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RULE 58. DISPOSAL OF SOLID AND LIQUID WASTES. (Amended 4/25/72)

a. A person shall not burn any combustible refuse in any incinerator within the District except in a multiple-chamber incinerator as described in Rule ~~57~~, or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

b. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates greater than 100 pounds per hour, except as provided in subsection (d) of this rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO<sub>2</sub>).

c. A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in subsection (d) of this rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO<sub>2</sub>).

d. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates of 100 pounds per hour or less, or for which an application for permit is filed before January 1, 1972, particulate matter in excess of 0.3 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the atmosphere. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO<sub>2</sub>).

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6.30.12

RULE 100. DEFINITIONS. As used in these Rules and Regulations the following terms have the meanings set forth in this rule unless otherwise apparent from the context:

a. Orchard or Citrus Grove Heater. "Orchard or citrus grove heater" means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

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b. Distilling Type Heater. "Distilling Type Heater" means those commonly used heaters consisting of a square or round bowl oil reservoir with a cover upon which is centrally located a stack of the combustion chamber or lazy flame type and equipped with an air intake regulator. In such heaters, gases are generated in the reservoir for burning in the stack above.

c. Non-complying Orchard Heater. "Non-complying Orchard Heater" means an orchard heater which is ineligible for a permit under Rule 107.

d. Return Stack Heater. "Return Stack Heater" means a combustion-chamber type of heater with return pipe for recirculating part of the stack gases, and improved models of the same.

e. Pipe Line System. "Pipe Line System" means any of the currently developed generating types of heater where fuel is fed under pressure from central storage tanks through a pipe line distributing system to the individual heaters.

f. Open Fire. "Open Fire" means any fire not contained or enclosed or produced by systems or heaters described and permitted under these regulations.

g. Frost Protection. "Frost Protection" means the protection of citrus or other fruits, trees, growing crops or vegetation against damage from frost or cold weather.

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RULE 101. USE AND SALE OF ORCHARD HEATERS.

a. No person shall use any orchard heater unless such orchard heater is approved by the State of California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

b. No person shall sell or offer for sale any orchard heater unless such orchard heater is approved by the State of California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

c. This rule does not apply to contrivances commonly known as wind machines.

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RULE 102. PERMIT REQUIRED.

a. No person shall use any orchard or citrus grove heater without first obtaining a permit from the Air Pollution Control Officer to do so.

b. The fee requirements provided for in Rules 40 and 45 shall not apply to persons applying for or possessing permits for orchard or citrus grove heaters.

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**RULE 103. TRANSFER.** A permit to operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

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**RULE 105. APPLICATION FOR PERMITS.** Every application for a permit required under Rule 102 shall be filed in the manner and form required by the Air Pollution Control Officer. Incomplete applications will not be accepted.

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**RULE 106. ACTION ON APPLICATIONS.** The Air Pollution Control Officer shall act on all applications within a reasonable time and shall notify the applicant in writing of the approval, conditional approval or denial of the application.

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**RULE 107. STANDARDS FOR GRANTING PERMITS.** The Air Pollution Control Officer shall deny a permit if the applicant does not show that equipment described in Rules 100 and 102 is so designed or controlled that it will not produce unconsumed solid carbonaceous matter at the rate in excess of one (1) gram per minute except as prescribed under Rule 108.

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**RULE 108. CONDITIONAL APPROVAL.**

a. The Air Pollution Control Officer may issue a permit subject to conditions which will bring the orchard or citrus grove heater within the standards of Rule 107 in which case the conditions shall be specified in writing.

b. Erecting, altering, operating or using under conditional permit shall be deemed acceptance of all conditions so specified.

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**RULE 109. DENIAL OF APPLICATIONS.** In the event of denial of a permit, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial.

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**RULE 110. APPEALS.** Within 10 days after notice of denial or conditional approval of a permit by the Air Pollution Control Officer, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse, or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

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**RULE 122. CLASSIFICATION OF ORCHARD HEATERS.** For the purpose of these Rules and Regulations, orchard heaters are divided into the following groups:

a. Class I. Any type of heater which is so designed or equipped that it will not discharge unconsumed solid carbonaceous matter at a rate in excess of one half ( $\frac{1}{2}$ ) gram per minute. Heaters of this type are mentioned in Rule 123.

b. Class II. Any type of orchard heater other than a Class I heater which can be operated or regulated by a mechanical stop so that it will not discharge unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute. Heaters included within this class are named in Rule 124.

The use of any Orchard Heater not herein designated or later classified as permissible by the Control Officer is prohibited.

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**RULE 123. CLASS I HEATERS DESIGNATED. PERMITS.** The Air Pollution Control Board finds that those types of heaters commonly known or designated as:

- Pipe Line Systems, including Kittle heater;
- Return Stack Heaters, its equivalent or better;
- Briquet or Coke Heaters when used with briquets or coke;

fall within Class I as defined in Rule 122(a). Permits shall be issued for Class I heaters upon proper application therefor. This Class also includes any heater which is shown by competent test to come within the definition of Class I heater.

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RULE 124. CLASS II HEATERS DESIGNATED. PERMITS. The Air Pollution Control Board finds that orchard heaters commonly known by any of the following names or designations may be used or operated for the purpose of giving frost protection if the draft regulator is so adjusted as to permit a maximum primary air orifice within the limitation indicated below for such heater. These heaters fall within Class II as defined in Rule 122(b).

NAME	Maximum Size of Primary Air Orifice	Equivalent Draft Regulator Adjustment
Hy-Lo 148 Special-----	0.5 sq. in.	1/2 hole, 15/16" dia.
Exch. Model, 6" dia. stack-----	0.5 " "	" " " "
Cone Stack (Mfd. prior to 1949, 6" throat only)-----	0.5 " "	" " " "
Lomora-----	0.8 " "	1 " " "
Exch. Model, 7" dia. stack-----	0.8 " "	" " " "
Lazy Flame, 24" stack-----	0.8 " "	" " " "
Hy-Lo 230-A-----	0.8 " "	" " " "
20" 230-A-----	0.8 " "	" " " "
Lazy Flame, 18" stack-----	1.2 " "	1 1/2 " " "
Nat'l. Jr. Louvre, 18" stack-----	1.2 " "	" " " "

This Class also includes any type of orchard heater (other than Class I heaters) not herein specifically named which later may be shown to meet the requirements of Rule 107.

The operation of any Class II heater at a primary air orifice in excess of the maximum specified in the foregoing schedule for such heater is prohibited except for the first five (5) minutes after the heater is lighted. Said maximum primary orifices are predicated upon the heaters being reasonably clean and the draft regulators fitting tight. Permits for Class II heaters shall be issued upon proper application and shall set forth the maximum primary air orifice permitted for each type heater covered by such permit.

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**RULE 125. PROHIBITION OF SALE OF HEATERS.**

a. No person shall sell or offer for sale for use within the Air Pollution Control District of Orange County any orchard heater other than those designated as Class I or Class II heaters by these Rules or by the Control Officer, nor shall any orchard heater which falls within Class II as defined by Rules 122 and 124 be sold or offered for sale within the District if the primary air orifice thereof exceeds in size the maximum specified hereinabove for the particular heater.

b. Upon the classification by the Control Officer of any heater not now specially mentioned and classified, the provisions of this rule shall apply to the same degree and extent as if that heater had been so mentioned and classified at the time of enactment of this rule.

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**RULE 126. IDENTIFICATION OF HEATERS.** When in these Rules and Regulations a distilling type heater is designated by name, such name refers to the stack or stack assembly with which such heater is equipped, it being understood that many heaters are equipped with a stack of one make and with a cover or bowl of another make.

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**RULE 127. MAINTENANCE OF HEATERS.** All heaters for which a permit is issued shall be maintained in reasonably clean condition and in good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the heaters.

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**RULE 128. CLASSIFICATION OF UNDESIGNATED HEATERS.** The Air Pollution Control Officer shall have authority to determine the proper classification of any orchard heater not specifically named herein.

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**RULE 130. PROHIBITIONS.**

a. These rules prohibit the erecting, altering, replacing, operating or using any orchard or citrus grove heater which produces unconsumed solid carbonaceous mat at the rate of more than one (1) gram per minute, except under the conditions as set forth in Rule 108.

b. Open fires for orchard or citrus grove heating are prohibited.

c. The use of rubber tires or any rubber products in any combustion process in connection with any orchard or citrus grove heating is prohibited.

d. Any new complete orchard or citrus grove heating equipment of the distillate type not listed in Rule 124 must contain a primary air orifice of such design that not more than one (1) gram per minute of unconsumed solid carbonaceous matter is emitted.

e. No heater may be placed, be permitted to be placed or be permitted to remain in any orchard or citrus grove or in any other place where heaters may be fired to furnish protection from frost damage unless a permit or conditional permit has been issued.

f. The use or operation of any partial assembly of any type heater for the purpose of giving protection from frost damage is hereby prohibited. A permit or conditional permit issued for the use or operation of any type orchard or citrus grove heater is for the use or operation of a complete heater assembly.