

ACCEPTED
6/27/72

RULES AND REGULATIONS

AMADOR COUNTY

AIR POLLUTION CONTROL

DISTRICT

Regulation I

General Provisions

Rule 1. TITLE. These rules and regulations shall be known as the Rules and Regulations of the Amador County Air Pollution Control District.

Rule 2. DEFINITIONS. Except as otherwise specifically provided in these rules, and except where the context otherwise indicates, words used in these rules, are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

A. AGRICULTURAL BURNING. "Agricultural burning," as used in these Regulations means open outdoor fires used in agricultural operations including the growing of crops or raising of fowls or animals, forest management, or range improvement.

B. AIR CONTAMINANT. "Air contaminant," includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, or particulate matter, or any combination thereof.

C. AIR POLLUTANT. "Air Pollutant," means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

D. ALTERATION. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.

E. ATMOSPHERE. "Atmosphere," means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

F. BOARD. "Board," means Air Pollution Control Board of the Air Pollution Control District of Amador County.

G. COMBUSTIBLE REFUSE. "Combustible Refuse," is any solid or liquid combustible waste material containing carbon in a free or combined state.

H. COMBUSTION CONTAMINANTS. "Combustion Contaminants," are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

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~~C. Steam generators, steam super heaters, water heaters,~~

and closed heat transfer systems that are fired exclusively with one of the following:

- a. Natural gas.
- b. Liquified petroleum gas.
- c. A combination of natural gas and liquified petroleum gas.
- H. All agricultural equipment, other than orchard heaters emitting more than one (1) gram per minute of unconsumed solid carbonaceous matter.
- I. Mobile construction equipment, other than pavement burners used in grading, leveling, paving or other similar operations.
- J. Storage of gasoline except as covered by State law.

The exemptions as set forth above do not supersede the provisions

~~hereinafter provided in Regulation V.~~

REGULATION III

Permits

Rule 1. AUTHORITY TO CONSTRUCT. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for construction from the Air Pollution Control Officer. An authority for construction shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

~~Rule 2. PERMIT TO OPERATE. Before any article, machine, equipment or other contrivance described in Paragraph 1, Regulation III, may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Paragraph 1, Regulation III, constructed or installed without authorization as required by Paragraph 1, Regulation III, until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth herein.~~

Rule 3. POSTING OF PERMIT TO OPERATE. A person who has been granted a permit hereunder to operate any article, machine, equipment, or other contrivance described in Paragraph 1, Regulation III, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon

~~the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed that the permit to operate cannot be so placed, the permit to operate 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 4. A person shall not wilfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment or other contrivance.~~

Rule 5. EXEMPTIONS. An authority to construct or a permit to operate shall not be required for:

- a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.
- b. Vehicles used to transport passengers or freight.
- c. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- d. The following equipment:
 1. Comfort air conditioning or comfort ventilating systems, which are not designed to remove air contaminants generated by or released from specific units or equipment.
 2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
 3. Piston type internal combustion engines.
 4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.
 5. Equipment used exclusively for steam cleaning.
 6. Presses used exclusively for extruding metals, minerals, plastics, or wood.
 7. Equipment used exclusively for space heating, other than boilers.
 8. Equipment used for hydraulic or hydrostatic testing.
 9. Equipment used in eating establishments for the purpose of preparing food for human consumption.
 10. Equipment used exclusively to compress or hold dry natural gas.

- e. The following equipment or any exhaust system or collector serving exclusively such equipment:
 - 1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.
 - 2. Brazing, soldering, or welding equipment.
- f. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems of less than 250,000,000 British Thermal Units per hour (gross), and capacity are fired exclusively with one of the following:
 - 1. Natural gas.
 - 2. Liquified petroleum gas
 - 3. A combination of natural gas and liquified petroleum gas.
- g. Natural draft hoods, natural draft stacks, or natural draft ventilators.
- h. Other sources of minor significance which may be specified by the Air Pollution Control Officer.
- i. Self-propelled mobile construction equipment other than pavement burners.
- j. Agricultural implements used in agricultural operations.
- k. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
- l. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- m. Identical replacements in whole or in part of any equipment where a permit to operate has previously been granted for such equipment.

Rule 6. TRANSFER. A permit 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.

Rule 7. APPLICATIONS. Every application for a permit required under Paragraph 1 and 2, Regulation III shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Paragraph 11, Regulation III hereof.

Rule 8. CANCELLATION. An authority to construct shall be canceled two years from the date of filing of the application.

Rule 9. ACTION ON APPLICATION. The Air Pollution Control Officer shall act, within a reasonable time, on a permit application and shall notify the applicant in writing of his approval, conditional approval, or denial.

Rule 10. PROVISIONS OF SAMPLING AND TESTING FACILITIES. A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.

Rule 11. STANDARDS FOR GRANTING APPLICATIONS.

- a. The Air Pollution Control Officer shall deny a permit except as provided in Paragraph 12, Regulation III, if the applicant does not show that the use of any equipment, which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violations of Section 24242 or 24243, of the Health and Safety Code, or of these rules and regulations,
- b. Before a permit is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the permit. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of the sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the general industry safety orders of the State of California.

c. In acting upon a permit to operate, if the Air Pollution Control Officer finds that the equipment has been constructed not in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the equipment so constructed until he finds that the equipment has been constructed in accordance with the authority to construct.

Rule 12. CONDITIONAL APPROVAL. The Air Pollution Control Officer may issue an authority to construct or a permit to operate subject to conditions which will bring the operation of any equipment within the standards of Paragraph 11, Regulation III, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Paragraph 11, Regulation III, under the revised conditions.

Rule 13. 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 therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons 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 of the permit.

Rule 14. FURTHER INFORMATION. Before acting on an application for a permit, the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

Rule 15. APPLICATIONS DEEMED DENIED. The applicant may at his option deem the permit denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

Rule 16. APPEALS. Within 10 days after notice by the Air Pollution Control Officer of denial of a permit, 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 or reverse the action of the Air Pollution Control Officer; such orders may be made subject to specified conditions.

~~REGULATION IV~~

~~Fees~~

~~Rule 1. Every applicant or petitioner for a variance or for the extension, revocation, or modification of a variance, excepting any state or local government agency or public district shall pay to the clerk of the Hearing Board, upon filing a fee, in an amount to be determined by the Board of Supervisors of the County of Amador by Resolution. Said fee to be based upon and determined by the cost of administration of these Rules and Regulations, or the administration required under Article 5, Chapter 2, Division 20 of the Health and Safety Code of the State of California. No part of the fee shall be refundable.~~

REGULATION V

Prohibitions

✓ Rule 1. PROHIBITIONS UNDER STATE LAW. The provisions of the Health and Safety Code of the State of California, entitled Prohibitions, are applicable within the boundaries of the Amador County Air Pollution Control District.

~~Rule 2. ANALYSES REQUIRED. The Control Officer at any time may require from any person subject to regulations of the Board, such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. Such studies shall be at the expense of the person causing the emission or planning such emission.~~

✓ Rule 3. RINGLEMANN CHART. A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

- A. As dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United Bureau of Mines, or
- B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described

~~in subsection (A) of this Rule.~~

~~institutional facility wherever located, or to a residential facility constructed for the use of more than two families.~~

~~Rule 9. INCINERATOR BURNING. Except for refuse originating in one and two family residences, a person shall not burn any combustible waste in any incinerator within the boundaries of the Amador County Air Pollution Control District except in a multiple-chamber incinerator as described in paragraph 2 (T), Regulation I, or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.~~

~~Rule 10. PARTICULATE MATTER. Except as otherwise provided for in Health and Code Section 24245 and paragraph 4 and 8, Regulation V, a person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes or particulate matter emissions in excess of 0.1 grain per cubic foot of gas at standard conditions.~~

Rule 11. SPECIFIC CONTAMINANTS. A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

- ~~A. Sulphur compounds calculated as sulphur dioxide (SO₂) 2000 ppm.~~
- ✓ B. Combustion contaminants: 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂).

Rule 12. PROHIBITIONS REGARDING ORCHARD HEATERS.

- A. No person shall operate or use any orchard heater not approved by Air Resources Board after January 1, 1975.
- B. The sale of orchard heaters not approved by the Air Resources Board is prohibited. (A list of approved heaters will be maintained by the Air Pollution Control Officer.)

Rule 13. PROCESS WEIGHT RATE. A person shall not discharge into the atmosphere from any source, solid particulate matter in excess of the rate shown in the table in rule 14, Regulation V.

For the purposes of this rule, solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

This rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

RULE 14 - PROCESS WEIGHT TABLE

MAXIMUM ALLOWABLE EMISSION RATE BASED ON PROCESS WEIGHT RATE

Process Weight Rate		Maximum Allowable Emission Rate
Lbs./Hr.	Tons/Hr.	Lbs./Hr
50075	0.36
100050	0.56
500250	1.52
1,000500	2.34
5,000	2.500	6.34
10,000	5.000	9.74
20,000	10.000	14.97
60,000	30.000	29.57
80,000	40.000	31.73
120,000	60.000	33.33
160,000	80.000	34.90
200,000	100.000	36.17
400,000	200.000	40.41
1,000,000	500.000	46.79

Interpolation of the data for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$$E = 3.59 P^{0.62} \quad P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E = 17.31 P^{0.16} \quad P \geq 30 \text{ tons/hr.}$$

Where: E=Emissions in pounds per hours.

P=Process weight rate in tons per hour.

hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

- A. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.
- B. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.
- C. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

Rule 16. GASOLINE STORAGE. The following provisions of the State of California Health and Safety Code, and any future amendments thereto, are made a part of these rules and regulations by reference: Section 39068.2, Chapter 3, Part 1, Division 26, et. seq.

Rule 17. ORGANIC LIQUID LOADING: A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

- a. An adsorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.
- b. A vapor handling system which directs all vapors to a fuel gas system.
- c. Other equipment of an efficiency equal to or greater than (a) or (b) if approved by the Air Pollution Control Officer.

This rule shall apply only to the loading of organic liquids at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading facility", for the purpose of this Rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

~~Rule 18. ORGANIC SOLVENTS~~

~~(a) A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heatcured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.~~

~~(b) a person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for employing or applying any photochemically reactive solvent, as defined in section (j), or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent.~~

of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 18 (j).

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- c. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 18 (j).
- d. For the purpose of this rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

Rule 18.2 DISPOSAL AND EVAPORATION OF SOLVENTS: A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 18 (j), or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

Rule 19 FUEL BURNING EQUIPMENT: A person shall not build, erect, install or expand any nonmobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

- a. 200 pounds per hour of sulphur compounds, calculated as sulphur dioxide (SO₂);
- b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);
- c. 10 pounds per hour of combustion contaminants as defined in Rule 2 (H), Regulation 1, and derived from the fuel.

For the purpose of this Rule, "Fuel Burning Equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

~~Rule 20. REDUCTION OF ANIMAL MATTER: A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors, and gas-entrained effluents from such an article, machine, equipment or other contrivance are:~~

- ~~a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or~~
- ~~b. Processed in such a manner determined by the Air Pollution Control Officer to be as effective, or more effective for the purpose of air pollution control than (a) above.~~

~~A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.~~

~~For the purpose of this Rule, reduction is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.~~

~~The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.~~

~~This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on June 1, 1972. This rule shall be effective for all other sources on June 1, 1972.~~

~~Rule 21. CIRCUMVENTION:~~

- ~~a. A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of Rule 5 of these Rule and Regulations.~~

~~b. If air contaminants from a single source operation are emitted~~

4/21/76

REGULATION I GENERAL PROVISIONS

Rule 101 TITLE: These rules and regulations shall be known as the Rules and Regulations of the Amador County Air Pollution Control District. (1)

Rule 102 DEFINITIONS: ~~Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health & Safety Code of the State of California.~~ (1)

new **A.** AIR POLLUTION CONTROL OFFICER. "Air Pollution Control Officer" means the Air Pollution Officer of the Air Pollution Control District of Amador County. (6)

new **B.** AIR QUALITY STANDARDS. "Air Quality Standards" means specified limits on the ambient concentration of specific pollutants. As used in these Rules, the air quality standards adopted by the State Air Resources Board and the Environmental Protection Agency shall apply. (6)

amended **C.** AGRICULTURAL BURNING. "Agricultural Burning" means any open outdoor fire used in agricultural operations in the growing of crops or raising of animals, or in forest management or range-improvement; or used in the improvement of land for wildlife and game habitat. Included is the burning of agricultural wastes and the burning of weeds, grass and brush in or adjacent to fields under cultivation or pasture. (1,2,5)

new **D.** AGRICULTURAL OPERATION. "Agricultural Operation" means the growing and harvesting of crops, or raising of animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution. (1,2,5)

new **E.** AGRICULTURAL WASTES. "Agricultural Wastes" means (a) unwanted or unsellable materials produced wholly from agricultural operations and (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like. (1,2,5)

amended **F.** AIR CONTAMINANT OR POLLUTANT. "Air Contaminant or Pollutant" means, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof. *"VAPOR" left out* (1,5)

amended **G.** ALTERATION. "Alteration" means any addition to, enlargement of, replacement of or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly ~~increase or affect the kind or amount of air contaminants emitted.~~ (1)

10/15/79

Amador

REGULATION

DEFINITIONS

~~RULE 101 Title. These rules and regulations shall be known as the Rules and Regulations of the Amador County Air Pollution Control District.~~

-> RULE 102 Definitions. Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

A. Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Amador County.

B. Agricultural Burning. (a) Any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in forest management or range improvement; or used in the improvement of land for wildlife and game habitat, or disease or pest prevention. (b) Any open outdoor fire used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (a) of this definition. Rule 302 D shall not apply to such burning.

C. Agricultural Operation. The growing and harvesting of crops, or raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduction of agricultural research or instruction by an educational institution.

D. Agricultural Wastes. Are (a) unwanted or unsellable materials produced wholly from agricultural operations and (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

E. Air Contaminant or Pollutant. Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

- F. Alteration. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.
- G. Approved Ignition Devices. Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.
- H. A.R.B. The California State Air Resources Board, or any person authorized to act on its behalf.
- I. Atmosphere. The air that envelope or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.
- J. Board. The Amador County Air Pollution Control Board.
- K. Brush Treated. The material has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicides.
- L. Combustible or Flammable Waste. Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.
- M. Combustion Contaminant. Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.
- N. Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after volatilization from the molten liquid state, or generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.
- O. Designated Agency. Any agency designated by the A.R.B. and County Air Pollution Control District as having authority to issue Agricultural Burn Permits.
- P. District. Is the Air Pollution Control District of Amador County.

- Q. Dust. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.
- R. Emission. The act of releasing or discharging air contaminants into the ambient air from any source.
- S. Emission Data. Are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Production data used to calculate emission data are not emission data.
- T. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- U. Flue. Any duct or passage for air, gases or the like, such as a stack or chimney.
- V. Forest Management Burning. Means the use of open fires, as part of a forest management practice, to remove forest debris. Forest Management practices include timber operations, silvicultural practices or forest protection practices.
- W. Fossil Fuel-fired Steam Generator. Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.
- X. Hearing Board. The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.
- Y. Incineration. An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.
- Z. Incinerator. Means any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.
- AA. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
- BB. Institutional Facility. Means any hospital, boarding home, school or like facility.

- CC. Multiple-Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.
- DD. No-Burn Day. Means any day on which agricultural burning is prohibited by the A.R.B.
- EE. Open Out-Door Fire. As used in this regulation means: Combustion of any combustible material of any type, out-doors in the open air, where the product of combustion is not directed through a flue.
- FF. Operation. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of a material.
- GG. Orchard or Citrus Heaters. 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.
- HH. Owner or Operator. Means any person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
- II. Particulate Matter. Is any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.
- JJ. Permissive Burn Day. Means any day on which agricultural burning is not prohibited by the A.R.B.
- KK. Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
- LL. ppm. Parts per million by volume expressed on a dried gas basis.
- MM. Process Weight Per Hour. The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. (The Process Weight Per Hour will be derived by dividing the total Process Weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

- NN. Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in RULE 409 C, Regulation IV.
- OO. Range Improvement Burning. Means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- PP. Record. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.
- OQ. Residential Rubbish. Rubbish originating from a single or two family dwelling on its premises, limited to the following material: wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.
- RR. Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel, and (b) is not an air pollution abatement operation.
- SS. Section. As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the Health and Safety Code as such code reads on January 1, 1976.
- TT. Silvicultural Practices. Means the establishment, development, care and reproduction of stands of timber.
- UU. Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.
- VV. Standard Conditions. As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.
- WW. Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

RULE 102 XX. Timber Operations. Means cutting or removal of timber or other forest vegetation.

YY. Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

~~RULE 103 Enforcement. These Rules and Regulations shall be enforced by the Air Pollution Control Officer under authority of Sections 40001, 40702, 40752 and 40753, and all officers empowered by Section 40120.~~

RULE 104 Penalty. A violation of the provisions of these Rules and Regulations is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500.00), or both, and the cost of putting out the fire, if applicable. Every day during any portion of which such violation occurs constitutes a separate offense.

RULE 105 Civil Action. Any violation of any provision of these Rules and Regulations or of any order of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

RULE 106 Validity. If any Regulation, Rule, subdivision, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Amador County Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every Regulation, Rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more Regulations, Rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

~~RULE 107 Effective Date. These Rules and Regulations shall take effect on (date of adoption, 1979).~~

~~BA. STANDARD CONDITIONS. "Standard Conditions" means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure. (1,5)~~

~~BB. STANDARD CUBIC FOOT OF GAS. "Standard Cubic Foot of Gas" means the amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions. (1)~~

~~N BC. TIMBER OPERATION. "Timber Operation" means cutting or removal of timber or other forest vegetation for the purpose of producing or harvesting commercial forest products. (3,5)~~

~~N BD. TOTAL REDUCED SULFUR (TRS). "Total Reduced Sulfur (TRS)" means the total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, and sulfuric acid are not to be included in the determination of TRS. (6)~~

~~A Rule 103 ENFORCEMENT: These Rules and Regulations shall be enforced by the Air Pollution Control Officer under authority of Sections 24224, 24246, 24260 and 24262, and all officers empowered by Section 24221. (1,5)~~

~~N Rule 104 PENALTY: A violation of the provisions of these Rules and Regulations is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500.00), or both, and the cost of putting out the fire, if applicable. Every day during any portion of which such violation occurs constitutes a separate offense. (1,5)~~

~~N Rule 105 CIVIL ACTION: Any violation of any provision of these Rules and Regulations or of any order of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss. (6)~~

~~✓ Rule 106 VALIDITY: If any Regulation, Rule, subdivision, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Amador County Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every Regulation, Rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more Regulations, Rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid. (1)~~

~~✓ Rule 107 EFFECTIVE DATE. These Rules and Regulations shall take effect on (date of adoption, 1975).~~

~~RULE 102~~ ~~XX. Timber Operations. Means cutting or removal of timber or other forest vegetation.~~

~~YY. Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.~~

RULE 103 Enforcement. These Rules and Regulations shall be enforced by the Air Pollution Control Officer under authority of Sections 40001, 40702, 40752 and 40753, and all officers empowered by Section 40120.

RULE 104 Penalty. A violation of the provisions of these Rules and Regulations is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500.00), or both, and the cost of putting out the fire, if applicable. Every day during any portion of which such violation occurs constitutes a separate offense.

RULE 105 Civil Action. Any violation of any provision of these Rules and Regulations or of any order of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

RULE 106 Validity. If any Regulation, Rule, subdivision, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Amador County Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every Regulation, Rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more Regulations, Rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

RULE 107 Effective Date. These Rules and Regulations shall take effect on (date of adoption, 1979).

REGULATION II PROHIBITIONS

Rule 201 DISTRICT-WIDE COVERAGE. Provisions, as set forth in this Regulation, shall apply in all portions of the Amador County Air Pollution Control District unless otherwise stated. (6)

Rule 202 VISIBLE EMISSIONS. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is: (1)

name change only

A. as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (1)

B. of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this Rule. (1)

~~Rule 203 NUISANCE. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. (1)~~

pp 5 8

~~Rule 204 WET PLUMES. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 202, that Rule shall not apply. The burden of proof which establishes the application of this Rule shall be upon the person seeking to come within its provisions. (1,5)~~

~~Rule 205 EXCEPTIONS.~~

includes Nuisance now

~~A. The provisions of Rules 202 and 203 do not apply to: (5)~~

~~1. Smoke from fires set by or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary: (1)~~

~~A - a. for the purpose of the elimination or prevention of a fire hazard which cannot be abated by any other means, or (1,5)~~

~~b. for the instruction of public employees and/or volunteer firemen in the methods of fighting fire. (1,5)~~

~~2. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire. (1)~~

~~3. Agricultural operations and associated odors necessary for the growing of crops or raising of animals. (1,5)~~

~~4. Use of any aircraft to distribute seed, fertilizer, insecti-~~

incorporates into A (addition of exceptions) N

REGULATION
II
PROHIBITIONS

~~RULE 201 District Wide Coverage. Prohibitions, as set forth in this Regulation, shall apply in all portions of the Amador County Air Pollution Control District unless otherwise stated.~~

~~RULE 202 Visible Emissions.~~

~~A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:~~

- ~~A. as dark or darker in shade as that designated as No. 1, on the Ringelmann Chart, as published by the United States Bureau of Mines, or~~
- ~~B. of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this section.~~

RULE 203 Exceptions. The provisions of RULE 202 do not apply to:

- A. Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
1. for the purpose of the prevention of a fire hazard, (or health hazard as determined by the Health Officer), which cannot be abated by any other means, or
 2. the instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- B. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.
- C. Open outdoor fires used for recreational purposes or for cooking of food for human consumption.
- D. The use of an experimental device, system, or method to study or research open burning authorized by Section 41707 and 41805 (b) of the Health and Safety Code and these Rules and Regulations.

RULE 203 E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.

F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.

~~G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.~~

H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.

I. The governing board of the district may by rule provide for issuance by the Air Pollution Control Officer of permits for open burning. The provisions of RULE 202 do not apply to smoke from fires set pursuant to such permit.

~~RULE 204 Wet Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of RULE 202 that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.~~

RULE 205 Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

Exception: The provisions of RULE 205 do not apply to odors emanating from agriculture operations necessary for the growing of crops or raising of fowl or animals.

RULE 206 A. Incinerator Burning. Except for the burning of residential rubbish, as defined in RULE 102 CC, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Amador County Air Pollution Control District except in a multiple-chamber incinerator as defined in RULE 102 CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

B. Pathological Incineration. A person shall not burn any pathological waste in any incinerator within the boundaries of the Amador County Air Pollution Control District unless all gases, vapors and gas-entrained effluents from such an incinerator are:

1. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, or

REGULATION II PROHIBITIONS

~~Rule 201 DISTRICT-WIDE COVERAGE. Provisions, as set forth in this Regulation, shall apply in all portions of the Amador County Air Pollution Control District unless otherwise stated. (6)~~

name change only
Rule 202 ~~VISIBLE EMISSIONS. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is: (1)~~

~~A. as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (1)~~

~~B. of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this Rule. (1)~~

~~Rule 203 NUISANCE. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. (1)~~

Rule 204 WET PLUMES. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 202, that Rule shall not apply. The burden of proof which establishes the application of this Rule shall be upon the person seeking to come within its provisions. (1,5)

~~Rule 205 EXCEPTIONS.~~

includes Nuisance now
A. The provisions of Rules 202 and 203 do not apply to: (5)

~~1. Smoke from fires set by or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary: (1)~~

A
~~a. for the purpose of the elimination or prevention of a fire hazard which cannot be abated by any other means, or (1,5)~~

~~b. for the instruction of public employees and/or volunteer firemen in the methods of fighting fire. (1,5)~~

~~2. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire. (1)~~

incorporates old state's address of exceptions
A
~~3. Agricultural operations and associated odors necessary for the growing of crops or raising of animals. (1,5)~~

~~4. Use of any aircraft to distribute seed, fertilizer, insecti-~~

~~cides, or other agriculture aids over lands devoted to the growing of crops, or the raising of animals. (1,5)~~

A → 5. Smoke from fires for which a permit has been issued by the Air Pollution Control Officer or his designated agent pursuant to Section 24245.1. (1,5)

B. The provision of Rule 202 does not apply to: (1,5)

✓ 1. The use of equipment in agricultural operations in the growing of crops or the raising of animals. (1,5)

Basically A in some → 2. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board and which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute. (1,5)

N → 3. ~~Fires permitted under Regulation III, hereof.~~ (1,5)

A → Rule 206 INCINERATOR BURNING. Except for the burning of residential rubbish, as defined in Rule 102, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Amador County Air Pollution Control District except in a multiple-chamber incinerator or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control. (1,5) *OK*

A → Rule 207 PARTICULATE MATTER. A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, condensed fumes, or particulate matter emissions in excess of 0.10 grains per standard cubic foot of gas, except for boilers fired exclusively with wood and incinerators which shall meet 0.20 grains per standard cubic foot of gas. Combustion contaminants shall be calculated to 12 percent of carbon dioxide (CO₂) at standard conditions, except that, in measuring the combustion contaminants from incinerators used to dispose of combustible or flammable waste by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂). (1,5)

N → Rule 207.1 ASPHALT CONCRETE PLANTS. Any asphalt concrete plant constructed or modified after (date of adoption of these Rules) shall not emit particulate matter in excess of 0.04 gr/dscf. (6)

A → Rule 208 ORCHARD OR CITRUS GROVE HEATERS.

A → A. No person shall use any orchard or citrus grove heater after January 1, 1975, unless it has been approved by the A.R.B. and does not produce more than one gram per minute of unconsumed solid carbonaceous material. (1,5)
SEE APPENDIX D (6)

N → B. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning, they must be adequately attended and supervised to maintain

~~RULE 202 E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.~~

~~F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.~~

~~G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.~~

~~H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.~~

~~I. The governing board of the District may by rule provide for issuance by the Air Pollution Control Officer of permits for open burning. The provisions of RULE 202 do not apply to smoke from fires set pursuant to such permit.~~

RULE 204 Wet Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of RULE 202 that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

RULE 205 Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

Exception: The provisions of RULE 205 do not apply to odors emanating from agriculture operations necessary for the growing of crops or raising of fowl or animals.

~~RULE 206 A. Incinerator Burning. Except for the burning of residential rubbish, as defined in RULE 102 CC, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Amador County Air Pollution Control District except in a multiple-chamber incinerator as defined in RULE 102 CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.~~

B. Pathological Incineration. A person shall not burn any pathological waste in any incinerator within the boundaries of the Amador County Air Pollution Control District unless all gases, vapors and gas-entrained effluents from such an incinerator are:

1. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, or

- RULE 206 B. 2. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (1) above.

For the purpose of this Rule, "Pathological Waste" is defined as including but not limited to human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction, disease control or burial preparation.

RULE 207 Particulate Matter. A person shall not release or discharge into the atmosphere from any source or single processing unit, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

~~RULE 208 Orchard or Citrus Heaters.~~

- ~~A. No person shall use any orchard or citrus heater unless it has been approved by the A.R.B. or does not produce more than 1 gram per minute of unconsumed solid carbonaceous material.~~
- ~~B. All orchard heaters shall be maintained in reasonably clean condition, 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 orchard heaters.~~
- ~~C. It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or other substance containing rubber, or to burn oil or other combustible substances in drums, pails or other containers except orchard heaters.~~

→ RULE 209 Fossil Fuel-Steam Generator Facility. A person shall not build, erect, install or expand any fossil fuel fixed steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

- ~~A. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2),~~
- ~~B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2),~~
- ~~C. 10 pounds per hour of combustion contaminants as defined in RULE 102 (a) and derived from the fuel.~~

~~cides, or other agriculture aids over lands devoted to the growing of crops, or the raising of animals. (1,5)~~

~~5. Smoke from fires for which a permit has been issued by the Air Pollution Control Officer or his designated agent pursuant to Section 24245.1. (1,5)~~

~~B. The provision of Rule 202 does not apply to: (1,5)~~

~~1. The use of equipment in agricultural operations in the growing of crops or the raising of animals. (1,5)~~

~~2. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board and which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute. (1,5)~~

~~3. Fires permitted under Regulation III, hereof. (1,5)~~

A - Basically in some

~~A - Rule 206 INCINERATOR BURNING. Except for the burning of residential rubbish, as defined in Rule 102, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Amador County Air Pollution Control District except in a multiple-chamber incinerator or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control. (1,5)~~

~~A - Rule 207 PARTICULATE MATTER. A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, condensed fumes, or particulate matter emissions in excess of 0.10 grains per standard cubic foot of gas, except for boilers fired exclusively with wood and incinerators which shall meet 0.20 grains per standard cubic foot of gas. Combustion contaminants shall be calculated to 12 percent of carbon dioxide (CO₂) at standard conditions, except that, in measuring the combustion contaminants from incinerators used to dispose of combustible or flammable waste by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂). (1,5)~~

~~N - Rule 207.1 ASPHALT CONCRETE PLANTS. Any asphalt concrete plant constructed or modified after (date of adoption of these Rules) shall not emit particulate matter in excess of 0.04 gr/dscf. (6)~~

~~A - Rule 208 ORCHARD OR CITRUS GROVE HEATERS.~~

~~A - A. No person shall use any orchard or citrus grove heater after January 1, 1975, unless it has been approved by the A.R.B. and does not produce more than one gram per minute of unconsumed solid carbonaceous material. (1,5)
SEE APPENDIX D (6)~~

~~N - B. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning, they must be adequately attended and supervised to maintain~~

RULE 210 Specific Contaminants.

- A. Sulfur Compounds. A person shall not release or discharge into the atmosphere from any source of emissions whatsoever, sulfur compounds, calculated as sulfur dioxide (SO_2), in excess of 2,000 parts per million by volume (0.2%) of exhaust gas.
- B. Combustion Contaminants. A person shall not release or discharge into the atmosphere from the following sources or units thereof, combustion contaminants calculated at 12 percent carbon dioxide (CO_2) in excess of:
- ~~1. Wood Fired Boilers and Incinerators: 0.2 grains per cubic foot of dry exhaust gas at standard conditions.~~
 2. All Other Sources: 0.1 grains per cubic foot of dry exhaust gas at standard conditions.
- C. Particulate matter emitted from a source or combination of sources in which exhaust gases from a combustion unit or process are used to dry, calcine, pyrolyze, sinter or otherwise thermally condition, exclusive of combusting, any process material shall be excluded from calculation as combustion contaminants.

~~RULE 211 Process Weight Per Hour. A person shall not release or discharge into the atmosphere from any source operation solid particulate matter in excess of that allowed in the table in RULE 212.~~

- ~~A. The provisions of this Rule shall not apply to:~~
- ~~1. Portland cement kilns, except that no owner or operator shall release or discharge into the atmosphere from any portland cement kiln particulate matter at a rate in excess of 0.30 pounds per ton of dry kiln feed, exclusive of fuel charged.~~
 - ~~2. Portland cement clinker coolers, except that no owner or operator shall release or discharge into the atmosphere from any portland cement clinker cooler particulate matter at a rate in excess of 0.10 pounds per ton of dry kiln feed, exclusive of fuel charged.~~
 - ~~3. Sewage sludge incinerators, except that no owner or operator shall release or discharge into the atmosphere from any sewage sludge incinerator particulate matter at a rate in excess of 1.30 pounds per ton of dry sludge input as determined in CFR 40, Part 60.154.~~

→ RULE 213 Storage of Petroleum Products.

- A. 1. Except as provided in subdivision (2), no person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe, unless such tank is a pressure tank, or is equipped with a vapor recovery system, or with a floating roof, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the Air Pollution Control Officer.
2. Subdivision (1) shall not apply to any stationary tanks installed prior to December 31, 1970.
3. Subdivision (1) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles defined in Division 16 (commencing with Section 36000) of the Vehicle Code.
4. For the purpose of this Rule, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
5. For the purpose of this Rule, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
6. A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
7. A "vapor recovery system" consists of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.
8. A "floating roof" consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. This control equipment shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

- B. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank, or equipped with a vapor recovery system, or a floating roof as described in subsection (A) of this rule, or other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.

~~RULE 214 Reduction of Animal Matter. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:~~

- ~~A. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or~~
- ~~B. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (A) above.~~

~~A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.~~

~~For the purpose of this Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.~~

~~The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.~~

→ ~~RULE 215 Abrasive Blasting. By reference Title 17 Subchapter 6 of the California Administrative Code shall apply.~~

→ ~~RULE 216 Compliance Tests. Except as otherwise provided in these Rules and Regulations, performance tests undertaken to determine compliance of sources with Regulation II shall comply with the provisions of CFR 40, Part 60, Appendix A except that Method 5 shall be modified to include the impinger train.~~

~~ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent; (1)~~

~~2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent; and (1)~~

~~3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 30 percent. (1)~~

~~K. Whenever any organic solvent or any constituent of any organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents. (1)~~

~~L. For the purposes of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate. (1)~~

~~M. This Rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid Authority to Construct on May 17, 1972. This Rule shall be effective for all other sources on May 17, 1972. (1)~~

Rule 213.3 DISPOSAL AND EVAPORATION OF SOLVENTS.

changed to reflect new #
~~A. A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 213.2 (J) or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere. (1,5)~~

~~B. This Rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid Authority to Construct on May 17, 1972. This Rule shall be effective for all other sources on May 17, 1972. (1)~~

Rule 214 REDUCTION OF ANIMAL MATTER.

~~A. A person shall not operate or use any article, machine, equipment, or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment, or other contrivance are: (1)~~

~~1. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.30 seconds, or (1)~~

~~2. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (1) above. (1,5)~~

- B. A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions. (1)
- C. For the purpose of this Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating. (1)
- D. The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption. (1)

~~Rule 215 NEW SOURCE PERFORMANCE STANDARDS AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS. Those Rules and Regulations contained in Appendix C hereto and entitled New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants are declared a part of these Rules and Regulations by reference and, as such, shall be enforced by the Amador County Air Pollution Control District. See Appendix C on file at Amador County APCD, 810 Court Street, Jackson, California. Date of adoption, 1975. (6)~~

~~B. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank, or equipped with a vapor recovery system, or a floating roof as described in subsection (A) of this rule, or other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.~~

~~RULE 214~~

~~Reduction of Animal Matter. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:~~

- ~~A. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or~~
- ~~B. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (A) above.~~

~~A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.~~

~~For the purpose of this Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.~~

~~The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.~~

→ ~~RULE 215~~

~~Abrasive Blasting. By reference Title 17 Subchapter 6 of the California Administrative Code shall apply.~~

→ ~~RULE 216~~

~~Compliance Tests. Except as otherwise provided in these Rules and Regulations, performance tests undertaken to determine compliance of sources with Regulation II shall comply with the provisions of CFR 40, Part 60, Appendix A except that Method 5 shall be modified to include the impinger train.~~

AMADOR

Regulation III
Open Burning

2/301

Prohibition From Burning. No person shall use open outdoor fires for the purpose of disposal, processing or burning of any combustible or flammable material.

2
302

Exceptions to RULE 301. Except as otherwise provided in this Regulation, nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for the following purposes:

- A. Agricultural Burning, pursuant to RULE 303.
- B. Range Improvement Burning, pursuant to RULE 304.
- C. Forest Management Burning, pursuant to RULE 305.
- D. Land Development Clearing, pursuant to RULE 306.
- E. Ditch and Road Maintenance, pursuant to RULE 307.
- F. Public Disposal Facility, pursuant to Section 41804.5 of the Health and Safety Code.
- G. Hazard Reduction, pursuant to RULE 308.
- H. Fire Suppression and Training, pursuant to RULE 309.

FILE NO.

- 12 I. Residential Maintenance, pursuant to RULE 310.
- J. Recreational Activity, pursuant to RULE 311.

303
 13 Agricultural Burning. Agricultural burning, as defined in RULE 102, shall be allowed under the following conditions:

- A. A valid permit shall be secured pursuant to RULE 312.
- B. Burning, except that related to the disposal of empty pesticide or toxic substance containers used in agricultural operations, shall occur on those days approved pursuant to RULE 313.
- C. Information regarding the burn shall be provided pursuant to RULE 314.
- D. Material to be burned shall be dried pursuant to RULE 315 and shall be free of materials not produced in an agricultural operation.
- E. Burning shall be managed pursuant to RULE 316.
- F. Open burning of agricultural waste above 3,000 feet and agricultural burning above 6,000 feet shall be exempt from Sections A through E of this Rule.

304
 14 Range Improvement Burning. Range improvement burning, as defined in RULE 102, shall be allowed under the following conditions:

- A. A valid permit shall be secured pursuant to RULE 312.
- B. Burning shall occur only on those days approved pursuant to RULE 313.
- C. Information regarding the burn shall be provided pursuant to RULE 314.
- D. Material to be burned shall be dried pursuant to RULE 315.
- E. Burning shall be managed pursuant to RULE 316.
- F. Brush shall be treated pursuant to RULE 102 at least six (6) months prior to the burn and windrowed or piled if economically and technically feasible. Unwanted trees over six (6) inches in diameter shall be felled and dried pursuant to the direction of the Air Pollution Control Officer prior to the burn.
- G. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the Air Pollution Control Officer. As to burning conducted by the Department of Fish and Game, the department shall, on its own behalf, issue and file such statements.
- H. Open burning of agricultural waste above 3,000 feet or agricultural burning above 6,000 feet shall be exempt from Sections A through H of this Rule.

FILE NO.

305
 5 Forest Management Burning. Forest management burning, as defined in RULE 102, shall be allowed under the following conditions:

- A. A valid permit shall be secured pursuant to RULE 312.
- B. Burning shall occur only on those days approved pursuant to RULE 313.
- C. Information regarding the burn shall be provided pursuant to RULE 314.
- D. Drying time shall be specified by the designated agency.
- E. Waste material shall be windrowed or piled where possible, unless good silviculture practice as defined in RULE 102 dictates otherwise.
- F. Burning shall be managed pursuant to RULE 316 B and C.
- G. Open burning of agricultural waste above 3,000 feet or agricultural burning above 6,000 feet shall be exempt from Sections A through F of this Rule.

306
 6 Land Development Clearing. The District Air Pollution Control Board finds it more economically desirable to dispose of wood waste from trees, vines and bushes on property being developed for commercial or residential purposes by burning instead of burial at a sanitary landfill. This material shall be allowed for disposal by burning under the following conditions:

- A. A valid permit shall be secured pursuant to RULE 312.
- B. Burning shall occur only on those days approved pursuant to RULE 313.
- C. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn. Wood waste shall be windrowed if economically and technically feasible.

307
 7 Ditch and Road Maintenance. The use of open outdoor fires for right-of-way clearing by a public entity or utility or for levee, ditch or reservoir maintenance shall be allowed under the following conditions:

- A. Burning shall occur only on those days approved pursuant to RULE 313.
- B. Material to be burned shall be dried pursuant to RULE 315, and stacked or otherwise arranged to promote combustion as specified by the Air Pollution Control Officer.

308
 8 Hazard Reduction.

- A. Wood waste from trees, vines and bushes produced by vegetative clearance done in compliance with state and local law or ordinance to reduce a fire hazard shall be allowed for disposal by burning pursuant to the conditions of Rule 306.
- B. If a fire officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life or property, or where other authorized officials determine that a health hazard exists or that there is an immediate need for disease or pest prevention, and that there is no alternative to burning, all other provisions of this Regulation shall be waived.

ULE NO.

³⁰⁹
09 Fire Suppression and Training. Nothing in these Rules and Regulations shall be construed as limiting the authority of any public fire official granted under provisions of law to:

- A. Set or permit a fire when such fire is, in his opinion, necessary for the instruction of public employees and or volunteer firemen or, on property used for industrial purposes, employees in the methods of fighting fires.
- B. Set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

³¹⁰
10 Residential maintenance. Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for the burning of Residential Rubbish as defined in RULE 102.

³¹¹
11 Recreational Activity. Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for recreational purposes, such as the cooking of food for human consumption.

³¹²
12 Required Permit.

- A. No person required to comply with the provisions of this Rule shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the Air Pollution Control Officer or a designated agency.
- B. A permit shall not be issued to an applicant unless information is provided as required by the Air Pollution Control Officer, including:
 1. Name and address of applicant.
 2. Location of proposed burn.
 3. Acreage or estimated tonnage and type of material to be burned.
 4. Any other information the District may deem pertinent.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- D. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.

³¹³
3 No Burn Day.

- A. No person required to comply with the provisions of this Rule shall knowingly set or permit open outdoor fires on days when such burning is prohibited by the Air Resources Board, the Air Pollution Control officer or the fire agency with appropriate jurisdiction.

LE NO.

3 B. The Air Pollution Control Officer may, by special permit, authorize the use of open outdoor fires on days designated by the Air Resources Board or the Air Pollution Control Officer as "no burn days" if the denial of such permit would threaten imminent and substantial economic loss, and when downwind metropolitan areas are forecasted by the Air Resources Board to achieve the ambient air quality standards. The granting of such a special permit does not exempt the applicant from any other District or fire control regulation.

314

4 Burning Permits.

- A. The name, location, type, date and amount of the material being burned shall be reported to the designated agency within 15 days following completion of the burn.
- B. The designated agency shall forward the above information to the Air Pollution Control Officer quarterly.

315

5 Minimum Drying Times.

- A. To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:
 - 1. A minimum of three (3) days for green straw and stubble.
 - 2. Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.
 - 3. A minimum of six (6) weeks for trees, stumps, and large branches greater than six (6) inches in diameter.
- B. The Air Pollution Control Officer may, by permit, authorize shorter drying times if the denial of such permit would threaten imminent and substantial economic loss.

316

6 Burning Management.

- A. Material to be burned shall be arranged so that it will burn with a minimum of smoke and, except for large trees, only that amount that can reasonably be expected to completely burn within the following twenty-four (24) hours shall be ignited in any one day.
- B. All open outdoor fires shall be ignited only with approved ignition devices as defined in RULE 102 and the material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
- C. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.
- D. No material shall be burned unless it is free of tires, rubbish, tar paper, and construction debris; reasonably free of dirt, soil and moisture; and loosely stacked in such a manner as to promote drying and insure combustion with a minimum of smoke.

LE NO.

317
 7 Mechanized Burners. The Air Pollution Control Officer may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- A. As dark or darker in shade as that designated No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
- B. Of such opacity as to obscure an observer's view to a degree equal or greater than does smoke described in Subsection A of this Rule.

In authorizing the operation of a mechanized burner, the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standard prescribed in this Rule.

~~318
 3 Enforcement Responsibility. The Air Pollution Control Officer or his staff will be in the field to ensure that these Rules and Regulations are complied with and shall enforce all state and District regulations regarding air pollution control.~~

~~319
 3 Penalty. A violation of the provisions of this Regulation or of Section 41852 or 41800 is a misdemeanor punishable by imprisonment in the County Jail not exceeding six (6) months or by fine not exceeding five hundred dollars (\$500.00) or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.~~

~~(The provisions of Rule 202 do not apply to:)~~

~~3 J. Smoke emissions from teepee burners operating in compliance with section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues with supplemental fossil fuels, and burners used to produce energy and fired with such fuels, when such emissions result from the startup or shutdown of the combustion process or from the malfunction of emissions control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.~~

**RULE 400– NSR REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN
NONATTAINMENT AREAS (ADOPTED ON JANUARY 17, 2023)**

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1 APPLICABILITY PROCEDURES

1.1 PRECONSTRUCTION REVIEW REQUIREMENTS

- (a) The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.
- (b) Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 AUTHORITY TO CONSTRUCT REQUIREMENT

No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 EMISSION CALCULATION REQUIREMENTS TO DETERMINE NSR APPLICABILITY

1.3.1 New Major Stationary Sources

The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source. Different pollutants, including individual precursors, are not summed to determine applicability of a major stationary source.

1.3.2 Major Modifications

The provisions set out in paragraphs (a) through (e) below shall be used to determine if a proposed project will result in a major modification. Different pollutants, including individual precursors, are not summed to determine applicability of a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

- (a) Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

- (b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (c) through (e) of this Section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of *Net Emissions Increase*. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
- (c) **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- (d) **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
- (e) **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (c) or (d) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

1.4 MAJOR SOURCES WITH PLANT-WIDE APPLICABILITY LIMITATIONS (PAL)

For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.

1.5 PROJECTS THAT RELY ON A PROJECTED ACTUAL EMISSIONS TEST

Except as otherwise provided in paragraph (g)(iii) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (g) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of *Projected Actual Emissions* to calculate projected actual emissions.

- (a) Before beginning actual construction of the project the owner or operator shall document and maintain a record of the following information:
 - (i) A description of the project;

- (ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - (iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions* and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- (b) If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 400 before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulations IV and V , or other applicable requirements.
- (c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph (a)(ii) of this Section; and calculate and maintain a record of the annual emissions, in tons per year (tpy), on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.
- (d) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (c) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
- (e) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (a) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of *Projected Actual Emissions*) as documented and maintained pursuant to paragraph (a)(iii) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
- (i) The name, address, and telephone number of the major stationary source;
 - (ii) The annual emissions, as calculated pursuant to paragraph (c) of this Section; and

- (iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- (f) The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- (g) A “reasonable possibility” under this Section occurs when the owner or operator calculates the project to result in either:
 - (i) A projected actual emissions increase of at least 50 percent of the amount that is a “significant emissions increase,” as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
 - (ii) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions*, sums to at least 50 percent of the amount that is a “significant emissions increase,” as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.
 - (iii) For a project in which a reasonable possibility occurs only within the meaning of paragraph (g)(ii), and not also within the meaning of (g)(i), the provisions of paragraphs (b) through (e) of this Section do not apply to the project.

1.6 SECONDARY EMISSIONS

Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

1.7 STATIONARY SOURCES

For purposes of this rule, the term stationary source does not refer to the source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act (42 U.S.C. §7550 Definitions).

1.8 ENVIRONMENTAL PROTECTION AGENCY DETERMINATION

Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.

2 DEFINITIONS

For the purposes of this rule, the definitions provided in paragraphs (a), (b), (c) and (d) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (a), (b), (c), and (d), below, the definition in the paragraph that is listed first below shall control.

(a) The definitions contained in 40 CFR 51.165(a)(1) shall apply, and are hereby incorporated by reference, with the exception of the definition of “Reviewing authority” at 40 CFR 51.165(a)(1)(xxxviii), which has the meaning specified in paragraph (b) below.

(b) The following definitions shall also apply:

“*Air Pollution Control Officer (APCO)*” means the Air Pollution Control Officer of the Amador Air District.

“*Class I area*” means any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

“*Clean Air Act (CAA)*” means the federal Clean Air Act, 42 U.S.C. 7401 *et seq.*, as amended.

“*Complete*” means, in reference to an application, that the application contains all of the information necessary for processing it.

“*District*” means the Amador Air District.

“*Emission reduction credit (ERC)*” means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

“*Internal emission reductions*” means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

“*Nonattainment pollutant*” means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

“*Permanent*” means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

“*Real*” means, as it pertains to emission reductions, emissions that were actually emitted.

“*Reviewing authority*” means the Air Pollution Control Officer (APCO).

“*Shutdown*” means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

“*Startup*” means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

“*State Implementation Plan (SIP)*” means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.

“*Surplus*” means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this rule if those reductions meet all other applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

- (i) The federally-approved California SIP;
- (ii) Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
- (iii) Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and
- (iv) Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

“*Temporary source*” means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.

“Tons per year (tpy)” means annual emissions in tons.

- (c) The definitions contained in 40 CFR 51.100 shall apply, and are hereby incorporated by reference.
- (d) The definitions contained in 40 CFR 51.301 shall apply, and are hereby incorporated by reference.

3 APPLICATION REQUIREMENTS

3.1 APPLICATION SUBMITTAL

The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

3.2 APPLICATION CONTENT

At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:

- (a) Identification of the applicant, including contact information.
- (b) Identification of address and location of the new or modified source.
- (c) An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
- (d) A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
- (e) A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
- (f) A projected operating schedule for each emissions unit included in the new source or modification.
- (g) A determination as to whether the new source or modification will result in any secondary emissions.
- (h) The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).

- (i) The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
- (j) The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
- (k) The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
- (l) Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
- (m) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

3.3 LOWEST ACHIEVABLE EMISSION RATE (LAER)

The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.

3.4 STATEWIDE COMPLIANCE

The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.

3.5 ANALYSIS OF ALTERNATIVES

The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

3.6 SOURCES IMPACTING CLASS I AREAS

The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).

3.7 APPLICATION FEES

The applicant shall pay the applicable fees specified in Regulation VI, FEES.

4 EMISSIONS OFFSETS

4.1 OFFSET REQUIREMENTS

- (a) The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.
- (b) ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
- (c) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and
- (d) The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
- (e) The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 TIMING

- (a) Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
- (b) Except as provided by paragraph (c) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.
- (c) Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 QUANTITY

The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- (a) The unit of measure for offsets, ERCs, and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.

- (b) The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (c) of this Section, and the offset ratio, as determined in accordance with paragraph (d) of this Section.
- (c) The amount of increased emissions shall be determined as follows:
 - (i) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
 - (ii) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
 - (iii) The amount of increased emissions includes fugitive emissions.
- (d) The ratios listed in Table 1 shall be applied based on the area's highest classification for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area Classification and Pollutant

Area Classification	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NO _x or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO _x or VOC	1:1.15

4.4 EMISSION REDUCTION REQUIREMENTS

- (a) Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - (i) Real, surplus, permanent, quantifiable, and federally enforceable; and
 - (ii) Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- (b) Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- (c) Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
 - (i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and

- (ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- (d) The use of ERCs shall not provide:
 - (i) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - (ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - (iii) An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 RESTRICTIONS ON OFFSET POLLUTANTS

- (e) The emission offsets obtained shall be for the same regulated NSR pollutant.
- (f) In no case, shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as offsets for Volatile Organic Compounds.
- (g) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in 40 CFR 51.100(s).

5 ADMINISTRATIVE REQUIREMENTS

5.1 VISIBILITY

- (a) The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307.
- (b) The APCO may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the APCO deems necessary and appropriate.

5.2 AMBIENT AIR QUALITY STANDARDS

The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (d) of Section 4.3.

5.3 AIR QUALITY MODELS

All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W (“Guideline on Air Quality Models”). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.

5.4 STACK HEIGHT PROCEDURES

The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

- (a) Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.
- (b) Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the APCO prior to any emission limit being established.
- (c) The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.

6 AUTHORITY TO CONSTRUCT – DECISION

6.1 PRELIMINARY DECISION

Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 AUTHORITY TO CONSTRUCT – PRELIMINARY DECISION REQUIREMENTS

- (a) Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:

- (i) That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District’s portion of the California State Implementation Plan (SIP); and
- (ii) That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and
- (iii) That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the CAA. The term “emission limitation” shall also include such design, operational, or equipment standards; and

- (iv) The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and
 - (v) That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and
 - (vi) That the quantity of ERCs or internal emission reductions determined under paragraph (b) of Section 4.3 will be surrendered prior to commencing operation.
- (b) Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (iv), (v) and (vi) of paragraph (a) of this Section.

6.3 AUTHORITY TO CONSTRUCT CONTENTS

- (a) An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:
 - (i) which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
 - (ii) sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (b) and (c) of this Section.

- (b) A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
- (c) A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 AUTHORITY TO CONSTRUCT – FINAL DECISION

- (a) Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District’s response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.
- (b) The APCO shall deny any application for an Authority to Construct if the APCO finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.
- (c) The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.
- (d) The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

6.5 PERMIT TO OPERATE

The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emissions units.

7 SOURCE OBLIGATIONS

7.1 ENFORCEMENT

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.

7.2 TERMINATION

Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

7.3 COMPLIANCE

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

7.4 RELAXATION IN ENFORCEABLE LIMITATIONS

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

8 PUBLIC PARTICIPATION

After the APCO has made a preliminary written decision to issue or deny an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

- (a) Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8(b), and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).
- (b) No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.
- (c) Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: any other state or local air pollution control agencies, the chief executives of the city and

county where the source would be located; any comprehensive regional land use planning agency, and any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.

- (d) Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9 PLANT-WIDE APPLICABILITY LIMITS (PAL)

9.1 APPLICABILITY

- (a) The APCO may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in Sections 9.1 through 9.15. The term "PAL" shall mean "actuals PAL" throughout Section 9.
- (b) Any physical change in, or change in the method of operation of, a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of Sections 9.1 through 9.15, and complies with the PAL Permit:
 - (i) Is not a major modification for the PAL pollutant;
 - (ii) Does not have to be approved through the plan's Nonattainment Major NSR Program; and
 - (iii) Is not subject to the provisions in Section 7.4.
- (c) Except as provided under paragraph (b)(iii) of Section 9.1, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

9.2 DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of Section 9 of this rule. When a term is not defined in these paragraphs, it shall have the meaning given in Section 2 of this rule or in the CAA.

"Actuals PAL for a major stationary source" means a PAL based on the baseline actual emissions of all emissions units at the source that emit, or have the potential to emit, the PAL pollutant.

"Allowable emissions" means allowable emissions as defined in Section 2 of this rule, except as this definition is modified according to paragraphs (a) and (b) below:

- (a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

- (b) An emissions unit’s potential to emit shall be determined using the definition in Section 2 for this term, except that the words “or enforceable as a practical matter” should be added after “federally enforceable.”

“*Major emissions unit*” means:

- (a) Any emissions unit that emits, or has the potential to emit, 100 tpy or more of the PAL pollutant in an attainment area; or
- (b) Any emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas.

“*Plantwide Applicability Limitation (PAL)*” means an emission limitation, expressed in tpy, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with Sections 9.1 through 9.15 of this rule.

“*PAL effective date*” generally means the date of issuance of the PAL Permit. However, the PAL effective date for an increased PAL is the date any emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

“*PAL effective period*” means the period beginning with the PAL effective date and ending ten years later.

“*PAL major modification*” means, notwithstanding the definitions for major modification and net emissions increase incorporated by reference in Section 2, any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

“*PAL Permit*” means the title V permit issued by the APCO that establishes a PAL for a major stationary source.

“*PAL pollutant*” means the pollutant for which a PAL is established at a major stationary source.

“*Significant emissions unit*” means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in Section 2 of this rule or in the CAA, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit.

“*Small emissions unit*” means an emissions unit that emits, or has the potential to emit, the PAL pollutant in an amount less than the significant level (as defined in Section 2 of this rule or in the CAA, whichever is lower).

9.3 PERMIT APPLICATION REQUIREMENTS

As part of an application for a title V Operating Permit requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the APCO for approval:

- (a) A list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal, state or county applicable requirements, emission limitations, or work practices apply to each unit;
- (b) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction;
- (c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as required by paragraph (a) of Section 9.13.

9.4 GENERAL REQUIREMENTS FOR ESTABLISHING PALS

- (a) The APCO may establish a PAL at a major stationary source, provided that, at a minimum, the requirements in paragraphs (a)(i) through (a)(vii) below are met.
 - (i) The PAL shall impose an annual emission limitation, in tpy, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first eleven months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
 - (ii) The PAL shall be established in a PAL Permit that meets the public participation requirements in Section 9.5 of this rule.
 - (iii) The PAL Permit shall contain all the requirements of Section 9.7 of this rule.
 - (iv) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.
 - (v) Each PAL shall regulate emissions of only one pollutant.
 - (vi) Each PAL shall have a PAL effective period of ten years.
 - (vii) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Sections 9.12 through 9.14 of this rule for each emissions unit under the PAL through the PAL effective period.
- (b) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of generating offsets unless the level of the PAL is reduced by the

amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

9.5 PUBLIC PARTICIPATION REQUIREMENTS FOR PALS

PALs for existing major stationary sources shall be established, renewed, or increased through the public participation procedures in Section 8 of this rule.

9.6 SETTING THE 10-YEAR ACTUALS PAL LEVEL

- (a) Except as provided in paragraph (b) of this Section, the Actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant as defined in Section 2 or under the CAA, whichever is lower. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The APCO shall specify a reduced PAL level(s) (in tons/yr) in the PAL Permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the APCO is aware of prior to issuance of the permit.
- (b) For newly constructed units (which does not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in paragraph (a) of Section 9.6, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

9.7 CONTENTS OF THE PAL PERMIT

The PAL permit shall contain, at a minimum, the following information:

- (a) The PAL pollutant and the applicable source-wide emission limitation in tpy;
- (b) The PAL effective date and the expiration date of the PAL Permit (PAL effective period).
- (c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew the PAL Permit in accordance with Section 9.10 before the end of the PAL effective period, then the PAL conditions shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL Permit is issued by the APCO.
- (d) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns, and malfunctions;
- (e) A requirement that, once the PAL Permit expires, the major stationary source is subject to the requirements of Section 9.9;

- (f) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month, as required by paragraph (a) of Section 9.13;
- (g) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under Section 9.12;
- (h) A requirement to retain the records required under Section 9.13 on-site. Such records may be retained in an electronic format;
- (i) A requirement to submit the reports required under Section 9.14 by the required deadlines; and
- (j) Any other requirements that the APCO deems necessary to implement and enforce the PAL Permit.

9.8 PAL EFFECTIVE PERIOD AND REOPENING OF PAL PERMIT

The PAL shall include the following information:

- (a) PAL Effective Period. The APCO shall specify a PAL effective period of ten years from the date of issuance.
- (b) Reopening of the PAL Permit.
 - (i) During the PAL effective period, the plan shall require the APCO to reopen the PAL Permit to:
 - A. Correct typographical/calculation errors made in setting the PAL, or reflect a more accurate determination of emissions used to establish the PAL.
 - B. Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets.
 - C. Revise the PAL to reflect an increase in the PAL as provided under Section 9.11.
 - (ii) The APCO may reopen the PAL Permit for the following:
 - A. Reduce the PAL to reflect newly applicable federal requirements with compliance dates after the PAL effective date.
 - B. Reduce the PAL consistent with any other requirement that is enforceable as a practical matter, and that the APCO may impose on the major stationary source under District Rules.
 - C. Reduce the PAL if the APCO determines that a reduction is necessary to avoid causing or contributing to a National Ambient Air Quality Standard or PSD increment violation, or to an adverse impact on an air-quality-related value that has been identified for a federal Class I area by a Federal Land Manager and for which information is available to the general public.

- (iii) Except for the permit reopening in paragraph (b)(i)(A) of Section 9.8 for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Section 9.5 of this rule.

9.9 EXPIRATION OF A PAL

Any PAL which is not renewed in accordance with the procedures in Section 9.10 shall expire at the end of the PAL effective period, and the requirements in Section 9.9 of this rule shall apply.

- (a) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following:
 - (i) Within the time frame specified for PAL renewals in paragraph (b) of Section 9.10, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the APCO) by distributing the PAL allowable emissions for the affected major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (e) of Section 9.10, such distribution shall be made as if the PAL had been adjusted.
 - (ii) The APCO shall decide whether and how the PAL allowable emissions will be distributed and issue a revised title V Operating Permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the APCO determines is appropriate.
- (b) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The APCO may approve the use of monitoring systems other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
- (c) Until the APCO issues the revised title V Operating Permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (a)(ii) of Section 9.9, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.
- (d) Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if such change meets the definition of *Major Modification* in Section 2.
- (e) The major stationary source owner or operator shall continue to comply with any federal, state or county applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except as provided in paragraph (b)(iii) of Section 9.1.

9.10 RENEWAL OF A PAL

- (a) The APCO will follow the procedures specified in Section 9.5 in approving any request to renew a PAL Permit for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the APCO .
- (b) Application deadline. A major stationary source owner or operator shall submit a timely application to the APCO to request renewal of the PAL Permit. A timely application is one that is submitted at least six months prior to, but not earlier than eighteen months prior to, the date of expiration of the PAL Permit. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL Permit within this time period, then the PAL Permit shall continue to be effective until the revised permit with the renewed PAL is issued.
- (c) Application Requirements. The application to renew a PAL Permit shall contain the information required in paragraphs (c)(i) through (c)(iv) of Section 9.10 of this rule:
 - (i) The information required in paragraphs (a) through (c) of Section 9.3;
 - (ii) A proposed PAL level;
 - (iii) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation); and
 - (iv) Any other information the owner or operator wishes the APCO to consider in determining the appropriate level for renewing the PAL Permit.
- (d) PAL Adjustment. In determining whether and how to adjust the PAL, the APCO shall consider the options outlined in paragraphs (d)(i) and (d)(ii) of Section 9.10. However, in no case may any such adjustment fail to comply with paragraph (d)(iii) of Section 9.10.
 - (i) If the emissions level calculated in accordance with Section 9.6 is equal to or greater than eighty (80) percent of the PAL level, the APCO may renew the PAL at the same level without considering the factors set forth in paragraph (d)(ii) of Section 9.10; or
 - (ii) The APCO may set the PAL at a level that the APCO determines to be more representative of the source's baseline actual emissions, or that the APCO determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the APCO in their written rationale.
 - (iii) Notwithstanding paragraphs (d)(i) and (d)(ii) of Section 9.10:
 - A. If the potential to emit of the major stationary source is less than the PAL, the APCO shall adjust the PAL to a level no greater than the potential to emit of the source; and

- B. The APCO shall not approve a renewed PAL level higher than the current PAL unless the major stationary source has complied with the provisions of Section 9.11.
- (e) If the compliance date for a federal or state requirement that applies to the PAL source occurs during the PAL effective period, and if the APCO has not already adjusted for such requirement, the PAL shall be adjusted at the time the affected title V Operating Permit is renewed.

9.11 INCREASING A PAL DURING THE PAL EFFECTIVE PERIOD

- (a) The APCO may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (a)(i) through (a)(iv) of Section 9.11.
 - (i) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.
 - (ii) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units, assuming application of BACT-equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL. The level of control that would result from BACT-equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding ten years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.
 - (iii) The owner or operator obtains an Authority to Construct issued in accordance with Sections 1 through 8 of this rule for all emissions unit(s) identified in paragraph (a)(i) of Section 9.11, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the nonattainment Authority to Construct issued in accordance with Sections 1 through 8 of this rule (for example, LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.
 - (iv) The PAL Permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- (b) The APCO shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT-equivalent

controls as determined in accordance with paragraph (a)(ii) of Section 9.11), plus the sum of the baseline actual emissions of the small emissions units.

- (c) The PAL Permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of Section 9.5.

9.12 MONITORING REQUIREMENTS FOR PALS

- (a) General requirements.

- (i) Each PAL Permit must include enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL Permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

- (ii) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (b)(i) through (b)(iv) of Section 9.12 and must be approved by the APCO .

- (iii) Notwithstanding paragraph (a)(ii) of Section 9.12, the PAL monitoring system may also employ an alternative monitoring approach that meets paragraph (a)(i) of Section 9.12 if approved by the APCO .

- (iv) Failure to use a monitoring system that meets the requirements of Section 9.12 renders the PAL invalid.

- (b) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (c) through (i) of Section 9.12:

- (i) Mass balance calculations for activities using coatings or solvents;

- (ii) CEMS;

- (iii) CPMS or PEMS; and

- (iv) Emission factors.

- (c) Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coatings or solvents shall meet the following requirements:

- (i) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

- (ii) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
 - (iii) Where the vendor of a material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the APCO determines there is site-specific data or a site-specific monitoring program to support another content within the range.
- (d) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) The CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B; and
 - (ii) The CEMS must sample, analyze, and record data at least every fifteen minutes while the emissions unit is operating.
- (e) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) The CPMS or PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
 - (ii) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen minutes, or at another, less frequent interval approved by the APCO while the emissions unit is operating.
- (f) Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:
 - (i) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;
 - (ii) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and
 - (iii) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL Permit issuance unless the APCO determines that testing is not required.
- (g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data unless another method for determining emissions during such periods is specified in the PAL Permit.

- (h) Notwithstanding the requirements in paragraphs (c) through (g) of Section 9.12, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the APCO shall, at the time of permit issuance:
 - (i) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or
 - (ii) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.
- (i) Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the APCO . Such testing must occur at least once every five years after issuance of the PAL Permit.

9.13 RECORDKEEPING REQUIREMENTS

- (a) The PAL Permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of Section 9 and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.
- (b) The PAL Permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:
 - (i) A copy of the PAL Permit application and any applications for revisions to the PAL Permit; and
 - (ii) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

9.14 REPORTING AND NOTIFICATION REQUIREMENTS

The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the APCO , in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (a) through (c) of Section 9.14.

- (a) Semiannual Report. The semiannual report shall be submitted to the APCO within thirty days of the end of each reporting period. This report shall contain the information required in paragraphs (a)(i) through (a)(vii) of Section 9.14:
 - (i) The identification of owner and operator and the permit number;
 - (ii) Total annual emissions (in tpy) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (a) of Section 9.13.
 - (iii) All data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;

- (iv) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period;
 - (v) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken;
 - (vi) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph (g) of Section 9.12; and
 - (vii) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.
- (b) Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL Permit, including periods where no monitoring is available. A report submitted pursuant to 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the affected title V Operating Permit. The reports shall contain the following information:
- (i) The identification of owner and operator and the permit number;
 - (ii) The PAL requirement that experienced the deviation or that was exceeded;
 - (iii) Emissions resulting from the deviation or the exceedance; and
 - (iv) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.
- (c) Revalidation Results. The owner or operator shall submit to the APCO the results of any revalidation test or method within three months after completion of such test or method.

9.15 TRANSITION REQUIREMENTS

The APCO may not issue a PAL permit that does not comply with the requirements in Section 9 after the EPA has approved regulations incorporating these requirements into the District portion of the California SIP.

10 INVALIDATION

If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such

provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS

All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on January 17, 2023.

REGULATION

IV

PERMIT SYSTEMS CONDITIONS

10/15/79
All permits issued pursuant to these Rules and Regulations are subject to the following rules:

RULE 401 Responsibility.

The fact that an authorization to construct or modify, or a permit to operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance; neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards would not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

10/15/79
~~RULE 402 Authority to Inspect.~~

- ~~A. For the purpose of enforcing or administering any State or local law, order, regulation or rule relating to air pollution, the Air Pollution Control Officer and his duly authorized agents shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained therewith by the District.~~
- ~~B. The Air Pollution Control Officer or his duly authorized agent shall have the right to inspect sampling and monitoring apparatus as he deems necessary.~~
- ~~C. The Air Pollution Control Officer may issue identification cards, with the photograph of holder and signature of the Air Pollution Control Officer, to such employees of the District who need such credentials for entry.~~

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REGULATION IV PERMIT SYSTEM CONDITIONS

All Permits to Operate, or Authorities to Construct issued pursuant to these Rules and Regulations are subject to the following Rules: (1,5)

~~Rule 401 COMPLIANCE AFTER CONSTRUCTION. The fact that an Authorization to Construct or modify, or a Permit to Operate any article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, equipment or other contrivance nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these Regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation. (6)~~

~~Rule 402 AUTHORITY TO INSPECT.~~

- ~~A. In the performance of his duties the Air Pollution Control Officer and his duly authorized agents shall have, as a condition of an Authority to Construct or a Permit to Operate, the right of access to the property for reasons of Air Pollution Control District inspections, including right to inspect sampling and monitoring apparatus. (6)~~
- ~~B. The Air Pollution Control Officer may issue identification cards, with the photograph of holder and signature of the Air Pollution Control Officer, to such employees of the District who need such credentials for entry. (6)~~
- ~~C. The Air Pollution Control Officer or his duly authorized agent shall have the right to inspect sampling and monitoring apparatus as he deems necessary.~~

~~Rule 403 RESPONSIBILITY OF PERMITTEE. Issuance of a Permit pursuant to these Rules and Regulations does not release permittee of the responsibility of any and all other applicable permits and authorizations issued by other governmental agencies. (6)~~

~~Rule 404 UPSET CONDITIONS AND BREAKDOWN. Emissions exceeding any of the limits established in these Rules and Regulations as a direct result of unavoidable upset conditions in or breakdown of any air pollution control equipment, fuel sources, sampling and monitoring apparatus or related operating equipment, shall not be deemed to be a violation of the Rules establishing such limits, provided that such occurrence shall have been reported to the Air Pollution Control District as soon as reasonably possible; for an unscheduled maintenance, upset condition, or breakdown, such report shall be made within 24 hours of the occurrence or four (4) hours after the start of the next normal business day, whichever is sooner. (1,5)~~

~~RULE 403 Responsibility of Permittee.~~

~~Issuance of a permit pursuant to these Rules and Regulations does not release permittee of the responsibility of any and all other applicable permits and authorizations issued by other governmental agencies.~~

→ RULE 404 Upset Conditions, Breakdown or Scheduled Maintenance.

A. Definition. For the purpose of this Rule, a breakdown condition means an unforeseeable failure or malfunction of (1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by state law, or (2) any in-stack continuous monitoring equipment, where such failure or malfunction:

1. Is not the result of neglect or disregard of any air pollution control law or rule or regulation;
2. Is not intentional or the result of negligence;
3. Is not the result of improper maintenance;
4. Does not constitute a nuisance;
5. Is not a recurrent breakdown of the same equipment.

B. Breakdown Procedure.

1. The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than two (2) hours after its detection during normal APCD hours.
2. The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement followup, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.

- B. 3. Upon receipt of notification pursuant to subparagraph B.1, the Air Pollution Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Air Pollution Control Officer determines that the occurrence does not constitute a breakdown condition, the Air Pollution Control Officer may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

C. Disposition of Short-Term Breakdown Conditions.

1. An occurrence which constitutes a breakdown condition, and which persists longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - a. The owner or operator submits the notification required by subparagraph B 1; and
 - b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures within 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours. If the owner or operator elects to shut down rather than come into immediate compliance, (s)he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 48 hour period; and
 - c. The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standard.
2. An occurrence which constitutes a breakdown condition shall not persist longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, unless the owner or operator has obtained an emergency variance.

D. Emergency Variance Procedures.

1. If the breakdown condition will require more than 48 hours to correct, except for continuous monitoring.

- RULE 404 D.
1. equipment for which the period shall be 96 hours, the owner or operator may, in lieu of shut down, request the Air Pollution Control Officer to commence the emergency variance procedure set forth in subparagraph D.2 below.
 2. Upon receipt of a request for an emergency variance, the Air Pollution Control Officer shall contact the chairperson of the Hearing Board, or their designated member(s) of the Hearing Board, who shall conduct deliberations for consideration of the request. The Air Pollution Control Officer shall inform the owner or operator of the source of such deliberation. During consideration of the emergency variance, the Air Pollution Control Officer shall recommend whether any emergency variance should be granted, and the owner or operator of the source shall be entitled to present relevant information or data applicable to the breakdown. The burden shall be on the owner or operator to establish that a breakdown condition exists. Thereafter, the chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. The chairperson or other designated member(s) shall, within five working days, issue a written order confirming the decision, with appropriate findings.
 3. No emergency variance shall be granted unless the chairperson or other designated member(s) determines that:
 - a. The occurrence constitutes a breakdown condition; and
 - b. Continued operation is not likely to create a nuisance, an immediate threat or hazard to public health or safety; and
 - c. The requirement for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met; and
 - d. The continued operation in a breakdown condition will not interfere with the attainment of maintenance of the national ambient air quality standards.
 4. At any time after an emergency variance has been granted, the Air Pollution Control Officer may request that the chairperson or designated member(s) reconsider and revoke, modify or further condition the variance if the Air Pollution Control Officer has good cause to believe that:

- RULE 404 D. 4. a. Continued operation is likely to create a nuisance, an immediate threat or hazard to public health or safety; or
- b. The owner or operator is not complying with all applicable conditions of the variance; or
- c. A breakdown condition no longer exists; or
- d. Final compliance is not being accomplished as expeditiously as practicable.

The procedures set forth in subparagraph D.2, shall govern any further proceedings conducted under this subparagraph.

5. An emergency variance shall remain in effect only for as long as necessary to repair or remedy the breakdown condition, but in no event after a regularly noticed hearing to consider an interim or 90 day variance has been held, or fifteen (15) days from the date of the subject occurrence, whichever is sooner.

E. Reporting Requirements.

Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control Officer which includes:

1. A statement that the occurrence has been corrected together with the date of correction and proof of compliance; and
2. A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control Officer to determine whether the occurrence was a breakdown condition; and
3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Air Pollution Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subparagraph; and
4. An estimate of the quantity of or detailed description of emissions caused by the occurrence; and
5. Pictures of the equipment or control which failed, if available.

RULE 404 F. Burden of Proof.

The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Air Pollution Control Officer shall undertake appropriate enforcement action.

G. Failure to Comply with Reporting Requirements.

Any failure to comply, or comply in a timely manner, with the reporting requirement established in subparagraph B.1 and E.1 through E.5 of this Rule shall constitute a separate violation of this rule.

H. False Claiming of Breakdown Occurrence.

It shall constitute a separate violation of this rule for any person to file with the Air Pollution Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

I. Hearing Board Standards and Guidelines.

The Hearing Board shall adopt standards and guidelines consistent with this rule to assist the chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny an emergency variance, and to assist the Air Pollution Control Officer in the enforcement of this rule.

~~RULE 405 Separation of Emissions. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point.~~

~~The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the Source Operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.~~

~~RULE 406 Combination of Emissions.~~

~~A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control District in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.~~

- ~~1. The person responsible for such emissions shall, with all practicable speed, initiate and complete appropriate feasible action to correct the conditions causing such emissions to exceed the said limits; to reduce the frequency of occurrence of such conditions; to minimize the amounts by which said limits are exceeded; and to reduce the length of time during which said limits are exceeded; and shall, upon request of the Air Pollution Control District, submit a full report of such occurrence in writing, including a statement of all known causes and of the scheduling and nature of the actions to be taken pursuant to this Rule 404. (1,5)~~
- ~~2. This Rule in no way shall be construed as an endorsement by the Air Pollution Control District for operations to continue or repeatedly occur which are in violation of any statutes of the Health and Safety Code or these Rules and Regulations. (6)~~

Rule 405

SEPARATION OF EMISSIONS. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants shall not exceed the quantity which would be allowable through a single emission point. The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the source operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity. (1,5)

Rule 406

COMBINATION OF EMISSIONS.

- A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control District in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, these Rules and Regulations shall apply to each such source operation separately. (1,5)
- B. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of Rule 406 (A), these Rules and Regulations shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined. (1,5)

~~Rule 407~~

~~CIRCUMVENTION. A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Rule 203 of these Rules and Regulations. (1,5)~~

Rule 428 Emissions Statements

A. Purpose

This Rule establishes the requirements for the submittal from specified stationary sources in accordance with the requirements of the 1990 Clean Air Act Section 182(a)(3)(B).

B. Applicability

The requirements of this Rule are applicable to any stationary source emitting 25 or more tons per year of oxides of nitrogen (NO_x) or volatile organic compounds (VOC).

C. Definitions

1. **Actual Emissions:** Measured or estimated emissions which most accurately represent the emissions from an emissions unit, including fugitive emissions.
2. **Emissions Statement Information Request:** An annual information request form by the APCO to each affected source subject to this Rule for emissions data, including but not limited to, actual emissions or operational data allowing the District to estimate actual emissions.
3. **Volatile Organic Compounds (VOCs):** Reactive Organic Compounds (ROCs), and Reactive Organic Gases (ROGs) are any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
4. **Responsible Official:** An individual who is responsible for the data presented in the emissions statement, and who accepts legal responsibility for the emission statement's accuracy. The responsible official is liable to legal review, or in case of fault, to penalties.

D. Requirements

1. The owner or operator of any stationary source that is subject to this Rule shall provide the Amador Air District (District) with a written emissions statement showing actual emissions or operational data allowing the District to estimate actual emissions from that source.
2. The emissions statement shall be on a form (Emissions Statement Information Request) or in a format specified by the APCO and shall contain emissions or data for the time period specified by the APCO. Emissions statements shall be submitted annually.

3. The owner or operator of the stationary source shall maintain records for a period of up to five years from the date of submittal. All records shall be submitted indicating the nature and amounts of emissions from that source and/or any other information as may be necessary or requested by the APCO to determine whether such source is in compliance with applicable emissions limitations, control measures, and permit conditions.

E. Administrative Requirements

1. District Requirements

- a. The APCO may waive the requirements of Section D of this Rule to any class or category of stationary sources which emit less than 25 tons per year of NO_x or VOCs if the District provides the California Air Resources Board (ARB) with an emissions inventory of sources emitting less than 25 tons per year of NO_x or VOCs, based on the use of emissions factors established by or other methods acceptable to the EPA.
- b. All official documents submitted to the District shall contain a certification signed and dated by a responsible official of the company attesting that the information contained in the submitted documents is accurate to the best knowledge of the individual certifying the submission. The requirements of this Section apply to, but are not limited to, the emission statement required in Section D of this Rule.

2. Failure to Submit

- a. A failure by a responsible official to submit an Emissions Statement by the date required, shall be deemed a willful failure to furnish information required to disclose the nature and quantity of emissions discharged by the stationary source. In such case, the APCO may take action in the form of the following:
 - i. The APCO may suspend the Permit(s) of such source.
 - ii. The APCO shall serve notice in writing of such suspension and the reasons for the suspension upon the permittee.
 - iii. The APCO will reinstate the suspended Permit(s) when furnished with the required information.
 - iv. The APCO may choose as an alternative to suspending the Permit, to levy a monetary penalty of \$500 per day until furnished with the required information. The APCO may waive this penalty for reasons beyond the responsible official's control.

REGULATION

V

PERMIT TO OPERATE REGULATIONS

*Superseded
6-16-81*

Rule 501 Permit Required. Before any equipment, the use of which may cause, increase, eliminate, reduce, or control the issuance of air contaminants may be operated, a Permit to Operate shall be obtained from the Air Pollution Control Officer. No Permit to Operate shall be granted either by the Air Pollution Control Officer or the Hearing Board for any such equipment constructed or installed without authorization as required in Regulation IV until the information required is presented to the Air Pollution Control Officer and such equipment is altered, if necessary, and made to conform to the standards set forth in Regulation IV and elsewhere in these Rules and Regulations.

Rule 502 Exemptions to Rule 501. The Air Pollution Control Officer may exempt from the requirements of Rule 501 any item of equipment specified in Rule 402, Exemptions to Rule 401.

Rule 503 Applications. Every application for a Permit to Operate shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination on the approvability of the application.

~~Rule 504 Action on Applications. The Air Pollution Control Officer shall act within 180 days after the filing date on a Permit to Operate application and shall notify the applicant in writing of his approval, conditional approval or denial.~~

Rule 505 Conditional Approval. The Air Pollution Control Officer may issue a Permit to Operate subject to conditions which will insure the compliance of any equipment within the standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under an Authority to Construct, or operation under a Permit to Operate, shall be deemed acceptance of all the conditions so specified

~~Rule 506 Denial of Application. In the event of denial of a Permit to Operate, the Air Pollution Control Officer shall notify~~

- b. NO_y from all new nitric acid plants.
- c. Sulfur dioxide (SO_2) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) boilers or regenerators of fluid catalytic cracker units, new fluid cokers and existing fluid cokers with a feed rate greater than 1,590,000 liters (10,000 barrels) per day.

- 3. A person operating or using a stack-monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and the manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he directs.
- 4. A violation of emission standards of these Rules, as shown by the stack-monitoring system, shall be reported by such person to the Air Pollution Control Officer within 96 hours.
- 5. In the event of a breakdown of monitoring equipment, the owner shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner shall inform the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.
- 6. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.

D. The Air Pollution Control District may require that disclosures required by this Rule be certified by a professional engineer registered in the State. Studies necessary to provide such information shall be at the expense of the person causing the emissions.

~~Rule 514 APPEALS. Within ten (10) days after notice by the Air Pollution Control Officer of any of the following: denial of an Authority to Construct, Permit to Operate, or denial of Trade Secret Status, or any conditional approval, requirements for sampling and monitoring apparatus, or any permit suspension, the applicant may petition the Hearing Board, in writing, for public hearing. The Hearing Board, after notice and public hearing held within thirty (30) days after filing the petition may sustain or reverse the action of the Air Pollution Control Officer; such orders may be made subject to specified conditions. (1,2)~~

~~Rule 506~~ the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by a written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the application has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Permit to Operate.

Rule 507 Responsibility. The fact that a Permit to Operate for an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, equipment or other contrivance; neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards would not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm or corporation to whom such Permit to Operate is issued shall be and remain responsible under these Rules and Regulations for each and every instance wherein emission standards are exceeded by the Article, machine, equipment or other contrivance described in the Permit to Operate, and the fact of issuance shall not be a defense to or mitigation of any charge of violation. Issuance of a Permit to Operate pursuant to these Rules and Regulations does not release the permittee of the responsibility of any and all other applicable permits and authorizations issued by other local governmental agencies.

Rule 508 Posting of Permit to Operate. A person who has been granted a Permit to Operate under this Regulation shall firmly affix such Permit to Operate, an approved facsimile or other identification approved by the Air Pollution Control Officer, upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the equipment is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place on the premises or maintained readily available at all time on the operating premises. A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate.

~~Rule 509~~ Authority to Inspect. For the purpose of enforcing or administering any State or local law, order, regulation or rule relating to air pollution, the Air Pollution Control Officer and his duly authorized agents shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained therewith by the District. The Air Pollution Control Officer or his duly authorized agent shall have the right to inspect sampling and monitoring apparatus as he deems necessary.

Rule 510 Separation of Emissions. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point. The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points, unless the person responsible for the source operation establishes the correct total emitted quantity to the Air Pollution Control Officer's satisfaction.

Rule 511 Combination of Emissions.

- A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control Officer in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation; the Rules and Regulations shall apply to each such source operation separately.
- B. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of Section A. above, the Rules and Regulations shall be applied to combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

Rule 512 Circumvention. A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 26 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violations involved are under Section 41700 of the Health and Safety Code, or of Rule 205 of these Rules and Regulations.

Rule 513 Source Recordkeeping. The owner or operator of any stationary source shall, upon notification from the Air Pollution Control Officer, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures. The Air Pollution Control Officer may require that such

Rule 513 records be certified by a professional engineer registered in the State of California. Such studies shall be made at the expense of the person causing the emissions.

The information recorded shall be summarized and reported to the Air Pollution Control Officer, on forms or formats as required by the Air Pollution Control Officer, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, or other periods as may be specified by the Air Pollution Control Officer.

Information reported by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

Rule 514 Public Records and Trade Secrets

- A. All information, analysis, plans or specifications that disclose the nature, extent, quantity or degree of air contaminants or other pollution which will be produced by any source which the District requires any applicant to provide before such applicant builds, alters, replaces, operates, sells, rents, or uses such source, are public records.
- B. All air quality or other pollution monitoring data, including data compiled from stationary sources, are public records.
- C. Except as otherwise provided in Section D. below, trade secrets are not public records under this Rule. Trade secrets, as used in this Rule, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production rate or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing his justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the Air Pollution Control Officer to readily identify the information requested.

Rule 514 D. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Section C. above, are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

~~Rule 515 Provision of Sampling and Testing Facilities. The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any source; the use of which may cause the issuance of air contaminants or the the use of which may eliminate, reduce or control the issuance of air contaminants, to:~~

- ~~A. Provide to the Air Pollution Control Officer data on process and production rates and techniques, flow diagrams, descriptions of basic equipment and control equipment, rates of emissions and other information which the Air Pollution Control Officer may require.~~
- ~~B. Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant, in writing, of the required size, number and location of sampling holes, the size and location of the sampling platform. All utilities shall be constructed in accordance with the general industry safety orders of the State of California.~~
- ~~C. 1. Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control has determined that such apparatus is available and should be installed.~~
- ~~2. A person installing, operating or using any of the following equipment shall provide, properly install, maintain in good working order and operate continuous stack monitoring systems as described below:~~
 - ~~a. Oxides of nitrogen (NOX) and carbon dioxide (CO₂) of oxygen (O₂) from steam generators with a heat input of 250 million British Thermal Units or more per hour and with a use factor of at least 30 percent.~~
 - ~~b. Oxides of nitrogen (NOX) from all new nitric acid plants.~~

Rule 517 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.

Rule 518 Revocation of a Permit to Operate. If the holder of any Permit to Operate within a reasonable time willfully fails and refuses to furnish to the Air Pollution Control Officer information, analysis, plans or specifications requested by the Air Pollution Control Officer, the Air Pollution Control Officer may suspend the Permit to Operate. He shall serve notice in writing of such suspension and the reasons therefore on the permittee.

~~Rule 519 Appeals. Within ten (10) days after notice by the Air Pollution Control Officer of any of the following: denial of an Authority to Construct, Permit to Operate, or denial of Trade Secret status, or any conditional approval, requirements for sampling and monitoring apparatus, or any Permit to Operate suspension, the applicant may petition the Hearing Board, in writing, for public hearing. The Hearing Board, after notice and public hearing held within thirty (30) days after filing the petition may sustain or reverse the action of the Air Pollution Control Officer, provided that in reversing an action the Hearing Board shall make the finding that the action of the Air Pollution Control Officer was not proper. Such orders of the Hearing Board may be made subject to specified conditions.~~

~~Rule 520 Reinstatement. The Air Pollution Control Officer shall reinstate a revoked Permit to Operate when all information, analysis, plans and specifications are furnished and the source is in compliance with these Rules and Regulations.~~

Rule 521 Annual Renewal. Permits to Operate issued pursuant to to the provisions of this Regulation shall expire one (1) year after the date of issuance. The Air Pollution Control Officer may renew an expired Permit to Operate upon payment of the applicable permit fees by the source operator.

**BEFORE THE BOARD OF DIRECTORS OF THE
AMADOR AIR DISTRICT
COUNTY OF AMADOR, STATE OF CALIFORNIA**

In the Matter of:

RESOLUTION NO. 19-06

**RESOLUTION AUTHORIZING THE APPROVAL OF THE AMADOR AIR DISTRICT
OZONE EMERGENCY EPISODE PLAN**

WHEREAS, Section 110(a)(2)(G) of the federal Clean Air Act ("CAA") provides authority of emergency powers to the U.S. Environmental Protection Agency ("USEPA") Administrator to restrain any source from causing or contributing to emissions that present an imminent and substantial endangerment to public health or welfare, or the environment; and

WHEREAS, pursuant to the CAA authority, the USEPA promulgated regulations for emergency episodes to clarify requirements related to emergency episode planning requirements appearing at Code of Federal Regulations ("CFR") (40 CFR Part 51, Subpart H); and

WHEREAS, under the requirement of 40 CFR 51.150, areas that (1) do not attain the federal standards for ozone, and (2) have hourly ozone concentrations above 0.10 parts per million ("ppm"), are required to develop an emergency episode contingency plan which must, at a minimum, provide for taking action necessary to prevent ambient ozone concentrations at any location in such region from reaching the significant harm level; and

WHEREAS, Amador County has been classified as non-attainment for the 1997 National Ambient Air Quality Standard ("NAAQS") for ozone with an eight-hour averaging time of 0.080 ppm (Federal Register, Vol. 69, No. 84, pages 23858-23951 (April 30, 2004)); and

WHEREAS, Amador County has also been classified as non-attainment for the 2015 revised eight-hour ozone NAAQS of 0.070 ppm (Federal Register, Vol. 77, No. 98, pages 30088-30160 (May 21, 2012)); and

WHEREAS, Amador County has had two days with the maximum one-hour ozone concentration greater than 0.10 ppm between 2014 and 2017; and

WHEREAS, the USEPA identified that the Amador Air District shall prepare an applicable emergency episode contingency plan for ozone (Federal Register, Vol. 79, No. 205, pages 63350-63363 (October 23, 2014)); and

WHEREAS, the Amador Air District prepared the proposed Ozone Emergency Episode Plan to satisfy the requirements of 40 CFR 51.151 and 51.152 for prevention of Air Pollution Emergency Episodes; and

WHEREAS, on October 15, 2019 the Board of Directors of the Amador Air District held a duly noticed public hearing that was noticed in the Ledger Dispatch, a newspaper of general circulation in Amador County, and posted on the website in order to hear and consider public comment on the Amador County Ozone Emergency Episode Plan.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Amador Air District, because of the two days of maximum ozone concentration between 2014 - 2017, does hereby approve the proposed Ozone Emergency Episode Plan; and

BE IT FURTHER RESOLVED AND ORDERED, that the Board of Directors of the Amador Air District directs staff to forward the Ozone Emergency Episode Plan to the California Air Resources Board for submittal to the U.S. Environmental Protection Agency.

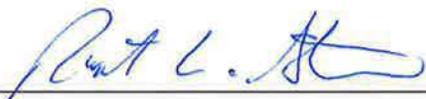
I hereby certify that the foregoing is a full, true and correct copy of the Resolution duly and regularly adopted by the Amador Air District this 15th day of October 2019.

AYES: Directors Stimpson, Forster, Peters, Oneto, Brown, Crew, and Axe

NOES:

ABSENT:

ABSTAINING:



Bob Stimpson, Chair, Board of Directors

10/15/19

Date



ATTEST: Herminia Perry, Clerk of the Board

AMADOR AIR DISTRICT

Ozone Emergency Episode Plan

**PREPARED IN COMPLIANCE WITH THE FEDERAL CLEAN
AIR ACT**

August 26, 2019

Purpose

This Ozone Emergency Episode Plan provides the basis for taking action to prevent ambient ozone concentrations from reaching levels which could endanger public health, or to abate such concentrations should they occur. It identifies criteria for the four levels of emergency episodes, components for public announcements whenever an episode has been identified, and specifies emission control strategies to be taken with each episode.

Legal Authority

The Federal Clean Air Act (CAA)¹ gives the U.S. Environmental Protection Agency (U.S. EPA) the legal authority to halt the emission of air pollutants causing or contributing to the injury of the public or their welfare. The U.S. EPA is further authorized to either bring a lawsuit in federal court or, if such civil action cannot assure prompt protection of public health or welfare, to issue such orders as may be necessary to protect public health, welfare, or the environment. The authority granted to the U.S. EPA Administrator is vested in the California Air Resources Board (CARB) and the air districts under the California Health & Safety Code (H&SC)². This section of California law applies to a range of emissions violations and imposes penalties that are equivalent to or exceed federal penalties for violations.

Under the authority of the H&SC, the CARB is responsible for controlling emissions from mobile sources, while districts are responsible for controlling emissions from non-mobile sources. H&SC Section 41700 states that sources are prohibited from emitting any pollutant(s) that can cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public. Furthermore, H&SC Section 42450, et seq., gives districts specific authority to abate emissions from any source violating H&SC Section 41700 or any other order, rule, or regulation that prohibits or limits the discharge of pollutants, consistent with applicable notice and hearing requirements. Under H&SC Section 41509, the CARB or other local agency rules cannot infringe upon a district's authority to declare, prohibit, or abate a nuisance, and California's Attorney General is authorized to enjoin any pollution or nuisance, either on his or her own, or by request.

In addition to the authority under H&SC, the local air districts can work with the local governing body of a city, county, or city and county, pursuant to the California Emergency Services Act³, to proclaim a local emergency when there are conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, county, or both a city and county, caused by such conditions as air pollution⁴. When a local emergency is declared, cities and counties shall implement their emergency plans and take actions to mitigate or reduce the emergency threat.

¹Federal Clean Air Act Section 110(a)(2)(G)

² California Health and Safety Code Section 42400 et seq.

³ California Emergency Services Act, California Government Code Section 8550-8668

⁴ California Government Code Section 8558 (c)

Actions may include deploying field-level emergency response personnel such as law enforcement, activating emergency operation centers, and issuing orders to protect the public. Through a local emergency declaration, the air districts can obtain law enforcement aids from local governing bodies to accomplish necessary actions for preventing ambient ozone concentration from reaching the harmful level.

Requirement of a Plan for the Prevention of Air Pollution Emergency Episodes

Under the Code of Federal Regulations (CFR)⁵, areas that have hourly ozone concentrations above 0.10 parts per million (ppm) are classified as Priority I Regions and are required to develop a contingency plan which must, at a minimum, provide for taking action necessary to prevent ambient ozone concentrations at any location in such region from reaching the significant harm level of 0.6 ppm, averaged over two hours. As set forth in CFR, three trigger levels (stages) are established for the ozone pollution episodes: Alert level (0.2 ppm), Warning level (0.4 ppm), and Emergency level (0.5 ppm)⁶. Corresponding actions for each specified trigger level would be identified and will be implemented when the ambient ozone hourly concentration measurements reach the specified trigger levels. These elements and actions should provide for rapid short-term emission reductions at each trigger level, to avoid high ozone concentrations from reaching significant harm levels during an episode.

Development of the Ozone Emergency Episode Plan for Amador County

Amador County is classified as non-attainment for the 2015 federal ozone eight-hour average standard⁷. Since Amador County has had more than one day with the maximum one-hour concentration greater than 0.10 ppm between 2014 and 2017, the Amador Air District (AAD) is required to prepare an ozone emergency episode plan (Plan).

Table 1 shows the number of days exceeding the 0.10 ppm threshold at the Amador County ozone monitoring site from 2014 through 2017. During this time, the maximum ozone one-hour concentration was 0.104 ppm, with no site having more than one day in a year that exceeded 0.10 ppm after 2015.

⁵ 40 CFR 51.150 and 51.151

⁶ 40 CFR 51 Appendix L

⁷ Portions of Mountain Counties are classified as ozone nonattainment area.

Table 1
Amador County Ozone Monitoring Sites
Number of Days with Maximum one-hour Concentration Greater than 0.10 ppm*

		2014	2015	2016	2017
Jackson-Clinton Road	# of Days	0	1	1	0
	Max Conc.	0.094	0.103	0.104	0.094

Data downloaded from CARB's Aerometric Data and Management (ADAM) system on 12/22/18

The industrial abatement plan is a pre-planned document prepared by a permitted industrial source (facility) which contains the necessary actions to rapidly reduce that facility's emitted ozone precursor emissions when an episode level is triggered. In order to require such a plan, an emission threshold should be established for the industrial abatement plan requirement. Depending on the ozone emergency plans approved by the other air districts in California, the emission thresholds to require the industrial abatement plans are as low as 50 tons per year for both reactive organic gases (ROG) and oxides of nitrogen (NOx) emissions. Table 2 shows the five highest facilities with emissions of ROG and NOx within Amador County⁸. The table indicates that there is one facility in Amador County that emit more than 50 tons per year of NOx, and one facility emitting more than 50 tons per year of ROG.

Table 2
Five Highest Permitted ROG and NOx Emissions Facilities in Tons per Year

Five Highest ROG Emissions Facilities					
Air Basin	Facility ID	Facility Name	City	Facility SIC	ROG (tons/yr)
Mountain Counties Air Basin	1	Ampine	Martell	2493	155.5
Mountain Counties Air Basin	31	Specialty Granules	lone	1429	3.00
Mountain Counties Air Basin	7	George Reed	lone	1411	1.64
Mountain Counties Air Basin	8	Mule Creek State Prison	lone	9223	1.00
Mountain Counties Air Basin	10	US Mine Corp	lone	1446	0.43
Five Highest NOx Emissions Facilities					
Air Basin	Facility ID	Facility Name	City	Facility SIC	NOx (tons/yr)
Mountain Counties Air Basin	1	Ampine	Martell	2493	62.6
Mountain Counties Air Basin	31	Specialty Granules	lone	1429	24.23
Mountain Counties Air Basin	7	George Reed	lone	1411	19.65
Mountain Counties Air Basin	8	Mule Creek State Prison	lone	9223	16.03
Mountain Counties Air Basin	13	Horseshoe "A" Mining	Drytown	2892	7.28

⁸ ARB CEIDARS database system. Data shown for calendar year 2017.

Although Amador County has one facility that exceeds the 50 tons per year threshold for NO_x, permitted facilities comprise a very small portion of ROG and NO_x countywide emission inventories. An overall emissions inventory (tons per day) for Amador County was prepared by CARB and is based on the 2016 SIP emission projections for 2020. This emissions inventory is shown in Table 3 and data for ROG and NO_x are summarized in Figures 1 and 2.

Table 3
Based on 2016 SIP Emission Projection Data in Tons per Day
2020 Emission Projections for Amador County⁹

STATIONARY SOURCES	TOG	ROG	CO	NOX	SOX	PM	PM10	PM2.5	NH3
FUEL COMBUSTION	0.0	0.0	0.3	1.6	0.0	0.1	0.1	0.1	-
WASTE DISPOSAL	0.1	0.0	-	-	-	-	-	-	0.0
CLEANING AND SURFACE COATINGS	0.3	0.3	-	-	-	-	-	-	-
PETROLEUM PRODUCTION AND MARKETING	0.4	0.1	-	-	-	-	-	-	-
INDUSTRIAL PROCESSES	1.4	1.2	0.1	0.2	0.1	6.2	3.5	1.8	-
* TOTAL STATIONARY SOURCES	2.2	1.6	0.4	1.8	0.1	6.3	3.5	1.9	0.0
AREAWIDE SOURCES	TOG	ROG	CO	NOX	SOX	PM	PM10	PM2.5	NH3
SOLVENT EVAPORATION	1.0	0.9	-	-	-	-	-	-	0.0
MISCELLANEOUS PROCESSES	5.6	1.2	8.1	0.3	0.0	3.5	2.4	1.2	0.6
* TOTAL AREAWIDE SOURCES	6.6	2.2	8.1	0.3	0.0	3.5	2.4	1.2	0.6
MOBILE SOURCES	TOG	ROG	CO	NOX	SOX	PM	PM10	PM2.5	NH3
ON-ROAD MOTOR VEHICLES	0.6	0.6	3.8	1.1	0.0	0.1	0.1	0.0	0.0
OTHER MOBILE SOURCES	0.5	0.5	3.0	0.3	-	0.0	0.0	0.0	-
* TOTAL MOBILE SOURCES	1.2	1.1	6.8	1.4	0.0	0.1	0.1	0.1	0.0
GRAND TOTAL FOR AMADOR COUNTY	10.0	4.8	15.3	3.5	0.1	9.9	6.0	3.1	0.6

⁹ Available at: <https://www.arb.ca.gov/app/emsmv/2017/emssumcat.php>

Figure 1
Amador County 2020 Emission Inventory for ROG Emissions

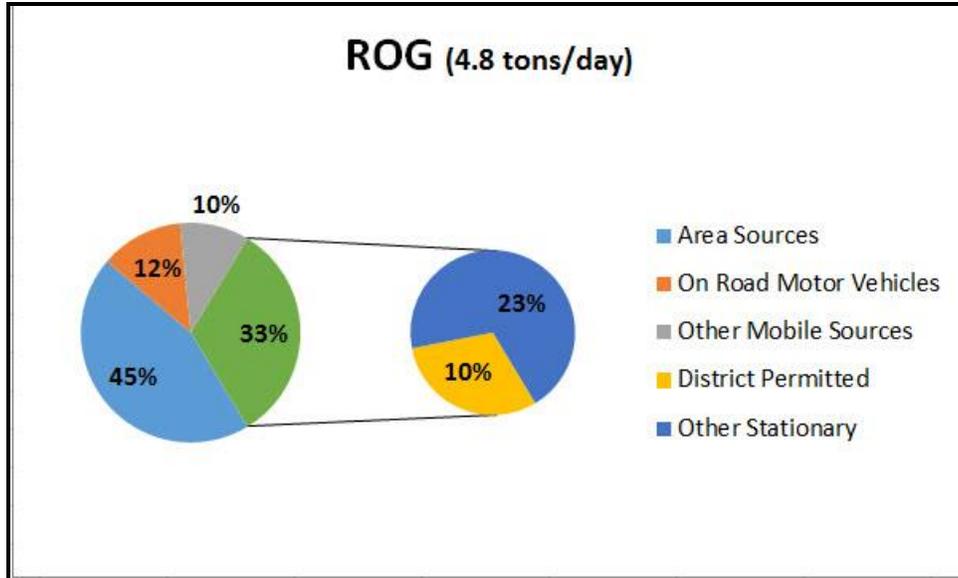
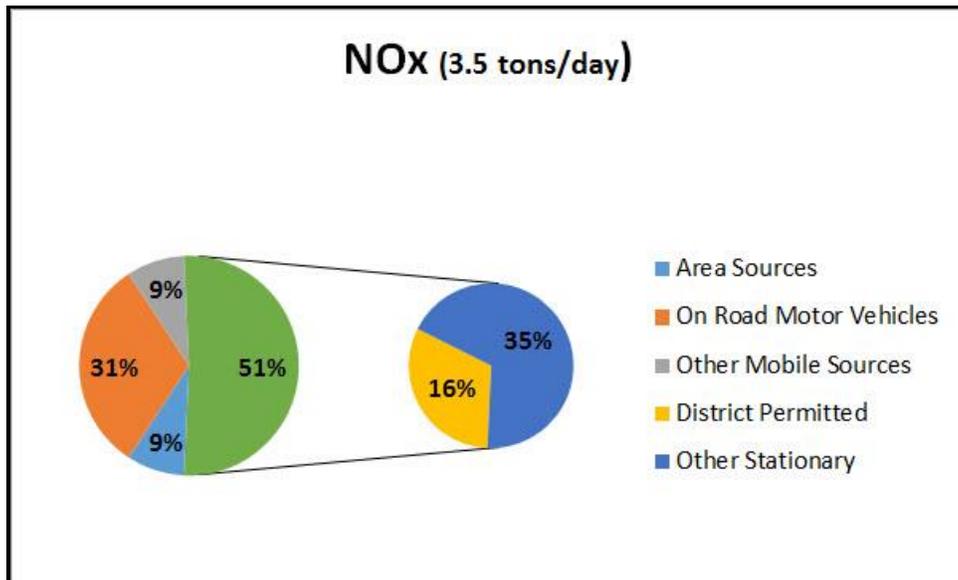


Figure 2
Amador County 2020 Emission Inventory for NOx Emissions



According to Table 3, a total of 4.8 tons of ROG and 3.5 tons of NOx are released daily. As a way of comparison, daily permitted emissions for ROG and NOx are 0.49 and 0.57 tons per day respectively. The permitted stationary sources account for 10% and 16% of these daily totals.

The major sources of ROG and NOx emissions in Amador County are area and mobile sources. These sources plus transport of ozone from adjacent air basins are responsible for ozone formation rather than permitted industrial sources.

Health Advisory Level

The AAD proposes 0.15 ppm as a Health Advisory level to initiate emergency actions. The Health Advisory level (0.15 ppm) is lower than the Alert level (0.2 ppm), which is the lowest of three trigger levels required by the federal requirements. Figure 3 represents the annual maximum one-hour ozone concentration measured in Amador County since 1992 when monitoring first began in the County. It also shows a broken line indicating the health advisory of 0.15 ppm ozone.

Figure 3
Historic Variation in 1-hour Ozone Concentration in Parts per Million
The Health Advisory of 0.15 PPM is Shown in Color (Red)

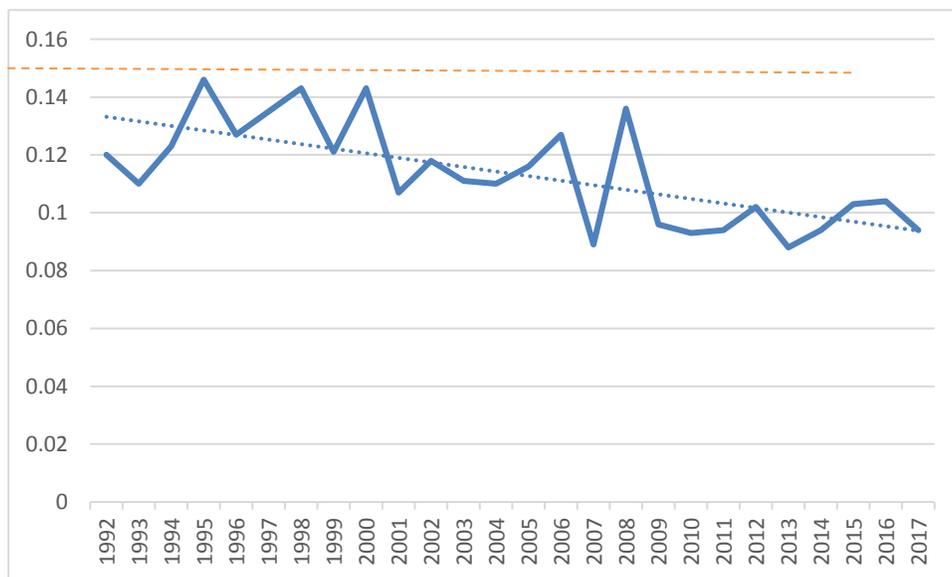


Figure 3 shows that the highest ozone concentration (0.143 ppm) was recorded in 1998. The 0.2 ppm (Stage 1) trigger level has never been recorded in the County since monitoring began in 1992. The ozone concentration trend shows a generally consistent decrease over time. As a result, it is unlikely the 0.2 ppm trigger level would be reached in Amador County.

Ozone concentrations in Amador County have been substantially reduced through the implementation of existing control regulations and programs and a state implementation plan (SIP). The SIP has been developed to identify emission control strategies for mobile and non-mobile

sources within the Mountain Counties Air Basin (MCAB). Based on the SIP commitments, the AAD adopted or amended rules and developed programs to facilitate the MCAB's progress towards attaining the federal ozone standards. The air districts within the Mountain Counties continue to work on the development of control strategies to fulfill the attainment requirement by CAA. Since the current federal ozone eight-hour average standard (0.070 ppm) for 2015 ozone standard SIP is more stringent than the previous 8-hour standard, the AAD believes that the development and implementation of control regulations and programs identified by the ozone SIPs will ensure that the ozone one-hour maximum concentrations in Amador County will continue decreasing, and would not reach the proposed Health Advisory level of 0.15ppm.

In addition, the AAD also regulates various types of open burning, including residential, land development, fire hazard reduction, vegetation management, prescribed fire, and agriculture. For the Mountain Counties Air Basin, the AAD works cooperatively with the CARB year round, and in the fall, with the Mountain County Air Basin Agricultural Burn Coordinator, to provide daily burn day allocations and notifications based on meteorological conditions and air quality forecasts.

The District works cooperatively with the CARB on the daily burn day information. The burn day information is broken down into burn day types to help indicate the quality of a burn day. Through the existing burn programs, the AAD works carefully to balance the public health impacts from air pollution, along with the open burning activities which exist in the county, especially since much of the county is considered a high fire hazard area.

Furthermore, the AAD, along with the other air districts within the region, support the regional "Spare the Air" program. This is an air pollution forecasting program which provides notifications to the public on the daily ozone concentration forecasts, along with advisories with an episodic ozone reduction element, during the summer ozone season. It is designed to protect public health by informing people when air quality is unhealthy, and by encouraging the public to reduce vehicle trips to achieve emission reductions. The program's notification includes current ozone concentration measurements from all monitoring stations within the MCAB, including Amador County, and forecasts, based on the meteorological conditions from the National Weather Service advisories and local agencies. When atmospheric stagnation conditions are forecasted, the public will be notified through the media, that a "Spare the Air Day" is issued. The participation of the Sacramento and Central Valley regional "Spare the Air" program will promote the acquisition of forecasts of the atmospheric stagnation conditions, pursuant to the CFR requirements¹⁰.

In conclusion, the AAD believes that the proposed Health Advisory level at 0.15 ppm will be an appropriate and logical condition, in addition to the required ozone emergency episode levels set forth in the CAA, to initiate and fulfill the air pollution emergency episode actions proposed by the Plan.

¹⁰ 40 CFR 51.152 "Contingency Plans"

Emergency Episode Criteria

Table 4 summarizes the four emergency episode trigger levels proposed by the AAD for the one-hour ozone concentration measurement in Amador County. The following section identifies the corresponding actions for each trigger level, when that one-hour ozone concentration is reached.

Table 4
Trigger Levels of Ozone Emergency Episodes in Amador County

	Health Advisory	Alert (Stage 1)	Warning (Stage 2)	Emergency (Stage 3)
Ozone (one-hour average)	0.15 ppm	0.20 ppm	0.40 ppm	0.50 ppm

Proposed Actions for Ozone Emergency Episodes:

The actions identified for each trigger level of the ozone emergency episodes include public notification and emissions mitigation for industrial and mobile sources. The purposes of these actions are 1) to provide notification to the public when atmospheric stagnation conditions would result in substantially high ozone concentration measurements, and 2) to reduce the ozone precursor emissions rapidly in order to lower the ozone concentration below the triggered emergency episode level.

Air Pollution Forecast

The AAD is a subscriber to the Sacramento regional “Spare the Air” program¹¹ to provide public notification for air quality forecasts when atmospheric stagnation conditions would result in substantially high ozone concentration measurements. The notification with episodic ozone reduction strategies is to encourage the public to take voluntary actions to reduce ozone precursor emissions.

Emergency Episode Declaration

Whenever the ozone one-hour concentration, measured at the permanent location within Amador County, reaches or is predicted to reach any of the episode trigger levels as shown in Table 4, the AAD shall declare that an emergency episode is in effect in Amador County.

In addition, should the Air Pollution Control Officer (APCO) of a district adjacent to the AAD declare a stage 1, 2, or 3 episode within that district and request assistance, the APCO of AAD may implement measures as described in this Plan as if such episode level has been measured within the District.

¹¹ Information available at: <http://www.sparetheair.com/airalert.cfm>

Notification of an Emergency Episode

The AAD shall establish and periodically update and review an emergency episode notification list (List). When any emergency episode is declared, the APCO shall notify the officials on the List. The List shall include, and is not limited to, the following public agencies and organizations:

1. California Air Resources Board, the Amador County Executive Officer, chief executive officers of the incorporated municipalities within Amador County, police chiefs, fire chiefs, and any other public safety officers as deemed appropriate by the APCO,
2. The Amador County Health Officer,
3. The Amador County Office of Emergency Services,
4. The Amador County Office of Education Superintendent, school districts' superintendents, and private schools' principals,
5. All air pollution control districts within the Sacramento Valley, Mountain Counties as well as all upwind districts.
6. Major newspapers in daily circulation and major television and radio stations (including those who are part of the emergency broadcast system) broadcasting within Amador County for appropriate warning, notices, and advisories,
7. Regional Spare the Air Programs,
8. AAD permitted facilities, and
9. AAD Staff who are responsible for public outreach.

Content of Notification

Notification of an emergency episode shall include information on the predicted or current episode level, the expected duration of the episode, the expected geographic boundaries of the affected area, a statement for the public on the health significance of the air quality during the episode, and the appropriate voluntary or mandatory control actions proposed for each episode level. See attached sample notification.

Termination of an Emergency Episode

The AAD shall declare an episode as terminated when the one-hour ozone concentration measurements from the permanent monitoring sites within Amador County fall below the level of the Alert episode and the meteorological data indicates the ozone concentration is expected to continue decreasing.

Notification of the Termination of an Episode

Upon the declaration of the termination of an episode, the AAD shall notify those agencies and organizations specified in the List.

Actions for Each Emergency Episode

When an emergency episode is declared, the AAD shall implement the following control actions:

1. Health Advisory Episode:

- a) Prepare the emergency episode notification;
- b) Notify those public agencies and organizations identified in the List that a health advisory episode has been declared;
- c) Advise the Amador County Office of Education Superintendent that sustained strenuous activities by students (for both public and private schools) lasting longer than one hour should be discontinued;
- d) Through the Amador County Office of Emergency Services, notify the news media to broadcast the appropriate warning to the public, which will include a recommendation that the public curtail unnecessary motor vehicle operation;
- e) Work with the industry to identify targeted facilities with possible emission control actions to reduce the relative emissions; and
- f) Coordinate with the Amador County Office of Emergency Services to identify possible actions which shall be taken when Amador County declares a local emergency for an air pollution emergency, which might include, for example, ceasing painting, construction, lawn mowing, pesticide application, and charcoal grilling.

2. Alert (Stage 1) Episode:

- a) Prepare the emergency episode notification;
- b) Notify those public agencies and organizations identified in the List that an Alert episode has been declared;
- c) Request the Amador County Office of Education Superintendent contact the School Superintendents and coordinate with private schools, to suspend students' strenuous activities;
- d) Through the Amador County Office of Emergency Services, notify the news media to broadcast the appropriate warning to the public, which will include a request that the public curtail any unnecessary motor vehicle operation;
- e) Request targeted facilities (listed in Table 2) to initiate specified emission control actions to reduce relative emissions. These actions include reduce or curtail production; allow workers to telecommute, and to recommend employees at government and private industries refrain from using their vehicles until the episode is terminated;
- f) Conduct on-site inspection of targeted facilities to ascertain accomplishment of applicable emission control actions; and
- g) Prohibit all open burning, including agricultural burning, and incineration throughout the affected area, except in an emergency situation as provided for in Section 41862 of the California Health & Safety Code.

3. Warning (Stage 2) Episode: In addition to the actions associated with the Stage 1 Alert episode, the following actions should be implemented in a Warning episode.
 - a) Request that those agencies and organizations in the List, within the scope of their authority:
 - i. Prohibit all types of open burning, including agricultural waste;
 - ii. Close all non-essential public agency facilities, except emergency facilities and those facilities necessary in emergencies to protect national security or national defense; and
 - iii. Request that employees of closed non-essential public agency facilities refrain from using vehicles until the episode is terminated.
 - b) Request closure of all public and private schools, colleges, and universities within Amador County;
 - c) Request targeted facilities listed in Table 2 to shut down;
 - d) Request that employees of facilities which close refrain from using vehicles until the episode is terminated;
 - e) Conduct on-site inspection of facilities to ascertain the accomplishment of applicable emission control actions;
 - f) Request the suspension of all indoor and outdoor events at parks or recreational facilities open to the public;
 - g) Request the suspension of all scheduled athletic events; and
 - h) Request that the Amador County Executive Officer and Health Officer consider declaring a local emergency for air pollution, pursuant to the Amador County Code¹², and implement emergency control measures, pursuant to the California Emergency Services Act, when the ambient ozone concentration continues rising and reaches the level at 0.45 ppm.
4. Emergency (Stage 3) Episode: In addition to the actions associated with the Stage 2 Warning episode, the following actions should be implemented in the Emergency episode.
 - a) Request that the Amador County Executive Officer declare a local emergency for air pollution and initiate its emergency operations plan;
 - b) Request the media to broadcast to the public that a local emergency exists for air pollution, due to high ozone concentrations;
 - c) Through the Amador County Office of Emergency Service operations, the following actions shall be conducted, but are not limited to:
 - i. Close all government facilities which are not immediately necessary for public health and safety, national security or national defense;
 - ii. Close all recreational facilities, including but not limited to those servicing boating and off-road vehicles;
 - iii. Close all non-emergency commercial and industrial facilities;
 - iv. Request implementation of emergency carpooling, or the use of mass transportation;

¹² Amador County Code Article 2.64 provides for the preparation and execution of emergency plans.

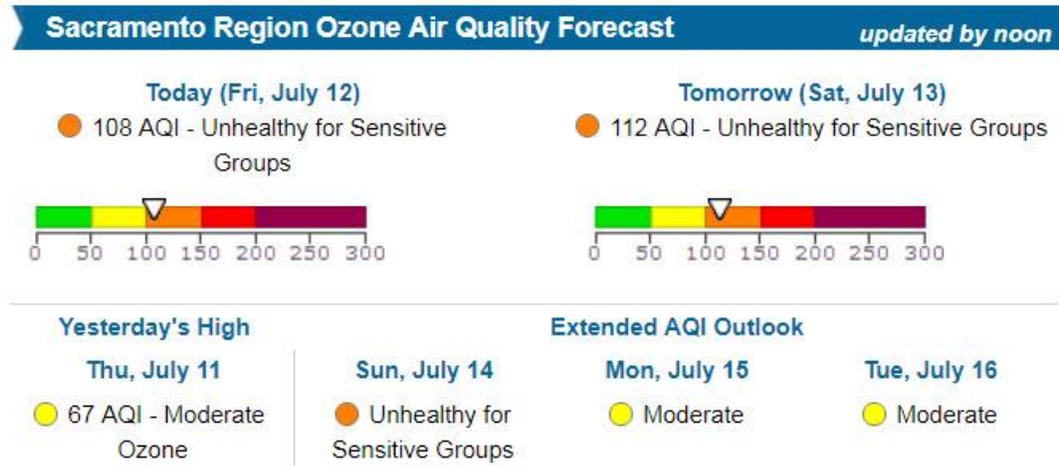
- v. Request that the public use only mass transit; and
- vi. Hospitals within the affected area shall be notified of the alert level to prepare for the possible increase in the number of patients seeking treatment.
- d) Close principal streets, as deemed necessary by the Amador County Executive Officer, Health Officer, APCO, and local law enforcement agencies, in order to protect the health and welfare of the general public;
- e) Request that the Amador County Office of Emergency Services engage with the State agency for necessary actions pursuant to the California Emergency Services Act, which includes prohibiting the use of all motor vehicles except for emergencies, or any other action deemed warranted;
- f) Restrict all non-essential construction and painting; and
- g) Restrict all lawn care and mowing activities and stop the use of lawn and garden chemicals.

The AAD commits to implementing the proposed actions associated with each episode identified in this Plan. The implementation of the Plan may prevent the ambient ozone concentration from reaching the harmful level at 0.60 ppm.

SAMPLE PUBLIC NOTIFICATION

Amador County Air Pollution Alert

Poor air quality is being forecasted for the Sacramento region, including Amador County for the next 24 to 48 hours.



Please do your part to minimize smog-forming emissions by:

- Carpooling or vanpooling
- Use alternative transportation including use of public transit, bicycling and walking
- Eliminate vehicle idling
- Telecommuting

For more information, please visit AAD.gov or <http://www.sparetheair.com/airalert.cfm>