>
- Encourage applicants for an Authority to Construct to submit a combined application for Permit to Operate.
- Although application material may be received by mail, encourage applicants to submit their application in-person.

## RECEIVING APPLICATION

- Authority to Construct applications are received, either by mail or in person, at the front office. Clerical staff hands-out the application to the Permitting Division Manager or Permitting Engineer.
- The Permitting Division Manger or Permitting Engineer take a preliminary review of the application.
- Upon receipt of application material, review it carefully. All blocks, except 17, must be filled in. Even for the simplest projects, a location map or plot plan is required as an attachment (block 18). For separate Permit to Operate, Transfer of Ownership, or other applications where information was submitted with a previous application, indicate that "Attachments total 0 pages".
- If "new" is checked at the top, then only "Authority to Construct" and/or "Permit to Operate" should be checked. If "Amendment" is checked, then there must be an "Existing Permit Number" and one or more of the "Transfer of Ownership", "Relocation", "Name change", "Emission Credit Banking", "Change of Permit Conditions", or "Equipment Modification of Addition" blocks should be checked. If the application is for a separate Permit to Operate, then the existing Authority to Construct permit number (or its FR#) should be noted.
- Review the attachments and supporting documentation to see if they appear to provide the information required by the "List and Criteria" and Policy 1.
- Generally, ensure that only apparently reasonable information is provided. It is not necessary to review the information thoroughly in order to determine if the application should be received. Applications may be rejected for clearly unreasonable, inconsistent, or missing information.
- Block 16 is intended to classify the project as minor or major. If preliminary indications are that the project will be a major project, enter the word "major" at the bottom of the form (Rule 206A.5 states: any project which emits 250 or more lbs/day controlled for any single pollutant; 100 or more tons/yr uncontrolled for any single pollutant; 250 or more tons/yr uncontrolled for all emissions combined is a major project). Per Rule 301B.2, major projects shall pay a review fee deposit at the time of application.
- Where estimated emissions data is not provided for block 16, the application may be received if accompanied with a major project review fee or approved by Division Manager.
- Ensure the application is signed and dated.
- Ensure that the copies of the application form and all attachments are submitted.
- The date of receipt of an application begins a 30 day period during which the APCD either accepts the application as complete, or must notify the applicant in writing of how it fails to provide required information. (Rule 206A.2)
- The Permitting Division Manager hands back the application to clerical staff.
- Clerical staff enters project in Applications Received Log, assigns a permit number, logs-in the information into Permits Pro and generates a receipt. Per Rule 301B.2, major projects shall pay a review fee deposit at the time of application; consult with a permitting engineer or permitting division manager, if necessary.
- Create manila file folder for project.
- Count, number, and identify with FR#, every page of all attachments. For large projects with numerous pages or bound attachments:
  - Make an index sheet of attachments, which itself will become page one of attachments.
  - List each attachment by name and number of pages, and mark each with the FR#.
  - Ensure that block 21 shows the total number of pages of attachments, not just the number of attachments.

- Enter the date application was submitted, total fee paid and fee receipt number (FR#) on the application form.
- Sign as "Received by" and hand-out the file to the Permitting Division Manager.
- The Permitting Division Manger assigns the review of the application to an APCD Engineer.

## ACCEPTING APPLICATION AS COMPLETE

The first phase of project review should be a determination as to whether all information required to analyze the project is available and what additional information, if any, is necessary. During this first phase of review, confirm that the APCD will be a responsible agency, not lead agency for CEQA review. See the section below on "CEQA Review" for additional information and for procedures to follow if the APCD is to act as lead agency.

Do not accept an Authority to Construct application as complete when acting as a responsible agency until the lead agency has made its determination regarding the type of environmental review it will conduct, and the APCD finds that level of review adequate. As a general rule, APCD permits should not be issued prior to issuance of the discretionary permits (general plan amendments, re-zonings, conditional use permits, etc.) by the lead agency for the same project. Although evaluation and review of a project may proceed, acceptance of the application as complete may be delayed until such time as the mandatory review period deadline coincides with or comes after the review period deadline for the lead agency.

If the APCD is to act as lead agency, do not accept an application as complete until the applicant has submitted the Applicant's Environmental Information form and the Initial Study review fee. Where it is evident that an EIR must be prepared, lack of information as to how the EIR will be prepared or paid for may be sufficient to withhold accepting an application as complete.

Prior to 30 days after receiving application, notify applicant in writing, via certified mail, of the specific information needed to make the application complete.

If an impasse develops between the APCD and the applicant over information necessary to receive or accept an application as complete, or that environmental documentation must be provided, the applicant may appeal the APCD's position (pursuant to Rule 211, Appeals) as effectively a denial of the application.

## REVIEW OF PROJECT

Analyze the project using the Checklist for Components of an Engineering Report - Authority to Construct and Permit to Operate Review (Exhibit A) as a guide. The evaluation review process involves calculating emissions, determining compliance with Rule 207, New Source Review (NSR) and all applicable prohibitory rules, performing an Air Quality Impact Analysis, and ensuring that the proposed project complies with CEQA requirements.

Rule 207 includes Best Available Control Technology (BACT), offset requirements, and Ambient Air Quality Analysis for certain projects. Rule 206 includes public noticing when emissions exceed certain thresholds. Prohibitory rules may be applicable to all projects (such as visible emissions limits) or specific to certain operations (such as boilers, turbines, engines).

Although projects may vary in type and complexity, the analysis should establish the potential to emit, for both controlled and uncontrolled conditions. Assumptions provided by the application

(including manufacturer's specification) should be checked for reasonableness and against comparable data for comparable known facilities and processes, and against published data, such as that provided in "AP 42".

Verify all calculations for both arithmetical accuracy and structural coherence (Are the proper formulae used? Is the sequence meaningful?).

For the APCD to issue ATC(s), the proposed equipment or operation must meet all of the following criteria: (1) comply with all air quality rule requirements, (2) not exceed health risk thresholds, or creating a significant risk, and (3) satisfy CEQA requirements.

Prepare an Engineering report of the analysis, use Exhibit A as a guide. Reference, but do not duplicate, descriptions, plot plans, flow diagrams, calculations, etc. of the application. Cite agreement or differences with the application and the conclusions of the analysis. In conjunction with the application, the report should be complete and readable so that an unfamiliar person can follow the report writer's analysis and arrive at his conclusions.

The Engineering report should include a list of proposed conditions that will be part of the approved permit. The APCD will assign a set of conditions to each proposed permit. These conditions will define acceptable operation of the device or facility within the air quality requirements the APCD has the authority to impose. These requirements are derived from federal, state and APCD rules and regulations, APCD permitting policies and precedent, and good regulatory engineering practice. In addition, the permit will describe the list of equipment that is regulated under the permit.

## THE PUBLIC NOTICE

- Prepare a "Notice of Preliminary Decision" to approve the project and request for "Public Comment" in substantially the form and providing at a minimum the information shown in Exhibit B.
- Public noticing shall not apply if the potential to emit of the new or modified stationary source is less than the values listed in Rule 206C.3. If exempted, proceed to approve or deny the application.
- The APCD shall send copies by certified mail to the applicant, the California Air Resources Board (CARB), the United States Environmental Protection Agency (US EPA), and to any Person requesting such information of its preliminary written decision (including proposed conditions of approval represented by permit conditions), the APCD's analysis, and a copy of the notice submitted for publication.
- Send copies by regular mail to other interested persons, governmental agencies, and private organizations who had requested the information.
- Publish in a newspaper of general circulation a legal advertisement of the notice and obtain from the newspaper a certification of publication. Publish a copy of the legal notice in the APCD's website: <https://apcd.imperialcounty.org/>
- Establish a public review period of at least 30 days from the date of publication or date of receipt of a certified mail notice.
- The APCD shall make available for public inspection at the APCD office, the information submitted by the applicant and the permit analysis no later than the date the preliminary decision is published. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Code of Regulations.

- Within 180 days after acceptance of an application as complete, or within 180 days (or one year if the APCD is lead agency) after the designated lead agency has approved the Project under the California Environmental Quality Act, whichever occurs later, the APCD shall take final action on the application after considering all written comments.

## APPROVAL OR DENIAL OF APPLICATION

After close of the public review period and consideration of any comments received, including information generated by the environmental review process, and before the end of the project review period; either (a) prepare a final permit with conditions for approval, or (b) deny the application.

If denied, notify applicant of denial pursuant to Rule 210.

If a Permit to Operate has not been applied for, withhold issuing the Authority to Construct permit unless the applicant has provided substantive reasons why the Authority to Construct permit should be issued with no responsible operator identified. If issuing the Authority to Construct will be delayed for this reason, notify the applicant of the APCD's proposal to approve.

## ISSUING THE AUTHORITY TO CONSTRUCT

If approved, proceed to issue Authority to Construct:

- Prepare an Authority to Construct permit and conditions for final approval.
- Authority to Construct should be in the form illustrated by the samples in Exhibit C.
- Verify permit number, date of issue, and date of expiration (normally December 31 of the current year).
- Ensure the permit identifies conditions by number of pages, and that the conditions clearly identify the project and permit number.
- Mark each page of the conditions with the footnote statement "Conditions issued" and the date approved. On the right footnote, mark with the statement "Conditions for permit # XXXX."
- If the permit is an amendment to an existing permit the permit or its conditions shall contain the statement, "This permit supersedes permit 4\* xxxx of ..." and the date of issue of the previous permit. Assign the previous permit number with a suffix of "-1" (for amendment) and mark the previous permit with the statement "superseded by permit # xxxx-1 issued on ..." and the date of issue of the new permit.
- Even where a project is of the same type, on the same site, and by the same applicant as a previous project, if it is a major revision or new facility, it should normally be given a new permit number and be considered a new project.
- Approve the permit by signature of the Air Pollution Control Officer, the Assistant APCO, or Division Manager.
- Deliver the original copy of the permit and the "as approved" conditions to the applicant. Make a copy and place it "as approved" conditions in project file and Permits Pro.
- For major project, prepare a "Notice of Approval" as shown in Exhibit D and publish in a newspaper of general circulation or publish such notice on the APCD's website.
- Prepare a "Notice of Determination" in substantially the form shown as Exhibit E, publish such notice on the APCD's website, and submit the notice to the State Clearinghouse's CEQAnet web portal.

- Note: Ministerial permits are exempt from CEQA review. Some discretionary permits may be exempt, and in such cases, file a "Notice of Exemption" in the form shown as Exhibit F in the APCD's file, instead of a "Notice of Determination."
- For major projects, mail copy of approved permit, conditions, and notice of approval to ARB and EPA.

## CEQA REVIEW

For most discretionary projects the APCD will be a "responsible agency". The APCD should respond to and comment upon notices and draft documents prepared by the "lead agency", but is not required to. Although another agency takes the lead in preparing necessary environmental documentation and conducting the public notice and review process, the APCD bears full responsibility for ensuring that the review and documentation is adequate for its own decision making process and that it will meet the APCD's responsibility to comply with CEQA.

For all discretionary projects approved by the APCD 1) a statement of CEQA consideration similar to one of the following must be included:

- "An environmental evaluation pursuant to the California Environmental Quality Act has been made. This project, as approved, will not have a significant effect on the environment."
- "An environmental impact report on this project was prepared. All significant effects on the environment have been eliminated or substantially lessened ... "
- Same as above with continuation "... where feasible, and remaining significant effects on the environment are acceptable due to overriding considerations".
- "This project is exempt from evaluation pursuant to the California Environmental Quality Act."

and 2) a "Notice of Determination" or "Notice of Exemption" must be filed with the County Clerk and/or the State Secretary of Resources. (CEQA 15075)

If, for example, a local city, as "lead agency," determined a negative declaration was appropriate for a project for which the APCD believed an environmental impact report (EIR) was necessary, the APCD could choose to function as its own "lead agency" and require an EIR. The APCD also could be the "lead agency" in instances where the proposed project (even though large and with significant impacts) was a ministerial one for the County or other general government by being in compliance with the general government's plan and zoning.

If the APCD is lead agency on a project, it will implement the California Environmental Quality Act (Section 21000 et. seq. of the Public Resources Code), and the "Guidelines" adopted pursuant thereto. To help project proponents to comply with CEQA requirements, the APCD has adopted the 'CEQA Air Quality Handbook, see Policy 36. The CEQA Air Quality Handbook is a useful document that assists in the preparation of the air quality analysis portion of any environmental document, and make it consistent with the rules and regulations governing the APCD and those found within the guidelines of CEQA. An "Applicant's Environmental Information Form" of the type used by the Imperial County Planning Department and an Initial Study fee deposit (Rule 301B.4.) will be required.


If the APCD will act as "lead agency", follow the procedure outlined in the CEQA Guidelines, primarily Sections 15060 through 15096. The notable steps are outlined below:

1. Confirm that the APCD will be lead agency and that the project is not exempt.
2. Complete an Initial Study, copies of Initial Study forms can be downloaded from Imperial County Planning and Development website at: <https://www.icpds.com/planning/california-environmental-quality-act>.
3. Based on the initial study, determine to prepare either a Negative Declaration or Environmental Impact Report (EIR), or to use existing environment documentation. (CEQA Sections 15162 and 15164)
4. Present the Project to the Imperial County Environmental Evaluation Committee (EEC) for a determination.
5. For a Negative Declaration
  - a. Prepare a "Notice (of preparation) of a Negative Declaration". Publish the Notice and circulate it to responsible agencies and interested parties.
  - b. Establish a review period, nominally of 45 days, and at least 30 days from the date of receipt or publication of the notice.
  - c. Record and consider all comments received. Respond to each comment in writing by noting: it has been incorporated into the project approval, why it cannot be considered or considered fully, or that no response is necessary.
6. For an EIR
  - a. Send a "Notice of Preparation" (of an EIR) as shown in State Clearinghouse website: <http://opr.ca.gov/clearinghouse/ceqa/document-submission.html> to all responsible agencies, the State Clearinghouse, and other parties as appropriate. (CEQA 15082)
  - b. Consult with other parties, as necessary, and determine the scope of the EIR.
  - c. Include the State Clearinghouse number (SCH#) on all future documents and references to the project.
  - d. Prepare a draft EIR considering comments to the Notice of Preparation. (CEQA 15084)
  - e. Prepare a "Notice of Completion" (and availability for review of the draft EIR) as shown in State Clearinghouse website. Publish the notice, and send a copy to all responsible agencies, the State Secretary of Resources, and to all who responded to the Notice of Preparation or have requested a Notice of Completion. Send a copy of the draft EIR to all responsible agencies and local libraries. Have other copies available for public review. (CEQA Sections 15085-15087)
  - f. It may be appropriate to combine the "Notice of Completion" with the "Notice of Preliminary Decision to Approve and Request for Public Comment", but it is not necessary. The requirements of the separate notices and review procedures must be kept in mind and met.
  - g. Prepare the Final EIR. Ensure it includes everything specified in CEQA 15132, a copy or synopsis of all comments received, and a response to all comments.
  - h. Note: EIR's and Negative Declarations can only be prepared by the lead agency. Although the applicant, a private consultant, or some other agency may actually collect the data, write the text, and have the document printed, the lead agency bears responsibility for the document, its form, content, accuracy, and completeness. The cover and title page should say: "Prepared by the Imperial County Air Pollution Control APCD". An additional statement such as: "with information provided by ..." and the name of some company or agency may be included.
  - i. Concurrent with, but before approval of the project, the approving authority (APCO) shall certify the EIR. In addition to the other certifying statement cited above, when acting as lead agency the APCO shall certify that "The final EIR (title &

SCH#) has been prepared and completed in compliance with CEQA. The information contained in the EIR was reviewed and considered prior to approving the project." This statement may be included in the permit itself or on the statement of findings, if that is required.

- j. If the EIR identifies significant environmental effects (the probable event), then a statement of written findings must be prepared (CEQA 15091), including reasons justifying a "statement of overriding considerations," if that has been made (CEQA 15095).
  - k. After approval of the project and the appeal period, file the Notice of Determination (CEQA 15094) and send a copy of the Final EIR to the Planning Department of all agencies where significant effects were identified by the EIR.
7. A complete set of the environmental documentation (Initial Study, Draft and Final EIR, all notices, legal ad, etc.) shall be kept with the project file, or a note in the file shall indicate where the documents are kept.

Note: Environmental documentation is not required for projects which are disapproved.

  
Belen Lopez  
Air Pollution Control Officer



# AIR POLLUTION CONTROL DISTRICT

## EXHIBIT A

### Checklist for Components of an Engineering Report

- ✓ General information about the project and identification of facility  
Permit Number, Source Name, Source Type, Application for, Mailing Address, Project Location, Responsible Person, Person in Charge of Location and Permit Reviewer' Name'
- ✓ Facility description  
Description of the source and process(es).
- ✓ Project description  
Detailed description of the project. Describe each process to be carried out in the equipment and of the function of the equipment itself in the process. The descriptions must be completely detailed concerning all operations. Particular attention must be given to explaining all stages in the process where the discharge of any materials might contribute in any way to air pollution. Similarly, control procedures must be described in sufficient detail to show the extent of control of air contaminants anticipated in the design, specifying the expected efficiency of the control devices.  
Plot plan showing location of all equipment and emission points.  
Process flow diagram (materials handled, flow rates, temps, pressures, etc.)  
Maximum monthly, hourly, and daily production rates and raw material usage rates.  
Operating schedule
- ✓ Air Emissions  
Verification of permit units and identification of emission units  
Determination of emissions of air contaminants (including calculations) for the project, any current emissions and total.  
Determination of maximum hourly, daily, and annual emissions for proposed equipment. If applicable, include the manufacturer specifications sheets that verify process rating and/or operating levels used for emission calculations.  
Supporting documentation (reference methods and assumptions used in engineering calculations above)  
Assessment of fugitive emissions, and nuisance potentials

✓ Applicable rules and regulations

Determinations of which of the APCD's rules apply, and comparisons of calculated emissions with those allowed

Determination of the adequacy and reliability of control system.

Discussion regarding how proposed equipment and control system(s) will comply with applicable rules and regulations.

Determination of the impact on air quality with engineering calculations to support the determination

✓ Permit Conditions

The Authority to Construct and Permit to Operate shall require a new or modified emission unit to be built in accordance with specifications and plans contained in the application and approved by the District. If an equipment rating, operating level/process rating fuel specification, material specification, exhaust concentration level, and/or hourly emission level is relied upon in the application or engineering report and this operating condition is less than maximum worst case levels, this operating condition needs to be included as a permit condition.

The Authority to Construct and Permit to Operate shall contain all conditions deemed necessary by the APCO to assure construction and operation of an emission unit in the manner assumed in making the analysis to determine compliance with all applicable District Rules and regulations.

The Authority to Construct and Permit to Operate shall include daily emission limits which reflect applicable emission standards.

Determination of permit conditions, sectioned by General Conditions, Emission Limits, Operating Conditions, Recordkeeping, Monitoring and Reporting.

✓ Equipment list

Equipment description (make, model, size, capacities, location, etc.)

✓ Staff recommendations

Evaluating engineer's recommendation for approval or disapproval of the project.

✓ Permit fees

## **EXHIBIT B**

### **NOTICE OF PRELIMINARY DECISION BY THE IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT TO ISSUE AN AUTHORITY TO CONSTRUCT PERMIT TO WESTERN MESQUITE MINES, INC. FOR A NEW EMERGENCY GENERATOR FOR THE MESQUITE MINE FACILITY**

Pursuant to Rule 206, of Imperial County Air Pollution Control District (ICAPCD) Rules and Regulations, the Air Pollution Control Officer (APCO) has made a preliminary decision to issue an Authority to Construct (ATC) Permit to Western Mesquite Mines, Inc. (WMMI) for a new diesel emergency generator that will serve the gold mine facility known as Mesquite Mine, located at 6502 E. Highway 78, Brawley, CA. The generator will provide backup power for the electrical pumps that transport leach solution at the facility. Authority to Construct Permit No. 4549 will include conditions to ensure that all ICAPCD requirements will be satisfied.

The public has an opportunity to submit comments regarding this proposed decision to the ICAPCD. Written comments will be received by the ICAPCD for a period of thirty (30) days after publication of this notice. The closing date for the submission of comments is September 30, 2017. Please direct your comments to the attention of Jesus Ramirez, by mailing them to Imperial County Air Pollution Control District, 150 South Ninth Street, El Centro, CA 92243, or via e-mail at [jesusramirez@co.imperial.ca.us](mailto:jesusramirez@co.imperial.ca.us). Draft ATC 4549, the permit application, and supporting documentation may be examined at the Imperial County Air Pollution Control District Office, located at 150 South Ninth Street, El Centro, CA 92243, and online at [apcd.imperialcounty.org/public-notices/](http://apcd.imperialcounty.org/public-notices/).

If you have any questions or would like to receive additional information regarding this matter, please contact Thomas Brinkerhoff (ICAPCD Engineer) or Jesus Ramirez (APC Division Manager) at (442) 265-1800.

# Exhibit C



## Air Pollution Control District 2022 APCD Permit

**Facility name and mailing address:**

**HRSR Ventures/Rodiles**

1358 Appaloosa Road

El Centro, CA 92243

**Facility address:**

The CB Stop - 1498 E. Cole Rd.

Calexico, CA 92231

Resp. Agent: Demian Rodiles

Phone: 760-890-5174

**Permit Number:**

**3742 ATC**

**PAID**

**Active**

**Permit Type:**

**Service Station**

**Fee For The Year:**

**\$205.00**

**Late Fee / Penalty:**

**\$0.00**

**Adjustments:**

**\$0.00**

**Total Paid:**

**\$205.00**

**Balance Due:**

**\$0.00**

**Issued:**

**6/30/2022**

**Expires:**

**12/31/2022**

**Certification by Authorized Agent:**

The permit presented here is correct. The authorizations, certifications, and information from the application and permit being renewed, remain valid and will be kept with this ANNUAL PERMIT RENEWAL.

Date \_\_\_\_\_

Signature \_\_\_\_\_

**Certification by APC Division Manager:**

This permit becomes valid when signed by authorized agent.

A handwritten signature in black ink, appearing to read "Chris A. Arroyo".

This permit, or an approved facsimile, shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises. (Rule 201D)

**RETURN THIS COPY WITH PAYMENT FEES TO:**

**Imperial County Air Pollution Control District**

**150 South 9th Street**

**El Centro, CA 92243-2801**



AIR POLLUTION CONTROL DISTRICT

CONDITIONS FOR AUTHORITY TO CONSTRUCT  
AND PERMIT TO OPERATE #3742A-2

HRSR VENTURES/RODILES  
1358 APPALOOSA ROAD  
EL CENTRO, CA 92243

LOCATION: THE CB STOP - 1498 E. COLE ROAD, CALEXICO, CA

Authority to Construct and Permit to Operate Conditions

1. Operation of this equipment shall be in compliance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below. The permittee shall obtain an Authority to Construct permit prior to the modification or replacement of any equipment for which a Permit to Operate has been granted and prior to the installation and operation of any equipment for which an Authority to Construct is required.  
**General Conditions**
2. Operation of the described equipment shall be in compliance with all applicable APCD Rules and Regulations.  
**General Conditions**
3. This Permit does not authorize the emissions of air contaminants in excess of those allowed by U.S. EPA (Title 40 of the Code of Federal Regulations), the State of California Division 26, Part 24, Chapter 3 of the Health and Safety Code, or the APCD (Rules and Regulations).  
**General Conditions**
4. This permit cannot be considered permission to violate applicable existing laws, regulations, rules, or statutes of other governmental agencies.  
**General Conditions**
5. No air contaminant shall be released into the atmosphere which causes a public nuisance.  
**General Conditions**

6. The Phase I portion of the system shall be installed, operated, and maintained in accordance with the requirements of the California Air Resources Board (CARB) Executive Order VR-101-V Phil-Tite Phase I Vapor Recovery System or the latest revision. Only certified vapor recovery components (or fittings) may be used on the system.  
**CARB E.O. VR-101-V**
7. The Phase II portion of the system, including all associated underground and aboveground plumbing, shall be installed, operated, and maintained in accordance with the requirements of CARB Executive Order VR-202-AC Assist Phase II EVR System Including Veeder-Root ISD System or the latest revision. Section 41954(f) of the California Healthy and Safety Code prohibits the sale, offering for sale, or installation of any vapor control system unless the system has been certified by the state board.  
**CARB E.O. VR-202-AC**
8. All applicable components shall be maintained to a state that is leak free and vapor tight.  
**ICAPCD Rule 415**
9. The District shall be notified when installation of all piping and control fittings required by aforementioned Rules has been completed in order to schedule a pre-backfill inspection. A pre-backfill inspection shall be scheduled at least seven (7) days in advance. Vapor control piping and fittings shall remain exposed until the District has inspected the installation and found to meet the standards of the applicable Executive Orders. Backfill can only occur once given approval by the District in writing.  
**ICAPCD Rule 415 & 108**
10. Each vent pipe shall be equipped with a CARB certified pressure/vacuum relief valve. Plumbing may be manifolded to reduce the number of relief valves needed. The settings of the pressure/vacuum relief valve(s) shall be as follows:
  - a) Positive Pressure Setting: 2.5 to 6.0 inches H<sub>2</sub>O.
  - b) Negative Pressure Setting: 6.0 to 10.0 inches H<sub>2</sub>O**CARB E.O. VR-101-V; ICAPCD Rule 415**
11. The dispensing rate shall be between six and ten (6.0-10.0) gallons per minute (gpm). Compliance with this condition shall be verified with only one nozzle in operation per product supply pump.  
**CARB E.O. VR-202-AC; ICAPCD Rule 415**
12. The permittee shall successfully conduct the following performance tests of the Phil-Tite Phase I vapor recovery system within thirty (30) days of start-up:



- a) CARB TP-201.3 – Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.  
Prior to conducting this test, the following considerations need to be addressed:
1. All four ball valves on the Healy Clean Air Separator (CAS) shall be closed in order to isolate it from the Underground Storage Tank (UST) system to permit the pressurization of the UST system.
  2. Conducting TP-201.3 with any dispenser piping test valve in the closed position is not permitted. Any dispenser with dispenser piping test valve in the closed position TP-201.3 will bias the test toward compliance.
  3. After conducting TP-201.3, the four ball valves on Healy Clean Air Separator (CAS) shall be locked in their normal operating positions.
- b) CARB TP-201.1B – Static Torque of Rotatable Phase I Adapters.
- c) CARB TP-201.1D – Leak Rate of Drop Tube Overfill Prevention Devices and Spill Container Drain Valves, or TP-201.1C – Leak Rate of Drop Tube/Drain Valve Assembly, depending on system configuration.
- d) CARB TP-201.1E – Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves.

**CARB E.O. VR-101-V; ICAPCD Rule 415**

13. The Permittee shall successfully conduct the following performance tests of the Assist Phase II EVR System including ISD System within thirty (30) days of start up:
- a) Exhibit 4 – Determination of Static Pressure Performance of the Healy Clean Air Separator.
  - b) Exhibit 5 – Vapor to Liquid Volume Ratio
  - c) Exhibit 7 – Nozzle Bag Test Procedure.
  - d) Exhibit 9 – Veeder-Root ISD Operability Test Procedure.
  - e) Exhibit 11 – Liquid Condensate Trap Compliance Test Procedure (if applicable)
  - f) Exhibit 12 – Veeder-Root Maintenance Tracker (Optional)
  - f) Exhibit 14 – Dispenser Integrity Test

e) CARB TP-201.4 – Dynamic Back Pressure. This test is to be performed as a one time test and is not required as a condition for annual compliance.

**CARB E.O. VR-202-AC; ICAPCD Rule 415**

14. For the purpose of compliance determination, all tests shall be conducted after all back-filling, paving, and installation of all Phase I and Phase II components, including P/V valves, have been completed. The District shall be notified at least seven (7) days prior to any testing.

**CARB E.O. VR-202-AC; ICAPCD Rule 415**

15. The Permittee shall submit all test results for the initial performance tests required pursuant to conditions No. 12 and 13, within twenty (20) days of test date. Test results shall be submitted on the forms found in the Executive Orders exhibits, or any other approved form by the District.

**CARB E.O. VR-101-V; CARB E.O. VR-202-AC; ICAPCD Rule 415**

16. The performance tests required pursuant to conditions No. 12 and 13 shall be successfully conducted, and witnessed by the District, at least once in each twelve (12) month period after the date of successful completion of the startup performance testing. Test results shall be submitted to the Air District within twenty (20) days of conducting these annual tests. All required testing shall be performed by a certified contractor as required per the Executive Orders of this permit.

**CARB E.O. VR-101-V; CARB E.O. VR-202-AC; ICAPCD Rule 415**

17. Permittee shall conduct the Scheduled Maintenance for the Assist Phase II EVR System with as specified in the Installation, Operation, and Maintenance Manual, IOM 1.

**CARB E.O. VR-202-AC**

18. Permittee shall maintain an operational and maintenance manual for the Phase I and II vapor recovery systems of the facility and copies of the Executive Orders specified on this permit. The manuals and Executive Orders must be kept at the facility and made available to the APCD upon request.

**CARB E.O. VR-101-V; CARB E.O. VR-202-AC; ICAPCD Rule 415**

19. The In-Station Diagnostics System (ISD) shall be kept in active operating mode at all times as specified in operational and maintenance manuals. Printed ISD Monthly Report records, of the most recent consecutive twelve month period, shall be kept on the premises and made available to the Air District upon request.

**CARB E.O. VR-202-AC; ICAPCD Rule 415**



20. Unless specifically allowed by special order of ARB, the permittee shall not clear, or allow any other individual to clear, any ISD warning or failure alarms prior to taking appropriate action, as listed in the Installation, Operation, and Maintenance (IOM) Manual for the Phase II vapor recovery system specified in this permit.  
**CARB E.O. VR-202-AC; ICAPCD Rule 415**
21. In the event of an ISD failure alarm and subsequent automatic shutdown of gasoline dispensing, the permittee shall not re-enable or allow the re-enabling of the affected fueling point(s) unless all troubleshooting, repairs and tests specified in the Executive Order and IOM for the Phase II vapor recovery system specified in this permit, have been successfully completed or are in the process of being completed and documented.  
**CARB E.O. VR-202-AC; ICAPCD Rule 415**
22. The permittee shall keep records of all alarms detected by the ISD system. The records shall include the following: 1) the alarm date, 2) the nature of the alarm, 3) type of test and test date to verify the validity of ISD alarm, 4) maintenance or repair date to correct the cause of the alarm, 5) maintenance or repair performed to correct the cause of the alarm, and 6) affiliation, telephone number, name and Certified Technician Identification Number of individual conducting maintenance or test.  
**CARB E.O. VR-202-AC; ICAPCD Rule 415**
23. The permittee shall maintain on the premises a log of any repairs made to the certified Phase I or II vapor recovery system. The repair log shall include the following: 1) date and time of each repair, 2) the name and applicable certification number(s) of the person(s) who performed the repair, and if applicable, the name, address and phone number of the person's employer, 3) description of service performed, 4) each component that was repaired, serviced, or removed, 5) each component that was installed as replacement, if applicable, 6) receipts or other documents for parts used in the repair and, if applicable, work orders which shall include the name and signature of the person responsible for performing the repairs.  
**CARB E.O. VR-101-V; CARB E.O. VR-202-AC; ICAPCD Rule 415**
24. Permittee shall perform weekly self-inspection and maintenance inspections to ensure that facility operations are maintaining compliance. Additionally, monthly liquid and vapor leak inspections shall be conducted during product transfer operations. Information recorded shall include date of inspection, findings, leak determination method, corrective action, and name and signature of person performing the inspection. The Information shall be logged in a format that is available and approved by the Air District.  
**ICAPCD Rule 415**



25. Uncertified, missing, or improperly installed equipment and emission related defects shall be tagged out of service immediately. Such defects include, but are not limited to, suffered damage or wear which prevents proper operation of equipment.  
**ICAPCD Rule 415**
26. The Permittee shall post the Air District's telephone number on dispensers for complaints.  
**ICAPCD Rule 415**
27. The Air District shall be notified once the facility reaches a gasoline throughput of **2,000,000 gallons** per year for the listed retail gasoline service station facility.  
**ICAPCD Rule 415**
28. The permittee shall maintain a copy of all test results. The test results shall be dated and shall contain the name, address, and telephone number of the company responsible for system installation and/or testing.  
**ICAPCD Rule 415**
29. All records required by this Operating Permit shall be maintained and retained on-site for a period of at least 2 years and shall be made available to the ICAPCD upon request.  
**ICAPCD Rule 415**
30. Permittee shall annually submit to the Air District a report containing the gasoline throughput from the preceding calendar year. This annual report shall be submitted to this office no later than February 28<sup>th</sup>.  
**ICAPCD Rule 415**

### **Equipment List**

1. (1) 20,000 gallon underground regular unleaded gasoline storage tanks.
2. (1) 12,000 gallon underground premium unleaded gasoline storage tank.
3. (12) Gasoline dispensing nozzles.
4. (1) E.O. VR-101-V Phil-Tite Phase I EVR System
5. (1) E.O. VR-202-AC Assist Phase II EVR System Including In-Station Diagnostics (IST)
6. (1) Veeder-Root In-Station Diagnostics System
7. (1) Healy Clean Air Separator



## **EXHIBIT D**

### **NOTICE OF FINAL DECISION BY THE IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT TO ISSUE AN AUTHORITY TO CONSTRUCT PERMIT TO WESTERN MESQUITE MINES, INC. FOR A NEW EMERGENCY GENERATOR FOR THE MESQUITE MINE FACILITY**

Pursuant to Rule 206, of Imperial County Air Pollution Control District (ICAPCD) Rules and Regulations, the Air Pollution Control Officer (APCO) has made the final decision to issue an Authority to Construct (ATC) Permit to Western Mesquite Mines, Inc. (WMMI) for a new diesel emergency generator that will serve the gold mine facility known as Mesquite Mine, located at 6502 E. Highway 78, Brawley, CA. The generator will provide backup power for the electrical pumps that transport leach solution at the facility. Authority to Construct Permit No. 4549 includes conditions to ensure that all ICAPCD requirements will be satisfied.

The ATC Permit, the permit application, and supporting documentation may be examined at the Air Pollution Control District Office, located at 150 South Ninth Street, El Centro, CA 92243, and online at [apcd.imperialcounty.org/public-notices/](http://apcd.imperialcounty.org/public-notices/). If you have any questions or would like to receive additional information regarding this permit, please contact either ICAPCD Engineer Thomas Brinkerhoff, or ICAPCD Division Manager Jesus Ramirez at (442) 265-1800, or via e-mail at [jesusramirez@co.imperial.ca.us](mailto:jesusramirez@co.imperial.ca.us).

# Exhibit E

## Notice of Determination

## Appendix D

**To:**

Office of Planning and Research  
U.S. Mail: \_\_\_\_\_ Street Address: \_\_\_\_\_  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
County of: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

**From:**

Public Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Lead Agency (if different from above):  
Address: \_\_\_\_\_  
\_\_\_\_\_ Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): \_\_\_\_\_

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location (include county): \_\_\_\_\_

Project Description:

This is to advise that the \_\_\_\_\_ has approved the above  
( Lead Agency or  Responsible Agency)  
described project on \_\_\_\_\_ and has made the following determinations regarding the above  
(date)  
described project.

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

\_\_\_\_\_  
Signature (Public Agency): \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_

# Exhibit F

Print Form

## Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific: \_\_\_\_\_

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project: \_\_\_\_\_

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

**Exempt Status: (check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt: \_\_\_\_\_

Lead Agency  
Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency    Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_