

3/14/84

CHAPTER II - PERMITS

~~All permit requirements and procedures covered by this chapter are in accordance with the provisions of; the Clean Air Act of 1977, The Code of Federal Regulations 52.21 (August 7, 1980), Division 26 of the California Health and Safety Code, and the California Environmental Quality Act of 1970, as applicable, to comply with the California State Implementation Plan (SIP).~~

RULE 200 - PERMIT REQUIREMENTS

revised
10/12/83

(a) Authority to Construct or Modify

A written authorization shall be obtained from the District prior to starting construction, modification, operation or use of any stationary or indirect source which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants. A single authorization may be issued for all components of an integrated system or process. An Authority to Construct shall remain in effect for one (1) year or until a Permit to Operate is issued or denied, or the application is cancelled at the request of the Applicant, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the Authorization may be extended by the Applicant submitting an annual renewal fee per Rule 300(f). Construction not in accordance with this Authority to Construct shall be sufficient reason to deny a Permit to Operate.

(b) Applications

All applications for an Authority to Construct, Erect, Modify, Replace, Operate or Use any equipment or indirect source which may cause, potentially cause, reduce, control, or eliminate the emission of air contaminants, shall be filed at the office of the District or its designated agent for accepting applications, except as provided in Rule 220(c) for new power plants. Such application shall contain all information requested by the District from the list adopted pursuant to "AB 884" (1977). Upon request of the Control Officer, any existent stationary source of air contaminant emissions, actual or potential, shall apply for a Permit to Operate from the District. The applicant for an Authority to Construct or Permit to Operate shall pay the fees as specified in Chapter III - Fees.

(c) Preliminary Determinations

In acting upon an application for an Authority to Construct, the Control Officer shall make the following determinations:

- (1) Whether the project application is subject to the requirements of Regulation 1 of the California North Coast Air Basin.
- (2) Whether the project application is ministerial, categorically exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality Act of 1970.

~~(3) Whether the project application is subject to the new source review procedures specified in Rule 220(b).~~

~~(4) Whether the project is subject to the new power plant review procedures specified in Rule 220(c).~~

~~(5) Whether the project application is subject to the requirements of federal new source performance standards (Rule 490), or subject to national emission standards for hazardous air pollutants (Rule 492).~~

(d) General Exemptions

An Authority to Construct and Permit to Operate shall be required for all new or modified plants, equipment, process operations or complex sources which may emit air contaminants with the following exceptions:

- (1) Any vehicle as defined in the Vehicle Code
- (2) 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.
- (3) Barbecue equipment which is not used for commercial purposes.
- (4) Orchard, vineyard or citrus grove heaters.
- (5) Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals.
- (6) Steam generators, water boilers, water heaters or space heaters having a maximum fuel input heating value of less than 20 million British Thermal Units (BTU) per hour, and which are fired exclusively by natural gas, liquified petroleum gas, distillate fuel oil, or a combination thereof.
- (7) Mixing, blending, conveying, or other mechanical systems which do not, directly or indirectly, emit air contaminants.
- (8) Gasoline and organic liquid storage tanks having a capacity of less than 250 gallons.
- (9) Any article, machine, equipment or other contrivance which the Control Officer finds emits air contaminants below the significance level and he determines should be exempted.

No exemption from the requirements listed herein under Rule 200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review in accordance with Rule 220(b).

Rules in the North Coast Unified Air Quality Management District SIP

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Rule 200(c) [add one new project review requirement]. (Submitted to the EPA on 7/10/1984)

- (3) Whether the project application is subject to the new source review procedures specified in Rule 220(b).
- (4) Whether the project is subject to the new power plant review procedures specified in Rule 220(c).
- (5) Whether the project application is subject to the requirements of federal new source performance standards (Rule 490), or subject to national emission standards for hazardous air pollutants (Rule 492).
- (6) Whether the project is classified as a major stationary source or major modification under the provisions of the Code of Federal Regulations 52.21 and subject to all applicable prevention of significant deterioration review requirements.

7/10/84

CHAPTER II - PERMITS

All permit requirements and procedures covered by this chapter are and shall be interpreted in accordance with the provisions of; the Clean Air Act of 1977, The Code of Federal Regulations 52.21 (August 7, 1980), Division 26 of the California Health and Safety Code, and the California Environmental Quality Act of 1970, as applicable, to comply with the California State Implementation Plan (SIP).

RULE 220 - NEW SOURCE REVIEW STANDARDS (INCLUDING PSD EVALUATIONS)

(a) Emission Analysis

In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Control Officer to make the approval determinations required by the provisions of Rule 30.

For the purposes of emission considerations:

(1) Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit any air contaminant subject to regulation under the Clean Air Act of 1977. (52.21(b)(4))

(2) Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increases or reductions that may occur as a result of the modifications and both and subsequent Authority to Construct and Permit to Operate ~~operating~~ conditions, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations. (52.21(b)(2&3))

(3) Emissions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Control Officer that it would be more representative of normal source operation. (52.21(b)(3&21))

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 490 or 492; or for any new or modified stationary source which the Control Officer estimates will result in a significant net increase in emissions of any air contaminant regulated under the Clean Air Act of 1977, the Control Officer shall: (Significant levels are defined in Rule 130(s2))

(1) Determine best available control technology (BACT) for each air contaminant for which the significance level is exceeded and so inform the applicant. (52.21(b)(12))

(2) Analyze the effect of the new or modified stationary source on air quality for each air contaminant for which the significance level is exceeded and require that the applicant comply with the preconstruction monitoring requirements of Section 52.21 of the Code of Federal Regulations. (52.21(m))

(3) Apply approved stack height good engineering practice and prepare or cause to be prepared an analysis of the effect of increased emissions of air contaminants on the PSD increments and the expected net increase above baseline concentration for any proposed new major stationary source or major modification as defined in 40 CFR 52.21 (b), including any associated vessel emissions.

(4) Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall ~~provide~~ include the preliminary determination; present the expected additional and cumulative increment consumption; provide opportunity for a public hearing; and allow 30 days beginning on the date of publication, for the public to submit written comments on the application.

(5) Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.

(6) On the date of publication forward copies of the notice required in paragraph (4) above to the U.S. Environmental Protection Agency, the California Air Resources Board, all APCD's in the air basin, all adjoining APCD's in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact or is within 100 kilometers.

(7) Hold a public hearing on the project in the event of an air quality controversy and consider all public comments submitted prior to the granting or denial of the Authority to Construct.

(8) Transmit copies of the application and notice of each action affecting the application to EPA and the managers of any affected Class I areas.

(9) All comments and the final determination on the application shall be available for public inspection.

(b) New Source Review Process

3/14/84

~~RULE 210 - ENVIRONMENTAL ASSESSMENT~~

~~If the Control Officer determines that the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with the California Environmental Quality Act of 1970 (CEQA), no further processing of environmental documents shall be required. The Control Officer shall then follow the procedure set forth in Article XII of Appendix A to this regulation.~~

~~If the Control Officer determines that the application is for a project which does not fall within the above paragraph, and the Control Officer determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, it shall be exempt from the requirements of CEQA. If the Control Officer determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for Environmental Impact Review as found in Appendix A to this regulation, shall be followed. Other project reviews performed by the District may proceed concurrently with a detailed environmental assessment, but no Authority to Construct may be issued by the Control Officer until completion and filing of the Notice of Determination.~~

~~RULE 220 - NEW SOURCE REVIEW STANDARDS (INCLUDING PSD EVALUATIONS)~~

~~(a) Emission Analysis~~

*revised
10/12/83*

~~In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Control Officer to make the approval determinations required by the provisions of Rule 230.~~

~~For the purposes of emission considerations:~~

~~(1) Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit any air contaminant subject to regulation under the Clean Air Act of 1977. (52.21(b)(4))~~

~~(2) Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increases or reductions that may occur as a result of the modifications and subsequent operating permit conditions, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations. (52.21(b)(2&3))~~

~~(3) Emissions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Control Officer that it would be more representative of normal source operation. (52.21(b)(3&21))~~

(b) New Source Review Procedure

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 490 or 492; or for any new or modified stationary source which the Control Officer estimates will result in a significant net increase in emissions of any air contaminant regulated under the Clean Air Act of 1977, the Control Officer shall: (Significant levels are defined in Rule 130(s2))

(1) Determine best available control technology (BACT) for each air contaminant for which the significance level is exceeded and so inform the applicant. (52.21(b)(12))

(2) Analyze the effect of the new or modified stationary source on air quality for each air contaminant for which the significance level is exceeded and require that the applicant comply with the preconstruction monitoring requirements of Section 52.21 of the Code of Federal Regulations. (52.21(m))

(3) Prepare or cause to be prepared an analysis of the effect of increased emissions of air contaminants on the PSD increments and the expected net increase above baseline concentration for any proposed new major stationary source or major modification as defined in 40 CFR 52.21 (b).

(4) Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall provide 30 days, beginning on the date of publication, for the public to submit written comments on the application.

(5) Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.

~~(6) Forward copies of the notice required in paragraph (4) above to the U.S. Environmental Protection Agency, the California Air Resources Board, all APCD's in the air basin, all adjoining APCD's in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact.~~

~~(7) Hold a public hearing on the project in the event of an air quality controversy and consider all public comments submitted prior to the granting or denial of the Authority to Construct.~~

(c) Power Plant Review Procedures

This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission. The Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, which may include lost fees, incurred in order to comply with the provisions of this section.

(1) Within fourteen days of receipt of an NOI, the Control Officer shall notify the ARB and the Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Control Officer shall prepare and submit a report to the ARB and the Commission prior to the conclusion of the nonadjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:

(A) a preliminary determination of the need for and a specific definition of best available control technology (BACT) for the proposed facility,

(B) a preliminary discussion of whether there is substantial likelihood that the requirements of Rule 230(a) and all other District regulations can be satisfied by the proposed facility,

(C) a preliminary list of conditions which the proposed facility must meet in order to comply with Rule 230(a) or any other applicable district regulation.

The preliminary determinations contained in the report shall be specific as possible within the constraints of the information contained in the NOI.

(2) Upon receipt of an Application for Certification (AFC) for a power plant, the Control Officer shall conduct a Determination of Compliance review in accordance with the procedures of Rule 220. If the information contained in the AFC does not meet the requirements of Rule 200(b), the Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal.

(3) The Control Officer shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review.

(4) The Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Control Officer is unable to obtain the information, he may petition the presiding Commissioner for an order directing the applicant to supply such information.

(5) Within 180 days of accepting an AFC as complete, the Control Officer shall make a preliminary decision on:

(A) whether the proposed power plant meets the requirements of Rule 230(a) and all other applicable district regulations; and

(B) in the event of compliance, what permit conditions will be required including specific BACT requirements and a description of required mitigation measures; and

(C) complete the new source review requirements of Rule 230.

(6) Within 240 days of the filing date, the Control Officer shall submit to the Commission a Determination of Compliance, or if such a determination cannot be issued, shall so inform the Commission as to the reason for noncompliance.

(7) Any applicant receiving a certificate from the Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the Control Officer.

3/14/84

revised
10/12/83

added
10/12/83

RULE 240 - PERMIT TO OPERATE

(a) Permit to Operate Required

A person shall not operate or use any stationary source, the use of which may cause the issuance of air contaminants or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit from the Control Officer or except as provided in Rule 240(b).

(b) Temporary Permit to Operate

Upon completion of construction or modification of and before operating or using of any new or modified stationary source of air contaminants for which an Authority to Construct had been issued pursuant to the provisions of this Chapter, the applicant shall notify the Control Officer in writing. Upon such notification, the Authority to Construct or modify shall serve as a Temporary Permit for Operation of the equipment until the Permit to Operate is granted or denied.

(c) Permit to Operate

The Control Officer shall take final action to grant, grant with conditions or deny a Permit to Operate for any stationary source within 180 calendar days after notification per section 240(b) or for a pre-existing source (i.e. a source without an Authority to Construct) within 90 calendar days after receipt of application for Permit to Operate. The Control Officer shall grant a Permit to Operate for any stationary source only after he has determined that, in his judgement, all source construction and modifications were completed in accordance with the Authority to Construct granted pursuant to this Chapter. Failure to act within the specified time period can be deemed by the Applicant to be a denial of the Permit to Operate for appellate purposes. No Permit to Operate shall be granted for any stationary source constructed without authorization as specified in Rule 200(a) until the information required is presented to the Control Officer, an emission analysis is performed, and the source is altered, if necessary, and made to conform with the standards set forth in Rule 230 and elsewhere in this regulation.

(d) Conditional Permit

The Control Officer may issue a Permit to Operate or Use, subject to conditions which will assure the operation of any stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified.

(1) The Control Officer shall impose conditions on a Permit to Operate such as he deems necessary to ensure that the stationary source will be operated in the manner specified in conducting the emission analysis of Rule 220 and in granting the approval required by Rule 230.

(2) The Control Officer may condition a Permit to Operate so as to prohibit a new stationary source which is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.

(3) The Control Officer may at any time issue a Permit to Operate with revised conditions if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

(e) Compliance Verification

~~As a condition of a Permit to Operate, the Control Officer may require that the owner provide, install, calibrate, maintain, and operate continuous recording instruments to measure air contaminant concentrations at specific emission points or at locations adjacent to the plant property line.~~

(1) Said permit conditions may, in addition, require:

(A) That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency as specified by the Control Officer.

(B) That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.

(2) The information recorded shall be summarized and reported to the District in the manner and form as prescribed by the Control Officer.

(3) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Office, or submitted to EPA or ARB, upon request.

(4) Monitoring records shall be retained by the owner for a period of not less than two years.

(5) District personnel are to inspect and confirm calibration of measuring instruments, as necessary.

(6) Any violation of an emission standard, ambient air quality standard, or breakdown of emission measuring instruments, is to be reported to the District in accordance with the provisions of Rule 540, Equipment Breakdown.

(f) Mandatory Monitoring Requirements

Monitoring instruments shall be provided, installed, calibrated, maintained and continuously operated by the owner of the following stationary source categories to measure air contaminant emissions or opacity from sources for which there is an applicable federal, state, or local emission standard.

(1) Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilocalories) or more per hour with a use factor of at least 30% per year.

(A) Oxides of nitrogen.

(B) Carbon dioxide or oxygen.

(C) Opacity except: where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel burned and the source is able to comply with the applicable particulate matter and opacity regulations without collection equipment, and where the source has not been found since December 31, 1970, through administrative or judicial proceedings, to be in violation of Regulation 1 of the North Coast Air Basin.

(D) Sulfur dioxide, if control equipment is used.

(2) All sulfur recovery plants and sulfuric acid plants, sulfur dioxide.

(3) Nitric Acid Plants

(A) All new nitric acid plants, oxides of nitrogen.

(B) All existing nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, oxides of nitrogen.

(4) CO boilers of regenerators of fluid catalytic cracking units; CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,500,000 liters) per day.

(A) Sulfur dioxide

(B) Opacity

(5) Kraft Pulp Mills, total reduced sulfur (TRS) from kraft recovery furnaces and lime kilns.

All monitoring calibrations, reporting requirements and specifications shall be in accordance with the requirements of Appendix B of this Regulation 1 of the California North Coast Air Basin.

(g) Permit Denial

The Control Officer shall deny a Permit to Operate for any new or modified stationary source of air contaminants which does not meet the approval requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not grant a Permit to Operate until the applicant has satisfied the requirements which were the basis for the denial.

(h) Review of Permits

The Control Officer may at any time require from an applicant for, or holder of, any Permit to Operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere. If the holder of said permit within 30 days willfully fails and refuses to furnish to the Control Officer information, analyses, plans, specifications, or test data requested, the Control Officer may suspend the Permit to Operate. The Control Officer shall serve notice in writing of such suspension and the reasons therefore on the permittee.

(i) Posting of Permit to Operate

A person who has been granted a Permit to Operate any stationary source, shall display such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number in such a manner as to be clearly visible and accessible at a location near the source. In the event that the Permit to Operate cannot be so placed, the Permit to Operate shall be maintained readily available at all times on the operating premises.

(j) Transfer

Any permit or written authorization issued hereunder shall not be transferrable, by operation of law or otherwise, from one location to another, or from one person to another, unless such transfer is specified as a condition of permit issuance.

REGULATION 1 OF THE NORTH COAST AIR BASIN

Adopted 8/10/84

sub. 10/19/84

~~RULE 130~~

~~(c1) COMBUSTION CONTAMINANTS: Matter discharged into the atmosphere from the burning of any kind of material, ~~including~~ carbon dioxide and water. excluding~~

~~RULE 160 - AMBIENT AIR QUALITY STANDARDS~~

~~(a) Notwithstanding the provisions of the Ambient Air Quality Standards in this Rule, the ~~standard for~~ Formaldehyde (HCHO), shall not exceed 0.1 ppm at any time in the North Coast Air Basin.~~

~~DELETE FORMALDEHYDE STANDARD~~

RULE 240

(e) Compliance Verification

As a condition of a Permit to Operate, the Control Officer may require that the owner provide, install, calibrate, maintain, and operate continuous recording instruments to measure emission rates to the atmosphere and/or to measure air contaminant concentrations at specific emission points or at locations adjacent to the plant property line. The Control Officer shall forego the requirements of this subsection 240(e) if the applicant demonstrates to the satisfaction of the Control Officer that there is no practical or reasonable achievable technology available to accomplish the monitoring requirements.

sub. change

DELETE RULE 460

~~RULE 460 - ORGANIC GAS EMISSIONS~~

~~(a) No person shall discharge into the atmosphere sufficient concentrations of organic gases which exceed the THRESHOLD LIMIT VALUES for such substances as described in the latest edition of "DOCUMENTATION OF THRESHOLD LIMIT VALUES" published by the American Conference of Governmental Industrial Hygienists, beyond the property line of the person responsible for the emissions, nor shall these limits, exempt any person from meeting the requirements of maximum allowable concentrations permitted in work area atmospheres.~~

~~(b) The requirements of Rule 460(a) shall not apply:~~

~~(1) To emissions of methane or other low reactivity hydrocarbons as approved by the Control Officer.~~

~~(2) To emissions of hydrocarbons from permitted open burning ~~from approved combustion processes.~~~~

3/14/84

~~RULE 250 - APPEALS~~

~~Within ten (10) days after notice by the Control Officer of denial or conditional approval of an Authority to Construct or Permit to Operate, or upon suspension of an existing 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 thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.~~

RULE 260 - EXCLUSIONS

12/83

(a) New source review procedures in accordance with Rule 220(b) shall not be required for temporary stationary sources which will be in operation for less than 90 days duration providing best available control technology is applied and such operations will not interfere with the control strategy of the SIP.

(b) New source review procedure in accordance with Rule 220(b), Rule 230(a)(4) and Rule 230(a)(2) shall not be required for geothermal power plants or steam transmission lines which will not, under all normal operating conditions, emit greater than 5 lbs. H₂S/1,000,000 lbs. steam (but in no event greater than 250 lbs. H₂S/day) provided it is not considered a major source or a major modification as defined in 40 CFR 52.21 (August 7, 1980).

Rule 100 General Provisions

(Adopted November 3, 1982; Revised September 26, 1997, *Proposed for Revision December 16, 2004, Revised May 19, 2005*).

RULE 100 CONTENTS

- 1.0 TITLE
- 2.0 PURPOSE
- 3.0 ADMINISTRATION
- 4.0 EMERGENCY CONDITIONS
- 5.0 PUBLIC RECORDS
- 6.0 VALIDITY

RULE 100: GENERAL PROVISIONS

- 1.0 TITLE:** The Counties of Del Norte, Humboldt and Trinity operate as a single unified special district agency entitled the North Coast Unified Air Quality Management District. These Rules and Regulations are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and shall be known as the Rules and Regulations of the California North Coast Unified Air Quality Management District (herein after referred to as the AQMD).

The AQMD is comprised of the Counties of Del Norte, Trinity, and Humboldt, lies within the North Coast Air Basin. The North Coast Air Basin consists of the counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District.

- 2.0 PURPOSE:** These rules and regulations are set forth to achieve, maintain, and protect health-based State and Federal Ambient Air Quality Standards and prevent deterioration of levels of air quality which may jeopardize human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience, and enjoyment of the natural attractions of the California North Coast Air Basin.
- 3.0 ADMINISTRATION:** The procedures and restrictions set forth in these rules and regulations shall be administered by the AQMD within its area of jurisdiction as authorized by Section 40002 of the Health and Safety Code (HSC) ; Chapter 3, Part 3, Division 26 of the (HSC); or by contractual agreements with or between other public agencies in accordance with the provisions of Section 40701 et seq. of the (HSC), and/or Section 90120 et seq. of Title 17 of the California Administrative Code.
- 4.0 EMERGENCY CONDITIONS:** In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the Air Pollution Control Officer (APCO) shall take immediate action in curtailing those emissions known to be contributing to a possible episode situation.
- 5.0 PUBLIC RECORDS:** In accordance with the provisions of Government Code Section 6254.7, et seq. all air pollution monitoring and emission data in the possession of the AQMD are public records. All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which are in possession of the AQMD, are public records, with

the exception of certified "trade secrets" and active investigation files involving potential criminal complaints. Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the APCO. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the APCO shall:

- 5.1** Concur in the certification of said trade secrets and notify the owner that the documents will be placed in a locked file to be made accessible only to the staff of the AQMD or to the public following a court order.
- 5.2** Return to the owner all documents which have been designated as trade secrets, following a determination by the APCO that they are not necessary in conducting the activities of the AQMD.
- 5.3** Notify the owner that said trade secrets do not meet the criteria established and place the documents in a locked file. All such documents will be considered as public records and will be so designated at the end of a 30 day period, unless the owner files an appeal with the Air Quality Management District Hearing Board.

Upon request, any specific public records in the possession of the AQMD will be made available to the public within 10 days. Such requests shall be in writing and a reasonable fee may be charged, not to exceed the actual cost of providing the requested information.

6.0 VALIDITY:

- 6.1** If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.
- 6.2** The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether criminal or equitable, which might otherwise be available to any person.
- 6.3** These regulations shall be liberally construed for the protection of the health, safety and welfare of the people of the AQMD.

Rule 101 Definitions

(Adopted November 3, 1982., Revised May 19, 2005, Revised May 15, 2008).

1.0DEFINITIONS: Except as otherwise specifically provided in these rules and regulations, and except where the context indicates otherwise, words used in these rules and regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California, the Clean Air Act of 1977 and as subsequently amended, and the Code of Federal Regulations 40 CAR 52.21. Where the federal regulations of 40 CFR 52.21 refer to the responsibilities of the Administrator of the U.S. Environmental Protection Agency, the term Administrator shall be construed to mean Air Pollution Control Officer (APCO). For purposes of Rules and Regulation implementation, the following terms and definitions shall be utilized and are incorporated herein. In the event that two or more definitions within this section should conflict, the term of definition which best protects the health, safety and welfare of the people of the AQMD shall prevail. Where individual regulations, rules, orders, etc. contain a definition section, the terms and definitions contained therein shall supersede the terms and definitions contained in this section.

1.1 Acid Rain Unit: An "acid rain unit" is any fossil-fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the Clean Air Act.

[Reference: 40 CFR 70.2 Affected Unit]

1.2 Acute Care Facility: Any facility currently licensed by the California Department of Health Services as a general acute care hospital (as defined in Title 22, CCR, Section 70005 et seq.), or any military hospital.

1.3 Administrative Permit Amendment: An "administrative permit amendment" is an amendment to a permit to operate which:

- (1) Corrects a typographical error;
- (2) Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit;
- (3) Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
- (4) Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

[Reference: 40 CFR 70.7(d)]

1.4 Adsorptive Cartridge Filter: A replaceable cartridge filter that contains diatomaceous earth or activated clay as the filter medium.

1.5 Aeration Only Facility, Applied to ETO Sterilization: A facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.

1.6 Aeration, Applied to ETO Sterilization: Is the process during which residual ethylene oxide dissipates, whether under forced air flow, natural or mechanically assisted convection, or other means, from previously sterilized materials after the sterilizer cycle is complete.

- 1.7 Aerator Exhaust Stream, Applied to ETO Sterilization:** All ethylene oxide-contaminated air which is emitted from an aerator.
- 1.8 Aerator, Applied to ETO Sterilization:** Any equipment or space in which materials previously sterilized with ethylene oxide are placed or remain for the purpose of aeration. An aerator is not any equipment or space in which materials that have previously undergone ethylene oxide sterilization and aeration can be handled, stored, and transported in the same manner as similar materials that have not been sterilized with ethylene oxide.
- 1.9 Affected State:** An "affected state" is any state that is contiguous with the District and whose air quality may be affected by a permit action, or is within 50 miles of the source for which a permit action is being proposed.
- [Reference: 40 CFR 70.2 Affected States]
- 1.10 Aggregate:** A mixture of mineral fragments, sand, gravel, rocks, or similar minerals.
- 1.11 Agricultural Burning:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.
- 1.12 Agricultural Operation:** The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.
- 1.13 Agricultural Wastes:** The unwanted or unusable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.
- 1.14 Air Contaminant:** Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acid, or any combination thereof.
- 1.15 Air Pollution Abatement Operation:** Any operation which has, as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission reduction.
- 1.16 Air Pollution Control Officer (APCO) Designee to Issue Coordinated Burn Authorization Permits:** A person designated by the APCO to work with the North Coast Unified Air Quality Management District to issue Coordinated Burn Authorization Permits. Such designees shall include authorized representative(s) of the Interagency Smoke Management Council when approved by the California Air Resources Board (CARB).
- 1.17 Air Pollution Control Officer (APCO):** "Air Pollution Control Officer" refers to the Air Pollution Control Officer of the North Coast Unified Air Quality Management District, appointed pursuant to Health and Safety Code Section 40750.
- 1.18 Air Toxic:** Toxic air contaminants as defined in Section 39655(a) of the California Health and Safety Code.
- 1.19 Alluvial Deposit:** Any deposit of sediments laid down by running water including but not limited to streams and rivers.
- 1.20 Alteration:** Any addition to, enlargement or 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 the air contaminant emitted.

- 1.21 Ambient Air Quality Standard (AAQS):** The specific concentrations and durations of air pollutants which reflect the relationship between intensity and composition of pollution to undesirable effects established as health-based standards by the California Air Resources Board and for the United States Environmental Protection Agency. AAQS include:

Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards ¹		Federal Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O ³)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	---	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.07 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		---		
Fine Particulate Matter (PM _{2.5})	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	15 µg/m ³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m ³)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		--		
Nitrogen Dioxide (NO ²)	Annual Arithmetic Mean	0.03 ppm (56 µg/m ³)	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m ³)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.18 ppm (338 µg/m ³)		--		
Sulfur Dioxide (SO ²)	Annual Arithmetic Mean	--	Ultraviolet Fluorescence	0.030 ppm (80 µg/m ³)	--	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (365 µg/m ³)	--	
	3 Hour	--		--	0.5 ppm (1300 µg/m ³)	
	1 Hour	0.25 ppm (655 µg/m ³)		--	--	
Lead ⁹	30 Day Average	1.5 ppm µg/m ³	Atomic Absorption	--	--	--
	Calendar Quarter	--		1.5 µg/m ³	Same as Primary Standard	High Volume Sampler and Atomic Absorption
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0...23 per kilometer- visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent.		No Federal		

		Method; Beta Attenuation and Transmittance through Filter Tape.		Requirements
Sulfates	24 Hour	25 $\mu\text{g}/\text{m}^3$	Ion Chromatography	
Hydrogen Sulfide	1 Hour	0.03 ppm (42 $\mu\text{g}/\text{m}^3$)	Ultraviolet Fluorescence	
Vinyl Chloride 9	24 Hour	0.01 ppm (26 $\mu\text{g}/\text{m}^3$)	Gas Chromatography	

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the EPA.

8. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

- 1.22 Ampere-hours, Applied to plating operations:** The integral of electrical current applied to a plating tank (amperes) over a period of time (hours).
- 1.23 Anti-mist additive, Applied to plating operations:** A chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.
- 1.24 Any Equivalent *Units*:** Concentration expressed first in units in which it was promulgated. Equivalent units are based upon a reference temperature of 25° C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25° C and a reference pressure of 760 torr; ppm refers to ppm by volume, or micromoles of pollutant per mole of gas.
- 1.25 Applicable Federal Requirement:** An "applicable federal requirement" is any requirement which is enforceable by the U.S. EPA and citizens pursuant to section 304 of the Clean Air Act and is set forth in, or authorized by, the Clean Air Act or a U.S. EPA regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:
- (1) Title I requirements of the Clean Air Act, including:
 - (A) New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
 - (B) Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
 - (C) New Source Performance Standards (40 CFR Part 60);
 - (D) National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the Clean Air Act;
 - (E) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
 - (F) Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
 - (G) Risk Management Plans, preparation and registration requirements (section 112(r) of the Clean Air Act);
 - (H) Solid Waste Incineration requirements (sections 111 or 129 of the Clean Air Act);
 - (I) Consumer and Commercial Product requirements (section 183 of the Clean Air Act);
 - (J) Tank Vessel requirements (section 183 of the Clean Air Act);
 - (K) District prohibitory rules that are approved into the state implementation plan;
 - (L) Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
 - (M) Enhanced Monitoring and Compliance Certification requirements (section 114(a) (3) of the Clean Air Act).
 - (2) Title III, section 328 (Outer Continental Shelf) requirements of the Clean Air Act (40 CFR Part 55);
 - (3) Title IV (Acid Deposition Control) requirements of the Clean Air Act (40

- CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the Clean Air Act);
- (4) Title VI (Stratospheric Ozone Protection) requirements of the Clean Air Act (40 CFR Part 82); and
 - (5) Monitoring and Analysis requirements (section 504(b) of the Clean Air Act).
- 1.26 Approved Combustibles:** Dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture, and which is not otherwise prohibited by Regulation II or state law. For the purposes of Regulation II, approved combustibles can be burned when authorized for burning pursuant to a valid Coordinated Burn Authorization Permit and when the burning of approved combustibles occurs in compliance with District Rules and Regulations. For the purposes of Regulation II approved combustibles include untreated hand-split rails burned as part of a valid agricultural burn.
- 1.27 Approved Ignition Devices:** Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used.
- 1.28 ARB Test Method 2:** The test method specified in Title 17 California Code of Regulations, Section 94102.
- 1.29 ARB Test Method 428:** The test method specified in Title 17 California Code of Regulations, Section 94139.
- 1.30 ARB Test Method 435:** The test method specified in Title 17, California Code of Regulations, Section 94147.
- 1.31 ARB:** The State of California Air Resources Board.
- 1.32 ARB-Certified Vapor Recovery System:** A gasoline vapor recovery system which has been certified by the state board pursuant to Section 41954 of the Health and Safety Code.
- 1.33 Asbestos - Containing Serpentine Material:** Serpentine material that has an asbestos content greater than 0.25%, as determined by ARB Test Method 435. The 0.25% value is the calculated value for finding a single asbestos fiber, on the 400-grid CARB method 435 analyses, and then necessarily represents the smallest calculated value for a position sample under CARB Method 435.
- 1.34 Asbestos:** Asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
- 1.35 Atmosphere:** 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.
- 1.36 Back Draft Valve Exhaust Stream, Applied to ETO sterilization:** Is the air stream which results from collection of ethylene oxide-contaminated air which may be removed from the sterilizer through a back-draft valve or rear chamber exhaust system during unloading of the sterilized materials.
- 1.37 Baseline Concentration:** That ambient concentration level which exists in all regions of the North Coast Air Basin on January 1, 1988, or in the baseline area at the time of the establishment of the applicable baseline date as determined in accordance with Section 52.21 of the Code of Federal Regulations. (52.21(b) (13))

- 1.38 Baseline/Impact Area:** That area where the concentration of emissions from a proposed new or modified stationary source is predicted to be equal to or greater than 1 ug/m³, using an EPA approved air quality model.
- 1.39 Best Available Control Technology (BACT):** An emission limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act of 1977 emitted from or which results from any stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determined is achievable for such stationary source through application of production processes and available methods, systems, and techniques for control of such air contaminants. BACT determinations may include a design standard, operational equipment specifications, fuel restrictions, work practice or combination thereof. In no event shall application of BACT result in emission of any pollutants which will exceed the emissions allowed under Rules 104, of Regulation I. If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard unfeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirements for the application of BACT. The BACT process shall be applied to any toxic air contaminants which are referenced in Section 39660 of the Health & Safety Code (52.21(b) (12)).
- 1.40 Breakdown or Malfunction:** Any unforeseeable failure or malfunction of any air pollution control equipment or operating equipment which causes a violation of any emission standard or limitation prescribed by the AQMD, State, or federal rules, regulations, or laws where such failure or malfunction:
- 1.40.1 Is not the result of intent, neglect, or disregard of any air pollution control law, rule, or regulation;
 - 1.40.2 Is not the result of improper maintenance;
 - 1.40.3 Does not constitute a nuisance;
 - 1.40.4 Is not an excessively recurrent breakdown of the same equipment.
- 1.41 Burn Barrel:** A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non-glossy paper, and cardboard) so that they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with non-flammable material with holes no larger than 1/4 inch.
- 1.42 California Air Resources Board (CARB):** The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.
- 1.43 California Ambient Air Quality Standards:** California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide suspended particulate matter-PM₁₀, PM_{2.5}, and visibility reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California Ambient Air Quality Standards are set out in Section 70200 of Title 17 of the California Code of Regulations.
- 1.44 CARB-Certified Vapor Recovery System:** A vapor recovery system which has been certified by the CARB pursuant to HSC Section 41954.
- 1.45 Cartridge Filter:** A replaceable cartridge filter that contains one of the following as the filter medium: paper, activated carbon, or paper and activated carbon. A cartridge filter contains no diatomaceous earth or activated clay. Cartridge filters include, but are not limited to: standard filters, split filters, "jumbo filters", and all carbon polishing filters.
- 1.46 Category I Medical Waste Incinerator:** Any medical waste incinerator which burns 10

tons or less of medical wastes per year.

- 1.47 Category II Medical Waste Incinerator:** Any medical waste incinerator which burns more than 10 tons of medical wastes per year, but less than 25 tons per year.
- 1.48 Category III Medical Waste Incinerator:** Any medical waste incinerator which burns 25 tons or more of medical wastes per year.
- 1.49 Census ZIP Code:** A ZIP code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. For the purposes of this Regulation, census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 1.50 Change of Location:** Any transfer of an existing permitted source from one location to another not on the same property or facility.
- 1.51 Chief Fire Official:** The ranking officer in authority having jurisdiction with the responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District, or his or her designee. The chief fire official may be a federal, state, county or municipal employee, depending on the extent of the fire jurisdiction within the exemption area. In the state or federal responsibility areas for wild land protection, the state or federal official's determination overrides county and municipal authority with regard to issuance by Coordinated Burn Authorization Permits, conditions and designation of fire hazards.
- 1.52 Chrome Plating:** Either hard or decorative plating.
- 1.53 Chrome:** When used in these Rules and Regulations refers to Metallic chrome.
- 1.54 Chromic Acid Anodizing:** The electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.
- 1.55 Chromic Acid:** An aqueous solution of chromium trioxide (CrO_3), or a commercial solution containing chromic acid, dichromic acid (H_2CrO_7), or trichromic acid ($\text{H}_2\text{Cr}_3\text{O}_{10}$).
- 1.56 Chromium Emission Factor:** The mass of chromium emitted during a test conducted in the emissions collection system in accordance with ARB Test Method 425, divided by the ampere-hours consumed by the tanks in the tested emissions collection system, expressed as the mass of chromium emitted per ampere-hour of electrical current consumed.
- 1.57 Chromium Emissions Collection System:** A device or apparatus used to gather chromium emissions from the surface of a chrome plating or chromic acid anodizing tank or tanks.
- 1.58 Chromium:** When used in these Rules and Regulations refers specifically to Hexavalent chromium.
- 1.59 Chronic Violation:** A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source or facility or same piece of equipment.
- 1.60 Class I Area:** Any area having air quality or air quality values requiring special protection, and which has been designated Class I by a federal, State, or local authority empowered to make such a designation. These include all wilderness areas and national parks.

- 1.61 Class II Area:** Class areas include all other areas of the AQMD not otherwise classified as Class I or Class III.
- 1.62 Class III Area:** Class areas include all other areas of the AQMD not otherwise classified as Class I or Class II.
- 1.63 Clean Air Act (CCA):** "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).
- 1.64 Closed – Loop Machine, when applied to dry cleaning operations:** Dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit (also known as dry-to-dry) and which recirculates perchloroethylene-laden vapor through a primary control system with no exhaust to the atmosphere during the drying cycle. A closed-loop machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.
- 1.65 Code of Federal Regulations (CFR):** "Code of Federal Regulations" refers to the United States Code of Federal Regulations.
- 1.66 Co-Located With a Residence:** Sharing a common wall, floor, or ceiling with a residence. For the purposes of this definition, "residence" means any dwelling or housing which is owned, rented, or occupied by the same person for a period of 180 days or more, excluding short-term housing such as a motel or hotel room rented and occupied by the same person for a period of less than 180 days.
- 1.67 Combustible or Flammable Waste:** 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.
- 1.68 Combustible:** Any substance capable of burning or any substance that will readily burn.
- 1.69 Combustion Contaminant:** Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.
- 1.70 Commence Operation:** "Commence operation" means to begin operation (q.v.) of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Health and Safety Code section 42301.1.
- 1.71 Condensed Fumes:** Minute solid particles generated by the condensation of vapors from the solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcinations, or chemical reaction, when these processes create airborne particles.
- 1.72 Construction-Demolition Debris:** Any material associated with the construction or demolition of any building, dwelling, or other man made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation and plywood.
- 1.73 Control Device:** An article, machine, equipment, or contrivance which reduces the amount of air contaminants between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the APCO.
- 1.74 Control Efficiency:** Is the contaminant mass or concentration reduction efficiency of a control device, and expressed as a percentage calculated across the control device as follows:

$$\sim \text{Contaminant in} - \sim \text{Contaminant out} \times 100 = \% \text{ Control Efficiency}$$

- 1.75 Control Equipment:** Any device which reduces emissions from the emissions collection system.
- 1.76 Control Officer:** Air Pollution Control Officer, (APCO) of the District.
- 1.77 Control Strategy:** A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan (SIP) for the California North Coast Air Basin or the North Coast Unified Air Quality Management District.
- 1.78 Controlled Pollutant:** Any air contaminant for which an ambient and/or emission standard exists at the county, state or federal level.
- 1.79 Converted Dry Cleaning Machine:** An existing vented machine that has been modified to be a closed-loop machine by eliminating the aeration step, installing a primary control system, and providing for recirculation of the perchloroethylene-laden vapor with no exhaust to the atmosphere or workroom during the drying cycle. A converted machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.
- 1.80 Cool Down, Applied to Dry Cleaning Operations:** The portion of the drying cycle that begins when the heating mechanism deactivates and the refrigerated condenser continues to reduce the temperature of the air recirculating through the drum to reduce the concentration of perchloroethylene in the drum.
- 1.81 Cooling Tower:** A device which evaporates circulating water to remove heat from a process, a building, or a refrigerator, and puts the heat into the ambient air.
- 1.82 Coordinated Burn Authorization Permit (CBA Permit):** A permit to burn issued pursuant to Regulation II, Rule 201, Section 3, and authorizing specified burning as set forth in the permit, and which includes an updated annual bar-coded validation.
- 1.83 Date of Compliance:** The time from AQMD adoption of regulations enacting a control measure until a facility must be in compliance with specific requirements of a rule or Hearing Board Order.
- 1.84 Decorative Chrome Plating:** The process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer 1 micron (0.04 mil.) thick or less.
- 1.85 Designated Agency, Applied to Open Burning:** Any agency designated by CARB as having authority to issue agricultural burning permits, including prescribed burning permits as The North Coast Unified Air Quality Management District, U.S. Department of Agricultural Forest Service, and California Department of Forestry are so designated within their jurisdiction of the North Coast Unified Air Quality Management District.
- 1.86 Designated Marginal Burn Day:** A day when limited amounts of agricultural burning, including prescribed burning, for individual projects in specific areas for limited times is not prohibited by the state board and burning is authorized by the AQMD.
- 1.87 Designated No-Burn Day:** Any day, or portion thereof on which agricultural burning, including prescribed burning is prohibited by the California Air Resources Board or by the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 1.88 Designated Permissive Burn Day:** Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and Regulations. For the purposes of determining daily burn

status, the Air Pollution Control Officer shall utilize identified designated smoke management areas, shall consider local meteorological and air quality related factors, and shall be guided by CARB's daily determinations.

- 1.89 Designated Smoke Management Areas:** Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:

Zone 1, Coastal Smoke Management Area including all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix A), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean coast and identified by the Air Pollution Control Officer.

Zone 2, Lower Inland Smoke Management Area including all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

Zone 3, Upper Inland Smoke Management Area including all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

- 1.90 De-Adsorption:** Regeneration of an activated carbon bed, or any other type of vapor absorber by removal of the adsorbed solvent using hot air, steam, or other means.
- 1.91 Dioxins:** Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2, 3, 7 and 8 positions and containing 4, 5, 6 or 7 chlorine atoms. Dioxin is expressed as 2, 3, 7, 8-tetrachloro-dibenzo-p-dioxin equivalents using current California Department of Health Services toxic equivalency factors.
- 1.92 Direct Emissions:** "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- 1.93 District:** "District" refers to the North Coast Unified Air Quality Management District (AQMD).
- 1.94 Drum, when Applied to Dry Cleaning Operations:** The rotating cylinder or wheel of the dry cleaning machine that holds the materials being cleaned.
- 1.95 Dry Cleaned Materials:** Wearing apparel, draperies, linens, fabrics, textiles, rugs, leather, and other goods that are dry cleaned.
- 1.96 Dry Cleaning Equipment:** Any machine, device, or apparatus used to dry clean materials with perchloroethylene or to remove residual perchloroethylene from previously cleaned materials. Dry cleaning equipment may include, but is not limited to, a transfer machine, a vented machine, a converted machine, a closed-loop machine, a reclaimer, or a drying cabinet.
- 1.97 Dry Cleaning System:** All of the following equipment, devices, or apparatus associated with the perchloroethylene dry cleaning process: dry cleaning equipment; filter or purification systems; waste holding, treatment, or disposal systems; perchloroethylene supply systems; dip tanks; pumps; gaskets; piping, ducting, fittings, valves, or flanges that convey perchloroethylene-contaminated air; and control systems.

- 1.98 Dry Cleaning Transfer Machine:** A combination of perchloroethylene dry cleaning equipment in which washing and extraction are performed in one unit and drying is performed in a separate unit.
- 1.99 Drying Cabinet:** A housing in which materials previously cleaned with perchloroethylene are placed to dry and which is used only to dry materials that would otherwise be damaged by the heat and tumbling action of the drying cycle.
- 1.100 Drying Cycle, when Applied to Dry Cleaning Operations:** The process used to actively remove the perchloroethylene remaining in the materials after washing and extraction. For closed-loop machines, the heated portion of the cycle is followed by cool-down and may be extended beyond cool-down by the activation of a control system. The drying cycle begins when heating coils are activated and ends when the machine ceases rotation of the drum.
- 1.101 Dust:** Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, bagging, sweeping, etc.
- 1.102 Economic Hardship:** Possessing an annual income below the poverty level, as defined by the Bureau of Census, U.S. Department of Commerce, or defined in Section 39026.5 of the California Health and Safety Code.
- 1.103 Effective Date of Regulation V:** The "effective date of Regulation V" is the date the U.S. EPA promulgates interim, partial, or final approval of the rule in the Federal Register.
- [Reference: 40 CFR 70.4(g)]
- 1.104 Emergency:** An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the excess of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" does not include noncompliance as a result of improperly designed or installed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
- 1.105 Emission Point:** The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- 1.106 Emission:** The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.
- 1.107 Emissions Unit:** An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or hazardous air pollutant.
- [Reference: 40 CFR 70.2 Emissions Unit]
- 1.108 Environmental Training Program, when applied to dry cleaning operations:** An initial course or a refresher course of the environmental training program for perchloroethylene dry cleaning operations that has been authorized by the California Air Resources Board according to the requirements of 17 CCR, Section 93110.
- 1.109 EPA:** Means the Environmental Protection Agency of the United States.
- 1.110 Episode Alert:** A condition in the air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level which threatens the respective ambient air quality standard depending upon the particular topography and meteorology of the air basin. "Verified" means the pertinent measuring instrument has been checked over the following fifteen-minute period and found to be

operating correctly.

- 1.111 Equivalency:** Any equivalent procedure which can be shown to the satisfaction of CARB or the APCO to give equivalent results at or near the level of respective air quality standard applied in the circumstance at hand.
- 1.112 Ethylene Oxide (ETO):** Is a chemical substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.
- 1.113 Ethylene Oxide Sterilizing Gas:** Ethylene oxide or any combination of ethylene oxide and (an) other gas (es) used in a sterilizer.
- 1.114 Ethylene Oxide Sterilizer Cycle:** The process which begins when ethylene oxide is introduced into the sterilizer includes the initial purge or evacuation after sterilization and subsequent air washes, and ends after evacuation of the final air wash.
- 1.115 Ethylene Oxide Sterilizer Exhaust Stream:** Is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.
- 1.116 Ethylene Oxide Sterilizer Exhaust Vacuum Pump:** A device used to evacuate the sterilizing gas during the sterilizer cycle, including any associated heat exchanger. A sterilizer exhaust vacuum pump is not a device used solely to evacuate a sterilizer prior to the introduction of ethylene oxide.
- 1.117 Ethylene Oxide Sterilizer:** Any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.
- 1.118 Excavation:** Exposure to view by digging.
- 1.119 Exempt Compound:** Compounds exempt from specified respective rules and regulations and identified in the following list. Exempt compounds content of architectural coatings shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996)

Carbon Monoxide
 Carbon Dioxide
 Carbonic Acid
 Metallic Carbides or Carbonates
 Ammonium Carbonate
 Methane
 Ethane
 Methylene Chloride (dichloromethane)
 1,1,1-Trichloroethane (Methyl Chloroform);
 1,1,2-Trichloro-1,2,2-Trifluoroethane (CFC-113);
 Trichlorofluoromethane (CFC-11);
 Dichlorodifluoromethane (CFC-12);
 Chlorodifluoromethane (HCFC-22);
 Trifluoromethane (HFC-23);
 1,2-Dichloro-1,1,2,2-Tetrafluoroethane (CFC-114);
 Chloropentafluoroethane (CFC-115);
 1,1,1-Trifluoro-2,2-Dichloroethane (HCFC-123);
 1,1,1,2-Tetra-Fluoroethane (HFC-134a);
 1,1-Dichloro-1-Fluoroethane (HCFC-141b);
 1-Chloro-1,1-Difluoroethane (HCFC-142b);
 2-Chloro-1,1,1,2-Tetrafluoroethane (HCFC-124);
 Pentafluoroethane (HFC-125);

1,1,2,2-Tetrafluoroethane (HFC-134);
 1,1,1-Trifluoroethane (HFC-143a);
 1,1-Difluoroethane (HFC-152a);
 Parachlorobenzotrifluoride (PCBTF)
 Cyclic, Branched, or Linear, Completely Methylated Siloxanes;
 Acetone
 Perchloroethylene (Tetrachloroethylene)
 3,3-Dichloro-1,1,1,2,2-Pentafluoropropane (HCFC-225ca)
 1,3-Dichloro-1,1,2,2,3-Pentafluoropropane (HCFC 225cb)
 1,1,1,2,3,4,4,5,5,5-Decafluoropropane (HFC 43-10mee)
 Difluoromethane (HFC-32)
 Ethylfluoride (HFC-161)
 1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
 1,1,2,2,3-Pentafluoropropane (HFC-245ca)
 1,1,2,3,3-Pentafluoropropane (HFC-245ea)
 1,1,1,2,3-Pentafluoropropane (HFC-245eb)
 1,1,1,3,3-Pentafluoropropane (HFC-245fa)
 1.1.1.3.3-Hexafluoropropane (HFC-365mfc)
 Chlorofluoromethane (HCFC-31)
 1 Chloro-1 Fluoroethane (HCFC-151a)
 1,2-Dichloro-1,1,2-Trifluoroethane (HCFC-123a)
 1,1,1,2,2,3,3,4,4-Nonafluoro-4-Methoxy-Butane (C4F9OCH3)
 2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-Heptafluoropropane((CF3)2CFCF2OCH3))
 1-Ethoxy-1,1,2,2,3,3,4,4,4-Nonafluorobutane (C4F9OC2H5)
 2-(Ethoxydifluormethyl)-1,1,1,2,3,3,3-Heptafluoropropane ((CF3)2CFCF2OC2H5)
 Methyl Acetate
 Perfluorocarbon compounds which fall into these classes:
 Cyclic, branched, or linear, completely fluorinated alkanes,
 Cyclic, branched or linear, completely fluorinated ethers without unsaturations
 Cyclic, branched or linear, completely fluorinated tertiary amines without unsaturations
 Sulfur containing perfluorocarbons without unsaturations and with sulfur bonds only to carbon and fluorine

- 1.120 Existing Dry Cleaning Facility:** Any facility that operated dry cleaning equipment prior to November 21, 1994 in the AQMD. Facility relocations, within the same AQMD, shall be considered existing facilities for the purposes of this control measure.
- 1.121 Existing Retail Service Station:** Any retail service station operating, constructed, or under construction as of January 16, 1989.
- 1.122 Facility – Wide Pounds Of Ethylene Oxide Used Per Year, Applied to ETO Sterilization Operations:** Is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.
- 1.123 Facility Wide Emissions from Hard Chrome Plating or Chromic Acid Anodizing:** The total emissions from all hard chrome plating or chromic acid anodizing at the facility over a calendar year. Emissions shall be calculated as the sum of emissions from the emissions collection system at the facility. The emissions from an emissions collection system shall be calculated by multiplying the emission factor for that emission collection system by the sum of ampere-hours consumed during that year for all the tanks served by the emissions collection system.
- 1.124 Facility:** Any establishment or installation and the associated equipment.
- 1.125 Federally-Enforceable Condition:** A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an applicable federal requirement or a

voluntary emissions cap.

1.126 Fire Hazard: Either an imminent fire hazard or a potential fire hazard, as follows:

1.127.1 An imminent fire hazard is a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its immanency, cannot immediately be abated by any other means. {H & S 41801 (a)}.

1.127.2 A potential fire hazard is described as one which could in reasonable time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which cannot be abated by other means.

1.127 Floating Roof, Applied to Petroleum Product Storage Operations: 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 Regulation III, Rule 300 of these Rules and Regulations 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 vapor-tight except when gauging or sampling is taking place.

1.128 Flue: Any duct or passage of air, gases or the like, such as tack or chimney.

1.129 Forest Management Burning: The use of open fires, as part of a forest management practice to remove forest debris or for forest management practices which include timber operations, agriculture practices or forest protection practices.

Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a storage area which is not contiguous with the forested area.

Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if operations result in a net reduction in total forest debris to be burned.

1.130 Fossil Fuel-Fired Steam Generator: 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.

1.131 Fugitive Dust: Solid airborne matter emitted from any non-combustion sources.

1.132 Fugitive Emissions: "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
[Reference: 40 CFR 70.2 Fugitive Emissions]

1.133 Full – Time Dry Cleaning Employee: Any person who is employed at the dry cleaning facility and averages at least 30 hours per week in any 90-day period.

1.134 Gallons of Perchloroethylene Used, Applied in Dry Cleaning Operations: The volume of perchloroethylene, in gallons, introduced into the dry cleaning equipment, and not recovered at the facility for reuse on-site in the dry cleaning equipment, over a specified time period.

1.135 Garbage: Every accumulation of animal, vegetable and other decomposable matter that attends or results from the preparation, consumption, decomposition or storage of meals, fish, fowl, birds, fruits, vegetables or other food products and food containers soiled with

food stuff, and shall include dead animals, fowl, birds, fish and offal.

- 1.136 Gasoline Storage Tank:** Any storage container, reservoir, or tank used for the storage of gasoline that is equipped with no vapor control, or utilizes splash loading, submerged fill pipe loading, or Phase I or II vapor recovery loading systems.
- 1.137 Gasoline Tank:** The organic compounds in the displaced vapors including any entrained liquid gasoline.
- 1.138 Gasoline:** Any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
- 1.139 Geothermal Operations:** Those activities related to the extraction, transmission, and utilization of geothermal steam which may directly, or indirectly, result in air contaminant emissions.
- 1.140 Halogenated - Hydrocarbon Detector, when Applied to Dry Cleaning Operations:** A portable device capable of detecting vapor concentrations of perchloroethylene of 25 ppmv or less and indicating an increasing concentration by emitting an audible signal or visual indicator that varies as the concentration changes.
- 1.141 Hard Chrome Plating:** The process by which chromium is electroplated from a solution containing compounds of chromium onto an object resulting in a chrome layer thicker than 1 micron (0.04 mil).
- 1.142 Hazardous Air Pollutant (HAP):** A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the Federal Clean Air Act.
- 1.143 Health and Safety Code (H&SC):** "Health and Safety Code" refers to the California State Health and Safety Code.
- 1.144 Hearing Board:** The quasi-judicial appellate review board of the AQMD, appointed by the Governing Board Pursuant to Section 40800 of the California Health and Safety Code.
- 1.145 Hexavalent Chromium and Chromate:** Substances identified as toxic air contaminants by the California Air Resources Board.
- 1.146 Hold Open Latch, Applied to Gasoline Storage or Dispensing Operations:** A device which is part of an ARB-certified vapor recovery system and which allows for the hands-off refueling of a vehicle
- 1.147 Ignition Devices:** Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. Approved ignition devices include but are not necessarily limited to: such items as liquid petroleum gas, butane propane torches, drip torches, flares, or other similar materials as approved by the APCO. Approved ignition devices do not include tires, tar, tar paper, oil and other similar materials.
- 1.148 Incineration:** Means an operation in which combustion is carried on for the principal purpose, or with the principle result of oxidizing a waste material to reduce its bulk or facilitate its disposal.
- 1.149 Incinerator:** Any device constructed of non-flammable materials, including metal containers, commonly known as burn barrels, for the purpose of burning dried vegetation, non-glossy paper, and cardboard on residential properties. This does not include AQMD permitted commercial multi-chambered incinerators containing primary and secondary

burners.

- 1.150 Indirect Source:** A facility, building, structure or installation, or combination thereof, which indirectly results in emissions of an air contaminant as a result of traffic greater than 20,000 or more vehicles per day within 10 years of construction; any new or modified facility which provides in excess of 1,000 new parking spaces; or any new or modified airport with more than 50,000 operations per year by regularly scheduled air carriers, or used by 1,600,000 or more passengers per year.
- 1.151 Information, when Applied to AQMD Permit Application or Variances:** Data, records, photographs, maintenance records, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit was issued or applied or which is subject to state or federal requirements, district rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by a district.
- 1.152 Initial Permit when Applied to USEPA Title V Permit Requirements:** An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Regulation V.
- 1.153 Installation:** The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- 1.154 Interagency Smoke Management Council:** A council composed of specified members to include: one representative from each of the interested local, state and federal fire protection agencies within the North Coast Unified Air Quality Management District (including the California Department of Forestry and Fire Protection); one representative each from the Forest Service, the Park Service, and the Bureau of Land Management Service; representatives from industry from the North Coast Fuels Management Cooperative; and staff which may be assigned by the Air Pollution Control Officer for the purpose of assisting in the issuance of Coordinated Burn Authorization Permits, assisting in determining Permissive Burn, and Marginal Burn Day(s) in coordination with CARB and assisting in monitoring burn activity within the North Coast Unified Air Quality Management District.
- 1.155 Kraft Pulp Mill Non-Condensable:** The TRS portion of any gases and vapors released in a Kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks, multiple effect evaporator condensers, and condensate strippers or from the storage, transport or disposal of foul condensates from the above equipment.
- 1.156 Kraft Pulp Mill:** Any industrial operation which uses for cooking liquor an alkaline sulfide solution containing sodium sulfide in its pulping process.
- 1.157 Kraft Recovery Furnace:** The combustion device in which pulping chemicals are converted to a molten smelt and wood solids are incinerated. For these regulations, and where present, this term shall include the direct contact evaporator.
- 1.158 Leak Free, when Applied to ETO Sterilization Operations and Gasoline Vapor Recovery Operations:**
- A. For Ethylene Oxide sources, "leak free" refers to that state which exists when the concentration of sterilizing gas measured 1 cm. away from any portion of the exhaust system of a sterilizer or aerator, during conditions of maximum sterilizing gas mass flow, is less than:

1. 30 ppm for sterilizing gas composed of 12% ethylene oxide/88% chlorofluorocarbon-12 by weight; and
2. 10 ppm for other compositions of sterilizing gas,

As determined by ARB Test Method 21 (Title 17, CCR, Section 94124) using a portable flame ionization detector or a non-dispersive infrared analyzer, calibrated with methane, or an acceptable alternative method or analytical instrument approved by the APCO. A chlorofluorocarbon-12 specific audible detector using a metal oxide semi-conductor sensor shall be considered an acceptable alternative for exhaust systems carrying a sterilizing gas mixture of ethylene oxide and chlorofluorocarbon-12.

B. For gasoline vapor recovery requirements, "leak free" refers to a liquid leak of no more than three drops per minute excluding losses which occur upon disconnecting transfer fittings, provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.

1.159 Lime Kiln: Any production device in which calcium carbonate is thermally converted to calcium oxide.

1.160 Liquid Leak, when Applied to Dry Cleaning Operations: A leak of liquid containing perchloroethylene of more than 1 drop every 3 minutes.

1.161 Local Medical Emergency: An unexpected occurrence in the area served by the acute care facility resulting in a sudden increase in the amount of medical treatments which require a significant increase in the operation of an air pollutant emitting equipment, operation or activity(ies).

1.162 Local Responsibility Area (LRA): That area where the local department is responsible for wild land fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility areas.

1.163 Major Source: A "major source" is a stationary source which has the potential to emit a regulated air pollutant or a hazardous air pollutant in quantities equal to or exceeding the lesser of any of the following thresholds:

- (1) 100 tons per year (tpy) of any regulated air pollutant;
- (2) 50 tpy of volatile organic compounds or oxides of nitrogen for a federal non-attainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
- (3) 70 tpy of PM10 (particulate matter of 10 microns or less) for a federal PM10 non-attainment area classified as serious;
- (4) 10 tpy of one hazardous air pollutant or 25 tpy of two or more hazardous air pollutants; or
- (5) Any lesser quantity threshold promulgated by the U.S. EPA.

[Reference: 40 CFR 70.2 Major Source]

1.164 Maximum Achievable Control Technology (MACT): An emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the APCO, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

1.165 May: Means a provision is "permissive"; as opposed to "shall" which is established as a

“mandate”.

- 1.166 Medical Facilities:** Medical, dental and veterinary offices, clinics and hospitals, skilled nursing facilities, research facilities, research laboratories, clinical laboratories, all licensed and unlicensed medical facilities, clinics and hospitals, surgery centers, diagnostic laboratories and other providers of health care.
- 1.167 Medical Waste Incinerator:** Any furnace or other closed fire chamber located at a medical facility and used to dispose of waste generated at medical facilities by burning.
- 1.168 Minimum Fire Safety Requirements:** Fire safety requirements for residential open burning which may minimize escape burn and smoke impacts, including but not limited to: maintenance of a 10-foot clearance area around burn, requirement that all burning to be conducted by persons at least 18 years of age who shall remain within line of eyesight of the burn, prohibition against burning when the wind exceeds 20 mph, presence of adequate extinguishing materials and equipment during burning activities, and maintenance of a controllable size burn to prevent escape.
- 1.169 Minor Permit Modification:** A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which is not a significant permit modification, and is not an administrative permit amendment.
[Reference: 40 CFR 70.7(e)(2)]

1.170 Minor Violation:

- 1.0** The failure of any person to comply with administrative or procedural requirements of applicable state requirements, AQMD Rules and Regulations, administrative or procedural plan or permit conditions, or requests for information or records by the APCO which meets the following criteria:
- 1.1** Does not result in an increase of emissions that exceeds regulatory limits or permit conditions;
- 1.2** Does not endanger the health, safety, or welfare of any person or persons;
- 1.3** Does not endanger the environment;
- 1.4** Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard;
- 1.5** Does not preclude or hinder the APCO's ability to determine compliance with other applicable state or federal requirements, AQMD Rules and Regulations, administrative or procedural plans or permit conditions, or requests for information or records.
- 2.0** Notwithstanding subparagraph (1.172.1) above, no violation of an applicable state or federal requirement, AQMD Rule or Regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:
- 2.1** The violation involves failure to comply with the emission standards in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions; or
- 2.2** The violation is knowing, willful, or intentional; or
- 2.3** The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or

- 2.4 The violation is chronic; or
- 2.5 The violation is committed by a recalcitrant violator; or
- 2.6 The violation results in a public nuisance.

- 1.171 Model:** A procedure for estimating the ambient air concentration of air contaminants based upon emission profiles, dispersion simulations or other techniques approved by the Environmental Protection Agency, California Air Resources Board and the APCO. (52.21(1))
- 1.172 Modification:** Any physical change in an existing facility or change in the method of operation which results or may result in either an increase or decrease in emission of any air pollutants subject to AQMD control, or the emission of any such air pollutant not previously emitted. The following shall not be regarded as physical changes or changes in the method of operation:
- 1.173.1 Routine maintenance, repair or replacement with identical or equivalent equipment
 - 1.173.2 Increased production rate or increased hours of operation where there is no increase in fixed capital cost, unless such production and hours are limited by permit conditions
- 1.173 Modified Retail Service Station:** Replacement of one or more stationary storage tanks at an existing station or excavation when applied to gasoline dispensing and storing operators of 50 percent or more of an existing retail station's total underground liquid piping from the stationary storage tanks to the gasoline dispensers.
- 1.174 Motor Vehicle:** The same meaning as defined in Section 415 of the Vehicle Code.
- 1.175 Muck Cooker:** When applied to dry cleaning operators, a device for heating perchloroethylene-laden waste material to volatilize and recover perchloroethylene.
- 1.176 Multiple-Chamber Incinerators:** "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning. The incinerator must be comprised of three or more refractory-lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing primary and secondary burners designed for the combustion of the maximum amount and type of material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.
- 1.177 Multi-Unit Dwelling:** Apartments, condominiums, and other types of dwellings with more than two (2) living units.
- 1.178 Must:** Means a provision is "mandatory", as opposed to "may" which means a provision is "permissive".
- 1.179 National Primary Standards:** National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- 1.180 Natural Vegetation:** All plants, including but not limited to grasses, trees, shrubs, bushes, canes, leaves, flowers or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated, or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated timber, wood products or paper products.

- 1.181 NET Increase Emissions:** The amount by which the sum of any increase in actual emissions from a particular physical change or change in method of operation at a stationary source, and any other increases and decreases in actual emissions at the source that are creditable in accordance with 40 CFR 52.21(b)(3) and (21), exceeds zero.
- 1.182 New Dry Cleaning Facility:** A facility that did not operate any dry cleaning equipment prior to November 21, 1994 in the AQMD. Facility relocations within the AQMD shall not be considered new facilities for the purposes of this control measure.
- 1.183 New Retail Service Station:** Any retail service station which is not constructed or being modified as of January 16, 1989.
- 1.184 No-Burn Day:** Any day, or portion there-of on which agricultural burning including prescribed burning is prohibited by the California Air Resources Board or the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 1.185 Non-Agricultural Burning,** As regulated under State law, means all open burning:
- 1.185.1** Set or permitted by any public officer when necessary in his or her opinion for the purposes specified in State law which includes:
 - 1.185.1.1** Prevention of a fire hazard;
 - 1.185.1.2** Public employee instruction in fire fighting methods;
 - 1.185.1.3** Industrial site employee instruction in fire fighting methods;
 - 1.185.1.4** For disease or pest prevention where there is immediate need and no reasonable alternative to burning;
 - 1.185.2** To dispose of wood waste from trees, vines, or bushes on the property where it was grown as described in State law:
 - 1.185.2.1** On property being developed for commercial or residential purposes;
 - 1.185.2.2** Cuttings from brush clearance done in compliance with local fire hazard reduction ordinances;
 - 1.185.3** At a solid waste disposal site pursuant to State law;
 - 1.185.4** for residential purposes as described in State law;
 - 1.185.4.1** To dispose of combustible or flammable solid waste of a single or two family dwelling on its premises;
 - 1.185.4.2** Fires used only for cooking food for human beings;
 - 1.185.4.3** Fires for recreational purposes;
 - 1.185.5** By a public entity or utility for purposes described in State law;
 - 1.185.5.1** Right of way clearing;
 - 1.185.5.2** Levee, reservoir, and ditch maintenance;
 - 1.185.6** For disposal of Russian Thistle pursuant to State law;
 - 1.185.7** For disposal of agricultural or wood waste in a mechanized burner as specified in the HSC.
 - 1.185.8** Ceremonial Fires
- 1.186 Non-approved combustibles:** Non-approved combustibles are materials that are illegal to be burned, unless otherwise specifically provided for in this Regulation. Such materials shall include, but are not necessarily limited to: construction and demolition debris, petroleum products, petroleum waste, coated wire, putrescent wastes, tires, tar, tar paper, non-natural wood wastes, processed or treated wood, processed or treated wood products,

metals, motor vehicle bodies and parts, rubber, synthetics; plastics, including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts or wastes (including blood and fecal- and food-contaminated material), asbestos shingles, floor tiles and other similar smoke-producing materials. Unless otherwise specifically authorized by the APCO, prohibited materials shall also include poison oak near any residence. For the purposes of this Regulation, dry, natural vegetation from yard maintenance is not prohibited burn material if reasonably free from dirt, soil and surface moisture.

- 1.187 Nonresidential Waste Burning:** The disposal of natural vegetation from any dwelling unit or residence which is not a single or two family dwelling unit or residence, or burning of natural vegetation by a commercial business or entity for the purpose of fire hazard reduction or land clearing development; and which is not agricultural improvement burning, range improvement management burning, wild land vegetation burning, or cooking, recreational or ceremonial fires. Nonresidential waste burning may include the disposal of prohibited materials only to remove an imminent fire hazard and only with the direction of a fire official and approval of the APCO.
- 1.188 North Coast Air Basin:** That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.
- 1.189 North Coast Fuels Management Cooperative:** A Council including private timberland owners, private timberland managers, and the California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, created by agreement to coordinate weather data gathering and burning activities in order to reduce the potential for adverse affects from smoke within the Humboldt Bay Air Basin and the adjacent areas.
- 1.190 North Coast Unified Air Quality Management District (AQMD):** The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq. referred to in these Rules and regulations as the AQMD, District or designated local air pollution control authority, and the jurisdiction of the AQMD including the entire geographic jurisdiction of Humboldt County, Del Norte County and Trinity County.
- 1.191 Notice to Comply:** A written method of alleging a minor violation that meets the requirements of California Health and Safety Code section 39151.
- 1.192 Offset Fill Pipe:** When applied to gasoline storage operators, a fill pipe on a stationary storage tank which is loaded from the side and has its discharge opening entirely submerged when the liquid is six inches (6") above the bottom of the tank.
- 1.193 Open Outdoor Fire:** Any combustion of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.
- 1.194 Operation:** Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or the chemical or physical properties of a material, which results in or may result in the emission of a regulated air pollutant.
- 1.195 Orchard, Vineyard, or Citrus Grove Heater:** 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.

- 1.196 Organic Gas:** Any gas containing carbon and hydrogen, or carbon and hydrogen in combination with any other element.
- 1.197 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.
- 1.198 Particulate Matter:** Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- 1.199 Pathological Waste:** Any material including but not limited to human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction.
- 1.200 Perceptible Perchloroethylene Vapor Leak:** When applied to dry cleaning operations, an emission of perchloroethylene vapor from unintended openings in the dry cleaning system, as indicated by the odor of perchloroethylene or the detection of gas flow by passing the fingers over the surface of the system. This definition applies for an interim period of 18 months only, beginning after November 21, 1984 in the AQMD.
- 1.201 Perchloroethylene (PERC):** The substance with the chemical formula “C₂C₁₄” also known by the name “tetrachloroethylene”, which has been identified by the Air Resources Board and listed as a toxic air contaminant in 17 CCR, Section 93000.
- 1.202 Perchloroethylene Dry Cleaning or Dry Cleaning:** The process used to remove soil, greases, paints, and other unwanted substances from materials with perchloroethylene.
- 1.203 Perchloroethylene Equivalent Closed - Loop Vapor Recovery System:** When applied to dry cleaning operations, a device or combination of devices that achieves, in practice, a perchloroethylene recovery performance equal to or exceeding that of refrigerated condensers.
- 1.204 Perchloroethylene Facility Mileage:** When applied to dry cleaning operations, the efficiency of perchloroethylene use at a facility, expressed as the pounds of materials cleaned per gallon of perchloroethylene used, and calculated for all dry cleaning machines at the facility over a specified time period.
- 1.205 Perchloroethylene Fugitive Control System:** When applied to dry cleaning operations, a device or apparatus that collects fugitive perchloroethylene vapors from the machine door, button and lint traps, still, or other intentional openings of the dry cleaning system and routes those vapors to a device that reduces the mass of perchloroethylene prior to exhaust of the vapor to the atmosphere.
- 1.206 Perchloroethylene Still:** When applied to dry cleaning operations, a device used to volatilize and recover perchloroethylene from contaminated solvent removed from the cleaned materials.
- 1.207 Perchloroethylene Vapor Leak:** When applied to dry cleaning operations, an emission of perchloroethylene vapor from unintended openings in the dry cleaning system, as indicated by a rapid audible signal or visual signal from a halogenated-hydrocarbon detector or a concentration of perchloroethylene exceeding 50 ppmv as methane as indicated by a portable analyzer. This definition applies beginning 18 months after the effective date of this control measure in the district.
- 1.208 Perchloroethylene Water Evaporator:** When applied to dry cleaning operations, a device that vaporizes perchloroethylene-contaminated waste water through the addition of

thermal or chemical energy, or through physical action.

1.209 Permissive Burn Day: Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and regulations. For the purposes of determining daily burn day status, the Air Pollution Control Officer shall utilize Designated Smoke Management Areas, shall consider local meteorological and air quality related factors, and shall be guided by CARB daily determination.

1.210 Permit Modification: A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

[Reference: 40 CFR 70.2 Permit Modification and Permit Revisions]

1.211 Permit Unit: A permit unit shall include each basic piece of equipment, or each basic independent functioning system capable of independent operation, which has the potential to emit any air pollutant(s), and its respective air pollution control device, air pollution control system, and all equipment and conditions associated with the air pollution control requirements of each respective basic piece of equipment.

For example, under this definition, an air pollution control device may be included in two or more separate permit units where it serves as a control for two or more basic pieces of air pollution emitting pieces of equipment; such as an afterburner serving two furnaces or incinerators.)

1.212 Permit: Refers to either an Authority to Construct, Temporary Permit to Operate or Permit to Operate, whichever is required or is legally in effect. For purposes of prevention of significant deterioration enforceability, the permit to operate may be considered a modified authority to Construct when designated by the Air Pollution Control Officer.

1.213 Person or Persons: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

1.214 Phase I Vapor Recovery System: A CARB-certified gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.

1.215 Phase II Vapor Recovery System: A CARB-certified gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.

1.216 Plating Tank: Any container used to hold a chromium or chromic acid solution for the purposes of chrome plating or chromic acid anodizing.

1.217 Populated Area: The urban areas of Arcata, Eureka, McKinleyville, Crescent City, Weaverville, Ferndale, Fortuna, or any other urban area designated by the APCO.

1.218 Potential to Emit:

Except where otherwise specifically defined in these Rules and Regulations, the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design, after considering physical and operational limitations that are enforceable by conditions imposed by the APCO in both the Authority to Construct and/or Permit to Operate.

(1) **Emissions Unit:** The "potential to emit" for an emissions unit is the

maximum capacity of the unit to emit a regulated air pollutant or hazardous air pollutant considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District. Physical and operational limitations include, but are not limited to the following: limits placed on emissions; and restrictions on operations such as hours of operation and type or amount of material combusted, stored, or processed.

- (2) **Stationary Source:** The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more hazardous air pollutants are emitted at a stationary source, the potential to emit for each of those hazardous air pollutants shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for sources as specified in 40 CFR Part 70.2 Major Source (2), and sources of hazardous air pollutant emissions. Notwithstanding the above, any hazardous air pollutant emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of hazardous air pollutants, whether or not such units are located in contiguous areas or are under common control.

[Reference: 40 CFR 70.2 Potential to Emit and Major Source(2)]

1.219 Pounds of Materials Cleaned Per Load: When applied to dry cleaning operations, the total dry weight, in pounds, of the materials in each load dry cleaned at the facility, as determined by weighing each load on a scale prior to dry cleaning and recording the value.

1.220 PPM: Parts per million by volume expressed on a dry gas basis.

1.221 Preconstruction Permit: A "preconstruction permit" is a permit issued prior to construction which authorizes construction, including:

- (1) An Authority To Construct issued pursuant to the AQMD's program for the prevention of significant deterioration of air quality required by section 165 of the Clean Air Act or Regulation 1, Rule 102(3) of the AQMD; or
- (2) An Authority To Construct issued pursuant to the AQMD's new source review program required by sections 172 and 173 of the Clean Air Act.
- (3) Regulation V, Procedures for issuing permits for sources subject to Title V of the Federal Clean Air Act Amendments of 1990.
- (4) An authority to construct issued pursuant to Regulation I, Rules 200 (Permit Requirements and Rule 230 (Action on Application)).

1.222 Prescribed Burning: The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.

1.223 Pressure Tank: A tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

- 1.224 Prevailing Visibility:** The federal 8-hour ozone and fine particulate matter standards promulgated by the U.S EPA on July 18, 1997.
- 1.225 Prevention of Significant Deterioration (PSD) Increment:** The maximum allowable increase of ambient air quality above baseline concentration in the three classified areas. Established by the EPA to ensure that new or expanded sources of air pollution do not cause a significant deterioration in air quality in areas which currently meet ambient air quality standards. EPA has created a list of 28 major source categories by which types of facilities are classified for PSD regulations. The threshold for determining whether a facility is a major source, and therefore subject to PSD regulations, is whether a facility which falls within one of the 28 listed categories and emits greater than 200 tons per year of a criteria pollutant. If a source triggers PSD requirements for one pollutant category, other pollutants emitted in significant amounts may also be subject to PSD, even if they are emitted in quantities below PSD trigger levels. These significant volumes are presented in the PSD regulations also set ambient impact “increments” that limit the allowable increase of ambient concentrations of criteria pollutants over a determined baseline concentration.

TABLE
PSD SIGNIFICANT EMISSION RATES
 $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter, ppm = parts per million

Pollutant	PSD Significant Emission Rates (tons/year)	PSD Class I Increments ($\mu\text{g}/\text{m}^3$)	PSD Class II Increments (g/m^3)	PSD Class III Increments (g/m^3)
Total suspended Particulate Matter (TSP)				
Annual Geometric Mean ($\mu\text{g}/\text{m}^3$)	25	N/A	N/A	N/A
24-hour Average ($\mu\text{g}/\text{m}^3$)	N/A			N/A
Inhale able Particulate Matter (PM10)				
Annual Arithmetic Mean ($\mu\text{g}/\text{m}^3$)	15	5	19	37
24-hour Average ($\mu\text{g}/\text{m}^3$)	N/A	10	37	75
Sulfur Dioxide (SO²)				
Annual Average (ppm)	40	2	20	40
24-hour Average (ppm)	N/A	5	91	182
3-hour Average (ppm)	N/A	25	512	700
1-hour Average (ppm)	N/A	N/A	N/A	N/A
Carbon Monoxide (CO)				
8-hour Average (ppm)	100	N/A	N/A	N/A
1-hour Average (ppm)	N/A	N/A	N/A	N/A
Ozone (O³)				
1-hour Average (ppm) (B)	40	N/A	N/A	N/A
Nitrogen Dioxide (NO²)				
Annual Average (ppm)	40	N/A	N/A	50

The most stringent increments apply to "Class I" PSD areas, which include wilderness areas and national parks. The remaining areas in the AQMD are designed as Class II areas. PSD regulations required those facilities which trigger PSD review to provide a detailed analysis of source emissions impacts on Class I areas. The intent of the PSD increments is to prevent air quality areas with concentrations below ambient air quality standards from reaching the standards, i.e., keep pristine and clean areas clean.

- 1.226 Primary Control System:** When applied to gasoline dispensing and storage operators, a refrigerated condenser or an equivalent closed-loop vapor recovery system approved by the district.
- 1.227 Prioritization Score:** A stationary source numerical score for cancer health effects or non cancer health effects, as determined by the AQMD pursuant to HSC Section 44360.
- 1.228 Procedural Requirements:** A provision of a rule, regulation or permit condition that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.
- 1.229 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. For continuous processes, the average hourly total weight of materials introduced into the process will be used in calculations.

- 1.230 Prohibited Burn Materials:** Non-approved combustibles.
- 1.231 Prohibited Ignition Devices:** Include but are not limited to tires, tar, tar paper, oil and other high smoke-producing material(s) which are not approved ignition devices.
- 1.232 Public Record:** 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 AQMD, except trade secrets, and investigation files involving active criminal investigations, and confidential personnel records.
- 1.233 Range Improvement Burning:** 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; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- 1.234 Reasonably Available:** As applied to an initial course for the environmental training program, means that the course is offered within 200 miles of the AQMD boundaries and that all such courses have a capacity, in the aggregate, that is adequate to accommodate at least one person from each facility in the AQMD required to certify a trained operator at that time.
- 1.235 Recalcitrant Violation:** Violations of AQMD Rules and Regulations, State or federal Law by a person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of AQMD Rules and Regulations, permit conditions, or other applicable provisions of state or federal law or regulations.
- 1.236 Receipt:** As applied to asbestos or serpentine containing material, any written acknowledgement that a specified amount of serpentine material was received delivered or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.
- 1.237 Reclaimer:** As applied to dry cleaning operations, a machine, device, or apparatus used only to remove residual perchloroethylene from materials that have been previously cleaned in a separate piece of dry cleaning equipment.
- 1.238 Record:** 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, photographed films and prints, magnetic or punched cards, drums, and other documents.
- 1.239 Refrigerated Condenser:** As applied to dry cleaning operations, a closed-loop vapor recovery system into which perchloroethylene vapors are introduced and trapped by cooling below the dew point of the perchloroethylene.
- 1.240 Regulated Air Pollutant:** A "regulated air pollutant" is any pollutant which is emitted into or otherwise enters the ambient air, and for which the AQMD, CARB or the U.S. EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include the following:
- (1) Oxides of nitrogen and volatile organic compounds.
 - (2) Any pollutant for which a National Ambient Air Quality Standard has been promulgated pursuant to section 109 of the Clean Air Act;

- (3) Any pollutant subject to a New Source Performance Standard promulgated pursuant to section 111 of the Clean Air Act;
- (4) Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydro fluorocarbons) substance pursuant to Title VI of the Clean Air Act; and
- (5) Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the Clean Air Act, including:
 - A. Any pollutant listed pursuant to section 112(r) of the Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
 - B. Any hazardous air pollutant subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the AQMD pursuant to 112(g) and (j) of the Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the Clean Air Act.
 - C. Any hazardous air pollutant subject to an AQMD case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the Clean Air Act. In case-by-case emissions limitation determinations, the hazardous air pollutant shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

[Reference: 40 CFR 70.2 Regulated Air Pollutant]

1.241 Regulation: One of the major subdivisions of the Rules of the AQMD.

1.242 Residence: A single- or two-family dwelling and the land and ancillary structures surrounding it.

1.243 Residential Waste Burning: The disposal of the combustible or flammable waste from a single- or two-family dwelling unit or residence by burning outdoors. Residential waste burning is not prescribed burning or other agricultural burning.

1.244 Responsible Official: A "responsible official" is an individual with the authority to certify that a source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources, and possess the authority to bind the source to compliance with permit conditions and contractual obligations.

- (1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to

a permit and either:

- A. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - B. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
- (2) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
 - (4) For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Regulation 5.

[Reference: 40 CFR 70.2 Responsible Official]

- 1.245 Retail Service Station:** Any new or existing motor vehicle fueling service station subject to payment of California sales tax on gasoline sales.
- 1.246 Road Surface:** The traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.
- 1.247 Rule:** A Rule of the Air Quality Management District.
- 1.248 Sand and Gravel Operation:** Any aggregate-producing facility operating in alluvial deposits.
- 1.249 Secondary Control System:** As applied to dry cleaning operations, a device or apparatus that reduces the concentration of perchloroethylene in the re-circulating air at the end of the drying cycle beyond the level achievable with a refrigerated condenser alone. An "integral" secondary control system is designed and offered as an integral part of a production package with a single make and model of dry cleaning machine and primary control system. An "add-on" secondary control system is designed or offered as a separate retrofit system for use on multiple machine makes and models.
- 1.250 Self – Service Dry Cleaning Machine:** A perchloroethylene dry cleaning machine that is loaded, activated, or unloaded by the customer.
- 1.251 Sensitive Receptor:** Any Class I Area and/or any other areas deemed to be sensitive by the APCO including, but not limited to K-12 schools, senior retirement housing and hospitals.
- 1.252 Separator:** Any device used to recover perchloroethylene from a water-perchloroethylene mixture.
- 1.253 Serpentine:** Any form of hydrous magnesium silicate minerals - including, but not limited to, antigorite, lizardite, and chrysotile.
- 1.254 Shall:** A provision is "binding" upon anyone subject to the respective rule.
- 1.255 Shutdown:** The cessation of operation of an affected facility for any purpose.

1.256 Significant Permit Modification: A "significant permit modification" is any modification to either an AQMD or a federally-enforceable condition on a permit to operate which:

- (1) Involves any modification under section 112(g) of Title I of the Clean Air Act or under U.S. EPA regulations promulgated pursuant to Title I of the Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, and 63;
- (2) Significantly changes the operations or monitoring conditions;
- (3) Provides for the relaxation of any reporting or recordkeeping conditions;
- (4) Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the Clean Air Act, or 2) an alternative hazardous air pollutant emission limit pursuant to section 112(i)(5) of the Clean Air Act;
- (5) Involves a case-by-case determination of any emission standard or other requirement; or
- (6) Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

[Reference: 40 CFR 70.7(e)(2) and (4)]

1.257 Significant: The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates in tons per year.

Air Contaminant	Significant Emission Rate
For BACT determinations:	Tons Per Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25

PM-10	16
Ozone	40 as VOC
Lead	0.6
Beryllium	0.0004

Air Contaminant	Significant Emission Rate
For BACT determinations:	Tons Per Year
Mercury	0.1
Vinyl chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
For MACT determinations:	
Hazardous Air Pollutant (HAPS) listed pursuant to section 112(b) of the Clean Air Act 1990:	10 for any one HAP 25 for two or more HAP

Notwithstanding the above significant emission rates for various air contaminants, significant also means any net emission increase from any new or modified stationary source which would be constructed within 10 kilometers of a Class I area and have an air quality impact on such area equal to or greater than 1 microgram per cubic meter (24 hour average).

- 1.258 Single and Two-Family Dwelling:** A permanent or temporary building or structure and the area immediately adjacent to the residence, used as a one- or two-family residence, including pre-fabricated structure(s), mobile home(s) and house trailer(s).
- 1.259 Silviculture:** The establishment, development, care and reproduction of stands of timber.
- 1.260 Smelt Dissolving Tank:** A vessel used for dissolving the molten salts (smelt) recovered from the Kraft recovery furnace.
- 1.261 Solid Particulate Matter:** Any material except uncombined water, which can exist in a finely divided form as solid at standard conditions.
- 1.262 Solid Waste Dump:** Any accumulation for the purpose of disposal of any solid waste.
- 1.263 Solid Waste Incinerator:** A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the Clean Air Act.

The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Regulation V:

- (1) Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
- (2) Any materials recovery facility which primarily recovers metals;
- (3) Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C);
- (4) Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B); or
- (5) Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the U.S. EPA.

1.264 Solvents: Include diluents and thinners and are defined as materials which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or have an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

1.265 Source: Any operation that produces and/or emits air pollution.

1.266 Stacking: The venting of geothermal steam from associated unit steam supply transmission line into the atmosphere during associated power plant shutdowns (outages), startups or load curtailments.

1.267 Standard Conditions: As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (14.7 pounds per square inch absolute) at 20 degrees Centigrade or 29.92 inches mercury at 68 degrees Fahrenheit. Results of all analysis and tests shall be calculated and reported at this temperature and pressure.

1.268 Standard Cubic Meter of Gas (Standard Cubic Foot of Gas): The amount of gas that would occupy the specified cubic measure, if free of combined water, at standard conditions.

1.269 Startup: The setting in operation of an affected facility for any purpose.

1.270 State Responsibility Area (SRA): That area as defined in Public Resources Code Section 4126 and classified by the Board of Forestry and Fire Protection where the State is responsible for wild land fire protection. This excludes incorporated cities and lands owned or controlled by the federal government or other federal agencies.

1.271 Stationary Source: Any building, structure, facility, or installation (or any such grouping) that:

- (1) Emits, or may emit, or has the potential to result, cause, or create the emissions of any regulated air pollutant or hazardous air pollutant;
- (2) Is located on one or more contiguous or adjacent properties;

- (3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
- (4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[Reference: 40 CFR 70.2 Stationary Source]

- 1.272 Steam Generating Unit:** Any furnace or boiler used in the process of burning fuel for the purpose of producing steam by heat transfer.
- 1.273 Submerged Fill Pipe:** As applied to gasoline storage and dispensing operations, any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches (6") above the bottom of the tank.
- 1.274 Sunset:** The event or time of daily disappearance of the sun below the western horizon.
- 1.275 Surfacing:** The act of covering any surface used for purposes of pedestrian, vehicular, or non-vehicular travel including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas and fairgrounds.
- 1.276 Tank Installation:** As applied to gasoline storage and dispensing operations, the installation of one or more stationary storage tanks at any facility or excavation of fifty percent (50%) or more of an existing facility's total underground liquid piping from stationary storage tanks to the gasoline dispensers.
- 1.277 Throughput:** The volume of gasoline dispensed at a retail service station in any calendar year.
- 1.278 Timber Operations:** Cutting or removal of timber or other forest vegetation.
- 1.279 Topping Off:** As applied to gasoline storage and dispensing operations, an attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.
- 1.280 Total Reduced Sulfur (TRS):** "TRS" means 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 mists are not to be included in the determination of TRS.
- 1.281 Toxic Air Contaminants:** A toxic air contaminant is defined as any substance with the potential to contaminate the air with or to create, air contaminates which are referenced in 39660 of the Health & Safety Code or determined by the APCO to be toxic.

The CARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

- 1.282 Trade Secrets:** As used in these Rules and Regulations, Trade Secrets include, but are not limited to, any formula, pattern, process, tool, mechanism, compound, procedure, production data, 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 to perform 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.

- 1.283 Trained Operator:** The owner, the operator, or an employee of the facility, who holds a record of completion for the initial course of an environmental training program and maintains her/his status by successfully completing the refresher courses as required.
- 1.284 Treated Brush:** Vegetative material to be burned that has been felled, crushed uprooted or crushed by manual or mechanical equipment or has been desiccated with herbicides or is dead.
- 1.285 Uncontrolled Chromium Emissions From the Hard Chrome Plating or Chromic Acid Anodizing Facility:** The chromium emissions from the emissions collection systems at the facility calculated as if no control equipment is in use. For the purpose of determining compliance, the uncontrolled chromium emissions shall be calculated using an emission factor based on tests conducted in accordance with ARB Test Method 425 or 14 mg/ampere-hour, whichever is less.
- 1.286 Uncontrolled Emissions:** The emission rate of the basic equipment to the control equipment, measured from the flue at a location downstream of the last combustion chamber and before the control equipment.
- 1.287 United States Environmental Protection Agency (U.S. EPA):** "United States Environmental Protection Agency" refers to the Administrator or designated representative of the United States Environmental Protection Agency.
- 1.288 Vapor Adsorber:** As applied to dry cleaning operations, a bed of activated carbon or other adsorbent into which perchloroethylene vapors are introduced and trapped for subsequent desorbition.
- 1.289 Vapor Leak:** As applied to gasoline storage and dispensing operations, any source of gasoline vapors which cause a combustible gas detector meter reading of 100 percent of the Lower Explosive Limit (LEL). A marginal vapor leak may be verified by conducting a vacuum leak test. A vapor leak does not include any vapor resulting from liquid spillage or liquid leaks.
- 1.290 Vapor Recovery System:** As applied to gasoline storage and dispensing operations, a vapor gathering system capable of collecting the hydrocarbon vapors and discharged gases 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 vapor-tight except when gauging or sampling is taking place.
- 1.291 Vapor Tight:** As applied to gasoline storage and dispensing operations, a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.
- 1.292 Vented Machine:** As applied to dry cleaning operations, dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit and in which fresh air is introduced into the drum in the last step of the drying cycle and exhausted to the atmosphere, either directly or through a control device.
- 1.293 Volatile Organic Compound (VOC):** Any compound containing at least one (1) atom of

carbon, excluding any Exempt Compound as identified in this Rule 101 Definitions. (For the purposes of implementing the AQMD *New Source Review* the term ROC (Reactive Organic Compound) is assumed to be the same as those compounds defined under the VOC definition.)

- 1.294 Voluntary Emissions Cap:** A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.
- 1.295 Waste:** All discarded putrescent and non-putrescent solid, semisolid and liquid materials, including but not limited to petroleum wastes, construction and demolition debris, coated wire, tires, tar, tarpaper, wood waste, processed or treated wood and wood products, petroleum products, metals, motor vehicle bodies and parts, rubber, synthetics; plastics including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts of wastes (including blood; fecal- and food-contaminated materials), asbestos shingles, floor tiles and other similar smoke-producing materials including felled trees; tree stumps; brush; plant cuttings and pruning; branches; garden waste; weeds; grass clippings, pine needles, leaves and other natural vegetation waste.
- 1.296 Water – Repelling Operations:** As applied to dry cleaning operations, the treatment of materials with a water-repellent solution that contains perchloroethylene.
- 1.297 Wild land Vegetation Management Burning:** The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass or standing brush.
- 1.298 Wood Fired Boiler:** Any boiler used for steam generation from which the products of combustion are directed through a flue or chimney and which derives at least 80 percent of its fuel input heat content from wood, or wood associated waste.
- 1.299 Wood Waste for the Purpose of Open Outdoor Burning:** Combustible waste from trees, vines, bushes or other vegetative material.

7/18/08

Rule 104 Prohibitions

(Adopted November 3, 1982; Revised on January 19, 1989, August 30, 1990, August 29, 1991, March 5, 1992,
Proposed for Revision December 16, 2004, Revised May 19, 2005).

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- 12.0 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)
- 13.0 INCINERATOR BURNING

RULE 104~~1.0 GENERAL LIMITATIONS:~~

- ~~1.1 PUBLIC NUISANCE: No person shall 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 health, comfort, repose or safety of any such persons or the public or which cause or have an natural tendency to cause injury or damage to business or property.~~

~~The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.~~

- ~~1.2 **Circumvention:** A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these Rules and Regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.~~

2.0 VISIBLE EMISSIONS:

- 2.1 No person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringlemann 2 or forty (40) percent opacity.
- 2.2 The provisions of Rule 104(2.1) & (2.2) do not apply to excessive visible emissions caused by:
- 2.2.1 Failure of the emission to meet the requirements solely because of the presence of uncombined water.
 - 2.2.2 Smoke from fires set pursuant to Regulation II of the North Coast Unified Air Quality Management District.
 - 2.2.3 Smoke from fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed, range or pasture.
 - 2.2.4 Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.
 - 2.2.5 Open outdoor fires used only for cooking of food for human beings or for recreational purposes.
 - 2.2.6 The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material.
 - 2.2.7 Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from start-up or shut-down of the combustion process or from the malfunction of emissions control equipment. This exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.
- 2.3 Notwithstanding the limitation established in Section 2.1, no owner or operation subject to Section 2.0 shall cause to be discharged into the atmosphere from any new or modified recovery furnace, gases which exhibit an opacity of 20 percent or greater on a six minute average basis.
- 2.3.1 Section 2.3 shall not apply during periods of start-up or shutdown, or during a breakdown condition. For recovery furnace operations, start-up and shutdown is defined as those periods of time when black liquor is not being fired in the recovery furnace.

~~3.0 PARTICULATE MATTER:~~

- ~~3.1 **General Combustion Sources:** A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon~~

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Rule 104 Prohibitions

(Adopted November 3, 1982; Revised on January 19, 1989, August 30, 1990, August 29, 1991, March 5, 1992, Proposed for Revision December 16, 2004, Revised May 19, 2005).

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- 13.0 INCINERATOR BURNING

RULE 104

~~1.0 GENERAL LIMITATIONS:~~

~~1.1 PUBLIC NUISANCE: No person shall 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 health, comfort, repose or safety of any such persons or the public or which cause or have an natural tendency to cause injury or damage to business or property.~~

~~The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.~~

- ~~1.2 **Circumvention:** A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these Rules and Regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.~~

~~2.0 VISIBLE EMISSIONS:~~

- ~~2.1 No person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringlemann 2 or forty (40) percent opacity.~~

- ~~2.2 The provisions of Rule 104(2.1) & (2.2) do not apply to excessive visible emissions caused by:~~

~~2.2.1 Failure of the emission to meet the requirements solely because of the presence of uncombined water.~~

~~2.2.2 Smoke from fires set pursuant to Regulation II of the North Coast Unified Air Quality Management District.~~

~~2.2.3 Smoke from fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed, range or pasture.~~

~~2.2.4 Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.~~

~~2.2.5 Open outdoor fires used only for cooking of food for human beings or for recreational purposes.~~

~~2.2.6 The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material.~~

~~2.2.7 Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from start-up or shut-down of the combustion process or from the malfunction of emissions control equipment. This exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.~~

- ~~2.3 Notwithstanding the limitation established in Section 2.1, no owner or operation subject to Section 2.0 shall cause to be discharged into the atmosphere from any new or modified recovery furnace, gases which exhibit an opacity of 20 percent or greater on a six minute average basis.~~

~~2.3.1 Section 2.3 shall not apply during periods of start-up or shutdown, or during a breakdown condition. For recovery furnace operations, start-up and shutdown is defined as those periods of time when black liquor is not being fired in the recovery furnace.~~

~~3.0 PARTICULATE MATTER:~~

- ~~3.1 **General Combustion Sources:** A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon~~

dioxide; or in excess of the limitations established in NSPS applicable provisions set out in Rule 104(11).

3.2 Steam Generating Units: No person shall discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations established in applicable NSPS provisions set out in Rule 104(11).

3.3 Steam Generating Utility Power Plants: All steam generating power plants which produce electric power for sale to any public utility shall not discharge particulate matter into the atmosphere in excess of 0.10 pounds per million BTU heat input or any other specific applicable permit limitation, which ever is the more restrictive emission condition.

3.4 Kraft Pulp Mills:

3.4.1 Recovery Furnaces:

3.4.1.1 The emissions of particulate matter from any Kraft recovery furnace shall not exceed 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas corrected to 8 percent oxygen or 4.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

3.4.1.2 The emissions of particulate matter from any new or modified Kraft recovery furnace shall not exceed 0.025 grains per standard cubic foot of exhaust gas corrected to 8 percent oxygen.

3.4.2 Lime Kiln:

3.4.2.1 The emissions of particulate matter from any lime kiln shall not exceed 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas corrected to 10 percent oxygen or 1.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

3.4.3 Smelt Dissolvers:

3.4.3.1 The emissions of particulate matter from any smelt dissolving tank shall not exceed 0.5 pounds per ton of Kraft pulp mill production.

3.4.3.2 The emissions of particulate matter from any new or modified smelt dissolving tank shall not exceed 0.20 pounds per ton of black liquor solids on a dry basis.

3.4.4 The requirements of Rule 104 (3.4) shall be applied to all Kraft Pulp Mills, except where more restrictive NSPS, BACT, or permit conditions are required, and in this event the more restrictive standard shall apply.

3.5 Non-Combustion Sources: No person shall discharge or allow the discharge of particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.

3.6 Geothermal Well Drilling: Notwithstanding the provisions of Rule 104(3.4), no person shall discharge or allow the discharge of particulates into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:

$$Y = .00069X + 1.4$$

Where y is the particulate emission rate limitation in kilograms per hour (averaged over one hour) and X is the steam rate in kilograms per hour passing through a geothermal well drilling operation or any geothermal well being vented for clean out.

TABLE I
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Kg/Hr	Lb/Hr	Lb/Hr	Kg/Hr	Lb/Hr
100	45	0.55	6,000	2,720	8.6
200	92	0.88	7,000	3,380	9.5
400	183	1.40	8,000	3,680	10.4
600	275	1.83	9,000	4,134	11.2
800	377	2.22	10,000	4,540	12.0
1,000	454	2.58	12,000	5,460	13.6
1,500	681	3.38	16,000	7,260	16.5
2,000	920	4.10	18,000	8,220	17.9
2,500	1,147	4.76	20,000	9,070	19.2
3,000	1,362	5.38	30,000	13,600	25.2
3,500	1,690	5.96	40,000	18,100	30.5
4,000	1,840	6.52	50,000	22,700	35.4
5,000	2,300	7.58	60,000	27,200	40.0
			or more		

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated linearly. The total process weight of all similar process operations located at a single plant or of similar multiple plants located on a single premise, shall be used for determining the maximum allowable particulate emission from the combination of such operations.

~~4.0 FUGITIVE DUST EMISSIONS:~~

- ~~4.1 No person shall do or allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.~~
- ~~4.2 Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:~~
 - ~~4.2.1 Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.~~
 - ~~4.2.2 Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.~~

7/15/08

Rule 104 Prohibitions

(Adopted November 3, 1982; Revised on January 19, 1989, August 30, 1990, August 29, 1991, March 5, 1992, Proposed for Revision December 16, 2004, Revised May 19, 2005).

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- 6.0 SULFIDE EMISSION STANDARDS FOR KRAFT PULP MILLS
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- 12.0 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)
- 13.0 INCINERATOR BURNING

RULE 104~~1.0 GENERAL LIMITATIONS:~~

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~~The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.~~

- ~~1.2 **Circumvention:** A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these Rules and Regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.~~

~~2.0 VISIBLE EMISSIONS:~~

- ~~2.1 No person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringlemann 2 or forty (40) percent opacity.~~

- ~~2.2 The provisions of Rule 104(2.1) & (2.2) do not apply to excessive visible emissions caused by:~~

- ~~2.2.1 Failure of the emission to meet the requirements solely because of the presence of uncombined water.~~
- ~~2.2.2 Smoke from fires set pursuant to Regulation II of the North Coast Unified Air Quality Management District.~~
- ~~2.2.3 Smoke from fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed, range or pasture.~~
- ~~2.2.4 Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.~~
- ~~2.2.5 Open outdoor fires used only for cooking of food for human beings or for recreational purposes.~~
- ~~2.2.6 The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material.~~
- ~~2.2.7 Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from start-up or shut-down of the combustion process or from the malfunction of emissions control equipment. This exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.~~

- ~~2.3 Notwithstanding the limitation established in Section 2.1, no owner or operation subject to Section 2.0 shall cause to be discharged into the atmosphere from any new or modified recovery furnace, gases which exhibit an opacity of 20 percent or greater on a six minute average basis.~~

- ~~2.3.1 Section 2.3 shall not apply during periods of start-up or shutdown, or during a breakdown condition. For recovery furnace operations, start-up and shutdown is defined as those periods of time when black liquor is not being fired in the recovery furnace.~~

~~3.0 PARTICULATE MATTER:~~

- ~~3.1 **General Combustion Sources:** A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon~~

~~dioxide; or in excess of the limitations established in NSPS applicable provisions set out in Rule 104(11).~~

~~3.2 **Steam Generating Units:** No person shall discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations established in applicable NSPS provisions set out in Rule 104(11).~~

~~3.3 **Steam Generating Utility Power Plants:** All steam generating power plants which produce electric power for sale to any public utility shall not discharge particulate matter into the atmosphere in excess of 0.10 pounds per million BTU heat input or any other specific applicable permit limitation, which ever is the more restrictive emission condition.~~

~~3.4 **Kraft Pulp Mills:**~~

~~3.4.1 **Recovery Furnaces:**~~

~~3.4.1.1 The emissions of particulate matter from any Kraft recovery furnace shall not exceed 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas corrected to 8 percent oxygen or 4.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.~~

~~3.4.1.2 The emissions of particulate matter from any new or modified Kraft recovery furnace shall not exceed 0.025 grains per standard cubic foot of exhaust gas corrected to 8 percent oxygen.~~

~~3.4.2 **Lime Kiln:**~~

~~3.4.2.1 The emissions of particulate matter from any lime kiln shall not exceed 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas corrected to 10 percent oxygen or 1.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.~~

~~3.4.3 **Smelt Dissolvers:**~~

~~3.4.3.1 The emissions of particulate matter from any smelt dissolving tank shall not exceed 0.5 pounds per ton of Kraft pulp mill production.~~

~~3.4.3.2 The emissions of particulate matter from any new or modified smelt dissolving tank shall not exceed 0.20 pounds per ton of black liquor solids on a dry basis.~~

~~3.4.4 The requirements of Rule 104 (3.4) shall be applied to all Kraft Pulp Mills, except where more restrictive NSPS, BACT, or permit conditions are required, and in this event the more restrictive standard shall apply.~~

~~3.5 **Non-Combustion Sources:** No person shall discharge or allow the discharge of particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.~~

~~3.6 **Geothermal Well Drilling:** Notwithstanding the provisions of Rule 104(3.4), no person shall discharge or allow the discharge of particulates into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:~~

$$Y = .00069X + 1.4$$

Where y is the particulate emission rate limitation in kilograms per hour (averaged over one hour) and X is the steam rate in kilograms per hour passing through a geothermal well drilling operation or any geothermal well being vented for clean out.

TABLE I
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

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200	92	0.88	7,000	3,380	9.5
400	183	1.40	8,000	3,680	10.4
600	275	1.83	9,000	4,134	11.2
800	377	2.22	10,000	4,540	12.0
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1,500	681	3.38	16,000	7,260	16.5
2,000	920	4.10	18,000	8,220	17.9
2,500	1,147	4.76	20,000	9,070	19.2
3,000	1,362	5.38	30,000	13,600	25.2
3,500	1,690	5.96	40,000	18,100	30.5
4,000	1,840	6.52	50,000	22,700	35.4
5,000	2,300	7.58	60,000	27,200	40.0
			or more		

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated linearly. The total process weight of all similar process operations located at a single plant or of similar multiple plants located on a single premise, shall be used for determining the maximum allowable particulate emission from the combination of such operations.

4.0 FUGITIVE DUST EMISSIONS:

- 4.1 No person shall do or allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.
- 4.2 Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
 - 4.2.1 Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
 - 4.2.2 Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.

- 4.2.3 Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.
- 4.2.4 The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
- 4.2.5 The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
- 4.2.6 The paving of roadways and their maintenance in a clean condition.
- 4.2.7 The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

~~5.0 **SULFUR OXIDE EMISSIONS:** No person shall discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm; or in excess of the specific source emission limitations established in applicable NSPS provisions set out in Rule 104(11) of these Rules and Regulations.~~

~~6.0 **SULFIDE EMISSION STANDARDS FOR KRAFT PULP MILLS:**~~

~~6.1 **Kraft Recovery Furnace:**~~

~~The emission of Total Reduced Sulfur (TRS), from any Kraft recovery furnace shall not exceed:~~

- ~~6.1.1 10 ppm of TRS or 0.30 pound of TRS per ton of Kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.~~
- ~~6.1.2 15 ppm of TRS as a daily arithmetic average.~~
- ~~6.1.3 40 ppm of TRS for more than 60 cumulative minutes in any one day.~~

~~The daily and monthly arithmetic averages for TRS shall be based upon the actual hours of operation of burning liquor in the recovery furnace(s) and calculated on a calendar month basis.~~

~~Effective February 1, 1989 the emission of TRS from any new or modified Kraft recovery furnace shall not exceed 3 ppm of TRS, measured and reported in accordance with 40 CFR 60.284.~~

~~6.2 **Lime Kiln:** The emission of TRS from any lime kiln shall not exceed 20 ppm of TRS or 0.10 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.~~

~~6.3 **Other Kraft Mill Sources:** The emission of TRS from other Kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.~~

~~Notwithstanding these emission limits for other Kraft mill sources, in no event shall the gases from any smelt dissolving tank shall not contain TRS in excess of 0.0084 g/kg black liquor solids (0.0168 lb/ton black liquor solids) calculated on a dry basis. This corresponds approximately to 0.025 lb TRS per ton pulp production.~~

~~6.4 **Kraft Mill Non-Condensable:** No person shall discharge any non-condensable compound into the atmosphere from any emission point, until said non-condensable compound has been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net~~

Rule 104 Prohibitions

(Adopted November 3, 1982; Revised on January 19, 1989, August 30, 1990, August 29, 1991, March 5, 1992, Proposed for Revision December 16, 2004, Revised May 19, 2005).

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RULE 104~~1.0 GENERAL LIMITATIONS:~~

- ~~1.1 PUBLIC NUISANCE: No person shall 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 health, comfort, repose or safety of any such persons or the public or which cause or have an natural tendency to cause injury or damage to business or property.~~

1. If the curtailed steam flow rate, "F", is greater than the minimum flow rate, "E", then the supplier shall eliminate within 30 minutes curtailment emissions from the unit stacking facility.
2. If the curtailed steam flow rate, "F", is less than the minimum flow rate, "E", then the supplier shall be allowed no more curtailment emissions from the unit stacking facility than that H₂S associated with the difference in steam flows, ("F"- "E"). In the event the curtailed power plant unit is part of a dual unit system, and the companion unit is operational at a level of 50% of full steam flow, then the supplier shall eliminate, within 1 hour, curtailment emissions from the unit stacking facility regardless of steam flow to the curtailed unit.

7.3 Any geothermal power plant and associated steam transmission line, for which applications are submitted for Authority to Construct Permit processing after January 1, 1985, shall employ Best Available Control Technology for stacking event avoidance.

7.4 A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the APCO. This summary shall be presented in the manner, frequency and form as prescribed by the APCO.

8.0 REDUCTION OF ANIMAL MATTER: No person shall operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors and gas-entrained effluents which contain odorous material are:

8.1 Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or,

8.2 Processed in such a manner determined by the APCO to be equally, or more effective for the purpose of air pollution control than (8.1) above.

8.3 A person incinerating or processing gases, vapors, or gas entrained effluents pursuant to this Rule shall provide, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the APCO, for indicating temperature, pressure or other operating conditions.

8.4 For the purpose of this Section 8.0, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

9.0 ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS:

9.1 No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (H&S 41860)

9.2 No person shall use any orchard, vineyard or citrus grove heater except where the heater is of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41860)

10.0 PETROLEUM LOADING AND STORAGE:

10.1 All petroleum storage tanks in excess of 40,000 gallons capacity shall conform to the NSPS requirements of Rule 104(11).

10.2 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. (H&S 41950)

10.2.1 For the purpose of Rule 104(10.2) "gasoline", means any petroleum distillate having a Reid Vapor Pressure of four pounds or greater.

10.2.2 For the purpose of Rule 104(10.2) "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.

10.3 The requirements of Rule 104(10.2) shall not apply:

10.3.1 To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.

10.3.2 To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

10.3.3 To any tank equipped with 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 vapors and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gas tight except when gauging or sampling is taking place.

10.3.4 To any tank equipped with a "floating roof" which 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. A floating roof tank shall not be used if the gasoline or petroleum distillate has a vapor pressure of 570 millimeters of mercury absolute (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.

~~**11.0 FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS):** All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, which are adopted by reference and incorporated here in as a part of these Rules and Regulations as though set forth in their entirety. For the purpose of this Rule, the word "Administrator" as used in these federal New Source Performance Standards shall mean the APCO of the AQMD except that the APCO shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the AQMD governing Board to suit the needs of the AQMD are noted in the affected Subpart. Whenever any source is subject to more than one Rule, Regulation, provision, or requirement relating to the control of any air contaminant in cases of conflict or duplication, the most stringent rule, regulation provision, or requirement shall apply.~~

Source Category types subject to NSPS include:

~~CATEGORY - NSPS~~

~~40 CFR 60
Subpart~~

~~Last
Amended~~

Rule 108 Severability of Rules and Regulations
(Proposed for Revision December 16, 2004; Adopted May 19, 2005).

RULE 108

- 1.0 SEVERABILITY OF RULES AND REGULATIONS:** Severability Clause; it is hereby declared to be the intention of the Board of the North Coast Unified Air Quality Management District that the Rules, paragraphs, sentences, clauses and phrases of these Regulations, or entire Regulation, shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Rules of these Regulations.

Rule 200 **Effective Date and Definitions**

(Adopted July 18, 2003, Revised December 16, 2004, Revised May 15, 2008)

- 1.0 EFFECTIVE DATE:** Regulation II, including Rules 200, 201, 202, 203, 204, 205, 206, 207 and 208, shall become effective on January 1, 2004. On or before those dates set forth by law or otherwise required, the District shall prepare and submit those findings and reports as needed to ensure the continued effectiveness of this Regulation.
- 2.0 DEFINITIONS:** The following definitions shall apply to the rules in this Regulation.
- 2.1 Agricultural Burning:** Open outdoor fires used in agricultural operations, in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.
- 2.2 Air Toxic:** Toxic air contaminants as defined in Section 39655(a) of the California Health and Safety Code.
- 2.3 Air Pollution Control Officer (APCO) Designee to Issue Coordinated Burn Authorization Permits:** A person designated by the APCO to work with the North Coast Unified Air Quality Management District to issue Coordinated Burn Authorization Permits. Such designees shall include authorized representative(s) of the Interagency Smoke Management Council when approved by the California Air Resources Board (CARB).
- 2.4 Approved Combustibles:** Dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture, and which is not otherwise prohibited by this Regulation or State Law. For the purposes of this Regulation, approved combustibles can be burned when authorized for burning pursuant to a valid Coordinated Burn Authorization Permit and when the burning of approved combustibles occurs in compliance with District Rules and Regulations. For the purposes of this Regulation, approved combustibles include untreated hand split rails burned as part of a valid agricultural burn.
- 2.5 Approved Ignition Devices:** Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used.
- 2.6 Treated Brush:** Vegetative material to be burned that has been felled, crushed or uprooted with mechanical equipment or has been desiccated with herbicides or is dead.
- 2.7 Burn Barrel:** A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non glossy paper, and cardboard), so that they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with nonflammable material with holes not larger than ¼ inch.
- 2.8 California Air Resources Board (CARB):** The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.

- 2.9 Census ZIP Code:** A ZIP code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. For the purposes of this Regulation, census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 2.10 Chief Fire Official:** The ranking officer in authority, having jurisdiction with the responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District, or his/her designee. The chief fire official may be a federal, state, county or municipal employee, depending on the extent of the fire jurisdiction within the exemption area. In the state or federal responsibility areas for wild land protection, the state or federal official's determination overrides county and municipal authority with regard to issuance of Coordinated Burn Authorization Permits, conditions and designation of fire hazards.
- 2.11 Combustible:** Any substance capable of burning or any substance that will readily burn.
- 2.12 Construction-Demolition Debris** Any material associated with the construction or demolition of any building, dwelling or other manmade structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation and plywood.
- 2.13 Coordinated Burn Authorization Permit (CBA Permit):** A permit to burn issued pursuant to Rule 201, Section 3, and authorizing specified burning as set forth in the permit, and which includes an updated annual bar-coded validation.
- 2.14 Designated Agency:** Any agency designated by the California Air Resources Board as having authority to issue agricultural burning, including prescribed burning permits. The North Coast Unified Air Quality Management District, US Department of Agricultural Forest Service, and the California Department of Forestry and Fire Protection are so designated within their jurisdictions of the North Coast Unified Air Quality Management District.
- 2.15 Designated No-Burn Day:** Any day or portion thereof on which agricultural burning, including prescribed burning, is prohibited by the California Air Resources Board or by the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 2.16 Designated Permissive Burn Day:** Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and Regulations. For the purposes of determining daily burn day status, the Air Pollution Control Officer shall utilize Designated Smoke Management Areas, shall consider local meteorological and air quality related factors, and shall be guided by the CARB daily determinations.

- 2.17 Designated Smoke Management Areas:** Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:
- 2.17.1 Coastal Smoke Management Area** including all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix A), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean Coast and identified by the Air Pollution Control Officer.
 - 2.17.2 Lower Inland Smoke Management Area** including all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.
 - 2.17.3 Upper Inland Smoke Management Area** including all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.
- 2.18 District:** The Air Quality Management District having jurisdiction in the area of the proposed burning.
- 2.19 Economic Hardship:** Possessing an annual income below the poverty level, as defined by the Bureau of Census, US Department of Commerce, or as defined in Section 39026.5 of the California Health and Safety Code.
- 2.20 Field Crop Waste:** Vegetative crop residue remaining in the field after the harvest of crops including, but not limited to: wheat, corn, barley, safflower, grasses and flowering plants.
- 2.21 Fire Hazard:** Either an imminent fire hazard or a potential fire hazard, as follows:
- 2.21.1 An imminent fire hazard** is a hazard which presents imminent danger to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its immanency, cannot immediately be abated by any other means. {H&S 41801 (a)}.
 - 2.21.2 AA potential fire hazard** is described as one which could in reasonable time present a hazard to the health and/or safety of a person or persons, but which does not impose imminent fire danger, and which cannot be abated by other means.
- 2.22 Forest Management Burning:** The use of open fires, as part as a forest management practice to remove forest debris or for forest management practices which include timber operations, agriculture practices or forest protection practices.

- 2.22.1** Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a storage area which is not contiguous with the forested area
- 2.22.2** Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if operations result in a net reduction in total forest debris to be burned.
- 2.23 Incinerator:** Any device constructed of nonflammable materials, including metal containers commonly known as burn barrels for the purpose of burning dried vegetation, non-glossy paper and cardboard on residential properties. This does not include AQMD permitted commercial multi-chambered incinerator containing primary and secondary burners.
- 2.24 Interagency Smoke Management Council:** A council composed of specified members to include: one representative from each of the interested local, state and federal fire protection agencies within the North Coast Unified Air Quality Management District (including the California Department of Forestry and Fire Protection); one representative each from the Forest Service, the Park Service, and the Bureau of Land Management Service; representatives from industries from the North Coast Fuels Management Cooperative; and staff which may be assigned by the Air Pollution Control Officer for the purpose of assisting in the issuance of Coordinated Burn Authorization Permits, assisting in determining Permissive Burn Day(s) in coordination with CARB and assisting in monitoring burn activity within the North Coast Unified Air Quality Management District.
- 2.25 Minimum Fire Safety Requirements:** Fire safety requirements for residential open burning which may minimize escape burn and smoke impacts, including but not limited to: maintenance of a 10 foot clearance area around the burn, requirement that all burning be conducted by a person at least 18 years of age who shall remain within line of eyesight of the burn, prohibition against burning when the wind exceeds 20 mph, presence of adequate extinguishing materials and equipment during burning activities, and maintenance of a controllable size burn to prevent escape.
- 2.26 Natural Vegetation:** All plants, including but not limited to grasses, trees, shrubs, bushes, canes, leaves, flowers or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetation that have been processed, treated, or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated timber, wood products or paper products.
- 2.27 Non-approved Combustibles:** Non-approved combustibles are materials that are illegal to be burned, unless otherwise specifically provided for in this Regulation. Such materials shall include, but are not necessarily limited to: construction and demolition debris, petroleum products, petroleum waste, coated wire, putrescent waste, tires, tar, tar paper, non-natural wood waste, processed or treated wood and wood products, metals, motor vehicle bodies and parts, rubber, synthetics, plastic, including plastic film, twine and pipe, fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial waste, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts or waste (including blood and fecal material and food contaminated material), asbestos shingles, floor tiles, and other

similar smoke producing materials. Unless otherwise specifically authorized by the APCO, prohibited materials shall also include poison oak near any residence. For the purposes of this Regulation, dry, natural vegetation from yard maintenance are not prohibited burn materials if reasonably free from dirt, soil and surface moisture.

- 2.28 Non-residential Waste Burning:** The disposal of natural vegetation from any dwelling unit or residence which is not a single or two family dwelling unit or residence, or burning of natural vegetation by a commercial business or entity for the purpose of fire hazard reduction or land clearing development; and which is not agricultural improvement burning, range improvement management burning, wild land vegetation burning, or a cooking, recreational, or ceremonial fire.. Non- residential waste burning may include the disposal of prohibited materials only to remove an imminent fire hazard and only with the direction of a fire official and approval of the APCO.
- 2.29 North Coast Air Basin:** That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.
- 2.30 North Coast Fuels Management Cooperative:** A Council including private timberland owners, private timberland managers, and the California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, created by agreement to coordinate weather data gathering and burning activities in order to reduce the potential for adverse affects from smoke within the Humboldt Bay Air Basin and the adjacent areas.
- 2.31 North Coast Unified Air Quality Management District (AQMD):** The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq., and the jurisdiction of the District including the entire geographic jurisdiction of Humboldt County, Del Norte County and Trinity County.
- 2.32 Open Outdoor Fire:** Any combustion of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.
- 2.33 Prescribed Burning:** The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.
- 2.34 Processed or Treated Wood and Wood Products:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. For the purpose of this regulation, dimensional lumber that has been air-dried or kiln dried and which is proven or documented to contain no preservatives, insecticides, lacquers, pesticides, fungicides, creosote, rot or decay retardants, sealants, finishes, or any man made chemicals added, is not considered processed or treated wood.
- 2.35 Prohibited Ignition Devices:** Include but are not limited to: tires, tar, tar paper, oil and other high smoke-producing material(s).

- 2.36 Range Improvement Burning:** 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; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- 2.37 Residence:** A single or two family dwelling and the land and ancillary structures surrounding it.
- 2.38 Residential Waste Burning:** The disposal of the combustible or flammable waste from a single or two family dwelling unit or residence by burning outdoors. Residential waste burning is not prescribed burning or other agricultural burning.
- 2.39 Single and Two Family Dwelling:** A permanent or temporary building or structure and the area immediately adjacent to the residence, used as a one or two family residence, including pre-fabricated structure(s), mobile home(s) and house trailer(s).
- 2.40 Silviculture:** The establishment, development, care and reproduction of stands of timber.
- 2.41 Sunset:** The event or time of the daily disappearance of the sun below the western horizon.
- 2.42 Timber Operations:** Cutting or removal of timber or other forest vegetation.
- 2.43 Treated Brush:** Vegetative material to be burned that has been felled, cut, uprooted or crushed by manual or mechanical equipment or has been desiccated with herbicides or is dead.
- 2.44 Waste:** All discarded putrescent and non-putrescent solid, semisolid and liquid materials, including but not limited to: petroleum products, metals, motor vehicle bodies and parts, rubber, synthetics; plastic including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts (including blood, fecal material and food containing material, asbestos shingles, floor tiles and other similar smoke producing materials.
- 2.45 Wild land Vegetation Management Burning:** The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush.
- 2.46 Local Responsibility Area (LRA):** That area where the local department is responsible for wild land fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility Areas.
- 2.47 State Responsibility Area (SRA):** That area as defined in Public Resources Code Section 4126 and classified by the Board of Forestry and Fire Protection where the State is responsible for wild land fire protection. This excludes incorporated cities and lands owned or controlled by the federal government or other federal agencies.

Rule 201 General Prohibitions and Exemptions for Selected Open Burning
(Adopted and re-codified July 18, 2003; Revised December 16, 2004; Revised May 17th 2007)

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**RULE 201:
GENERAL PROHIBITIONS AND EXEMPTIONS FOR SELECTED OPEN BURNING**

1.0 GENERAL PROHIBITIONS.

- 1.1** Except as provided in these Rules and Regulations, no person shall use open outdoor fires for the purpose of disposal of any waste, including but not limited to natural vegetation, and non-approved combustibles. For purposes of this Section, a person shall be deemed to have permitted the setting or use of such fires if the person permits the setting or use of such fires for the disposal of such wastes under the person's control, on land owned by the person, under the person's control, by the person's agent(s), or by employees or other persons under the person's control.
- 1.2** No person shall dispose of approved combustibles from any property by burning them in a burn barrel or incinerator outdoors, except as specifically authorized pursuant to Rule 203.
- 1.3** No person shall ignite or allow to become ignited approved combustibles unless using an approved ignition device.
- 1.4** No person shall ignite or allow to become ignited approved combustibles unless it is a Permissive or Marginal Burn Day in the designated smoke management area where the residential waste burning is to take place.

2.0 EXEMPTIONS TO GENERAL PROHIBITIONS.

- 2.1 Single- and Two-Family Dwelling Exemption.** Burning for the disposal of approved combustibles of a single- or two-family dwelling on its premises, when such burning is performed pursuant to a valid Coordinated Burn Authorization Permit on a Permissive or Marginal Burn Day.
- 2.2 Agricultural Burning Exemption.** Burning for the disposal of agricultural waste as defined in Rule 200, section 2.1.
- 2.3 Right-of-Way, Levee, Reservoir and Ditch Clearing Exemption.** Burning by a public entity or utility for the right-of-way clearing or other property access, or for levee, reservoir and ditch or drainage maintenance. No material may be burned pursuant to this Section unless:
 - 2.3.1** The burning is done on a Permissive or Marginal Burn Day;
 - 2.3.2** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 2.3.3** Burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir and ditch or drainage maintenance where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 "Drying Periods," and Section 5 "Burning of Vines or Bushes Treated with Herbicides," provided, however, that material growing in or

on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted or treated; and,

- 2.3.4** Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.4 Land Clearing and Fire Hazard Reduction Exemption.** Burning of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes, or when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard may be disposed of by open outdoor fires on the property where it was grown, when authorized by the local fire protection agency having jurisdiction over the respective burn site, and when performed with a valid Coordinated Burn Authorization Permit. No material may be burned pursuant to this Section unless:
- 2.4.1** The burning is done on a Permissive Burn Day;
- 2.4.2** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
- 2.4.3** Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
- 2.4.4** Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.5 Public Officer Exemption.** Burning operations conducted by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of an officer is necessary and, when performed with a valid Coordinated Burn Authorization Permit will inhibit the emergency burning:
- 2.5.1** For the purpose of the prevention of a fire hazard which cannot be abated by any other means; or
- 2.5.2** For the instruction of public employees in the methods of fire fighting; or
- 2.5.3** For the purpose of disease or pest control and prevention.
- 2.6 Employee Instruction.** Burning operations on property for the purposes of instruction of employees in methods of fire fighting, when performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.7 Back Fires to Protect Life and Property.** Burning operations conducted pursuant to Section 4426 of the Public Resources Code as back fires necessary to save life or valuable property.
- 2.8 Wild land Vegetation Management Burning.** Burning operations conducted for the purpose of wild land vegetation management burning pursuant to Rule 207, and as defined in Rule 201, section 2.41 of these Rules and Regulations, and when performed with a valid Coordinated Burn Authorization Permit.
- 2.9 Multi-Unit Dwellings and Commercial Entities.** At multi-unit dwellings and commercial entities, burning for the purpose of fire hazard reduction when done for the purpose of compliance with local fire hazard reduction ordinances. No material may be burned pursuant to this Section unless:

- 2.9.1 The burning is done on a Permissive Burn Day;
 - 2.9.2 The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 2.9.3 Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
 - 2.9.4 Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.10 **Residential Cooking and Recreational Fires.** Open outdoor fires used for cooking food for human beings or for recreational purposes such as bonfires, campfires, and warming fires. Recreational fires are fires used for recreational purposes where the fire is less than 3 feet in diameter, and which are in compliance with all minimal fire safety requirements as set out in Rule 200, 2.23.
- 2.11 **Ceremonial Fires.** Open outdoor fires used for religious or ceremonial purposes which are in compliance with all minimal safety requirements as set out in Rule 200, 2.23

3.0 REQUIRED COORDINATED BURN AUTHORIZATION BURN PERMITS

- 3.1 **Required Coordinated Burn Authorization Permit (CBA Permit).** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or allow the open burning activity on any property under the person’s ownership, control or possession without first obtaining a valid Coordinated Burn Authorization Permit, issued by the Air Pollution Control Officer or the Air Pollution Control Officer’s designee pursuant to State law. The Air Pollution Control Officer may designate specified designees to issue Coordinated Burn Authorization Permits and may utilize fire agency burn permits which meet the following criteria:

Each Coordinated Burn Authorization Permit must include, but is not limited to:

- 3.1.1 Identification of a responsible party during the burn activity;
- 3.1.2 Identification of Burn Zone in which the permitted burning is authorized;
- 3.1.3 Identification of the fire district jurisdiction in which the permitted burning is authorized;
- 3.1.4 Identification of the type of burning and what is to be burned;
- 3.1.5 A prohibition against burning of prohibited burn materials as defined in Section 2.33 of this Regulation;
- 3.1.6 Acknowledgement by written signature of the responsible party that the Authorized Permittee understands the prohibition against burning of prohibited materials, the requirement for burning only on Permissive or Marginal Burn Days, and other conditions set out in the Coordinated Burn Authorization Permit;
- 3.1.7 A prohibition against burning on No-Burn Days;
- 3.1.8 Identification of authorized burn hours during which burning is allowed and outside of which burning is prohibited;
- 3.1.9 Identifies minimum fire safety requirements necessary to minimize the potential for escape burns;

- 3.1.10** Includes an updated annual burn permit certification issued by the Air Pollution Control Officer;
- 3.1.11** Incorporates any additional conditions the local, State and federal fire protection agency fire official having jurisdiction over the burn site specifies, including the requirement for local fire protection agency on-site inspection and approval when required by the local fire protection agency fire chief; and,
- 3.1.12** A statement that open and residential burning may release toxic air contaminants and increase risk of adverse health effects.
- 3.2** **Required Conduct.** Any open burning which is not in full and complete compliance with the provisions of these Rules and Regulations is in violation of these Rules and Regulations.
- 3.3** **Parent or Guardian Liability.** The parent or legal guardian of any minor violating these Rules and Regulations is strictly liable for the minor's conduct and violation.
- 3.4** **Strict Liability.** Any person in possession of property or who exercises possessor rights on the property on which any open burning is performed in violation of these Rules and Regulations is strictly liable for any violation of these open burning Rules and Regulations. A contractor or agent acting on behalf of the person in possession of the property is independently and strictly liable for any violation.
- 3.5** **Required Burn Permit Information.** Each applicant for a burn permit shall provide such information as required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the Air Pollution Control Officer. No permit may be issued without the required information.
- 3.6** **Designated Smoke Management Area.** The North Coast Unified Air Quality Management District has established three (3) Designated Smoke Management Areas as defined in Rule 200, Section 2.16 consisting of:
- 3.6.1** Coastal Smoke Management Area;
- 3.6.2** Lower Inland Zone Smoke Management Area; and
- 3.6.3** Upper Inland Zone Smoke Management Area.

The Air Pollution Control Officer, or his designee, as guided by the California Air Resources Board, shall provide Permissive Burn Day or No-Burn Day daily determinations for each of the Designated Smoke Management Areas.

4.0 PERMISSIVE AND NO-BURN DAYS

- 4.1** **Permit Invalidation on No-Burn Days.** Coordinated Burn Authorization Permits are not valid on designated No-Burn Day. Any person, his/her employees or any other persons under his/her control shall not set or permit burning on a No Burn Day unless otherwise approved by the APCO.

- 4.2 Fire Prevention No-Burn Day Designations.** No Coordinated Burn Authorization burning permit is valid for any day on which burning is prohibited, by any local, State or federal fire protection agency having jurisdiction over the site of the burn. For burn barrels, a No-Burn Day shall also include any day or period of time that the chief fire official having jurisdiction over the site of the burn has issued a written determination that the use of a burn barrel may create or contribute to an unacceptable fire risk.
- 4.3 Restriction of Burning during Poor Air Quality Conditions.** Notwithstanding the issuance of a Coordinated Burn Authorization Permit and designation of a Permissive Burn Day, the Air Pollution Control Officer may restrict burning on a Permissive Burn Day if such burning could cause or contribute to potential adverse air quality conditions. No burning shall be conducted if meteorological conditions would cause an undue amount of emissions to be transported into populated or sensitive receptor areas. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of any federal or state Ambient Air Quality Standard. In no event shall a public nuisance be permitted to exist by the Air Pollution Control Officer or by the permittee.
- 4.4 Permit to Burn on a No-Burn Day.** Notwithstanding any other provision of this Regulation, the Air Pollution Control Officer may, by special condition for one day only, authorize agricultural burning on days designated by the CARB as No-Burn Days when denial of such permit would threaten imminent and substantial economic loss. The granting of such a special condition for one day only does not exempt the applicant from any other District or local, state or federal fire protection agency regulation(s). Each applicant requesting authorization to burn on a day designated by the CARB as a No-Burn Day, shall obtain an approved No Burn Day Permit prior to any and all burning. Approval or denial will be based upon the written justification to the Air Pollution Control Officer as to why denial of such permit would threaten imminent and substantial economic loss.

5.0 EXEMPTIONS TO PERMIT REQUIREMENTS

- 5.1 Residential Cooking and Recreational Fires.** Coordinated Burn Authorization Permits are not required for burning conducted for open outdoor fires used *only* for cooking food for human beings or for recreational purposes such as warming fires, campfires and bonfires.
- 5.2 Ceremonial or Religious Fires.** Coordinated Burn Authorization Permits are not required for open outdoor fires conducted for religious ceremonial purposes.

Rule 202 **Burn Hours and Notice of Ignition**

(Adopted July 18, 2003; Revised December 16, 2004, Revised May 15, 2008)

RULE 202 CONTENTS

- 1.0 GENERAL BURN HOURS AND NOTICE OF IGNITION
 - 1.1 Forest Management & Wildland Vegetation Management
 - 1.2 Field Crop Waste & Agricultural Burning
 - 1.3 Non-Agricultural and Residential Wastes
 - 1.4 Exception to Burn Hours
 - 1.5 Residential Wastes in Humboldt and Del Norte County

- 2.0 NOTICE OF INTENT TO IGNITE

- 3.0 NOTICE OF ESCAPE BURN

1.0 GENERAL BURN HOURS AND NOTICE OF IGNITION. Every Coordinated Burn Authorization Permit shall specify the burning hours for ignition of fires, and no person shall burn, allow any burning or knowingly ignite any waste otherwise authorized pursuant to this Regulation, or permit the ignition of such waste under the person's ownership, control, on land under the person's control or by the person's employees or agent(s) or other persons under the person's control, except during these hours.

1.1 Forest Management and Wildland Vegetation Management. Unless otherwise specifically authorized, no ignition of Forest Management or Wild land Vegetation Management fuels shall commence before 8:00A.M., and shall not continue after one (1) hour before sunset in any one (1) day, unless such burning is performed with a valid Coordinated Burn Authorization Permit and approved Smoke Management Plan. A Burn Authorization Number must be obtained daily from the AQMD prior to burning. Trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period. Notwithstanding any burn authorization permit issued, burning of vegetation greater than six (6) inches in diameter beyond the designated burn hours does not relieve the permittee from smoke impact liability or nuisance liability.

1.2 Field Crop Waste: Unless otherwise specifically authorized, no burning of field crop waste shall commence before 10:00 A.M. and shall not continue after 5:00 p.m. of any one (1) day. All burn projects must obtain daily a Burn Authorization Number from the AQMD prior to burning.

1.3 Non-Agricultural and Residential Wastes: No Non-Agricultural, commercial, property development, or large pile (greater than 4 feet by 4 feet), burning on residential properties shall commence before 7:45 a.m. and shall not continue after one (1) hour before sunset in any one (1) day.

1.4 Residential Wastes in Humboldt and Del Norte County. No residential burning shall commence before 6:00 a.m. and shall not continue after 12:00 Noon in Humboldt and Del Norte County.

- 1.5 Residential Wastes in Trinity County.** No residential burning shall commence before 6:00 a.m. and shall not continue after one (1) hour before sunset during the period from the end of the declared fire season until May 1st of each year. Beginning May 1st of each year and continuing through the end of the declared fire season, all residential burning shall be confined to permissive burn days and to the hours of 6:00 a.m. until 12:00 Noon.
- 1.6 Exceptions to Burn Hours:** Notwithstanding Sections 1.1, 1.2 and 1.3 of this Rule, the Air Pollution Control Officer may approve on a case by case basis, burning during other hours to address a known or suspected emergency and where significant economic loss either will occur or is imminent, or where the chief fire official requests authorization to burn during other hours for the purpose of reducing fire risk and where such exceptions are consistent with protecting air quality.

2.0 NOTICE OF INTENT TO IGNITE

- 2.1** Prior to ignition of waste pursuant to a Coordinated Burn Authorization Permit issued in accordance with these Rules, the permittees performing nonresidential burning shall give notice of intent to ignite to the District no sooner than 48 hours before any ignition.
- 2.2** Notwithstanding Section 2.1 of this Rule, when exempted in writing in the consolidated burn authorization permit and approved by the APCO, notice of intent to ignite for burning is not required for any contiguous burning site of less than one (1) acre.

3.0 NOTICE OF ESCAPE BURN

- 3.1** It is a violation of these Rules and Regulations to allow significant amounts of fuel to be consumed outside of the proposed burn area. Areas that are outside of the proposed burn area and that are greater than $\frac{1}{4}$ acre in size are assumed to add a significant amount of fuel to the ignition that is permitted on the Coordinated Burn Authorization Permit.
- 3.2** If, through act of intent, negligence or nature, any burn escapes beyond $\frac{1}{4}$ acre in size, the responsible party shall immediately notify the local, State or federal fire protection agency having jurisdiction over the burn. The responsible party shall notify the District within one hour following control of the escape or by the next business day, whichever is sooner.

Rule 203
General Burn Practices, Requirements and Conditions
(Adopted July 18, 2003; Revised December 16, 2004, Revised May 15, 2008)

RULE 203 CONTENTS

- 1.0 PROHIBITION OF BURN BARREL USE AND DRYING REQUIREMENTS
- 2.0 ARRANGEMENT OF BURNABLE WASTE
 - 2.1 Smoke Minimization
 - 2.2 Designated Burn Period
- 3.0 DRYING PERIOD
- 4.0 WIND DIRECTION
- 5.0 BURNING OF VINES OR BUSHES TREATED WITH HERBICIDES
- 6.0 TRANSPORTATION OF BURNABLE MATERIALS

RULE 203:
GENERAL BURN PRACTICES, REQUIREMENTS AND CONDITIONS

- 1.0 PROHIBITION OF BURN BARREL USE AND DRYING REQUIREMENTS.**
- 1.1** All wastes to be burned shall be free of prohibited burn materials and all other wastes prohibited by this Regulation or disallowed by the APCO, and shall be reasonably free of dirt, soil, visible surface moisture and moisture content so as to minimize smoke.
 - 1.2** Except as otherwise specifically authorized by this Regulation, the use of *any* type of burn barrel, incinerator, or similar device is prohibited during the ignition of any waste and the use for any burning activity, except as specifically authorized in Section 1.3.
 - 1.3** Notwithstanding Section 1 above, until December 31, 2013, dry non-glossy paper and cardboard and natural vegetation may be burned in a burn barrel at single or two family residences within any unincorporated area within the North Coast Unified Air Quality Management District (Humboldt, Del Norte, and Trinity Counties), which is outside the following designated areas:

- 1.3.1** Burn Barrel Use Permitted in those areas not included within
 The following Designated Areas:

Arcata Fire Protection District
Blue Lake Fire Protection District
Carlotta Community Services District
City of Eureka
City of Trinidad
County Service Area #4 District

Crescent City West of Six Rivers NF and North of T15N
Ferndale Fire Protection District
Fieldbrook Community Services District
Fortuna Fire Protection District
Garberville Fire Protection District
Hoopa
Humboldt #1 Fire Protection District
Kneeland Fire Protection District
Loleta Fire Protection District
Miranda Fire Protection District
Myers Flat Fire Protection District
Orick Community Services District
Phillipsville Community Services District
Redway Fire Protection District
Rio Dell Fire Protection District
Rio Dell Fire Protection District SOI NORTH
Rio Dell Fire Protection District SOI SOUTH
Samoa Peninsula Fire Protection District
Scotia Volunteer Fire
Smith River West of Six Rivers NF and North of T15N
Weaverville Fire District
Weott Community Services District
Westhaven Community Service District
Willow Creek Fire Protection District
ZIP Code 95521, Arcata
ZIP Code 95524, Bayside
ZIP Code 95503, Eureka
ZIP Code 95540, Fortuna
ZIP Code 95546, Hoopa
ZIP Code 95547, Hydesville
ZIP Code 95548, Klamath
ZIP Code 96052, Lewiston
ZIP Code 95551, Loleta
ZIP Code 95519, McKinleyville
ZIP Code 95553, Miranda
ZIP Code 95554, Myers Flat
ZIP Code 95560, Redway
ZIP Code 95563, Salyer
ZIP Code 95565, Scotia
ZIP Code 96093, Weaverville
ZIP Code 95573, Willow Creek

Notes: ¹ As shown in Figures 1 to 5, ² ZIP Code refers to US Census ZIP Code Tabulation Areas

1.3.2 Approved burn barrel zones by map depictions. The following maps are provided for general visual reference only and depict approved burn barrel zones within the counties of Del Norte, Trinity and Humboldt. Where any conflict or potential conflict appears between any of the maps depicted and the area references specified in Section 1.3.1 above, the reference(s) specified in Sections 1.3.1 above shall be enforced as the regulatory determination for approved burn barrel use.

Figure 1, District-Wide Burn Barrel Zone Exemption

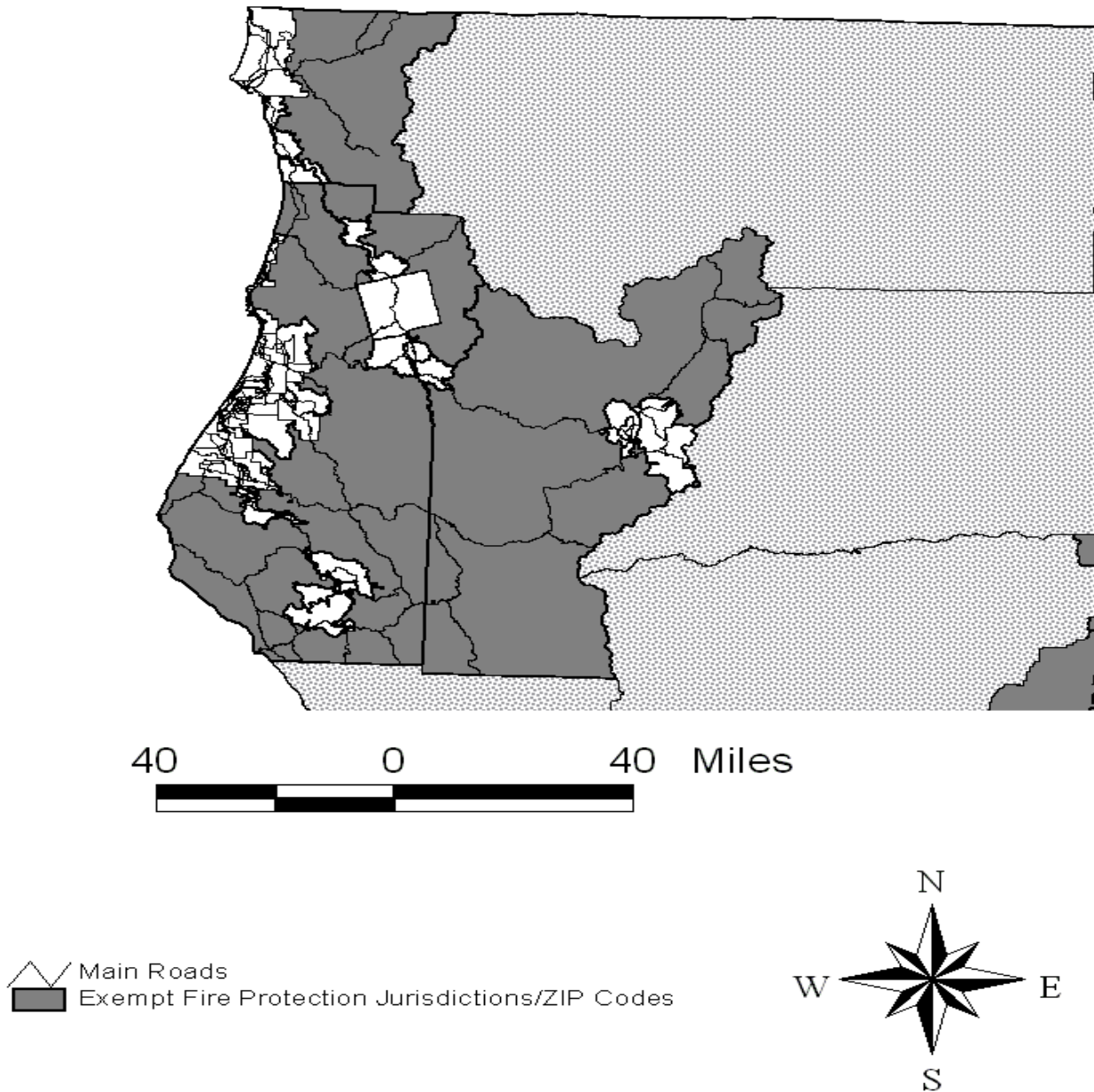


Figure 2, Del Norte County Burn Barrel Zone Exemption

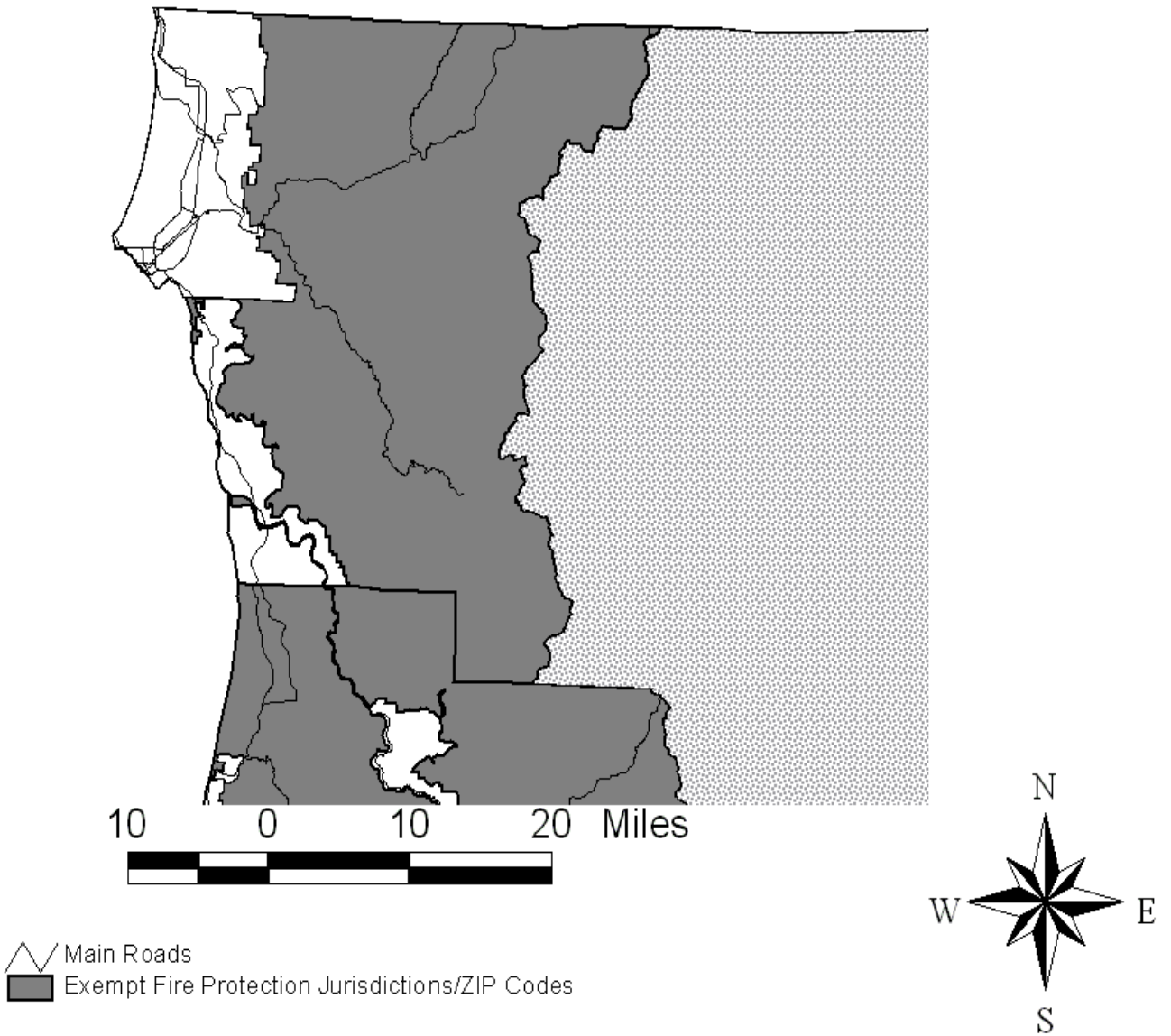


Figure 3, Trinity County Burn Barrel Zone Exemption

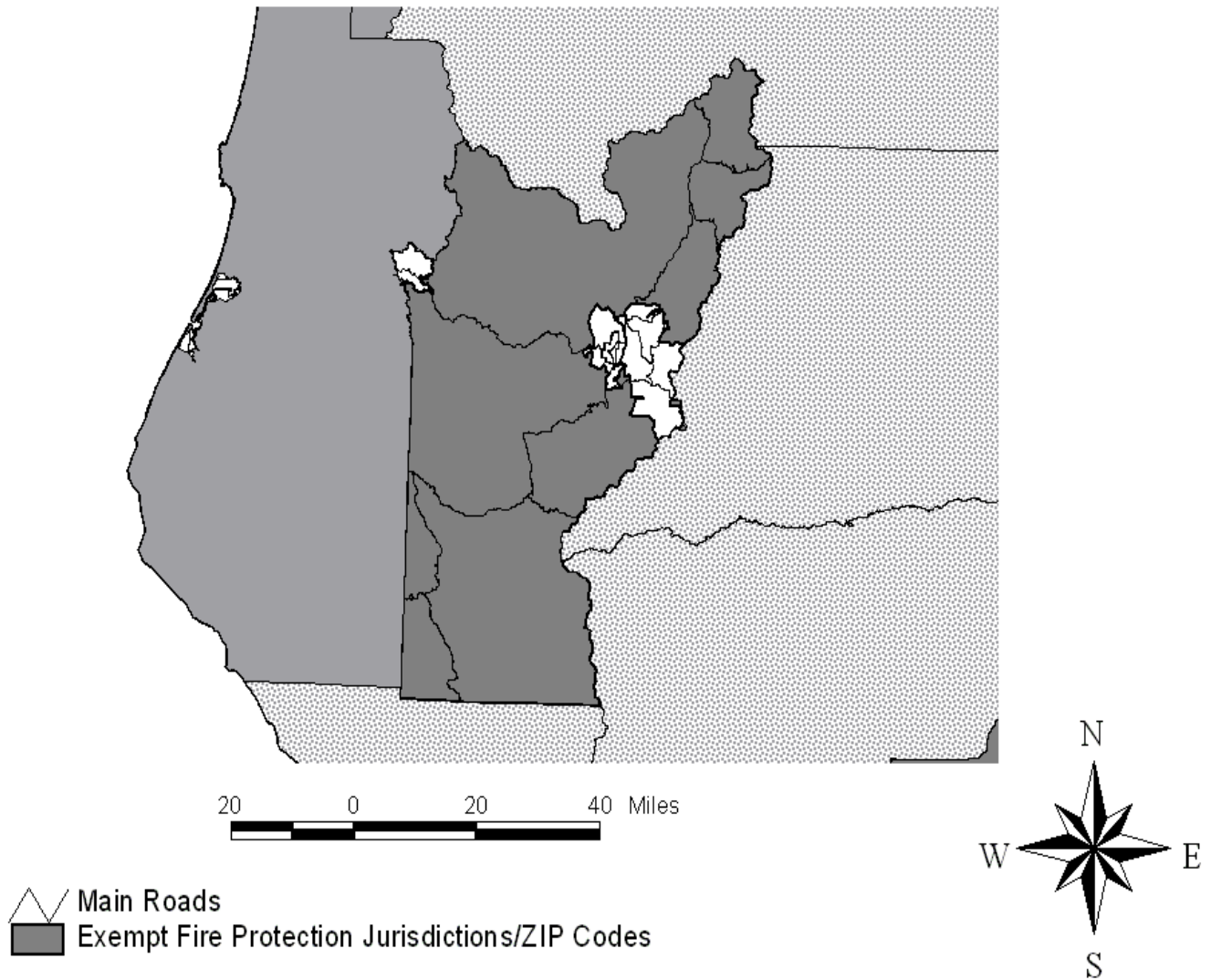


Figure 4, North Humboldt County Burn Barrel Zone Exemption

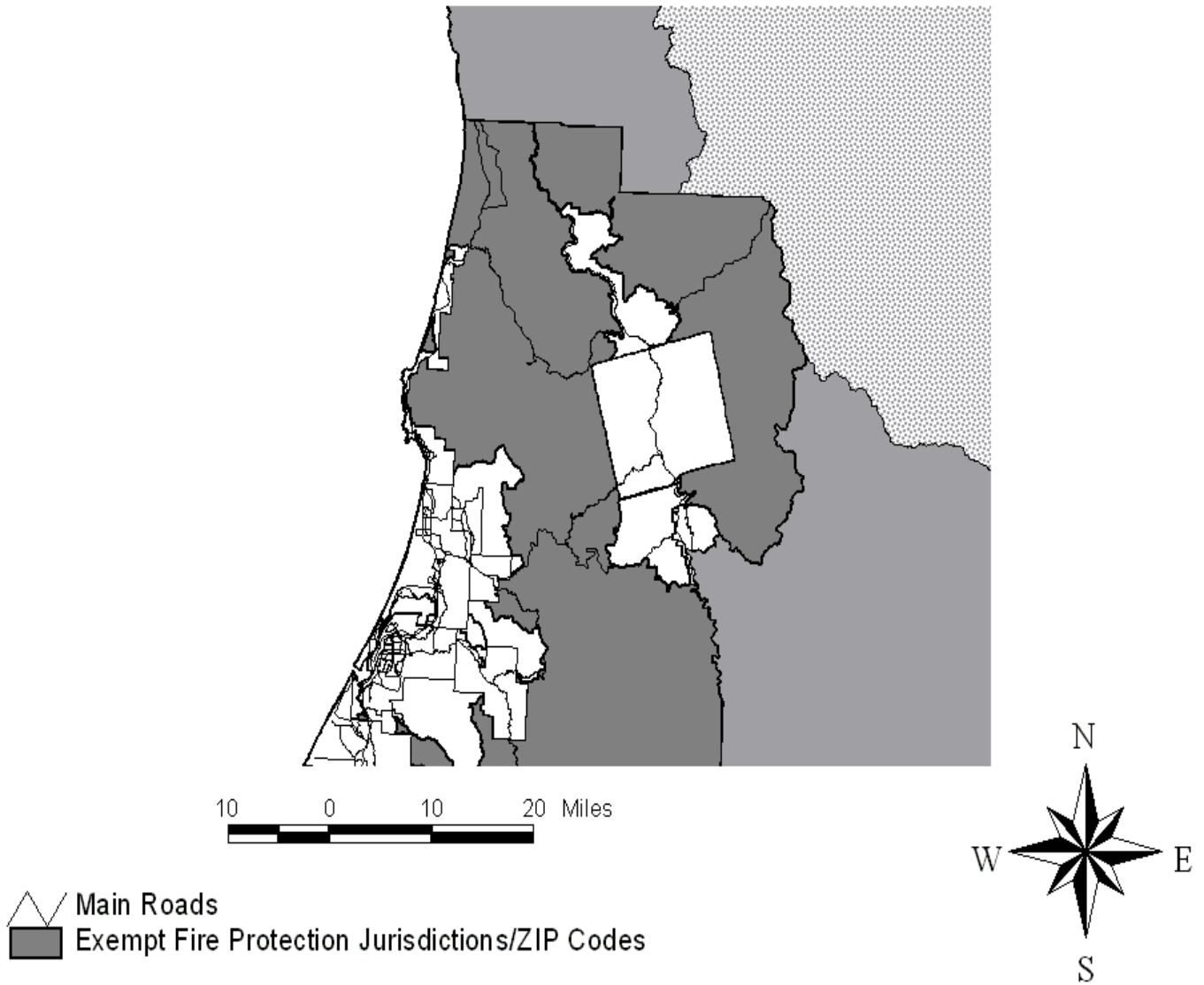


Figure 5, Central Humboldt County Burn Barrel Zone Exemption

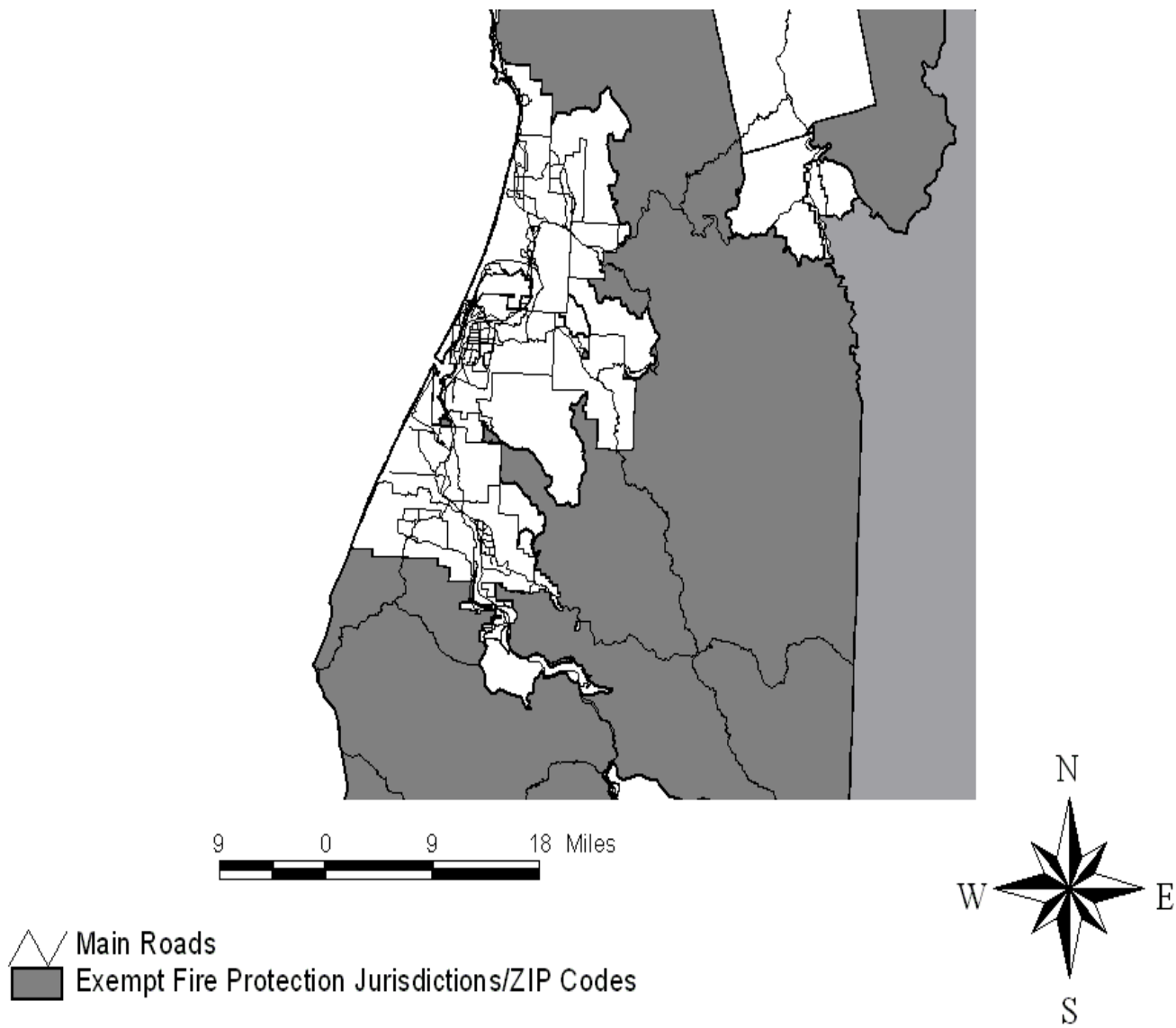
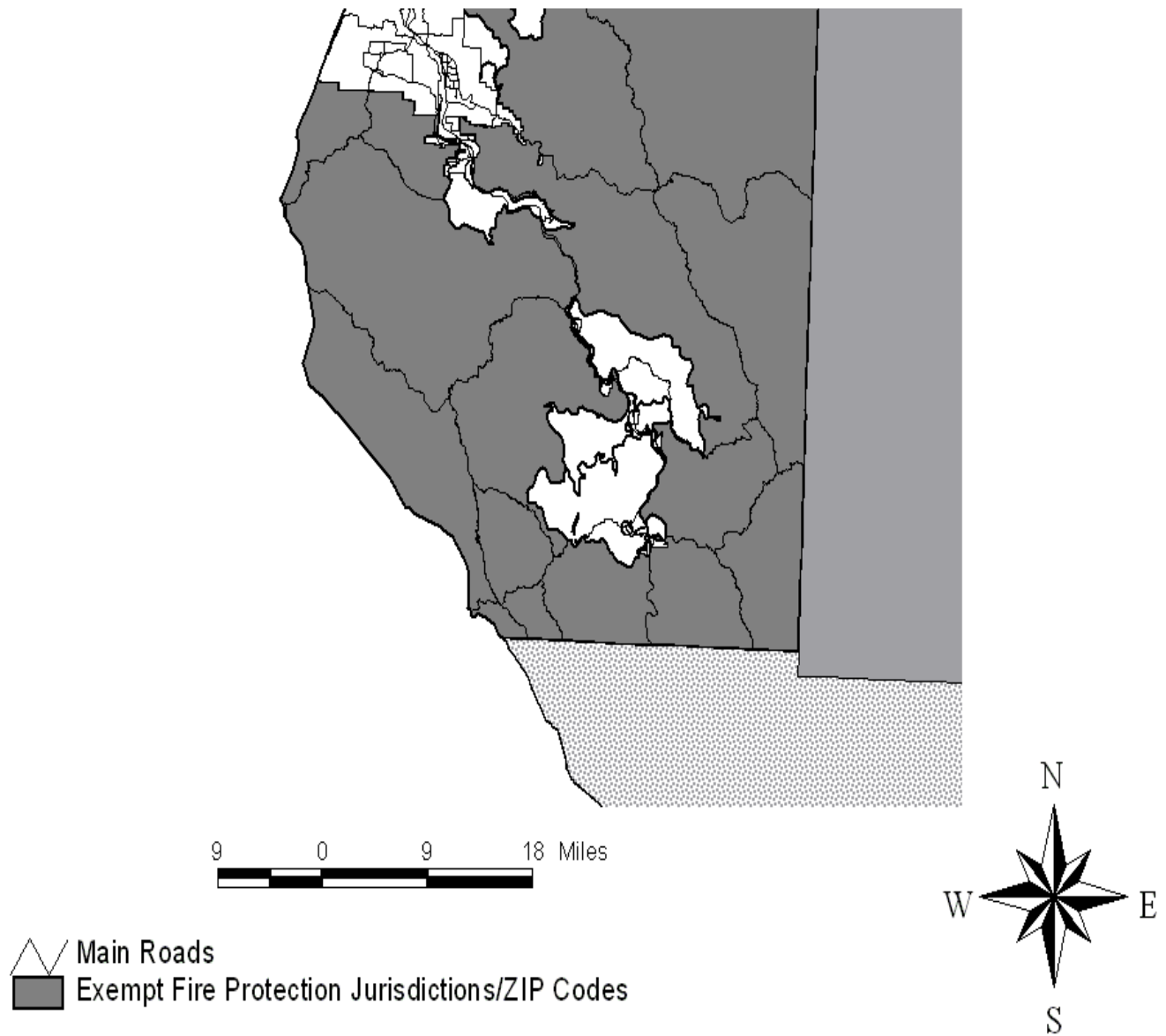


Figure 6, Southern Humboldt County Burn Barrel Zone Exemption



- 1.4** The exemptions provided for those areas exempt under Section 1.3, above, shall terminate on December 31, 2013, unless reviewed and approved by the North Coast Unified Air Quality Management District Governing Board prior to December 31, 2013, and approved by the California Air Resources Board.

2.0 ARRANGEMENT OF BURNABLE WASTE

- 2.1 Smoke Minimization.** All burnable waste shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke.

- 2.2 Designated Burn Period.** Only that amount of waste that can reasonably be expected to completely burn within the burn period designated on a valid Coordinated Burn Authorization Permit following ignition shall be ignited on any one (1) day; provided, however, when approved by the APCO trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period. Burning vegetation greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period. Burning vegetation greater than six (6) inches in diameter beyond the designated burn hours does not relieve the permittee from smoke impact liability.

- 3.0 DRYING PERIOD.** Except as provided for in Rule 203 of these Rules and Regulations to lower the moisture content of agricultural waste, the elapsed time between cutting, felling or uprooting and ignition or burning shall be:

- 3.1** A minimum of thirty (30) days for trees, stumps and branches greater than six (6) inches in diameter.

- 3.2** A minimum of fifteen (15) days for vines, bushes or branches less than or equal to six (6) inches in diameter.

- 4.0 WIND DIRECTION.** Waste authorized for burning shall not be ignited when the wind direction is such that smoke from the burning of such waste would be blown or carried into a nearby populated area and could create a public nuisance.

- 5.0 BURNING OF VINES OR BUSHES TREATED WITH HERBICIDES.** Notwithstanding the provisions of Section 3 of this Rule, vines or bushes may be burned in place without being cut or uprooted if they are treated and desiccated with herbicides and allowed to dry at least six (6) months prior to ignition or burning. However, such burning may be allowed by the Air Pollution Control Officer prior to the expiration of the six (6) month period when performed in accord with a valid Coordinated Burn Authorization Permit and where the applicant for a Coordinated Burn Authorization Permit demonstrates to the satisfaction of the Air Pollution Control Officer that burning vines or bushes treated with herbicides, prior to the expiration of such six (6) month period, could be accomplished in a manner which would produce no more smoke than would be produced by the burning of the same type of vines or bushes which had been cut or uprooted and dried for fifteen (15) days.

- 6.0 TRANSPORTATION OF BURNABLE MATERIALS.** All vegetative material to be burned pursuant to this Regulation must be burned on the property where the material was grown. No

material may be transported to another location to be burned, except in compliance with the exemption provided under Rule 206.

Rule 204 Ignition Devices and Methods
(Adopted July 18, 2003, Revised May 15, 2008)

RULE 204 CONTENTS

- 1.0 IGNITION DEVICES
- 2.0 FIELD CROP IGNITION METHODS

RULE 204
IGNITION DEVICES AND METHODS

- 1.0 IGNITION DEVICES.** All vegetative wastes to be burned shall be ignited only with approved ignition devices as defined in Rule 200.
- 2.0 FIELD CROP IGNITION METHODS.** Rice, barley, oat and wheat straw shall be ignited only by strip firing or by backfiring except under a special condition of the District issued when and where extreme fire hazards are declared by a local, state or federal public fire protection agency, or where crops are determined by the Air Pollution Control Officer not to lend themselves to these techniques.

Rule 205 Certificates From Department of Fish and Game
(Adopted July18, 2003)

- 1.0 CERTIFICATES FROM DEPARTMENT OF FISH AND GAME.** No agricultural burning shall be conducted for the sole purpose of the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the California 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, and such burning is conducted pursuant to a valid Coordinated Burn Authorization Permit.

Rule 206 Burning at Disposal Sites

(Adopted and Re-codified July 18, 2003; Revised December 16, 2004)

- 1.0 GENERAL PROHIBITION AGAINST BURNING AT DISPOSAL SITES.** It is unlawful to burn rubbish or garbage at dumps, refuse disposal areas or at any solid waste dump, whether public or private, or to burn garbage anywhere else in the counties of Humboldt, Del Norte and Trinity. However, fires used for the disposal of natural vegetation from trees, vines and brush at any approved disposal site in the North Coast Unified Air Quality Management District may occur if approved by the Air Pollution Control Officer (APCO). Such approval does not relieve the applicant from complying with the restrictions and limitations specified in valid permit to operate issued by the APCO. No material may be burned pursuant to this Section unless:
- 1.1** The state board has approved the use of open outdoor fires at the designated disposal site to dispose of such wood waste and the operation of the disposal site will not prevent the achievement and maintenance of ambient air quality standards;
 - 1.2** The burning is done on a Permissive Burn Day;
 - 1.3** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 1.4** Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 "Drying Periods," and Section 5 "Burning of Vines or Bushes Treated with Herbicides;" and,
 - 1.5** Performed pursuant to a valid Coordinated Burn Authorization Permit
 - 1.6** No permit shall be issued until there is filed with the district a written statement by the owner of the land on which the disposal site is located, or his agent, or if some other person is lawfully in possession of such land, approving burning on said property.
 - 1.7** Prior to issuing a permit, the district may inspect the wood waste to be burned to verify that it is exclusively wood waste from trees, vines, and brush.

Rule 207 Wildland Vegetation Management Burning

(Adopted July 18, 2003, Revised May 15, 2008)

RULE 207 CONTENTS

- 1.0 BURN PLAN
- 2.0 ACREAGE LIMITATION
- 3.0 ADVANCE PERMISSIVE BURN NOTICE

**RULE 207
WILDLAND VEGETATION MANAGEMENT BURNING**

Wildland vegetation management burning shall comply with these Rules and Regulations of the North Coast Unified Air Quality Management District (“District”), including but not limited to the following specific requirements:

- 1.0 BURN PLAN.** Any proposed burn, greater than one (1) acre shall only be authorized when performed in accord with a valid Coordinated Burn Authorization Permit and shall require the following data to be submitted in a burn plan to the District at least seven (7) days prior to ignition, or shall be registered for smoke management planning in accordance with the Burn Registration Program established pursuant to the agreement and approved by California Air Resources Board (CARB) between the District and the Fuels Management Group:
 - 1.1** Acreage covered by the burn plan;
 - 1.2** Location and specific objectives of the burn project;
 - 1.3** Type and condition of fuel and arrangement of the vegetation to be burned;
 - 1.4** Direction and distances to populated or sensitive receptor areas;
 - 1.5** Project burn schedule (ignition to burn down) and fuel combustion prescription elements;
 - 1.6** Fuel condition, combustion and meteorological prescription elements developed for the burn projects;
 - 1.7** Specifications for monitoring and verifying project parameters;
 - 1.8** Procedures for notifying the public and other agencies of the burn.
- 2.0 ACREAGE LIMITATION.** No more than 6,000 acres of wildland vegetation as defined in these Rules and Regulations shall be ignited on any one (1) day within the entire

geographical area of counties of Humboldt, Del Norte and Trinity subject to the further limitation that the burn authorization system shall not allow more burning of wild land vegetation on a daily basis than is appropriate for the meteorological or air quality conditions within the entire geographical area of Humboldt, Del Norte and Trinity counties.

3.0 ADVANCE PERMISSIVE-BURN NOTICE. Upon request from a permittee through the District, seven (7) days in advance of a specific range improvement burn, forest management burn or wildland vegetation management burn at any elevation a 48-hour forecast, 72-hour outlook or a 96-hour trend will be issued by the state board for such a burn if requested to do so by the District.

3.1 Notwithstanding Section 3 of this Rule, the CARB may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.

3.2 A 72-hour outlook and a 96-hour trend will be available in advance of burns specified in Section 3 of this Rule.

Rule 208 Burn Registration Program

(Adopted and Re-codified July 18, 2003; Revised December 16, 2004)

RULE 208 CONTENTS

- 1.0 BURN REGISTRATION AND REPORTING
- 2.0 BURN AUTHORIZATION SYSTEM
- 3.0 SMOKE MANAGEMENT PLANNING

**RULE 208
BURN REGISTRATION PROGRAM****1.0 BURN REGISTRATION AND REPORTING:**

- 1.1 All persons who desire to conduct agricultural or prescribed burning in the District in any particular calendar year must register their planned burn projects with the District. The North Coast Fuels Management Cooperative (NCFMC) members register their burns in August of each year. Other agricultural and prescribed burners register their burns prior to the anticipated burn season. Updates and late additions to this registration process are accepted. The burn registration must include: the name of the permittee, including a contact person with phone number; a listing of all projects planned, with legal descriptions of their locations (township, range, Section #); an estimate of the total acreage and/or tons of material to be burned; and a meteorological prescription addressing smoke management concerns.
- 1.2 The District will accept burn registrations in whatever format the registrant wishes to use, as long as the required information is included in the registration. The District will supply and the registrant shall complete and submit to the AQMD, a Burn Registration Smoke Management Plan for each distinct project or watershed unit(s) prior to burning.
- 1.3 The Air Pollution Control Officer shall submit a report to the California Air Resources Board (CARB) of the agricultural and prescribed burning conducted each calendar year in the District, and no later than 45 days from the end of each calendar year. The report includes the estimated tonnage and/or acreage for each type of waste burned from both agricultural and prescribed burning by county.
- 1.4 The District shall report all special permits (no-burn day permits) issued each calendar year in the District to the California Air Resources Board (CARB), after December 31st of each year and no later than 45 days after that date. This report includes the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, and estimate of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss.
- 1.5 Once the California Air Resources Board establishes an electronic reporting system for agricultural and prescribed burning, the District will modify this Section of its Smoke

Management Program to participate in the reporting system, unless the system requires considerable District resources.

- 1.6** When a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless:
- 1.6.1** (1) After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or
 - 1.6.2** (2) For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB.
 - 1.6.3** (3) After 24 hours, the district has been contacted, or if the district is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.
 - 1.6.4** A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.
- 1.7** A post-burn smoke management evaluation shall be submitted by the burner for fires greater than 250 acres.

2.0 BURN AUTHORIZATION SYSTEM

- 2.1** The District operates a daily burn authorization system which regulates agricultural and prescribed burning. The burn authorization system specifies the amount, timing and conditions for burn projects on a daily basis within the District boundaries.
- 2.2** The purpose of the burn authorization system is to minimize smoke impacts in smoke sensitive areas, avoid cumulative smoke impacts and prevent public nuisance. As such, all burn authorization requests are evaluated first by these considerations.
- 2.3** In evaluating burn authorization requests the District considers the following factors:
- 2.3.1** Air quality; (Ambient Air Quality Standards)
 - 2.3.2** Meteorological conditions expected during burning;
 - 2.3.3** Types and amounts of materials to be burned;
 - 2.3.4** Location and timing of materials to be burned;
 - 2.3.5** Locations of smoke sensitive receptors; and
 - 2.3.6** Smoke from all burning activities, including burning in neighboring air districts or regions which may affect the air quality in this District.
- 2.4** Burn authorizations are given on a first come first served basis. Once a burn authorization is given it is only rescinded if meteorological conditions change such that adverse air quality impacts are likely, or if burning by a fire protection agency to abate an imminent fire hazard is suddenly and unexpectedly required in the same area.
- 2.5** A burn authorization from the District only authorizes the ignition of a burn *if* the smoke management conditions given in the burn registration are met at the time of ignition and are expected to be met for the duration of the burn. A burn authorization does not relieve the burner from meeting the conditions of the burn registration plan for the specific burn. It is the burner’s responsibility to make sure all conditions listed in the burn registration plan are met prior to ignition. To validate the specific smoke transport conditions that exist on

each site, the District requests the burn operators to either release a helium filled balloon or ignite a small pile of brush to verify that favorable smoke transport conditions exist.

- 2.6** When an authorization to burn has been given by the District, a unique identifying number shall be assigned to that burn to track the particular burn and provide confirmation to the burner that the burn has been authorized.
- 2.7** To request a burn authorization, a burner must contact the District by phone, fax, e-mail or in person no sooner than 48 hours prior to the planned ignition. The District shall respond to a request for authorization within 24 hours of receipt of the request or within 1 hour of the planned ignition in the event that the request is submitted less than 24 hours prior to the time of the planned ignition.
- 2.8** In order to help plan burn projects prior to requesting a burn authorization from the Air District, burners may obtain a 48-hour forecast, 72-hour outlook and a 96-hour trend for specific burns from the California Air Resources Board duty meteorologist. These forecasts are not a substitute for a burn authorization, and contain no guarantee that a favorable forecast will necessarily lead to a burn authorization approval, but are intended solely to help in burn project planning. District staff is also available to help in meteorological forecasting and smoke management planning if needed.
- 2.9** The District maintains a daily log, recording any burn authorizations approved, the location of the burns, the amounts of material burned, number of complaints received about agricultural and prescribed burning, planned and unplanned wildfires occurring that day and any other relevant information related to smoke impacts for that day, including notifications from the burners and planned project ignitions not authorized. This data is used in the burn authorization process in the following days, in evaluating the success and efficiency of the smoke management program, in response to citizen complaints and in the preparation of reports related to the smoke management program.
- 2.10** Multi-day burns require authorization be obtained on a daily basis from the Air District to continue with the burn.
- 2.11** A burn project may impact air sheds in other Districts of states the District staff shall notify the appropriate air quality agency prior to ignition. Any concerns these agencies have over the planned burn will be considered.

3.0 SMOKE MANAGEMENT PLANNING

- 3.1** Each burn project will be registered, subject to section 1.0, for smoke management planning purposes, either via the District's Burn Registration/Smoke Management Plan form, or an equivalent document providing the necessary smoke management planning information.
- 3.2** Burn projects less than 10 acres in size need only submit the information contained in the Burn Registration Section of the District smoke management plan (questions 1-6). Burn projects greater than 10 acres but less than 100 acres must complete all the questions found on the District smoke management form. Before issuing an authorization to burn, the District, at its discretion, may require additional smoke management procedures to be used

if a burn: a) is greater than 100 acres in size, b) may impact smoke sensitive areas, or c) presents other potential problems.

3.3 The following smoke management actions will be considered for every burn project, and may require written submittal to the District of the actions taken, consistent with the guidelines above and the District Burn Registration/Smoke Management Plan form.

3.3.1 Meteorological Prescription. Provide a detailed meteorological prescription that must be met to proceed with the burn. At a minimum the prescription must include acceptable wind direction. Other considerations may include wind speed, temperature profile, winds aloft, humidity, temperature, actual and predicted inversions, burn day status and forecast precipitation. Sources of where weather forecasts will be obtained to make smoke management decisions for the burn project may also be asked for.

3.3.2 Contingency Actions. The actions the burner will take if smoke from the burn project produces unacceptable smoke impacts, which may include: stopping further ignitions, active fire suppression, rapid mop up and other appropriate techniques that are discussed with the District.

3.3.3 Smoke Mitigation. Actions that will be taken to minimize smoke from the burn, which may include: minimum drying times/fuel moistures, piling and/or windrowing materials, active mop up of smoldering, pretreatment of fuels and other appropriate techniques.

3.3.4 Burning Alternatives. Describe the alternatives to burning which have been considered for this burn project and the basis of why the alternatives were not feasible or justified.

3.3.5 Smoke Sensitive Receptors. A description of what smoke sensitive receptors, such as towns, schools or roads, may be required. A map showing the location of sensitive receptors and predicted smoke travel may also be required.

3.3.6 Public Notification. The potentially affected public will be notified of the burn project by one or all of the following: media announcements, phone contact lists, road signs and other appropriate techniques.

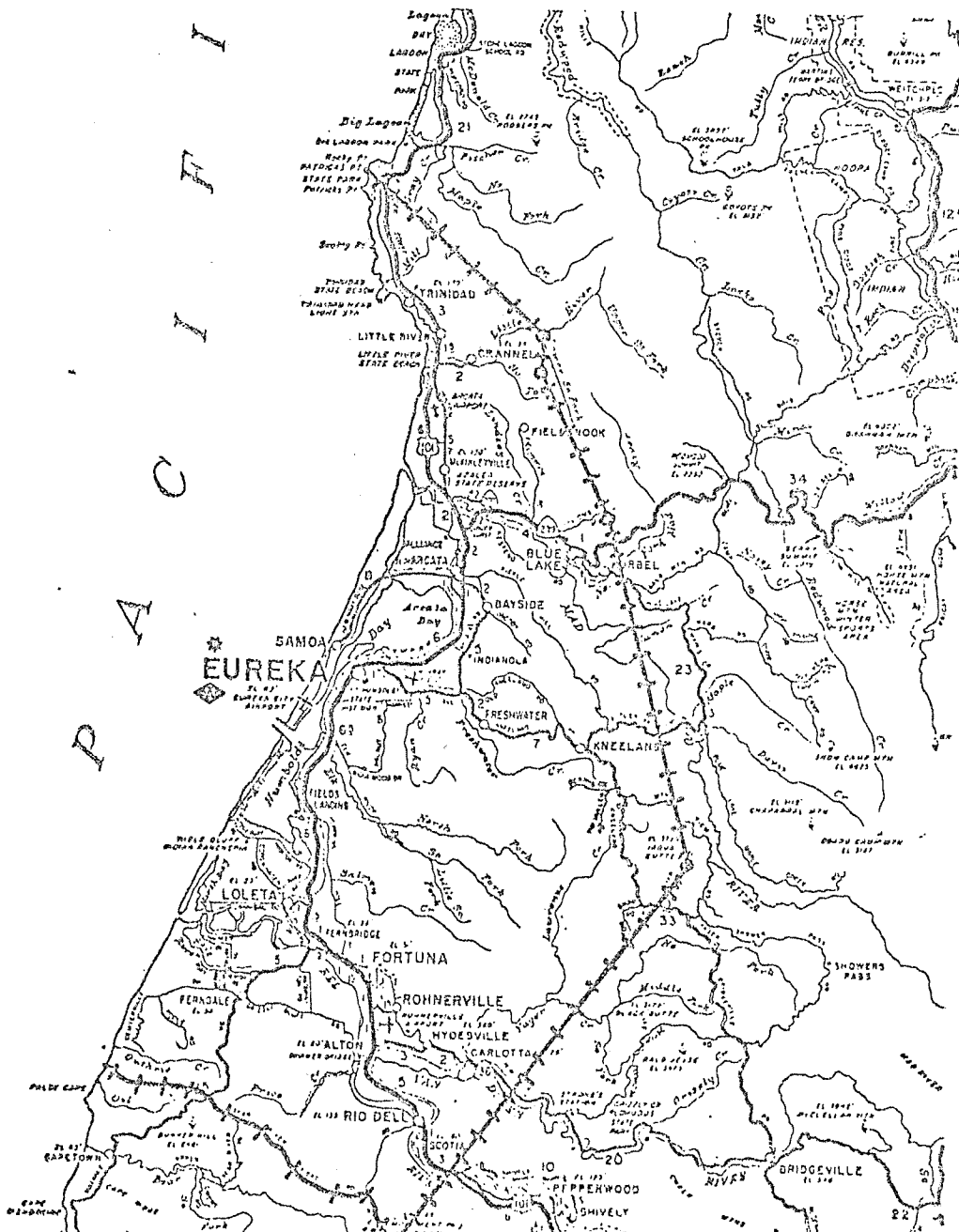
3.3.7 Complaint Handling Procedures. A procedure shall be developed that insures that all complaints about smoke impacts received by a company or individual conducting the burn are promptly reported to the District.

3.3.8 Smoke Monitoring. Describe the procedures that will be used to monitor and track the smoke transport from the burn project, which may include: a smoke spotter to check on downwind sites, ambient air monitoring, aerial monitoring or other appropriate methods.

7/10/84

HUMBOLDT BAY AIR BASIN

For use in these Rules and Regulations the Humboldt Bay Air Basin shall be defined as all those portions of Humboldt County: bounded on the west by the Pacific Ocean; bounded on the north and east by a line extending from Rocky Point, six miles north of Trinidad, to the junction of Little River and the Lower South Fork of Little River; thence due south to Tip Top Ridge; thence southeasterly along Tip Top Ridge to the southernmost summit of Tip Top Ridge north of Korbel, thence southeasterly along a line extending from the southernmost point of Tip Top Ridge to the lookout station at Iaqua Buttes; bounded on the south and east by a straight line extending from the lookout station at Iaqua Buttes to the Mt. Pierce lookout station south of Scotia; bounded on the south by a line following along the crest of Bear River Ridge from the Mt. Pierce lookout station to the Pacific Ocean. All the landmarks and points of reference referred to above are as shown on maps published by the State of California, Department of Natural Resources, Division of Forestry, dated 1949.



Basic map reproduced by permission of the California

Revised
10/12/83
3/14/84

APPENDIX B - CONTINUOUS MONITORING

A. INSTALLATION AND START UP

Owners or operators of sources required to have continuous emission monitors shall have installed all necessary equipment and shall have begun monitoring and recording by October 6, 1978.

B. REPORTING

File of Records

Owners or operators subject to the provisions of these rules and regulations shall maintain for a period of at least two years a record in a permanent form suitable for inspection and shall make such record available upon request, to the Air Resources Board and the District. The record shall include:

1. Occurrence and duration of any start up, shut down or malfunction in the operation of any affected facility.
2. Performance testing, evaluations, calibration checks, adjustments, and maintenance of any continuous emission monitors that have been installed pursuant to these rules.
3. Emission measurements reported in units consistent with applicable standards.

Quarterly Report

Owners or operators subject to provisions of these rules and regulations shall submit a written report for each calendar quarter to the Control Officer. The report is due by the 30th day following the end of the calendar quarter and shall include:

1. Time intervals, date and magnitude of excess emissions, nature and cause of the excess (if known), corrective actions taken and preventive measures adopted.
2. Averaging period used for data reporting corresponding to averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question.
3. Time and date of each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of system repairs and adjustments.
4. A negative declaration when no excess emissions occurred.
5. Reports on opacity monitors giving the number of three-minute periods during which the average opacity exceeded the standard for each hour of operation. The averages may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced instantaneous opacity measurements per minute. Any time period exempted shall be considered before determining the excess averages of opacity.

Reports of Violations

Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records of the monitoring device, shall be reported by the operator of the source to the District within 96 hours after such occurrence. The District shall, in turn, report the violation to the Air Resources Board within five working days after receiving the report of the violation from the operator.

C. DATA REDUCTION

Data shall be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by joint decision of the District, Air Resources Board and Environmental Protection Agency.

D. STANDARDS OF PERFORMANCE OF MONITORING SYSTEMS

1. Systems shall be installed, calibrated, maintained and operated in accordance with the following sections of 40 CFR.

- a. Fossil-Fuel Fired Steam Generators: Section 60.45
- b. Sulfuric Acid Plants: Section 60.84
- c. Nitric Acid Plants: Section 60.73
- d. Petroleum Refineries: Section 60.105
- ~~e. Kraft Pulp Mills: NCASI Technical Bulletin #89~~

2. Calibration gas mixtures shall meet the specifications in 40 CFR, Part 51, Appendix P, Section 3.3 and Part 60, Appendix B, Performance Specification 2, Section 2.11.

3. Cycling times shall be those specified in 40 CFR, Part 51, Appendix P, Sections 3.4, 3.4.1, and 3.4.2.

4. The continuous SO₂ and NO_x monitors shall meet the applicable performance specification requirements in 40 CFR, Part 51, Appendix P, and Part 60, Appendix B.

5. The continuous CO₂ and O₂ monitoring systems shall meet the performance specification requirements in CFR 40, Part 51, Appendix P, and Part 60, Appendix B.

6. Opacity monitoring systems shall meet the performance specifications of 40 CFR 60, Appendix B, Performance Specification No. 1.

Equivalent alternate performance specifications may be established by mutual agreement of the District, Air Resources Board and Environmental Protection Agency.

E. DEFINITIONS

Definitions shall be those given in 40 CFR, Part 51

2/21/72

~~All permit requirements and procedures covered in detail by this regulation shall be in accordance with those specified in the California Health and Safety Code.~~

~~RULE 20 - PERMIT REQUIREMENTS~~

~~(a) REGISTRATION: These regulations do not constitute an automatic permit for the installation or operation of any equipment in existence upon the effective date of these regulations. Upon request of the Control Officer, any source of emission, actual or potential, shall register with the District. Any owner, operator or user of any equipment in use at the time of adoption of these regulations and subject to these regulations who is required to register shall be allowed thirty (30) days to register to obtain a permit to operate and to furnish the Control Officer with information required.~~

~~(b) AUTHORITY TO CONSTRUCT OR MODIFY: Permits shall be required to construct, erect, alter, replace, sell or rent any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. Written Authority to Construct, Alter, Replace, Sell or Rent shall be obtained from the Control Officer prior to starting construction, erection, alteration, sale or rental. A single permit may be issued for all components of an integrated system or process. Plans and specifications, drawn in accordance with acceptable engineering practices, may be required as a prerequisite to permit issuance. The Authority to Construct shall remain in effect for one (1) year or until a Permit for Operation is issued, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the authorization may be extended one year at the request of permittee. A renewal fee may be assessed. Construction not in accordance with this permit shall be sufficient reason to deny a Permit to Operate.~~

~~RULE 21 - PERMIT STANDARDS~~

~~No Authority to Construct shall be granted unless the applicant shows to the satisfaction of the Control Officer that:~~

~~(a) The new construction or modification will operate within all applicable rules and regulations pertaining to release of air contaminants.~~

~~(b) The new construction or modification will not endanger maintenance or attainment of any applicable ambient air quality standards.~~

~~(c) Adequate provisions are made for sampling facilities and emission monitoring equipment as specified by the Control Officer.~~

~~RULE 22 - ACTION ON APPLICATIONS~~

~~The Control Officer shall act promptly on an application for Authority to Construct, Alter, Replace, Sell or Rent, or Permit to Operate, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.~~

(a) APPROVAL: A permit, conditional permit or notice of approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board and the Health and Safety Code.

~~(b) CONDITIONAL APPROVAL: The Control Officer may issue an Authority to Construct or Permit to Operate or Use, subject to conditions which will bring the operation of any equipment within the applicable standards set forth in these regulations, 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 Control Officer may issue an Authority to Construct or 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 these regulations under the revised conditions.~~

~~(c) DENIAL OF APPLICATIONS: In the event of denial of an Authority to Construct, Permit to Operate or Permit to Sell or Rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgment 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 Authority to Construct, the Permit to Operate or the Permit to Sell or Rent.~~

~~RULE 23 - APPEALS~~

~~Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authority to Construct, Permit to Operate or use of Permit to Sell or Rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.~~

~~RULE 24 - EXCLUSIONS~~

~~An Authority to Construct and Permit to Operate shall be required for all new or modified plants, equipment or operations which may emit air contaminants with the following exceptions:~~

~~(a) Any vehicle as defined in the Vehicle Code.~~

~~(b) Any structure designed for and used exclusively as a dwelling for not more than two (2) families.~~

~~(c) An incinerator used exclusively in connection with such a dwelling structure or any incinerator designed, constructed and operated in accordance with the standards of the Air Pollution Control District.~~

~~(d) Barbecue equipment which is not used for commercial purposes.~~

~~(e) Orchard, vineyard or citrus grove heaters.~~

~~(a) REVOCATION: A permit, conditional permit or notice of approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board and the Health and Safety Code.~~

~~(b) CONDITIONAL APPROVAL: The Control Officer may issue an Authority to Construct or Permit to Operate or Use, subject to conditions which will bring the operation of any equipment within the applicable standards set forth in these regulations, 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 Control Officer may issue an Authority to Construct or 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 these regulations under the revised conditions.~~

~~(c) DENIAL OF APPLICATIONS: In the event of denial of an Authority to Construct, Permit to Operate or Permit to Sell or Rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgment 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 Authority to Construct, the Permit to Operate or the Permit to Sell or Rent.~~

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Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authority to Construct, Permit to Operate or use of Permit to Sell or Rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

RULE 24 - EXCLUSIONS

An Authority to Construct and Permit to Operate shall be required for all new or modified plants, equipment or operations which may emit air contaminants with the following exceptions:

~~(a) Any vehicle as defined in the Vehicle Code.~~

~~(b) Any structure designed for and used exclusively as a dwelling for not more than two (2) families.~~

~~(c) An incinerator used exclusively in connection with such a dwelling structure or any incinerator designed, constructed and operated in accordance with the standards of the Air Pollution Control District.~~

~~(d) Barbecue equipment which is not used for commercial purposes.~~

~~(e) Orchard, vineyard or citrus grove heaters.~~

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RULE 230 - ACTION ON APPLICATIONS

The Control Officer shall act promptly on an application for an Authority to Construct, Modify, Replace, Operate or Use, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 220(b), the Control Officer shall provide for public notice in accordance with the provisions of said rule.

(a) General Approval

The Control Officer shall grant an Authority to Construct only after he has determined that the new or modified stationary source of air contaminants:

- (1) Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants, and
- (2) Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan, and
- (3) ~~Will not cause significant deterioration of existing air quality in excess of the guidelines established by the Environmental Protection Agency, California Air Resources Board, or the District, and~~
- (3) Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments, and
- (4) Will not result in air contaminant emissions in excess of the allowable standards established by the Environmental Protection Agency for new stationary sources of the category types listed in Rule 490 and 492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition, and

~~(5) Will operate within all emission standards established by the Environmental Protection Agency for hazardous air contaminants of the category types listed in Rule 492 for the District.~~

(5) Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 490 & 492.

(b) New Source Approval

(1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 220, the Control Officer shall forward to the California Air Resources Board and Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.

(2) An Authority to Construct for any stationary source subject to the provisions of Rule 220, may not be granted or denied by the Control Officer until at least 30 days after the date of public notice.

(c) Denial of Application

The Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct

shall be deemed acceptance of all the conditions so specified. Such conditional approval for any proposed stationary source that would violate the general approval requirement of Rule 230(a)(2) may be granted only if all the following conditions are met:

(1) -- The new source is required to employ "Best Available Control Technology"

No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 230(a) unless all the requirements of Section 173 of the Clean Air Act and Section 52.21 of the Code of Federal Regulations are satisfied.

(2) -- Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements.

(3) -- The emission reductions stated above will provide a positive net air quality benefit in the affected area.

(4) -- The applicant certifies that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable state regulations or approved compliance schedules.

(5) -- The Control Officer may issue an Authority to Construct for a new or modified stationary source only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out.

The Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

RULE 400 - GENERAL LIMITATIONS

~~(a) Public 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. (H&S 41700)~~

(b) Circumvention

A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these rules and regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.

~~(c) The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (H&S 41705)~~

RULE 410 - VISIBLE EMISSIONS

~~(a) A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 2 or forty (40) percent opacity. (H&S 41701)~~

~~(b) Applicable in Mendocino County District only:~~

~~A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is 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 of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 1 or twenty (20) percent opacity.~~

~~(c) The provisions of Rule 410(a) & (b) do not apply to excessive visible emissions caused by:~~

~~(1) Failure of the emission to meet the requirements solely because of the presence of uncombined water.~~

~~(2) Smoke from fires set pursuant to Regulation 2 of the North Coast Air Basin.~~

~~(3) Smoke from fires set or permitted by any public officer in the~~

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RULE 440 - SULFUR OXIDE EMISSIONS

person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm; or in excess of the specific source emission limitations of NSPS Regulation 3 of the North Coast Air Basin, as applicable.

~~RULE 450 - SULFIDE EMISSION STANDARDS~~

~~(a) Kraft Recovery Furnace~~

~~The emission of total reduced sulfur, TRS, from any kraft recovery furnace shall not exceed:~~

- ~~(1) 10 ppm of TRS or 0.30 pound of TRS per ton of kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.~~
- ~~(2) 15 ppm of TRS as a daily arithmetic average.~~
- ~~(3) 40 ppm of TRS for more than 60 cumulative minutes in any one day.~~

~~(b) Lime Kiln~~

~~The emission of total reduced sulfur, TRS, from any lime kiln shall not exceed 40 ppm of TRS or 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.~~

~~(c) Other Kraft Mill Sources~~

~~The emission of total reduced sulfur, TRS, from other kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.~~

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RULE 455 - GEOTHERMAL EMISSION STANDARDS

(a) A person shall not discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm.

~~(b) Geothermal Operations - Power Plant Emissions~~

(1) The total emissions of hydrogen sulfide from all present and future power plant units built within the special geothermal Zone I, as described in Appendix B, shall not exceed the following:

Maximum 6 mo. average (lbs H ₂ S/hr)	Maximum 24 hr. average (lbs H ₂ S/hr)	Effective Date
1390	1550	Sept. 30, 1976
850	975	Dec. 31, 1977
*	*	Dec. 31, 1979
*	*	Dec. 31, 1980

* The emission limits effective as of December 31, 1979, and December 31, 1980, will be promulgated by the District on or before December 31, 1978, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.

(2) A geothermal power plant unit built outside special geothermal Zone I after the effective date of this rule, shall:

- (1) limit emission to no more than 10% of the H₂S produced by the geothermal power plant unit's steam wells, or
- (2) emit no more than 0.4 lbs. H₂S per hour per megawatt to the atmosphere (averaged over 24 hours).

but in no event to exceed 50 lbs. H₂S/hr.

(3) In the event of a dispute between the Control Officer and an applicant for an Authority to Construct a power plant unit as to whether the proposed plant lies within Zone I, the applicant may appeal the decision of the Control Officer to the hearing board in accordance with Rule 250.

(4) Abated power plant units shall not initiate scheduled outages which will result in bypassing to the atmosphere of over 40% of the H₂S associated with that unit during hydrogen sulfide episode alerts. The effective date of the subsection shall be February 28, 1978.

~~(c) Geothermal Operations: Pre-Power Emissions~~

~~(1) The total pre-power plant emissions of H₂S associated with all present geothermal power plant units built before the effective date of this rule shall not exceed the following emission limitations:~~

Annual Average (lbs H₂S/hr)	Effective Date
180	December 31, 1976
150	December 31, 1978
*	December 31, 1980

~~* The emission limit effective as of December 31, 1980, will be promulgated by the District on or before December 31, 1979, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.~~

~~(2) Hydrogen sulfide in steam bypassing any abated power plant unit for any reason whatsoever during any episode alert for hydrogen sulfide issued by the District must be abated by at least 40% and within a time period consistent with achievement of the H S ambient air quality standard and with all practical speed commensurate with personnel safety and protection of equipment and wells. In the event continued bypassing of steam at this reduced level causes a violation of the hydrogen sulfide ambient air quality standard, the supplier shall further abate total emissions, until the termination of the episode alert. The effective date of this subsection shall be February 28, 1978.~~

(d) Compliance Verification

A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Control Officer.

Any person who owns or operates a source or sources of air contaminants whose emissions may cause a standard set forth in this rule that is effective at a future date to be exceeded shall submit to the hearing board within 30 days of the adoption of this rule a schedule of increments of progress by which the source emissions will be brought into compliance by the time said standard takes effect. The hearing board shall consider the schedule of increments of progress at a noticed hearing pursuant to Rule 620(b).

11/10/76

~~RULE 460 - ORGANIC GAS EMISSIONS~~

- ~~(a) Within the Mendocino County Air Pollution Control District; No person shall discharge into the atmosphere sufficient concentrations of organic gases which exceed the THRESHOLD LIMIT VALUES for such substances as described in the latest edition of "DOCUMENTATION OF THRESHOLD LIMIT VALUES" published by the American Conference of Governmental Industrial Hygienists, beyond the property line of the person responsible for the emissions, nor shall these limits, exempt any person from meeting the requirements to maximum allowable concentrations permitted in work area atmospheres.~~
- ~~(b) The requirements of Rule 460(a) shall not apply:

 - ~~(1) To emissions of methane or other low reactivity hydrocarbons as approved by the Control Officer.~~
 - ~~(2) To emissions of hydrocarbons from permitted open burning or from approved combustion processes.~~~~

RULE 470 - 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 which contain odorous material 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 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, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

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

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RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS

- (a) No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (H&S 41860).
- (b) No person shall use any orchard, vineyard or citrus grove heater unless of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41860)

~~RULE 482 - PETROLEUM LOADING AND STORAGE~~

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of NSPS Rule 9.
- (b) 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. (H&S 41950)
 - (1) For the purpose of Rule 482(b) "gasoline", means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 - (2) For the purpose of Rule 482(b) "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.
- (c) The requirements of Rule 482 (b) shall not apply:
 - (1) To any stationary tanks installed prior to December 31, 1970.
 - (2) To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
 - (3) To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 - (4) To any tank equipped with 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

11/10/76

CHAPTER V

ENFORCEMENT AND PENALTY ACTIONS

~~RULE 500 - ENFORCEMENT~~

~~Any person who violates any provision of these rules and regulations; or any order, rule or regulation of the California Air Resources Board; or any provisions of the California Health and Safety Code, is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense. (H&S 42400)~~

RULE 510 - ORDERS FOR ABATEMENT

- (a) The district board or the hearing board may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of Section 41700 or 41701 of the California Health and Safety Code, or of any order, rule or regulation prohibiting or limiting the discharge of air contaminants into the air. In holding such a hearing, the district board shall be vested with all the powers and duties of the hearing board. (H&S 42450 & 42451)
- (b) The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met. (H&S 42452)

~~RULE 520 - CIVIL PENALTIES~~

- (a) Any person who intentionally or negligently violates Section 41700 or 41701 of the California Health and Safety Code, or any rule or regulation of the district, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars (\$500) for each day in which such violation occurs. (H&S 42402)
- (b) Any person who intentionally or negligently violates any order for abatement issued by the district board or hearing board pursuant to Rule 510(a), shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs. (H&S 42401)

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~~(c) The civil penalties prescribed in Rule 520(a) & (b) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for the district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.~~

RULE 540 - EQUIPMENT BREAKDOWN

(a) Breakdown Conditions

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of 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 similar failure of any required 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 an abnormally recurrent breakdown of the same equipment

(b) Breakdown Procedures

- (1) Any breakdown condition meeting the qualifications of Rule 540(a) 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 or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - (A) The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (8:30 a.m. - 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.

(B) The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.

(C) The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.

(2) The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.

(3) Upon receipt of notification of a breakdown condition, the control officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

(c) Reporting Requirements

Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the control officer including, but not limited to, the following details:

(1) Duration of excessive emissions.

(2) Estimate of quantity of emissions.

(3) Statement of the cause of the occurrence.

(4) Corrective measures to be taken to prevent a reoccurrence.

Documentation of the breakdown condition may be required by the control officer.

(d) 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;

(e) Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (b)(1)(a) and (c)(1) through (c)(5) of this rule shall constitute a separate violation of this rule.

(f) 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.

(g) Extended Breakdown Provisions

For any occurrence which causes a breakdown condition meeting the requirements of Rule 540(a) and which may persist for longer than twenty-four (24) hours (ninety-six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, obtain an emergency variance as provided in Rule 615.

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**Appendix A
Humboldt Bay Air Basin**

**RULES AND REGULATIONS OF THE
HUMBOLDT COUNTY AIR POLLUTION
CONTROL DISTRICT**

Regulation I — General Provisions

~~RULE 1 — TITLE~~

~~Pursuant to the provisions of Chapter 2, Division 20, of the Health and Safety Code of the State of California, the Air Pollution Control Board of the Humboldt County Air Pollution Control District does hereby enact the following rules and regulations to be known as the Rules and Regulations of the Humboldt County Air Pollution Control District.~~

RULE 2 — DEFINITIONS

Except as otherwise specifically provided in these Rules and Regulations, and except where the context indicates otherwise, words used in these Rules and Regulations are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

~~(a) AGRICULTURAL OPERATION. "Agricultural operation" means the growing and harvesting of crops, including timber, or the raising of fowls, animals or bees as a gainful occupation.~~

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

~~(c) AIR POLLUTION. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, characteristics, or duration such that they are or tend to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life or property.~~

~~(d) AIR POLLUTION ABATEMENT OPERATION. "Air pollution abatement operation" means any operation which has as its essential purpose a significant reduction in (a) the emission of air contaminants or (b) the effect of such emission.~~

~~(e) ALTERATION. "Alteration" means any addition to or enlargement or 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 adversely affect the kind or amount of air contaminant emitted.~~

~~(f) ATMOSPHERE. "Atmosphere" means the air that envelopes or surrounds the earth.~~

~~(g) BOARD. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Humboldt County.~~

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~~(h) COMBUSTIBLE REFUSE. "Combustible refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.~~

~~(i) COMBUSTION CONTAMINANTS. "Combustion contaminants" means the particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.~~

~~(j) CONTROL OFFICER. "Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of Humboldt County.~~

~~(k) DUSTS. "Dusts" are 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, etc.~~

~~(l) EMISSION. "Emission" means the act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.~~

~~(m) EMISSION POINT. "Emission point" means the place, located at a horizontal plane and vertical elevation, at which an emission enters the atmosphere.~~

~~(n) EXCESS AIR. "Excess air" means the quantity of air required for complete combustion.~~

~~(o) HEARING BOARD. "Hearing Board" means the Hearing Board of the Air Pollution Control District of Humboldt County.~~

~~(p) INCINERATION. "Incineration" means 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.~~

~~(q) INSTALLATION. "Installation" means the placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.~~

~~(r) MULTIPLE CHAMBER INCINERATOR. "Multiple chamber incinerator" means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.~~

~~(s) OPEN OUTDOOR FIRE. "Open outdoor fire" means the burning of materials of any type outdoors in the open where the products of combustion are not directed through an acceptable duct or passage for air, gases or the like, such as a stack or chimney.~~

~~(t) OPERATION. "Operation" means any physical action resulting in 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 or physical properties of a material.~~

~~(u) OVERFIRE AIR. "Overfire air" means air introduced into a tepee burner or other type incineration device after the primary combustion has occurred.~~

~~(v) OWNER. "Owner" includes but is not limited to any person who leases, supervises or operates equipment.~~

~~(w) PARTICULATE MATTER. "Particulate matter" means discrete particles of liquid, other than water, or a solid, as distinguished from a gas or vapor.~~

~~(x) PERSON OR PERSONS. "Person or persons" means an individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.~~

~~(y) PROCESS WEIGHT PER HOUR. "Process weight" is 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.~~

~~(z) PPM. "ppm" means parts per million by volume (v/v) expressed on a dry gas basis.~~

~~(aa) REGULATION. "Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Humboldt County.~~

~~(bb) RULE. "Rule" means a rule of the Air Pollution Control District of Humboldt County.~~

~~(cc) SECTION. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.~~

~~(dd) STANDARD CONDITION. "Standard condition," as used in these regulations, refers to 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 or reported at this gas temperature and pressure.~~

~~(ee) STANDARD CUBIC FOOT OF GAS. "Standard cubic foot of gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees F.~~

~~(ff) TEPEE BURNER. "Tepee burner" means a burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone, and generally used in conjunction with sawmills, lumber mills and similar activities.~~

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

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~~(ii) UNDERFIRE AIR. "Underfire air" means air introduced into a waste burner or other type incineration device beneath the fuel pile or into the primary combustion chamber.~~

~~(ii) CONDENSED FUMES. "Condensed fumes" are particulate matter generated by the condensation of vapors evolved after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.~~

~~(jj) NON-CONDENSIBLES. "Non-Condensibles" means the TRS portion of any gases and vapors released in a kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks and multiple effect evaporator condensers.~~

~~RULE 3 - PENALTIES FOR VIOLATIONS~~

~~Penalty actions for non-compliance with, or violation of, any rule of these rules and regulations will be instituted pursuant to the following provisions and further pursuant to the provisions of Chapter 2, Division 20 of the Health and Safety Code of the State of California.~~

~~(a) Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans or specifications submitted either in conjunction therewith, or at the request of the Air Pollution Control Officer. (Section 24277).~~

~~(b) Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the Air Pollution Control District when his permit so to do has been either suspended or revoked. (Section 24278).~~

~~(c) Every person required by the regulations of the Air Pollution Control Board to obtain a permit so to do who, without first obtaining such permit builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor. (Section 24279).~~

~~(d) Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under these rules and regulations. (Section 24280).~~

~~(e) Every person violating any order, rule, or regulation of the Humboldt County Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense. (Section 24281).~~

~~RULE 4 - CIVIL PENALTIES~~

~~(a) Pursuant to Section 24252 of the Health and Safety Code of the State of California, any violation of any order, rule or regulation of the Humboldt County Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California.~~

~~(b) Section 39260 Health and Safety Code. Violation of abatement order; civil penalty.~~

~~Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5, or by the State Air Resources Board pursuant to this part, shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each day which such violation occurs.~~

~~An order of abatement may be issued under the following circumstances:~~

~~Section 24260.5 Health and Safety Code. Authority to issue order for abatement; grounds; hearing.~~

~~The air pollution control board may, after notice and a hearing issue, or provide for the issuance by the hearing board, after notice and a hearing of, an order for abatement whenever the district finds that any person is in violation of Section 24242 or 24243 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The air pollution control board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.~~

~~(c) Section 39261 Health and Safety Code. Violation of Sections 24242, 24243, or rule or regulation; civil penalty.~~

~~Any person who intentionally or negligently violates Section 24242, 24243, or any rule or regulation of a county air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars (\$500.00) for each day in which such violation occurs.~~

~~Such violations follow:~~

~~Section 24242 Health and Safety Code. Discharge of air contaminant; prohibition.~~

~~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 minutes in any one hour which is:~~

~~(a) As dark or darker in shade as that designated as No. 2 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.~~

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Regulation II — Permits

RULE 10 — PERMITS REQUIRED

~~(a) AUTHORITY TO CONSTRUCT. Before any person builds, erects, alters, replaces, operates, sells, rents or uses any article, machine, equipment or other contrivance which may cause the issuance of air contaminants of the use of which may eliminate or reduce or control the issuance of air contaminants, such person shall obtain a written authority to construct from the Air Pollution Control Officer. A single authority to construct may be issued for all components of an integrated system or process. An authority to construct 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 cancelled.~~

~~(b) PERMIT TO OPERATE. Before any article, machine, equipment or other contrivance described in Rule 10(a) (Authority to Construct) 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 Rule 10(a) (Authority to Construct), constructed or installed without authorization as required by Rule 10(a) (Authority to Construct) 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 in Rule 20 and elsewhere in these Rules and Regulations.~~

~~(c) REVIEW OF PERMITS. The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any authority to construct or permit to operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.~~

~~(d) POSTING OF PERMIT TO OPERATE. A person who has been granted under Rule 10(b) a permit to operate any article, machine, equipment, or other contrivance described in Rule 10(b), 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 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 within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.~~

~~(e) ALTERATION OF PERMIT. A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.~~

~~(f) CONTROL EQUIPMENT. Nothing in this rule shall be construed to authorize the Control Officer to require the use of machinery, devices, or equipment of a particular type or design if the required emission standard may be met by machinery, device, equipment, product, or process change otherwise available.~~

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hours complete, he will divide the weight of all materials in the specific process (in this example, 1,500 pounds) by three, giving a process weight per hour of 500 pounds. The table shows that A may not discharge more than 1.8 pounds in any one hour during the process, where the process weight per hour falls between figures in the left-hand column, the exact weight of permitted discharge may be interpolated.

RULE 53 — OPEN FIRES

(a) No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the purpose of disposal of petroleum or plastic wastes, demolition debris, tires, tar, trees, wood waste or other combustible refuse; or for metal salvage or burning of automobile bodies; except the following:

(1) Fires used only for the cooking of food for human beings or for recreational purposes.

(2) Fires coming within the provisions of Section 24245 of the Health and Safety Code of the State of California as it now is or as it may be amended hereafter.

(3) Fires used in agricultural operations as authorized pursuant to Chapter 10, Article 4 of the California Health and Safety Code.

(4) Fires used for the disposal of combustible or flammable solid waste of a single, or two-family dwelling on its premises.

(5) Fires for which a permit has been granted by the Air Pollution Control Officer pursuant to Rule 10 of these regulations.

(b) Nothing in this regulation shall be construed as permitting any fires otherwise prohibited by law, and nothing in this regulation shall be construed as prohibiting any fire otherwise required by law.

RULE 54 — INCINERATOR BURNING

No person shall ignite, or cause to be ignited, permit to be ignited or suffer, allow or maintain any ignited combustible refuse in any incinerator unless such operation meets the requirements specified in these Rules and Regulations.

RULE 55 — EXCEPTIONS

The provisions of Rules 50 and 52 do not apply to:

(a) Smoke from fires set by or permitted by any public officer if such fire is set 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 which cannot be abated by any other means, or

(2) For the instruction of public employees in the methods of fighting fire.

(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 fire.

(c) Smoke from burning for which a permit has been issued by the Air Pollution Control Officer.

(d) Agricultural operations in the growing of crops or raising of fowls, animals, or bees.

(e) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, animals or bees.

2/21/72
~~RULE 56 — SULFUR OXIDE EMISSIONS~~

(a) A person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂), in excess of 1,000 ppm.

(b) It shall be unlawful for any person to cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and time durations at ground level that exceed those shown in the following table:

TABLE II
MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL CONCENTRATIONS

*Concentration	Time Duration
0.5 ppm	1 hour
0.04 ppm	24 hours

*Parts per million by volume.

(c) Any person demonstrated by the Control Officer to be emitting sulfur oxides resulting in ground-level concentrations and durations in excess of Table II above shall be required to install and continuously operate recording instruments in at least three locations surrounding the emission point. Such locations are to be approved by the Control Officer.

(d) Such person shall provide to the Control Officer a summary of the data obtained from such instruments during each calendar month. The form of presentation of the data will be specified by the Control Officer.

RULE 57 — SULFIDE EMISSION STANDARD

(a) A person shall not discharge total reduced sulfur, (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_5)^2$$

where H₅ is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000 yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

Effective January 1, 1972, a person shall not discharge total reduced sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point at a concentration exceeding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_5)^2$$

whichever is the more restrictive condition, where H₅ is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

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RULE 57 — SULFIDE EMISSION STANDARD

~~(a) A person shall not discharge total reduced sulfur, (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point in excess of the total daily weight calculated by the formula:~~

~~TRS (pounds per day) = 0.012 (H₅)²~~

~~where H₅ is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000 yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.~~

(d) ~~Effective January 1, 1972,~~ A person shall not discharge total reduced sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point at a concentration exceeding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:

TRS (pounds per day) = 0.012 (H₅)²

whichever is the more restrictive condition, where H₅ is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

(b) In any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper, ~~the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed one pound of TRS per ton of dry wood charged into the conversion process.~~ Wood materials used exclusively for fuel are not to be considered as charge to the conversion process.

~~Effective January 1, 1972,~~ the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed 0.8 pounds of TRS per ton of dry wood charged into the conversion process.

(c) It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.

(d) A person complying with the requirements of Rule 57 (a) and releasing in excess of 100 pounds per day of TRS from a single emission point shall be required to provide, install, maintain and continuously operate a recording instrument at such emission point which will record the concentrations of TRS emissions. At least one such recording instrument shall be installed in the exhaust stacks; from kraft recovery furnace flue gas systems at the point of emission to the atmosphere and from kraft pulp mill lime kilns. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

(e) Where the Control Officer demonstrates by standardized analytical chemistry procedures that the requirements of Rule 57(c) have been violated on at least three separate occasions within a one-month period, the person causing said violation shall provide, install, maintain and operate a recording instrument, located at ground level, which will monitor the TRS concentration at the property limits. Location of said monitoring instrument is to be approved by the Control Officer.

(f) Emissions exceeding the limits established by Rule 57(c) shall not constitute a violation provided such emissions, from the emission point to the point of such concentration, are on the property controlled by the person responsible for such emissions.

(g) A summary of the data obtained under the provisions of Rule 57(b), Rule 57(d), and Rule 57(e), if applicable, shall be submitted to the Control Officer once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the Air Pollution Control Officer.

(h) ~~Effective January 1, 1972,~~ A person shall not discharge non-condensibles as defined in Rule 2 (jj), into the atmosphere from any emission point, until said non-condensibles have been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensibles from any such air pollution abatement operation shall not exceed a TRS concentration of 60 parts per million by volume for a period or periods aggregating more than 30 minutes in any 24 hour period, or in excess of a total daily weight of 100 pounds of TRS, whichever is the more restrictive condition.

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~~(9) Any article, machine, equipment or other contrivance which the Control Officer finds emits insignificant amounts of air contaminants.~~

~~No exemption from the requirements listed herein under Rule 200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review in accordance with Rule 220(b).~~

RULE 210 - ENVIRONMENTAL ASSESSMENT

If the Control Officer determines that the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with the California Environmental Quality Act of 1970 (CEQA), no further processing of environmental documents shall be required. The Control Officer shall then follow the procedure set forth in Article XII of Appendix C to this regulation.

If the Control Officer determines that the application is for a project which does not fall within the above paragraph, and the Control Officer determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, it shall be exempt from the requirements of CEQA. If the Control Officer determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for Environmental Impact Review as found in Appendix C to this regulation, shall be followed. Other project reviews performed by the District may proceed concurrently with a detailed environmental assessment, but no authority to construct may be issued by the Control Officer until completion and filing of the Notice of Determination.

~~RULE 220 - NEW SOURCE REVIEW STANDARDS~~

~~(a) Emission Analysis~~

~~In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Control Officer to make the emission determinations required by the provisions of Rule 230.~~

- ~~(1) Emissions from a proposed new or modified stationary source shall be based on maximum design capacity, permit limitations on the operation of the new or modified source, or source test data from similar equipment.~~

8/6/82

RULE 230 - ACTION ON APPLICATIONS

The Control Officer shall act promptly on an application for an Authority to Construct, Modify, Replace, Operate or Use, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 220(b), the Control Officer shall provide for public notice in accordance with the provisions of said rule.

(a) General Approval

The Control Officer shall grant an Authority to Construct only after he has determined that the new or modified stationary source of air contaminants:

- (1) Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants, and
- (2) Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan, and
- (3) ~~Will not cause significant deterioration of existing air quality in excess of the guidelines established by the Environmental Protection Agency, California Air Resources Board, or the District, and~~
- (3) Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments, and
- (4) Will not result in air contaminant emissions in excess of the allowable standards established by the Environmental Protection Agency for new stationary sources of the category types listed in Rule 490 and 492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition, and

~~(5) Will operate within all emission standards established by the Environmental Protection Agency for hazardous air contaminants of the category types listed in Rule 492 for the District.~~

(5) Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 490 & 492.

(b) New Source Approval

(1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 220, the Control Officer shall forward to the California Air Resources Board and Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.

(2) An Authority to Construct for any stationary source subject to the provisions of Rule 220, may not be granted or denied by the Control Officer until at least 30 days after the date of public notice.

(c) Denial of Application

The Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct

shall be deemed acceptance of all the conditions so specified. ~~Such conditional approval for any purposed stationary source that would violate the general approval requirement of Rule 230(a)(2) may be granted only if all the following conditions are met:~~

~~(1) -- The new source is required to employ "Best Available Control Technology"~~

No conditional approval may be granted for any purposed stationary source that would violate the general approval requirements of Rule 230(a) unless all the requirements of Section 173 of the Clean Air Act and Section 52.21 of the Code of Federal Regulations are satisfied.

~~(2) -- Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements.~~

~~(3) -- The emission reductions stated above will provide a positive net air quality benefit in the affected area.~~

~~(4) -- The applicant certified that all existing sources owned or controlled by the owner or operator of the proposed source in the state are in compliance with all applicable rules, regulations or approved compliance schedules.~~

~~(5) -- The Control Officer may issue an Authority to Construct for a new or modified stationary source only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out.~~

The Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

RULE 400 - GENERAL LIMITATIONS

~~(a) Public 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. (H&S 41700)~~

(b) Circumvention

A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these rules and regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.

~~(c) The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (H&S 41705)~~

RULE 410 - VISIBLE EMISSIONS

~~) A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 2 or forty (40) percent opacity. (H&S 41701)~~

~~(b) Applicable in Mendocino County District only:~~

~~A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is 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 of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 1 or twenty (20) percent opacity.~~

~~c) The provisions of Rule 410(a) & (b) do not apply to excessive visible emissions caused by:~~

~~(1) Failure of the emission to meet the requirements solely because of the presence of uncombined water.~~

~~(2) Smoke from fires set pursuant to Regulation 2 of the North Coast Air Basin.~~

~~(3) Smoke from fires set or permitted by any public officer in the~~

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RULE 440 - SULFUR OXIDE EMISSIONS

person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm; or in excess of the specific source emission limitations of NSPS Regulation 3 of the North Coast Air Basin, as applicable.

~~RULE 450 - SULFIDE EMISSION STANDARDS~~

~~(a) Kraft Recovery Furnace~~

~~The emission of total reduced sulfur, TRS, from any kraft recovery furnace shall not exceed:~~

- ~~(1) 10 ppm of TRS or 0.30 pound of TRS per ton of kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.~~
- ~~(2) 15 ppm of TRS as a daily arithmetic average.~~
- ~~(3) 40 ppm of TRS for more than 60 cumulative minutes in any one day.~~

~~(b) Lime Kiln~~

~~The emission of total reduced sulfur, TRS, from any lime kiln shall not exceed 40 ppm of TRS or 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.~~

~~(c) Other Kraft Mill Sources~~

~~The emission of total reduced sulfur, TRS, from other kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.~~

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RULE 455 - GEOTHERMAL EMISSION STANDARDS

(a) A person shall not discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm.

~~(b) Geothermal Operations - Power Plant Emissions~~

(1) The total emissions of hydrogen sulfide from all present and future power plant units built within the special geothermal Zone I, as described in Appendix B, shall not exceed the following:

Maximum 6 mo. average (lbs H ₂ S/hr)	Maximum 24 hr. average (lbs H ₂ S/hr)	Effective Date
1390	1550	Sept. 30, 1976
850	975	Dec. 31, 1977
*	*	Dec. 31, 1979
*	*	Dec. 31, 1980

* The emission limits effective as of December 31, 1979, and December 31, 1980, will be promulgated by the District on or before December 31, 1978, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.

(2) A geothermal power plant unit built outside special geothermal Zone I after the effective date of this rule, shall:

- (1) limit emission to no more than 10% of the H₂S produced by the geothermal power plant unit's steam wells, or
- (2) emit no more than 0.4 lbs. H₂S per hour per megawatt to the atmosphere (averaged over 24 hours).

but in no event to exceed 50 lbs. H₂S/hr.

(3) In the event of a dispute between the Control Officer and an applicant for an Authority to Construct a power plant unit as to whether the proposed plant lies within Zone I, the applicant may appeal the decision of the Control Officer to the hearing board in accordance with Rule 250.

(4) Abated power plant units shall not initiate scheduled outages which will result in bypassing to the atmosphere of over 40% of the H₂S associated with that unit during hydrogen sulfide episode alerts. The effective date of the subsection shall be February 28, 1978.

~~(c) Geothermal Operations - Pre-Power Emissions~~

~~(1) The total pre-power plant emissions of H₂S associated with all present geothermal power plant units built before the effective date of this rule shall not exceed the following emission limitations:~~

~~Annual Average
(lbs H₂S/hr)~~

~~180~~

~~150~~

~~*~~

~~Effective Date~~

~~December 31, 1976~~

~~December 31, 1978~~

~~December 31, 1980~~

~~* The emission limit effective as of December 31, 1980, will be promulgated by the District on or before December 31, 1979, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.~~

~~(2) Hydrogen sulfide in steam bypassing any abated power plant unit for any reason whatsoever during any episode alert for hydrogen sulfide issued by the District must be abated by at least 40% and within a time period consistent with achievement of the H S ambient air quality standard and with all practical speed commensurate with personnel safety and protection of equipment and wells. In the event continued bypassing of steam at this reduced level causes a violation of the hydrogen sulfide ambient air quality standard, the supplier shall further abate total emissions, until the termination of the episode alert. The effective date of this subsection shall be February 28, 1978.~~

~~(d) Compliance Verification~~

~~A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Control Officer.~~

~~Any person who owns or operates a source or sources of air contaminants whose emissions may cause a standard set forth in this rule that is effective at a future date to be exceeded shall submit to the hearing board within 30 days of the adoption of this rule a schedule of increments of progress by which the source emissions will be brought into compliance by the time said standard takes effect. The hearing board shall consider the schedule of increments of progress at a noticed hearing pursuant to Rule 620(b).~~

11/10/76

~~RULE 460 - ORGANIC GAS EMISSIONS~~

~~(a) Within the Mendocino County Air Pollution Control District; No person shall discharge into the atmosphere sufficient concentrations of organic gases which exceed the THRESHOLD LIMIT VALUES for such substances as described in the latest edition of "DOCUMENTATION OF THRESHOLD LIMIT VALUES" published by the American Conference of Governmental Industrial Hygienists, beyond the property line of the person responsible for the emissions, nor shall these limits, exempt any person from meeting the requirements to maximum allowable concentrations permitted in work area atmospheres.~~

~~(b) The requirements of Rule 460(a) shall not apply:~~

~~(1) To emissions of methane or other low reactivity hydrocarbons as approved by the Control Officer.~~

~~(2) To emissions of hydrocarbons from permitted open burning or from approved combustion processes.~~

RULE 470 - 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 which contain odorous material 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 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, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

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

RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS

- (a) No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (H&S 41860).
- (b) No person shall use any orchard, vineyard or citrus grove heater unless of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41860)

~~RULE 482 - PETROLEUM LOADING AND STORAGE~~

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of NSPS Rule 9.
- (b) 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. (H&S 41950)
 - (1) For the purpose of Rule 482(b) "gasoline", means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 - (2) For the purpose of Rule 482(b) "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.
- (c) The requirements of Rule 482 (b) shall not apply:
 - (1) To any stationary tanks installed prior to December 31, 1970.
 - (2) To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
 - (3) To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 - (4) To any tank equipped with 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.

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~~(c) The civil penalties prescribed in Rule 520(a) & (b) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for the district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.~~

RULE 540 - EQUIPMENT BREAKDOWN

(a) Breakdown Conditions

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of 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 similar failure of any required 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 an abnormally recurrent breakdown of the same equipment

(b) Breakdown Procedures

- (1) Any breakdown condition meeting the qualification of Rule 540(a) 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 or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - (A) The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (8:30 a.m. - 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.

(B) The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.

(C) The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.

(2) The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.

(3) Upon receipt of notification of a breakdown condition, the control officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

(c) Reporting Requirements

Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the control officer including, but not limited to, the following details:

(1) Duration of excessive emissions.

(2) Estimate of quantity of emissions.

(3) Statement of the cause of the occurrence.

(4) Corrective measures to be taken to prevent a reoccurrence.

Documentation of the breakdown condition may be required by the control officer.

(d) 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;

(e) Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (b)(1)(a) and (c)(1) through (c)(5) of this rule shall constitute a separate violation of this rule.

16) 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.

(g) Extended Breakdown Provisions

For any occurrence which causes a breakdown condition meeting the requirements of Rule 540(a) and which may persist for longer than twenty-four (24) hours (ninety-six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, obtain an emergency variance as provided in Rule 615.

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~~RULE 12. REVIEW OF PERMITS.~~

~~The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any Authority to Construct or Permit to Operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity, or degree of air contaminations which are or may be discharging into the atmosphere.~~

~~RULE 13. POSTING OF PERMIT TO OPERATE. ✓~~

~~A person who has been granted a Permit to Operate any article, machine, equipment or other contrivance (under Rule 10-b) 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 manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance 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 within twenty-five (25) feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.~~

~~RULE 14. ALTERATION OF PERMIT~~

~~A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.~~

~~RULE 15. APPLICATION.~~

~~Every application for an Authority to Construct or Permit to Operate required under RULE 10, 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 RULE 10 thereof.~~

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~~(e) In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed 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 to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.~~

RULE 20. APPROVAL.

A Permit, Conditional Permit or Notice of Approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board and the Health and Safety Code.

~~RULE 21. CONDITIONAL APPROVAL.~~

- ~~(a) The Air Pollution Control Officer may issue an authority to construct or Permit to Operate or Use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of RULE 19, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such 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 article, machine, equipment or other contrivance can operate within the standards of RULE 19 under the revised conditions.~~
- ~~(b) The Air Pollution Control Officer may issue a Permit to Sell or Rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of RULE 19, in which case the conditions shall be specified in writing. Selling or renting under such a Permit to Sell or Rent shall be deemed acceptance of all the conditions as specified. The Air Pollution Control Officer shall issue a Permit to Sell or Rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of RULE 19 under the revised conditions.~~

RULE 22. DENIAL OF APPLICATIONS

In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, addressed to the applicant at the address

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~~forth on the application, and such service may be proved by the written
knowledge of the persons served or affidavit of the person making the
service. The Air Pollution Control Officer shall not accept a further appli-
cation unless the applicant has complied with the objections specified by the
Air Pollution Control Officer as his reasons for denial of the Authority to
Construct, the Permit to Operate, or the Permit to sell or rent.~~

~~RULE 23. FURTHER INFORMATION.~~

~~Before acting on an Application for Authority to Construct, Permit
to Operate or Permit to Sell or Rent, the Air Pollution Control Officer may
require the applicant to furnish further information or further plans or spe-
cifications.~~

~~RULE 24. APPLICATIONS DEEMED DENIED.~~

~~The applicant may at his option deem the Authority to Construct,
Permit to Operate or Permit to Sell or Rent denied if the Air Pollution
Control Officer fails to act on the application within sixty (60) days after
filing, or within thirty (30) days after applicant furnishes the further infor-
mation, plans and specifications requested by the Air Pollution Control
Officer, whichever is later.~~

~~RULE 25. APPEALS.~~

~~Within ten (10) days after notice by the Air Pollution Control
Officer of denial or conditional Approval of an Authority to construct, Permit to
Operate or Use, or Permit to Sell or Rent, or within ten (10) days after
the application is deemed denied pursuant to RULE 24, the applicant may petition
the Hearing Board, in writing, for a public hearing. The Hearing Board
after notice and a public hearing held within thirty (30) days after filing the
petition may sustain, reverse or modify the action of the Air Pollution
Control Officer; such order may be made subject to specified conditions.~~

~~RULE 26. ACTION ON APPLICATIONS.~~

~~The Control Officer shall act promptly on an application for Authority
to Construct, Alter, Replace, Sell or Rent, or Permit to Operate and shall~~

8/6/82
RULE 230 - ACTION ON APPLICATIONS

The Control Officer shall act promptly on an application for an Authority to Construct, Modify, Replace, Operate or Use, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 220(b), the Control Officer shall provide for public notice in accordance with the provisions of said rule.

(a) General Approval

The Control Officer shall grant an Authority to Construct only after he has determined that the new or modified stationary source of air contaminants:

- (1) Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants, and
- (2) Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan, and
- (3) ~~Will not cause significant deterioration of existing air quality in excess of the guidelines established by the Environmental Protection Agency, California Air Resources Board, or the District, and~~
- (3) Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments, and
- (4) Will not result in air contaminant emissions in excess of the allowable standards established by the Environmental Protection Agency for new stationary sources of the category types listed in Rule 490 and 492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition, and

- ~~(5) Will operate within all emission standards established by the Environmental Protection Agency for hazardous air contaminants of the category types listed in Rule 492 for the District.~~
- (5) Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 490 & 492.

(b) New Source Approval

- (1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 220, the Control Officer shall forward to the California Air Resources Board and Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.
- (2) An Authority to Construct for any stationary source subject to the provisions of Rule 220, may not be granted or denied by the Control Officer until at least 30 days after the date of public notice.

(c) Denial of Application

The Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct

shall be deemed acceptance of all the conditions so specified. ~~Such conditional approval for any proposed stationary source that would violate the general approval requirement of Rule 230(a)(2) may be granted only if all the following conditions are met:~~

~~(1) -- The new source is required to employ "Best Available Control Technology"~~

No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 230(a) unless all the requirements of Section 173 of the Clean Air Act and Section 52.21 of the Code of Federal Regulations are satisfied.

~~(2) -- Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements.~~

~~(3) -- The emission reductions stated above will provide a positive net air quality benefit in the affected area.~~

~~(4) -- The applicant certifies that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.~~

~~(5) -- The Control Officer may issue an Authority to Construct for a new or modified stationary source only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out.~~

The Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

RULE 400 - GENERAL LIMITATIONS

~~(a) Public 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. (H&S 41700)~~

(b) Circumvention

A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these rules and regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.

~~(c) The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (H&S 41705)~~

RULE 410 - VISIBLE EMISSIONS

~~) A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 2 or forty (40) percent opacity. (H&S 41701)~~

~~(b) Applicable in Mendocino County District only:~~

~~A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is 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 of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 1 or twenty (20) percent opacity.~~

~~c) The provisions of Rule 410(a) & (b) do not apply to excessive visible emissions caused by:~~

~~(1) Failure of the emission to meet the requirements solely because of the presence of uncombined water.~~

~~(2) Smoke from fires set pursuant to Regulation 2 of the North Coast Air Basin.~~

~~(3) Smoke from fires set or permitted by any public officer in the~~

RULE 440 - SULFUR OXIDE EMISSIONS

person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm; or in excess of the specific source emission limitations of NSPS Regulation 3 of the North Coast Air Basin, as applicable.

~~RULE 450 - SULFIDE EMISSION STANDARDS~~~~(a) Kraft Recovery Furnace~~~~The emission of total reduced sulfur, TRS, from any kraft recovery furnace shall not exceed:~~

- ~~(1) 10 ppm of TRS or 0.30 pound of TRS per ton of kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.~~
- ~~(2) 15 ppm of TRS as a daily arithmetic average.~~
- ~~(3) 40 ppm of TRS for more than 60 cumulative minutes in any one day.~~

~~(b) Lime Kiln~~~~The emission of total reduced sulfur, TRS, from any lime kiln shall not exceed 40 ppm of TRS or 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.~~~~(c) Other Kraft Mill Sources~~~~The emission of total reduced sulfur, TRS, from other kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.~~

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RULE 455 - GEOTHERMAL EMISSION STANDARDS

(a) A person shall not discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm.

~~(b) Geothermal Operations - Power Plant Emissions~~

(1) The total emissions of hydrogen sulfide from all present and future power plant units built within the special geothermal Zone I, as described in Appendix B, shall not exceed the following:

Maximum 6 mo. average (lbs H ₂ S/hr)	Maximum 24 hr. average (lbs H ₂ S/hr)	Effective Date
1390	1550	Sept. 30, 1976
850	975	Dec. 31, 1977
*	*	Dec. 31, 1979
*	*	Dec. 31, 1980

* The emission limits effective as of December 31, 1979, and December 31, 1980, will be promulgated by the District on or before December 31, 1978, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.

(2) A geothermal power plant unit built outside special geothermal Zone I after the effective date of this rule, shall:

- (1) limit emission to no more than 10% of the H₂S produced by the geothermal power plant unit's steam wells, or
- (2) emit no more than 0.4 lbs. H₂S per hour per megawatt to the atmosphere (averaged over 24 hours).

but in no event to exceed 50 lbs. H₂S/hr.

(3) In the event of a dispute between the Control Officer and an applicant for an Authority to Construct a power plant unit as to whether the proposed plant lies within Zone I, the applicant may appeal the decision of the Control Officer to the hearing board in accordance with Rule 250.

(4) Abated power plant units shall not initiate scheduled outages which will result in bypassing to the atmosphere of over 40% of the H₂S associated with that unit during hydrogen sulfide episode alerts. The effective date of the subsection shall be February 28, 1978.

~~(c) Geothermal Operations: Pre-Power Emissions~~

~~(1) The total pre-power plant emissions of H₂S associated with all present geothermal power plant units built before the effective date of this rule shall not exceed the following emission limitations:~~

Annual Average (lbs H₂S/hr)	Effective Date
180	December 31, 1976
150	December 31, 1978
*	December 31, 1980

~~* The emission limit effective as of December 31, 1980, will be promulgated by the District on or before December 31, 1979, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.~~

~~(2) Hydrogen sulfide in steam bypassing any abated power plant unit for any reason whatsoever during any episode alert for hydrogen sulfide issued by the District must be abated by at least 40% and within a time period consistent with achievement of the H S ambient air quality standard and with all practical speed commensurate with personnel safety and protection of equipment and wells. In the event continued bypassing of steam at this reduced level causes a violation of the hydrogen sulfide ambient air quality standard, the supplier shall further abate total emissions, until the termination of the episode alert. The effective date of this subsection shall be February 28, 1978.~~

(d) Compliance Verification

A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Control Officer.

Any person who owns or operates a source or sources of air contaminants whose emissions may cause a standard set forth in this rule that is effective at a future date to be exceeded shall submit to the hearing board within 30 days of the adoption of this rule a schedule of increments of progress by which the source emissions will be brought into compliance by the time said standard takes effect. The hearing board shall consider the schedule of increments of progress at a noticed hearing pursuant to Rule 620(b).

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~~RULE 460 - ORGANIC GAS EMISSIONS~~

- ~~(a) Within the Mendocino County Air Pollution Control District: No person shall discharge into the atmosphere sufficient concentrations of organic gases which exceed the THRESHOLD LIMIT VALUES for such substances as described in the latest edition of "DOCUMENTATION OF THRESHOLD LIMIT VALUES" published by the American Conference of Governmental Industrial Hygienists, beyond the property line of the person responsible for the emissions, nor shall these limits, exempt any person from meeting the requirements to maximum allowable concentrations permitted in work area atmospheres.~~
- ~~(b) The requirements of Rule 460(a) shall not apply:

 - ~~(1) To emissions of methane or other low reactivity hydrocarbons as approved by the Control Officer.~~
 - ~~(2) To emissions of hydrocarbons from permitted open burning or from approved combustion processes.~~~~

RULE 470 - 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 which contain odorous material 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 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, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

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

RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS

- (a) No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (H&S 41860).
- (b) No person shall use any orchard, vineyard or citrus grove heater unless of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41860)

~~RULE 482 - PETROLEUM LOADING AND STORAGE~~

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of NSPS Rule 9.
- (b) 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. (H&S 41950)
 - (1) For the purpose of Rule 482(b) "gasoline", means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 - (2) For the purpose of Rule 482(b) "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.
- (c) The requirements of Rule 482 (b) shall not apply:
 - (1) To any stationary tanks installed prior to December 31, 1970.
 - (2) To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
 - (3) To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 - (4) To any tank equipped with 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 precessing such hydrocarbon vapors

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~~(c) The civil penalties prescribed in Rule 520(a) & (b) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for the district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.~~

RULE 540 - EQUIPMENT BREAKDOWN

(a) Breakdown Conditions

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of 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 similar failure of any required 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 an abnormally recurrent breakdown of the same equipment

(b) Breakdown Procedures

- (1) Any breakdown condition meeting the qualifications of Rule 540(a) 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 or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - (A) The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (8:30 a.m. - 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.

(B) The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.

(C) The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.

(2) The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.

(3) Upon receipt of notification of a breakdown condition, the control officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

(c) Reporting Requirements

Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the control officer including, but not limited to, the following details:

(1) Duration of excessive emissions.

(2) Estimate of quantity of emissions.

(3) Statement of the cause of the occurrence.

(4) Corrective measures to be taken to prevent a reoccurrence.

Documentation of the breakdown condition may be required by the control officer.

(d) 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;

(e) Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (b)(1)(a) and (c)(1) through (c)(5) of this rule shall constitute a separate violation of this rule.

16) 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.

(g) Extended Breakdown Provisions

For any occurrence which causes a breakdown condition meeting the requirements of Rule 540(a) and which may persist for longer than twenty-four (24) hours (ninety-six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, obtain an emergency variance as provided in Rule 615.