

REGULATION I
GENERAL PROVISIONS

2/6/85

RULE 100. TITLE

(Adopted 9-1-74; Revised 12-13-84)

These rules and regulations shall be known as the Rules and Regulations of the Monterey Bay Unified Air Pollution Control District [hereinafter, the District Rules and Regulations].

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 101 DEFINITIONS

(Adopted 9-1-74; Revised 12-21-83, 12-13-84, 11-13-96, 11-12-98; and 12-15-1999; and 4-16-03; and 2-21-07.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide standard terminology to be used throughout this Rulebook.

1.2 Applicability

The definitions in this Rule shall apply to all terms used within this Rulebook, except as otherwise specifically provided in another District rule.

1.3 Exemptions

As noted in each rule's definition section.

1.4 Effective Dates

This Rule as most recently revised is effective on February 21, 2007.

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1.5 References

The authority for this Rule arises from the provisions of California Health and Safety Code Section 40001 and 40702.

PART 2 DEFINITIONS

Except as otherwise specifically provided in the District Rules and except where the context otherwise indicates, words used in the District's Rules are used in the same meaning as they are used in Division 26 of the State Health & Safety Code.

2.1 Agricultural Operation

The growing of crops, the raising of fowl, animals, or bees as a gainful occupation.

2.2 Air Contaminants

Any discharge, release, or other propagation into the atmosphere, which includes, but is not limited to, smoke, charred paper, dust, colloids, soot, grime, carbon, acids, fumes, gases, odors, or particulate matter, or any combination thereof.

2.3 Air District

The Monterey Bay Unified Air Pollution Control District, unless otherwise noted.

2.4 Atmosphere

The air that envelopes or surrounds the earth. Where air contaminants are emitted into a building or structure not designed specifically as a piece of air pollution control equipment, such emission into the building or structure shall be considered an emission into the atmosphere.

2.5 Board

Air Pollution Control Board of the Monterey Bay Unified Air Pollution Control District.

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2.6 Burn Day

Any day, within the Monterey Bay Unified Air Pollution Control District, on which agricultural burning is not prohibited by the California Air Resources Board.

2.7 Combustible Refuse

Solid or liquid combustible waste material containing carbon in a free or combined state.

2.8 Combustion Contaminants

Solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

2.9 Dusts

Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, blasting, shoveling, conveying, covering, bagging and sweeping, or any combination thereof.

2.10 Emergency Generators and Water Pumps

Stationary piston-type internal combustion engines that are used only for emergency power when normal power line service fails, or for the emergency pumping of water, and are operated less than 60 hours per year for testing and exercise.

2.11 Exempt Compounds

Compounds which are excluded from the definition of volatile organic compounds by the United States Environmental Protection Agency (US EPA) according to 40 CFR 51.100(s). The exclusions are based upon the determination by the US EPA that the listed compounds have negligible photochemical reactivity.

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2.12 Flue

Any duct or passage for air, gases, or the like, such as a stack or chimney.

2.13 Fumes

Minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

2.14 Heat Transfer Operation

The combustion side of any source operation which:

2.14.1 involves the combustion of fuel for the principal purpose of utilizing the heat of combustion-product gases by the transfer of such heat to the process material; and

2.14.2 does not transfer a significant portion of heat by direct contact between the combustion-product gases and the process material.

2.15 Household Rubbish, Garbage, Trash

Solid, semisolid or liquid waste from materials used or consumed in a human dwelling which can be placed inside a 30-gallon garbage can. This includes materials such as animal or vegetable putrescible wastes (garbage) and nonputrescible wastes (rubbish), including discarded materials resulting from normal residential activities.

2.16 Incineration Operation

Any source 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 disposal, or both.

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2.17 Incinerator

Any furnace or other closed fire chamber used for the burning of combustible refuse from which the products of combustion are directed through a chimney or flue.

2.18 Metal Salvage Operations

Any source operation in which combustion is carried on for the principal purpose, or with the principal result, of salvaging metals which are introduced into the operation as essentially pure metals, or alloys thereof, by oxidation of physically intermingled combustible material. But excludes operations in which there is a complete fusion of all such metals.

2.19 Multiple-Chamber Incinerator

Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of two or more refractory lined combustion furnaces 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. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Societies of Testing Materials, Method C-24.

2.20 Oil-Effluent Water Separator

Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

2.21 Open Outdoor Fire

The burning or smoldering of any combustible material of any type outdoors in the open air either inside or outside a fireproof container, where the products of combustion are not directed through a chimney or flue.

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2.22 Owner/Operator (also “Owner” and “Owner or Operator”)

Any person who owns, leases, or supervises the operation of, any place, facility, or equipment which is subject to any provisions of District Rules or any State or federal law which is administered by the District.

2.23 Particulate Matter

Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

2.24 Permit Unit

A piece of equipment, product line, system, unit, process line or process that produced a product or performs a function independently of other equipment, product lines, systems, units or processes.

2.25 Person

Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, owner or any state or local governmental agency or public district, or any officer or employee thereof. Person also means the United States or its agencies, to the extent authorized by federal law.

2.26 Process Weight per Hour

The total weight 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 cycle of operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

2.27 Regulation

One of the major subdivisions of the Rules of the Monterey Bay Unified Air Pollution Control District.

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2.28 Rule

A Rule of the Monterey Bay Unified Air Pollution Control District.

2.29 Section

A section of a Rule of the Monterey Bay Unified Air Pollution Control District, unless some statute is specifically mentioned.

2.30 Source Operation

The last operation preceding the emission of an air contaminant, whose operation:

2.30.1 results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels; and,

2.30.2 is not an air pollution abatement operation.

2.31 Standard Conditions

As used in these regulations, standard conditions are a gas temperature of 68 degrees Fahrenheit (20 degrees Celsius) and a gas pressure of 14.7 pounds per square inch absolute (29.92 inches [760 mm] of mercury). Results of all analyses and tests shall be reduced to standard conditions and shall be calculated to and reported at this gas temperature and pressure, unless otherwise specified.

2.32 Volatile Organic Compound (VOC)

Any compound of carbon, excluding exempt compounds as defined at Section 2.11 above, which participates in atmospheric photochemical reactions. When used in District permits, the terms "reactive organic gas" and "reactive organic compound" shall be synonymous with "volatile organic compound".

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RULE 103. EFFECTIVE DATE

(Adopted 9-1-74)

The District Rules and Regulations shall take effect on September 1, 1974. Future amendments to these rules and regulations shall take effect on the dates specified therein or as specified in the resolution by which they are adopted.

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RULE 105. SEPARATE ZONE

(Adopted 9-1-74; Revised 12-13-84)

San Benito County shall be considered as a separate zone with respect to rules pertaining to open burning, single chamber incinerators, and prescribed burning.

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RULE 106. INCREMENTS OF PROGRESS

(Adopted 9-1-74)

1. Unless and until the Air Pollution Control District Hearing Board authorizes such operation, no person shall operate any article, machine, equipment, or any other contrivance if such person fails to achieve any scheduled increments of progress established pursuant to Section 42358 Health & Safety Code or by the Air Pollution Control Board pursuant to Section 41703 Health & Safety Code.

2. Whenever the Air Pollution Control Board adopts or modifies a rule in District Regulation IV [Prohibitions] and such new rule or modified rule contains a compliance schedule with increments of progress, the owner or operation of the affected article, machine, equipment, or other contrivance shall, within five days after each of the dates specified in the compliance schedule, certify to the Air Pollution Control Officer, in the form and manner specified by the Air Pollution Control Officer, that the increments of progress have or have not been achieved.

3. Whenever the Air Pollution Control District Hearing Board approves a compliance schedule with increments of progress, the owner or operator of the affected article, machine, equipment, or other contrivance shall, within five days after each of the dates specified in the compliance schedule, certify to the Air Pollution Control Officer, in the form and manner specified, that the increments of progress have or have not been achieved.

4. For the purpose of this rule:
 - 4.1. Compliance schedule
means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.

 - 4.2. Increments of progress
means steps toward compliance which will be taken including:
 - 4.2.1. The date of submittal of the source's final control plan to the Air Pollution Control Officer.

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- 4.2.2. The date by which contracts for emission controls systems of process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish modification.
- 4.2.3. The date of initiation of on-site construction or installation of emission control equipment or process change.
- 4.2.4. The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
- 4.2.5. The date by which final compliance is to be achieved.
- 4.2.6. Such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

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RULE 200. PERMITS REQUIRED

(Adopted 1-19-70; Revised 1-29-73, 7-16-76, 7-18-79; Affirmed unmodified 2-23-83; Revised 12-21-83, 12-17-86.)

1. Authority to Construct.

Before any person builds, erects, alters, or replaces any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, such person shall obtain a separate written authority to construct for each permit unit from the Air Pollution Control Officer. 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.

2. Permit to Operate.

Before any article, machine, equipment or other contrivance described in Rule 200.1. may be operated or used, a separate written permit shall be obtained from the Air Pollution Control Officer for each permit unit. 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 200.1. 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 208 and elsewhere in these rules and regulations.

3. 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.

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4. Post of Permit to Operate.

A person who has been granted under Rule 200.2. a permit to operate any article, machine, equipment, or other contrivance described in Rule 200.2., 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 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

5. Alteration of Permit.

A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these rules and regulations.

6. Control Equipment.

Nothing in this rule shall be construed to authorize the Air Pollution Control Officer to require the use of machinery, devices, equipment of a particular type or design if the required emission standard may be consistently met by machinery, devices, equipment, product, or process change otherwise available.

7. Violations Prohibited.

No person shall violate, or fail to comply with, any term or condition of any authority to construct or permit to operate issued by the District. Any such noncompliance shall be a violation of these Rules and Regulations.

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RULE 201. SOURCE NOT REQUIRING PERMITS

Adopted 9-1-74; Revised 7-9-75, 9-11-75, 11-21-76, 1-19-77, 7-26-78, 3-17-82, 12-13-84, 5-15-85, and 12-17-86.)

Notwithstanding any other provisions in the District Rules and Regulations, the Exemptions contained in this rule, except for section 4.3.3. below, shall not apply to any new stationary source or modification as defined in Rule 207 (Review of New or Modified Sources), which would emit or may emit any affected pollutants as defined in Section 3.1. of Rule 207.

An Authority to Construct or a Permit to Operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable District Rules and Regulations.

1. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.
2. Vehicles used to transport passengers or freight.
3. Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families.
4. The following equipment:
 - 4.1. comfort air conditioning or comfort ventilating systems which are designed to remove air contaminants generated by or released from specific units or equipment;
 - 4.2. refrigeration units except those used as, or in conjunction with, air pollution control equipment;
 - 4.3. stationary piston type internal combustion engines
 - 4.3.1. of 100 or less brake horsepower, or
 - 4.3.2. are operated less than 60 hours per year for testing and are only used for power when normal powerline service fails or are used only for the emergency pumping of water; or

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4.3.3. operated on landfill gas at landfill gas collection systems where the gas production rate is less than 200 cfm. Landfill gas collection system is defined as having system limits coterminous with an actual or designed "final site face" (as defined at California Administrative Code Section 17225.28). This exemption shall be retroactive to May 9, 1984, and shall not apply to any sources defined as a major stationary source or major modification, as defined at 40 CFR 51 Subpart I, and Clean Air Act Sections 172 and 173. This section shall be reconsidered by the Board in five years (by December 17, 1991).

4.4 water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers;

4.5. equipment used exclusively for steam cleaning;

4.6. processes used exclusively for extruding metals, minerals, plastics, and wool;

4.7. presses used for the curing of rubber products and plastic products;

4.8. equipment used exclusively for space heating other than boilers;

4.9. equipment used for hydraulic or hydrostatic testing;

4.10. all sheet-fed printing presses and all other printing presses without dryers;

4.11. tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:

4.11.1 sulfuric acid with an acid strength of 99 percent or less by weight, and,

4.11.2 phosphoric acid, any strength;

4.12. ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics;

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- 4.13. equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used;
- 4.14. equipment used exclusively to mill or grind coatings and molding compound where all materials charged are in a paste form;
- 4.15. crucible type or pot type furnaces with a brimful capacity less than 450 cubic inches of any molten metal.
- 4.16. equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used;
- 4.17. equipment used exclusively for bonding lining to brake shoes;
- 4.18. lint traps used exclusively in conjunction with dry cleaning tumblers;
- 4.19. equipment used in eating establishments for the purpose of preparing food for human consumption;
- 4.20. equipment used exclusively to compress or hold dry natural gas;
- 4.21. tumblers used for the cleaning or deburring of metal products without abrasive blasting;
- 4.22. shell core and shell mold manufacturing machines;
- 4.23. molds used for the casting of metals;
- 4.24. abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less;
- 4.25. batch mixers of five cubic feet rated working capacity or less;
- 4.26. equipment used exclusively for the packaging of lubricants or greases;
- 4.27. equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes;

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- 4.28. ovens used exclusively for the curing or vinyl plastisols by the closed mold curing process;
- 4.29. equipment used exclusively for conveying and storing plastic pellets;
- 4.30. equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives;
- 4.31. smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet;
- 4.32. platen presses used for laminating; and,
- 4.33. equipment used exclusively to grind, blend, or package tea, cocoa, spices or roast coffee;
- 5. The following equipment or any exhaust system or collector serving exclusively such equipment:
 - 5.1. blast cleaning equipment using a suspension of abrasive in water;
 - 5.2. ovens, mixers, and blenders used in bakeries where the products are edible and intended for human consumption;
 - 5.3. kilns used for firing ceramic ware, heated exclusively by natural gas, liquified petroleum gas, electricity or any combination thereof;
 - 5.4. laboratory equipment used exclusively for chemical or physical analysis and bench scale laboratory equipment;
 - 5.5. equipment used for inspection of metal products;
 - 5.6. confection cookers where the products are edible and intended for human consumption;
 - 5.7. equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing;
 - 5.8. die casting machines;

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- 5.9. atmospheric generators used in connection with metal heat treating processes;
- 5.10. photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- 5.11. brazing, soldering, or welding equipment;
- 5.12. equipment used exclusively for the sintering of glass or metals;
- 5.13. equipment used for buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite;
- 5.14. equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings;
- 5.15. equipment using aqueous solutions for surface preparation, cleaning, stripping, etching, (does not include chemical milling) or the electrolytic plating with electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals;
- 5.16. equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned;
- 5.17. laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents;
- 5.18. foundry sand mold forming equipment to which no heat is applied.
- 5.19. ovens used exclusively for curing potting materials or castings made with epoxy resins;
- 5.20. equipment used to liquify or separate oxygen, nitrogen or the rare gases from the air;

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- 5.21. equipment used for compression molding and injection molding of plastics;
- 5.22. mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used;
- 5.23. equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets;
- 5.24. roll mills or calendars for rubber or plastics where no organic solvents, diluents, or thinners are used; and,
- 5.25. vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 201.
6. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 15 million British Thermal Units (BTU) per hour (gross) and are fired exclusively with any natural gas or liquified petroleum gas or combination thereof.
7. Natural draft hoods, natural draft stacks or natural draft ventilators.
8. Containers, reservoirs, or tanks used exclusively for:
- 8.1. dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents or thinners are used;
- 8.2. dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents;
- 8.3. storage of liquified gases;
- 8.4. unheated storage of organic materials with an initial boiling point of 300°F or greater;
- 8.5. storage of fuel oils with a gravity of 25 degrees API or lower;
- 8.6. storage of lubricating oils;

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RULE 201. SOURCES NOT REQUIRING PERMITS

*(Adopted 9-1-74; Revised 7-9-75, 9-11-75, 11-21-76, 1-19-77,
7-26-78, 3-17-82 and 12-13-84)*

~~Notwithstanding any other provisions in the District Rules and Regulations, the exemptions contained in this rule shall not apply to any new stationary source or modification as defined in Rule 207 (Review of New or Modified Sources), which would emit or may emit any affected pollutants as defined in section 3.1. of Rule 207.~~

An Authority to Construct or a Permit to Operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable District Rules and Regulations.

1. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.
2. Vehicles used to transport passengers or freight.
3. Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families.
4. The following equipment:
 - 4.1. comfort air conditioning or comfort ventilating systems which are designed to remove air contaminants generated by or released from specific units or equipment;
 - 4.2. refrigeration units except those used as, or in conjunction with, air pollution control equipment;
 - 4.3. stationary piston type internal combustion engines
 - 4.3.1. of 100 or less brake horsepower, and,
 - 4.3.2. are operated less than 60 hours per year for testing and are only used for power when normal powerline service fails or are used only for the emergency pumping of water;

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~~7. Natural draft hoods, natural draft stacks or natural draft ventilators.~~

8. Containers, reservoirs, or tanks used exclusively for:

8.1. dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents or thinners are used;

8.2. dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents;

8.3. storage of liquified gases;

8.4. unheated storage of organic materials with an initial boiling point of 300°F or greater;

8.5. storage of fuel oils with a gravity of 25°API or lower;

~~8.6. storage of lubricating oils;~~

8.7. storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less;

8.8. storage of liquid soaps, liquid detergents, waxes, wax emulsions, or vegetable oils;

8.9. unheated storage of asphalt;

8.10. unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 250 gallons or less;

8.11. transporting of materials on streets or highways; and,

8.12. storage of gasoline in underground tanks having a capacity of less than 250 gallons.

X 9. Equipment used exclusively for heat treating glass or metals or used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects.

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10. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in molten state:
 - 10.1. aluminum or any alloy containing over 50 percent aluminum;
 - 10.2. magnesium or any alloy containing over 50 percent magnesium;
 - 10.3. lead or any alloy containing over 50 percent lead;
 - 10.4. tin or any alloy containing over 50 percent tin;
 - 10.5. zinc or any alloy containing over 50 percent zinc;
 - 10.6. copper; and,
 - 10.7. precious metals.

11. Furnaces for the melting of lead or any alloy, or of lead or any alloy in a molten state where the metal is exclusively in printing processes.

12. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes except such systems which handle hazardous materials as pollutants defined in Rule 424.

13. Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

14. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

15. Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a Permit to Operate has previously been granted for such equipment under Rule 200.

16. Orchard heaters as defined in Rule 500.

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RULE 202. TRANSFER

An Authority to Construct or Permit to Operate shall not be transferable, by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

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RULE 203. APPLICATION

(Adopted 1-19-70; Revised 12-21-83, 12-13-84, and 3-21-2001; and 10-16-02.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish provisions for permit applications.

1.2 Applicability

The provisions of this Rule shall apply to any person who applies for a District Permit.

1.3 Exemptions

Reserved.

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1.4 Effective Dates

This Rule, as most recently revised, is effective on October 16, 2002.

1.5 References

The requirements of this Rule arise from the provisions of California Health and Safety Code Sections 40702 and 42300. Referenced or related District Rules include: 101 (Definitions); 200 (Permits Required); 201 (Sources Not Requiring Permits); 206 (Standards for Issuing Authorities to Construct and Permits to Operate); and 207 (Review of New or Modified Sources).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

3.1 Application

Every application for an Authority to Construct or Permit to Operate required under Rule 200 shall be filed in the manner and form prescribed by the District, and shall give all the information necessary to enable the District to make determinations required by Rules 206 and 207 hereof.

3.2 Separate Application for each Permit Unit

A separate application must be submitted to the District for each permit unit. After reviewing an application, the District may require additional applications to be filed if more than one permit unit is contained in the original application.

* * * * *

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 204. CANCELLATION OF APPLICATIONS

(Adopted 1-19-70; Revised 12-13-84, 7-17-85, and 3-21-2001.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish provisions for the cancellation of applications.

1.2 Applicability

The provisions of this Rule shall apply to any person who applies for a District Permit.

1.3 Exemptions

Reserved.

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1.4 Effective Dates

This Rule, as most recently revised, is effective on March 21, 2001.

1.5 References

The requirements of this Rule arise from the provisions of California Health and Safety Code Sections 40702 and 42300. Referenced or related District Rules include: 101 (Definitions); 200 (Permits Required); and 201 (Sources Not Requiring Permits).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

3.1 Cancellation of Application

An Authority to Construct shall expire and the application shall be cancelled two (2) years from the date of issuance of the Authority to Construct; provided, however, that the District may extend the time period, in increments of up to 2 years at a time, when it can be demonstrated that the applicant has been and is actively, diligently pursuing the project. Such time extensions cannot exceed seven (7) years from the date the Authority to Construct is first issued

* * * * *

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 205. PROVISION OF SAMPLING AND TESTING FACILITIES

(Adopted 1-19-70; Revised 12-13-84, and 3-21-2001.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish provisions for sampling and testing facilities.

1.2 Applicability

The provisions of this Rule may apply to any person who applies for a District Permit.

1.3 Exemptions

Reserved.

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1.4 Effective Dates

This Rule, as most recently revised, is effective on March 21, 2001.

1.5 References

The requirements of this Rule arise from the provisions of California Health and Safety Code Section 40702. Referenced or related District Rules include: 101 (Definitions); 200 (Permits Required); and 201 (Sources Not Requiring Permits).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

3.1 Sampling and Testing Facilities

A person operating or using any article, machine, equipment, or other contrivance for which District Rules require a permit shall provide and maintain such sampling and testing facilities as specified in their Authority to Construct or Permit to Operate.

* * * * *

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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**RULE 206. STANDARDS FOR ISSUING AUTHORITIES TO CONSTRUCT AND
PERMITS TO OPERATE**

(Adopted 1-19-70; Revised 12-13-84, 5-16-90, and 3-21-2001.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish standards for issuing Authorities to Construct and Permits to Operate.

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1.2 Applicability

The provisions of this Rule shall apply to any person who applies for a District Permit.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on March 21, 2001.

1.5 References

The requirements of this Rule arise from the provisions of California Health and Safety Code Section 42301. Referenced or related District Rules include: 101 (Definitions); 200 (Permits Required); and 201 (Sources Not Requiring Permits).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

3.1 Authority to Construct Issuance Criteria

The District shall deny an Authority to Construct if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air

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contaminants in violation of Section 41700, or 44300 (*et.seq.*) of the California Health & Safety Code, or of the District Rules and Regulations.

3.2 Permit to Operate Issuance Criteria

The District shall deny a Permit to Operate for any new or modified stationary source or any portion thereof unless:

- 3.2.1 the District has determined that the source and any offset source(s) have been constructed and/or modified to operate, and has/have operated consistent with the conditions imposed on their respective Authority(ies) to Construct and/or Permit(s) to Operate; and,
- 3.2.2 the District has determined that any offsets required as a condition of the Authority to Construct will commence at the time of or prior to initial operations of the new source or modification, and that the offsets will be maintained throughout the operation of the new or modified source. In the case of a new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the District may allow a maximum of 90 days as a startup period for simultaneous operation of the existing stationary source and the new stationary source or replacement.

3.3 Sampling Requirements

Before an Authority to Construct or Permit to Operate is issued, the District may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such requirement, the District shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and, the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of the State of California.

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3.4 Existing and Future Regulations

The issuance of an Authority to Construct or Permit to Operate does not exempt the holder from existing and future regulations of the Air Pollution Control District.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Verification of Compliance

The District shall perform the evaluations required to determine compliance with this rule and shall take final action to approve, approve with conditions or deny an Authority to Construct or a Permit to Operate for a new or modified stationary source.

* * * * *

5/12/11

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 207. REVIEW OF NEW OR MODIFIED SOURCES

(Adopted 9-1-74; Revised 7-15-76, 7-18-79, 1-30-80, 1-27-82, 12-15-82, 6-15-84, 12-13-84, 2-17-88, 5-18-88, 7-27-88, 9-19-90, 4-21-93, 5-17-95, 3-20-96, 12-18-96, 9-15-99; 12-13-2000; 6-21-06; 2-21-07; and April 20, 2011.)

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PART 1 GENERAL

1.1 Purpose

This Rule provides for the review of new and modified stationary air pollution sources to meet:

requirements for the review of new and modified stationary sources (NSR) and for the Prevention of Significant Deterioration (PSD), under the provisions of the federal Clean Air Act; and

requirements for NSR under the provisions of the California Clean Air Act.

The intent of this Rule is to insure that the most stringent requirements of these programs shall be applied. This Rule provides mechanisms by which Authorities to Construct may be granted to such sources without interfering with the attainment or maintenance of ambient air quality standards.

1.2 Applicability

This Rule shall apply to all new stationary sources and all modifications to existing stationary sources which, after construction or modification, emit or have the potential to emit any affected pollutants, as defined in Section 2.1 herein.

1.3 Exemptions

1.3.1 Exemption: Gasoline Storage and Dispensing. Gasoline storage and dispensing equipment subject to District Rules 418 (Transfer of Gasoline into Stationary Storage Containers) and 1002 (Transfer of Gasoline into Vehicle Fuel Tanks) shall be exempt from the requirements of this Rule.

1.3.2 Exemption: The requirements of Sections 4.1, 4.2, 5.2 and 5.3 of this Rule shall not apply to modifications made to an existing source solely to comply with regulatory requirements or prohibitory rules and where there is no actual or potential emissions increase.

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- 1.3.2.1 The requirements of Sections 4.2 and 5.3 shall not apply to any potential emission increase that is less than the threshold for a federal major modification at a source that results from the installation, operation, or other implementation of any emission control device or technique used to comply with a District, state, or federal emission control requirement, including, but not limited to, requirements for the use of reasonably available control technology or best available retrofit control technology, unless there is a modification that results in an increase in capacity of the unit being controlled.
- 1.3.3 Exemption: The requirements of Sections 4.2 and 5.3 of this Rule shall not apply to any Emergency Internal Combustion Engine that is either only used for emergency power when normal power line service fails, or are used only for the emergency pumping of water, and are operated less than 60 hours per year for testing and exercise.
- 1.3.4 Exemption: The requirements of Sections 3.2 (*Visibility, Soils, and Vegetation Analysis*), 4.2 (*"federal" Offsetting Requirements*), 5.3 (*State Offsetting Requirements*), and 6.6 (*Air Quality Increment Analysis*) of this Rule shall not apply to any Stationary Source that has emissions less than 10 tons/year of all individual criteria pollutants.
- 1.3.5 Exemption: The requirements of Sections 1.6.2 (*Statewide Compliance Certification*) and 6.1 (*Alternative Siting*) of this Rule shall not apply to an existing Stationary Source unless the modification is a federal Major Modification.
- 1.3.6 Exemption: Innovative Control Technology. The District may exempt an applicant from the requirements of Section 4.1, Subsections 4.2.2, 4.2.3, 4.2.11, 4.2.12, 4.3.3, Sections 4.4, 5.2 and 5.3 of this Rule for a specified pollutant if all the criteria in Subsections 1.3.6.1 through 1.3.6.5 below are met:
- 1.3.6.1 the source is not a major source, as defined by Title 40, Code of Federal Regulations, Part 51, Section 165 (40 CFR Part 51.165); and
- 1.3.6.2 it is determined through the use of the air quality impact table in Section 9.4, or through air quality modeling, as in Section 9.1 herein, that emissions from the new or modified stationary source will result in a net air quality benefit and will not cause or contribute to the violation of any ambient air quality standard or emissions increment established pursuant to this Rule; and
- 1.3.6.3 the source will utilize unique and innovative control technology which will result in a significantly lower emission rate for the above-specified pollutant from the installation than would have occurred with the use of previously known best available control technology (BACT); and
- 1.3.6.4 the above-specified technology will likely serve as a model for technology to be applied to similar installations within the state; and
- 1.3.6.5 emission reductions which create the air quality benefit must occur by the time a new or modified source commences operation, be quantifiable, real, surplus, permanent, enforceable and meet the requirements of Sections 3.4, 6.12, and 6.13 herein.

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- 1.3.6.6 If the source meets all criteria except Subsection 1.3.6.1 of Subsection 1.3.6 above, the District may only exempt the applicant from the requirements of Sections 4.1 and 5.2 of this Rule for a specified pollutant.
- 1.3.7 The District shall withdraw any approval to employ a system of innovative control technology approved under this Rule if:
- 1.3.7.1 the proposed system fails to achieve the required continuous emission reduction rate within a time period specified by the District in the Authority to Construct, or the Permit to Operate, not to exceed two years from the date of initial startup; or
 - 1.3.7.2 the proposed system contributes to an unreasonable risk to public health, welfare, or safety; or
 - 1.3.7.3 the proposed system becomes a public nuisance.
- 1.3.8 If a source or modification fails to meet the required level of continuous emissions reduction or its approval is withdrawn pursuant to this Section, the District may allow the source up to an additional two years to meet the requirements of BACT.
- 1.3.9 If a source or modification fails to meet the required level of continuous emissions reduction or its approval is withdrawn pursuant to this Section, the source shall provide offsets for the residual emissions that were not offset.
- 1.3.10 Exemption: Expired or Revoked Permit. The owner or operator of a source whose District permit has expired or been revoked for nonpayment of fees under the provisions of Regulation III (Fees), who subsequently applies for reissuance of a permit for that source, shall be exempt from the provisions of this Rule provided no modifications have been made to the source since that source last held a valid District permit.
- 1.4 Effective Date
- This Rule, as most recently revised, is effective on April 20, 2011.
- 1.5 References
- 1.5.1 The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)
 - 1.5.2 Other related or referenced District rules or regulations include: Rule 101 (Definitions); Rule 200 (Permits Required); Rule 201 (Sources Not Requiring Permits); Rule 215 (Banking of Emissions Reductions); Rule 218 (Title V: Federal Operating Permits); Regulation III (Fees); Rule 418 (Transfer of Gasoline into Stationary Storage Containers); and Rule 1002 (Transfer of Gasoline into Vehicle Fuel Tanks).

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1.6 Permit Denial

The District shall deny an Authority to Construct or a Permit to Operate for any new stationary source or modification to an existing source unless:

- 1.6.1 the new source or modification complies with all applicable rules and regulations; and
- 1.6.2 the applicant certifies that all other major stationary sources, which are owned or operated by such person (or by any entity controlling, controlled by, or under common control with such a person) in California and which are subject to emission limitations are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.

PART 2 DEFINITIONS

For the purpose of this Rule, the definitions below shall apply.

2.1 Affected Pollutants

These species include:

- 2.1.1 all pollutants for which an ambient air quality standard has been established by the United States Environmental Protection Agency or the Air Resources Board, as well as the precursors to such pollutants; and
- 2.1.2 all pollutants regulated by the United States Environmental Protection Agency under the federal Clean Air Act or by the Air Resources Board under the Health and Safety Code; and
- 2.1.3 all the pollutants which the United States Environmental Protection Agency after the notice and opportunity for public comment, or, the Air Resources Board, or the District after public hearing, determine may have significant adverse effect on the environment, the public health, or the public welfare; and
- 2.1.4 include, but are not limited to:
 - 2.1.4.1 volatile organic compounds (VOCs),
 - 2.1.4.2 nitrogen oxides (NO_x),
 - 2.1.4.3 sulfur oxides (SO_x),
 - 2.1.4.4 particulate matter less than 10 micrometers in aerodynamic diameter (PM₁₀),
 - 2.1.4.5 particulate matter less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}),
 - 2.1.4.6 particulate matter (PM),
 - 2.1.4.7 carbon monoxide (CO),
 - 2.1.4.8 lead,
 - 2.1.4.9 fluorides,

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- 2.1.4.10 sulfuric acid mist,
- 2.1.4.11 hydrogen sulfide (H₂S),
- 2.1.4.12 total reduced sulfur compounds, and
- 2.1.4.13 reduced sulfur compounds.

2.2 Air Basin

The geographic area containing Monterey, San Benito, and Santa Cruz counties.

2.3 Air Pollution Control Officer (APCO)

The Air Pollution Control Officer for the Monterey Bay Unified Air Pollution Control District, or his/her authorized representative.

2.4 Air Quality Impact Table

An air quality simulation table used to estimate maximum ground level impacts of a source of emissions of PM_{2.5}, PM₁₀, CO, oxides of sulfur and oxides of nitrogen, assuming one hundred percent conversion of nitrogen oxides into NO₂ and calculating all emissions of sulfur oxides as SO₂ (table contained in Section 9.4 herein).

2.5 Air Quality Increment

A maximum allowable increase in concentration of a pollutant, beyond baseline, as established by the District Board and at least as stringent as provided in the federal Clean Air Act provisions in Section 163(b) and 40 CFR Part 51.166; or, for pollutants for which no increment has been established pursuant to the federal Clean Air Act, a maximum allowable increase in concentration of a pollutant as established by the District Board.

- 2.5.1 In establishing air quality increment for sulfur dioxide, the District Board shall take into consideration the impact of emissions on neighboring areas. Baseline air quality shall be the ambient concentration level reflecting actual air quality as monitored or modeled as of the existing baseline date of July 18, 1979, minus any contribution attributable to emissions from major stationary sources and modifications constructed since January 6, 1975. In establishing air quality increments for carbon monoxide, hydrogen sulfide, and lead, baseline air quality shall be the ambient concentration as of January 1, 1984. In establishing air quality increments for nitrogen dioxide, the baseline air quality shall be the ambient concentration as of February 8, 1988. Air quality increments for PM₁₀ are in effect as of August 19, 1983. In establishing air quality increments for PM_{2.5}, the baseline air quality shall be the ambient concentration as of October 20, 2010.

- 2.5.2 In accordance with the criteria contained in Subsection 2.5.1 herein, the District Board defines the following increments of allowable air quality degradation, beyond

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the existing air quality levels, for pollutants for the respective areas indicated as designated attainment:

Table 2.5.2 District Board-Defined Air Quality Increments
Allowable Air Quality Degradation Beyond
Existing Air Quality Levels

Pollutant	Designated Area A and Area A Impact Zones ($\mu\text{g}/\text{m}^3$)	Designated Areas C, D, and F ($\mu\text{g}/\text{m}^3$)	Designated Areas B and E ($\mu\text{g}/\text{m}^3$)	Averaging Period
Carbon Monoxide (CO)	4,000	8,000	12,000	1-hour
Nitrogen Dioxide (NO ₂)	2.5	20	25	annual
Hydrogen Sulfide (H ₂ S)	4.2	8.4	12.6	1-hour
Lead	.15	.30	.45	30-day
PM _{2.5}	1	1	4	annual
	2	2	9	24-hour
PM ₁₀	2.8	2.8	10.8	annual
	5.7	5.7	21.1	24-hour
Sulfur Dioxide (SO ₂)	2	2	20	annual
	5	5	91	24-hour
	25	25	512	3-hour

2.6 Air Resources Board (ARB)

State of California Air Resources Board.

2.7 Ambient Air Quality Standards

See National Ambient Air Quality Standards and State Ambient Air Quality Standards.

2.8 Area A Impact Zone

All lands outside of the designated Area(s) A but within a 15-mile distance beyond the boundary of the designated Area(s) A, or other areas established by the District based on standard meteorological techniques such as hourly wind roses, frequency distribution of atmospheric wind classes, morning and afternoon mixing depths and any other meteorological or geographical considerations needed to establish the Area A Impact Zone. See Subsection 2.18.1 herein for the definition of designated Area(s) A.

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2.9 Authority to Construct

A written permit, as provided by Part 3.1 of Rule 200, issued by the District to a specific applicant:

2.9.1 prior to the building, erection, alteration, or replacement of any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants;
or

2.9.2 alternatively, to create federally enforceable conditions, accepted voluntarily by a source for purposes of limiting its potential emissions, applicable to any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants.

2.9.3 Application Deemed Complete

The District's action of deeming an Authority to Construct application complete, or the California Energy Commission's action of accepting an Application for Certification (AFC).

2.9.4 Authority to Construct is Issued

The District's action of granting an Authority to Construct, or the California Energy Commission's action of issuing its affirmative decision on an Application for Certification (AFC).

2.10 Best Available Control Technology (BACT)

An emission limitation based on the maximum degree of reduction for each pollutant which would be emitted from any new or modified stationary source, which on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such class or category of source, or modification through application of production processes or available methods, systems, and techniques.

2.10.1 BACT shall not be less stringent than the emission control required by any applicable provision of District, ARB, State, or federal laws or regulations, unless the applicant demonstrates to the satisfaction of the District that such limitations are not achievable.

2.10.2 In no event shall the application of BACT result in the emissions of any pollutant which exceed the emissions allowed by any applicable standard in 40 CFR Part 60 (New Source Performance Standards), or in 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), or in 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

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2.11 California Coastal Waters

Those waters that are between the California coastline and a line starting at the California-Oregon border at the Pacific Ocean:

thence to 42.0 N 125.5 W;
thence to 41.0 N 125.5 W;
thence to 40.0 N 125.5 W;
thence to 39.0 N 125.0 W;
thence to 38.0 N 124.5 W;
thence to 37.0 N 123.5 W;
thence to 36.0 N 122.5 W;
thence to 35.0 N 121.5 W;
thence to 34.0 N 120.5 W;
thence to 33.0 N 119.5 W;
thence to 32.5 N 118.5 W;

and, ending at the California-Mexico border at the Pacific Ocean.

2.12 Cargo Carriers

Cargo carriers include trains and marine vessels dedicated to a specific stationary source.

2.13 Chlorofluorocarbon (CFC)

The family of chemical compounds containing carbon, fluorine and chlorine; containing at least one carbon atom and having no hydrogen atoms and no double bonds; and which includes, without limitation, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115).

2.14 Class I Area

Any area having air quality or air quality related values requiring special protection, which has been designated Class I by a federal or state authority empowered to make such a decision.

2.15 Complete Application

Completeness of an application for an Authority to Construct a new or modified stationary source shall be evaluated on the basis of the list of required information which was adopted by the District pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the Government Code as it exists on the date on which the application is received.

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2.16 Contiguous Property

Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.

2.17 Cost-Effective

A cost per unit of emissions reduction which is lower than or equivalent to the maximum unit costs of the same emission reduction through the use of BACT calculated in current year dollars.

2.18 Designated Areas, A, B, C, D, E, and F

For the purposes of implementing the provisions of this Rule the following locations, which are shown in Figure 1, are recognized as designated areas A, B, C, D, E, and F, respectively:

2.18.1 Area(s) A includes locations determined as Class I areas mandated by the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

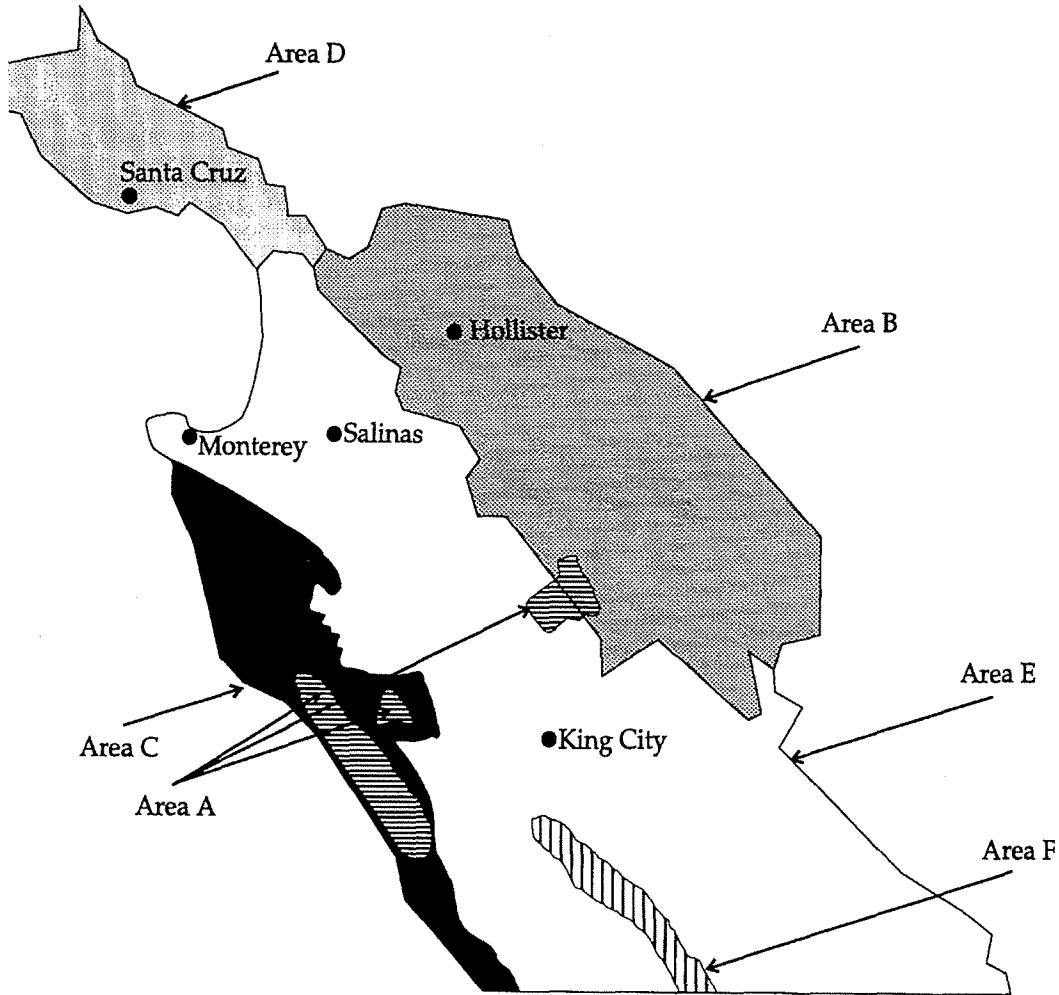
The Class I areas located within the boundaries of the District designated Areas A include the Pinnacles National Monument and the Ventana National Wilderness.







2.18.2 Area(s) B includes the entirety of San Benito County except those areas designated as Area A or Area A Impact Zones;

2.18.3 Area(s) C includes the City of Carmel-by-the-Sea and the Carmel Valley south to the San Luis Obispo County line, including the Big Sur Coast, and the area described by the boundary commencing with the northern city limits of Carmel at the Pacific Ocean, and is coterminous with the northern Carmel city limits to Serra Avenue; then follows Serra Avenue to Highway 1, north to Aguajito Road, to Loma Alta Road up to Jacks Peak Park; is bordered on the north by the southern boundary of the Jacks Peaks Park; then proceeds easterly to the west crest of the Sierra De Salinas Mountain Range; then continues in a southeasterly direction to the Palo Escrito Mountain Peak; through the Middle of Bear Canyon, following Cachagua Conejo Creek; up Pine Creek to the junction of the Los Padres National Forest boundary; is bordered on the east by the eastern border of the Los Padres National Forest from the Pine Creek junction in a southerly

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Figure 1. Map of District Designated Areas



-  Area A: Pinnacles National Monument, Ventana Wilderness Area
-  Area B: San Benito County other than Area A and Area A Impact Zones
-  Area C: Carmel-By-The-Sea, Carmel Valley, and the Big Sur Coast other than Area A
-  Area D: Santa Cruz County
-  Area E: Monterey County other than Areas A, C, & F, and Area A Impact Zones
-  Area F: San Antonio Valley

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direction to the San Luis Obispo County line, including all lands within the area defined above except those areas designated as Area A or Area A Impact Zones;

- 2.18.4 Area(s) D includes the entirety of Santa Cruz County;
- 2.18.5 Area(s) E includes the entirety of Monterey County except areas designated A, C, F or Area A Impact Zones; and,
- 2.18.6 Area(s) F includes the area described by the boundary starting at the northern intersection of the boundary of the federal reservation of Ft. Hunter Liggett and Highway G-14 (Jolon Highway); proceeding north along G-14 3.5 miles to the mouth of Crazy Canyon; up Crazy Canyon southeast to the crest of the Sierra De Salinas Mountains; then in a general southeasterly direction crossing Highway G-18 at benchmark 352.9; proceeding still southeasterly along the crest of the ridge line to Sulphur Canyon Road, approximately 1 mile downstream from the San Antonio Dam; west along the road to the boundary between Monterey and San Luis Obispo Counties, following the county line west to the western intersection of Highway G-14 and the county boundary; northwest along Highway G-14 to the southern intersection of Highway G-14 and the reservation boundary of Ft. Hunter Liggett; then following the eastern boundary of Fort Hunter Liggett to the northern intersection of the reservation boundary and Highway G-14.
- 2.18.7 Other areas within the District having air quality or air quality related values requiring special protection may be redesignated to a more protective designation by the District Board after holding a public hearing, noticed 30 days in advance, to consider public input concerning such designation.
- 2.19 District
Refers to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and its authorized representatives.
- 2.20 District Board
Refers to the Monterey Bay Unified Air Pollution Control District Board.
- 2.21 Emissions Increment
The increase in emissions of any pollutant which can be allowed in an area without causing the exceedance of any air quality increment.

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2.22 Emission Reduction Credit (ERC)

An actual emission reduction of specific type and quantity that is registered with the District in accordance with Rule 215. Must be surplus, quantifiable, permanent, real and enforceable.

2.23 Enforceable Emission Reduction

As defined by District Rule 215, an emission reduction which can be verified for accuracy by the District. In general, specified by restrictions imposed by conditions of an Authority to Construct and/or Permit to Operate.

2.24 Exempt Compounds

As defined in District Rule 101, Definitions.

2.25 Federal Land Manager

The Secretary of the Department with authority over the specified federal lands.

2.26 Federal Major Modification

A Major Modification as defined in 40 CFR §51.165, except that the term “reviewing authority” as used in that Section shall mean the District, and the term “Significant” shall mean the same as a Major Modification to an Existing Source as defined in this Rule.

2.27 Federally Enforceable Condition

A condition that is enforceable by EPA and citizens under the Clean Air Act. Such conditions shall include emission limitations, controls, and other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter. Federally enforceable conditions established pursuant to Section 2.33.5 must meet the procedural requirements for public and EPA review in Sections 6.9, 6.10, and 1.3.6, 1.3.6, 6.11 of this Rule. Conditions in a District Permit to Operate that meet the requirements in this Rule for federally enforceable conditions shall be specifically designated as federally enforceable in the permit.

2.28 Fugitive Emission

Any emission that could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

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2.29 Hydrochlorofluorocarbon (HCFC)

Any member of the family of chemical compounds containing hydrogen, carbon, fluorine and chlorine, and which includes, without limitation, chlorodifluoromethane (HCFC-22).

2.30 Hydrofluorocarbon (HFC)

Any member of the family of chemical compounds containing hydrogen, carbon, and fluorine, and which includes, without limitation, trifluoromethane (HFC-23).

2.31 Major Modification to an Existing Source

A modification to a stationary source in an air basin which has been designated as being either in attainment or nonattainment of national ambient air quality standards, which may result in the potential to emit greater than the threshold levels provided by the federal Clean Air Act (42 U.S.C. Section 7401 *et seq.*) for that designation and pollutant.

2.32 Major Stationary Source

A stationary source in an air basin which has been designated as being either in attainment or nonattainment of national ambient air quality standards, which has the potential to emit greater than the threshold levels provided by the federal Clean Air Act (42 U.S.C. Section 7401 *et seq.*) for that designation.

2.33 Modification

May be any of the following:

- 2.33.1 Any physical change, change in method of operation of, or addition to an existing stationary source that would result in an actual or potential emissions increase from any permit unit (as defined in Part 2 herein) or sum of permit units under consideration as a result of the proposed modification; or
- 2.33.2 any physical change, change in method of operation of, or addition to an existing stationary source for which an application to bank emissions reductions credits is submitted to the District; or
- 2.33.3 any process or process material change, including alternate fuels, production or raw materials, that would result in an actual or potential emissions increase, unless specifically allowed by an Authority to Construct or Permit to Operate; or
- 2.33.4 any change in hours of operation or production rate which would necessitate a change in permit conditions of an Authority to Construct or Permit to Operate; or

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- 2.33.5 any change to a District Authority to Construct or Permit to Operate to establish federally enforceable conditions in the permit that are accepted voluntarily by the source for purposes of limiting its potential emissions.
- 2.33.6 A reconstructed source, as defined in Section 2.55 herein, shall be treated as a new stationary source.
- 2.33.7 Unless previously limited by a permit condition of an Authority to Construct or a Permit to Operate, the following shall not be considered physical changes:
- 2.33.7.1 routine maintenance or repair; or
 - 2.33.7.2 transfer of location of any article, machine, equipment or other contrivance for which a Permit to Operate has previously been granted under Rule 200, and for which no alteration or addition has been made.
- 2.33.8 Unless previously limited by a permit condition of an Authority to Construct or a Permit to Operate, the following shall not be considered changes in the method of operation:
- 2.33.8.1 an increase in the production rate if such an increase does not exceed the operating design capacity or the actual demonstrated capacity of the stationary source as approved by the District in the Authority to Construct and Permit to Operate; or
 - 2.33.8.2 a change in ownership; or
 - 2.33.8.3 a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment.
- 2.34 National Ambient Air Quality Standards (NAAQS)
- Air quality standards set by the Administrator of the United States Environmental Protection Agency to protect public health and welfare and, in general, consisting of primary and secondary standards. Primary standards are to protect the public health, while secondary standards are intended to protect the public welfare, *e.g.*, plants, crops, and materials.
- 2.35 Net Air Quality Benefit
- A net improvement in air quality resulting from actual emissions reductions impacting the same general area affected by the new or modified source and which will be consistent with reasonable further progress.

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2.36 Net Emissions Increase

- 2.36.1 The sum of all increases in potential emissions of any given pollutant except PM_{2.5} or PM₁₀ from a new or modified stationary source occurring since July 15, 1976, minus any reductions in emissions of that pollutant at the stationary source occurring since July 15, 1976, calculated according to the provisions of Part 7 of this Rule; or
- 2.36.2 the sum of all increases in potential emissions of PM_{2.5} from a new or modified stationary source occurring since October 20, 2010, minus any reductions in emissions of PM_{2.5} at the stationary source occurring since October 20, 2010, calculated according to the provisions of Part 7 of this Rule.; or
- 2.36.3 the sum of all increases in potential emissions of PM₁₀ from a new or modified stationary source occurring since August 19, 1983, minus any reductions in emissions of PM₁₀ at the stationary source occurring since August 19, 1983, calculated according to the provisions of Part 7 of this Rule.
 - 2.36.3.1 The PM₁₀ emissions from an existing stationary source shall be recalculated from the PM emission increases and reductions which have occurred since August 19, 1983 using PM₁₀ emission factors. When PM₁₀ emissions factors do not exist, 50 percent of the total TSP shall be assumed to be PM₁₀. All PM emission increases and decreases occurring prior to August 20, 1983 are zeroed.
 - 2.36.3.2 If the applicant has provided full offsets for PM emissions occurring since August 19, 1983 but before April 21, 1993 those PM emissions need not be recalculated as PM₁₀ because the net emissions increase at the time of the offset is considered zero.

2.37 New Emissions Increase

The sum of all increases in potential emissions of any given pollutant from a new or modified stationary source. The increases shall be calculated according to the provisions of Part 7 of this Rule.

2.38 New Source

A location at which new equipment is being installed, on or after the appropriate applicability date, which does not currently hold a valid District Authority to Construct or Permit to Operate. For the purposes of Part 4 of this Rule, the applicability date shall be July 15, 1976. For the purposes of Part 5 of this Rule, the applicability date shall be April 21, 1993.

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2.39 New Source Review (NSR)

A system designed, through the use of a permitting program applicable to new or modified sources, to reduce ambient air concentrations of pollutants for which specific areas have been designated as nonattainment.

2.40 Nitrogen Oxides (NO_x)

The molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms as nitrogen dioxide.

2.41 Nonattainment Pollutant

Any pollutant for which an ambient air quality standard was exceeded within the air basin more than three discontinuous times (or, for annual standards, more than one time) within the three years immediately preceding the date when the application for the Authority to Construct was filed; or

which has been designated nonattainment pursuant to final rulemaking either by the United States Environmental Protection Agency and published in the Federal Register, or by the Air Resources Board, as well as any precursors of such pollutants.

2.42 Offset

Where used as a noun, an emission reduction from an existing source, whether or not under the same ownership as a proposed project, that is necessary to mitigate an emission increase of an affected pollutant from the proposed project that would otherwise prevent the lawful issuance by the District of an Authority to Construct or a Permit to Operate. When used as a verb, the process of providing such an emission reduction.

2.43 Permanent Emission Reduction

As defined in District Rule 215, an emission reduction which is assured for the life of the corresponding increase, whether limited or unlimited in duration, and that the benefits of the emission reduction do not diminish or disappear over time.

2.44 Permit to Operate

A written permit, as provided by Part 3.1 of Rule 200, with any specified conditions required, issued by the Monterey Bay Unified Air Pollution Control District to a specific applicant for the operation or use of any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants.

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2.45 Permit Unit

A piece of equipment, product line, system, unit, process line or process that produces a product or performs a function independently of other equipment, product lines, systems, units, process lines or processes. (From District Rule 101, Definitions.)

2.46 PM (Particulate Matter); Previously Total Suspended Particulates (TSP)

Any airborne finely divided solid or liquid material with an aerodynamic diameter less than 100 micrometers (μm).

2.47 $\text{PM}_{2.5}$

Particulate matter with aerodynamic diameter smaller than or equal to a nominal 2.5 micrometers (μm) as measured by an appropriate reference test method.

2.48 PM_{10}

Particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 micrometers (μm) as measured by an appropriate reference test method.

2.49 Pollutant

See Affected Pollutant.

2.50 Potential to Emit

The maximum daily capacity of a permit unit to emit a pollutant under its physical and operational design. Any physical or operational limitation on the daily capacity of the unit to emit a pollutant, including pollution control equipment and restrictions in hours or operation, or on the type or amount of material combusted, stored or processed, shall be treated as part of its design only if the limitation, or the effect it would have on daily emissions, is incorporated into the applicable Authority to Construct and Permit to Operate as an enforceable permit condition.

2.51 Precursor

A directly emitted pollutant that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a national ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more national ambient air quality standards. The following precursor-secondary pollutant relationship shall be used for purposes of this Rule:

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	Precursor	Secondary Pollutant
2.51.1	volatile organic compounds (VOCs)	1) ozone 2) organic fraction of particulate matter (PM ₁₀)
2.51.2	nitrogen oxides (NO _x)	1) ozone 2) nitrogen dioxide (NO ₂) 3) nitrate fraction of particulate matter (PM ₁₀) 4) nitrate fraction of particulate matter (PM _{2.5})
2.51.3	sulfur oxides (SO _x)	1) sulfur dioxide (SO ₂) 2) sulfates (SO ₄) 3) sulfate fraction of particulate matter (PM ₁₀) 4) sulfate fraction of particulate matter (PM _{2.5})

2.52 Prevention of Significant Deterioration (PSD)

A system designed, through the use of a permitting program applicable to new or modified sources, to avert consequential increases in ambient air concentrations of pollutants for which specific areas have been designated as either attainment or unclassifiable under federal guidelines.

2.53 Quantifiable Emission Reduction

As defined in District Rule 215, an emission reduction, the rate and characteristics of which can be determined by the District with reasonable accuracy. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling, or other reasonable measurement practices.

2.54 Real Emission Reduction

As defined in District Rule 215, those emission reductions that have actually occurred, have been implemented and are not artificially devised.

2.55 Reconstructed Source

Any source undergoing physical modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source. Fixed capital cost means that capital needed to provide all the depreciable components.

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- 2.56 Seasonal Source
- Any source with more than 75 percent of its annual emissions within a consecutive 90-day period.
- 2.57 Source
- See Stationary Source.
- 2.58 State Ambient Air Quality Standards
- Air quality standards set by the California Air Resources Control Board "in consideration of the public health, safety, and welfare, including, but not limited to, health, illness, irritation to the senses, aesthetic value, interference with visibility, and the effects on the economy" (California Health and Safety Code Section 39606 [b]). A distinction is not made between standards to protect public health and welfare, *i.e.*, primary and secondary standards.
- 2.59 State Implementation Plan (SIP)
- Plan which is required to be submitted by each State under 42 U.S.C. Section 7401 *et seq.* (federal Clean Air Act) to achieve and maintain national ambient air quality standards (NAAQS).
- 2.60 Stationary Source
- Any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission.
- 2.60.1 Installation includes any operation, article, machine, equipment or other contrivance which emits or may emit any affected pollutant.
- 2.60.2 Building, structure, or facility includes all pollutant emitting activities, including activities located in California coastal waters adjacent to the District boundaries which:
- 2.60.2.1 belong to the same industrial grouping;
- 2.60.2.2 are located on one or more contiguous or adjacent properties (except for activities located in coastal waters); and,
- 2.60.2.3 are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

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- 2.60.3 Pollutant emitting activities shall be considered as part of the same industrial grouping if:
- 2.60.3.1 they belong to the same two-digit standard industrial classification code, or,
 - 2.60.3.2 they are part of a common production process. (Common production process includes industrial processes, manufacturing processes, and any common raw material).
- 2.60.4 The emissions within District boundaries and California coastal waters as defined in Section 2.11 herein, from cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent provided in Subsections 7.3.4, 7.3.4.1, and 7.3.5 herein.

2.61 Sulfur Oxides (SO_x)

The chemical species of sulfur dioxide and sulfur trioxide. When measured or calculated, the total of the two chemical species as sulfur dioxide.

2.62 Surplus Emission Reduction

As defined in District Rule 215, emission reductions not already encumbered by any federal, State, ARB, District, or local agreement, law, order, plan, regulation, requirement, or rule.

2.63 Upwind Areas

The area bounded by a line passing through the site of the new or modified source perpendicular to the predominant summer wind flow line and extending to the boundaries of the same air basin in the direction opposite the predominant summer wind flow, except where the District determines that for reasons of topography or meteorology such a definition is inappropriate.

2.64 Volatile Organic Compounds (VOCs)

As defined in District Rule 101, Definitions.

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PART 3 GENERAL REQUIREMENTS

Any source subject to this Rule shall be subject to the following requirements.

3.1 Pre-Construction and Post-Construction Air Monitoring

The owner or operator of a stationary source subject to the requirements of this Rule shall conduct ambient air quality monitoring as the District finds necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in the area. All monitoring shall comply with United States Environmental Protection Agency guidelines for monitoring (40 CFR Part 58, Appendix B).

3.1.1 Pre-construction air quality monitoring data must be gathered over a period of one year preceding the application of the source. If the District determines that an adequate analysis can be done over a period of less than one year, but not less than four months, the shorter period can be used. If sufficient representative monitoring data already exists for analysis, no monitoring will be required.

3.1.2 Post-construction air quality monitoring data must be collected as deemed necessary by the District to determine the effect emissions from the stationary source or modification are having on air quality.

3.2 Visibility, Soils, and Vegetation Analysis

The applicant shall provide the District with analysis of impairment to visibility, soils, and vegetation, and the projected air quality impact for the area, that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification.

3.3 Ambient Air Quality Standards and Emission Increments

In no case shall the emissions from the new or modified stationary source, or in conjunction with other increases in emissions, cause or contribute to the violation of an ambient air quality standard or exceed any air quality increment. The air quality impact table contained in Section 9.4 or appropriate air quality modeling as in Section 9.1 herein shall be used to estimate the effects of a new or modified source. In making this determination the District shall take into account the mitigation of emissions through offsets obtained pursuant to this Rule.

3.4 Mandated Reductions

Emission reductions required by any permits, agreements, orders, plans or requirements of federal, State, Air Resources Board, or District laws, rules and regulations, or the State Implementation Plan shall not be used as offsets.

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3.5 Source Shutdowns and Curtailments

Source shutdowns and curtailments may not be given emission reduction credits in the case of precursor organic pollutants if they occurred prior to the date of application unless the proposed new source or modification is a replacement at the same source, and the shutdown or curtailment occurred after August 7, 1977.

3.6 Interpollutant Offsets

The District may approve interpollutant offsets on a case-by-case basis, provided that the trade is technically justified and that the applicant demonstrates to the satisfaction of the District, through the use of the air quality impact table contained in Section 9.4 or by appropriate air quality modeling as in Section 9.1 herein, that the emission increases from the new or modified source or in conjunction with other increases in emissions will result in a net air quality benefit and will not cause or contribute to a violation of an ambient air quality standard or exceed any air quality increment established pursuant to this Rule. In such cases, the District shall, based on air quality analysis, impose offset ratios greater than the requirements of Section 4.3 herein.

Interpollutant trades between PM_{10} and PM_{10} precursors may be allowed. PM_{10} emissions shall not be allowed to offset NO_x or VOC emissions in ozone nonattainment areas. PM_{10} emissions shall not be allowed to offset SO_x emissions in sulfate nonattainment areas.

PART 4 FEDERAL CLEAN AIR ACT REQUIREMENTS

4.1 Best Available Control Technology (BACT) Requirements

An applicant shall apply BACT to a new stationary source or modification of an existing source, except cargo carriers, for each affected pollutant, under the following conditions:

- 4.1.1 a new stationary source which has the potential to emit greater than or equal to any one of the affected pollutant levels listed in Table 4.1.1 below:

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Table 4.1.1 Emission Thresholds for BACT

POLLUTANT	EMISSION RATE IN POUNDS/DAY
VOC	150
NO _x as NO ₂	150
SO _x as SO ₂	150
PM	150
PM ₁₀	82
PM _{2.5}	54.79
CO	550
Lead	3.28
Fluorides	16.44
Sulfuric Acid Mist	38.35
Hydrogen Sulfide (H ₂ S)	54.79
Total Reduced Sulfur Compounds (including H ₂ S)	54.79
Reduced Sulfur Compounds (including H ₂ S)	54.79

or,

- 4.1.2 a modification of an existing stationary source which has the potential to result in a new emissions increase, as defined in Section 2.37 herein, occurring after October 20, 2010 for PM_{2.5} or after August 19, 1983 for PM₁₀ or after July 15, 1976 for any other affected pollutant, from any permit unit or sum of permit units from the same source of an affected pollutant by an amount in excess of any of the limits stated in Subsection 4.1.1 herein.
- 4.1.3 For a modified source, BACT shall be applied to the new or modified equipment whose emissions trigger the requirement for BACT.
- 4.1.4 A new source or modification subject to BACT for any pollutant subject to this Section shall apply BACT for any other affected pollutant emitted from the new source or modification, if the District should so require.

4.2 Offset Requirement, General

- 4.2.1 In Area A and Area A Impact Zones, offsets as specified in Subsections 4.3.1 and 4.3.2 herein shall be required from a new or modified stationary source with net emissions increases equal to or exceeding 150 pounds per day of volatile organic compounds, or nitrogen oxides, or sulfur oxides, or particulate matter (PM) or carbon

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monoxide; or 82 pounds per day of PM₁₀. This information is summarized in table 4.2.2 below.

- 4.2.2 In areas other than Area A or Area A Impact Zones, offsets as specified in 4.3.3 shall be required for an affected pollutant from a new or modified stationary source with a net emissions increase equal to or exceeding 150 pounds per day for volatile organic compounds, or nitrogen oxides or sulfur oxides, or particulate matter (PM); 550 pounds per day of carbon monoxide; or 82 pounds per day of PM₁₀, as summarized in table 4.2.2 below:

Table 4.2.2 Emissions Thresholds for Offsets

POLLUTANT	EMISSIONS INCREASE IN AREA A AND AREA A IMPACT ZONES	EMISSIONS INCREASE IN B,C,D,E AND F AREAS
VOC	150 pounds per day	150 pounds per day
NO _x as NO ₂	150 pounds per day	150 pounds per day
SO _x as SO ₂	150 pounds per day	150 pounds per day
CO	150 pounds per day	550 pounds per day
PM	150 pounds per day	150 pounds per day
PM ₁₀	82 pounds per day	82 pounds per day

- 4.2.3 Offsets for increases in carbon monoxide shall not be required if the applicant demonstrates to the satisfaction of the District, through the use of the air quality impact table contained in Section 9.4 of this Rule, or by approved air quality modeling as in Section 9.1 herein, that the ambient air quality standards are not violated in the areas to be affected, and such emissions will not cause or contribute to a violation of ambient air quality standards.
- 4.2.4 Offsets shall be actual, quarterly, enforceable emissions reductions for existing sources, sufficient to offset all anticipated quarterly emission increases as calculated according to Sections 7.3, 7.4 and 7.5 of this Rule, associated with new or modified stationary sources and which will result in a net air quality benefit.
- 4.2.5 The amount of offsets obtained shall be at least equal to the net emissions increase from the proposed new source or modification.
- 4.2.6 Increases in emissions shall be determined in accordance with the calculation methods described in Subsections 2.36.1, 2.36.2, 2.36.3, Sections 7.3, 7.4 and 7.5 of this Rule, or an equivalent calculation procedure approved by the District.
- 4.2.7 Reductions in emissions shall be valid for determining net emissions increases only if they are established pursuant to an Authority to Construct and a Permit to Operate.

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- 4.2.8 Mandated reductions of emissions shall not be used as offsets, pursuant to Section 3.4 herein.
- 4.2.9 All emission reductions must be identified and enforceable prior to issuance of the Authority to Construct.
 - 4.2.9.1 The emission reductions must be eligible under the provisions of District Rule 215; and
 - 4.2.9.2 must be entered in the District ERC Registry, unless the emission reductions are made at the same time as the permit application is made and on-site at the same stationary source.
 - 4.2.9.2.1 For emission reductions made at the same time as the permit application is made and on-site at the same stationary source, permit modifications to ensure permanent emission reductions must be made.
- 4.2.10 In no case shall exempt compounds as defined in Section 2.24, 2.26 of this Rule, be used as offsets for volatile organic compounds as defined in Section 2.64 of this Rule.
- 4.2.11 If a source is required to obtain offsets for a pollutant pursuant to this Section, then that source must obtain offsets, at least equal to the net emissions increase, for any increase in emissions of all the following pollutants: volatile organic compounds, nitrogen oxides, sulfur oxides, particulate matter (PM), and PM₁₀.
- 4.2.12 The District may exempt a source from offset requirements for all the attainment pollutants, and any nonattainment pollutants which do not exceed levels specified in Subsections 4.2.1 and 4.2.2 provided that the applicant demonstrates to the satisfaction of the District all of the following:
 - 4.2.12.1 that the requirement of offsets will result in little or no air quality benefit; and
 - 4.2.12.2 that emissions offsets are not available or would not be cost-effective; and
 - 4.2.12.3 that any net emissions increases from the new or modified stationary source or in conjunction with other increases in emissions will be consistent with reasonable further progress and will not cause a violation of an ambient air quality standard or exceed an air quality increment.

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4.3 Location of Offsets and Offset Ratios

Table 4.3 Summary of Offset Ratio Requirements

Source Location/Area Offset Obtained	Ratio for Non-Attainment Pollutants	Ratio for Attainment Pollutants
Area A/Area A <15 miles radius	1.2:1	1.2:1
Area A Impact Zone/Area A or Area A Impact Zone <15 miles radius	1.2:1	1.2:1
Non-A/Same Source <15 miles radius	1:1 (or 1.15:1 if a major source or major modification)	1:1
Non-A/Different Source <15 miles radius	1.2:1	1.1:1
Non-A/>15 miles radius	2:1	1.2:1
Non-A/different air basin	2.5:1	1.3:1

4.3.1 The emissions from a proposed source, subject to this Rule, which is to be located within an Area A must be offset by emissions reductions obtained from within the same Area A, at a minimum ratio of 1.2 to 1 and within a 15-mile radius of the proposed source if that will provide for a net air quality benefit; or at a ratio and distance to be approved by the District based on air quality analysis or modeling sufficient to demonstrate a net air quality benefit in the Area A. In no case shall the offset ratio for nonattainment pollutants be lower than the 1.2 to 1 ratio required above in this Section.

4.3.2 Emissions from a proposed source, subject to this Rule, which is to be located in an Area A Impact Zone must be offset by emissions reductions obtained from within the impact zone, or from the affected Area A, at a minimum ratio of 1.2 to 1, and within a 15-mile radius of the proposed source if that will provide for a net air quality benefit; or at a ratio and distance to be approved by the District based on air quality analysis or modeling sufficient to demonstrate a net air quality benefit in the Area A. In no case shall the offset ratio for nonattainment pollutants be lower than the 1.2 to 1 ratio required above in this Section.

4.3.3 Emissions from a proposed source subject to this Rule which is to be located outside an Area A or Area A Impact Zone are to be offset with emissions reductions from within a 15-mile radius of the proposed source. The emissions shall be offset at a minimum ratio of 1 to 1 if the offsets are from the same source, unless the proposed source is a major stationary source or a major modification to an existing source. In such cases, the emissions shall be offset at a minimum ratio of 1.15 to 1 if the offsets are from the same source. The emissions shall be offset at a minimum ratio of 1.2 to 1 for nonattainment pollutants for offsets located outside of the proposed source but within the 15-mile radius and shall result in a net air quality benefit. The emissions for all other pollutants designated in Section 4.2.2 herein shall be offset at a minimum ratio of 1.1 to 1 for offsets located outside of the proposed source but

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within the 15-mile radius, and the District shall analyze the impact on the air quality increment. Based on air quality analysis or modeling, approved by the District, which demonstrates a net air quality benefit, offset ratios and distances other than those above may be applied. In no case shall the offset ratios be lower than the ratios required above in this Section.

- 4.3.3.1 If an applicant demonstrates to the satisfaction of the District that sufficient offsets do not exist at sources owned by the applicant, and are not available at other sources within a 15-mile radius of the proposed source, offsets shall be obtained from an upwind area within the air basin at a minimum ratio of 2.0 to 1 for nonattainment pollutants and minimum ratio of 1.2 to 1 for all other pollutants designated in Section 4.2.2 herein; or, at a ratio and distance to be approved by the District based on air quality analysis and modeling sufficient to demonstrate a net air quality benefit, or to demonstrate that no emissions increments will be exceeded within the air basin. In no case shall the offset ratios be lower than the ratios required above in this Section.
- 4.3.3.2 If an applicant demonstrates to the satisfaction of the District that sufficient offsets do not exist at sources owned by the applicant, and are not available at an upwind area within the air basin, offsets may be obtained from an upwind area outside the air basin at a minimum ratio of 2.5 to 1 for nonattainment pollutants and minimum ratio of 1.3 to 1 for all other pollutants designated in Section 4.2.2 herein; or, at a ratio and distance to be approved by the District based on air quality analysis and modeling sufficient to demonstrate a net air quality benefit, or to demonstrate that no emissions increments will be exceeded within the air basin. In no case shall the offset ratios be lower than the ratios required above in this Section.
- 4.3.3.2.1 Any offset credited pursuant to Subsection 4.3.3.2 shall be approved by a resolution adopted by the governing board of the upwind district and the District Board. In adopting a resolution pursuant to this Subsection, the District Board shall consider the impact of the offset on air quality, public health, and the regional economy.
- 4.3.3.2.2 The offsets may only be obtained from an upwind area that has been designated by EPA to have a nonattainment status equal to or more serious than the North Central Coast air basin.
- 4.3.3.2.3 The offsets may only be obtained from an upwind area that could contribute to violations of the national ambient air quality standards in the North Central Coast air basin.
- 4.3.3.3 If an applicant demonstrates to the satisfaction of the District that sufficient offsets, for emissions that do not exceed ambient air quality standards, do not exist at sources owned by the applicant and are not available at other sources within a 15-mile radius or in an upwind area, the District may choose to allow an applicant to use a percentage, not to exceed 50 percent, of the remaining emissions increments, as determined by the District.

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4.4 Offsets, Seasonal Sources

Emissions offset ratios stated in Section 4.3 herein shall be required for new or modified seasonal sources (as defined in Section 2.56 herein), provided that the offsets occur within the same season during which the seasonal source operates. Offsets obtained in a season other than that in which the proposed source will be operating may be used only if the applicant demonstrates to the satisfaction of the District that such interseason tradeoffs will result in a net air quality benefit.

4.5 Protection of Class I Areas

4.5.1 Any new or modified stationary source shall be subject to the requirements of this Rule if it will:

4.5.1.1 have any net emissions increase greater than zero pounds per day of volatile organic compounds, or nitrogen oxides, or sulfur oxides, or particulate matter; and

4.5.1.2 be constructed within a designated Area A or Area A Impact Zone after July 18, 1979; and

4.5.1.3 increase ambient pollutant concentration of the Area A by one microgram per cubic meter (24-hour average) or more.

4.5.2 Any new or modified stationary source shall be subject to the requirements of this Rule if it will:

4.5.2.1 have a net emissions increase of PM₁₀ more than zero pounds per day; and

4.5.2.2 be constructed within a designated Area A or Area A Impact Zone after August 19, 1983; and

4.5.2.3 increase PM₁₀ ambient concentration of the Area A by 0.57 microgram per cubic meter (24-hour average) or more.

4.5.3 Any new or modified stationary source shall be subject to the requirements of this Rule if it will:

4.5.3.1 have a net emissions increase of PM_{2.5} more than zero pounds per day; and

4.5.3.2 be constructed within a designated Area A or Area A Impact Zone after October 20, 2010.

4.5.4 The air quality impact table in Section 9.4, or appropriate air quality modeling as in Section 9.1 herein, shall be used to estimate the impact of the source on Area A.

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PART 5 CALIFORNIA CLEAN AIR ACT (CCAA) REQUIREMENTS

This Part contains additional provisions required under the California Clean Air Act as amended.

5.1 Parallel Review and Stringency of Requirements

Each project subject to New Source Review shall undergo a review under the federal requirements contained within all other parts of this Rule, and a parallel review under the requirements of this Part. In cases where the requirements under the federal Clean Air Act and the California Clean Air Act differ, the most stringent applicable provisions shall apply.

5.2 CCAA Best Available Control Technology (BACT) Requirements

BACT shall be required for any new or modified permit unit with a potential to emit 25 pounds per day or more of VOCs or NO_x.

5.3 CCAA Offset Requirements

5.3.1 Any new or modified stationary source with a potential to emit 137 pounds per day or more of VOCs or NO_x shall be required to provide offsets at the ratios specified in Section 4.3 herein.

5.3.2 Offsets shall be actual, quarterly, enforceable emissions reductions from existing sources, sufficient to offset all anticipated quarterly emissions increases as calculated according to Subsections 5.3.3 and 5.3.4 of this Rule, associated with new or modified stationary sources, and which will result in a net air quality benefit.

5.3.3 The amount of offsets obtained shall be at least equal to the potential to emit from the proposed new source.

5.3.4 For any modified source, the amount of offsets obtained shall be at least equal to the difference between the emissions of the modified source, and the emissions of the existing source.

5.4 CCAA Stationary Source Calculations

For the purposes of determining offset requirements under this Part, emissions profiles for new sources, existing sources or modified sources shall be based on the potential to emit as described under Section 7.1 herein. Comparison of new, modified or existing sources shall be done in accordance with Sections 7.3 and 7.5 herein. Calculation of emission reductions shall be done in accordance with Section 7.6 herein.

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PART 6 ADMINISTRATIVE REQUIREMENTS

The following administrative requirements shall apply to activities pursuant to this Rule, except for the review of power plants over 50 megawatts. Power plants over 50 megawatts shall be subject to the review requirements of Part 8.

6.1 Alternative Siting

For those sources for which an analysis of alternative sites, sizes, and production processes is required under 42 U.S.C. Section 7401 *et seq.*, the District shall require the applicant to prepare an analysis functionally equivalent to the requirements of Division 13 of the Public Resources Code.

6.2 Complete Application

The District shall determine whether the application is complete no later than 30 days after receipt of the application, or after such longer time as both the applicant and the District may agree is acceptable.

If the District determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any resubmittal of the application, a new 30-day period to determine completeness shall begin.

Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements set forth in District regulations (adopted pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the Government Code) and application guidance as they exist on the date on which the application or resubmitted application was received.

Upon determination that the application is complete, the District shall notify the applicant in writing. The District may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

6.3 Plantwide Applicability Limit (PAL)

The operator of a major stationary source may apply to the APCO for approval to use a PAL to avoid the requirements of Sections 1.6.2 (Statewide Compliance) and 6.1 (Alternative Siting) only. The APCO shall approve use of a PAL if the source operator demonstrates that the PAL will conform with the provisions specified in 40 CFR §51.165(f)(1) through (15).

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6.4 Proposed Sources in Federal Class I Areas

- 6.4.1 Permit Notice: The District shall provide notice within ten days of determining that an application is complete which has been submitted for a proposed major stationary source or major modification of an existing source, whose emissions would affect a federal Class I Area, to the Federal Land Manager and the federal official charged with direct responsibility for management of the specified lands. The Federal Land Manager shall be provided a copy of the complete application and shall be notified of all subsequent actions relating to the consideration of such permit.
- 6.4.2 Source Impacting Class I Areas: The District shall accept and consider comments offered within public comment period following the date of publication by the Federal Land Manager of any lands contained within a federal Class I Area impacted by a proposed major stationary source or major modification to an existing stationary source. If the Federal Land Manager demonstrates that the emissions from a proposed major source or major modification would have an adverse impact on the air quality-related values (including visibility) of any federal mandatory Class I Areas, and if the District concurs with such demonstration, then the District shall deny the Authority to Construct.
- 6.4.3 Federal Land Manager Appeals: If the District recommends a permit with which the Federal Land Manager or the federal official charged with direct responsibility over the specified lands does not concur, the decision may be appealed to the Hearing Board.

6.5 Preliminary Decision

Following acceptance of an application as complete, the District shall perform the evaluations required to determine compliance with this Rule and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved.

6.6 Air Quality Increment Analysis

The District shall evaluate the impact on the air quality increment of the emissions from the proposed source and any offsets obtained pursuant to Section 4.2 herein. Any emissions from secondary source growth associated with the source shall be included in the determination of increment consumption. The District shall not grant a permit to a source which is subject to Section 4.2 herein if its emissions will exceed 50 percent of the remaining emissions increment.

6.7 Review of Air Quality Increment Consumption

The District shall assess the remaining air quality increment at least every five years, or every two years in areas where a source subject to Section 4.2 herein has been sited since the last assessment of the respective air quality increment has occurred. The reassessment of the remaining air quality increment shall be based on the changes in

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emissions including area sources and any changes in air quality background levels. The emissions from major stationary sources constructed since January 6, 1975 shall be included in the air quality increment consumption. Within 60 days of a determination of an increment violation the District will initiate action to mitigate the violation.

6.8 Air Quality Models

All air quality models used for the purposes of this Rule shall be consistent with the requirements specified in appendix W of 40 CFR Part 51 "Guidelines on Air Quality Models" unless the District finds that such a model is inappropriate for use. However, the District, on a case-by-case basis, may approve alternate models with the concurrence of the United States Environmental Protection Agency after allowing for a public comment period. Credit shall not be given for stacks higher than that dictated by good engineering practice. All modeling costs associated with the siting of a stationary source shall be borne by the applicant.

6.9 Publication and Public Comment

Within ten calendar days following a preliminary decision pursuant to Section 1.3 or Part 4 or Part 5 of this Rule, where the emission levels are greater than or equal to those threshold limits listed for Sections 4.2 or 5.3; or within ten calendar days following a preliminary decision pursuant to Subsection 1.3.2.1; or within ten calendar days following a preliminary decision on a source's application for a modification pursuant to Section 2.33.5, the District shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the District, noting how the pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication.

6.10 Public Inspection

The District shall make available for public inspection at the District's office the information submitted by the applicant and the District's analysis no later than the time the notice of the preliminary decision is published, pursuant to Section 6.9 herein. No later than the noticed date, all such information, including the proposed permit, shall be transmitted to the Air Resources Board, the United States Environmental Protection Agency, and any other interested public agency or party requesting it.

6.11 Authority to Construct, Final Action

Within 180 days after acceptance of an application as complete, the District shall take final action on the application after considering all written comments. The District shall provide written notice of the final action to the applicant, the United States Environmental Protection Agency, and the Air Resources Board, and shall publish such notice in a newspaper of general circulation and shall make the notice and all supporting documents available for public inspection at the District's office. The District must provide a copy of the final permit to EPA.

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6.12 Requirements, Permit to Operate

As a condition for the issuance of a Permit to Operate, the District shall require that the new source or modification, and any sources which provide offsets, be operated in the manner assumed in making the analysis to determine compliance with this Rule, or as conditioned in the Authority to Construct. The Permit to Operate shall include specific emissions limitations which reflect BACT.

6.12.1 The operation of any stationary source which provides offsets shall be subject to enforceable permit conditions, containing specific emissions limitations, to ensure that the emissions reductions will be provided in accordance with the provisions of this Rule and shall continue for the reasonable expected life of the proposed source. The emission reductions used for offset purposes must be certified, approved and registered by the District in the ERC Registry, unless the emission reductions are made at the same time as the permit application is made and on-site at the same stationary source. The emission reductions must be surplus, quantifiable, real, permanent, and enforceable.

6.12.2 Where the source of offsets is not subject to a District permit, a District permit with enforceable permit conditions, containing specific emission limitations, must be obtained by the recipient of such offsets. A written agreement shall be required between the applicant and the owner or operator of such a source of offsets, which agreement, by its terms, shall be enforceable by the District as a third party beneficiary. Any breach of such an agreement shall be a violation of this Rule. The permit and agreement shall be submitted to the California Air Resources Board to be forwarded to the United States Environmental Protection Agency as part of the State Implementation Plan.

6.13 Issuance, Permit to Operate

The District shall issue a Permit to Operate to a stationary source subject to the requirements of this Rule if it is determined that all offsets required as a condition of an Authority to Construct or amendment to a Permit to Operate, will commence not later than the initial operation of the new or modified source, and that the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, a Permit to Operate shall not be issued unless the source has complied with all conditions specified on the Authority to Construct, unless the District approves the incorporation of the unmet Authority to Construct conditions into the Permit to Operate.

6.13.1 Where a new or modified stationary source is, in whole or in part, a replacement for an existing stationary source on the same property, the District may allow a maximum of 90 days as a startup period for simultaneous operation of the existing stationary source and the new source or replacement.

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6.14 Regulations in Force will Govern

The granting or denial of an Authority to Construct shall be governed by the requirements of this Rule in force on the date the application is deemed complete.

PART 7 CALCULATIONS

7.1 Determination of the Potential to Emit

The maximum design capacity of a new stationary source or modification shall be used to determine the potential to emit from the new source or modification. However, the applicant may agree to limitations on the operations on the new source or modification. If those limitations are included in both Authorities to Construct and Permits to Operate issued according to New Source Review, then those limitations shall be used to establish the potential to emit from the new source or modification.

7.2 Historical Emissions from Existing Sources

The emissions from an existing source shall be the historical emissions based on the actual operating conditions of the existing source averaged over the three consecutive years immediately preceding the date of application.

7.2.1 In cases where the existing source has not been in operation for three consecutive years or under unusual circumstances, a shorter period or three consecutive years within the five-year period immediately preceding the date of application that best represent the normal source operations may be applicable and approved by the District.

7.2.2 If violations of laws, rules, regulations, permit conditions, or orders of the District, the California Air Resources Board, State or the United States Environmental Protection Agency occurred during the period used to determine the operating conditions, then adjustments to the operating conditions shall be made to determine the emissions the existing source would have caused without such violations.

7.3 General Stationary Source Calculations

The increase in emissions from new stationary sources and modifications which are not seasonal sources shall be determined using quarterly emissions profiles.

7.3.1 Quarterly emissions profiles for an existing or proposed stationary source or modification shall be constructed by plotting the average daily emissions from such a source.

7.3.2 A separate profile shall be constructed for each pollutant.

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- 7.3.3 The increase in emissions from a modification to an existing source shall be determined by comparing the quarterly emissions profiles for the existing source to the quarterly emissions profiles for the proposed source after modification. An increase in emissions exists whenever any part of an emissions profile for a modified source exceeds the emissions profile for the existing source.
- 7.3.4 The emissions from all marine vessels which load or unload at the stationary source shall be considered as emissions from the stationary source (as defined in Section 2.60 herein) while such vessels are operating in District waters and in California coastal waters adjacent to the District.
- 7.3.4.1 The emissions from marine vessels shall include volatile organic compounds that are displaced into the atmosphere; fugitive emissions; combustion emissions in District waters; and emissions from loading and unloading of cargo.
- 7.3.5 The emissions from all trains dedicated to a specified stationary source, while operating in the air basin, including directly emitted and fugitive emissions, shall be considered as emissions from the stationary source.
- 7.4 Increases in Emissions: Calculation Requirements for BACT and Offsets
- 7.4.1 Emissions profiles for new sources or modified sources shall be based on the potential to emit as described under Section 7.1 herein. Emissions profiles for existing sources shall be based on the historical emissions as described under Section 7.2 herein. Comparison of emissions profiles shall be done in accordance with the provisions of Sections 7.3 and 7.5 herein
- 7.4.2 The new emissions increase, as defined in Section 2.37 herein, occurring after October 20, 2010 for PM_{2.5} or after August 19, 1983 for PM₁₀ or after July 18, 1976 for any other affected pollutant, shall be used to determine BACT requirements for any new source or for any modifications to an existing source.
- 7.4.3 The net emissions increase, as defined in Section 2.36 herein, shall be used to determine offset requirements for any new source or for any modifications to an existing source.
- 7.4.3.1 When computing the net emissions increases for modifications, the District shall take into account the emissions increases and decreases, excluding any emissions reductions required to comply with federal, State, Air Resources Board, or District law, rules, regulations, agreements, or orders, and also excluding any reductions of emissions which were originally permitted under the provisions of any exemption contained in Section 1.3. All emissions decreases used in computing the net emissions increase shall be incorporated into the Authority to Construct and Permit to Operate.

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7.5 Increases in Emissions: Seasonal Source Calculations

The increase in emissions from new stationary sources and modifications which are seasonal sources shall be determined using quarterly emissions profiles.

7.5.1 Quarterly emissions profiles shall be constructed by plotting the average daily emissions from an existing or proposed seasonal source for the continuous 90-day period during which the greatest emissions from the proposed new or modified source will occur.

7.5.2 A separate profile shall be constructed for each pollutant.

7.5.3 The increase in emissions from a modification to an existing seasonal source shall be determined by comparing the quarterly emissions profiles for the existing source to the quarterly profiles for the proposed source after modification. An increase in emissions exists whenever any part of an emissions profile for the modified source exceeds the emissions profile for the existing source.

7.6 Calculation Requirements for Emissions Reductions

7.6.1 Emissions profiles for new sources or modified sources shall be based on the potential to emit as described under Section 7.1 herein. Emissions profiles for existing sources shall be based on the historical emissions as described under Section 7.2 herein. Comparison of emissions profiles shall be done in accordance with the provisions of Sections 7.3 and 7.5 herein.

PART 8 POWER PLANTS

8.1 General

Part 8 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 District may apply for reimbursement of all costs incurred, including lost fees, in order to comply with the provisions of this Part.

8.2 Intent to Participate and Preliminary Report

Within 14 days of receipt of an NOI, the District shall notify the Air Resources Board and the California Energy Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the District shall prepare and submit a report to the Air Resources Board and the California Energy Commission prior to the conclusion of the nonadjudicatory hearing specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:

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- 8.2.1 a preliminary specific definition of best available control technology (BACT) for the proposed source; and,
- 8.2.2 a preliminary discussion of whether there is substantial likelihood that the requirements of this Rule and all other District regulations can be satisfied by the proposed source;
- 8.2.3 a preliminary list of conditions which the proposed source must meet in order to comply with this Rule or any other applicable District regulation. The preliminary determination contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

8.3 Determination of Compliance Review

Upon receipt of an AFC for a power plant, the District shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the AFC does not meet the requirements of this Rule, the District shall, within 20 calendar days of receipt of the AFC, so inform the California Energy Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal.

8.4 Equivalency of AFC for an Authority to Construct

The District shall consider the AFC to be equivalent to an application for an Authority to Construct during the determination of compliance review, and shall apply all provisions of this Rule which apply to applications for an Authority to Construct.

8.5 Need for Additional Information

The District may request from the applicant any information necessary for the completion of the determination of compliance review. If the District is unable to obtain the information, the District may petition the presiding Commissioner for an order directing the applicant to supply such information.

8.6 Preliminary Determination

Within 180 days of accepting an AFC as complete, the District shall make a preliminary decision on:

- 8.6.1 whether the proposed power plant meets the requirements of this Rule and all other applicable District regulations, and,
- 8.6.2 in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.

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The preliminary written decision under Section 8.6 of this Rule shall be treated as a preliminary decision under Section 6.5 herein, and shall be finalized by the District only after being subject to the public notice and comment requirements of Sections 6.4, 6.5, and 6.9 herein. The District shall not issue a determination of compliance unless all requirements of this Rule are met.

8.7 Determination of Compliance

Within 240 days of the filing date, the District shall issue and submit to the California Energy Commission a determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as a Authority to Construct permit only when and if the California Energy Commission approves the AFC, and the California Energy Commission certificate includes all conditions of the determination of compliance.

8.8 Permit to Operate

Any applicant receiving a certificate from the California Energy Commission pursuant to this Section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the District.

PART 9 SOURCE IMPACT ANALYSIS

9.1 Air Quality Impact Analysis

The table in Section 9.4 herein is provided as a screening method to estimate the worst case air quality impact of carbon monoxide, particulate matter, oxides of sulfur and oxides of nitrogen of a proposed point source without the use of sophisticated modeling techniques.

Modeling shall be used instead of the table if in the judgement of the District any of the following apply: the pollutant is an oxidant; another source with unknown impact is being constructed in the affected area; the impact obtained by using the table indicates concentrations will be near the national or state ambient air quality standards; the proposed source will be located in complex terrain; the source will have a volume flow rate less than 10 cubic meters per second; the stack exit gas temperature is less than 360°K; or, the physical size of the stack is greater than 100 meters. In such instances the models, data bases, and other requirements specified in appendix W of 40 CFR Part 51 "Guidelines on Air Quality Models" must be used.

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9.2 Downwind Concentrations

Using the air quality impact table in Section 9.4 herein, the estimated downwind concentrations are determined by reading the value which corresponds to the actual stack height and source strength of the proposed source. The table also provides the estimated distance from the source to the point of maximum ground level impact. If the precise actual stack height for the proposed source is not listed, interpolation can be used to determine the approximate downwind concentrations.

9.3 Example Calculations

To determine the downwind concentrations attributable to a proposed source with an actual stack height of 45 meters and a source strength of 137 pounds per hour:

- a. use 40 meter stack height;
- b. consider that the source strength lies between maximum one hour concentration values for 120 lb/hr = 1300 ug/m³ and 140 lb/hr = 120 lb/hr + 20 lb/hr = 1300 ug/m³ + 220 ug/m³ = 1520 ug/m³; and,
- c. interpolate such that

$$\begin{aligned}x \text{ ug/m}^3 &= ((137-120)(1520 - 1300)/(140 - 120)) + 1300 \\ &= 1487 \text{ ug/m}^3 \text{ (this estimated maximum one-hour concentration for the} \\ &\text{proposed 137-lb/hr source is to be added to ambient concentration} \\ &\text{levels).}\end{aligned}$$

Values for maximum concentrations for 3-hour, 8-hour, and 24-hour time periods may be obtained by multiplying the 1-hour concentrations by following factors:

3-hour = 0.9; 8-hour = 0.8; and, 24-hour = 0.4.

9.4 Air Quality Impact Table

The following table provides the worst case estimates of point source air quality impacts:

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Estimated Maximum 1-hr Concentrations (ug/m3)
for Listed Source Strengths

Stack Height (m)	Downwind Distance* (m)	5 lb/hr	10 lb/hr	20 lb/hr	40 lb/hr	80 lb/hr	120 lb/hr
5	100	3150	6300	12800	25200	50400	75700
10	100	945	1890	3840	7560	15120	22700
15	150	380	760	1530	3020	6040	9080
20	200	220	440	900	1760	3530	5300
30	300	90	190	380	760	1510	2270
40	200 to 400	50	110	220	430	870	1300
50	250 to 450	40	70	150	290	580	880
70	350	20	40	80	170	330	500
100	450	10	20	40	90	190	290

NOTE: the wind speed was assumed to be 1 m/s and the effective plume height was assumed equal to the physical stack height.

* Downwind Distances to Maximum Estimated Concentrations (m).

PART 10 FEDERAL ENFORCEABILITY, SIP REVISIONS

This Part shall apply solely for the purposes of federal enforcement of Rule 207.

10.1 Increments for Carbon Monoxide, Nitrogen Dioxide, Hydrogen Sulfide, and Lead

Increments for carbon monoxide, nitrogen dioxide, hydrogen sulfide and lead referenced in Subsection 2.5.2 herein are not submitted as a part of the SIP.

10.2 Subsection 2.5.2 of this Rule

For the purposes of the submittal to the United States Environmental Protection Agency for inclusion in the SIP, the increments of allowable air quality degradation, beyond existing air quality levels, shall be:

- 10.2.1 for Area A, the increment specified for Class I Areas in 40 CFR Part 51.166 (Prevention of Significant Deterioration of Air Quality), and,

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10.2.2 for Areas B, C, D, E, and F, and Area A Impact Zones, the increment specified for Class II Areas in 40 CFR Part 51.166.

10.3 Subsection 2.18.6 of this Rule
is not submitted as a SIP revision.

10.4 Section 2.21 of this Rule
is not submitted as a SIP revision. For the purposes of the SIP, emissions increment means air quality increment as defined in Section 2.5 herein.

10.5 Part 5 of this Rule
is not submitted as a SIP revision.
* * * * *

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RULE 212 PUBLIC AVAILABILITY OF EMISSION DATA

(Adopted 9-1-74; Revised 12-13-84, and 10-16-02.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide the means for the public to obtain emissions and monitoring data that has been generated by the Monterey Bay Unified Air Pollution Control District (District) or submitted to the District from stationary sources operating within the District.

1.2 Applicability

The provisions of this Rule shall apply to any person seeking to obtain emissions and/or monitoring data, or attempting to receive trade secret designation, from the District.

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1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on October 16, 2002.

1.5 References

1.5.1 The requirements of this Rule arise from the provisions of Government Code Section 6254.7

1.5.2 Other related or referenced District rules or regulations include: Rule 101 (Definitions); Rule 200 (Permits Required); Rule 201 (Sources not Requiring Permits); and Rule 207 (Review of New or Modified Sources).

PART 2 DEFINITIONS

2.1 Public Records

2.1.1 In accordance with provisions of the Government Code Section 6254.7, 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 the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment or other contrivance.

2.1.2 All air or other pollution monitoring data, including data compiled from stationary sources.

2.1.3 Notwithstanding any other provisions of the law, all air pollution emission data, including these emission data which constitute trade secrets as defined in Subsection 2.3 below. Data used to calculate emission data are not emissions data for purposes of this rule and data which constitute trade secrets and which are used to calculate emission data are not public records.

2.1.4 Written justification supplied by the owner or operator of a stationary source for claiming material as a trade secret.

2.2 Stationary Source

As defined in District Rule 207.

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2.3 Trade Secret

May include, but are not limited to, any formula, plan, 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 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.

- 2.3.1 The owner or operator shall state in writing to the District justification for claiming material as a trade secret.

PART 3 REQUIREMENTS

3.1 Public Records Request

Upon request, any specific public records in the possession of the District will be made available to the public within 15 days. If, for good cause, the information cannot be made available within the 15 days, the Air Pollution Control Officer shall notify the requesting person of the reason for the delay and when the information will be available.

- 3.1.1 Requests from the public for records shall be in writing, shall be specific and in sufficient detail to enable the District to readily identify the information requested.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Validity of Trade Secret Claims

The Air Pollution Control Officer shall rule on the validity of trade secret claims within 15 days after receipt of the request.

- 4.1.1 In cases of rejection, the Air Pollution Control Officer shall promptly notify the person making the justification, in writing, that the records in question shall, within 21 days be subject to public inspection unless a justification is received and accepted.

* * * * *

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RULE 213 CONTINUOUS EMISSIONS MONITORING

(Adopted by the ARB June 22, 1977; Revised February 16, 1994 and March 21, 2001.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide requirements and standards for continuous emissions monitoring systems (CEMS).

1.2 Applicability

The provisions of this Rule shall apply to: electric power generation equipment subject to Title IV (Acid Deposition Control) of the federal Clean Air Act with nameplate generation capacities of at least 25 megawatts (MW); to fossil fuel-fired steam generators with a rated heat input of 250 million British thermal units (MMBtu) or greater per hour; and to any source required to install CEMS as required to prove compliance with air pollution requirements pursuant to an Authority to Construct or Permit to Operate issued by the District.

1.3 Exemptions

1.3.1 For peaking units subject to this Rule, the NO_x emissions concentrations may be measured and recorded using one of the methods provided under 40 Code of Federal Regulations (CFR) Part 75, Section 75.12(c) "Specific Provisions for Monitoring NO_x Emissions (NO_x and Diluent Gas Monitors: Gas-fired Peaking Units or Oil-fired Peaking Units)", rather than by CEMS as required by Part 3 herein.

1.4 Effective Dates

This Rule has been in effect since June 22, 1977. The Rule in its present form is effective on March 21, 2001.

1.5 References

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The requirements of this Rule arise from the provisions of the federal Clean Air Act and its amendments (42 U.S.C. Section 7401 *et seq.*) and California Health and Safety Code Sections 40702 and 42706.

PART 2 DEFINITIONS

Unless otherwise defined within this Part, the definitions used for the purposes of this Rule shall be those given in 40 CFR Parts 51, 60, 72, or 75.

2.1 Air Resources Board (ARB)

State of California Air Resources Board.

2.2 Authority to Construct (ATC)

A written permit issued by the District to a specific applicant prior to the building, erection, alteration, or replacement of any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants.

2.3 Continuous Emissions Monitoring System (CEMS)

The total equipment required for the continuous determination and record keeping of a gas concentration, emission rate or opacity measurement.

2.4 District

The Monterey Bay Unified Air Pollution Control District (MBUAPCD).

2.5 Emissions

The quantitative rate of releases to the atmosphere from an emission point as measured by the continuous emissions monitoring system (CEMS) and calculated by the methods specified in the Permit to Operate.

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2.6 Nitrogen Oxides (NO_x)

The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide.

2.7 Peaking Unit

Electric power generation equipment subject to Title IV of the federal Clean Air Act which has:

2.7.1 an average capacity factor of no more than ten (10) percent during the previous three (3) calendar years; and

2.7.2 a capacity factor of no more than 20 percent in each of those calendar years.

2.8 Permit to Operate

A written permit, with any specified conditions required, issued by the Monterey Bay Unified Air Pollution Control District to a specific applicant for the operation or use of any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants.

2.9 Sulfur Oxides (SO_x)

The sum of the molecular forms of sulfur oxide and sulfur dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as sulfur dioxide (SO₂).

PART 3 REQUIREMENTS AND STANDARDS FOR SOURCES SUBJECT TO TITLE IV OF
THE FEDERAL CLEAN AIR ACT

By January 1, 1995, the owner or operator of electric power generation equipment subject to Title IV (Acid Deposition Control) of the federal Clean Air Act, and with nameplate generation capacities of at least 25 MW, shall properly install, certify, operate and maintain in good working order continuous emissions monitoring systems which meet the standards of 40 CFR Parts 72 and 75.

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PART 4 REQUIREMENTS AND STANDARDS FOR OTHER SOURCES

4.1 Other Sources

The owner or operator of the sources listed herein shall properly install, certify, operate and maintain in good working order continuous emissions monitoring systems (CEMS) to measure and maintain records of the pollutants listed in Subsections 4.2.1, 4.2.2 and 4.2.3 herein, unless the source is subject to the provisions of Part 3 herein.

4.1.1 Fossil fuel-fired steam generators with a rated heat input of 250 MMBtu (63 million kilogram calories) or more per hour with a capacity factor of at least 30 percent per year.

4.1.2 Any source required to install CEMS pursuant to an Authority to Construct or Permit to Operate issued by the District.

4.2 Pollutants to be Determined for this Part

4.2.1 Nitrogen oxides (NO_x); and

4.2.2 carbon dioxide or oxygen; and

4.2.3 Sulfur dioxide (SO₂), if control equipment is used.

4.3 Standards of Performance of CEMS

CEMS required by this Part shall be installed, calibrated, maintained, and operated in accordance with the following:

4.3.1 40 CFR Part 51, Appendix P;

4.3.2 40 CFR Part 60, Subpart D, Section 60.45; and

4.3.3 A Quality Assurance/Preventative Maintenance (QA/PM) Procedures Manual developed by the source and approved by the District.

4.3.4 Equivalent standards may be used by mutual agreement of the District, Air Resources Board and Environmental Protection Agency.

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4.4 Calibration Standards

Calibration gas mixtures for CEMS required by this Part shall meet the specifications in 40 CFR Part 51, Appendix P, Section 3.3 and 40 CFR Part 60, Appendix B, Performance Specification 2; or shall meet equivalent specifications established by mutual agreement of the District, Air Resources Board and Environmental Protection Agency.

4.5 Cycling Times

At a minimum, the cycling times for CEMS required by this Part shall be those specified in 40 CFR, Part 51, Appendix P, Section 3.4, or shall meet equivalent specifications established by mutual agreement of the District, Air Resources Board and Environmental Protection Agency.

4.6 CEMS for SO₂ and NO_x

Any SO₂ and NO_x CEMS required for this Part shall meet the applicable performance specification requirements in 40 CFR Part 51, Appendix P and 40 CFR Part 60, Appendix B; or shall meet equivalent specifications established by mutual agreement of the District, Air Resources Board and Environmental Protection Agency.

4.7 CEMS for CO₂ and O₂

Any CO₂ and O₂ CEMS required for this Part shall meet the performance specification requirements in 40 CFR, Part 51, Appendix P and 40 CFR Part 60, Appendix B; or shall meet equivalent specifications established by mutual agreement of the District, Air Resources Board and Environmental Protection Agency.

PART 5 ADMINISTRATIVE REQUIREMENTS

5.1 Record Keeping Requirements

Owners or operators of sources subject to this Rule shall maintain written or electronic records in District-approved formats for a period of at least five (5) years after creation. Such records shall be made available to the District upon request. The records shall include, but are not limited to:

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- 5.1.1 occurrence and duration of any startup, shutdown, or malfunction in the operation of any affected facility;
- 5.1.2 performance testing, evaluations, calibration checks, adjustments, and maintenance of any continuous emissions monitors and systems that have been installed pursuant to this Rule;
- 5.1.3 emissions and other measurements, including records of all raw and processed data for parameters measured.

5.2 Quarterly Reports

Owners or operators subject to provisions of this Rule shall submit a written report for each calendar quarter, within 45 days of the end of the quarter, and shall include:

- 5.2.1 time intervals, date, and magnitude of excess emissions; nature and cause of the excess (if known), corrective actions and preventive measures adopted;
- 5.2.2 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 and source category in question;
- 5.2.3 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;
- 5.2.4 a negative declaration when no excess emissions occurred; and
- 5.2.5 a summary of actual monthly emissions from subject equipment which operated during the quarter.

5.3 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 continuous emissions monitoring system, shall be reported in writing 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 owner or operator.

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PART 6 DATA REDUCTION

6.1 Requirements for Part 3

Data collected under the provisions of Part 3 shall be reduced according to the procedures of 40 CFR Part 75, Appendix F, or by other methods deemed equivalent by joint decisions of the District, Air Resources Board and Environmental Protection Agency.

6.2 Requirements for Part 4

Data collected under the provisions of Part 4 shall be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, or by other methods deemed equivalent by joint decisions of the District, Air Resources Board and Environmental Protection Agency.

* * * * *

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2/6/85

RULE 214. BREAKDOWN CONDITION

(Adopted 9-1-74)

1. Any equipment breakdown or failure which results in the inability to comply with any emission standard or rule listed in the District Rules and Regulations shall be considered a violation of such standard; 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:
 - 1.1. the occurrence is reported to the Air Pollution Control Officer as soon as reasonably possible but no later than one hour after the onset of the occurrence provided, however, that the Air Pollution Control Officer, may, under the circumstances of a particular case and upon good cause, extend the time, but not to exceed six hours;
 - 1.2. appropriate corrective measures are immediately undertaken to correct the occurrence and limit its duration;
 - 1.3. the estimated time required for repair is reported to the Air Pollution Control Officer within 24 hours after the occurrence; and,
 - 1.4. the equipment is operated only until the end of a run or 24 hours, whichever is sooner (except for continuous instack monitoring equipment, for which the period shall be 96 hours) at which time it shall be shut down for repairs, unless the owner or operator has obtained an emergency variance.
2. Within five days after the occurrence has been corrected, a written report, in a form approved by the Air Pollution Control Officer, shall be submitted to the Air Pollution Control Officer which includes, but is not limited to, the following:
 - 2.1. a statement that the condition or failure had been corrected and the date of correction;
 - 2.2. a description of the reasons for the occurrence;
 - 2.3. a description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future; and,

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- 2.4. an estimate of the emissions caused by the condition or failure.
3. For the purpose of this rule a breakdown condition means an unforeseeable equipment malfunction or failure which:
- 3.1. is not the result of neglect or disregard of any air pollution control law, rule or regulation;
- 3.2. is not intentional or the result of negligence, or improper maintenance;
- 3.3. is not a recurrent breakdown of the same equipment; and,
- 3.4. does not constitute a nuisance as defined in District Rule 402 or in the State of California Health and Safety Code, Section 41700, with the burden of proving the criteria of this section placed upon the person seeking to come under the provisions of this law.
4. Any failure to comply with reporting requirements of this rule or the filing of any report with the Air Pollution Control Officer which falsely claims that an occurrence is a breakdown occurrence shall constitute a separate violation of this rule.

* * * * *

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6-3-97

RULE 215. BANKING OF EMISSIONS REDUCTIONS

(Adopted October 20, 1982; Revised: 6-13-83, 5-10-84, 12-16-87, 6-14-89, 6-26-91, 4-21-93, 5-17-95, 3-20-96 and 3-26-97.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to establish procedures for the creation, banking (storage), and use of emission reduction credits.

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1.2 Applicability

This Rule shall apply to all applicants desiring to establish, deposit, withdraw, transfer or use emission reduction credits in the District ERC Registry.

1.3 Exemptions

Reserved.

1.4 Effective Date

This Rule as most recently revised is effective on March 26, 1997.

1.5 References

1.5.1 The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and Health and Safety Code Section 40709 *et seq.*

1.5.2 Other related rules include: Rule 101 (Definitions), Rule 207 (Review of New or Modified Sources) and Rule 218 (Title V: Federal Operating Permits).

1.6 General Banking Provisions

The District may allow the banking of eligible criteria pollutant emission reduction credits for offset transactions or for use in the future in accordance with those limitations set forth in this Rule. The criteria pollutants are: volatile organic compounds (as defined in District Rule 101, Definitions), nitrogen oxides, sulfur oxides, carbon monoxide, total suspended particulates, and PM₁₀. Emission reduction credits shall not be granted for carcinogenic or toxic air contaminants, as defined in District Rule 1000, or ozone-depleting compounds, as defined in Part 2 of this Rule, except as volatile organic compounds. Only emission reduction credits which are surplus, enforceable, real, permanent, and quantifiable as defined in Part 2 herein, are eligible for banking, trading, or use pursuant to this Rule. The District may terminate, diminish or eliminate banked emission reduction credits if necessary to attain or preserve ambient air quality standards.

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PART 2 DEFINITIONS

Related definitions may be found in Part 2 of Rule 207. For the purposes of this Rule, the following definitions shall apply.

2.1 Banking

The system of quantifying, certifying, recording, and storing ERCs for future use or transfer. Consists of procedures which allow sources to store emission reduction credits for future use or sale subject to conditions set out in this District Rule.

2.2 Baseline

The actual emissions of a source prior to modification as determined by Rule 207.

2.3 Best Available Control Technology (BACT)

As defined in Part 2 of Rule 207, for any stationary source the most stringent of the following, unless the applicant demonstrates to the satisfaction of the District that such limitations imposed on other sources are not achievable:

2.3.1 the most effective emission control device or technique which has been required or used for the type of equipment comprising such a category of stationary source; or

2.3.2 the most stringent emissions limitation which has been required or used for the type of equipment comprising such a category of stationary source; or

2.3.3 any other emission control device or technique determined to be technologically feasible and cost-effective by the District.

2.3.4 BACT shall not be less stringent than the emission control required by any applicable provision of District, ARB, State, or federal laws or regulations, unless the applicant demonstrates to the satisfaction of the District that such limitations are not achievable.

2.3.5 In no event shall the application of BACT result in the emission of any pollutant which exceeds the limitations of any applicable standard in 40 CFR part 60,

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New Source Performance Standards, or in 40 CFR part 61, National Emission Standards for Hazardous Air Pollutants, or 40 CFR part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

2.4 Chlorofluorocarbon (CFC)

As defined in Part 2 of Rule 207, the family of chemical compounds containing carbon, fluorine and chlorine; containing at least one carbon atom and having no hydrogen atoms and no double bonds; and which includes, without limitation, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115).

2.5 Community ERC Account

A special account administered by the District within the ERC Registry for those ERCs set aside for essential public services projects.

2.6 District

Refers to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and its authorized representatives.

2.7 Emission Reduction Credit (ERC)

An actual emission reduction which has been confirmed by the District in accordance with this Rule, and which represents a permanent, quantifiable, real, surplus and enforceable decrease in emissions below the applicable baseline, which has been registered with the District in the ERC Registry in accordance with the requirements of this Rule.

2.8 Enforceable Emission Reduction

An emission reduction which can be verified for accuracy by the District. In general, specified by restrictions imposed by permit conditions.

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2.9 ERC Registry

The public record of the creation, deposit, use and transfer of ERCs.

2.10 Essential Public Services

2.10.1 a sewage treatment plant, which is publicly owned and operated, and is consistent with the locally approved Air Quality Management Plan; or

2.10.2 a prison, jail or correctional facility; or

2.10.3 a police or fire fighting facility; or

2.10.4 a school operated by a local school district; or

2.10.5 a hospital which is publicly owned, or operated or which receives public funds; or

2.10.6 construction and operation of a publicly owned and operated landfill gas control or processing facility; or

2.10.7 a publicly owned or nonprofit water delivery operation.

2.11 Federal Clean Air Act and Amendments (the Act)

Federal Clean Air Act and amendments (42 U.S.C Section 7401 *et seq.*)

2.12 Gasoline

As defined in District Rule 1002, any organic liquid (including petroleum distillate and methanol) having a Reid vapor pressure of four pounds per square inch (4 psi) or greater and used as a motor vehicle fuel; or any fuel which is commonly or commercially known or sold as gasoline.

2.13 Halon

Any fully halogenated carbon compound containing bromine and chlorine and/or fluorine, and includes, without limitation, halon-1211, halon-1301, and halon-2402.

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2.14 Hydrochlorofluorocarbon (HCFC)

As defined in Part 2 of Rule 207, any member of the family of chemical compounds containing hydrogen, carbon, fluorine and chlorine, and which includes, without limitation, chlorodifluoromethane (HCFC-22).

2.15 Hydrofluorocarbon (HFC)

As defined in Part 2 of Rule 207, any member of the family of chemical compounds containing hydrogen, carbon, and fluorine, and which includes, without limitation, trifluoromethane (HFC-23).

2.16 Major Stationary Source

The definition of "Major Stationary Source" in Part 2 of Rule 207.

2.17 Offset

As defined in Part 2 of Rule 207, where used as a noun, an emission reduction from an existing source, whether or not under the same ownership as a proposed project, that is necessary to mitigate an emission increase of an affected pollutant from the proposed project that would otherwise prevent the lawful issuance by the District of an Authority to Construct or a Permit to Operate. When used as a verb, the process of providing such an emission reduction.

2.18 Ozone-depleting Compound (ODC)

Any CFC, halon, HCFC, HFC or the chemical compound of 1,1,1-trichloroethane (methyl chloroform), or carbon tetrachloride.

2.19 Permanent Emission Reduction

An emission reduction which is assured for the life of the corresponding increase, whether limited or unlimited in duration, and the benefits of which do not diminish or disappear over time.

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2.20 **Quantifiable Emission Reduction**

An emission reduction, the rate and characteristics of which can be determined by the District based on emission factors, stack tests, monitored values, operating rates and averaging times, process or production inputs, modeling, or other reasonable measurement practices.

2.21 **Real Emission Reduction**

Those emission reductions that have actually occurred, have been implemented and are not artificially devised.

2.22 **Reasonably Available Control Technology (RACT)**

"Reasonably available" means an emission limitation that has been currently achieved and demonstrated, i.e., the particular limit has been achieved and been proven feasible for a reasonable amount of time. RACT must be the most stringent of the following control options:

- 2.22.1 the most effective emission limits in existing regulations that are currently in effect in any district whose federal nonattainment status is designated as moderate;
- 2.22.2 emission limits identified in existing Suggested Control Measures (SCMs), model rules, or EPA's Control Techniques Guidelines (CTGs) or other such documents;
- 2.22.3 emission limits in post-1988 suggested control measures which are not identified as best available retrofit control technology (BARCT);
- 2.22.4 the lowest emission limit that can be achieved by the specific source by the application of control technology taking into account technological feasibility and cost-effectiveness, and the specific design features or extent of necessary modifications to the source;
- 2.22.5 the lowest emission limit achieved for the source category that is technically feasible, economically reasonable or achieved in practice anywhere (including outside of the U.S.);
- 2.22.6 any combination of control technologies that will achieve emission reductions

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equivalent to those resulting from the most effective option listed above.

2.23 Surplus Emission Reduction

Emission reductions not already required by any federal, State, Air Resources Board, District, or local agreement, law, order, plan, regulation, requirement, or rule.

2.24 Temporary Source

A stationary source with a maximum operational lifetime of no more than 90 continuous days.

2.25 Transfer of Ownership

A change in ownership of a stationary source from one person to another.

PART 3 REQUIREMENTS: CREATING ERCs

3.1 Eligible Emission Reduction Credits (ERCs)

3.1.1 Emission reductions eligible for ERC banking may include only those emissions reductions provided for in Part 3 herein.

3.1.2 The emission reductions must be real, surplus, enforceable, permanent, and quantifiable in accordance with Authorities to Construct issued pursuant to District Regulation II and as confirmed and evidenced by revised permit conditions which may include and not be limited to the following:

- 3.1.2.1 hours of operation;**
- 3.1.2.2 production rate or input rate;**
- 3.1.2.3 record-keeping or reporting;**
- 3.1.2.4 enforceable test methods; and,**

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3.1.2.5 minimum time period over which the above will be averaged.

3.1.3 Any new emissions reduction credits entered into the ERC Registry shall be discounted in value by 10 percent. The portion of ERCs discounted shall become Community ERCs and be deposited into the Community ERC Account, described in Part 5 herein.

3.2 Calculation of Emissions Reductions Eligible for ERCs

The calculation of emissions reductions eligible for ERCs shall be done in accordance with the following:

3.2.1 the historical emissions before modification shall reflect:

3.2.1.1 the actual operating conditions of the source which is applying for reduction credit, and the baseline emissions shall be determined by source tests, continuous emission monitors, or other methods approved by the District when an EPA approved test method does not exist;

3.2.1.2 the amount of emissions remaining if appropriate BACT had been applied to all existing equipment or processes prior to shutdown;

3.2.2 the emissions after the modification which will result in emission reductions shall be determined by source tests, continuous emissions monitors, or, when no EPA approved test methods exist, other methods approved by the District;

3.2.3 the same emission calculation method should be used to quantify the emission levels before and after reduction;

3.2.4 credit for the emissions reductions determined in Subsections 3.2.1 and 3.2.2 above shall be calculated as provided in the provisions of Rule 207 as in effect at the time the Banking Certificate is issued in accordance with Section 4.3 herein.

3.3 Sources of Emissions Reductions

3.3.1 Innovative Control Technology and Process Improvements. Emission reductions resulting from innovative control techniques or process improvements below current and actual emissions, but not to exceed the allowable emissions, may be banked as ERCs:

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- 3.3.1.1 after the transmittal of documentation of the emission reduction and issuance of a Permit to Operate identifying the emission limitation for the source and reflecting the emission reduction; and
- 3.3.1.2 when appropriate, submitted in an application for an Authority to Construct permit submitted within two years before issuance of the Permit to Operate for the innovative control technique or process improvement.
- 3.3.1.3 If non-traditional alternatives to stationary source controls, including alternate fuels, mobile source or transportation measures, are proposed for emission reduction credits, these must meet the same criteria of enforceable, quantifiable, permanent, real and surplus, as would traditional stationary source control techniques, and the District shall not issue ERCs created from mobile sources unless EPA concurs with granting of the ERCs on a case-by-case basis.
 - 3.3.1.3.1 These emissions reduction credits may be calculated by methods other than the calculation methodology requirements of Subsection 3.2.4 herein, if deemed appropriate by the District.
 - 3.3.1.3.2 Emission reduction credits developed in accordance with this Subsection shall be subject to the provisions of Subsection 3.3.2.2 herein.
 - 3.3.1.3.3 Emission reduction credits developed in accordance with this Subsection may be subject to limitations on their useful lifetimes as offsets.
- 3.3.2 **Changes in Permit to Operate Conditions.** Emission reductions resulting from changes in permit conditions which result in actual emissions reductions documented as required by this Rule, may be banked.
 - 3.3.2.1 ERCs developed in accordance with this Subsection shall not be credited until after an Authority to Construct and a Permit to Operate has been issued as based on the application submitted by the source owner. For the case of shutdown sources, these reductions must represent emissions from a source had the source been applying BACT as defined in Rule 207. All conditions and allowances specified or implied in the initial Permit to Operate shall terminate immediately upon the issuance of the Authority to Construct and associated ERCs issued in accordance with this Subsection. The Authority to Construct and Permit to Operate shall contain conditions which limit the operation of the source so that emissions from the source do not exceed the

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levels determined pursuant to Subsection 3.2.2 herein to ensure that emissions reductions will be real and enforceable.

- 3.3.2.2** Where the source of offsets is not subject to a District permit, a District permit with enforceable permit conditions, containing specific emission limitations, must be obtained by the recipient of such offsets. A written agreement shall be required between the applicant and the owner or operator of such a source of offsets, which agreement, by its terms, shall be enforceable by the District as a third party beneficiary. Any breach of such an agreement shall be a violation of this Rule. The permit and agreement shall be submitted to the California Air Resources Board to be forwarded to the federal Environmental Protection Agency as part of the State Implementation Plan.
- 3.3.2.3** Application for emission reduction credits developed in accordance with this Subsection must be submitted to the District within 60 days of issuance of the modified Permit to Operate.
- 3.3.3** **Source Shutdowns or Curtailments.** Emissions reductions from a source shutdown or curtailment may be banked for ERCs for use for any new stationary source or modification provided the source owner can demonstrate the following as required by this Rule:
- 3.3.3.1** the reductions are real, enforceable, quantifiable, surplus, and permanent;
- 3.3.3.2** the reductions are not accounted for in the District Air Quality Management Plan;
- 3.3.3.3** the reductions are not required by District Regulations which limit emissions or define BACT for the source; and,
- 3.3.3.4** the reductions represent emissions from a source had the source been applying BACT as defined in Rule 207.
- 3.3.3.5** Application for emission reduction credits must be submitted within 60 days of surrender or cancellation of the permits or 60 days of the last date of operation for non-permitted sources. Shutdown credits for which applications are not received by the District within 60 days may be deposited into the Community ERC Account by the District provided the credits meet the requirements of this Rule.
- 3.3.3.6** Emission reductions resulting from the shutdown of a stationary source in

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any of the following categories shall not be eligible for deposit into the ERC Registry:

- 3.3.3.6.1 gasoline dispensing facilities; or
- 3.3.3.6.2 dry cleaning facilities.

PART 4 REQUIREMENTS: BANKING ERCs

4.1 ERC Registry and Tracking System

Emission reduction credits (ERCs) are the common currency of all banking, trading, selling, and tracking activities which use emission reduction activities provided for in this Rule.

- 4.1.1 The District shall develop a banking registry for eligible ERCs (ERC Registry) and pollutant reduction tracking system.
 - 4.1.1.1 Such system shall assure the banking and use of ERCs do not interfere with the attainment or maintenance of any State or National Ambient Air Quality Standard, or any air quality increment set forth in Rule 207.
 - 4.1.1.2 Such system shall also assure that the use of ERCs does not contravene relevant requirements of 42 U.S.C., Section 7401 *et seq.*, (federal Clean Air Act and Amendments), or the State Health and Safety Code (HSC).
- 4.1.2 An ERC Registry established by the District in accordance with this Section shall be accessible to the public and should include but not be limited to the following:
 - 4.1.2.1 a log of all entries;
 - 4.1.2.2 a cumulative tally of banked ERCs;
 - 4.1.2.3 an account for each depositor; and
 - 4.1.2.4 a Community ERC Account, as described in Part 5 herein.
- 4.1.3 Confidentiality considerations may apply to pertinent activities and data utilized in the ERC tracking system.

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4.2 Procedures for Banking ERCs

- 4.2.1** The applicant shall submit an application to the District describing the proposed reduction in sufficient detail for the District to make a preliminary determination regarding the eligibility of the reductions for banking credit.
- 4.2.2** The District shall determine within 30 days of receipt of the application whether that submittal is complete. After an application is deemed complete:
- 4.2.2.1** an evaluation shall be made to determine whether or not the eligibility criteria of this Rule are met, and,
- 4.2.2.2** the baseline emissions of the equipment shall be determined as specified in 3.2 herein.
- 4.2.3** After issuing an initial preliminary decision on the application, the District shall follow the appropriate noticing requirements in this Rule. After the close of the public comment period, the District shall consider the public input and issue a final preliminary decision on the application. Such decision shall be issued no later than 180 days after receipt of a completed application unless an extension is requested by the applicant.
- 4.2.4** After the reductions are achieved, the new emissions level shall be determined as specified in 3.2 herein.
- 4.2.5** After verification of the emissions reductions, the District shall issue a Banking Certificate to the applicant which reflects the provisions of Section 5.1 herein.
- 4.2.6** Banking Certificates for ERCs are then valid immediately upon receipt by the District of the necessary fees provided for in Part 4 herein.

4.3 Banking Certificate

Thirty (30) days after verification of emission reductions pursuant to this Rule, the District shall issue a Banking Certificate to the applicant to confirm emission reductions which will be credited in the ERC Registry.

- 4.3.1** Only emission reductions for which such a Banking Certificate has been issued, and for which necessary fees determined pursuant to Part 4 of this Rule have been paid, are eligible for sale, transfer, or other uses provided for in this Rule.

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4.3.2 The Banking Certificate shall contain a quantification of emissions reductions in the units in which offsets are required in Rule 207, the location of the source, the source's operating schedule, and applicable permit conditions (e.g., stack parameters, particle size, temperature and the velocity of plume, existence of hazardous pollutants, daily and seasonal emission rates) which limit the operation of the source so that emissions from the source do not exceed levels determined pursuant to Subsection 3.2.2 herein, to ensure that the respective emission reduction will be real and enforceable.

4.3.3 Effective as of July 1, 1994, Banking Certificates, and the ERCs they evidence, shall be valid until surrendered to the District to satisfy offset requirements or until terminated by operation of law or amendment of this Rule.

4.4 Public Notification and Comment

Before final preliminary approval of the banking of ERCs of any affected pollutant, or declaring a moratorium on further banking of ERCs or further use of ERCs as provided for in Section 6.3 herein, the District shall publish in at least one newspaper of general circulation within the District, and send to any individual submitting a written request to the District for notification, a notice stating the initial preliminary decision of the District to approve the banking of applicable ERCs or to declare a moratorium on further banking or use of ERCs, inviting written public comment for a 30-day period following the date of publication. During this period, which may be extended by the District, the District may elect to hold a public meeting to receive oral comments from the public. After considering all such comments, the District shall make a final preliminary decision concerning such banking within ten days of the close of the comment period.

4.5 Appeal to the Hearing Board

Any person dissatisfied with the final preliminary determination made by the District pursuant to this Rule, may, within 30 days of the District's decision, petition the District Hearing Board for a hearing to review the District's decision. The decision of the Hearing Board shall be final. Only those persons submitting written comments during the public comment period provided under Section 4.4, or in the event oral testimony is given during any public meeting provided for under Section 4.4, those persons providing such testimony shall have the right pursuant to the provisions to appeal the decision of the District.

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4.6 Procedure for Transferring ERCs

Emission reduction credits may be transferred by the registered holder of the ERCs, upon submittal of an application for ERC transfer by the registered holder to the District, and payment of all outstanding obligations to the District. ERCs may be transferred in whole or in part. Transfer of the banked reductions shall not be effective until the District informs the holder that notification of the transfer has been received and recorded in the ERC Registry. If reductions are transferred in part, the Banking Certificate must be surrendered to the District and a new ERC Banking Certificate issued to reflect the partial transfer. Sources operating in violation of any District rule or regulation shall not be eligible to transfer ERCs or receive transferred ERCs.

Ten percent of ERCs used to offset temporary sources shall be deposited into the Community ERC Account for use as specified in Section 5 of this Rule.

4.7 General Fees

To the extent that ERCs are credited to the ERC Registry developed pursuant to this Rule the fees specified in Sections 4.8 and 4.9 below shall be paid within 30 days of the issuance of Banking Certificates. ERC Banking Certificates are not in effect and cannot be traded or used in any manner unless the appropriate fees required herein have been fully paid.

4.8 ERC Registry Fee

Every applicant shall pay an initial registration fee of \$300.00 for registration in the ERC Registry. However, if the District determines that this fee does not fairly represent the District's engineering, inspecting, and evaluation costs in processing the subject application, the District shall assess an additional registry fee based on the actual estimated costs incurred by the District in processing the application at a rate of \$80.00 per hour. Registry fees assessed under this schedule may be appealed to the Hearing Board in accordance with Regulation VI provisions.

4.9 Annual Registry Fee

Every person registered in the ERC Registry shall pay an annual banking fee of \$100.00. However, the District may assess an additional annual registry fee based on

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the actual estimated costs incurred by the District in maintaining the subject ERC Registry account at a rate of \$80.00 per hour. Annual registry fees assessed under this schedule may be appealed to the Hearing Board in accordance with Regulation VI provisions.

PART 5 REQUIREMENTS: COMMUNITY ERC ACCOUNT

5.1 Funding for the Community ERC Account

5.1.1 The District shall, at the time of any ERC deposit, deduct ten percent of the emissions reductions relative to criteria pollutants deposited in the ERC Registry to be placed into the Community ERC Account.

5.1.2 Any other actual emission reductions which the District determines to be surplus under the provisions of Subsection 3.3.3.5 and Section 4.6 may also be included in the Community ERC Account.

5.1.3 The District shall return the Community ERC Account credits from a stationary source which has received credits from the Community ERC Account back into the Community ERC Account, under the following condition:

5.1.3.1 an Authority to Construct using Community ERCs is terminated prior to the commencement of operation.

5.2 Access to the Community ERC Account

Essential public services, as defined in Section 2.10 herein, shall be eligible for access to the Community ERC Account if the following conditions have been met prior to or in the same permitting action where access to the Community ERC Account is proposed:

5.2.1 the source has provided the maximum amount of required offsets available on-site by modifying existing equipment or processes at the stationary source to meet at least RACT standards; and

5.2.2 the source has demonstrated to the satisfaction of the District that it is not feasible to secure offsets from other sources.

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5.3 Procedure for Obtaining Community Emission Reduction Credits

- 5.3.1 If an applicant holds any emission reduction credits, access to the Community ERC Account shall not be allowed, unless the applicant is proposing to provide such credits as offsets in the same permitting action where access to the special account is proposed.**
- 5.3.2 On or before December 31st of each year, the District shall determine the amount of Community ERCs which are available for withdrawal from the Community ERC Account for the upcoming year.**
 - 5.3.2.1 Additional emissions reductions obtained by the District and not included in the yearly determination may be added, at the discretion of the District, to the previously established amount of Community ERCs.**
- 5.3.3 Community ERCs shall be returned by the District to the Community ERC Account if the provisions of Subsection 5.1.3 are met.**
- 5.3.4 Community ERCs cannot be transferred or banked by a source, except back into the Community ERC Account.**

5.4 Administrative Requirements

- 5.4.1 The District shall track the cumulative total of emission credits obtained from the Community ERC Account by each stationary source.**
- 5.4.2 Emission reductions proposed for deposit in the Community ERC Account shall be calculated in accordance with procedures established in Section 3.2 herein.**
- 5.4.3 All new stationary sources shall be required to comply with applicable District NSR BACT requirements in Rule 207 prior to being allowed access to the Community ERC Account.**
- 5.4.4 The District shall maintain public records of the source and amount of emission reductions obtained for deposit in the Community ERC Account, and transfers of these credits to applicants.**

PART 6 REQUIREMENTS FOR USING ERCs

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6.1 Limitations

The banking of ERCs provided for by this Rule is not intended to, and shall not, constitute any of the following:

- 6.1.1 provide authority for the recognition of any pre-existing vested right to emit air contaminants;
- 6.1.2 provide ERCs toward exemption of a source from BACT requirements contained in Rule 207;
- 6.1.3 provide ERCs toward exemption of a source from emission limitations established in Rule 423 or emission limitations for stationary sources established by the federal Environmental Protection Agency in 40 Code of Federal Regulations (CFR) Part 60, New Source Performance Standards, or in 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants;
- 6.1.4 provide ERCs for increases in hazardous air pollutants defined in Rule 424 based on the reduction of nonhazardous emissions;
- 6.1.5 provide double credit of emissions reductions which have already been included as part of the District's baseline emissions in the State Implementation Plan, or for attainment pollutants, emissions reductions that occurred before the determination of emission baselines calculated from the air quality emission increments set forth in Rule 207;
- 6.1.6 provide ERCs for emission reductions already required by any permits, standards, agreements, orders, plans or requirements of federal, State, Air Resources Board, or District laws, rules and regulations, or the State Implementation Plan;
- 6.1.7 provide ERCs for emission reductions achieved prior to April 21, 1993, unless those reductions can be verified to meet the requirements of this Rule;
- 6.1.8 provide ERCs for emissions reductions at non-permitted sources, unless the source agrees to enter into an enforceable tracking mechanism of such credits, obtains a Permit to Operate, and complies with all permit requirements;
- 6.1.9 provide ERCs for emission reductions achieved after a moratorium has been declared in accordance with Section 6.3 herein; or,
- 6.1.10 provide ERCs for emissions of source shutdowns if those emissions are likely to

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be shifted to another source of the same type within the District, and that source will not be subject to the offset requirements of Rule 207.

6.2 Procedure for Use of ERCs

6.2.1 Banked ERCs may be used to offset emissions increases from new or modified sources according to the requirements of the provisions of Rule 207.

6.2.1.1 Emission reduction credits for volatile organic compounds which are also identified as carcinogenic or toxic air contaminants under District Rule 1000 may only be used as emissions offsets for volatile organic compounds.

6.2.1.2 Emission reduction credits utilized for offsets at Major Sources shall have been reduced by RACT at the time of use. At the time of their use, emission reduction credits will be analyzed to determine if the BACT reduction at the time of deposit is equal to or greater than RACT at the time of use. If not, then additional reductions will be made to meet RACT at the time of use.

6.2.2 The source owner utilizing banked ERCs must demonstrate, prior to such use, to the satisfaction of the District, that the use of the reductions as offsets will not interfere with the attainment or maintenance of any ambient air quality standard, or the exceedance of air quality increments identified in Rule 207.

6.3 Moratorium on Use of Banked ERCs

If the District determines that additional mandatory emission reductions will be necessary to attain federal, State, or District air quality standards, the District may declare a full or partial moratorium on the use of banked ERCs or the banking of ERCs of the applicable air contaminant. Such a moratorium shall be lifted after the District determines that State and federal planning requirements are being fulfilled.

REGULATION III - FEES

RULE 300. Permit Fees.

a. Filing Fee. Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate is required by (the State law or) the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of \$20.00.

Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 200 and no alteration, addition or transfer of location without permit has been made, the applicant shall pay only a \$10.00 filing fee.

b. Permit Fee. Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files application with the Air Pollution Control Officer, shall in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in Rule 301 provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

Every person who operated an article, machine, equipment or other contrivance under the provisions of Rule 200 (c) of the San Benito County Air Pollution Control District shall obtain a written permit on or before January 1, 1975. No filing fee will be charged, and the permit fee shall be equivalent to an annual renewal fee under these regulations.

c. Permit Fee Penalty. When the permit is issued, it shall be accompanied by a statement of the fee to be paid therefor. If the fee is not paid within 30 days after the permit is issued, the fee shall be increased by one-half the amount thereof and the Air Pollution Control Officer shall thereupon promptly notify the applicant of the increased fee by mail. If the increased fee is not paid within 60 days after the permit is issued, the application shall be deemed withdrawn and canceled. The Air Pollution Control Officer shall so notify the applicant by mail, and the permit shall be void.

d. Permit Granted by Hearing Board. In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer, the provisions of paragraph (c) hereof shall apply.

e. Cancellation or Denial. If an application for an authority to construct or a permit to operate is canceled or if an authority to construct or permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

f. Transfer of Location. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer of location and where a permit to operate had previously been granted for such equipment under Rule 200 and no alteration or addition without permit has been made, the applicant shall pay only the amount of the filing fee required herein. The annual renewal fee at the new location shall be the same as if there had been no change in location and the anniversary date for payment of the renewal fee will remain unchanged.

g. Alteration of Equipment. Where an application is filed for an authority to construct or a permit to operate exclusively involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 200 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein. Where a new permit is granted because of alterations or additions to equipment which had previously been granted a permit under Rule 200, the annual renewal fee will be calculated on the basis of the new rating and will continue to be due and payable on the anniversary date of the original permit.

h. Revising Permit Conditions. Where an application is filed for a permit to operate exclusively involving revisions to the conditions of an existing permit to operate, the applicant shall pay only the amount of the filing fee required herein. The annual ^(adding a new word) renewal fee will continue to be due and payable on the anniversary date of the original permit.

i. Annual Renewal Fee

Jan 1, 1978

~~(1) Pursuant to this rule each operator shall pay an annual renewal fee in order to offset the District's costs pertaining to the issuance of permits and including the ongoing inspections needed to provide the data necessary for annual permit renewal evaluations. The annual renewal fee shall include all reasonable costs associated with the District's business as it relates to the issuance of permits and inspections thereof, including but ^(adding a word) necessarily limited to: the costs of reviewing and acting upon any application for the purposes of reviewing, implementing and enforcing the terms and conditions of any such permit, inspections, actual salaries, fringe benefits, workers compensation, liability insurance, fire, theft and comprehensive insurance, legal expenses, amortized cost of equipment and vehicles, expenses to maintain said vehicles and equipment, rent and other direct and indirect costs which result from the administration of the permit system.~~

~~The intention of the annual renewal fees charged herein is to recover the reasonable District costs associated with the implementation of the permit system pursuant to Sections 42300 and 42311 of the California State Health and Safety Code, according to the following provisions.~~

i. Annual Renewal Fee.

(2) Inasmuch as such annual renewal fees discussed herein for those operations of all equipment which (except ^{new addition} when otherwise determined by the APCO), emit 99 tons ^{per year or less rounded to the nearest ton} per year or less rounded to the nearest ton) for any of the following air contaminants: gaseous sulfur compounds (expressed as sulfur dioxide), total organic gases (except those compounds containing sulfur), oxides of nitrogen (expressed as nitrogen dioxide), or particulate matter and 999 tons per year or less (rounded to the nearest ton) for carbon monoxide, show a reasonable relationship to the respective District costs, such sources shall be assessed a fee in accordance with the following table which shall be due and payable annually on the anniversary date of the permit to operate:

Emissions in Tons Per Year Per Permit	Annual Renewal Fee Per Permit
0-4 TPY	\$ 25
5-9 TPY	\$ 125
10-29 TPY	\$ 340
30-59 TPY	\$ 800
60-99 TPY	\$1200

(3) For those operators of all equipment which emit any pollutants in quantities greater than those specified in subsection i(2) of this rule, or for which the APCO has otherwise specifically determined that the resulting pollutants from the respective operation do not show a reasonable relationship to the respective District costs incurred, the following provisions shall apply:

(a) The operator of all equipment operating under permit shall pay an annual renewal fee based upon the estimated costs incurred by the District in administering the permit system for all permit units on the premises. As used in this section, "premises" means one parcel of land, or contiguous parcels of land, under the same ownership or entitlement of use.

(b) The annual renewal fee for each operator of all equipment operating under permit for which this subsection is applicable shall be approved initially at the time of adoption of this rule, and annually prior to adoption of the District budget.

(4) A notice to pay the approved fee shall be mailed annually to the operators of all equipment to which this section applies.

If the payment of such fee is not received within 30 days of the due date, the fee shall be increased by one half the amount thereof, and the operator shall thereupon be notified by mail of the increased fee. If the increased fee is not received within 60 days of the due date, the Air Pollution Control Officer shall request the hearing board of the District to hold a hearing to determine whether any or all of the operator's permits should be revoked, as provided in Health and Safety Code, Section 42307. Permits to Operate so revoked shall be reinstated only upon payment in full of all accrued fees and penalties.

j. Multiple Locations. When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.

k. Duplicate Permit. A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate and shall contain the reason duplicate permit is being requested. A fee of \$5.00 shall be paid except by any state or local governmental agency or public district, for issuing a duplicate permit to operate.

~~RULE 301: Permit Fee Schedules. It is hereby determined that the cost of issuing permits, and of inspections pertaining to such issuance exceeds the fees prescribed herein. In the event that more than one fee schedule is~~

REGULATION III
FEES

RULE 300. PERMIT FEES

(Adopted 9-1-74; Revised 1-18-78, 5-31-78, 6-14-78, 5-20-81, 8-18-82, 6-13-83, 3-8-84, 7-19-84, 5-15-85, 7-17-85, 6-11-86, 3-25-87, 6-10-87, 9-16-87, 6-20-88, 12-14-88, 6-14-89, 1-17-90, 6-13-90, 6-26-91, and 6-9-93)

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~~4.2.1 Upon determination of the permittee's annual emissions and Annual Renewal Fee the District will notify the permittee by mail of the Annual Renewal Fee due and the date by which it must be submitted to the District. The Annual Renewal Fee must be submitted within the time period specified in the renewal fee billing statement in order to complete the renewal of the Permit to Operate or Authority to Construct.~~

4.3 Renewal Procedure; Sources with Annual Emissions Greater than 300 Tons per Year

All sources whose combined annual emissions of affected pollutants from all aggregated permit units are more than 300 tons per year, as determined from the prior year's annual renewal emission determination, shall complete the Annual Renewal Information Request provided by the District within the time period specified in the Request. Failure to timely complete and submit the Request may result in suspension of the Permit to Operate or Authority to Construct.

~~4.3.1 After the District's determination of the permittee's Billable Emissions and Annual Renewal Fee, based on the rate of \$88 per ton of Billable Emissions, every permittee shall submit each semi-annual renewal fee payment within the time period specified in each semi-annual renewal fee billing statement in order to successfully complete the renewal of the Permit to Operate or Authority to Construct. The annual renewal of each Permit to Operate or Authority to Construct held by the permittee is complete upon the submission of the final semi-annual fee payment.~~

4.4 Emission Statements

For all sources whose combined annual emissions from the entire facility are greater than 25 tons of either nitrogen oxides (Nox) or reactive organic compounds (ROC), as derived from the prior year's annual renewal emission determination, the permittee shall submit an Emission Statement for each Permit to Operate and Authority to Construct as described below, in accordance with the mandatory provisions of section 182(a)(3)(B)(ii) of the federal Clean Air Act. In addition, the District may require any other permittee to submit an Emission Statement where the District has reason to believe the facility's annual emissions should be certified by the permittee.

4.4.1 Any permittee receiving an Emission Statement form from the District shall certify the process information and annual emissions described therein by completing the Emission Statement. Such certification shall be made by an official of the permittee having authority to represent it. Upon

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certification the permittee shall return the completed Emission Statement to the District along with its submission of the Annual Renewal Fee payment.

4.4.2 In the event the permittee determines it cannot certify the information on the Emission Statement it shall prepare a statement indicating what it believes its process information and annual emissions actually were during the reporting period of the Emission Statement, along with a detailed explanation of its rationale therefor, signed by a responsible representative of the permittee, and return it to the District along with the original Emission Statement form and its submission of the Annual Renewal Fee payment.

4.4.3 The requirement to submit an Emission Statement shall not alter the time period for completing a permittee's renewal of any Permit to Operate or Authority to Construct by the payment of the applicable Annual Renewal Fee.

~~4.5 Billable Emissions~~

~~Annual renewal fees for all Permits to Operate and Authorities to Construct which are determined with reference to annual emissions shall be based upon the billable emissions from each permit unit or source. Billable emissions are the quantity, rounded to the nearest ton, of the combined annual emissions of nitrogen oxides (expressed as nitrogen dioxide), total organic gases (except those containing sulfur, gaseous sulfur compounds (expressed as sulfur dioxide, and all particulate matter, plus 25 percent of the annual emissions of carbon monoxide.~~

~~4.6 Annual Renewal Fee Determination; All Sources except Gasoline Dispensing Facilities, Wastewater Treatment Facilities, and NESHP Sources~~

~~The annual renewal fee for each Permit to Operate held by sources with combined emissions of affected pollutants from all aggregated permit units of less than 300 tons per year shall be determined according to the following schedule:~~

Billable Emissions per Permit; Tons per Year	Annual Renewal Fee per Permit
0 - < 5	\$ 88.00
5 - < 10	\$ 363.00
10 - < 30	\$ 1023.00
30 - < 60	\$ 2525.00
60 - < 100	\$ 3651.00
100 - < 200	\$ 4382.00
200 - < 300	\$ 6231.00

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RULE 400 VISIBLE EMISSIONS

(Adopted July 1, 1969; Revised April 26, 1995, June 18, 1997, March 22, 2000, October 15, 2003, December 15, 2004; and August 15, 2012.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide limits for the visible emissions from sources within the District.

1.2 Applicability

The provisions of this Rule shall apply to all sources of air pollutant emissions in the District.

1.3 Exemptions

The provisions of this Rule shall not apply to the following activities:

- 1.3.1 any open burning performed in compliance with Rule 438 {California Health and Safety Code (HSC) Sections 41704 (a), (b), (c), and (e)};
- 1.3.2 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 {HSC Section 41704 (d)};
- 1.3.3 agricultural operations necessary for the growing of crops or raising of fowl or animals {HSC Sections 41704 (g) and (h)};
- 1.3.4 the use of visible emission generating equipment in training sessions conducted by governmental agencies necessary for certifying persons to evaluate visible emissions for compliance with applicable District rules and regulations {HSC Section 41704 (l)};
- 1.3.5 emissions from vessels using steam boilers during emergency boiler shutdowns for safety reasons, safety and operational tests required by governmental agencies, and where maneuvering is required to avoid hazards {HSC Section 41704 (j)};
- 1.3.6 emissions from vessels during a breakdown condition, as long as the discharge is reported in accordance with District requirements {HSC Section 41704 (k)};
- 1.3.7 smoke emissions from teepee burners during the disposal of forestry and agricultural residues or forestry and agricultural residues with supplementary fossil fuels when the emissions result from the startup or shutdown of the combustion process or from

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the malfunction of emission control equipment. This exemption does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24 hour period, nor to emissions which result from the failure to operate and maintain in good working order any emission control equipment {HSC Section 41704 (m)};

- 1.3.8 smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from the startup or shutdown of the combustion process or from the malfunction of emission control equipment. This exemption does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24 hour period, nor to emissions which result from the failure to operate and maintain in good working order any emission control equipment {HSC Section 41704 (n)};
- 1.3.9 emissions from methanol fuel manufacturing plants which manufacture not more than 2,000,000 gallons of methanol fuel per day from wood, agricultural waste, natural gas, or coke (exclusive of petroleum coke). As used in this Subsection, "manufacturing plant" includes all necessary support systems, including field operations equipment that provide feedstock. However, this exemption shall be available to only one methanol fuel manufacturing plant in the District, and is effective only when the District is designated as an "attainment area" pursuant to the Federal Clean Air Act (42 U.S.C. Sec. 7401 *et seq.*) This exemption shall remain in effect with respect to a plant until five years after construction of the plant and shall have no force and effect with respect to the plant on and after that date {HSC Section 41704 (o)};
- 1.3.10 the use of an obscurant for the purposes of training military personnel and the testing of military equipment by the United States Department of Defense on any military reservation {HSC Section 41704 (p)};
- 1.3.11 wet plumes where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of Section 3.1 of this Rule. The burden of proof which establishes the application of this exemption shall be upon the person seeking to benefit from its provisions;
- 1.3.12 the use of an orchard, field crop, or citrus grove heater which does not produce unconsumed solid carbonaceous material at a rate in excess of that allowed by State law, which is 1 gram per minute of unconsumed solid carbonaceous material. {HSC Sections 41704 (f) and 41860}

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1.4 Effective Dates

This Rule, as most recently revised, is effective on August 15, 2012.

1.5 References

- 1.5.1 The requirements of this Rule arise from the provisions of: California Health & Safety Code Sections 39043.5, 41701.5, 41701.6, 41704 and 41860; Title 17 Section 92000 *et seq.* of the California Code of Regulations, and the Code of Federal Regulations (CFR) Part 60, Part 61, and Part 63.
- 1.5.2 Other related rules include: Rule 403 (Particulate Matter), Rule 404 (Sulfur Compounds and Nitrogen Oxides), Rule 423 (New Source Performance Standards), Rule 424 (National Emission Standards for Hazardous Air Pollutants), and Rule 438 (Open Outdoor Fires).

PART 2 DEFINITIONS

2.1 Abrasives Certified for Permissible Dry Outdoor Blasting

The abrasive blasting material defined in Title 17 of the California Code of Regulations Sections 92000 *et seq.*

2.2 Obscurant

Fog oil released into the atmosphere during military exercises which produces a smoke screen designed to eliminate the detection of persons or objects by visual or electronic means of observation within a localized area. {HSC Section 39043.5}

2.3 Opacity

The degree to which light is prevented from passing through an emission plume. Its measure is expressed as one (1.0) minus the optical transmittance of a smoke plume, screen target, etc. as determined by the test methods in Section 4.1 below. Dark plumes are expressed as numbers 1 through 5 on the Ringelmann chart, while light plumes are expressed as equivalent percentages. Thus, Ringelmann 1 corresponds to 20% opacity, Ringelmann 2 corresponds to 40% opacity, Ringelmann 3 to 60% opacity, Ringelmann 4 to 80% opacity, and Ringelmann 5 corresponds to 100% opacity.

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2.4 Ringelmann Chart

The chart used to designate shades of darkness of emissions as published by the United States Bureau of Mines.

2.5 Startup

The period of time when the equipment goes from a non-operational to a fully operational state.

Good engineering practices shall be used to the fullest extent practicable during startup to minimize pollutant emissions.

2.6 Teepee Burner

A conical shaped device used to burn flammable forestry and agricultural product waste material in an enclosed fixture effective in preventing the spread of sparks or fire, situated in an area cleared of grass, grain, brush, slash, litter, and snags for a distance of 100 feet surrounding the device or by landfill or other methods which meet applicable state and local fire safety, air, and water quality standards. A burn permit pursuant to Rule 438 must be obtained for use of such device.

PART 3 REQUIREMENTS AND STANDARDS

3.1 General Visible Emission Limitations

A person shall not discharge into the atmosphere from any emission source whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour, which is as observed using the appropriate test method referenced in Section 4.1:

3.1.1 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

3.1.2 of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 3.1.1 above.

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3.2 Industry-Specific Visible Emission Limitations

3.2.1 Abrasive Blasting

Notwithstanding the requirements of Subsection 3.1 above, abrasive blasting operations shall not exceed visible emissions limits set by Sections 92000 *et seq.* of Title 17 of the California Code of Regulations, which are 20% opacity (or equivalent Ringelmann 1) for indoor operations using non-certified abrasive blasting material and 40% opacity (or equivalent Ringelmann 2) for more than 3 minutes in any hour for outdoor operations using the following methods: wet abrasive blasting, hydroblasting, vacuum blasting, or abrasives certified for permissible dry outdoor blasting.

3.2.2 Drinking Water Systems

Notwithstanding the requirements of Section 3.1, emissions of visible smoke from any diesel auxiliary engine or generator used exclusively to operate a drinking water system shall not exceed Ringelmann 2 (or equivalent 40% opacity), when operated under emergency circumstances, or operated not more than 30 minutes each week, or two hours each month, under non-emergency circumstances. {HSC Section 41701.6}

3.2.3 Gas Turbines

Notwithstanding the requirements of Section 3.1, visible emissions from gas-fired combustion turbines during startup may exceed Ringelmann 1 (or equivalent 20% opacity) for a period of not more than two hours, provided that visible emissions during such startup periods shall not exceed Ringelmann 2 (or equivalent 40% opacity) for a period or periods aggregating more than three minutes in any one hour.

3.2.4 Pile Drivers

Notwithstanding the requirements of Section 3.1, pile driver operations shall not exceed the visible emission limits set by Health and Safety Code Sections 41701.5, which are Ringelmann 1 (or equivalent 20% opacity) for no more than 4 minutes per pile, or Ringelmann 2 (or equivalent 40% opacity) for no more than 4 minutes per pile if operating on kerosene, smoke suppressing additives and synthetic lubricating oil.

3.2.5 Federally Regulated Industries

In addition to the general visible emission limits of Section 3.1 above,

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industries subject to any visible emission limit codified in 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63 shall comply with those limits. For reference, District Rules 423 (New Source Performance Standards) and 424 (National Emission Standards for Hazardous Air Pollutants) include lists of the industry-specific standards which have been promulgated in 40 CFR Parts 60 and 61 respectively.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Test Methods

- 4.1.1 Except for any visible emission limits codified in 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63, all visible emissions determinations shall be in accordance with EPA Method 9 (Visual Determination of the Opacity of Emissions from Stationary Sources) except for the data reduction procedures. Data reduction shall consist of counting the number of observations above the applicable standard and multiplying that number by 0.25 to determine the minutes of emissions above an applicable standard.

- 4.1.2 Visible emissions for any visible emission limit codified in 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63 shall be observed in accordance with the observation procedure contained within EPA Method 9 or Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), as applicable, codified as Appendix A of 40 CFR Part 60.

* * * * *

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RULE 403. PARTICULATE MATTER

(Adopted 9-1-1974; Revised 12-13-1984, 3-22-2000, and 2-16-2005.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide particulate matter emission limits for sources operating within the Monterey Bay Unified Air Pollution Control District (Air District).

1.2 Applicability

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The provisions of this Rule shall apply to any source discharging particulate matter while operating within the Air District.

1.3 Exemptions

Rule 403 does not apply to:

1.3.1 Stationary internal combustion engines.

1.3.2 Fires set by or permitted by a 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:

1.3.2.1 for the purpose of the prevention of a fire hazard which cannot be abated by other means, or

1.3.2.2 the instruction of public employees in methods of fighting fires.

1.3.3 Fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire, or

1.3.4 The use of an orchard, field crop, or citrus grove heater which does not produce unconsumed solid carbonaceous material at a rate in excess of that allowed by State law, which is 1 gram per minute of unconsumed solid carbonaceous material. {California Health and Safety Code (HSC) Sections 41860 and 41704 (f)}

1.4 Effective Date

This Rule, as most recently revised, is effective on February 16, 2005.

1.5 Related District Rules

Related District Rules include: 207 (Review of New or Modified Sources), 400 (Visible Emissions), 423 (New Source Performance Standards), 424 (National Emission Standards for Hazardous Air Pollutants); and Regulation V (Orchard, Field Crop, or Citrus Grove Heaters).

PART 2 DEFINITIONS

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Reserved.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Concentration

A person shall not discharge from any source whatsoever particulate matter in excess of 0.15 grain per standard dry cubic foot of exhaust gas.

3.2 Process Weight

A person shall not discharge in any one hour from any source whatsoever particulate matter in excess of the amount shown in Table I.

Table I ALLOWABLE RATE OF EMISSION BASED ON PROCESS RATE ¹		
Process Rate (lbs/hr)	Weight Rate (tons/hr)	Emission Rate (lbs/hr)
100	0.05	0.551
200	0.1	0.877
400	0.2	1.4
600	0.3	1.83
800	0.4	2.22
1,000	0.5	2.58
1,500	0.75	3.38
2,000	1.0	4.1
2,500	1.25	4.76
3,000	1.5	5.38

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Table I ALLOWABLE RATE OF EMISSION BASED ON PROCESS RATE ¹		
Process Rate (lbs/hr)	Weight Rate (tons/hr)	Emission Rate (lbs/hr)
3,500	1.75	5.96
4,000	2.0	6.52
5,000	2.5	7.58
6,000	3.0	8.56
7,000	3.5	9.49
8,000	4.0	10.4
9,000	4.5	11.2
10,000	5.0	12.0
12,000	6.0	13.6
16,000	8.0	16.5
18,000	9.0	17.9
20,000	10.0	19.2
30,000	15.0	25.2
40,000	20.0	30.5
50,000	25.0	35.4
60,000 or more	30.0	40.0

¹ Interpolation of the data in this Table shall be accomplished by the use of the equation:

$$E = 4.10 P^{0.67}$$

where

E = rate of emission in lbs/hr

P = process weight rate in tons/hr

3.3 Individual Particles

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No person shall on or after December 31, 1976, cause, let, permit, suffer or allow the emission from any heat transfer, incinerator or metal salvage operation of particles in sufficient number to cause damage to property, which particles are of sufficient size and nature to be visible individually as particles on property other than that under the control of the person responsible for the emission.

* * * * *

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RULE 404. SULFUR COMPOUNDS AND NITROGEN OXIDES

[Adopted 9-1-1974; Revised 9-15-1993; 10-16-1996; 3-22-2000; and 12-15-2004.]

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide limits for the emissions of sulfur compounds, nitrogen oxides and nitrogen dioxide from sources within the District.

1.2 Applicability

The provisions of this Rule shall apply to sources of sulfur compounds, nitrogen oxides, nitrogen dioxide subject to District Rule 200 (Permits Required).

1.3 Exemptions

1.3.1 Electric power boilers subject to the emission limits of District Rule 431 (Emissions from Electric Power Boilers) shall not be subject to Subsection 3.1.3 of this Rule.

1.3.2 Any source subject to an emission limit imposed by the BACT requirements of Section 4.1 or 5.2 of District Rule 207 (Review of New or Modified Sources) shall not be subject to Section 3.1 of this Rule for the same pollutant.

1.3.3 The provisions of Subsection 3.1.1 of this Rule shall not apply during maintenance operations on crude oil production casing gas collection, treatment and destruction systems provided that the District is notified at least 24 hours prior to the maintenance operation(s).

Rule 404 does not apply to:

1.3.4 Fires set by or permitted by a 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:

1.3.4.1 for the purpose of the prevention of a fire hazard which cannot be abated by other means, or

1.3.4.2 the instruction of public employees in methods of fighting fires.

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- 1.3.5 Fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- 1.3.6 The use of an orchard, field crop, or citrus grove heater which does not produce unconsumed solid carbonaceous material at a rate in excess of that allowed by State law, i.e., no more than 1 gram per minute of unconsumed solid carbonaceous material. {California Health and Safety Code (HSC) Sections 41860 and 41704 (f)}

1.4 Effective Dates

This Rule as most recently revised, is effective on December 15, 2004.

1.5 References and Related Rules

- 1.5.1 The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (California Health and Safety Code Section 40910 *et seq.*) and the Federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)
- 1.5.2 Related District Rules include: 200 (Permits Required); 207 (Review of New or Modified Sources); 423 (New Source Performance Standards); 424 (National Emission Standards for Hazardous Air Pollutants); 431 (Emissions from Electric Power Boilers); and Regulation V (Orchard, Field Crop, or Citrus Grove Heaters).

PART 2 DEFINITIONS

2.1 British Thermal Unit (Btu)

The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit (°F) at or near 39.2° F.

2.2 National Ambient Air Quality Standards (NAAQS)

Air quality standards set by the Administrator of the United States Environmental Protection

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Agency to protect public health and welfare and, in general, consisting of primary and secondary standards. Primary standards are to protect the public health, while secondary standards are intended to protect the public welfare, *e.g.*, plants, crops, and materials.

2.3 Nitrogen Oxides

The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms are collectively expressed as nitrogen dioxide.

2.4 Offsite Impact

The point of maximum ground level impact off the facility property at which point human exposure could occur.

2.5 State Ambient Air Quality Standards

Air quality standards set by the California Air Resources Control Board "in consideration of the public health, safety, and welfare, including, but not limited to, health, illness, irritation to the senses, aesthetic value, interference with visibility, and the effects on the economy" (California Health and Safety Code Section 39606 [b]). A distinction is not made between standards to protect public health and welfare, *i.e.*, primary and secondary standards.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Emission Limits

No person shall discharge from any single emission unit any one or more of the following contaminants in any state or combination thereof, exceeding in concentration or amount at the point of discharge to the atmosphere;

3.1.1 sulfur compounds calculated as sulfur dioxide (SO₂), 0.2 percent by volume;

3.1.2 nitrogen oxides, calculated as nitrogen dioxide (NO₂), 140 pounds per hour from any new

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or expanded boiler, furnace, jet engine, or similar fuel burning equipment used for the production of power or heat;

3.1.3 from fuel burning equipment having a maximum heat input rate of more than 1-1/2 billion Btu per hour (gross), flue gas having a concentration of nitrogen oxides calculated as nitrogen dioxide (NO₂) in parts per million parts of flue gas (ppm) by volume at 3 per cent oxygen, 225 ppm with natural gas, liquid or solid fuel; or,

3.1.4 from sources other than combustion sources, nitrogen oxides, calculated as nitrogen dioxide (NO₂), 250 parts per million by volume.

3.2 Hydrogen Sulfide (H₂S) Limit

In no case shall H₂S emissions from any crude oil production casing gas collection, treatment and destruction systems maintenance operations as allowed for in Section 1.3.3 cause an offsite impact equal to or in excess of the REL (Reference Exposure Level) established by the California Office of Environmental Health Hazard Assessment.

3.3 Ambient Air Quality Standards

In no case shall the emissions from any single emission unit cause or contribute to the violation of a National or State ambient air quality standard.

3.4 Measurement Methods

3.4.1 For determination of SO₂ emissions concentrations in stack gases during stationary source tests, 40 Code of Federal Regulations (CFR) Part 60, App. A, Methods 6 or 6C (EPA Methods 6 or 6C, "Determination of Sulfur Dioxide Emissions from Stationary Sources"), or California Air Resources Board (ARB) Method 100, "Procedures for Continuous Gaseous Emission Stack Sampling", shall be performed.

3.4.2 For determination of NO_x emissions concentrations in stack gases during stationary source tests, 40 CFR Part 60, App. A, Method 7E (EPA Method 7E, "Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure)"), or ARB Method 100, "Procedures for Continuous Gaseous Emission Stack Sampling", shall be performed.

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3.5 Record-keeping Requirements

For any source subject to this Rule, permanent records, or records in a District-approved electronic format, shall be maintained for a period of five years after creation and shall be made available for inspection by the Air Pollution Control Officer upon request. The records shall include, but are not limited to, the date and time of testing, the parameters which were measured and the contaminant concentrations or emission rates in the same units as the emission limits.

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 408. INCINERATOR BURNING

(Adopted 9-1-74; and 8-21-02; and Revised 9-15-04).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit emissions of volatile organic compounds from the operation of incinerators within the Monterey Bay Unified Air Pollution Control District (Air District).

1.2 Applicability

The provisions of this Rule shall apply to all incinerators operated within the Air District unless exempted pursuant to Section 1.3 below.

1.3 Exemptions

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The provisions of this Rule shall not apply to:

1.3.1 Incinerators in operation before January 1, 1975.

1.4 Effective Dates

This Rule, as most recently revised, is effective on September 15, 2004.

1.5 Related District Rules

Related District Rules include: 101 (Definitions).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS AND STANDARDS

No person shall burn combustible refuse in an incinerator, unless it is a multiple-chamber incinerator as defined in District Rule 101, or in equipment approved in advance of such use by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 412. SULFUR CONTENT OF FUELS

(Adopted 9-1-74; and Revised 8-21-02).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit emissions of sulfur oxides from combustion sources within the Monterey Bay Unified Air Pollution Control District (Air District).

1.2 Applicability

The provisions of this Rule shall apply to all combustion sources operated within the Air District unless exempted pursuant to Section 1.3 below.

1.3 Exemptions

The provisions of this rule shall not apply to:

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- 1.3.1 The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur compounds.
- 1.3.2 The incinerating of waste gases, provided that the gross heating values of such gases are less than 300 British thermal units (BTUs) per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of the amount specified in this rule.
- 1.3.3 The use of solid fuels in any metallurgical process.
- 1.3.4 The use of fuels where the gaseous products of combustion are used as raw materials for other processes.
- 1.3.5 The use of liquid, or solid fuel, to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.
- 1.3.6 The burning of sulfur in the processing of fruit for drying.

1.4 Effective Dates

This Rule, as most recently revised, is effective on August 21, 2002.

1.5 Related District Rules

Related District Rules include: 101 (Definitions), and 413 (Removal of Sulfur Compounds).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS AND STANDARDS

No person shall burn within the District any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 413. REMOVAL OF SULFUR COMPOUNDS

(Adopted 9-1-74; and Revised 8-21-02).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit emissions of sulfur oxides from combustion sources within the Monterey Bay Unified Air Pollution Control District (Air District).

1.2 Applicability

The provisions of this Rule shall apply to all combustion sources operated within the Air District unless exempted pursuant to Section 1.3 below.

1.3 Exemptions

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Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on August 21, 2002.

1.5 Related District Rules

Related District Rules include: 101 (Definitions), and 412 (Sulfur Content of Fuels).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS AND STANDARDS

The provisions of Rule 412 shall not apply where the sulfur compounds are removed pre or post combustion, or where a mixture of fuels is used, so that the resulting emissions of sulfur compounds to the atmosphere is no greater than that which would be emitted by using a liquid or solid fuel complying with Rule 412.

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RULE 414. REDUCTION OF ANIMAL MATTER

(Adopted 9-1-74; and Revised 8-21-02).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit emissions from the reduction of animal matter within the Monterey Bay Unified Air Pollution Control District (Air District).

1.2 Applicability

The provisions of this Rule shall apply to all rendering plants operated within the Air District unless exempted pursuant to Section 1.3 below.

1.3 Exemptions

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

1.4 Effective Dates

This Rule, as most recently revised, is effective on August 21, 2002.

1.5 Related District Rules

Related District Rules include: 101 (Definitions), and 402 (Nuisances).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Control Requirement

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 from such an article, machine, equipment or other contrivance are:

- 3.1.1 incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds; or,
- 3.1.2 processed in such a manner determined by the Air Pollution Control Officer to be equally, or more effective for the purpose of air pollution control than subsection 3.1.1. above.

3.2 Recording of Operating Parameters

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

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 415. CIRCUMVENTION

(Adopted 9-1-74; Revised 8-21-02; and 2-21-07).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to require that control equipment installed to reduce emissions actually do reduce emissions within the Monterey Bay Unified Air Pollution Control District (District), and to ensure that source tests are performed as scheduled and are not discontinued solely to avoid documenting periods of non-compliance.

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1.2 Applicability

- 1.2.1 The provisions of Section 3.1 of this Rule shall apply to any article, machine, equipment or other contrivance operated to control emissions within the District unless exempted pursuant to Section 1.3 below.
- 1.2.2 The provisions of Section 3.2 of this Rule shall apply to any article, machine, equipment or other contrivance which is source tested within the District.

1.3 Exemptions

The provisions of Section 3.1 of this Rule shall not apply to any article, machine, equipment or other contrivance installed to eliminate or:

- 1.3.1 mitigate *Nuisances* as defined in District Rule 402.
- 1.3.2 mitigate offsite concentrations of *Toxic Air Contaminants* as defined in District Rule 1000.

1.4 Effective Dates

This Rule, as most recently revised, is effective on February 21, 2007.

1.5 Related District Rules

Related District Rules include: 101 (Definitions), 402 (Nuisances), and 1000 (Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants).

PART 2 DEFINITIONS

2.1 Source Test

A compliance test or performance evaluation utilizing US EPA, California Air Resources Board or District approved methodologies.

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PART 3 REQUIREMENTS AND STANDARDS

3.1 Equipment

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the District Rules and Regulations.

3.2 Source Testing

3.2.1 No person shall cancel a scheduled source test without prior authorization from the District.

3.2.2 Once initiated, no person shall terminate or cause to be terminated any source test, or shutdown any equipment being source tested.

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RULE 416. SOLVENTS

(Adopted 9-1-74; Revised 12-13-84, 9-18-85, 4-20-94, and 1-17-01)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit the emissions of volatile organic compounds (VOCs) that are used as solvents.

1.2 Applicability

The provisions of this Rule shall apply to any equipment or process that uses solvents, unless specifically exempted.

1.3 Exemptions

The requirements of this Rule shall not apply to the following:

- 1.3.1 The manufacture of solvents, or the transport or storage of solvents, or materials containing solvents.
- 1.3.2 The use of equipment or surface coating material for which other requirements are specified by other rules of the District, including Rules 417, 418, 419, 420, 426, 430, and 433 or which are exempt from the air pollution control requirements of said Rules.
- 1.3.3 Any source subject to an emission limit imposed by the BACT or NSR requirements of District Rule 207 (Review of New or Modified Sources) shall not be subject to Sections 3.1 or 3.2 of this Rule for the same pollutant.
- 1.3.4 Any source in operation prior to January 17, 2001 with actual emissions greater than those allowed for in Sections 3.1 or 3.2 of this Rule shall not be subject to Sections 3.1 or 3.2 of this Rule provided that the source was operating in compliance with the requirements of Rule 416 that were in effect prior to January 17, 2001, and provided that the source apply for permit revision(s) no later than March 19, 2001 to establish new emission limits that are based upon the source's Historical Emissions calculated

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pursuant to Section 7.2 of District Rule 207.

- 1.3.5 The spraying or other use of insecticides, pesticides or herbicides.
- 1.3.6 The use, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.
- 1.3.7 The use of any material, in any equipment described in Part 3 if the VOC content of the material is less than 20 grams/liter.

1.4 Effective Dates

This Rule has been in effect since September 1, 1974. This Rule in its present form is effective March 19, 2001.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*).

PART 2 DEFINITIONS

2.1 Equipment

Any article, machine, equipment or other contrivance.

2.2 Solvent

Material containing VOCs, where the material and/or the VOCs are used as solvers, viscosity reducers or cleaning agents.

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2.3 Volatile Organic Compounds (VOCs)

As defined in District Rule 101, Definitions.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Equipment Exposing Solvent to Flame or Oxidizing Conditions

A person shall not cause or allow the uncontrolled emissions of more than 15 pounds of VOCs in any one day from any equipment in which any solvent comes into contact with flame or is baked, heat-cured or heat-polymerized at a temperature at or above 194^{EF} (90^{EC}), in the presence of oxygen.

3.1.1 Emissions from all equipment designed for processing a continuous web, strip or wire shall be collectively subject to compliance with this Section.

3.1.2 Emissions resulting from the use of solvents to cleanup any equipment described in Part 3 shall be included with the other emissions from that equipment for determining compliance with this Rule.

3.2 Equipment Using Solvents

A person shall not cause or allow the uncontrolled emissions of more than 40 pounds of VOCs in any one day from any equipment or permit unit using, or applying any solvent.

3.2.1 Emissions resulting from air or heated drying of products for the first 12 hours after their removal from any equipment using solvents shall be included in determining compliance with Section 3.2.

3.2.2 Emissions resulting from baking, heat-curing or heat-polymerizing, as described in Section 3.1, shall be excluded from determination of compliance with Section 3.2.

3.2.3 Emissions from all equipment designed for processing a continuous web, strip or wire shall be collectively subject to compliance with Section 3.2.

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- 3.2.4 Emissions resulting from the cleanup with solvents of any equipment described in Part 3 shall be included with the other emissions from that equipment for determining compliance with this Rule.

3.3 Alternate Compliance Using Control Equipment

The requirements of Sections 3.1 and 3.2 shall not apply if control equipment (other than incineration) is used to reduce emissions by at least 85 percent.

- 3.3.1 If incineration is used to reduce emissions pursuant to Section 3.3, the control equipment shall reduce emissions by at least 90 percent.
- 3.3.2 A person using control equipment pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct or the Permit to Operate, or as specified by the Air Pollution Control Officer, for indicating and recording temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control. Records sufficient to demonstrate the compliant operation of the equipment shall be maintained as specified in Part 4.
- 3.3.3 Compliance with the control efficiencies of Section 3.3 shall be determined using the test methods specified in Part 5.

PART 4 ADMINISTRATIVE REQUIREMENTS

Any person using solvents or any material containing solvents shall maintain the following records for at least two years and make them available to the District upon request:

4.1 Composition of Materials

Material data sheets, manufacturer's certifications or product labels showing the chemical compositions and physical properties of each solvent.

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4.2 Amount of Solvent Used

Records of the amount of solvent that is used. Where compliance with the daily emission limits is required, usage records shall be sufficient to document compliance with the limit.

4.3 Operation of Control Equipment

Records sufficient to demonstrate the continuous compliant operation of control equipment installed pursuant to Section 3.3.

PART 5 TEST METHODS

5.1 Control Efficiency

The control efficiency of air pollution control equipment shall be determined using EPA Methods 2, 2A, 2C, or 2D for measuring flow rates and EPA Methods 25, 25A, or 25B for measuring the total gaseous organic concentrations at the inlet and outlet of the control device (40 CFR 60, Appendix A).

5.2 Source Testing Procedures

All source testing shall be performed in compliance with the District Source Testing Procedures Manual.

5.3 VOC Content

5.3.1 The VOC content of any water-based materials subject to this Rule shall be determined using Bay Area Air Quality Management District Method 31 (Determination of Volatile Organic Compounds in Paint Strippers, Solvent Cleaners and Low-Solids Coatings).

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5.3.2 The VOC content of any other class of materials and clean-up solvents subject to this Rule shall be determined using EPA Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings) in 40 Code of Federal Regulations Part 60, Appendix A.

5.4 Quantity of Exempt Compounds

5.4.1 The quantity of exempt compounds and water in water-based materials subject to this Rule shall be determined using Bay Area Air Quality Management District Method 31 (Determination of Volatile Organic Compounds in Paint Strippers, Solvent Cleaners and Low-Solids Coatings).

5.4.2 The quantity of exempt compounds in any other class of materials and clean-up solvents subject to this Rule shall be determined using California Air Resources Board Test Method 432 (Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings).

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3/15/02

MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 417 STORAGE OF ORGANIC LIQUIDS

(Adopted 9-1-74; Revised 12-17-84, 8-25-93, and 12-19-01)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit the emissions of organic solvent vapors from the storage of organic liquids.

1.2 Applicability

The provisions of this Rule shall apply to any container used to store organic liquids unless specifically exempted by this Rule.

1.3 Exemptions

1.3.1 The requirements of Section 3.1 shall not apply to the following containers:

- 1.3.1.1 pressure tanks maintaining working pressures sufficient at all times to prevent organic vapor or gas loss to the atmosphere;
- 1.3.1.2 containers less than or equal to 150,000 liters (39,630 gallons) capacity; and
- 1.3.1.3 containers where the organic liquid stored has a maximum true vapor pressure less than 77.5 mm Hg (1.5 pounds per square inch absolute, psia) at actual storage conditions. Such containers shall be subject to the requirements of Part 4.

1.3.2 The requirements of Section 3.2 shall not apply to the containers listed below unless the containers are subject to the requirements of Rule 418:

- 1.3.2.1 gasoline containers less than or equal to 7,575 liters (2000 gallons) capacity;
- 1.3.2.2 gasoline containers used exclusively for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 *et seq.*) of the California Vehicle Code; and
- 1.3.2.3 gasoline containers equipped with a pressure vacuum valve which is set to within ten percent of the maximum allowable working pressure of the container.

1.4 Effective Dates

This Rule has been in effect since September 1, 1974. The Rule in its present form is effective December 19, 2001.

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1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

PART 2 DEFINITIONS

2.1 APCO

The Air Pollution Control Officer of the District or a designated representative of the Air Pollution Control Officer.

2.2 Container

Any stationary tank or reservoir.

2.3 Efficiency

As used in Sections 3.1.3 and 3.1.4 of this Rule: a comparison of controlled emissions to those emissions which would occur from a fixed or cone roof tank in the same product service without a vapor control system. Baseline emissions shall be calculated by using the criteria outlined in American Petroleum Institute Bulletin 2518.

2.4 Leak

The uncontrolled release of liquids or vapors to the environment, including the escape of liquid at a rate of three drops per minute or more, or as visible spray or mist, and including any vapor leak which produces a concentration of 10,000 parts per million volume, when tested by an instrument calibrated with methane in accordance with EPA Method 21 (40 CFR 60, Appendix A).

2.5 Organic Liquids

Liquids which are primarily but not exclusively derived from petroleum.

2.6 Primary Seal

The lower seal of a floating roof closure device.

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2.7 Secondary Seal

The upper seal of a floating roof closure.

2.8 Vapor-mounted Primary Seal

A primary seal mounted such that there is an annular vapor space beneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

2.9 Vapor Pressure

The maximum true vapor pressure of a liquid under actual storage conditions. The true vapor pressure in pounds per square inch absolute of stored liquid may be determined using the test methods specified in Part 5.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Storage of Organic Liquids

No person shall place, store or hold in any container any organic liquid unless such container is designed and equipped with one of the vapor loss control devices described in Sections 3.1.1, 3.1.2, 3.1.3, or 3.1.4. The control device shall be properly installed, properly maintained and in good operating order.

3.1.1 A floating roof cover consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and is equipped with a closure device between the tank shell and roof edge. Except as provided in Section 3.1.1.4, the closure device shall consist of two seals, a primary seal and a secondary seal. Proposed seal designs shall be submitted to the APCO for review and approval. The seal designs shall meet the criteria set forth in Sections 3.1.1.1 through 3.1.1.4, as applicable.

3.1.1.1 For a closure device on a welded tank shell which uses a metallic-shoe-type seal as its primary seal the following requirements apply.

3.1.1.1.1 Gaps between the tank shell and the primary seal shall not exceed 3.8 centimeters (1½ inches) for an accumulative length of ten percent, 1.3 centimeters (½ inch) for another 30 percent, and 0.32 centimeters (1/8 inch) for the remaining 60 percent of the circumference of the tank. No gap between the tank shell and the primary seal shall exceed 3.8 centimeters (1½ inches). No continuous gap greater than 0.32 centimeters (1/8 inch) shall exceed ten percent of the circumference of the tank.

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- 3.1.1.1.2 Gaps between the tank shell and the secondary seal shall not exceed 0.32 centimeters (1/8 inch) for an accumulative length of 95 percent of the circumference of the tank and shall not exceed 1.3 centimeters (1/2 inch) for an accumulative length of the remaining 5 percent of the tank. No gap between the tank shell and the secondary seal shall exceed 1.3 centimeters (1/2 inch).
- 3.1.1.1.3 Metallic-shoe-type seals installed on or after August 1, 1978 shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 61 centimeters (24 inches) above the stored liquid surface.
- 3.1.1.1.4 The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least 46 centimeters (18 inches) in the vertical plane above the liquid surface. There shall be no holes, tears, nor openings which allow the emission of organic vapors through the secondary seal nor in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.
- 3.1.1.1.5 The secondary seal shall allow easy insertion of probes up to 3.8 centimeters (1 1/2 inches) in width in order to measure gaps in the primary seal.
- 3.1.1.1.6 The secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.
- 3.1.1.1.7 The owner or operator of any container subject to Section 3.1.1.1 which is installed after August 1, 1978, shall comply with the requirements of Section 3.1.1.1 at the time of installation.
- 3.1.1.2 For a closure device which uses a resilient-toroid-type seal as its primary seal, the following requirements apply.
 - 3.1.1.2.1 If installation was or is commenced prior to April 1, 1978, gaps between the tank shell and the primary seal shall not exceed 0.32 centimeters (1/8 inch) for an accumulative length of 95 percent of the circumference of the tank, and shall not exceed 1.3 centimeters (1/2 inch) for an accumulative length of the remaining five percent of the tank circumference. No gap between the tank shell and the primary seal shall exceed 1.3 centimeters (1/2 inch).
 - 3.1.1.2.2 If installation was or is commenced prior to August 1, 1979, gaps between the tank shell and the secondary seal shall not exceed 0.32 centimeters (1/8 inch) for an accumulative length of 95 percent of the circumference of the tank, and shall not exceed 1.3 centimeters (1/2 inch) for an accumulative length of the remaining five percent of the tank circumference. No gap between the tank shell and the secondary seal shall exceed 1.3 centimeters (1/2 inch).

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- 3.1.1.2.3 If installation is commenced after August 1, 1979, the tank owner or operator shall, prior to installation, demonstrate to the APCO that the closure device controls vapor loss with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Section 3.1.1.1. If equivalence is demonstrated using primary or secondary seal gap criteria different from the criteria specified in Sections 3.1.1.2.1 or 3.1.1.2.2, then those criteria shall be controlling for all purposes of this Rule.
- 3.1.1.2.4 There shall be no holes, tears, nor openings which allow the emission of organic vapors through the secondary seal nor in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, seal fabric and secondary seal.
- 3.1.1.2.5 The secondary seal shall allow easy insertion of probes up to 1.3 centimeters ($\frac{1}{2}$ inch) in width in order to measure gaps in the primary seal.
- 3.1.1.2.6 The secondary seal shall extend from the roof of the tank to the shell and not be attached to the primary seal.
- 3.1.1.2.7 The owner or operator of any existing container which requires modification to comply with Section 3.1.1.2 shall complete the required modifications no later than February 1, 1980.
- 3.1.1.3 For a closure device on a riveted tank shell which uses a metallic-shoe-type seal as its primary seal the following requirements apply.
 - 3.1.1.3.1 The closure device shall consist of two seals, a primary seal and a secondary seal. The closure device shall control vapor loss with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Section 3.1.1.1. The APCO shall determine whether equivalence exists in accordance with Section 3.1.1.4. Gaps between the primary and secondary seals and the tank shall not exceed the gaps (if any) associated with the closure device approved as equivalent by the APCO, and shall be controlling for all purposes of this Rule.
 - 3.1.1.3.2 Metallic-shoe-type seals installed on or after August 1, 1978 shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 61 centimeters (24 inches) above the stored liquid surface. The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least 46 centimeters (18 inches) in the vertical plane.
 - 3.1.1.3.3 There shall be no holes, tears, nor openings which allow the emission or organic vapors through the envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.

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- 3.1.1.3.4 Any secondary seal shall allow easy insertion of probes up to 6.4 centimeters (2½ inches) in width in order to measure gaps in the primary seal.
- 3.1.1.3.5 Any secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.
- 3.1.1.4 The requirements of Sections 3.1.1.1 through 3.1.1.5 shall not apply to any person who demonstrates to the APCO that a closure device has been installed, which by itself or in conjunction with other vapor loss control devices, controls vapor loss at all tank levels with an effectiveness equivalent to a closure device on a welded tank which meets the requirements of Section 3.1.1.1. The owner or operator of any tank with such a system, shall, prior to use or installation, demonstrate equivalence to the APCO by one of the following methods:
 - 3.1.1.4.1 an actual emission test in a full size or scale sealed tank facility which accurately collects and measures all hydrocarbon emissions associated with a given closure device, and which accurately simulates other emission variables, such as temperature, barometric pressure and wind. The test facility shall be subject to prior approval by the APCO, or
 - 3.1.1.4.2 a pressure leak test, engineering evaluation or other means where the APCO determines that the same is an accurate method of determining equivalence.
- 3.1.1.5 The primary seal envelope shall be made available for the following unobstructed inspections by the APCO.
 - 3.1.1.5.1 On an annual basis the primary seal shall be made available for unobstructed inspections by the APCO at locations selected at random along its circumference.
 - 3.1.1.5.1.1 For riveted tanks with toroid-type seals, eight random locations shall be made available for inspection. For all other cases, four such locations shall be made available.
 - 3.1.1.5.1.2 If the APCO detects one or more violations as a result of any such inspection, the APCO may require such further unobstructed inspection of the primary seal as may be necessary to determine the seal condition for its entire circumference.
 - 3.1.1.5.2 For tanks with secondary seals installed after August 1, 1978, the primary seal envelope shall be made available for inspection by the APCO prior to installation of the secondary seal.
 - 3.1.1.5.3 Every five years after August 1, 1978, the primary seal envelope shall be made available for unobstructed inspection by the APCO for its full length unless inspected pursuant to Section 3.1.1.5.4.
 - 3.1.1.5.4 If the secondary seal is voluntarily removed by the owner or operator prior to inspection pursuant to Section 3.1.1.5.3, it shall be made

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available for such inspection at that time. The owner or operator shall provide notification to the APCO not less than seven working days prior to voluntary removal of the secondary seal.

- 3.1.1.6 All openings in the roof, except pressure-vacuum valves, which shall be set to within ten percent of the maximum allowable working pressure of the roof, shall provide a projection below the liquid surface to prevent belching of liquid and to prevent entrained or formed organic vapor from escaping from the liquid contents of the tank and shall be equipped with a cover, seal, or lid. The cover, seal, or lid shall at all times be in a closed position, with no visible gaps, except when the device or appurtenance is in use.
- 3.1.1.7 Any emergency roof drain shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least nine-tenths of the area of the openings.
- 3.1.1.8 A floating roof shall not be used if the organic liquid to be stored has a maximum true vapor pressure of 569 mm Hg (11 psia) or greater under storage conditions.
- 3.1.1.9 For tanks with vapor-mounted primary seals, the accumulated area of gaps exceeding 0.32 centimeter (cm) (0.125 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 square cm per meter (1.0 square inch per foot) of tank diameter as determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 0.32 cm uniform diameter probe passes freely (without forcing or binding against the seal) between the seal and tank wall, and summing the area of the individual gaps.
- 3.1.1.10 The owner or operator of a facility with a floating roof cover shall perform the visual inspections of secondary seals as described in Sections 3.1.1.1.4, 3.1.1.2.4, and 3.1.1.3.3 and shall maintain records of the annual or semiannual inspections specified in Part 4.
- 3.1.1.11 The owner or operator of a facility with a vapor-mounted primary seal shall measure the secondary seal gap areas annually as described in Section 3.1.1.9 and shall maintain the records of the measurement and visual inspections specified in Part 4.
- 3.1.2 A fixed roof with an internal-floating-type cover, provided that the following requirements are met:
 - 3.1.2.1 the cover prevents the release or emission to the atmosphere of all organic vapors or gases with an efficiency equivalent to a floating roof closure device which meets the requirements of Section 3.1.1.1. The APCO shall determine whether equivalence exists in accordance with Section 3.1.1.4; and
 - 3.1.2.2 the maximum true vapor pressure of the organic liquid does not exceed 569 mm Hg (11 psia) under storage conditions.
- 3.1.3 A vapor recovery and disposal system provided that the following requirements are met:

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- 3.1.3.1 the vapor recovery system is capable of collecting and processing the organic vapors and gases, so as to prevent their emission to the atmosphere with an efficiency of at least 95 percent by weight;
 - 3.1.3.2 any tank gauging or sampling device on a tank vented to the vapor recovery system shall be equipped with a gas tight cover which shall be closed at all times except during gauging or sampling; and
 - 3.1.3.3 all piping, valves and fittings shall be constructed and maintained in a gas-tight condition, such that no organic vapor or liquid leaks are detectable. The term leak is defined in Section 2.4. Vapor leaks shall be detected according to the test method specified in Part 5.
- 3.1.4 Other equipment having a vapor loss control efficiency of at least 95 percent by weight, provided an application for installation of such equipment is submitted to and approved by the APCO.

3.2 Storage of Gasoline

No person shall place, store or hold in any above-ground container any gasoline unless such container is equipped with a vapor loss control device which complies with the requirements set forth in Section 3.1.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Organic Liquids Having a Maximum True Vapor Pressure Greater than 52 mm Hg (1.0 psia) but Less than 77.5 mm Hg (1.5 psia)

The owner or operator of a storage tank with an external floating roof cover containing an organic liquid with a true vapor pressure greater than 52 mm Hg (1.0 psia) but less than 77.5 mm Hg (1.5 psia) under actual storage conditions, shall maintain the following records for at least five years and shall make copies of the records available to the District upon request:

- 4.1.1 records of the temperature of the liquid as stored so that the maximum monthly temperature is documented;
- 4.1.2 records of the type of liquid stored; and
- 4.1.3 records of the maximum true vapor pressure of the liquid as stored.

4.2 Organic Liquids Having a Maximum True Vapor Pressure Greater than 77.5 mm Hg (1.5 psia)

The owner or operator of any storage tank with an external floating roof cover containing an organic liquid with a maximum true vapor pressure greater than 77.5 mm Hg (1.5 psia) under

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actual storage conditions shall maintain the following records for at least five years and shall provide copies of the records to the District upon request:

- 4.2.1 records of the temperature of the liquid as stored so that the maximum monthly temperature is documented;
- 4.2.2 records of the type of liquid stored;
- 4.2.3 records of the maximum true vapor pressure of the liquid as stored; and
- 4.2.4 records of the results of semiannual inspections that are performed by the owner or operator for verification of compliance with this Rule. The inspections shall include the following criteria:
 - 4.2.4.1 there are no visible holes, tears, nor other openings in the seal(s) or seal fabric, as described in Sections 3.1.1.1.4, 3.1.1.2.4, and 3.1.1.3.3;
 - 4.2.4.2 the seals are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and
 - 4.2.4.3 for vapor-mounted primary seals, the actual seal gap area measurement as described in Section 3.1.1.9.

PART 5 TEST METHODS

5.1 Reid Vapor Pressure for Petroleum Products

Reid vapor pressure for petroleum products shall be determined by American Society of Testing and Materials method D 323-82.

5.2 Vapor Pressure of Petroleum Products

True vapor pressure for petroleum products:

- 5.2.1 with an API gravity greater than 20° shall be determined from Reid vapor pressure using the nomographs contained in American Petroleum Institute Bulletin 2517.
- 5.2.2 with an API gravity of 20° or less shall be determined by using the latest revision of the Lawrence Berkeley National Laboratory "Test Method for Vapor Pressure of Reactive Organic Compounds in Heavy Crude Oil Using Gas Chromatography", as approved by ARB and EPA.

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5.3 Vapor Pressure of Organic Liquids

True vapor pressure of organic liquids that are not petroleum products shall be determined by American Society of Testing and Materials method D 2879-86.

5.4 Vapor Control Efficiency

Vapor control efficiency shall be determined according to California Air Resources Board Method 202, Certification and Test Procedures for Vapor Recovery Systems at Gasoline Bulk Plants.

5.5 Source Testing Procedures

All source testing shall be performed in compliance with the District Source Testing Procedures Manual.

5.6 Leak Detection

Leak detection shall be performed using EPA Method 21 for determination of VOC leaks (40 CFR 60, Appendix A).

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RULE 418 TRANSFER OF GASOLINE INTO STATIONARY STORAGE CONTAINERS

(Adopted 9-1-74; Revised 12-17-84, 9-18-85, 8-25-93, 12-13-00, 4-16-03, and 3-21-07.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit the emissions of vapors of gasoline from the transfer of gasoline from delivery vessels into stationary storage containers.

1.2 Applicability

The provisions of this Rule shall apply to any transfer of gasoline into a stationary storage container unless specifically exempted by this Rule.

1.3 Exemptions

1.3.1 The provisions of Section 3.1 shall not apply to the following:

- 1.3.1.1 The transfer of gasoline into any stationary storage container less than or equal to 550 gallons capacity used exclusively for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36000 *et seq.*) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe.
- 1.3.1.2 The transfer of gasoline into all stationary storage containers at an agricultural facility where all such gasoline is used exclusively for the fueling of implements of husbandry and where the rolling thirty-day throughput of gasoline to all of the containers does not exceed 10,000 gallons, if each container is equipped with a permanent submerged fill pipe and records are maintained which document the quantity of all gasoline delivered to the facility pursuant to Part 4 of this Rule. Should a gasoline facility exempted pursuant to this Section ever exceed the throughput threshold of this Section, such facility shall be subject to the provisions of Part 3.1 of this Rule and shall remain subject to these provisions regardless if throughput later falls below the threshold.
- 1.3.1.3 The transfer of gasoline into any stationary storage container having a capacity of 2,000 gallons or less which was installed prior to January 1, 1976 if such container is equipped with a permanent submerged fill pipe.
- 1.3.1.4 The transfer of gasoline into any stationary storage container in existence prior to January 1, 1976, which is served exclusively by a delivery vessel exempted by the APCO pursuant to Section 1.3.2 if such a container is equipped with a permanent submerged fill pipe.
- 1.3.1.5 The transfer of gasoline into any stationary storage container in existence prior to January 1, 1976 which is equipped with an offset fill pipe.

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1.3.2 The provisions of Section 3.2 shall not apply to any bulk loading facility not subject to the provisions of Rule 419 which was in operation on or before January 1, 1976 and for which the annual throughput to stationary storage containers that are not exempted by Sections 1.3.1.1, 1.3.1.2, or 1.3.1.3 does not exceed 500,000 gallons. The owner/operator of such a facility may petition the APCO to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section 3.2. The owner of such a facility must petition annually to renew such exemptions.

1.4 Effective Dates

This Rule has been in effect since September 1, 1974. The Rule in its present form is effective March 21, 2007.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

PART 2 DEFINITIONS

2.1 APCO

The Air Pollution Control Officer of the District or a designated representative of the Air Pollution Control Officer.

2.2 ARB-Certified Vapor Recovery System

A vapor recovery system which has been certified by the California Air Resources Board (ARB) pursuant to Section 41954 of the California Health and Safety Code.

2.3 Gasoline

Any petroleum distillate having a Reid vapor pressure of four pounds per square inch or greater.

2.4 Gasoline Vapors

The organic compounds in the displaced vapors including any entrained liquid gasoline.

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2.5 Phase I Vapor Recovery System

A gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery vessels into stationary storage containers.

2.6 Rolling Thirty-day Throughput

The total throughput over any continuous thirty day period.

2.7 Stationary Storage Container Capacity

The nominal capacity of a container.

2.8 Submerged Fill Pipe

Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the container. Submerged fill pipe when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Transfer into Storage Containers

A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e. tank truck or trailer) into any stationary storage container with a capacity of 250 gallons or more unless such container is equipped with a permanent submerged fill pipe and such transfer is made through an ARB-Certified Vapor Recovery System.

3.2 Gasoline Delivery Vessels

A person shall not store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. Vapor tightness shall be determined according to the test method or specification cited in Section 5.2 of this Rule. Any delivery vessel into which gasoline vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents at least 90 percent by weight of the gasoline vapors displaced from entering the atmosphere.

3.3 Loading of Gasoline Delivery Vessels

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A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to Section 1.3.2 unless such delivery vessel is loaded through a submerged fill pipe.

3.4 Loading Facilities not Subject to Rule 419

A person shall not operate any gasoline loading facility which is not subject to the provisions of Part 3 or Part 4 of Rule 419 unless all of the following conditions are satisfied:

- 3.4.1 the facility is equipped with a system or systems to prevent the release to the atmosphere of at least 95 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and
- 3.4.2 all above-ground stationary storage containers of the facility are equipped with pressure-vacuum valves with a minimum pressure valve setting of 15 ounces (0.94 pounds per square inch gauge), provided that such setting will not exceed the maximum pressure rating of the containers.

3.5 Compliance with Other Regulations

Vapor return and vapor recovery systems used to comply with the provisions of this Rule shall comply with all safety, fire, weights and measure, and other applicable codes and regulations.

3.6 International Code Council (ICC) Certification Requirements

No later than 6 months after final acceptance of the ICC Vapor Recovery exams, vapor recovery installation personnel must have current ICC Vapor Recovery Installation certification and vapor recovery test personnel must have current ICC Vapor Recovery Testing certification to perform their respective tasks on Phase I vapor recovery systems.

PART 4 RECORD KEEPING REQUIREMENTS

4.1 Delivery Log

The owner/operator of each gasoline storage facility subject to this Rule, and of each facility exempted from the requirements of Section 3.1 of this Rule pursuant to Section 1.3.1.2, shall maintain records showing the quantity of all gasoline delivered to the facility. These records shall be retained for at least five years in a readily accessible location and shall be made available to the District upon request.

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PART 5 TEST METHODS

5.1 Vapor Recovery Efficiency

Compliance with the vapor recovery efficiency requirements of this Rule shall be determined according to the California Air Resources Board Test Procedure TP-202.1, Determination of Emission Factors of Vapor Recovery Systems of Bulk Plants.

5.2 Vapor Tightness

Vapor tightness shall be determined according to the California Air Resource Board Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks:

5.2.1 Certification Procedure for Vapor Recovery Systems of Cargo Tanks, ARB CP-204.

5.2.2 Test Procedure for Determination of Five Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks, ARB TP-204.1.

5.2.3 Test Procedure Determination of One Minute Static Pressure Performance of Vapor Recovery Systems of Cargo Tanks, ARB TP-204.2.

5.2.4 Test Procedure for Determination of Leaks, ARB TP-204.3.

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RULE 419 BULK GASOLINE PLANTS AND TERMINALS

(Adopted 9-1-74; Revised 11-23-94, and 12-13-00)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit the emissions of gasoline vapors from transfer operations at bulk gasoline plants and bulk gasoline terminals.

1.2 Applicability

The provisions of this Rule shall apply to gasoline loading, unloading, and storage operations at bulk gasoline plants and bulk gasoline terminals; and to any gasoline tank truck delivering or receiving gasoline at a bulk gasoline plant or bulk gasoline terminal, unless specifically exempted from this Rule.

1.3 Exemptions

- 1.3.1 The owner or operator of a bulk gasoline plant with an average daily throughput of no more than 4,000 gallons of gasoline per day, based on a rolling 30-day average, or no more than a total of 120,000 gallons of gasoline in any calendar month, shall be required to be in compliance with only subsections 3.3.11, 3.3.12, and 3.3.13 and shall be exempt from the remaining requirements of Part 3 of this Rule, provided that the records specified in Section 5.1.4 of this Rule are maintained. Any bulk gasoline plant that ever exceeds these exemption thresholds shall be subject to the provisions of Part 3 herein and shall remain subject to those provisions, even if its throughput later falls below the threshold.
- 1.3.2 Any stationary gasoline storage tank of 500 gallons capacity or less at a bulk gasoline plant shall only be subject to subsections 3.3.11, 3.3.12, and 3.3.13 and shall be exempt from the remaining requirements of Part 3 of this Rule, provided that the records specified in Section 5.1.4 of this Rule are maintained.
- 1.3.3 Operations involving the transfer of organic liquids with a vapor pressure less than 1.5 pounds per square inch absolute (psia) under actual loading conditions are exempt from the requirements of Parts 3 and 4 of this Rule, provided that the records specified in Section 5.1.3 of this Rule are maintained.

1.4 Effective Dates

This Rule has been in effect since September 1, 1974. The Rule in its present form is effective on December 13, 2000.

1.5 References

The requirements of this Rule are derived from Section 182 (b)(2) of the federal Clean Air Act.

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PART 2 DEFINITIONS

2.1 APCO

The Air Pollution Control Officer of the District or a designated representative of the Air Pollution Control Officer.

2.2 Bulk Gasoline Plant

A gasoline storage and distribution facility with an average daily throughput of less than 20,000 gallons of gasoline on a rolling 30-day average.

2.3 Bulk Gasoline Terminal

A gasoline storage and distribution facility which delivers gasoline to bulk gasoline plants or to commercial or retail accounts, and has a daily throughput of 20,000 gallons or more of gasoline on a rolling 30-day average.

2.4 District

The Monterey Bay Unified Air Pollution Control District (MBUAPCD).

2.5 Gasoline

Any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 4 pounds per square inch or greater that is used as a fuel for internal combustion engines.

2.6 Gasoline Tank Truck

A delivery tank truck used at bulk gasoline plants, bulk gasoline terminals, or gasoline dispensing facilities, that is loading or unloading gasoline or that has loaded or unloaded gasoline on the immediately previous load.

2.7 Gasoline Vapors

The organic compounds in the vapor phase and any entrained liquid gasoline.

2.8 Leak-free

No observable liquid leaks greater than three drops per minute.

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2.9 Loading Facility

Any aggregation or combination of organic liquid loading equipment which is both: 1) owned or operated by one person, and 2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

2.10 Organic Liquids

Liquids containing volatile organic compounds (VOCs) which are primarily but not exclusively derived from petroleum.

2.11 Rolling 30-day Average

The average daily throughput over any continuous 30-day period for all gasoline loading operations through all loading facilities at a bulk plant or terminal .

2.12 Submerged Fill Pipe

Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the container. Submerged fill pipe when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

2.13 Vapor-tight

Equipment that allows no loss of vapors. A leak of less than 10,000 ppm total volatile organic compounds expressed as methane, or other appropriate value and calibration gas, when measured in accordance with EPA Method 21 (Determination of Volatile Organic Compound Leaks).

2.14 Volatile Organic Compound (VOC)

As defined in District Rule 101, Definitions.

PART 3 REQUIREMENTS FOR BULK GASOLINE PLANTS

3.1 Applicability Thresholds for Bulk Gasoline Plants

This Part shall apply only to the loading, unloading, and storage of gasoline at any bulk gasoline plant with an average daily throughput of more than 4,000 gallons of gasoline, but less than 20,000 gallons of gasoline per day, based upon a rolling 30-day average. Any bulk gasoline plant that ever exceeds the 4,000 gallons average daily throughput

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applicability threshold of this Part shall be subject to the provisions of this Rule and shall remain subject to this Rule, even if that plant's throughput later falls below that threshold.

3.2 Vapor Balance Systems on Loading Facilities at Bulk Gasoline Plants

3.2.1 Each loading facility at a bulk gasoline plant subject to this Part shall be equipped with a vapor balance system between the gasoline storage tank and the incoming gasoline tank truck designed to capture and transfer gasoline vapors displaced during the filling of the gasoline storage tank.

3.2.2 Each loading facility at a bulk plant subject to this Part shall be equipped with a vapor balance system between the gasoline storage tank and the outgoing gasoline tank truck designed to capture and transfer gasoline vapors displaced during the loading of the gasoline tank truck.

3.3 Operational Requirements at Bulk Gasoline Plants

The following procedures shall be followed during all loading, unloading, and storage operations at any bulk plant subject to this Part:

3.3.1 Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

3.3.2 All equipment associated with loading, unloading, and storage of gasoline shall be operated and maintained leak-free, vapor-tight, and in good working order.

3.3.3 Transfer lines shall be equipped with fittings that are vapor-tight and that automatically and immediately close upon disconnection.

3.3.4 All product transfers involving gasoline tank trucks at bulk gasoline plants subject to this Section shall be limited to vapor-tight gasoline trucks.

3.3.5 The vapor balance systems required by Sections 3.2.1 and 3.2.2 shall be connected between tank trucks and bulk plant storage tanks during all gasoline transfer operations.

3.3.6 All storage tank openings, including inspection hatches and gauging and sample devices, shall be vapor-tight when not in use.

3.3.7 The gasoline tank truck compartment hatch covers shall not be opened during product transfer.

3.3.8 All vapor balance systems shall be designed and operated at all times to prevent gauge pressure in the gasoline tank truck from exceeding 14 inches of water and vacuum from exceeding 5.9 inches of water during product transfers.

3.3.9 A pressure measurement device capable of measuring 20 inches of water gauge pressure within 0.098 inch of water precision, shall be calibrated and installed on the bulk gasoline plant vapor balance system at a pressure tap, located as closely as

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possible to the connection with the gasoline tank truck, to allow determination of compliance with Section 3.3.8.

- 3.3.10 No pressure vacuum relief valve in the bulk gasoline plant vapor balance system shall begin to open at a system pressure of less than 14 inches of water or at vacuum of less than 5.9 inches of water.
- 3.3.11 Filling of storage tanks shall be limited to submerged fill.
- 3.3.12 Loading of outgoing gasoline tank trucks shall be limited to submerged fill.
- 3.3.13 Transfer of gasoline shall be discontinued if any vapor or liquid leaks are observed.
- 3.3.14 Each calendar month, each vapor balance system and loading facility that loads gasoline tank trucks shall be inspected for liquid or vapor leaks during product transfer operations. For the purposes of this subsection, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded under the provisions of Section 5.1.2. Appropriate corrective action must be taken immediately to correct the leak. Any leak must be repaired within 15 days of detection.

PART 4 REQUIREMENTS FOR BULK GASOLINE TERMINALS

4.1 Applicability Threshold for Bulk Gasoline Terminals

This Part shall apply only to the loading, unloading, and storage of gasoline at any bulk gasoline terminal with an average daily throughput of at least 20,000 gallons of gasoline, based upon a rolling 30-day average. Any bulk gasoline terminal that ever exceeds this applicability threshold shall be subject to the provisions of this Part and shall remain subject to those provisions, even if that terminal's throughput later falls below this threshold.

4.2 Vapor Recovery Systems

- 4.2.1 A person shall not load gasoline into any gasoline tank truck, trailer, or railroad car from any loading facility at any bulk gasoline terminal, unless the loading facility is equipped with a vapor recovery system designed to collect the gasoline vapors displaced from gasoline tank trucks, trailers, or railroad cars during product loading
- 4.2.2 The total organic compound emissions to the atmosphere from the vapor recovery system due to the loading of gasoline into gasoline tank trucks shall not exceed 0.67 pounds per 1000 gallons gasoline loaded. Compliance with the control efficiencies shall be determined using the test methods specified in Section 5.2 herein.

4.3 Operational Requirements at Bulk Gasoline Terminals

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The following procedures shall be followed during all loading, unloading, and storage operations at any bulk gasoline terminal:

- 4.3.1 Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.
- 4.3.2 The vapor recovery systems required by Section 4.2.1 and the gasoline tank truck's vapor recovery systems shall be connected during each loading of a gasoline tank truck at the loading facilities subject to this Part.
- 4.3.3 All vapor recovery and liquid loading equipment shall be designed and operated at all times to prevent gauge pressure in the gasoline tank truck from exceeding 18 inches of water during product loading.
- 4.3.4 A pressure measurement device capable of measuring 20 inches of water gauge pressure within 0.098 inch of water precision, shall be calibrated and installed on the bulk gasoline terminal vapor recovery and liquid loading equipment systems at a pressure tap, located as closely as possible to the connection with the gasoline tank truck, to allow determination of compliance with Section 4.3.3.
- 4.3.5 No pressure vacuum vent in the bulk gasoline terminal's vapor recovery system shall begin to open at a system pressure of less than 18 inches of water.
- 4.3.6 Loading of outgoing gasoline tank trucks shall be limited to submerged fill.
- 4.3.7 All equipment associated with loading gasoline shall be operated and maintained leak-free, vapor-tight, and in good working order.
- 4.3.8 Each calendar month, each vapor recovery system and each loading facility that loads gasoline tank trucks shall be inspected for liquid or vapor leaks during product transfer operations. For the purposes of this subsection, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded under the provisions of Section 5.1.2. Appropriate corrective action must be taken immediately to correct the leak. Any leak must be repaired within 15 days of detection.
- 4.3.9 A person using control equipment pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct and the Permit to Operate, or as specified by the Air Pollution Control Officer, for indicating and recording temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of the control equipment.

PART 5 ADMINISTRATIVE REQUIREMENTS

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5.1 Record Keeping

- 5.1.1 All bulk gasoline plants and bulk gasoline terminals shall maintain daily records showing the quantity of all gasoline loaded into gasoline tank trucks.
- 5.1.2 All bulk gasoline plants and bulk gasoline terminals shall maintain a record of each monthly leak inspection required under Sections 3.3.14 or 4.3.8. Inspection records shall include, at a minimum, the following information:
 - 5.1.2.1 Date of inspection;
 - 5.1.2.2 Findings (may indicate no leaks discovered or location, nature, and severity of each leak);
 - 5.1.2.3 Leak determination method;
 - 5.1.2.4 Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days); and
 - 5.1.2.5 Name and signature of person performing the inspection.
- 5.1.3 Any person claiming an exemption based on Section 1.3.3 shall keep daily records of the type of liquids loaded and vapor pressure.
- 5.1.4 Any person claiming an exemption from the provisions of either Part 3 or Part 4 based upon throughput shall keep daily throughput records.
- 5.1.5 All records necessary to demonstrate qualifications for the exemptions allowed in this Rule shall be maintained for five years after creation and shall be made available to the District upon request.
- 5.1.6 Records sufficient to demonstrate the continuous compliant operation of emissions control equipment installed pursuant to Part 4 shall be maintained.

5.2 Required Methods

- 5.2.1 The Reid vapor pressure for petroleum products shall be determined using Reid vapor pressure American Society of Testing and Materials (ASTM) Method No. D323-82 at the storage temperature.
- 5.2.2 The true vapor pressure of organic liquids that are not petroleum products shall be determined by ASTM Method D2879-86.
- 5.2.3 Vapor-tightness for gasoline tank trucks shall be determined according to the California Air Resources Board Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks.
- 5.2.4 Compliance with the vapor recovery system requirements of this Rule shall be determined according to the California Air Resources Board Test Methods 202 or 203, as appropriate. Alternatively, EPA methods may be used in conjunction with procedures specified in 40 CFR 60.503.

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- 5.2.5 EPA Method 21 (Determination of Volatile Organic Compound Leaks) as specified in 40 CFR 60 Appendix A, shall be used to determine gasoline vapor leaks from vapor recovery system piping and components required by this Rule.

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REGULATION IV
PROHIBITIONS

RULE 420 EFFLUENT OIL WATER SEPARATORS

(Adopted 12-13-84 and revised 8-25-93.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this rule is to limit the emissions of vapors of organic and sulfur compounds from effluent oil water separators.

1.2 Applicability

The provisions of this rule shall apply to oil water separators at oil fields and petroleum refineries unless specifically exempted by the provisions of this rule.

1.3 Exemptions

The provisions of this rule shall not apply to the following separators:

1.3.1 a separator that recovers less than 200 gallons per day of petroleum products;

1.3.2 a separator that handles hydrocarbons with a Reid vapor pressure less than 0.5 pounds; or

1.3.3 a separator that is used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than five parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

1.4 Effective Dates

This rule has been in effect since December 13, 1984. The rule in its present form is effective August 25, 1993.

1.5 References

The requirements of this rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

PART 2 DEFINITIONS

Reserved

REGULATION IV
PROHIBITIONS

PART 3 REQUIREMENTS AND STANDARDS

No person shall use any compartment or any vessel or device operated for the recovery of oil from effluent water from any equipment which processes, refines, stores, or handles hydrocarbons unless such compartment is equipped with one of the following vapor control devices:

3.1 Solid cover

a solid cover with all openings sealed and totally enclosing the liquid contents of that compartment;

3.2 Pontoon cover

a floating pontoon or double-deck-type cover, equipped with closure seals, to enclose any space between the edge of the cover and the compartment wall;

3.3 Floating cover

a floating cover which contacts at least 90 percent of the liquid surface area, is impermeable to vapors, and is kept closed at all times except during attended maintenance operations; or

3.4 Vapor recovery system

a vapor recovery system which reduces the emission of all hydrocarbon vapors by at least 90 percent by weight. Vapor control efficiency shall be determined according to the method specified in part 5.

PART 4 ADMINISTRATIVE REQUIREMENTS

Any person claiming exemption from this rule based on vapor pressure or oil recovery rate shall maintain daily records of the vapor pressure or amount of petroleum products recovered to substantiate such exemption. Each such record shall be maintained for a period of two years and provided to the District upon request.

REGULATION IV
PROHIBITIONS

PART 5 TEST METHODS

5.1 Control device efficiency

Control device efficiency shall be determined using EPA Method 2 for measurement of flow rate and EPA Methods 25A or EPA Method 25B for measurement of vapor concentration (40 CFR 60, Appendix A).

5.2 Reid vapor pressure

Reid vapor pressure shall be determined using American Society of Testing and Materials method D 323-82 for Vapor Pressure of Petroleum Products.

5.3 Sulfide content

Hydrogen sulfide and organic sulfides shall be determined using the appropriate methods selected from Method 4500 of Standard Methods for the Examination of Water and Wastewater.

5.4 Source testing procedures

All source testing shall be performed in compliance with the District Source Testing Procedures Manual.

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2/24/95

REGULATION IV
PROHIBITIONS

RULE 421 VIOLATIONS AND DETERMINATION OF COMPLIANCE

(Adopted 12/13/84; Revised 12/21/94)

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REGULATION IV
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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide standards by which compliance with requirements derived from the federal Clean Air Act may be determined.

1.2 Applicability

The provisions of this Rule shall provide standards for compliance determinations required by, or derived from, federal law for the operation of any article, machine, equipment, or other contrivance within the District which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants.

1.3 Exemptions

RESERVED

1.4 Effective Dates

This Rule has been in effect since December 13, 1984. The Rule in its present form is effective on February 1, 1995.

1.5 References

The requirements of this Rule arise from the provisions of Sections 110(a)(2)(A), (C), and (F) (42 U.S.C. Sections 7401(a)(2)(A), (C), and (F)); and Sections 113, 114(a)(3) (42 U.S.C. Sections 7413, and 7414(a)(3)) of the federal Clean Air Act.

PART 2 DEFINITIONS

2.1 Administrator

The Administrator of the United States Environmental Protection Agency or delegee.

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2.2 District

The Monterey Bay Unified Air Pollution Control District.

PART 3 VIOLATIONS OF OTHER LEGAL MANDATES

Nothing in the District's Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

PART 4 STANDARDS FOR DETERMINATION OF COMPLIANCE

4.1 Compliance Certifications

Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

- 4.1.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
- 4.1.2 Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

4.2 Credible Evidence

Notwithstanding any other provision in the State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

- 4.2.1 Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:
 - 4.2.1.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

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- 4.2.1.2 A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.
- 4.2.1.3 Compliance test methods specified in the State Implementation Plan.
- 4.2.2 The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:
 - 4.2.2.1 Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61, and 75.
 - 4.2.2.2 Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in 4.2.1 or 4.2.2.1 herein.

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6/3/97

REGULATION IV
PROHIBITIONS

RULE 425 USE OF CUTBACK ASPHALT

(Adopted 1-25-79; Revised 3-18-81, 2-23-83, 8-25-93 and 3-26-97).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit the emissions of vapors of organic compounds from the use of cutback and emulsified asphalts.

1.2 Applicability

The provisions of this Rule apply to the manufacture, sale, mixing, storage, use, and application of cutback and emulsified asphalts.

1.3 Exemptions

The requirements of Section 3.3 shall not apply to the following uses of medium cure cutback asphalts:

- 1.3.1 as a penetrating prime coat for aggregate bases prior to paving;
- 1.3.2 for the manufacture of asphalt for long-period storage or stockpiling of patching mixes used in pavement maintenance but not for general paving; or
- 1.3.3 when the forecast of the high temperature for the 24-hour period following application is below 10° C (50° F), provided that the records of the high temperature are maintained, as specified in Section 4.2.

1.4 Effective Dates

This Rule as revised is effective March 26, 1997.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

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PROHIBITIONS

PART 2 DEFINITIONS

2.1 Cutback Asphalt

Asphalt cement that has been cut back or blended with a diluent of petroleum solvents. Types of cutback asphalt are defined by American Society of Testing and Materials (ASTM) specifications as follows:

Slow cure type : ASTM D 2026
Medium cure type : ASTM D 2027
Rapid cure type : ASTM D 2028

2.2 Emulsified Asphalt

An emulsion of asphalt cement and water that contains a small amount of emulsifying agent. An inverted emulsified asphalt shall be considered a cutback asphalt if the liquid asphalt phase was a cutback asphalt.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Prohibition of Manufacture and Sale

No person shall manufacture, offer for sale or sell a liquid asphalt or emulsified asphalt product if the use of such product at any physical location within the District is prohibited by any provisions of this Rule. The records of manufacture, sale, and destination of asphalts shall be maintained according to Section 4.1.

3.2 Rapid Cure Asphalt

The use of rapid cure cutback asphalts at any physical location within the District is prohibited.

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3.3 Medium Cure Asphalt

All applications or uses of medium cure cutback asphalts are prohibited during the months of April, May, June, July, August, September and October, except as specifically exempted in Section 1.3.

3.4 Slow Cure Asphalt

Slow cure cutback asphalt shall contain no more than 0.5 percent by volume of total distillate to 260° C (500° F) as determined by ASTM Method D 402.

3.5 Emulsified Asphalt

No person shall use any emulsified asphalt containing petroleum solvents in excess of three (3) percent by volume in paving material or in paving and maintenance operations. The petroleum solvent content shall be determined by ASTM Method D 244-88.

PART 4 ADMINISTRATIVE REQUIREMENTS

The following records shall be maintained for a period of two (2) years and shall be made available to the District upon request.

4.1 Production and Sales

Any person who manufactures liquid asphalts or emulsified asphalts which contain petroleum solvents shall maintain records showing the following:

- 4.1.1 the types and amounts of asphalts produced, including the percentages of petroleum solvent diluent used in each type;
- 4.1.2 dates of sale or use;
- 4.1.3 name of the purchaser or user; and
- 4.1.4 the intended destination of the products.

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4.2 Daily High Temperature

Any person using medium cure cutback asphalt in accordance with Section 1.3.3, shall keep records of the official National Weather Service Forecast for the high temperature for the day following the application of the asphalt.

PART 5 TEST METHODS

5.1 Distillate Content of Slow Cure Asphalt

The total distillate content of cutback asphalt shall be determined using ASTM Method D 402.

5.2 Petroleum Solvent Content of Emulsified Asphalt

The petroleum solvent content of emulsified asphalt shall be determined using ASTM Method D 244-88.

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4/22/13

REGULATION IV
PROHIBITIONS

RULE 426 ARCHITECTURAL COATINGS

(Adopted 5-16-79; Revised 3-17-82, 12-15-82, 12-21-83, 12-13-84, 8-25-93, 12-18-96, 4-17-02, and 8-15-12.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit the emissions of Volatile Organic Compounds (VOC) from the use of architectural coatings.

1.2 Applicability

The provisions of this Rule shall apply to any person who supplies, sells, offers for sale, manufacturers, blends, or repackages any architectural coating for use within this District, as well as any person who applies or solicits the application of any architectural coating within the District.

1.3 Exemptions

This Rule shall not apply to the following:

1.3.1 Architectural coatings supplied, sold, offered for sale, or manufactured for use outside of this District or for shipment to other manufacturers for reformulation or repackaging;

1.3.2 With the exception of section 5, this rule does not apply to any architectural coatings that is sold in a container with a volume of one liter (1.057 quarts) or less; and

REGULATION IV PROHIBITIONS

1.3.3 Any aerosol coating product.

1.4 Effective Dates

This Rule as revised is effective August 15, 2012.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*) Related or referenced District Rules include: 101 (Definitions); 416 (Solvents); 429 (Applications of Nonarchitectural Coatings).

PART 2 DEFINITIONS

2.1 Adhesive

Any chemical substance that is applied for the purposes of bonding two surfaces together other than by mechanical means. Under this Rule, adhesives are not considered architectural coatings.

2.2 Aerosol Coating Product

A pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held applications, or for use in specialized equipment for ground traffic/marketing applications.

2.3 Aluminum Roof Coating

A coating labeled and formulated exclusively for applications to roofs and containing at least 84 grams of elemental aluminum pigment per liter of coating (at least 0.7 pounds per gallons). Pigment content shall be determined in accordance with South Coast Air Quality Management District (SCAQMD) Method 318-95, incorporated by reference in subsection 6.5.4

REGULATION IV PROHIBITIONS

2.4 Antifouling Coating

A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the United States Environmental Protection Agency (U.S. EPA) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

2.5 Appurtenance

Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

2.6 Architectural Coating

A coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purposes of this Rule.

2.7 Basement Specialty Coating

A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:

- 2.7.1 Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM (American Society for Testing and Materials) D7088-04, which is incorporated by reference in subsection 6.5.12; and
- 2.7.2 Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ATSM D3273-00 and ASTM D3274-95, incorporated by reference in subsection 6.5.18.

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2.8 Bitumens

Black or brown materials, including but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

2.9 Bituminous Roof Coating

A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

2.10 Bituminous Roof Primer

A primer which incorporates bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

2.11 Bond Breaker

A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

2.12 Coating

A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

2.13 Colorant

A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

2.14 Concrete Curing Compound

A coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

2.14.1 Retard the evaporation of water; or

REGULATION IV PROHIBITIONS

2.14.2 Harden or dustproof the surface of freshly poured concrete.

2.15 Concrete/Masonry Sealer

A clear or opaque coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

2.15.1 Prevent penetration of water; or

2.15.2 Provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or

2.15.3 Harden or dustproof the surface of aged or cured concrete.

2.16 Driveway Sealer

A coating labeled and formulated for application to worn asphalt driveway surfaces to perform one or more of the following functions:

2.16.1 Fill cracks; or

2.16.2 Seal the surface to provide protection; or

2.16.3 Restore or preserve the appearance.

2.17 Dry Fog Coating

A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

2.18 Exempt Compounds

As defined in District Rule 101, Definitions. Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or SCAQMD Method 303-91 (Revised 1993), incorporated by reference in subsection 6.5.8.

2.19 Faux Finishing Coating

A coating labeled and formulated to meet one or more of the following criteria:

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- 2.19.1 A glaze or textured coating used to create artistic effects, including but not limited to; dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
- 2.19.2 A decorative coating used to create a metallic, iridescent, or pearlescent appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon); or
- 2.19.3 A decorative coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of coating as applied (less than 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in subsection 6.5.4; or
- 2.19.4 A decorative coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD Method 318-95, incorporated by reference in subsection 6.5.4; or
- 2.19.5 A clear topcoat to seal and protect a Faux Finishing coating that meets the requirements of subsection 2.19.1, 2.19.2, 2.19.3, or 2.19.4.

2.20 Fire-Resistive Coating

A coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The Fire Resistive category includes sprayed fire resistive materials and intumescent fire resistive coatings that are used to bring structural materials into compliance with federal, State, and local building code requirements. Fire Resistive coatings shall be tested in accordance with ASTM E 119-07, incorporated by reference in subsection 6.5.2. Fire Resistive coatings and testing agencies must be approved by building code officials.

2.21 Flat Coating

A coating that is not defined under any other definition in this Rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM D 523-89 (1999), incorporated by reference in subsection 6.5.3.

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2.22 Floor Coating

An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

2.23 Form-Release Compound

A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

2.24 Graphic Arts Coatings or Sign Paint

A coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

2.25 High-Temperature Coating

A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

2.26 Industrial Maintenance Coating

A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed in subsections 2.26.1 through 2.26.5:

2.26.1 Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or

2.26.2 Acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or

2.26.3 Frequent exposure to temperatures above 121°C (250°F); or

2.26.4 Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

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- 2.26.5 Exterior exposure of metal structures and structural components.
- 2.27 Low Solids Coating
- A coating containing 0.12 kilograms or less of solids per liter (1 pound or less of solids per gallon) of coating material as recommended for application by the manufacturer. The VOC content for Low Solids Coatings shall be calculated in accordance with subsection 2.62.
- 2.28 Magnesite Cement Coating
- A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- 2.29 Manufacturer's Maximum Thinning Recommendation
- The maximum recommendation for thinning that is indicated on the label or lid of the coating container.
- 2.30 Mastic Texture Coating
- A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (at least 0.010 inch) dry film thickness.
- 2.31 Medium Density Fiberboard (MDF)
- A composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.
- 2.32 Metallic Pigmented Coating
- A coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented coatings must contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in subsection 6.5.4. The Metallic Pigmented Coating category does not include coatings applied to roofs or Zinc-Rich Primers.

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2.33 Multi-Color Coating

A coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat.

2.34 Nonflat Coating

A coating that is not defined under any other definition in this Rule and that registers a gloss of 15 or greater on a 85-degree meter and five or greater on a 60-degree meter according to ASTM D 523-89 (1999), incorporated by reference in subsection 6.5.3.

2.35 Nonflat - High Gloss Coating

A nonflat coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM D 523-89 (1999), incorporated by reference in subsection 6.5.3.

2.36 Particleboard

A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

2.37 Pearlescent

Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

2.38 Plywood

A panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

2.39 Post-Consumer Coating

Finished coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

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2.40 Pre-Treatment Wash Primer

A primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D 1613-06, incorporated by reference in subsection 6.5.5, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

2.41 Primer, Sealer, and Undercoater

A coating labeled and formulated for one or more of the following purposes:

- 2.41.1 To provide a firm bond between the substrate and the subsequent coatings; or
- 2.41.2 To prevent subsequent coatings from being absorbed by the substrate; or
- 2.41.3 To prevent harm to subsequent coating by materials in the substrate; or
- 2.41.4 To provide a smooth surface for the subsequent application of coatings; or
- 2.41.5 To provide a clear finish coat to seal the substrate; or
- 2.41.6 To block materials from penetrating into or leaching out of a substrate.

2.42 Reactive Penetrating Sealer

A clear or pigmented coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:

- 2.42.1 The Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in subsection 6.5.19: ASTM C67-07, or ASTM C97-02, or ASTM C140-06; and
- 2.42.2 The Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens,

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in accordance with ASTM E96/E96M-05, incorporated by reference in subsection 6.5.20; and

- 2.42.3 Products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in subsection 6.5.21.
- 2.43 Recycled Coating
- An architectural coating formulated such that it contains a minimum of 50% by volume post-consumer coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.
- 2.44 Residential
- Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.
- 2.45 Roof Coating
- A non-bituminous coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.
- 2.46 Rust Preventative Coating
- A coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:
- 2.46.1 Direct-to metal coating; or
- 2.46.2 Coating intended for application over rusty, previously coated surfaces.
- The Rust Preventative category does not include the following:
- 2.46.3 Coatings that are required to be applied as a topcoat over a primer; or
- 2.46.4 Coatings that are intended for use on wood or any other non-metallic surface.

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2.47 Secondary Industrial Materials:

Products or by-products of the paint manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.

2.48 Semitransparent Coating:

A coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

2.49 Shellac

A clear or opaque coating labeled and formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*), and formulated to dry by evaporation without a chemical reaction.

2.50 Shop Application

Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

2.51 Solicit

To require for use or to specify, by written or oral contract.

2.52 Specialty Primer, Sealer, and Undercoater

A coating that is formulated for application to a substrate to block water-soluble stains resulting from: fire damage; smoke damage; or water damage.

2.53 Stain

A semitransparent or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

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2.54 Stone Consolidant:

A coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01, incorporated by reference in subsection 6.5.22.

2.55 Swimming Pool Coating

A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming pool coatings include coatings used for swimming pool repair and maintenance.

2.56 Tint Base

An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

2.57 Traffic Marking Coating

A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces, including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

2.58 Tub and Tile Refinish Coating:

A clear or opaque coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish coatings must meet all of the following criteria:

2.58.1 The coating must have a scratch hardness of 3H or harder and a gouge hardness of 4H or greater. This must be determined on bonderite 1000, in accordance with ASTM D3363-05, incorporated by reference in subsection 6.5.14; and

2.58.2 The coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM D4060-07, incorporated by reference in subsection 6.5.15; and

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2.58.3 The coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99, and ASTM D714-02e1, incorporated by reference in subsection 6.5.16; and

2.58.4 The coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined with unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D3359-02, incorporated by reference in subsection 6.5.13.

2.59 Veneer:

Thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated veneer lumber, or other products.

2.60 Virgin Materials:

Materials that contain no post-consumer coatings or secondary industrial materials.

2.61 Volatile Organic Compound (VOC)

As defined in District Rule 101, Definitions.

2.62 VOC Actual:

VOC Actual is the weight of VOC per volume of coating and it is calculated with the following equation;

$$\text{VOC Actual} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Actual = the grams of VOC per liter of coating (also known as "Material VOC")

W_s = weight of volatiles, in grams

W_w = weight of water, in grams

W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

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2.63 VOC Content:

The weight of VOC per volume of coating. VOC Content is VOC Regulatory, as defined in subsection 2.64, for all coatings except those in the Low Solids category. For coatings in the Low Solids category, the VOC Content is VOC Actual, as defined in subsection 2.62. If the coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

2.64 VOC Regulatory:

VOC Regulatory is the weight of VOC per volume of coating, less the volume of water and exempt compounds. It is calculated with the following equation;

$$\text{VOC Regulatory} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC Regulatory	=	grams of VOC per liter of coating, less water and exempt compounds (also known as “Coating VOC”)
W _s	=	weight of volatiles, in grams
W _w	=	weight of water, in grams
W _{ec}	=	weight of exempt compounds, in grams
V _m	=	volume of coating, in liters
V _w	=	volume of water, in liters
V _{ec}	=	volume of exempt compounds, in liters

2.65 Waterproofing Membrane:

A clear or opaque coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials.

Waterproofing Membranes must meet the following criteria:

2.65.1 Coatings must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and

2.65.2 Coating must meet or exceed the requirements contained in ASTM C836-06, incorporated by reference in subsection 6.5.17.

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The Waterproofing Membrane category does not include topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck topcoats, pedestrian deck topcoats, etc.).

2.66 Wood Coatings:

Coatings labeled and formulated for application to wood substrates only. The Wood Coatings category includes the following clear and semitransparent coatings: lacquers; varnishes; sanding sealers; penetrating oils; clear stains; wood conditioners used as undercoats; and wood sealers used as topcoats. The Wood Coatings category also includes the following opaque wood coatings: opaque lacquers; opaque sanding sealers; and opaque lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or coatings intended for substrates other than wood.

2.67 Wood Preservative

A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

2.68 Wood Substrate:

A substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

2.69 Zinc-Rich Primer:

A coating that meets all of the following specifications:

2.69.1 Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and

2.69.2 Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of coatings.

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PART 3 REQUIREMENTS AND STANDARDS

3.1 VOC Content Limits

Except as provided in subsections 3.2, or 3.3, no person shall:

- 3.1.1 manufacture, blend, or repackage for use within the District; or
- 3.1.2 supply, sell, or offer for sale for use within the District; or
- 3.1.3 solicit for application or apply within the District, any architectural coating with a VOC content in excess of the corresponding limit specified in Table 1, VOC Content Limits For Architectural Coatings. Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

Table 1

VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS

Coating Category	VOC Content Limits (grams/liter)
Flat Coatings	50
Nonflat Coatings	100
Nonflat – High Gloss Coatings	150
Specialty Coatings	
Aluminum Roof Coatings	400
Antifouling Coatings	400
Basement Specialty Coatings	400
Bituminous Roof Coatings	50
Bituminous Roof Primers	350
Bond Breakers	350
Concrete Curing Compounds	350
Concrete/Masonry Sealers	100
Driveway Sealers	50
Dry Fog Coatings	150
Faux Finishing Coatings	350
Fire Resistive Coatings	350

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Coating Category	VOC Content Limits (grams/liter)
Specialty Coatings (continued)	
Floor Coatings	100
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High Temperature Coatings	420
Industrial Maintenance Coatings	250
Low Solids Coatings ^a	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	100
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	100
Reactive Penetrating Sealers	350
Recycled Coatings	250
Roof Coatings	50
Rust Preventative Coatings	250
Shellacs	
• Clear	730
• Opaque	550
Specialty Primers, Sealers, and Undercoaters	100
Stains	250
Stone Consolidants	450
Swimming Pool Coatings	340
Traffic Marking Coatings	100
Tub and Tile Refinish Coatings	420
Waterproofing Membranes	250
Wood Coatings	275

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Coating Category	VOC Content Limits (grams/liter)
Specialty Coatings (continued)	
Wood Preservatives	350
Zinc-Rich Primers	340

a. Limit is expressed as VOC Actual.

3.2 Most Restrictive VOC Limit

If a coating meets the definition in Section 2 for one or more specialty coating categories that are listed in Table 1, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Nonflat – High Gloss coatings, but is required to meet the VOC limit for the applicable specialty coating listed in Table 1.

With the exception of the specialty coating categories specified in subsection 3.2.1 through 3.2.13, if a coating is recommended for use in more than one of the specialty categories listed in Table 1, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

- 3.2.1 Metallic pigmented coatings.
- 3.2.2 Shellacs.
- 3.2.3 Pretreatment wash primers.
- 3.2.4 Industrial maintenance coatings.
- 3.2.5 Low-solids coatings.
- 3.2.6 Wood preservatives.
- 3.2.7 High temperature coatings.
- 3.2.8 Bituminous roof primers.
- 3.2.9 Specialty primers, sealers, and undercoaters.
- 3.2.10 Aluminum roof coatings.
- 3.2.11 Zinc-rich primers.
- 3.2.12 Wood coatings.
- 3.2.13 Antifouling coatings.

3.3 Sell-Through of Coatings

With the exception of specialty primers, sealers & undercoaters, and rust preventative coatings, a coating manufactured prior to 1/1/2010 may be sold, supplied, or offered for sale until 1/1/2013. Specialty primers, sealers & undercoaters, and rust preventative coatings manufactured prior to 1/1/2012 may be sold, supplied, or offered for sale until 1/1/2015. In addition, a coating may be applied at any time, so long as the coating

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complied with the standards in effect at the time that the coating was manufactured. This subsection 3.3 does not apply to any coating that does not display the date or date-code required by Section 4.1.1.

3.4 Painting Practices

All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

3.5 Thinning

No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table 1.

3.6 Coatings Not Listed in Table 1

For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 1, the VOC content limit shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat - High Gloss coating, based on its gloss as defined in subsections 2.21, 2.34 and 2.35 and the corresponding-Flat, Nonflat, or Nonflat - High Gloss VOC limit in Table 1 shall apply.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Container Labeling Requirement

Each manufacturer of any architectural coating subject to this Rule shall display the information listed in subsections 4.1.1 through 4.1.8 on the coating container (or label) in which the coating is sold or distributed.

4.1.1 Date Code: The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the Air Resources Board (ARB).

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- 4.1.2 Thinning Recommendations: A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.
- 4.1.3 VOC Content: Each container of any coating subject to this Rule shall display one of the following values in grams of VOC per liter of coating:
- 4.1.3.1 Maximum VOC Content as determined from all potential product formulations; or
 - 4.1.3.2 VOC Content as determined from actual formulation data; or
 - 4.1.3.3 VOC Content as determined using the test methods in subsection 6.2.

If the manufacturer does not recommend thinning, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing. VOC Content shall be determined as defined in subsection 2.62, 2.63 and 2.64.

- 4.1.4 Faux Finishing Coatings: The labels of all Clear Topcoat for Faux Finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system".
- 4.1.5 Rust Preventative Coatings: The labels of all rust preventative coatings shall prominently display the statement "For Metal Substrates Only."
- 4.1.6 Reactive Penetrating Sealers: The labels of all Reactive Penetrating Sealers shall prominently display the statement "Reactive Penetrating Sealer".
- 4.1.7 Nonflat - High Gloss Coatings: The labels of all Nonflat - High Gloss coatings shall prominently display the words "High Gloss".
- 4.1.8 Wood Coatings: The labels of all Wood Coatings shall prominently display the statement "For Wood Substrates Only".

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PART 5 REPORTING REQUIREMENTS

5.1 Sales Data:

A responsible official from each manufacturer shall upon request of the Executive Officer of the ARB, or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official shall within 180 days provide information including, but not limited to:

- 5.1.1 the name and mailing address of the manufacturer;
- 5.1.2 the name, address and telephone number of a contact person;
- 5.1.3 the name of the coating product as it appears on the label and the applicable coating category;
- 5.1.4 whether the product is marketed for interior or exterior use or both;
- 5.1.5 the number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
- 5.1.6 the VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
- 5.1.7 the names and Chemical Abstracts Service (CAS) numbers of the VOC constituents in the product;
- 5.1.8 the names and Chemical Abstracts Service (CAS) numbers of any compounds in the product specifically exempted from the VOC definition, as listed in subsection 2.61;
- 5.1.9 whether the product is marketed as solventborne, waterborne, or 100% solids;
- 5.1.10 description of resin or binder in the product;
- 5.1.11 whether the coating is a single-component or multi-component product;
- 5.1.12 the density of the product in pounds per gallon;
- 5.1.13 the percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in subsection 2.61; and
- 5.1.14 the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in subsection 2.61.

All sales data listed in subsection 5.1.1 to 5.1.14 shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the ARB may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022.

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PART 6 COMPLIANCE PROVISIONS AND TEST METHODS

6.1 Calculation of VOC Content

For the purpose of determining compliance with the VOC content limits in Table 1, the VOC content of a coating shall be determined as defined in subsection 2.62, 2.63, or 2.64. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

6.2 VOC Content of Coatings

To determine the physical properties of a coating in order to perform the calculations in subsection 2.62 or 2.64, the reference method for VOC content is U.S. EPA Method 24, incorporated by reference in subsection 6.5.9, except as provided in subsections 6.3 and 6.4. An alternative method to determine VOC content of coatings is SCAQMD Method 304-91 (Revised 1996), incorporated by reference in subsection 6.5.10. The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised 1993), Bay Area Air Quality Management District (BAAQMD) Method 43 (Revised 1996), or BAAQMD Method 41 (Revised 1995), as applicable, incorporated by reference in subsections 6.5.8, 6.5.6, and 6.5.7, respectively. To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in subsection 6.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, record keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in subsection 6.3. The District Air Pollution Control Officer (APCO) may require a manufacturer to conduct a Method 24 analysis.

6.3 Alternative Test Methods

Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection 6.2, after review and approved in writing by staffs of the District, the ARB, and the U.S. EPA, may also be used.

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6.4 Methacrylate Traffic Marking Coatings

Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in subsection 6.5.11. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.

6.5 Test Methods

The following ASTM (American Society for Testing and Materials), SCAQMD, BAAQMD, and U.S. EPA test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this Rule:

- 6.5.1 Flame Spread Index: The flame spread index of a fire-retardant coating shall be determined by ASTM E 84-07, "Standard Test Method for Surface Burning Characteristics of Building Materials" (see section 2, Fire-Retardant Coating).
- 6.5.2 Fire Resistance Rating: The fire resistance rating of a fire-resistive coating shall be determined by ASTM E 119-07, "Standard Test Methods for Fire Tests of Building Construction Materials" (see section 2, Fire-Resistive Coating).
- 6.5.3 Gloss Determination: The gloss of a coating shall be determined by ASTM D 523-89 (1999), "Standard Test Method for Specular Gloss" (see section 2, Flat Coating, Nonflat Coating, Nonflat - High Gloss Coating).
- 6.5.4 Metal Content of Coatings: The metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see section 2, Aluminum Roof, Faux Finishing, and Metallic Pigmented Coating).
- 6.5.5 Acid Content of Coatings: The acid content of a coating shall be determined by ASTM D 1613-06, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products" (see section 2, Pre-treatment Wash Primer).
- 6.5.6 Exempt Compounds – Siloxanes: Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with section 8 by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," *BAAQMD Manual of Procedures*, Volume III, adopted 11/6/96 (see section 2, Volatile Organic Compound, and subsection 6.2).

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- 6.5.7 Exempt Compounds – Parachlorobenzotrifluoride (PCBTF): The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with section 8 by BAAQMD Method 41, “Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride,” *BAAQMD Manual of Procedures*, Volume III, adopted 12/20/95 (see section 2, Volatile Organic Compound, and subsection 6.2).
- 6.5.8 Exempt Compounds: The contents of compounds exempt under U.S. EPA Method 24 shall be analyzed by SCAQMD Method 303-91 (Revised 1993), “Determination of Exempt Compounds,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see section 2, Volatile Organic Compound, and subsection 6.2).
- 6.5.9 VOC Content of Coatings: The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in Appendix A of 40 *Code of Federal Regulations* (CFR) Part 60, “Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings” (see subsection 6.2).
- 6.5.10 Alternative VOC Content of Coatings: The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), “Determination of Volatile Organic Compounds (VOC) in Various Materials,” *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see subsection 6.2).
- 6.5.11 Methacrylate Traffic Marking Coatings: The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, Appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings” (see subsection 6.4).
- 6.5.12 Hydrostatic Pressure for Basement Specialty Coatings: ASTM D7088-04, “Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry” (see section 2, Basement Specialty Coating).
- 6.5.13 Tub and Tile Refinish Coating Adhesion: ASTM D 4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D3359-02, “Standard Test Methods for Measuring Adhesion by Tape Test” (see section 2, Tub and Tile Refinish Coating).
- 6.5.14 Tub and Tile Refinish Coating Hardness: ASTM D 3363-05, “Standard Test Method for Film Hardness by Pencil Test” (see section 2, Tub and Tile Refinish Coating).

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- 6.5.15 Tub and Tile Refinish Coating Abrasive Resistance: ASTM D 4060-07, “Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser” (see section 2, Tub and Tile Refinish Coating).
- 6.5.16 Tub and Tile Refinish Coating Water Resistance: ASTM D 4585-99, “Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation” and ASTM D714-02e1, Standard Test Method for Evaluating Degree of Blistering of Paints” (see section 2, Tub and Tile Refinish Coating).
- 6.5.17 Waterproofing Membrane: ASTM C836-06, “Standard Specification for High Solids Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course” (see section 2, Waterproofing Membrane).
- 6.5.18 Mold and Mildew Growth for Basement Specialty Coatings: ASTM D3273-00, “Standard Test Method for Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber” and ASTM D3274-95, Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth or Soil and Dirt Accumulation” (see section 2, Basement Specialty Coating).
- 6.5.19 Reactive Penetrating Sealer Water Repellency: ASTM C67-07, “Standard Test Methods for Sampling and Testing Brick and Structural Clay Tile”; or ASTM C97-02, Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone”; or ASTM C140-06, Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units” (see section 2, Reactive Penetrating Sealer).
- 6.5.20 Reactive Penetrating Sealer Water Vapor Transmission: ASTM E96/E96M-05, “Standard Test Method for Water Vapor Transmission of Materials” (see section 2, Reactive Penetrating Sealer).
- 6.5.21 Reactive Penetrating Sealer – Chloride Screening Applications: National Cooperative Highway Research Report 244 (1981), “Concrete Sealers for the Protection of Bridge Structures” (see section 2, Reactive Penetrating Sealer).
- 6.5.22 Stone Consolidants: ASTM E2167-01, “Standard Guide for Selection and Use of Stone Consolidants” (see section 2, Stone Consolidant).

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 427 STEAM DRIVE CRUDE OIL PRODUCTION WELLS

(Adopted 1-16-80; Revised 3-19-86 , 8-25-93, 12-19-01, and 10-17-07.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit emissions of volatile organic compounds (VOC) from the operation of steam drive crude oil production wells.

1.2 Applicability

The provisions of this Rule shall apply to any person who owns or operates any steam drive crude oil production wells.

1.3 Exemptions

1.3.1 The requirements of Section 3.4 shall not apply to components that are located in areas which cause inspection to be infeasible or unsafe for personnel, provided that such components are identified in the approved Operator Management Plan.

1.3.2 The requirements of Section 3.4 shall not apply to any component leak which the operator demonstrates to the satisfaction of the Air Pollution Control Officer that using an appropriate analyzer is less than 10,000 ppm VOC as methane.

1.3.3 The Air Pollution Control Officer may allow an exemption from the requirements of this Rule on a case-by-case basis for steam drive crude oil production wells that are pilot tests or demonstration projects.

1.3.4 The requirements of Section 3.3 and Subsections 4.3.1.1 and 4.3.1.2 of this Rule shall not apply to the following components that are verified in the Operator Management Plan:

1.3.4.1 components in gaseous stream service with VOC concentrations of 10 percent, by weight or less.

1.3.4.2 components in liquid service with VOC concentrations of 10 percent, by weight or less.

1.3.4.3 underground components.

1.3.4.4 components exclusively handling fluids if the fluid weight evaporated is 10 percent or less at 150 degrees Celsius.

1.4 Effective Dates

1.4.1 This Rule is effective October 17, 2007.

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- 1.4.2 The owner or operator of any new steam drive crude oil production well or any existing crude oil production well converted to a steam drive crude oil production well which is completed on or after the date of adoption of the Rule shall install and demonstrate compliance with the provisions of this Rule within four months from the date the well is defined as a steam drive well pursuant to Section 2.9.
- 1.4.3 The owner or operator of any existing steam drive crude oil production well which commenced operation on or after December 19, 2001 and prior to the date of adoption of this Rule shall demonstrate compliance with the provisions of this Rule by October 17, 2008.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

PART 2 DEFINITIONS

2.1 Appropriate Analyzer

A hydrocarbon analyzer as approved by the Air Pollution Control Officer, which is calibrated with methane at least at the beginning and end of each day of testing, and operated according to the method specified in Sections 2.6 and 5.2.

2.2 Component

Any valve, connection, diaphragm, seal packing, open ended line, sealing mechanism, hatch, sight glass, or meter.

2.3 Exempt Compounds

As defined in District Rule 101 (Definitions).

2.4 Facility

A stationary source as defined in District Rule 207 (Review of New or Modified Sources).

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2.5 Inspections

- a. "Operator Inspection" shall mean an examination by the operator of components, using an appropriate analyzer, to detect leaks for the purpose of complying with this Rule. An operator inspection shall be performed by any method identified in an approved Operator Management Plan.
- b. "District Inspection" shall mean an examination of components by District personnel for the purpose of determining compliance with this Rule.

2.6 Leak

An emission of VOC which causes an appropriate analyzer sampling one centimeter from a source to register as high or higher than it would register if sampling a gas composed of 15,000 ppm methane in air.

2.7 Notice to Repair

An official written notice from the District to an operator of a facility at which a component is found to be leaking during a District inspection, whether or not the District inspection was scheduled, spontaneous, with or without operator accompaniment.

2.8 Open Ended Line

Any valve, except safety relief valves, having one side of the valve seat in contact with the process fluid and one side open to the atmosphere.

2.9 Steam Drive Well

Any crude oil production well influenced by a steam injection well to the extent that the temperature of any oil produced from such well has been elevated 15° F or more over the temperature of the oil in the originally occurring, uninfluenced reservoir. In the event data is unavailable concerning the temperature of the originally occurring, uninfluenced reservoir, a steam drive well shall mean any well producing oil having a temperature of 125° F or greater.

2.10 Working Day

Any day except weekends and holidays.

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2.11 Violations

The failure or refusal of a person to meet any requirements of this Rule, or of any requirements of an approved Operator Management Plan, shall constitute a violation of the Rule.

2.12 Volatile Organic Compounds (VOC)

As defined in District Rule 101 (Definitions).

PART 3 REQUIREMENTS AND STANDARDS

3.1 Hydrocarbon Control Standard

A person shall not operate any steam drive crude oil production well unless VOC emissions from the wellhead annulus valve are reduced by at least 98 percent by weight. Compliance with this requirement shall be determined using the test methods described in Part 5.

3.2 Open Ended Line Standard

No more than 2 percent of the total number of steam drive crude oil production wells may contain an open ended line.

3.3 Operational Requirements

The following provisions shall apply to all steam drive crude oil production wells and associated hydrocarbon control system components affected by this Rule. For purposes of this Rule, the hydrocarbon control system begins at the well head collection point and ends at the point where vapors are incinerated, condensed, or otherwise removed from the atmosphere.

3.3.1 All piping, valves, fittings, and equipment that are a part of the wellhead annulus valve and hydrocarbon control system shall be installed and maintained in a no-leak condition, as further provided and described in this Rule.

3.3.2 An operator, upon detection of a leaking component, shall affix to that component a readily visible red tag bearing the date on which the leak was detected. The tag shall remain in place until the leaking component is repaired and determined to be in compliance with the provisions of this Rule.

3.3.3 An operator shall repair a leaking component to a leak-free condition and verify compliance of the component within the times specified in Sections 3.5 and 3.6.

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3.3.4 Emissions from components which have been tagged by the operator for repair, or which have been repaired and are awaiting compliance verification pursuant to Sections 3.4.1 and 3.4.2, shall not constitute a violation of this Rule.

3.4 Notice to Repair Issued by the District

3.4.1 Any component leak identified by a Notice to Repair issued by the District shall be tagged, repaired, and verified as if the leak had been detected by the operator.

3.4.2 An owner or operator shall be in violation of this Rule for each Notice to Repair issued by the District, which is in excess of the number of notices indicated in the table below and which are issued within the same facility-wide stationary source in any 12-month period.

<u>Total Number of Steam Drive Wells</u>	<u>Number of Notices to Repair</u>
0 - 100	5
101 - 200	10
201 - 300	15
301 - 400	20
401 - 500	25

3.5 Repair of Leaks Exceeding 75,000 ppm

Any component leak which causes a registration on an appropriate analyzer to exceed 75,000 ppm total VOC expressed as methane when the analyzer probe is held at one centimeter from the joining surfaces, shall be repaired to a leak-free condition within 15 working days, with monitoring with an appropriate analyzer to verify the leak-free condition as soon as practicable, but not later than 1 calendar month after the date on which the component is repaired. The Air Pollution Control Officer may grant a 10-day extension if the operator demonstrates an adequate necessity for the delay and that sufficient actions will be taken to correct the leak within this time period.

3.6 Repair of Leaks Exceeding 15,000 ppm

Any component leak which causes a registration on an appropriate analyzer to exceed 15,000 ppm total VOC expressed as methane when the analyzer probe is held at one centimeter from the joining surfaces, shall be repaired to a leak-free condition within 20 working days, with monitoring with an appropriate analyzer to verify the leak-free condition as soon as practicable, but not later than 1 calendar month after the date on which the component is repaired. The Air Pollution Control Officer may grant a 10-day extension if the operator demonstrates an adequate necessity for the delay and that sufficient actions will be taken to correct the leak within this time period. This provision shall not apply to a leaking component which is an essential part of a critical process unit identified in the approved Operator Management Plan, in which case repair shall be accomplished during the next shutdown or

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process turnaround of the critical process unit, but in no case more than three months from the date of detection.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Reporting Requirements

- 4.1.1 Each operator shall submit a written report to the District by May 1 of each year, which includes a tabulation of inspection dates, components found leaking and emission levels (in ppm), repair and verification dates of leaking components, whether accomplished or scheduled, and which includes a currently updated version of the Operator Management Plan, incorporating any Plan modifications made pursuant to Subsections 4.3.1 or 4.3.2.
- 4.1.2 Each operator shall submit to the District an updated list of all wells connected to a vapor recovery system at the beginning of each quarter of the calendar year.

4.2 Record Keeping Requirements

Each operator shall maintain a log covering at least the preceding 12-month period of all inspections performed in compliance with this Rule, components found leaking and emission levels (in ppm of the leaking component) and repair and verification dates.

4.3 Operator Management Plans

- 4.3.1 Each operator shall submit an Operator Management Plan to the Air Pollution Control Officer. The Air Pollution Control Officer shall notify the operator within 20 working days of the approval or disapproval with suggested modifications of the Plan. If disapproved, the Plan shall be modified as required by the Air Pollution Control Officer within 20 working days. The Operator Management Plan shall describe the procedures which the operator intends to follow to comply with the provisions of this Rule and must include at least the following:
 - 4.3.1.1 detailed schedule of inspections, which provides for inspection of each affected component at least once per 12 month period, except that components with moving parts, including periodically manipulated valves, shall be inspected at least quarterly. The schedule shall indicate estimated inspection periods and frequency;
 - 4.3.1.2 identification of manipulated valves and components with moving parts, which will be inspected quarterly;
 - 4.3.1.3 repair procedures following leak detection;

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- 4.3.1.4 identification of critical process units which cannot be immediately shut down for repair of leaks;
 - 4.3.1.5 identification of any hazard(s) which might affect the safety of inspectors carrying out the provisions of this Rule; and
 - 4.3.1.6 identification of the resource commitment to the program to implement the Operator Management Plan; and
 - 4.3.1.7 documentation to verify exemption(s) claimed under Subsection 1.3.4.
- 4.3.2 Any modifications to an existing Operator Management Plan relating to changes in inspection or repair procedures must be submitted for, and receive, approval of the Air Pollution Control Officer before they are implemented.

PART 5 TEST METHODS

5.1 Efficiency of Control Devices

The efficiency of vapor control devices shall be determined using EPA Methods 2, 2A, 2C, or 2D for measuring flow rates and EPA Methods 18, 25, 25A, or 25B for measuring the total gaseous organic concentrations at the inlet and outlet of the control device (40 CFR 60, Appendix A).

5.2 Leakage

Vapor leakage shall be determined according to EPA Method 21 for Determination of Volatile Organic Compound Leaks (40 CFR 60, Appendix A).

5.3 VOC Concentrations

The VOC content of fluids shall be determined using the latest revision of ASTM Method E168, E169, or E260 as applicable.

5.4 VOC Evaporation Rates

The VOC evaporation rate of liquids shall be determined using the latest revision of ASTM Method D86.

5.5 Source Testing Procedures

All source testing shall be performed in compliance with the District Source Testing Procedures Manual.

* * * * *

5/8/01

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RULE 429 APPLICATIONS OF NONARCHITECTURAL COATINGS

(Adopted 9-16-87; and Revised 1-17-01.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to reduce particulate matter emissions from the spray application of nonarchitectural coatings.

1.2 Applicability

1/17/01

Rule 429 (Applications of Nonarchitectural Coatings)

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Except as otherwise provided for in Section 1.3, the provisions of this Rule are applicable to the spray application of nonarchitectural coatings.

1.3 Exemptions

- 1.3.1 The provisions of this Rule shall not apply to any facility that sprays a total volume less than 5 gallons/year of nonarchitectural coatings.
- 1.3.2 The provisions of this Rule shall not apply to coatings which are applied by hand, brush, lay up, or other means not constituting spray application as defined in Section 2.3. Such nonspray applications must, however, still comply with Rule 416 (Solvents).

1.4 Effective Dates

The requirements of this Rule as most recently revised are effective January 17, 2001.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*) Related or referenced District Rules include: 101 (Definitions) and 416 (Organic Solvents).

PART 2 DEFINITIONS

2.1 Airless Spray

A coating application system in which the coating fluid is supplied to the gun under fluid pressure and air is not added to the gun.

2.2 Air-Assisted Airless

A coating application system in which the coating fluid is supplied to the gun under fluid pressure and air is combined at the spray cup.

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2.3 Complying Enclosure

Any structure which includes all of the following features:

- 2.3.1 is completely enclosed, with no openings to the outside air except for exhaust vent(s) and intake vent(s);
- 2.3.2 an exhaust system by which enclosure air is evacuated to the atmosphere by either induced draft or forced draft fan(s); and
- 2.3.3 a particulate collection system with a removal efficiency of at least 90%, through which all exhausted air must pass.

2.4 High-Volume Low-Pressure (HVLV)

A coating application system which is operated at air pressure of between 0.1 and 10 pounds per square inch gauge (psig) at the air cap of the spray gun.

2.5 Nonarchitectural Coatings

Any substance applied to adhere to any surface other than stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs. Such coatings include, but are not limited to: paints, primers, sealers, resins, fiberglass, preservatives, dyes, varnishes, films, undercoats, and topcoats.

2.6 Spray Application

Application upon a surface of any substance by means of the pressurized release of the substance through a nozzle or orifice.

PART 3 REQUIREMENTS AND STANDARDS

3.1 Spray Applications

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- 3.1.1 Any person who conducts spray applications of any nonarchitectural coating shall conduct such applications only while inside a complying enclosure in full operation. A complying enclosure is in full operation when all doors and other openings are closed and the exhaust and particulate collection systems are operating.
- 3.1.2 This requirement may be modified in any case where, in the judgement of the Air Pollution Control Officer, special circumstances are present which justify departure from any elements of subsection 3.1.1. Special circumstances are established when the operator demonstrates convincingly that, due to the peculiar location of the facility and its relationship to adjacent property:
 - 3.1.2.1 Little or no particulate matter will be released from the facility's spray operation and transported onto other property due to buffer distance and/or by the use of high transfer efficiency spray equipment (Airless, Air-Assisted Airless, or HVLP) ; and,
 - 3.1.2.2 If any particulate matter does migrate onto other property, it could only be in a negligible amount, which could not cause injury or detriment to such other property or its inhabitants; and
 - 3.1.2.3 The cost of providing a complying enclosure is not justified by the reduction in particulate emissions from the facility.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Test Methods

4.1.1 Control Efficiency

The control efficiency of an particulate matter control device shall be determined using EPA Methods 2, 2A, 2C, or 2D for measuring flow rates and EPA Method 5 for measuring the total particulate mass at the inlet and outlet of the emissions control device as contained in 40 Code of Federal Regulations Part 60, Appendix A.

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11/7/01

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
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RULE 431. EMISSIONS FROM ELECTRIC POWER BOILERS

Adopted 9-15-93; Revised 8-16-95; 12-17-97; 6-16-99; and 10-17-01.

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide limitations on emissions of nitrogen oxides (NO_x) and carbon monoxide (CO) during the combustion of natural gas or fuel oil by boilers providing steam for electric power generation.

1.2 Applicability

The provisions of this Rule apply to all electric power boilers at the electric power generation facility located at Moss Landing.

1.3 Exemptions

1.3.1 The provisions of Subsection 3.1 of this Rule shall not apply if a force majeure natural gas curtailment, as defined in Section 2.9 herein, is in effect.

1.3.2 The provisions of Subsection 3.1 of this Rule shall not apply during a fuel oil system test or a District-mandated emissions test.

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- 1.3.3 The provisions of Section 3.4 and Subsections 3.7.1.1, 3.7.1.2, and 3.7.2 of this Rule shall not apply during periods of start-up, as defined in Section 2.16 herein, or shut-down, as defined in Section 2.15 herein.

1.4 Effective Dates

This Rule, as most recently revised, is effective October 17, 2001. Specific dates for attainment of reduced emissions levels are provided in relevant sections of Part 3 of this Rule.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Section 40910 *et seq.*) and from the requirements of Section 182(f) of the Federal Clean Air Act as amended (Title 42 United States Code Section 7401 *et seq.*)

PART 2 DEFINITIONS

2.1 Boiler

An individual piece of combustion equipment fired with liquid and/or gaseous fuel and used to produce steam.

2.2 Carbon Monoxide (CO)

The molecular species, carbon monoxide.

2.3 Clock-hour Average Emissions

Emissions based on a one-hour average computed from data points equally spaced over each clock-hour period.

- 2.3.1 For each continuous emission monitoring system (CEMS) associated with any electric power boiler subject to this Rule, the data shall be collected at a frequency of

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at least 4 data points per clock-hour.

2.4 Continuous Emission Monitoring System (CEMS)

The total equipment required for the continuous determination and record keeping of a stack's gas concentration or emission rate.

2.5 Electric Power Boiler

A boiler used to produce steam for electric power generation.

2.6 Electric Power Generation Facility

The existing facility located at Moss Landing that generates electricity for offsite use.

2.7 Emergency Conditions

When the electric power generation facility is required to request or provide emergency support.

- 2.7.1 For the purposes of this Rule, this definition is limited to those situations in which the applicable procedures for requesting emergency relief have been followed, including system determination that normal arrangements for capacity and energy are not sufficient to meet a system's requirements, and the next relief measure for either the requesting or responding system is reduction of firm load.

2.8 Emissions

The rate of quantitative releases to the atmosphere from an emission point as measured by the continuous emission monitoring system (CEMS) and calculated by the methods specified in the unit's Permit to Operate.

2.9 Force Majeure Natural Gas Curtailment

An interruption in natural gas service, such that the daily fuel needs of a boiler cannot

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be met with the natural gas available, due to one of the following reasons:

- 2.9.1 an unforeseeable failure or malfunction, not resulting from an intentional act or omission which the California Public Utilities Commission (CPUC) finds to be due to an act of gross negligence on the part of the owner or operator of a boiler; or
- 2.9.2 a natural disaster; or
- 2.9.3 natural gas service is curtailed pursuant to CPUC rules or orders; or
- 2.9.4 the electric power generation facility provides notice to the District that, with forecasted supplies and demands, natural gas service is expected to be curtailed pursuant to CPUC rules or orders.

2.10 Fuel Oil System Test Period

The period of time during which a boiler system is operated on fuel oil for the purpose of testing the ability to operate on fuel oil, or to conduct a CPUC-required performance test.

2.11 Fuel Switching Period

The time period during which fuel type (gaseous or liquid) is gradually being changed from one type to another, and as a consequence, a mixture of fuel types is being used.

2.12 Nitrogen Oxides (NO_x)

The sum of the molecular forms of nitrogen oxide and nitrogen dioxide in stack gas. When measured or calculated, the total of the two molecular forms are collectively expressed as nitrogen dioxide.

2.13 Oil Operation Hours

2.13.1 Operation of a boiler on fuel oil or a mixture of fuel oil and natural gas shall be counted as oil operating hours.

2.13.2 Operation of a boiler on fuel oil during District-mandated source testing shall not

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be counted as oil operating hours.

2.14 Parts-per-million (ppm)

Parts-per-million by volume.

2.15 Shut-down Period

2.15.1 For those units without catalytic emissions reduction equipment, the time period during which a unit is reduced below minimum load, to a condition where the fires in the boiler(s) are extinguished, not to exceed eight (8) hours.

2.15.2 For those units with catalytic emissions reduction equipment, the time period during which a unit is reduced below minimum load or catalytic reduction temperature, to a condition where the fires in the boiler are extinguished, not to exceed eight (8) hours.

2.16 Start-up Period

2.16.1 For those units without catalytic emissions reduction equipment, the time period during which a boiler has no fires in it, until the unit that it serves has reached minimum operating load, not to exceed twelve (12) hours.

2.16.2 For those units with catalytic emissions reduction equipment, the time period during which a boiler has no fires in it, until the unit that it serves has reached minimum operating load, the catalytic reaction temperature and main breaker closure.

2.17 Unit

In reference to electric power generating equipment, an electric power generating system consisting of at least one boiler and one turbine-generator.

PART 3 REQUIREMENTS AND STANDARDS

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3.1 Restrictions on the Use of Fuel Oil

Oil and mixtures of oil and natural gas shall not be used as fuel for electric power boilers.

3.2 Restrictions on Fuel Oil System Test Periods

Fuel oil system test periods for any boiler shall not exceed a total of 24 hours between May 1 and October 31 annually, or 96 hours per year for any boiler.

3.3 Restrictions on the Use of Anhydrous Ammonia

Anhydrous ammonia shall not be used as the feed-stock in NO_x emission control systems for boilers regulated under the provisions of this Rule, unless environmental, health and safety concerns have been mitigated to the satisfaction of the Air Pollution Control Officer.

3.4 CO Emission Limits

Carbon monoxide (CO) emissions from any electric power boiler shall not exceed the following limits:

3.4.1 during steady-state compliance tests: 400 ppm, based upon a 60-consecutive minute average;

3.4.2 during normal operations: 1000 ppm, based on a one (1) hour clock-hour average at three (3) percent oxygen on a dry basis.

3.5 NH₃ Emission Limits

3.5.1 NH₃ emissions from any emission control device installed and operated pursuant to the requirements of this Rule shall not exceed 10 ppm, based upon a 60-consecutive minute average.

3.5.2 A monthly source test using the methods referenced in Subsection 3.8.2 herein shall be performed to determine compliance with this limit and reported to the District monthly, or less frequently if deemed appropriate by the Air Pollution Control

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3.6 NO_x Emission Limits During Fuel Switching Periods

The NO_x emission limits during the first six (6) hours of a fuel switching period shall be the applicable fuel oil emission limit. The NO_x emission limit after the first six (6) hours in a fuel switching period is expressed as follows:

3.6.1 NO_x limit = [(f₁)(N₁)] + [(f₂)(N₂)], where:

f₁ = (total heat input from oil)/(total heat input)

f₂ = (total heat input from natural gas)/(total heat input)

N₁ = oil NO_x limit

N₂ = natural gas NO_x limit

3.7 NO_x Emission Limits for Electric Power Boilers

3.7.1 Emissions of nitrogen oxides from the electric power boilers shall not exceed the following limits based on a one (1) hour average at three (3) percent oxygen (O₂) on a dry basis:

3.7.1.1 during operation on natural gas: 90 ppm above 400 gross MW; 450 lb/hr at or below 400 gross MW.

3.7.1.2 during operation on fuel oil: 225 ppm.

3.7.1.3 During the period from May 1 through October 31 each year, the total NO_x emissions from all units shall not exceed an average of 9.64 tons per day.

3.7.2 The electric power generation facility shall comply with the following schedule for the two electric power boilers. Effective December 31, 2000 for one unit, and July 31, 2002 for the second unit, emissions of nitrogen oxides from the electric power boilers shall not exceed the following limits based on a one (1) hour average at three (3) percent oxygen (O₂) on a dry basis:

3.7.2.1 during operation on natural gas: 10 ppm;

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- 3.7.2.2 during operation on fuel oil: 25 ppm.
- 3.7.3 Any time the two electric power boilers at the electric power generation facility are subject to different NO_x emission limits under this Rule, when both units are available, the owner or operator shall preferentially operate the unit subject to the lower emission limit, such that its MW-hours equal or exceed the MW-hours of the unit subject to the higher emission limit, provided that such preferential operation shall not impair the provision of reliable electric service.
- 3.7.4 In addition to any applicable one hour average emission limits, the maximum allowable average nitrogen oxide emissions from all electric power boilers at the electric power generation facility shall not exceed 0.30 pounds of NO_x per million Btu.
- 3.7.4.1 Compliance with the 0.30 pounds of NO_x per million Btu limit may be determined on a continuous basis through the use of a 30-day rolling average emission rate, calculated each operating day as the average of all hourly data for the preceding 30 operating days.
- 3.8 Stationary Source Test Measurements
- 3.8.1 For determination of CO emissions concentrations in stack gases during stationary source tests, 40 CFR Part 60, App. A, Method 10 (EPA Method 10, "Determination of Carbon Monoxide Emissions from Stationary Sources") or California Air Resources Board (ARB) Method 100, "Procedures for Continuous Gaseous Emission Stack Sampling" shall be performed.
- 3.8.2 For determination of NH₃ concentrations in stack gases during stationary source tests of controlled equipment which use NH₃ as a reagent, Bay Area Air Quality Management District (BAAQMD) Source Test Procedure ST-1B, "Ammonia, Integrated Sampling" and EPA Method 350.3, "Ion Specific Electrode", shall be performed. Alternate methods may not be used without prior approval of the Air Pollution Control Officer and, if necessary, the California Air Resources Board and United States Environmental Protection Agency.
- 3.8.3 For determination of NO_x emissions concentrations in stack gases during stationary source tests, 40 CFR Part 60, App. A, Method 7E (EPA Method 7E, "Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure)") or ARB Method 100, "Procedures for Continuous Gaseous Emission Stack Sampling", shall be performed.

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- 3.8.4 For determination of O₂ concentrations in stack gases during stationary source tests, 40 CFR Part 60, App. A, Method 3A (EPA Method 3A, "Determination of O₂ and CO₂ Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)") or ARB Method 100, "Procedures for Continuous Gaseous Emission Stack Sampling" shall be performed.
- 3.8.5 In addition, all stationary source testing shall be performed in compliance with the District Source Testing Procedures Manual.

3.9 Continuous Emission Monitoring Systems (CEMSs)

- 3.9.1 Each CEMS associated with an electric power boiler subject to this Rule shall complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period.
- 3.9.2 CEMS electronic data files shall be made available in a District-approved format compatible with electronic data transfer.
- 3.9.3 For all boilers subject to this Rule, continuous emission monitoring systems (CEMSs) which meet the federal requirements referenced below shall be installed, certified, maintained and operated for continuous in-stack monitoring necessary to calculate CO emission rates corrected to three (3) percent oxygen on a dry basis:
 - 3.9.3.1 40 CFR Part 60, App. B, Spec. 4 (EPA Performance Specification 4, "Specifications and Test Procedures for Carbon Monoxide Continuous Emission Monitoring Systems in Stationary Sources"); and
 - 3.9.3.2 40 CFR Part 60, App. B, Spec. 3 (EPA Performance Specification 3, "Specifications and Test Procedures for O₂ and CO₂ Continuous Emission Monitoring Systems in Stationary Sources").
- 3.9.4 For all boilers subject to this Rule, continuous emission monitoring systems (CEMSs) which meet the federal requirements referenced below shall be installed, certified, maintained and operated for continuous in-stack monitoring necessary to calculate NO_x emission rates corrected to three (3) percent oxygen on a dry basis:
 - 3.9.4.1 40 CFR Part 75 and Appendices (Continuous Emission Monitoring);
 - 3.9.4.2 40 CFR Part 60, App. B, Spec. 2 (EPA Performance Specification 2, "Specifications and Test Procedures for SO₂ and NO_x Continuous Emission

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Monitoring Systems in Stationary Sources"); and

3.9.4.3 40 CFR Part 60, App. B, Spec. 3 (EPA Performance Specification 3, "Specifications and Test Procedures for O₂ and CO₂ Continuous Emission Monitoring Systems in Stationary Sources").

3.9.5 Operators of the continuous emission monitoring systems (CEMSs) must follow the EPA quality assurance procedures referenced below:

3.9.5.1 40 CFR Part 75, App. B (Appendix B to Part 75 - Quality Assurance and Quality Control Procedures); and

3.9.5.2 40 CFR Part 60, App. F (Appendix F to Part 60 - Quality Assurance Procedures "Procedure 1. Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determination").

3.10 Calculation of Average Emissions

3.10.1 For CEMSs, average emissions shall be calculated as clock-hour averages. Conversions shall be calculated according to the procedures within 40 CFR Part 75, App. F (Appendix F to Part 75 - Conversion Procedures).

3.10.2 For steady state compliance testing required by Subsections 3.8.1, 3.8.3 and 3.8.4, the average emissions shall be calculated as 60-consecutive minute averages, instead of clock-hour averages.

3.10.3 Data recorded during periods of continuous emission monitoring system (CEMS) breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this Section. Missing data shall be estimated following the procedures of 40 CFR Part 75, App. C (Appendix C to Part 75 - Missing Data Statistical Estimation Procedures).

3.10.4 An arithmetic or integrated average of all data may be used.

3.10.5 After conversion into the same units of measure as the standard, the data may be rounded to the same numbers of significant digits as used in the applicable subsections to specify the emission limit.

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PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Implementation Plan

4.1.1 By December 31, 1998, the owner or operator of an applicable unit shall submit for approval to the Air Pollution Control Officer an Implementation Plan for compliance with the provisions of Subsection 3.7.2 of this Rule.

4.1.2 The Implementation Plan shall propose actions and alternatives which will be taken to meet or exceed the requirements of this Rule. At a minimum, the Plan shall include:

4.1.2.1 a list of all units subject to the Rule, including the manufacturer, model number, and maximum rated capacity for each unit; and

4.1.2.2 a description of the emissions control systems proposed for each unit, as well as a description of any ancillary equipment related to the control of emissions, and expected technical performance specifications for any CO and NO_x emissions control systems; and

4.1.2.3 a description of the continuous emission monitoring system (CEMS) proposed for each unit; and

4.1.2.4 a compliance schedule for each unit, including, but not limited to, specific dates for the following events: submittal of permit applications, final engineering, contract award, begin construction, planned operation phases, complete construction, and final compliance, including certification of any CEMS.

4.2 Authority to Construct

The owner or operator of an applicable unit shall submit complete applications for the Authorities to Construct required to install any equipment necessary to comply with the provisions of Subsection 3.7.2 of this Rule to the Air Pollution Control Officer twelve months prior to the scheduled beginning of construction stated in the relevant District-approved Implementation Plan.

4.3 Record-keeping Requirements

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- 4.3.1 For any electric power boiler subject to this Rule, permanent hourly records, or records in a District-approved electronic format, shall be maintained for a period of five years after creation and shall be made available for inspection by the Air Pollution Control Officer upon request. The records for each hour shall include, but are not limited to:
- 4.3.1.1 dates, times and durations of any start-up and shut-down periods;
 - 4.3.1.2 type of fuel oil burned and its sulfur content as determined by the methods referenced in 40 CFR Part 75 Appendix D Subsections 2.2.3 and 2.2.4;
 - 4.3.1.3 quantity of fuel burned;
 - 4.3.1.4 gross and net energy production in Megawatt-hours (MW-hrs);
 - 4.3.1.5 the injection rate of reactant chemicals;
 - 4.3.1.6 the CO emissions concentration in ppm, corrected to three percent oxygen (O₂) on a dry basis, based on data from the in-stack continuous emission monitoring system (CEMS); and
 - 4.3.1.7 the NO_x emissions in lb/hr and ppm, corrected to three percent oxygen (O₂) on a dry basis, based on data from the in-stack continuous emission monitoring system (CEMS).
 - 4.3.1.8 During the period from May 1 through October 31 of each year, the total daily NO_x emissions, in pounds per day corrected to three percent oxygen on a dry basis, for all units must be recorded, based on data from the in-stack continuous emission monitoring system (CEMS). The seasonal average from May 1 through October 31 of each year in pounds per day shall be calculated based upon these daily data.
- 4.3.2 For any CEMS subject to this Rule, records of all raw and processed data for parameters measured shall be maintained for a period of five years after creation and shall be made available for inspection by the Air Pollution Control Officer upon request. These records may be kept in a District-approved electronic format.

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RULE 433 ORGANIC SOLVENT CLEANING

(Adopted 6-15-94; Revised 3-26-97 and 1-17-01.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to limit emissions of volatile organic compounds (VOC) during solvent cleaning and degreasing operations.

1.2 Applicability

The provisions of this Rule shall apply to the operation of all cleaning devices using volatile organic compounds for solvent cleaning and degreasing. Other standards, such

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as the Halogenated Solvents National Emissions Standards for Hazardous Air Pollutants, may also regulate the usage of such compounds as trichloroethylene.

1.3 Exemptions

- 1.3.1 Solvent cleaning operations using solvent (including emulsions) containing no more than 2 percent of volatile organic compounds by weight (as determined by EPA Method 24) shall not be subject to the requirements of this Rule.
- 1.3.2 Cold cleaners with less than 1 square foot (929 square centimeters) of evaporative surface area are exempt from the equipment requirements of Section 3.2 of this Rule, except for the requirement that the cleaners be covered when work is not being processed.
- 1.3.3 Batch loaded vapor cleaners with less than 10.8 square feet (1 square meter) of evaporative surface area are exempt from the requirements of Section 3.2.4.6 of this Rule.
- 1.3.4 ConveyORIZED vapor cleaners with less than 21.5 square feet (2 square meter) of evaporative surface area are exempt from the requirements of Section 3.2.6.7 of this Rule.

1.4 Effective Dates

This Rule as most recently revised is effective on January 17, 2001.

1.5 References

The requirements of this Rule arise from the provisions of Section 182(b)(2) of the federal Clean Air Act as amended (Title 42 United States Code Section 7401 *et seq.*)

PART 2 DEFINITIONS

2.1 Air-Vapor Interface

For vapor solvent cleaners, the top of the solvent-vapor layer, and the air touching this

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layer. The effective top of the vapor layer may be determined as the maximum height at which condensation occurs on a cold metal object lowered into the vapor zone.

2.2 Batch-loaded

Material placed in a non-conveyorized container for cleaning which is removed after cleaning is complete.

2.3 Cold Cleaner

Any cleaner using solvent which is maintained below the initial boiling point temperature. Such cleaners include, but are not limited to, spray sinks and batch-loaded dip tanks.

2.4 Condenser

A device, such as cooling coils, used to condense (liquify) solvent vapor.

2.5 Condenser Flow Switch

A safety switch connected to a thermostat which shuts off the sump heater if the condenser coolant is either not circulating or exceeds its designed operating temperature.

2.6 Conveyorized Solvent Cleaner

Any cleaner which uses a continuous, mechanical system for moving materials or parts to be cleaned into and out of a solvent liquid or vapor cleaning zone.

2.7 Emissions Control Device

A device which removes or destroys emissions of VOC to the atmosphere from the exhaust stream of a process.

2.8 Emulsion

A suspension of small droplets of one liquid in a second liquid.

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2.9 Evaporation

To change into a vapor from a liquid state.

2.10 Evaporative Surface Area (for Cold Cleaner)

The surface area of the top of the solvent. For a remote reservoir cold cleaner, the surface area of the solvent sink or work area.

2.11 Evaporative Surface Area (for Vapor Solvent Cleaner)

The surface area of the top of the solvent vapor-air interface.

2.12 Evaporative Surface Area (for ConveyORIZED Solvent Cleaner)

2.12.1 Cold Cleaner: The surface area of the top of the solvent.

2.12.2 Vapor Solvent Cleaner: The surface area of the top of the solvent vapor-air interface.

2.13 Exempt Compounds

As defined in District Rule 101 (Definitions).

2.14 Freeboard Height

2.14.1 For Cold Cleaners: The vertical distance from the top of the solvent, or the solvent drain of a remote reservoir cold cleaner, to the top of the cold cleaner.

2.14.2 For Batch-loaded Vapor Solvent Cleaners: The vertical distance from the top of the solvent vapor-air interface to the bottom of the lowest opening in the solvent cleaner where vapors can escape.

2.14.3 For ConveyORIZED Solvent Cleaners:

2.14.3.1 For non-boiling solvent, the vertical distance from the top of the solvent to the

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bottom of the lowest opening in the solvent cleaner where vapors can escape.

- 2.14.3.2 For boiling solvent, the vertical distance from the top of the solvent vapor-air interface to the bottom of the lowest opening in the solvent cleaner where vapors can escape.

2.15 Freeboard Ratio

The freeboard height divided by the smaller of the inside length or the inside width of the solvent cleaner evaporative area.

2.16 Initial Boiling Point

The boiling point of a solvent as defined by ASTM D-1078-86, or its successors as amended.

2.17 Leak

A volatile organic compound-containing liquid leak from the degreaser at a rate of three (3) or more drops per minute.

2.18 Lip Exhaust

A system which collects solvent vapors escaping from the top of a cleaner.

2.19 Low Volatility Solvent

A solvent with an initial boiling point which is greater than 248°F (120°C) and with a temperature as used, at least 180°F (100°C) below the initial boiling point.

2.20 Make-up Solvent

That solvent added to the solvent cleaning operation to replace solvent lost through evaporation or other means.

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2.21 Refrigerated Freeboard Chiller

A secondary cooling coil mounted above the primary condenser which provides a chilled air blanket above the solvent vapor air-interface to cause the condensation of additional solvent vapor.

2.22 Remote Reservoir Cold Cleaner

A cold cleaner connected to a tank which is completely enclosed except for a solvent return opening no larger than 15.5 square inches (100 square centimeters) which allows used solvent to drain into it from a separate solvent sink or work area and which is not accessible for soaking workloads.

2.23 Solvent

Compounds, excluding water, which are used as diluents, thinners, dissolvers, viscosity reducers, cleaning agents, degreasing agents or for other similar uses.

2.24 Spray Safety Switch

A manually reset switch which shuts off the spray pump if the vapor level drops more than 4 inches (10 cm).

2.25 Ultrasonics

Enhancement of the cleaning process by agitation of liquid solvents with high frequency sound wave vibrations.

2.26 Vapor Level Control Thermostat

A manually reset safety switch which turns off the sump heater if the thermostat senses the temperature rising above the designed operating level at the air-vapor interface.

2.27 Vapor Solvent Cleaner

Any solvent cleaner that cleans through the condensation of hot solvent vapor on colder

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workloads.

2.28 Volatile Organic Compound (VOC)

As defined in District Rule 101 (Definitions).

2.29 Volatile Solvent

Any solvent that is not a low volatility solvent (refer to Section 2.19 for definition of low volatility solvent).

2.30 Waste Solvent Residue

Material which may contain dirt, oil, metal particles, and/or other waste products concentrated after distillation of the waste solvent either in the solvent cleaner itself or after distillation in a separate still.

2.31 Wipe Cleaning

That method of cleaning which utilizes a material such as a rag wetted with a solvent, coupled with physical rubbing to remove contaminants from surfaces.

2.32 Workload

The objects put in a cleaner for the purpose of removing oil, grease, soil, coating, dirt or other undesirable matter from the surface of the objects.

2.33 Workload Area

The plane geometric surface area of the top of the submerged parts basket, or the combined plane geometric surface area(s) displaced by the submerged workload, if no basket is used.

PART 3 REQUIREMENTS AND STANDARDS

1/17/01

Rule 433 (Organic Solvent Cleaning)

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3.1 Operational Requirements

3.1.1 All Cleaners

- 3.1.1.1 Cleaners shall not be operated when a leak is present in the system.
- 3.1.1.2 All solvent, including waste solvent and waste solvent residues, shall be stored in closed containers at all times. The containers shall have a label indicating the name of the solvent/material they contain.
- 3.1.1.3 Solvent cleaners, except remote reservoir cold cleaners using low volatility solvent, shall be covered except to process work or to perform maintenance.
- 3.1.1.4 Solvent carry-out shall be minimized by the following methods, as applicable:
 - 3.1.1.4.1 Use a device whereby pools of solvent can be drained.
 - 3.1.1.4.2 Limit the vertical speed of a powered hoist, if one is used, to not more than 11 feet per minute (3.3 meters per minute).
 - 3.1.1.4.3 In vapor degreasers, maintain the workload below the air-vapor interface until condensation ceases.
 - 3.1.1.4.4 For manual operation, tip out any pools of solvent remaining on the cleaned parts before removing them from the cleaner, and
 - 3.1.1.4.5 Do not remove parts from the solvent cleaner until visually dry and all dripping ceases. This requirement does not apply to emulsion cleaner workload that is rinsed with water within the cleaner immediately after cleaning.
- 3.1.1.5 Solvent agitation shall be achieved using pump recirculation, a mixer, or ultrasonics. Air agitation shall not be used.
- 3.1.1.6 Solvent spray shall only be a continuous fluid stream. An atomized or shower type spray shall not be used. In conveyORIZED cleaners, a shower type spray may be used provided that the spray is conducted in a totally confined space that is separated from the atmosphere.
- 3.1.1.7 Any solvent spray system shall not be used in a manner such that liquid solvent splashes outside the container.

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- 3.1.1.8 For those cleaners equipped with water separators, no water shall be visually detectable in the solvent exiting the water separator.
- 3.1.1.9 Wipe cleaning materials containing solvent shall be kept in closed containers at all times, except during use.
- 3.1.1.10 A cleaner shall not be located where drafts of air are directed across the cleaner.
- 3.1.1.11 Drain cleaned material, within the freeboard area, so that the drained solvent is returned to the container.
- 3.1.2 Additional Operational Requirements for Batch-loaded and ConveyORIZED Vapor Cleaners

In addition to the operational requirements for all cleaners specified above in Section 3.1.1, the following operating requirements shall apply:

- 3.1.2.1 The workload area shall not occupy more than half the evaporative surface area of the solvent cleaner.
 - 3.1.2.2 Any spray must be kept below the top of the air-vapor interface.
- 3.2 Equipment Requirements
- 3.2.1 All cleaners shall be equipped with the following:
 - 3.2.1.1 Except for remote reservoir cold cleaners using low volatility solvents, an apparatus or cover(s) to reduce solvent evaporation.
 - 3.2.1.2 A permanent, conspicuous label summarizing the applicable operating requirements contained in Section 3.1.
 - 3.2.1.3 A device for draining cleaned parts which permits the drained solvent to be returned to the cleaner solvent tank.
 - 3.2.2 Additional Equipment Requirements for Remote Reservoir Cold Cleaners:

In addition to the equipment requirements for all cleaners specified above in Section 3.2.1, 3.2.2, remote reservoir cold cleaners shall be equipped with the following:

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- 3.2.2.1 A sink or work area which is sloped sufficiently towards the drain to prevent pooling of solvent.
- 3.2.2.2 A single drain hole, not larger than 15.5 square inches (100 square centimeters) in area, for the solvent to flow from the sink into the enclosed reservoir.
- 3.2.2.3 Except for remote reservoir cold cleaners using low volatility solvents, a drain plug or a cover for placement over the top of the sink, when the equipment is not in use.
- 3.2.3 Additional Equipment Requirements for Cold Cleaners:
- In addition to the equipment requirements for all cleaners specified above in Section 3.2.1, 3.2.2, Cold Cleaners shall be equipped with the following:
- 3.2.3.1 For cold cleaners using volatile solvents, a cover that is a sliding, rolling or guillotine (bi-parting) type which is designed to easily open and close.
- 3.2.3.2 A permanent, conspicuous mark locating the maximum allowable solvent level conforming to the applicable freeboard requirements.
- 3.2.3.3 Freeboard Requirement:
- 3.2.3.3.1 Cold cleaners using solvents which are agitated, heated above 120°F (50°C) or volatile solvents, shall operate with a freeboard ratio equal to or greater than 0.75.
- 3.2.3.3.2 A water cover at least 1 inch deep may be used as an acceptable control method to meet the freeboard requirement, if the solvent is insoluble in water and has a specific gravity greater than 1.
- 3.2.4 Additional Equipment Requirements for Batch-loaded Vapor Cleaners:
- In addition to the equipment requirements for all cleaners specified above in Section 3.2.1, 3.2.2, Batch-loaded Vapor Cleaners shall be equipped with the following:
- 3.2.4.1 A cover that is a sliding, rolling or guillotine (biparting) type which is designed to easily open and close without disturbing the vapor zone.
- 3.2.4.2 A vapor level control thermostat.

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- 3.2.4.3 A condenser flow switch.
- 3.2.4.4 A spray safety switch.
- 3.2.4.5 A primary condenser.
- 3.2.4.6 In addition to the above, cleaners with an evaporative surface area greater than or equal to 10.8 square feet (1 square meter), shall be equipped with one of following:
 - 3.2.4.6.1 A refrigerated freeboard chiller for which the chilled air blanket temperature (expressed in °F) at the coldest point on the vertical axis in the center of the air-vapor interface shall be no greater than 30 percent of the initial boiling point (expressed in °F) of the solvent used or no greater than 40°F. If the chiller operates below the freezing temperature of water, it shall be equipped with an automatic defrost.
 - 3.2.4.6.2 A freeboard ratio greater than or equal to 0.75.
 - 3.2.4.6.3 An enclosed design in which the cover or door opens only when the dry part is actually entering or exiting the cleaner.
- 3.2.5 Additional Equipment Requirements for ConveyORIZED Cold Cleaners:

In addition to the equipment requirements for all cleaners specified above in Section 3.2.1, 3.2.2, ConveyORIZED Cold Cleaners shall be equipped with the following:

 - 3.2.5.1 A rotating basket or other method, to prevent cleaned parts from carrying out solvent liquid.
 - 3.2.5.2 Minimized entrance and exit openings which silhouette the work loads such that the average clearance between material and the edges of the cleaner openings is less than 4 inches (10 centimeters) or less than 10 percent of the opening width.
 - 3.2.5.3 Cleaners using solvents which are either agitated, heated above 120°F (50°C) or are volatile, shall operate with a freeboard ratio equal to or greater than 0.75.
 - 3.2.5.4 A water cover at least 1 inch deep may be used as an acceptable control method to meet the freeboard requirement of Section 3.2.5.3, if the solvent is insoluble in water and has a specific gravity greater than 1.

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3.2.6 Additional Equipment Requirements for ConveyORIZED Vapor Cleaners:

In addition to the equipment requirements for all cleaners specified above in Section 3.2.1, 3.2.2, ConveyORIZED Vapor Cleaners shall be equipped with the following:

- 3.2.6.1 An enclosed drying tunnel or other method, such as a rotating basket, sufficient to prevent cleaned parts from carrying out solvent liquid.
- 3.2.6.2 Minimized entrance and exit openings which silhouette the work loads such that the average clearance between material and the edges of the cleaner openings is less than 4 inches(10 centimeters) or less than 10 percent of the opening width.
- 3.2.6.3 A primary condenser.
- 3.2.6.4 A vapor level control thermostat.
- 3.2.6.5 A condenser flow switch.
- 3.2.6.6 A spray safety switch.
- 3.2.6.7 In addition to the above, cleaners with an evaporative surface area greater than or equal to 21.5 square feet (2 square meters), shall be equipped with one of the following:
 - 3.2.6.7.1 A freeboard ratio greater than or equal to 0.75.
 - 3.2.6.7.2 A refrigerated freeboard chiller for which the chilled air blanket temperature (expressed in °F) at coldest point on the vertical axis in center of the air-vapor interface shall be greater than 30 percent of the initial boiling point (expressed in °F) of the solvent used or no greater than 40°F. If the chiller operates below freezing temperature of water, it shall equipped with an automatic defrost.

3.3 Alternative Control Requirements

A system to collect emissions which are vented to an emissions control device may be used to satisfy the requirements of Sections 3.2.3.3, 3.2.4.6, 3.2.5.3, 3.2.6.7, provided that the combined efficiency (the capture efficiency multiplied by the control efficiency) of the total system shall not be less than 81 percent by weight in reducing total non-methane hydrocarbons as determined by EPA Method 25. The collection system

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shall have a ventilation rate not greater than 65 cubic feet per minute per square foot (20 cubic meters per minute per square meter) over the total area of the solvent cleaner openings unless the rate must be changed to meet Federal or State Occupational Safety and Health Administration requirements.

3.4 Prohibitions

- 3.4.1 A lip exhaust system shall not be added to any cleaner, unless it is vented to a control device, as described in Section 3.3.
- 3.4.2 No person shall install or operate any solvent cleaning or degreasing equipment that does not conform with the provisions of this Rule.
- 3.4.3 The cleaning of porous or absorbent materials such as cloth, leather, wood or rope is prohibited.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Record Keeping

- 4.1.1 The operator of any equipment subject to this Rule shall maintain the following dated records:
 - 4.1.1.1 On a monthly basis, record the facility-wide total volume of make-up solvent used, and waste solvent disposed of or recycled, for all cleaners, except for remote reservoir cold cleaners which are serviced by an independent contractor. For such remote reservoir cold cleaners, evidence of service shall be required instead.
 - 4.1.1.2 All records shall be retained for a minimum of five (5) years from the date of each entry. All records shall be made available to the Air Pollution Control Officer upon request.

4.2 Record Keeping Requirements for Emission Control Devices

Any person using an emission control system as a means of complying with this Rule shall maintain daily records of key operating and maintenance procedures which will

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demonstrate continuous operation and compliance of the emission control device during periods of emission producing activities. Key system operating parameters are those necessary to ensure compliance with the percent reduction requirements such as temperatures, pressures and flow rates.

4.3 Test Methods

4.3.1 Initial Boiling Point of Solvent

The initial boiling point of the solvent shall be determined by ASTM D-1078-86, or its successors as amended.

4.3.2 Capture Efficiency

The capture efficiency of an emissions control device shall be determined according to EPA's technical document, "Guidelines for Determining Capture Efficiency," January 9, 1995.

4.3.3 Control Efficiency

The control efficiency of an emissions control device shall be determined using EPA Methods 2, 2A, 2C, or 2D for measuring flow rates and EPA Methods 25, 25A, or 25B for measuring the total gaseous organic concentrations at the inlet and outlet of the emissions control device as contained in 40 Code of Federal Regulations Part 60, Appendix A.

4.3.4 Volumetric Flow Rate

Volumetric flow rate shall be determined by EPA Methods 2, 2A, 2C and 2D.

4.3.5 Exempt Compounds Content

4.3.5.1 The quantity of exempt compounds and water in water-based solvents subject to this Rule shall be determined using Bay Area Air Quality Management District Method 31 (Determination of Volatile Organic Compounds in Paint Strippers, Solvent Cleaners and Low-Solids Coatings).

4.3.5.2 The quantity of exempt compounds in any other class of solvents subject to this Rule shall be performed in accordance with ASTM D-4457-85 (Solvents and Coatings), or its successors as amended, and be consistent with the provisions set forth in the Federal Register (FR, Vol. 56, No. 52, March 18,

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1991).

4.3.6 Volatile Organic Compounds Content

4.3.6.1 The VOC content of any water-based solvent subject to this Rule shall be determined using Bay Area Air Quality Management District Method 31 (Determination of Volatile Organic Compounds in Paint Strippers, Solvent Cleaners and Low-Solids Coatings).

4.3.6.2 The VOC content of any other solvent subject to this Rule shall be determined using EPA Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings) in 40 Code of Federal Regulations Part 60, Appendix A.

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RULE 434 COATING OF METAL PARTS AND PRODUCTS

(Adopted 6-15-94; Revised 12-18-96 and 1-17-01).

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to reduce volatile organic compound emissions from the application of coatings to metal parts and products.

1.2 Applicability

Except as otherwise provided for in Section 1.3, the provisions of this Rule are applicable to the use of surface coatings applied to metal parts and products.

1.3 Exemptions

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- 1.3.1 Coatings complying with the provisions of this Rule shall be exempt from provisions of District Rule 416. Note that cleanup and wipe down solvents are subject to the provisions of District Rule 416.
- 1.3.2 The provisions of this Rule shall not apply to aircraft or aerospace vehicle coatings, marine vessel exteriors, plastic coatings, magnetic wire coatings, motor vehicle coatings and mobile equipment coatings.
- 1.3.3 The provisions of this Rule shall not apply to stencil coatings, safety temperature-indicating coatings, powder coatings, and adhesives.
- 1.3.4 The provisions of this Rule shall not apply to any combination of coatings used for coating metal parts and products in a total volume less than 55 gallons/year (208 liters/year) per facility .
- 1.3.5 The provisions of this Rule shall not apply to coatings sold in non-refillable aerosol containers regulated under Sections 94520 - 94528 of Title 17 of the California Code of Regulations.
- 1.3.6 For purposes of this Rule, exempt compounds, as defined in Section 2.11, are not to be considered volatile organic compounds.

1.4 Effective Dates

The requirements of this Rule as most recently revised is effective January 17, 2001.

1.5 References

The requirements of this Rule arise from the requirements of Section 182(b)(2) of the federal Clean Air Act (Title 42 United States Code Section 7401 *et seq.*).

PART 2 DEFINITIONS

2.1 Adhesive

Any substance that is used to bond surfaces together by attachment.

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2.2 Aerosol Container

A hand-held, non-refillable container which expels pressurized product ingredients by means of a propellant-induced force.

2.3 Aircraft or Aerospace Vehicle Coating

A coating applied to a fabricated part, an assembly of parts or completed unit of any aircraft, helicopter, missile or space vehicle.

2.4 Air-dried Coating

A coating that is cured at a temperature below 194°F (90°C) .

2.5 Baked Coating

A coating that is cured at a temperature at or above 194°F (90°C).

2.6 Camouflage Coating

A coating used to conceal equipment from detection.

2.7 Coating

A material which is applied to a surface and which forms a continuous film in order to beautify and/or protect such surface.

2.8 Combined Efficiency

The capture efficiency multiplied by the control efficiency, expressed as an overall weight percent.

2.9 Emissions Control Device

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A device which removes or destroys emissions of VOC to the atmosphere from the exhaust stream of a process.

2.10 Etching Filler

A coating that contains less than 23 percent solids by weight and at least 0.5 percent acid by weight, and is used instead of a pretreatment wash primer coating on a metal substrate, usually prior to a primer coating.

2.11 Exempt Compounds

As defined in District Rule 101 (Definitions).

2.12 Extreme-performance Coating

A coating used on a metal surface where the coated surface is, in its intended use, exposed to any of the following:

- 2.12.1 industrial-grade detergents, cleaners, or abrasive scouring agents;
- 2.12.2 unprotected shipboard conditions;
- 2.12.3 frequent or chronic exposure to salt water, corrosives, caustics, acids, or oxidizing chemicals;
- 2.12.4 other similar or harsher environmental conditions as determined in writing by the Air Pollution Control Officer of the Monterey Bay Unified Air Pollution Control District.

2.13 Heat-resistant Coating

A coating applied to a substrate that must withstand a temperature of at least 400°F (204°C) during normal use.

2.14 High-gloss Coating

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A coating which has a reflectance of 85 percent or more on a 60° meter, when tested in accordance with ASTM Test Method D-523-1980, or its successors as amended.

2.15 High-performance Architectural Coating

A coating used to protect architectural substrates fabricated in a shop and which is required to meet the specifications of the Architectural Aluminum Manufacturer Association's Publication number AAMA 605.2-1980.

2.16 High-temperature Coating

A coating applied to a substrate that must withstand a temperature of 1000°F (538°C) during normal use.

2.17 Metal Parts and Products

Components or complete units fabricated from metal, excluding marine vessel exteriors, aerospace vehicles and components, motor vehicles and mobile equipment.

2.18 Metallic Top Coating

A coating which contains more than 0.042 pounds of metal particles per gallon (5 grams of metal particles per liter) of coating, as applied, where such particles are visible in the dried film.

2.19 Mobile Equipment

Any equipment which may be drawn or is capable of being driven on a roadway, including, but not limited to, truck bodies, truck trailers, camper shells, mobile cranes, bulldozers, concrete mixers, street cleaners, golf carts, all terrain vehicles, implements of husbandry, and hauling equipment used at airports, docks, depots, and industrial and commercial plants, excluding utility bodies.

2.20 Mold-seal Coating

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The initial coating applied to a new mold or repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

2.21 Pan-backing Coating

A coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

2.22 Powder Coating

Any coating applied as dry finely divided solid (without solvent or other carrier) which, when melted and fused, adheres to the substrate as a paint film.

2.23 Pretreatment Wash Primer

A coating which contains no more than 12 percent solids by weight, and at least 0.5 percent acid, by weight, is used to provide surface etching, corrosion resistance, adhesion, and ease of stripping when applied to metal surfaces.

2.24 Repair Coating

A coating used to recoat portions of a product which has sustained mechanical damage to the coating following normal painting operations.

2.25 Safety Temperature-indicating Coating

A coating which changes physical characteristics, such as color, to indicate unsafe temperature conditions.

2.26 Silicone-release Coating

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Any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

2.27 Solar-absorbent Coating

A coating which has as its prime purpose the absorption of solar radiation.

2.28 Stencil Coating

A coating which is rolled or brushed onto a template or stamp in order to add identifying figures to metal parts and products.

2.29 Substrate

A part, substance, or foundation to be acted upon.

2.30 Textured Finish

A rough surface produced by spraying large drops of coating onto a previously applied coating.

2.31 Touch-up Coating

A coating used to cover minor coating imperfections appearing after the main coating operation.

2.32 Utility Body

A special purpose compartment or unit that will be bolted, welded, or affixed onto an existing cab and chassis. The compartment may serve as storage for equipment or parts.

2.33 Vacuum-metalizing Coating

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The undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film.

2.34 Volatile Organic Compound (VOC)

As defined in District Rule 101 (Definitions).

PART 3 REQUIREMENTS AND STANDARDS

3.1 VOC Content of Coatings

A person shall not apply to affected metal parts and products any coating with a VOC content (including any VOC-containing materials added to the original coating supplied by the manufacturer), less water and less exempt compounds, in excess of the limits identified below. The VOC content shall be calculated in accordance with the method identified in Section 4.3.1.

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COATING LIMITS

Grams of VOC per Liter/Pounds per Gallon of Coating
Less Water and Less Exempt Compounds

COATING CATEGORY	BAKED		AIR-DRIED	
	<u>grams/liter</u>	<u>lbs/gal</u>	<u>grams/liter</u>	<u>lbs/gal</u>
<i>GENERAL COATING LIMITS</i>	360	3.0	420	3.5
<i>SPECIALTY COATING LIMITS</i>				
Camouflage	360	3.0	420	3.5
Etching Filler	420	3.5	420	3.5
Extreme Performance	420	3.5	420	3.5
Heat-Resistant	420	3.5	420	3.5
High Gloss	360	3.0	420	3.5
High Performance-Architectural	420	3.5	420	3.5
High Temperature	420	3.5	420	3.5
Metallic	360	3.0	420	3.5
Mold-Seal	420	3.5	420	3.5
Pan Backing	420	3.5	420	3.5
Pretreatment Wash Primer	780	6.5	780	6.5
Silicone Release	420	3.5	420	3.5
Solar-Absorbent	360	3.0	420	3.5
Vacuum-Metalizing	420	3.5	420	3.5

3.2 Add-on Controls Alternative

In lieu of complying with the VOC content limitations in Section 3.1, add-on controls may be used provided:

3.2.1 the combined efficiency of capture and control of the system is not less than 90 percent by weight in reducing volatile organic compounds;

3.2.2 The Air Pollution Control Officer issues written approval for such equipment in the form of an Authority to Construct and Permit to Operate containing monitoring requirements including but not limited to:

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- 3.2.2.1 Monitoring equipment shall be used in accordance with vendor or manufacturer specifications.
- 3.2.2.2 When operating a thermal incinerator, combustion temperature shall be continuously monitored.
- 3.2.2.3 When operating a catalytic incinerator, exhaust gas and inlet gas temperature shall be continuously monitored.
- 3.2.2.4 When operating a carbon adsorber or emission control system other than a thermal or catalytic incinerator, daily emission control device efficiency shall be monitored.

3.3 Extreme-Performance Coating Qualification

A person shall apply to and receive approval from the Air Pollution Control Officer (APCO) to have a coating classified as an extreme-performance coating prior to application of such coating. The APCO may classify a coating as an extreme performance coating provided that the petitioner demonstrates that the intended use of each coated object requires an extreme-performance coating and has successfully demonstrated that general coating limits contained in Section 3.1 are unsuitable. This classification shall be effective for one year. Such classification must be renewed annually.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Record-keeping Requirements

4.1.1 Record-keeping of Use of Coatings Identified in Section 3.1.

- 4.1.1.1 Any person subject to this Rule shall maintain written monthly records necessary to demonstrate compliance. Information to be collected shall include at least the items identified below. The information shall be available for review by District personnel. The District may request that additional information be provided if it is necessary to determine compliance with the rule.

- 4.1.1.1.1 types of all coatings used;

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- 4.1.1.1.2 name of each coating and manufacturer;
- 4.1.1.1.3 VOC content of each coating;
- 4.1.1.1.4 VOC, water and exempt compound content of reducers;
- 4.1.1.1.5 mix ratios of coatings and reducers;
- 4.1.1.1.6 applicable coating category for each coating used, as indicated in Section 3.1.

4.1.2 Record-keeping for Claiming Exemptions to this Rule

4.1.2.1 Any person claiming the 55 gallon per year exemption pursuant to Subsection 1.3.4 of this Rule and using only materials complying with VOC content limits in Section 3.1 shall maintain monthly records containing the following information:

- 4.1.2.1.1 types of all coatings used;
- 4.1.2.1.2 name of each coating and manufacturer;
- 4.1.2.1.3 VOC content of each coating;
- 4.1.2.1.4 volume of all coatings;
- 4.1.2.1.5 VOC, water and exempt compound content of reducers;
- 4.1.2.1.6 mix ratios of coatings and reducers;
- 4.1.2.1.7 applicable coating category for each coating used, as indicated in Section 3.1.

4.1.2.2 Any person claiming the 55 gallon per year exemption pursuant to Subsection 1.3.4 of this Rule shall maintain daily records containing the following information for each day that coatings are used that exceed the VOC content limits of Section 3.1:

- 4.1.2.2.1 types of all coatings used;
- 4.1.2.2.2 name of each coating and manufacturer;

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- 4.1.2.2.3 VOC content of each coating;
- 4.1.2.2.4 volume of all coatings;
- 4.1.2.2.5 VOC, water and exempt compound content of reducers;
- 4.1.2.2.6 mix ratios of coatings and reducers;
- 4.1.2.2.7 applicable coating category for each coating used, as indicated in Section 3.1.

4.1.3 Record-keeping for Add-on Controls Alternative

4.1.3.1 Any person complying with the add-on control alternative technology provision of this Rule pursuant to Section 3.2 shall keep the following written daily records:

- 4.1.3.1.1 Capture and control system and monitoring equipment log of operating time.
- 4.1.3.1.2 Capture and control system and monitoring equipment, log detailing all routine and non-routine maintenance performed, including dates and durations of any equipment outages.
- 4.1.3.1.3 Daily records of the applicable monitoring information required by Sections 3.2.2.1, 3.2.2.2, 3.2.2.3, and 3.2.2.4 to demonstrate the continuous, compliant operation of the emission control device during periods of emission producing activities.

4.1.4 All written records required by Section 4.1 shall be maintained for a minimum of five (5) years and be available for inspection by the APCO.

4.2 Test Methods

4.2.1 VOC Content

4.2.1.1 The VOC content of any water-based coating subject to this Rule shall be determined using Bay Area Air Quality Management District Method 31

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(Determination of Volatile Organic Compounds in Paint Strippers, Solvent Cleaners and Low-Solids Coatings).

4.2.1.2 The VOC content of any other coating subject to the provisions of this Rule shall be determined using EPA Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings) in 40 Code of Federal Regulations Part 60, Appendix A.

4.2.2 Exempt Compounds Content

4.2.2.1 The quantity of exempt compounds and water in water-based coatings subject to this Rule shall be determined using Bay Area Air Quality Management District Method 31 (Determination of Volatile Organic Compounds in Paint Strippers, Solvent Cleaners and Low-Solids Coatings).

4.2.2.2 The quantity of exempt compounds in any other class of coatings subject to this Rule shall be performed in accordance with ASTM D-4457-85 (Solvents and Coatings), or its successors as amended, and be consistent with the provisions set forth in the Federal Register (FR, Vol. 56, No. 52, March 18, 1991).

4.2.3 Acid Content

Measurement of acid content shall be conducted and reported in accordance with ASTM Test Method D 1613-85, or its successors as amended.

4.2.4 Metal Content

Measurement of metal content shall be conducted and reported in accordance with the South Coast Air Quality Management District's Method 318, or its successor as amended.

4.2.5 Solids Content of Etching Fillers

The solids content of etching fillers shall be determined using EPA Reference Method 24 (40 CFR 60, Appendix A).

4.2.6 Initial Boiling Point of Liquid Containing VOC

Determinations of the initial boiling point of liquid containing VOC shall be performed in accordance with ASTM D 1078-86, or its successors as amended.

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4.2.7 Capture Efficiency

The capture efficiency of an emissions control device shall be determined according to EPA's technical document, "Guidelines for Determining Capture Efficiency," January 9, 1995.

4.2.8 Control Efficiency

The control efficiency of air an emissions control device shall be determined using EPA Methods 2, 2A, 2C, or 2D for measuring flow rates and EPA Methods 25, 25A, or 25B for measuring the total gaseous organic concentrations at the inlet and outlet of the emissions control device as contained in 40 Code of Federal Regulations Part 60, Appendix A.

4.2.9 Volumetric Flow Rate

Volumetric flow rate shall be determined by EPA Methods 2, 2A, 2C and 2D.

4.3 Method for Calculation of Grams of VOC per Liter

4.3.1 Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds is the weight of VOC per combined volume of VOC and coating solids and is calculated by the following equation:

Grams of VOC per liter of Coating Less Water and Less Exempt Compounds

$$= \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where:

- W_s = weight of volatile compounds, in grams
- W_w = weight of water, in grams
- W_{es} = weight of exempt compounds, in grams
- V_m = volume of coating material, in liters
- V_w = volume of water, in liters
- V_{es} = volume of exempt compounds, in liters

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REGULATION IV
PROHIBITIONS

RULE 436 TITLE V: GENERAL PROHIBITORY RULE

(Adopted May 17, 1995)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide federally enforceable potential to emit limitations limiting emissions below the thresholds requiring federal Title V operating permits under Rule 218.

1.2 Applicability

General Applicability: This Rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:

- 1.2.1 In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in Section 3.1 below; or
- 1.2.2 In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in Section 6.1 below.

Within three years of the effective date of Rule 218 (Federal Operating Permits), the District shall maintain and make available to the public upon request, for each stationary source subject to this rule, information identifying the provisions of this rule applicable to the source.

1.3 Exemptions

1.3.1 General Exemptions

This Rule shall not apply to the following stationary sources:

- 1.3.1.1 any stationary source that has applied for a federal operating permit in a timely manner and in conformance with Rule 218 (Federal Operating Permits), and is awaiting final action by the District and United States Environmental Protection Agency (U.S. EPA); or

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- 1.3.1.2 any stationary source required to obtain an operating permit under Rule 218 for any reason other than being a major source; or
- 1.3.1.3 any stationary source with valid federal operating permits; or
- 1.3.1.4 any stationary source which has a valid operating permit with federally-enforceable conditions or other federally-enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in Sections 2.8 and 2.9 below.
- 1.3.1.5 any stationary source whose actual emissions, throughput, or operation, at any time after the effective of this rule, is greater than the quantities specified in Sections 3.1 or 6.1 below and which meets both of the following conditions:
 - 1.3.1.5.1 the owner or operator has notified the District at least 30 days prior to any exceedance that s/he will submit an application for a federal operating permit, or otherwise obtain federally-enforceable permit limits; and
 - 1.3.1.5.2 a complete federal operating permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification or

However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

Notwithstanding Subsections 1.3.1.1 and 1.3.1.3 above, nothing in this Section shall prevent any stationary source which has had a federal operating permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a federal operating permit or upon rescission of a federal operating permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in Section 3.1 below or an applicable alternative operational limit in Section 6.1 below.

1.3.2 Exemptions from Recordkeeping Stationary Sources with De Minimis Emissions:

Stationary Source with De Minimis Emissions: The recordkeeping and reporting provisions in Parts 4, 5 and 6 below shall not apply to a stationary source with de minimis emissions or operations as specified in either Subsection 1.3.2.1 or 1.3.2.2 below:

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- 1.3.2.1 In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:
- 1.3.2.1.1 5 tons per year of a regulated air pollutant (excluding HAPs),
 - 1.3.2.1.2 2 tons per year of a single HAP,
 - 1.3.2.1.3 5 tons per year of any combination of HAPs, and
 - 1.3.2.1.4 20 percent of any lesser threshold for a single HAP that the U.S. EPA may establish by rule.
- 1.3.2.2 In every 12-month period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in Subsections 1.3.2.2.1 through 1.3.2.2.8 below:
- 1.3.2.2.1 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;
 - 1.3.2.2.2 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent-containing material;
 - 1.3.2.2.3 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;
 - 1.3.2.2.4 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;
 - 1.3.2.2.5 1,400 gallons of gasoline combusted;
 - 1.3.2.2.6 16,600 gallons of diesel fuel combusted;
 - 1.3.2.2.7 500,000 gallons of distillate oil combusted, or
 - 1.3.2.2.8 71,400,000 cubic feet of natural gas combusted.

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Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to Parts 4 or 6 shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in Subsection 1.3.2.1 or 1.3.2.2 above.

1.4 Effective Dates

The requirements of this Rule shall become effective one year after the date of approval of Rule 218 (Federal Operating Permits) by the United States Environmental Protection Agency.

1.5 References

District Rule 218, 40 CFR Part 70, Clean Air Act Title V.

PART 2 DEFINITIONS

All terms shall retain the definitions provided in Rule 218 unless otherwise defined herein.

2.1 12-month period

A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

2.2 Actual Emissions

The emissions of a regulated air pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including emission factors and assumptions.

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2.3 Alternative Operational Limit

A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Part 6, Alternative Operational Limit and Requirements.

2.4 Emission Unit

Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.

2.5 Federal Clean Air Act

The federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. Section 7401 et seq.) and its implementing regulations.

2.6 Federal Operating Permit

An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

2.7 Hazardous Air Pollutant (HAP)

Any air pollutant listed pursuant to Section 112(b) of the federal Clean Air Act.

2.8 Major Source of Regulated Air Pollutants (excluding HAPs)

A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:

2.8.1 100 tons per year (tpy) of any regulated air pollutant;

2.8.2 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and

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2.8.3 70 tpy of PM₁₀ for a federal PM₁₀ nonattainment area classified as serious.

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions-Major source(2)."

2.9 Major Source of Hazardous Air Pollutants

A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in Section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radionuclides shall be specified by rule by the U.S. EPA.

2.10 Potential to Emit

The maximum capacity of a stationary source to emit a regulated air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation is federally enforceable.

Provision for Air Pollution Control Equipment: The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. This provision shall not apply after January 1, 1999 unless such operational limitation is federally enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.

2.11 Process Statement

An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of

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process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.

2.12 Regulated Air Pollutant

The following air pollutants are regulated:

- 2.12.1 oxides of nitrogen and volatile organic compounds;
- 2.12.2 any pollutant for which a national ambient air quality standard has been promulgated;
- 2.12.3 any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act;
- 2.12.4 any pollutant that is subject to any standard promulgated under Section 111 of the federal Clean Air Act; and
- 2.12.5 any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act, including:
 - 2.12.5.1 any pollutant listed pursuant to Section 112(r) (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list; and
 - 2.12.5.2 any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) 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); and
 - 2.12.5.3 any HAP subject to a District 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). In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

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PART 3 REQUIREMENTS AND STANDARDS

3.1 Emission Limit Quantities

Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section 6.1 below, no stationary source subject to this Rule shall emit in every 12-month period more than the following quantities of emissions:

- 3.1.1 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs), or
- 3.1.2 5 tons per year of a single HAP, or
- 3.1.3 12.5 tons per year of any combination of HAPs, or
- 3.1.4 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

This Rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this Rule.

3.2 Calculating Emissions

The District shall evaluate a stationary source's compliance with the emission limitations in Section 3.1 above as part of the District's annual permit renewal process required by Health & Safety Code Section 42301(e). In performing the evaluation, the District shall consider any annual process statement submitted pursuant to Part 5, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA, CARB, or the District.

3.3 Emission Permit Conditions

Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section 6.1 below, the owner or operator of a

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stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in Section 3.1 above.

PART 4 RECORD-KEEPING REQUIREMENTS

Immediately after adoption of this rule, the owner or operator of a stationary source subject to this rule shall comply with any applicable recordkeeping requirements in this Section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Part 6, Alternative Operational Limit and Requirements. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.

4.1 General Record-keeping

A stationary source previously covered by the provisions in Section 1.3.2 above shall comply with the applicable provisions of Part 4 above and Parts 5 and 6 below if the stationary source exceeds the quantities specified in Section 1.3.2.1 above.

4.2 Process Specific Record-keeping

The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, California Air Resources Board (CARB), or U.S. EPA staff upon request.

In some cases it may be appropriate to keep records on groups of emission units which are connected in series. Examples are internal combustion engines in the oil fields with a common fuel line, or a series of paint spray booths with a common feed.

4.2.1 Coating/Solvent Emission Unit

The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

- 4.2.1.1 A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or

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code, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;

4.2.1.2 A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;

4.2.1.3 A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and

4.2.1.4 All purchase orders, invoices, and other documents to support information in the monthly log.

4.2.2 Organic Liquid Storage Unit

The owner or operator of a stationary source subject to this rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:

4.2.2.1 A monthly log identifying the liquid stored and monthly throughput; and

4.2.2.2 Information on the tank design and specifications including control equipment.

4.2.3 Combustion Emission Unit

The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

4.2.3.1 Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and

4.2.3.2 A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

4.2.4 Emission Control Unit

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The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

- 4.2.4.1 Information on equipment type and description, make and model, and emission units served by the control unit;
 - 4.2.4.2 Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and
 - 4.2.4.3 A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.
- 4.2.5 General Emission Unit

The owner or operator of a stationary source subject to this rule that contains an emission unit not included in Subsections 4.2.1, 4.2.2 or 4.2.3 above shall keep and maintain the following records:

- 4.2.5.1 Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);
- 4.2.5.2 Any additional information requested in writing by the District;
- 4.2.5.3 A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
- 4.2.5.4 Purchase orders, invoices, and other documents to support information in the monthly log.

PART 5 REPORTING REQUIREMENTS

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5.1 Process Statement

At the time of annual renewal of a permit to operate under Rule 200 (Permits Required), each owner or operator of a stationary source subject to this rule shall submit to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

Any additional information requested by the District under Section 5.1 above shall be submitted to the District within 30 days of the date of request.

5.2 Exemptions from Reporting

For the purpose of determining compliance with this rule, this requirement shall not apply to stationary sources which emit in every 12-month period less than or equal to the following quantities:

5.2.1 For any regulated air pollutant (excluding HAPs),

5.2.1.1 25 tons per year including a regulated air pollutant for which the District has a federal area designation of attainment, unclassified, transitional, or moderate nonattainment,

5.2.1.2 15 tons per year for a regulated air pollutant for which the District has a federal area designation of serious nonattainment,

5.2.1.3 6.25 tons per year for a regulated air pollutant for which the District has a federal area designation of severe nonattainment,

5.2.2 2.5 tons per year of a single HAP,

5.2.3 6.25 tons per year of any combination of HAPs, and

5.2.4 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

A stationary source previously covered by provisions in Section 5.2 above shall comply with the provisions of Section 5.1 above if the stationary source exceeds the quantities specified in Section 5.2.

PART 6 ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS

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The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the operation(s) limited by the alternative operational limit.

6.1 Process Specific Alternative Operational Limits

Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.

6.1.1 The owner or operator shall report within 24 hours to the District any exceedance of the alternative operational limit.

6.1.2 The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this Section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.

6.1.3 Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems

The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:

6.1.3.1 No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.

6.1.3.2 A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.

6.1.3.3 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

6.1.4 Degreasing or Solvent-Using Unit

The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:

If the solvents do not include methyl chloroform (1,1,1-trichloroethane),

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methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be used in every 12-month period, or

If the solvents include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be used in every 12-month period.

- 6.1.4.1 A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
- 6.1.4.2 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

6.1.5 Paint Spraying Unit

The owner or operator shall operate the paint spraying unit(s) in compliance with the following requirements:

- 6.1.5.1 The total usage rate of all VOC-containing materials, including but not limited to, coatings, thinners, reducers, and cleanup solution shall not exceed 5400 gallons of any combination of such VOC-containing materials and no more than 2,200 gallons of any one VOC-containing material in every 12-month period.
- 6.1.5.2 A monthly log of the gallons of VOC-containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
- 6.1.5.3 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

6.1.6 Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower

The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:

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- 6.1.6.1 For a federal ozone area designation of attainment, unclassified, transitional, or moderate nonattainment, the emergency standby engine(s) shall not operate more than 5,200 hours in every 12-month period and shall not use more than 265,000 gallons of diesel fuel in every 12-month period.
- 6.1.6.2 A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.
- 6.1.6.3 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

6.2 Process Specific Operational Limits

The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in Section 6.1 above.

PART 7 VIOLATIONS

7.1 Failure to Comply

Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this Rule. Each day during which a violation of this Rule occurs is a separate offense.

7.2 Subjection to Title V Permitting

A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Rule 218 when the conditions specified in either Subsections 7.2.1 or 7.2.2 below, occur:

- 7.2.1 Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in Section 3.1 above and any applicable alternative operational limit specified in Section 6.1, above, or
- 7.2.2 Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in Section 3.1 above or any applicable alternative

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operational limit specified in Section 6.1 above.

* * * * *

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION IV
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RULE 438. OPEN OUTDOOR FIRES

(Adopted 4-16-2003; and Revised 9-15-2004.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to codify requirements and standards regarding the use of open outdoor fires within the boundaries of the Monterey Bay Unified Air Pollution Control District (Air District).

1.2 Applicability

The provisions of this Rule shall apply to all persons who set or maintain open outdoor fires set within the boundaries of the Air District.

1.3 Exemptions

1.3.1 Exemptions from Section 3.1 (General Prohibition)

The following types of open outdoor fires are exempted from the provisions of Section 3.1 of this Rule, except as provided at Subsection 3.1.1 below.

1.3.1.1 With notification of the Air Pollution Control Officer, except in emergencies, when such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary:

1.3.1.1.1 for the instruction of public employees in the methods of fighting fire; or

1.3.1.1.2 for disposing of Russian thistle (*Salsola kali*); or

1.3.1.1.3 for the setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code; or

1.3.1.1.4 for the abatement of fire hazards pursuant to Section 13055 of the California Health and Safety Code which cannot be abated by other means; or

1.3.1.1.5 for disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

1.3.1.2 With notification of the Air Pollution Control Officer, except in emergencies, when such fire is set pursuant to permit on property used for industrial

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purposes for the purpose of instruction of employees in methods of fighting fire.

1.3.1.3 Agricultural burning, including prescribed burning, necessary to maintain and continue an agricultural operation, set or permitted by a fire official having jurisdiction in the performance of his/her official duty including:

1.3.1.3.1 fires set in the course of any agricultural operation in the growing of crops, or raising of fowls, animals or bees;

1.3.1.3.2 fires for the control and disposal of agricultural wastes;

1.3.1.3.3 range improvement burning;

1.3.1.3.4 forest management burning;

1.3.1.3.5 wildland vegetation management burning.

1.3.1.4 Effective January 1, 2004, on burn days only, fires for disposal of dry, non-glossy paper and cardboard originating from and being burned on the premises of a single- or two-family dwelling (residential burning) if that dwelling meets all the following criteria:

1.3.1.4.1 the single- or two-family dwelling is not in an incorporated place; and

1.3.1.4.2 the single- or two-family dwelling lies within the boundaries of a Census Zip Code within the Air District where the population density is equal to or less than 10.0 people per square mile, as calculated from the last decennial United States Census data; and

1.3.1.4.3 the single- or two-family dwelling is in an area not served on a weekly basis by an organized waste disposal service; and

1.3.1.4.4 the single- or two-family dwelling does not lie within the boundary of a jurisdiction which prohibits the burning of dry, non-glossy paper and cardboard as of January 4, 2002, or thereafter; and

1.3.1.4.5 the census zip code population density remains equal to or below 10.0 persons per square mile if the air district chooses to renew the exemption areas every ten years pursuant to Section 93113(e), Title 17 of the California Code of Regulations. As of the date of rule adoption the following areas (listed by Census Zip Code) meet the population density criterion and may meet the weekly organized waste disposal service criterion: 93426 (Bradley, Lake Nacimiento areas); 93450 (San Ardo

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area); 93451 (San Miguel, Camp Roberts, Parkfield areas); 93920 (Big Sur, Gorda, Lucia areas); 93927 (Greenfield area); 93928 (Jolon, Ft. Hunter Liggett areas); 93930 (King City area); 93932 (Lockwood area); 93954 (San Lucas area); 95043 (Paicines, New Idria, Panoche, Pinnacles, San Benito areas).

- 1.3.1.5 On burn days only, and only during the burn season, fires for disposal of natural vegetation originating from, and being burned on, the premises of a single- or two-family dwelling (backyard burning).
- 1.3.1.6 On burn days only, and only during the burn season, burning of woody wastes from developments.
- 1.3.1.7 Fires used only for the cooking of food for human beings, or ceremonial, religious or recreational fires.
- 1.3.1.8 With notification of the Air Pollution Control Officer, except in emergencies, burning for right-of-way clearing by a public entity or utility where access by chipping equipment is not available by existing means, or for levee, reservoir, and ditch maintenance.
- 1.3.1.9 Mechanized burning, e.g., trench burning, may be used for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of non-wood materials as provided in Section 41812 of the California Health and Safety Code.

1.3.2 Exemptions from Subsection 3.2.1 (Permit Requirements)

The following types of open outdoor fires are exempted from the requirement to receive written permits from the District under subsection 3.2.1 of this Rule. This does not affect any permits that may be required by local fire agencies.

- 1.3.2.1 fires described in subsection 1.3.1.1 where the entity conducting the fire is the permitting agency;
- 1.3.2.2 fires described in subsection 1.3.1.4 (residential burning);
- 1.3.2.3 fires described in subsection 1.3.1.5 (backyard burning);
- 1.3.2.4 fires described in subsection 1.3.1.7 (recreational and cooking fires).

1.3.3 Exemptions from Section 3.3 (Burn Days and "No-burn" Days)

- 1.3.3.1 fires described in subsection 1.3.1.7 (recreational and cooking fires);

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- 1.3.3.2 fires described in subsection 1.3.1.1.1 (fire-fighting instruction for public employees);
- 1.3.3.3 fires described in subsection 1.3.1.2 (industrial fire-fighting instruction);
- 1.3.3.4 agricultural fires set upon Air Pollution Control Officer approval where denial of such approval would threaten imminent and substantial economic loss as provided in California Health and Safety Code Section 41862.

1.3.3.4.1 As provided in California Health and Safety Code Section 41862, the Air Pollution Control Officer may by permit authorize agricultural waste burning on "no-burn" days, if denial of such approval would threaten imminent and substantial economic loss. In authorizing such burning, the Air Pollution Control Officer shall limit the acreage which can be burned in any one day and shall only authorize burning when downwind metropolitan areas are forecasted by the California Air Resources Board to achieve the ambient air quality standards.

1.3.3.4.2 Exceptions may be made by the designated agency which issues the permit to burn, with concurrence of the Air Pollution Control Officer, if the material to be burned is diseased or insect-infested and there would be irreparable damage if the standards of Sections 3.3 were rigidly enforced.

- 1.3.3.5 a prescribed burn project which has been declared a test burn jointly by the California Air Resources Board and the Air District for the purpose of evaluating alternative criteria for making burn day decisions.

1.3.4 Exemptions from Section 3.4 (Standards for Materials to be Burned)

Fires qualifying for exemption under subsection 1.3.3.4 may be exempted by the Air Pollution Control Officer from certain requirements of Section 3.4.

1.4 Effective Date of Rule

The Rule in its present form is effective on September 15, 2004.

1.5 References

The requirements of this Rule arise from the provisions of:

- 1.5.1 California Health and Safety Code Sections 39011 *et seq.*, 39665 *et seq.*, 41800 *et seq.*, 41850 *et seq.*; and

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- 1.5.2 California Code of Regulations, Title 17, Subchapter 2, Sections 80100 *et. seq.* and 93113 *et seq.*

PART 2 DEFINITIONS

2.1 Agricultural Burning

As defined by California Health and Safety Code Section 39011, *et seq.*

2.2 Agricultural Waste Burning

Refers to open burning in agricultural operations in the growing of crops or raising of fowl or animals, as defined in California Code of Regulations, Title 17, Subchapter 2, Article 1, Section 80100(w). This includes the burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by Air District rules and regulations.

2.3 Air District

The Monterey Bay Unified Air Pollution Control District, unless otherwise noted.

2.4 Approved Ignition Device

An instrument or material that will ignite open fires without the production of black smoke by the ignition device.

2.5 Backyard Burning

Fires for disposal of natural vegetation originating from and being burned on the premises of a single- or two-family dwelling.

2.6 Brush-treated

The material to be burned has been felled, crushed or uprooted with mechanical equipment, has been desiccated with herbicides, or is dead.

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2.7 Burn Barrel

A metal or other fireproof or nonflammable container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal.

2.8 Burn Day

Any day on which agricultural burning, including prescribed burning, is not prohibited by the California Air Resources Board, and agricultural burning, including prescribed burning, is authorized by the Air District consistent with the Smoke Management Guidelines for Agricultural and Prescribed Burning, set forth in Sections 80100 - 80330 of Title 17 of the California Code of Regulations.

2.9 Burn Season

The time during the year during which certain types of burning are allowed. The burn season shall begin on December 1 and shall continue through April 30 each year.

2.10 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 predominant 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 all Zip Codes used for mail delivery. For the purposes of this Rule, census zip codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.

2.11 Combustible

Any substance capable of burning or any substance that will readily burn.

2.12 Designated Agency

Any agency, other than the Air District, designated by the California Air Resources Board as having authority to issue agricultural burning permits. The U. S. Forest Service

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and the California Department of Forestry and Fire Protection are so designated within their respective areas of jurisdiction.

2.13 Flammable

Capable of catching fire easily, or combustible.

2.14 Forest Management Burning

The use of open outdoor fires, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices or forest protection practices.

2.15 Household Rubbish

Solid, semisolid or liquid waste from materials used or consumed in a human dwelling which can be placed inside a 30-gallon garbage can. This includes materials such as animal or vegetable putrescible wastes (garbage) and nonputrescible wastes (rubbish), including discarded materials resulting from normal residential activities.

2.16 Incorporated Place

The city, town, municipality or village reported to the U.S. Census Bureau as being legally in existence under California law at the time of the most recent national decennial census completed by the U.S. Census Bureau. For the purposes of calculating population density for this regulation, incorporated places include the FIPS Place Class Codes C1, C7 and C8, as defined by the U.S. Census Bureau in Technical Documentation, Summary File 1, October 2002.

2.17 Monterey Peninsula/Carmel Valley Smoke Sensitive Area (MP/CV SSA)

The MP/CV SSA is delineated by the following Township and Range coordinates, or Sections thereof, based on the Mount Diablo Meridian:

- a) All of T15S, R1W.
- b) T15S, R1E, Sections 19, 20, 21, and 28 thru 33.
- c) All of T16S, R1W.
- d) T16S, R1E, Sections 4 thru 9, and 13 thru 36.
- e) T16S, R2E, Sections 18, 19, and 26 thru 35.
- f) T17S, R1W, Sections 1, 2, 11, 12, 13, 14, and 24.
- g) T17S, R1E, Sections 1 thru 24.

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h) T17S, R2E, Sections 1 thru 24.

2.18 Natural Vegetation

All plants, including but not limited to grasses, forbs, trees shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials processed, treated or preserved with chemicals for subsequent human or animal use, including but not limited to processed or treated wood and wood products or paper products.

2.19 "No-burn" Day

Any day on which agricultural burning, including prescribed burning, is prohibited by the California Air Resources Board or by the Air District.

2.20 Open Outdoor Fire

The burning of combustible material of any type outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

2.21 Organized Waste Disposal Service

Weekly curbside or roadside collection by a contracted waste hauler of residential waste in wheeled carts, standard trash cans, or garbage bags for single- or two-family dwellings, as distinguished from transfer station collection or commercial dumpster collection.

2.22 Population Density

The number of people per square mile within a census zip code. It is calculated as the number of people within a census zip code divided by the area of the census zip code after subtracting the population and area of all incorporated places within the census zip code.

2.23 Prescribed Burning

The planned application of fire to natural vegetation to achieve any specific objective on lands selected before that application. The planned application of fire may also include

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natural or accidental ignition. [California Health and Safety Code Section 39011(c)] For the purposes of this Rule, prescribed burning includes but is not limited to: burning of woody wastes from developments; forest management burning; fuels management burning; range improvement burning; wildland vegetation management burning.

2.24 Treated Wood

Wood that has been treated with a penetrating chemical to retard rot, infestation or decay. In California, such wood is often characterized by the presence of dimples that look like staple holes covering its surface. While not all treated wood is dimpled, all wood that has dimples is treated wood.

2.25 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 purposes of this Rule, dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, is not considered processed or treated wood.

2.26 Range Improvement Burning

The use of open outdoor fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

2.27 Recreational Fires

Any fires for which the purpose is other than the disposal of the material being combusted, including but not limited to ceremonial, cooking food for human consumption, education, religious or warming.

2.28 Residential Burning

Fires for the disposal of dry, non-glossy paper and cardboard originating from and being burned on the premises of a single- or two-family dwelling.

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2.29 Smoke-Sensitive Area (SSA)

A populated area, an airport, a traveled road or highway designated Class I for visibility standards, or any place where smoke can adversely affect the public health and welfare, as defined in the California Code of Regulations, Title 14, Section 1561.1.

2.30 Waste

All discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire, tires, tar; tar paper; wood waste; processed or treated wood and 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 a dead animal; manure; human or animal parts or wastes, including blood; fecal- and food-contaminated material; felled trees; tree stumps; brush; plant cuttings and prunings; branches; garden waste; weeds; grass clippings, pine needles, leaves and other natural vegetation waste.

2.31 Wildland 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 (as defined in Title 14, California Code of Regulations, Section 1561.1), trees, grass or standing brush.

2.32 Woody Wastes from Development

Woody waste from trees, vines or bushes or natural vegetation grown on the property being developed for commercial or residential purposes.

PART 3 GENERAL REQUIREMENTS AND STANDARDS FOR OPEN OUTDOOR FIRES

3.1 General Prohibition

Except as otherwise provided in this Rule, no person shall use open outdoor fires within the boundaries of the Monterey Bay Unified Air Pollution Control District for the

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purpose of disposal or burning of petroleum wastes, demolition or construction debris, tires, tar, trees, wood waste, processed or treated wood and wood products, or other combustible or flammable solid, semisolid or liquid waste; or for metal salvage or burning of motor vehicle bodies.

- 3.1.1 Notwithstanding the exemptions at Subsection 1.3.1 *et seq.*, no person shall use open outdoor fires within the boundaries of the Monterey Bay Unified Air Pollution Control District for the purpose of disposal or burning of treated wood under any circumstances. However, the District may exempt specific lots of wood from this prohibition upon the request on any person who can prove to the District that the wood sought to be exempt, while chemically treated, does not contain arsenic, chromium or other chemical compound that substantially adds to the toxicity of the emissions from burning.

3.2 General Permit Requirements

- 3.2.1 No person shall set, or permit to be set, any open outdoor fire including agricultural fires without first obtaining a written permit from the Air District, except as provided at subsection 1.3.2 of this Rule, and as required from the local fire protection agency with jurisdiction.
- 3.2.2 In issuing a permit to burn wastes, the Air Pollution Control Officer or other permitting authority may limit the amount of such material that can be burned in any one day and the hours of the day during which material may be burned.

3.3 Burn Days and "No-Burn" Days

No person shall set, or permit to be set, any open outdoor fire on any day designated by the California Air Resources Board as a "no-burn" day, except as provided at subsection 1.3.3 of this Rule. Fires allowed pursuant to this Rule shall only be set during burn days as designated by the California Air Resources Board or by the Air District.

3.4 General Standards for Materials to be Burned

All materials to be burned shall conform to the following requirements to ensure rapid and complete combustion to minimize smoke generation:

- 3.4.1 Materials to be burned shall be dry and reasonably free of visible surface moisture prior to burning.
- 3.4.2 Materials to be burned shall be free from combustible impurities such as tires, tar paper, household rubbish, plastics, demolition or construction debris, and other

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- material not grown at the site, unless otherwise provided in this Rule, and shall be reasonably free of dirt and soil.
- 3.4.3 Tree stumps more than six inches in diameter shall have been dried for at least 180 days prior to burning.
 - 3.4.4 Trees, branches and prunings more than two inches but equal to or less than six inches in diameter shall have been dried for at least 60 days prior to burning.
 - 3.4.5 Trees, branches and prunings equal to or less than two inches in diameter and plant trimmings shall have been dried for at least 30 days prior to burning.
 - 3.4.6 Wastes from field crops that are cut in a green condition shall have been dried for at least 10 days prior to burning.
 - 3.4.7 Material to be burned shall be arranged to provide adequate aeration to allow the material to burn with a minimum of smoke.
 - 3.4.8 The use of burn barrels to burn materials is prohibited, unless authorized by the local fire agency with jurisdiction. Burn barrels shall only be used to burn materials consistent with the provisions of Subsection 1.3.1.4 (residential burning).
 - 3.4.9 Material containing poison oak shall not be burned where in the opinion of the Air Pollution Control Officer the smoke from the burning operations could adversely affect adjacent or nearby residences.
 - 3.4.10 Only approved ignition devices shall be used for ignition.
 - 3.4.11 Burning shall not commence when the wind direction would blow smoke toward a Smoke Sensitive Area or populated area which would be adversely affected by the smoke.

3.5 Prohibition of Nuisances

Notwithstanding any other provision of this Rule, no fire shall constitute a nuisance as defined in District Rule 402 (Nuisances).

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PART 4 ADDITIONAL REQUIREMENTS FOR BURNING OF AGRICULTURAL WASTES

The purpose of this Part is to codify standards and requirements for burning of agricultural wastes within the Air District. The provisions of this Part shall apply to all persons who set or maintain fires used for burning agricultural wastes within the Air District.

4.1 Burning Hours

No field crop burning shall commence before 10:00 a.m. or after 5:00 p.m. of any day, unless local conditions indicate that other hours are appropriate. (California Health and Safety Code Section 80150(a)(2)).

4.2 Fertilizer and Pesticide Sacks or Containers

Empty fertilizer and pesticide sacks or containers may be burned on burn days only in the field where the sacks or containers are emptied.

4.3 Garlic Tops

The burning of garlic tops in harvesting operations is prohibited.

PART 5 ADDITIONAL REQUIREMENTS FOR PRESCRIBED BURNING

The purpose of this Part is to codify standards and requirements for prescribed burning within the Air District. The provisions of this Part shall apply to all persons who set or maintain fires used for prescribed burning within the Air District.

5.1 Requirements for All Prescribed Burning

5.1.1 Project Registration

Prescribed burn projects must be registered with the Air District annually or seasonally. Information to be submitted includes but is not limited to: project name; project location; approximate total number of tons (for piled material) or acres (for

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standing material) of vegetation; type of vegetation; expected time of year (which months) the burning project may be conducted; applicant contact information.

5.1.2 Permit Required

No person shall conduct or permit to be conducted any prescribed burning within the boundaries of the Air District without first having obtained a permit from the Air District and the California Department of Forestry and Fire Protection (CDF) or other designated agency with jurisdiction, as required by such agencies.

5.1.3 Smoke Management Plan and Permit Application Form

Before a permit may be issued by the Air District for prescribed burning, a completed Smoke Management Plan and Permit Application form consistent with the requirements of Title 17 to mitigate and monitor smoke impacts, and describing how the burn is to be carried out, shall be submitted by the owner, or his/her agent, of the land on which the burn is proposed, to the Air District and be approved by the Air District. This information shall include a list of any "Smoke Sensitive Areas" (SSAs) within 10 miles of the burn, with compass directions to the nearest of eight prime compass points; and contingency measures to be followed in case of significant downwind smoke impacts from the project.

5.1.4 Daily Burn Authorization

Prescribed burns may only be conducted after receiving authorization from the Air District. The burner must receive authorization from the Air District any time within the 24 hours before burning by calling (831) 647-9411 during the Air District's normal business hours (Mondays through Fridays; 8:00 A.M. to 5:00 P.M.).

5.1.4.1 The following types of burns do not require daily burn authorization from the Air District: agricultural waste burns; backyard burns; any household rubbish fires; residential burns; and wildland vegetation management pile burns, when the daily amount of fuel to be burned is no more than 10 tons.

5.1.4.2 If the burn will be conducted on weekends or holidays, or if the burner cannot otherwise comply with the 24-hour requirement, the burner must contact the Air District before the burn during the Air District's normal business hours to receive Provisional Authorization. Provisional Authorization will allow the burn to be conducted on a burner-selected future date, if:

5.1.4.2.1 that future date is declared a burn day by the California Air Resources Board or by the Air District; and

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5.1.4.2.2 the requirements of the Air District-approved project Smoke Management Plan are met on the day of the burn.

5.1.5 Restrictions on Poor Air Quality Days

No prescribed burns may be conducted on days when air quality conditions (including high ozone concentrations) have been predicted to result in smoke impacts or to be unacceptable for burning for the region.

5.1.6 Public Notification

Direct public notification of sensitive downwind receptors shall be required for prescribed burn projects with potentially significant air quality impacts.

5.1.7 Daily Emissions Allocation

The total emissions from all prescribed burn projects on each day in the air basin shall remain within the District's adopted Air Quality Maintenance Plan VOC and NOx emission inventories during the ozone season (May through October).

5.1.7.1 The Air Pollution Control Officer (APCO) may modify the above restriction on total emissions if limiting the proposed burn would: require multiple burns that would result in prolonged smoldering and expose sensitive receptors to air pollutants over multiple days; or, substantially increase costs; or, affect public services such as roadway access; or, be in an area where several smaller burns would be difficult to conduct and/or would require firebreaks that would increase erosion or landslide potential or disturb cultural resources or endangered plants or species.

5.1.8 Use of Approved Ignition Devices

The material shall be ignited only by devices and methods approved by the California Department of Forestry and Fire Protection and ignition shall be rapid as practicable within applicable fire control restrictions.

5.1.9 Certification by Department of Fish and Wildlife

Burning conducted primarily for improvement of land for wildlife and game habitats shall require the permittee to file with the Air District a statement obtained from the Department of Fish and Game certifying the burning is desirable and proper for the improvement of land for wildlife and game habitat.

5.1.10 Reporting of Actual Materials Burned

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Within 30 days of completion of a prescribed burn project, the burner shall report to the Air District the date and amount of fuel actually consumed for each day of burning conducted. The reporting period may be reviewed by the District and may be reestablished, if deemed appropriate, based on the availability of a statewide electronic reporting system for prescribed burn projects.

5.2 Additional Requirements for the Burning of Woody Wastes from Developments

In addition to the requirements of Section 5.1 of this Rule, the following requirements apply to the burning of woody wastes from developments:

- 5.2.1 The purpose of this Section is to provide requirements for the disposal by burning of woody wastes from trees, vines, or bushes or natural vegetation grown on property being developed for commercial or residential purposes.
- 5.2.2 The provisions of this Section shall apply to all persons who set or maintain fires within the Air District for the burning of woody wastes on land being developed for commercial or residential purposes, provided that the wastes resulted from trees, vines, or bushes or other natural vegetation grown on the land being developed.
- 5.2.3 No person shall conduct or allow the conduct of any land development burning within the boundaries of the Air District without first obtaining a written permit from the Air District.
- 5.2.4 After consideration of the amount of woody waste to be burned, the season of the year, the ambient air quality and the proximity of the waste to developed areas, the Air Pollution Control Officer may grant a permit to burn woody wastes from developments.
- 5.2.5 Where economically and technically feasible, brush shall be treated by chemical or mechanical means at least six months prior to a proposed burn, to kill or uproot the brush to insure rapid combustion.
- 5.2.6 During Burn Season

All fires allowed under this Section shall be conducted only during the burn season as defined in Section 2.9 of this Rule.

5.3 Additional Requirements for Forest Management and Range Improvement Burning

In addition to the requirements of Section 5.1 of this Rule, the following requirements apply to forest management and range improvement burning:

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5.3.1 All materials to be burned during forest management and range improvement burning when permitted shall conform to the following requirements to ensure rapid burning and ignition and to minimize smoke generation:

5.3.1.1 Where economically and technically feasible, brush shall be treated by chemical or mechanical means at least six months prior to a proposed burn, to kill or uproot the brush to insure rapid combustion.

5.3.1.2 Unwanted trees over six inches in diameter expected to burn or those not effectively treated at the time of the brush treatment shall be felled at least three months prior to the burn, but a longer time may be required where conditions warrant.

5.4 Additional Requirements for Wildland Vegetation Management Burning

In addition to the requirements of Section 5.1 of this Rule, the following requirements apply to wildland vegetation management burning:

5.4.1 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:

5.4.1.1 After consultation with the Air District, the Air District decides, for smoke management purposes, that the burn can be managed for resource benefit; or

5.4.1.2 For periods of less than 24 hours, a reasonable effort has been made to contact the Air District, or if the Air District is not available, the California Air Resources Board.

5.4.1.3 After 24 hours, the Air District has been contacted, or if the Air District is not available, the California Air Resources Board has been contacted and concurs that the burn can be managed for resource benefit.

5.4.2 A “no-go” decision does not mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

5.4.3 For naturally-ignited wildland fires managed for resource benefits that are expected to exceed 10 acres in size, a smoke management plan must be submitted to the Air District within 72 hours of the start of the fire.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION IV
PROHIBITIONS**

**PART 6 ADDITIONAL REQUIREMENTS FOR FIRES WITHIN THE MONTEREY
PENINSULA/CARMEL VALLEY SMOKE SENSITIVE AREA**

Notwithstanding other provisions of this Rule, open burning provided for by subsections 1.3.1.5 (backyard burning), 1.3.1.8 (right-of-way burning) and 1.3.1.6 (burning of woody wastes from developments) of this Rule is prohibited within the Monterey Peninsula/ Carmel Valley Smoke Sensitive Area (MP/CV SSA) as defined in Section 2.17 unless all the following conditions are met:

- 6.1 Such burning is permitted only in those local fire protection agency jurisdictions set forth in Section 6.4 which have adopted enforceable local fire protection agency rules that limit the total number of burns, including agricultural burns, to no more than 25 such burns per burn day. Local fire protection agency rules shall be deemed to comply with this Section only if such rules provide that the local fire protection agency shall maintain a log of each permittee authorized by said agency to burn on any given burn day, and shall assign either a daily authorization number or a local agency burn permit number. Such rules shall further provide that said log of 25 or fewer authorized permittees per burn day shall be made available to the Air District upon request, and shall be maintained for a period not less than 90 calendar days from the date of each burn day.

- 6.2 Burning delineated in this Section and agricultural burning is permitted only after a burn permit has been obtained from the proper local fire protection agency. The burn permit is valid:
 - 6.2.1 only on burn days as determined by the California Air Resources Board and the Air District; and,
 - 6.2.2 upon receipt of a daily authorization number issued by the local fire protection agency having jurisdiction.

- 6.3 Upon written approval of the Air Pollution Control Officer, any local fire protection agency subject to the provisions of Section 6.2 may delegate to the Air Pollution Control Officer its responsibility and authority to issue daily authorization numbers which therefore validate on a daily basis burn permits issued pursuant to Section 6.2. Should such delegation occur, the issuance or denial of a daily authorization number by the Air Pollution Control Officer shall respectively validate or invalidate the subject burn permit for that respective day as if such action had occurred by the local fire protection agency having jurisdiction in accordance with other provisions of this Rule.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION IV
PROHIBITIONS**

- 6.4 In full recognition of the fact that each local fire protection agency has the prerogative and right to constrain or prohibit open burning altogether, the following agencies are authorized to issue open burning permits on behalf of the Air District:

Carmel-by-the-Sea FD
Carmel Highlands FPD
Carmel Valley FPD
Cypress FPD
Mid-Carmel Valley FPD
Monterey FD
Pacific Grove FD
Pebble Beach CSD
California Department of Forestry and Fire Protection (CDF).

- 6.5 The defined perimeter of the MP/CV SSA, and the limit on number of burns each day may be reviewed by the Air District Board and may be reestablished, if deemed appropriate, based on recent meteorological and open burning related data.

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2/6/85

REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

RULE 500. DEFINITION

Orchard Heater means any article, machine, equipment, or other contrivance burning any type of fuel, or a solid fuel block composed of petroleum coke burned by an open flame, used or capable of being used for the purpose of this regulation. Orchard heaters shall include heaters used for frost protection orchards, vineyards, truck crops, and field crops. The contrivance commonly known as a wind machine is not included.

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REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

RULE 501. NON-COMPLYING HEATERS

No person shall use for frost protection or store in an orchard, vineyard or field any orchard heater after January 1, 1975, which does not comply with Rule 502 (Approved Orchard Heaters).

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REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

2/6/85

RULE 502. APPROVED ORCHARD HEATERS

Orchard heaters used or placed in use for frost protection must be approved by the California Air Resources Board or must not produce unconsumed solid carbonaceous material at a rate in excess of that allowed by State law.

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REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

2/6/85

RULE 503. CONDITION OF HEATERS

1. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. The Air Pollution Control Officer may make inspections to determine the condition of the heaters.
2. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

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REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

RULE 504. CLASSIFICATION OF HEATERS

For the purpose of Regulation V:

1. Class I heaters include any heater so designed or equipped that it will not discharge uncosumed solid carbonaceous material at a rate in excess of one-half (1/2) gram per minute, including return stack heaters, pipe line systems, and coke heaters fueled with coke briquettes or solid coke.

2. Class II heater include all distilling-type heaters (except return stack heaters) approved by the California Air Resources Board, and solid fuel blocks of petroleum coke. Class II heaters must not be operated at primary air orifice in excess of that specified by the Air Resources Board except for the first ten minutes after the heater is lighted.

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REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

RULE 505. PROHIBITION OF SALE OF HEATERS

It shall be unlawful to sell, or offer to sell for use for frost protection within the Counties of Monterey, San Benito and Santa Cruz, any orchard heater which does not comply with Rule 502 (Approved Orchard Heaters).

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REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

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RULE 506. BURNING RUBBER AND OTHER SUBSTANCES

It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or any other substance containing rubber, or to burn oil or other combustible substance in drums, pails or other containers except orchard heaters.

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EMERGENCIES

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RULE 700. GENERAL

This emergency regulation is designed to prevent the excessive buildup of air contaminants and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants. Past history indicates that the possibility of such a catastrophe is extremely remote.

The Air Pollution Control Board deems it desirable to have ready and adequate plan to prevent such an occurrence, and in case of the happening of his unforeseen event, to provide for adequate actions to protect the health of the citizens in the Monterey Bay Unified Air Pollution Control District.

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REGULATION VII
EMERGENCIES

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RULE 701. SAMPLING STATIONS

The Air Pollution Control Officer shall maintain at least four permanently located atmospheric sampling stations adequately equipped. These sampling stations shall be continuously maintained at locations designated by the Air Pollution Control Officer. The Air Pollution Control Officer may maintain such additional sampling stations as may be necessary. These additional stations may be permanent, temporary, fixed, or mobile, and may be activated upon orders of the Air Pollution Control Officer.

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REGULATION VII
EMERGENCIES

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RULE 702. AIR SAMPLING

The Air Pollution Control Officer shall establish procedures whereby adequate samplings and analyses of air contaminants will be taken at each of the stations established under Rule 701.

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REGULATION VII
EMERGENCIES

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RULE 703. REPORTS

The Air Pollution Control Officer shall make weekly summaries of the readings required by Rule 702. The summaries shall be in such form as to be understandable by the public. These summaries shall be public records and immediately after preparation shall be filed at the main office of the Air Pollution Control District and be available to the public, press, radio, television, and other mass media of communication.

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REGULATION VII
EMERGENCIES

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RULE 704. CONTINUING PROGRAM OF
VOLUNTARY COOPERATION

Upon the adoption of this regulation the Air Pollution Control Officer shall inform the public of ways in which air pollution can be reduced and shall request voluntary cooperation from all persons in all activities which contribute to air pollution. Civic groups shall be encouraged to undertake campaigns of education and voluntary air pollution reduction in their respective communities. Public officials shall be urged to take promptly such steps as may be helpful to reduce air contamination to a minimum within the areas of their authority. Employers shall be requested to establish car pools. Users of automotive vehicles shall be urged to keep motors in good condition and to plan routes and schedules which will contribute minimum contamination of critical areas of pollution. All industrial, commercial, and business establishments which emit hydrocarbons or the air contaminants' names in Rule 708 should critically study their operations from the standpoint of air contamination and should take appropriate action voluntarily to reduce air pollution.

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REGULATION VII
EMERGENCIES

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RULE 705. PLANS

1. Following written notice by the Air Pollution Control Officer, the owner or operation of any governmental, industrial, business, or commercial establishment or activity listed below shall submit contingency plans, as detailed in part 2., to the Air Pollution Control Officer:
 - 1.1. Any facility of plant emitting 100 tons per year or more hydrocarbons or nitrogen oxides.
 - 1.2. Shopping centers with 1,000 or more parking places.
 - 1.3. Governmental agencies, industrial, recreational facilities, or commercial businesses, which employ at least 100 persons.
 - 1.4. Operators of fleet vehicles as specified by the Air Pollution Control Officer.
 - 1.5. Other governmental, industrial, business establishment or activity specified by the Air Pollution Control Officer.
2. Contingency plans shall be developed consistent with the episode actions of Rules 709, 710 and 711. The plans shall contain the following information:
 - 2.1. Each plan for each location should include at least the following information:
 1. Name and location of the facility.
 2. Number of employees.
 3. The number of employee vehicles and the total daily commute mileage.
 4. The number of gasoline or diesel fleet vehicles and the total daily average of each type.
 5. Stationary source.
 - a. The types of equipment that emit air pollutants and number of units of each type.
 - b. Total emissions of each pollutant in pounds per operating day from each type of equipment, including any significant variations occurring seasonally or differences in emissions

REGULATION VII
EMERGENCIES

on weekends and holidays. If available, this data may be supplied from Air Pollution Control District records.

6. Procedures for briefing employees regarding the abatement plan requirements.
7. Procedures for notifying employees and individuals responsible for emissions curtailment actions to be taken.
8. Where applicable, a procedure for limiting strenuous activities by students.
9. The names and telephone numbers of the episode action coordinator and alternate.
10. The name of the official responsible for the implementation plan.

2.2. Each plan should include at least the following information, where applicable, regarding emission abatement actions:

2.2.1. Stationary sources.

1. Identification of equipment for which emissions are to be curtailed at each episode stage and expected reduction of emissions of each pollutant in pounds per operating day.
2. Time required to accomplish the emissions curtailment at each episode stage.
3. Reductions in fuel oil, gas, and electrical consumption expected at each episode stage.

2.2.2. Indirect sources.

1. Measures to be implemented at each episode stage to discourage public travel to the facility.
2. An estimate of the amount of reduction in public use of the facility at each episode stage.
3. Procedure for encouraging voluntary car pools at episode Stage 1.
4. Measures to be implemented at each episode stage to reduce employees' travel.
5. An estimate of the reduction in employee travel at each episode stage.
6. Measures to be implemented at episode Stages 2 and 3 to reduce fleet vehicle travel.

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7. An estimate of the reduction in fleet vehicle travel at episode Stages 2 and 3.
- 2.3. Each plan should make provisions for a report, upon Air Pollution Control District request, of the plan's effectiveness when implemented in response to a Stage 2 or Stage 3 episode or Air Pollution Disaster. Such reports should include the following information:
1. An estimate of the reduction in travel and the basis for the estimate.
 2. An estimate of the stationary source emission reductions and the basis for the estimate.
 3. Identification of problems encountered in implementing the abatement plan.
 4. Comments on the effectiveness of the abatement plan actions to be implemented.
 5. Recommendations for improved effectiveness.
3. The written notice specified in part 1. may be served in the manner prescribed by law for the service of summons or by registered or certified mail. Each owner or operator of an industrial business or commercial establishment or activity so served shall, within 45 days after the receipt of such notice or within such additional time as the Air Pollution Control Officer may specify in writing, submit to the Air Pollution Control Officer the plans and information described in the notice.
4. Any person following the notice specified in part 1, who fails to submit the form and manner specified in this rule is guilty of a misdemeanor.
5. Every plan submitted in accordance with the provisions of part 1. shall demonstrate to the Air Pollution Control Officer that the plan will, in the event of a prediction or occurrence of a second- or third-stage episode, effectively reduce or eliminate emissions of air contaminants as delineated in the actions described in Rules 710 and 711.
6. The Air Pollution Control Officer shall prepare appropriate plans to be made effective and action to be taken in respect to a

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first-, second-, or third-stage episode as delineated in Rules 709, 710 and 711. It shall be the objective of such plans to result in bringing about a decrease of oxidants which occasioned the first-, second-, or third-stage episode and to prevent an increase of oxidant in order to protect the health of all persons within the areas affected. To that end, it shall be the objective of such plans that they shall be effective to curtail motor vehicular traffic, industrial, business, commercial and other activities within the area.

It is further intended that any such plan of action shall not jeopardize the welfare of the public or result in irreparable injury to any means of production or distribution.

7. The plans submitted in accordance with the provisions of this rule will be reviewed by the Air Pollution Control Officer in a timely manner. Any plan disapproved by the Air Pollution Control Officer must be modified to overcome the Air Pollution Control Officer's disapproval. Any plan disapproved by the Air Pollution Control Officer will not be considered to have satisfied the requirements of any of the parts of this rule. The Air Pollution Control Officer shall prepare source inspection plans for those sources subject to mandatory curtailment to assure compliance with the abatement actions required by Rules 709, 710, and 711.

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RULE 706. APPLICATION OF RULES AND REGULATIONS

1. Notwithstanding any other provisions of the District Rules and Regulations, the provisions of this regulation shall apply separately to each source area and receptor area in the Monterey Bay Unified Air Pollution Control District to control the emissions of air contaminants during any Stage 1, Stage 2, and Stage 3 air pollution episode as provided herein.

2. Definitions.

For the purpose of this regulation:

2.1. Receptor area

is that area in which the air contaminants emitted from a source area are measured.

2.2. Source area

is that area in which air contaminants are emitted.

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RULE 707. EPISODE NOTIFICATION

1. Following the prediction or declaration of a first-, second-, or third-stage episode, the Air Pollution Control Officer shall communicate notification of the episode to:
 - 1.1. The county communications director and the sheriff of the counties affected, who shall broadcast the declaration of the "Alert" by the sheriff's teletype and radio system to:
 - a. All sheriff substations.
 - b. All city police departments.
 - c. The California Highway Patrol.
 - 1.2. Local public officials and public safety personnel, who have responsibilities or interest in air pollution alerts.
 - 1.3. The press, radio stations, and television stations.
 - 1.4. Sources of air contaminants specified in Rule 705.1.
 - 1.5. School officials.
 - 1.6. The general public.
 - 1.7. All Air Pollution Control District personnel
 - 1.8. Local public health officials and hospitals.
 - 1.9. The State Air Resources Board.
2. The notice of prediction or declaration of a first-, second-, or third-stage episode shall include the following information:
 - 2.1. The specific level predicted or achieved and predicted duration.
 - 2.2. The contaminant for which the declaration is made.
 - 2.3. The geographic area to be affected.
 - 2.4. The geographic location where the air contaminants are measured.

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RULE 708. EPISODE CRITERIA*
(in parts per million parts of air)

1. Stage Trigger Levels.

<u>Pollutant</u>	<u>Averaging Time</u>	<u>Stage 1</u>	<u>Stage 2</u>	<u>Stage 3</u>
OXIDANT (as Ozone)	1 Hour	.20 ppm	.35 ppm	.50 ppm for 1 hour and persist for additional hour.

2. First-Stage:

Close approach to maximum allowable concentration for the population at large. Still safe but approaching a point where preventive action is required.

3. Second-Stage:

Air contamination level at which a health menace exists in a preliminary state.

4. Third-Stage:

Air Contamination level at which a dangerous health menace exists.

* * * * *

* If excessive concentration of pollutants for which criteria have not been established occur or are predicted to occur, appropriate abatement actions shall be taken by the affected air pollution control district after consultation with the State Air Resources Board.

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RULE 709. FIRST-STAGE EPISODE ACTIONS

The first-stage episode level represents oxidant concentrations at which persons with special health problems should take precautions against exposure to those concentrations. Children of school age shall refrain from excessive physical exercise whenever any of the concentrations of air contaminants specified in Rule 708 is attained. Whenever those concentrations are predicted or have been attained, the following actions shall be taken:

1. The notification required by Rule 707.
2. Whenever a first-stage episode is forecast or declared, radio and television stations shall be requested to announce or display, at least once each hour, the Air Pollution Control Officer's declaration of a first-stage episode and shall be requested to:
 - 2.1. Issue health warnings, appropriate to episode, to sensitive persons in the area.
 - 2.2. Request the public to stop all unnecessary driving in the source and receptor areas.
 - 2.3. Request the public to operate all privately owned vehicles on a pool basis in the affected source and receptor areas.
 - 2.4. Request all employee car pools.
 - 2.5. Advise schools that strenuous activities must be discontinued.
3. By means of recorded telephone messages, the Air Pollution Control Officer shall notify members of the public who telephone the District headquarters.
4. A person shall not burn any combustible refuse at any location within the source or receptor area.
5. In addition the following abatement actions for oxidant shall be taken:
 - 5.1. Implement traffic curtailment plans for first-stage episodes to reduce vehicular traffic.

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- 5.2. Implement stationary source oxidant curtailment plan for first-stage episodes.
- 5.3. Curtail the use of paint spray booths, degreasers and other hydrocarbon-emitting equipment.

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RULE 710. SECOND-STAGE EPISODE ACTIONS

A second-stage episode shall be declared when the concentration specified in Rule 708 is predicted or is attained. The following actions or any combination of actions shall be taken in the source and receptor areas upon the Air Pollution Control Officer's declaration of a second-stage episode or a predicted second-stage episode:

1. The notification required by Rule 707.

2. The Air Pollution Control Board and the District Counsel shall be called into session to study all pertinent information relating to the concentration of oxidant and to recommend to the Air Pollution Control Officer actions to be taken. Those actions may include, but are not limited to:
 - 2.1. The actions described in Rule 708, paragraphs a, c, and e.
 - 2.2. The program of previously developed actions, as developed under Rule 705.
 - 2.3. Banning the use of fleet vehicles, including government vehicles except those vehicles necessary to the health and welfare of the public.
 - 2.4. Banning the delivery of all non-perishable goods.
 - 2.5. Banning all service vehicles and all service calls, except those necessary to the health and welfare of the public.
 - 2.6. Closing all government offices except those necessary to the health and welfare of the public.
 - 2.7. Closing establishments with 100 or more employees, except those necessary to the health and welfare of the public.
 - 2.8. Closing admission to public recreation facilities.
 - 2.9. Closing admission to private recreational facilities such as theaters, shows, and athletic events with more than 1000 parking spaces.
 - 2.10. Closing admission to shopping centers with more than 1,000 parking spaces.
 - 2.11. Closing all schools and colleges.
 - 2.12. Maximum reductions in electrical power plant production.

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- 2.13. Other measures as required to protect the health and safety of the public.
3. Whenever the Air Pollution Control Officer determines it necessary, the Air Pollution Control Board may take any action required by this rule with less than a quorum present. A majority vote of the members present is required for any such action.
4. Whenever a second-stage is forecast or second-stage is declared, radio and television stations shall be requested to announce or display, at least once each hour, the pertinent facts and be requested to inform the public of the actions taken in accordance with the provisions of this rule.
5. The Air Pollution Control Officer shall undertake the following actions:
 - 5.1. Issue health warnings to sensitive persons and those displaying reaction symptoms.
 - 5.2. Notify the State Air Resource Board when oxidant concentrations reach the 0.40 ppm and again at 0.45 ppm, one hour average.
 - 5.3. Suspend programs which involve physical exertion of participants using public parks or public recreation facilities.
6. In addition to the actions taken in Rule 709, the following abatement actions for oxidant shall be taken:
 - 6.1. Prohibit burning of combustible refuse at any location within the District.
 - 6.2. Implement the traffic curtailment plan for second-stage episodes.
 - 6.3. Implement the stationary-source oxidant curtailment plan for second-stage episodes and advise the affected industries to prepare for possible shutdown.
 - 6.4. Prohibit loading and off-loading of tankers containing petroleum products with a Reid vapor pressure greater than 1.5 pounds per square inch absolute.

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RULE 711. THIRD-STAGE EPISODE ACTIONS

A third-stage episode shall be declared when the concentration specified in Rule 708 is achieved.

1. Whenever the Air Pollution Control Officer predicts a third-stage episode concentration is attained as specified in Rule 708, the following actions shall be taken:
 - 1.1. The notifications specified in Rule 707.
 - 1.2. The Air Pollution Control Board and the District Counsel shall be called into session to recommend control actions to the Air Pollution Control Officer as specified in Rule 710.2. and it shall also consider the following additional control measures:
 - a. Closing all industrial plants.
 - b. Closing admission to all retail and service establishments.
 - c. Maximum reductions in electrical power plant production including the use of brown-outs and selective black-outs.
 - d. Other measures required to protect the health and safety of the public.
2. The Air Pollution Control Officer will implement the control measures recommended by the Air Pollution Control Board.
3. Radio and television stations shall be requested to announce or display, at least once each half-hour, the pertinent facts and be requested to inform the public of the actions taken in accordance with the provisions of this rule.
4. In addition to the actions taken in Rule 709.2. and 710.5., the Air Pollution Control Officer shall undertake the following actions: Issue warnings describing protective measures to be taken, including identification of population groups most subject to harm and identification of the type of facilities where persons may be least subjected to exposure.

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5. In addition to the actions taken in Rule 709.5. and 710.6., the following abatement actions for oxidant shall be taken:
 - 5.1. Implement the traffic curtailment plan for third-stage episodes and require emergency car pooling or use of mass transportation by the public.
 - 5.2. Implement the stationary-source oxidant curtailment plan for third-stage episodes.
 - 5.3. Ban large scale commercial and industrial spray painting.
 - 5.4. Suspend activities, such as roofing, asphalt paving and surface coating, where the use of large quantities of volatile organic material is involved.

6. If it appears that the steps taken by the Air Pollution Control Officer will be inadequate to cope with the emergency, or if it is determined that a substantial number of persons are suffering or are to suffer incapacitating effects, regardless of measured pollutant concentrations, and if the analysis of the meteorological and air quality data by the Air Pollution Control Officer indicates that the condition is likely to continue, the Air Pollution Control Board shall request the Governor to declare a state of emergency as set forth in the California Emergency Services Act.

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RULE 712. TERMINATION OF EPISODES

The Air Pollution Control Officer shall declare the termination of the appropriate episode whenever the concentration of oxidant which caused the declaration of such episodes has been verified to be below the standards set forth in Rule 708 for the calling of such episode and the available scientific and meteorological data indicate that the concentration of oxidant will not immediately increase again so as to reach the standards set forth for such episode in Rule 708. The Air Pollution Control Officer shall immediately communicate the declaration of the termination of the episode in the manner provided in Rule 705 for the declaration of episodes.

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RULE 713. ENFORCEMENT

When an episode has been declared, the Air Pollution Control Officer, the sheriff, fire chiefs, their deputies, and all other peace officers within the affected area(s) shall enforce the appropriate provisions of this regulation and all orders of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this regulation against any person who, having knowledge of the declaration of an episode, refuses to comply with the rules set forth in the regulation or any order of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this regulation.

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS**

RULE 1002 TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

(Adopted February 22, 1989; Revised November 23, 1994, April 21, 1999, April 16, 2003, March 21, 2007, and December 17, 2014.)

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**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS**

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PART 1 GENERAL

1.1 Purpose

This Rule complies with California Health and Safety Code section 39666(d) by establishing control requirements for the reduction of benzene emissions from gasoline dispensing facilities.

1.2 Applicability

The provisions of this Rule shall apply to any new, or modified, or existing gasoline dispensing facility.

1.3 Exemptions

The following facilities are exempt from the requirements of this Rule:

- 1.3.1 Facilities which are exempt from the Phase I vapor recovery requirements of Rule 418.
- 1.3.2 Facilities which exclusively refuel motor vehicle tanks with a capacity of 5 gallons or less.
- 1.3.3 Facilities which exclusively refuel vehicles which are not motor vehicles as defined by the California Vehicle Code.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS**

- 1.3.4 Facilities which can demonstrate to the APCO that at least 90% of the vehicles refueled at the facility are owned by a common operator and equipped with onboard refueling vapor recovery (ORVR). This exemption shall not apply to facilities required to have Phase II vapor recovery under state law.

1.4 Effective Dates

This Rule, as most recently revised, is effective December 17, 2014.

1.5 Related Rules and References

The requirements of this Rule arise from the provisions of:

- 1.5.1 Title 17 of the California Code of Regulations, section 94000 *et seq.*;
- 1.5.2 California Health and Safety Code section 39666; and
- 1.5.3 California Health and Safety Code section 41954.

Related or referenced District rules include:

- 1.5.4 Rule 418 (Transfer of Gasoline into Stationary Storage Containers).

PART 2 DEFINITIONS

2.1 CARB-Certified Vapor Recovery System

A vapor recovery system which has been certified by the California Air Resources Board (CARB) pursuant to section 41954 of the California Health and Safety Code.

2.2 Drive-off

A separation of the hose from the dispenser or the nozzle from the hose which occurs when a vehicle drives away from the dispenser with the nozzle still in the fill pipe of the vehicle.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS**

2.3 Existing Gasoline Dispensing Facility

Any gasoline dispensing facility operating or under construction as of February 22, 1989.

2.4 Gasoline

Any organic liquid (including petroleum distillate and methanol) having a Reid vapor pressure of four pounds per square inch or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.

2.5 Gasoline Dispensing Facility

Any stationary facility which transfers gasoline from one or more stationary storage containers through one or more fill nozzles directly into the fuel tanks of motor vehicles.

2.6 Leak Free

A liquid leak of less than four drops per minute.

2.7 Major Defect

A defect in the vapor recovery system or its component(s) as set forth in the "Vapor Recovery Equipment Defects List" incorporated by reference in Section 94006, Title 17, California Code of Regulations.

2.8 Modified Gasoline Dispensing Facility

2.8.1 Any gasoline dispensing facility which is replacing under-dispenser containment (UDC), or replacing or adding one or more stationary storage containers, or when equipment description changes are required on the existing permit; or

2.8.2 any gasoline dispensing facility equipped with a Phase II vapor recovery system which is adding, replacing, or removing 50 percent or more of the buried vapor piping; or

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- 2.8.3 any gasoline dispensing facility equipped with a Phase II vapor recovery system which is adding or replacing dispensers.

Replacement of a dispenser caused by end user damage to that dispenser will not cause the facility to be considered a “Modified Gasoline Dispensing Facility”.

- 2.9 New Gasoline Dispensing Facility

Any gasoline dispensing facility which is not constructed or under construction as of February 22, 1989.

- 2.10 Phase I Vapor Recovery System

A gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery vessels into stationary storage containers.

- 2.11 Phase II Vapor Recovery System

A gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage containers.

- 2.12 Throughput

The annual volume of gasoline dispensed at a facility. The annual throughput at an existing gasoline dispensing facility shall be determined initially from actual operations within the three-year period immediately preceding February 22, 1989, and subsequently thereafter on the anniversary date of the Permit to Operate.

- 2.13 Vapor-tight

Equipment that allows no loss of vapors. A leak of less than 10,000 ppm total volatile organic compounds expressed as methane, or other appropriate value and calibration gas, when measured in accordance with EPA Method 21 (Determination of Volatile Organic Compound Leaks).

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PART 3 REQUIREMENTS AND STANDARDS

3.1 Transfer Requirements

A person shall not transfer or permit the transfer of gasoline from a stationary storage container into any motor vehicle fuel tank with a capacity of greater than 5 gallons unless such transfer is made through a fill nozzle which captures the gasoline vapors displaced by the transfer and directs them through the nozzle to an CARB-certified vapor recovery system (defined at Section 2.1 above).

- 3.1.1 If the certification of an CARB-certified vapor recovery system, or a component thereof, is revoked or modified by CARB under provisions of California Health and Safety Code section 41954, an owner/ operator of a facility may continue to operate such a properly installed and operating system or component up to four years from the date of CARB's change to the certification, as long as such equipment is not modified or replaced.

3.2 Equipment Requirements

A person shall not transfer or permit the transfer, or install or sell equipment for the transfer, of gasoline from a stationary storage container subject to the provisions of Section 3.1 into any motor vehicle fuel tank of greater than 5 gallons unless:

- 3.2.1 The vapor recovery system is operating in accordance with the manufacturer's specifications and is maintained to be leak free, vapor tight, and in good working order; and
- 3.2.2 The equipment subject to this Rule is certified by CARB; and is operated, tested and maintained in accordance with Title 17 of the California Code of Regulations, sections 94000 *et seq.*, with the CARB Executive Order certifying an applicable system, and any requirements imposed by this Rule.

3.3 Inspection and Maintenance Requirements

Any owner/operator of a gasoline dispensing facility with throughput equal to or greater than 100,000 gallons per year shall implement a maintenance inspection program and document the program with an Inspection Checklist and Equipment Repair Log for the Phase II vapor recovery system. The inspection program shall be as specified in the applicable CARB Executive Order.

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- 3.3.1 The Inspection Checklist and Equipment Repair Log shall be kept at the facility for not less than two years and be made available to any person who operates, inspects, maintains, repairs, or tests the equipment at the facility, as well as to District staff upon request.
- 3.3.2 Maintenance inspections shall be conducted in accordance with the Inspection Checklist in addition to any CARB Executive Order requirements to ensure proper operating conditions of all components of the Phase II vapor recovery system. Any equipment with a major defect which is identified during the inspection shall be removed from service, and when repaired, replaced or adjusted, entered into the Equipment Repair Log required by Section 4.5.2. The person conducting the maintenance inspection shall utilize the Inspection Checklist developed by the District or a District-approved equivalent form.

3.4 Prohibition of Use

Whenever the District determines that a Phase II vapor recovery system or any component thereof, contains a major defect, the District shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced or adjusted, as required to permit proper operation, and the District has reinspected it or has authorized its use pending reinspection.

3.5 Seven-Day Notice to Correct

Whenever the District determines that a Phase II vapor recovery system, or any component thereof, is not in good working order but does not contain a major defect, the District shall provide the owner/operator with a "Seven-Day Notice to Correct" specifying the basis on which the component is not in good working order. Within seven days of such notice, the owner/operator must ensure that the system or component is in good working order.

3.6 Posting of Operating Instructions

Any owner/operator of each gasoline dispensing facility requiring a Phase II vapor recovery system shall conspicuously post in the gasoline dispensing area operating instructions for the system and the District's or CARB's telephone number for complaints. The instructions shall clearly describe how to fuel vehicles correctly with

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the vapor recovery nozzles, and shall include a warning that topping off may result in spillage or recirculation of gasoline.

3.7 Drive-offs

In the event of the separation of a breakaway coupling due to a “drive-off”, the owner/operator shall complete one of the following and document the activities pursuant to Section 3.3.

3.7.1 Replace the affected nozzles, coaxial hoses, breakaway couplings, and any other damaged components with new or certified rebuilt components that are CARB certified, before placing any affected equipment back in service; or

3.7.2 Conduct a visual inspection of the affected equipment and perform qualified repairs on any damaged components before placing any affected equipment back in service. In addition, the applicable reverification test pursuant to the CARB Executive Order shall be conducted and successfully passed prior to the affected equipment being placed back in service.

3.8 International Code Council (ICC) Certification Requirements

No later than 6 months after final acceptance of the ICC Vapor Recovery exams, vapor recovery installation personnel must have current ICC Vapor Recovery Installation certification and vapor recovery test personnel must have current ICC Vapor Recovery Testing certification to perform their respective tasks on Phase II vapor recovery systems.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 New Gasoline Dispensing Facilities

Any owner/operator, or their contractor or agent, of any new gasoline dispensing facility subject to Section 3.1 shall secure all permits and other approvals necessary for installation of the equipment required by Section 3.1 prior to construction of the facility. Any owner/operator, or their contractor or agent, shall have all required equipment in place and operating in compliance with Part 3 at the time gasoline is first dispensed from the facility.

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4.2 Modified Gasoline Dispensing Facilities

Any owner/operator, or their contractor or agent, of a modified gasoline dispensing facility (defined at Section 2.8 above) subject to Section 3.1 shall secure all permits and other approvals necessary for installation of the equipment required by Section 3.1 prior to modification to the facility. Any owner/operator, or their contractor or agent, of a modified gasoline dispensing facility subject to Section 3.1 shall have all required equipment in place and operating in compliance with Part 3 upon completion of the modification.

4.3 Existing Gasoline Dispensing Facilities

- 4.3.1 Any owner/operator, or their contractor or agent, of any existing gasoline dispensing facility subject to Section 3.1 with a previously determined annual gasoline throughput of exclusively less than 120,000 gallons, and with an annual gasoline throughput subsequently determined to be 120,000 gallons or greater, shall secure all permits and other approvals necessary for installation of the equipment required by Section 3.1 no later than 6 months from the first day the facility is determined to be subject to this subsection. Any owner/operator, or their contractor or agent, shall have all required equipment in place and operating in compliance with Part 3 no later than 12 months from the first day the facility is determined to be subject to this subsection.

4.4 Previously Exempt Gasoline Dispensing Facilities

Any owner/operator, or their contractor or agent, of any previously exempt gasoline dispensing facility, where the operation has changed such that the exemption is no longer applicable, shall be subject to Section 3.1, and secure all permits and other approvals necessary for installation of the equipment required by Section 3.1 no later than 6 months from the first day the facility is determined to be no longer exempt from Section 3.1. Any owner/operator, or their contractor or agent shall have all required equipment in place and operating in compliance with the provisions of Part 3 no later than 12 months from the first day the facility is determined to be no longer exempt from Section 3.1 of this Rule.

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4.5 Record Keeping

- 4.5.1 Test reports of all tests specified in Section 4.6 shall be maintained for at least two years, and shall be made available to District staff upon request. These test results shall be dated and shall contain the names, addresses, and telephone numbers of the companies responsible for system installation and testing.
- 4.5.2 Any owner/operator shall maintain an Equipment Repair Log utilizing the form developed by the District or a District-approved equivalent form. This Equipment Repair Log shall be maintained for a minimum of two years and shall be made available to District staff upon request.

4.6 Testing Requirements

- 4.6.1 Any owner/operator of a gasoline dispensing facility with throughput equal to or greater than 100,000 gallons per year shall comply with the Phase II vapor recovery system performance verification or reverification requirements specified in the applicable CARB Executive Order.
- 4.6.2 Any person who conducts testing at gasoline dispensing facilities shall comply with all of the following:
 - 4.6.2.1 Have current International Code Council Vapor Recovery Testing certification as specified in Section 3.8.
 - 4.6.2.2 Conduct testing in accordance with the applicable test methods as specified in the applicable CARB Executive Order.
 - 4.6.2.3 Conduct testing using calibrated equipment meeting the calibration range and calibration intervals specified by the CARB Executive Order.
 - 4.6.2.4 Accurately report results of tests in all reports and notices required by the District.
 - 4.6.2.5 Notify the District prior to testing. This notification shall be submitted by fax or other method approved by the District to the District's Compliance Division and must include:
 - 4.6.2.5.1 Name, address and permit number of the facility;
 - 4.6.2.5.2 Test(s) to be performed;
 - 4.6.2.5.3 Name of contractor performing test(s); and

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4.6.2.5.4 Date and time of scheduled test(s).

4.6.2.6 Notify the District within 24 hours of any test(s) that the gasoline dispensing facility could not pass by the end of the day's testing. This notification shall be made by faxing a completed District Form "24 Hour Notification of Vapor Recovery Test Failure" to the District's Compliance Division.

4.6.2.7 Submit the written test report to the District within thirty (30) calendar days following the completion of any testing required by this Rule. Test reports shall be in the forms specified by CARB and shall be transmitted via fax to the District's Compliance Division under cover of a completed District Form "30 Day Transmittal of Vapor Recovery Test Report".

4.7 Test Methods

4.7.1 Tests shall be conducted in accordance with the latest versions of the CARB approved test methods, or their equivalents as approved by the U.S. Environmental Protection Agency (EPA), CARB, and the APCO.

4.7.2 The Reid Vapor Pressure of gasoline shall be determined in accordance with ASTM D 5191-93.

4.7.3 Detection of leaks shall be in accordance with EPA Test Method 21.

* * * * *

11-30-94

**DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR
FEDERAL IMPLEMENTATION PLANS**

Adopted by
Monterey Bay Unified Air Pollution Control District

October 19, 1994

DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

§201 Purpose.

- (a) The purpose of this rule is to implement section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.) and regulations under 40 CFR part 51 subpart W, with respect to the conformity of general Federal actions to the applicable implementation plan. Under those authorities, no department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan. This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such actions to the applicable implementation plan.
- (b) Under CAA §176(c) and 40 CFR part 51 subpart W, a Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this rule before the action is taken.
- (c) The preceding sentence does not include Federal actions where either:
 - (1) A National Environmental Policy Act (NEPA) analysis was completed as evidenced by a final environmental assessment (EA), environmental impact statement (EIS), or finding of no significant impact (FONSI) that was prepared prior to January 31, 1994 or
 - (2)
 - (i) Prior to January 31, 1994, an EA was commenced or a contract was awarded to develop the specific environmental analysis,
 - (ii) Sufficient environmental analysis is completed by March 15, 1994 so that the Federal agency may determine that the Federal action is in conformity with the specific requirements and the purposes of the applicable SIP pursuant to the agency's affirmative obligation under section 176(c) of the Clean Air Act (Act), and
 - (iii) A written determination of conformity under section 176(c) of the Act has been made by the Federal agency responsible for the Federal action by March 15, 1994.
- (d) Notwithstanding any provision of this subpart, a determination that an action is in conformance with the applicable implementation plan does not exempt the action from any other requirements of the applicable implementation plan, the NEPA, or the Act.

§202 State implementation plan (SIP) revision.

- (a) The Federal conformity rules under this subpart and 40 CFR part 93, in addition to any existing applicable State requirements, establish the conformity criteria and procedures necessary to meet the Act's requirements until such time as the required conformity SIP revision is approved by EPA. Following EPA approval of the State conformity provisions (or a portion thereof) in a revision to the applicable SIP, the approved (or approved portion of the) State criteria and procedures would govern conformity determinations and the Federal conformity regulations contained in 40 CFR part 93 would apply only for the portion, if any, of the State's conformity provisions that is not approved by EPA. In addition, any previously applicable SIP requirements relating to conformity remain enforceable until the State revises its SIP to specifically remove them from the SIP and that revision is approved by EPA.

§203 Definitions.

Terms used but not defined in this part shall have the meaning given them by the Act and EPA's regulations, in that order of priority.

Affected Federal land manager means the Federal agency or the Federal official charged with direct responsibility for management of an area designated as Class I under 42 U.S.C. 7472 of the Act that is located within 100 km of the proposed Federal action.

AMBAG means the Association of Monterey Bay Area Governments.

Applicable implementation plan or applicable SIP means the portion (or portions) of the SIP or most recent revision thereof, which has been approved under section 110 of the Act, or promulgated under section 110(c) of the Act (Federal implementation plan), or promulgated or approved pursuant to regulations promulgated under section 301(d) of the Act and which implements the relevant requirements of the Act.

Areawide air quality modeling analysis means an assessment on a scale that includes the entire nonattainment or maintenance area which uses an air quality dispersion model to determine the effects of emissions on air quality.

Cause or contribute to a new violation means a Federal action that:

(1) Causes a new violation of a national ambient air quality standard (NAAQS) at a location in the NCCAB which would otherwise not be in violation of the standard during the future period in question if the Federal action were not taken, or

(2) Contributes, in conjunction with other reasonably foreseeable actions, to a new

violation of a NAAQS at a location in the NCCAB in a manner that would increase the frequency or severity of the new violation.

Caused by, as used in the terms "direct emissions" and "indirect emissions," means emissions that would not otherwise occur in the absence of the Federal action.

Criteria pollutant or standard means any pollutant for which there is established a NAAQS at 40 CFR part 50.

Direct emissions means those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action.

Emergency means a situation where extremely quick action on the part of the Federal agencies involved is needed and where the timing of such Federal activities makes it impractical to meet the requirements of this rule, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.

Emissions budgets are those portions of the applicable SIP's projected emissions inventories that describe the levels of emissions (mobile, stationary, area, etc.) that provide for meeting reasonable further progress milestones, attainment, and/or maintenance for any criteria pollutant or its precursors.

Emission offsets, for purposes of section 210, are emissions reductions which are quantifiable, consistent with the applicable SIP attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other applicable SIP provisions, enforceable at both the State and Federal levels, and permanent within the timeframe specified by the program.

Emissions that a Federal agency has a continuing program responsibility for means emissions that are specifically caused by an agency carrying out its authorities, and does not include emissions that occur due to subsequent activities, unless such activities are required by the Federal agency. Where an agency, in performing its normal program responsibilities, takes actions itself or imposes conditions that result in air pollutant emissions by a non-Federal entity taking subsequent actions, such emissions are covered by the meaning of a continuing program responsibility.

EPA means the Environmental Protection Agency.

Federal action means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to

transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval.

Federal agency means, for purposes of this rule, a Federal department, agency, or instrumentality of the Federal government.

Increase the frequency or severity of any existing violation of any standard in any area means to cause a nonattainment area to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented.

Indirect emissions means those emissions of a criteria pollutant or its precursors that:

- (1) Are caused by the Federal action, but may occur later in time and/or may be farther removed in distance from the action itself but are still reasonably foreseeable, and
- (2) The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency.

Local air quality modeling analysis means an assessment of localized impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, which uses an air quality dispersion model to determine the effects of emissions on air quality.

MBUAPCD means the Monterey Bay Unified Air Pollution Control District.

Maintenance area means an area with a maintenance plan approved under section 175A of the Act.

Maintenance plan means a revision to the applicable SIP, meeting the requirements of section 175A of the Act.

Metropolitan Planning Organization (MPO) is that organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607. In the NCCAB, the MPO is AMBAG.

Milestone has the meaning given in sections 182(g)(1) and 189(c)(1) of the Act.

NCCAB means the North Central Coast Air Basin.

National ambient air quality standards (NAAQS) are those standards established pursuant to section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone, particulate matter (PM₁₀), and sulfur dioxide (SO₂).

NEPA is the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

Nonattainment Area (NAA) means an area designated as nonattainment under section 107 of the Act and described in 40 CFR part 81.

Precursors of a criteria pollutant are:

- (1) For ozone, nitrogen oxides (NO_x), unless an area is exempted from NO_x requirements under section 182(f) of the Act, and volatile organic compounds (VOC) and
- (2) For PM₁₀, those pollutants described in the PM₁₀ nonattainment area applicable SIP as significant contributors to the PM₁₀ levels.

Reasonably foreseeable emissions are projected future indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the Federal agency based on its own information and after reviewing any information presented to the Federal agency.

Regionally significant action means a Federal action for which the direct and indirect emissions of any pollutant represent 10 percent or more of the NCCAB's emissions inventory for that pollutant.

Regional water and/or wastewater projects include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of the NCCAB.

SBCCOG means the San Benito County Council of Governments.

Total of direct and indirect emissions means the sum of direct and indirect emissions increases and decreases caused by the Federal action; i.e., the "net" emissions considering all direct and indirect emissions. The portion of emissions which are exempt or presumed to conform under section 204, paragraph (c), (d), (e), or (f) are not included in the "total of direct and indirect emissions." The "total of direct and indirect emissions" includes emissions of criteria pollutants and emissions of precursors of criteria pollutants.

§204 Applicability.

- (a) Conformity determinations for Federal actions related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must meet the procedures and criteria of 40 CFR part 51, subpart T, in lieu of the procedures set forth in this subpart.
- (b) For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each pollutant where the total of direct and indirect emissions in the NCCAB caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) or (2) of this section.

- (1) For purposes of paragraph (b) of this section, the following rates apply in nonattainment areas (NAAs):

	<u>Tons/Year</u>
Ozone (VOC's or NOx)	
Serious NAA's	50
Severe NAA's	25
Extreme NAA's	10
Other ozone NAA's outside an ozone transport region ¹	100
Marginal and moderate NAA's inside an ozone transport region	
VOC	50
NOx	100
Carbon monoxide	
All NAA's	100
SO ₂ or NO ₂	
All NAA's	100
PM ₁₀	
Moderate NAA's	100
Serious NAA's	70
Pb	
All NAA's	25

- (2) For purposes of paragraph (b) of this section, the following rates apply in

¹ Refers to ozone nonattainment areas where interstate transport of pollutants from one or more States contributes significantly to a violation of national ozone standards (CAA §176A). California is not located in a federally-designated ozone transport region.

maintenance areas:

	<u>Tons/Year</u>
Ozone (NO _x), SO ₂ or NO ₂	
All Maintenance Areas	100
Ozone (VOC's)	
Maintenance areas inside an ozone transport region	50
Maintenance areas outside an ozone transport region	100
Carbon monoxide	
All maintenance areas	100
PM ₁₀	
All maintenance areas	100
Pb	
All maintenance areas	25

(c) The requirements of this subpart shall not apply to:

- (1) Actions where the total of direct and indirect emissions are below the emissions levels specified in paragraph (b) of this section.
- (2) The following actions which would result in no emissions increase or an increase in emissions that is clearly de minimis:
 - (i) Judicial and legislative proceedings.
 - (ii) Continuing and recurring activities such as permit renewals where activities conducted will be similar in scope and operation to activities currently being conducted.
 - (iii) Rulemaking and policy development and issuance.
 - (iv) Routine maintenance and repair activities, including repair and maintenance of administrative sites, roads, trails, and facilities.
 - (v) Civil and criminal enforcement activities, such as investigations, audits, inspections, examinations, prosecutions, and the training of law enforcement personnel.
 - (vi) Administrative actions such as personnel actions, organizational changes, debt management or collection, cash management, internal agency audits, program budget proposals, and matters relating to the administration and collection of taxes, duties, and fees.

- (vii) The routine, recurring transportation of materiel and personnel.
- (viii) Routine movement of mobile assets, such as ships and aircraft, in home port reassignments and stations (when no new support facilities or personnel are required) to perform as operational groups and/or for repair or overhaul.
- (ix) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.
- (x) Actions, such as the following, with respect to existing structures, properties, facilities and lands where future activities conducted will be similar in scope and operation to activities currently being conducted at the existing structures, properties, facilities, and lands; for example, relocation of personnel, disposition of federally-owned existing structures, properties, facilities, and lands, rent subsidies, operation and maintenance cost subsidies, the exercise of receivership of conservatorship authority, assistance in purchasing structures, and the production of coins and currency.
- (xi) The granting of leases, licenses such as for exports and trade, permits, and easements where activities conducted will be similar in scope and operation to activities currently being conducted.
- (xii) Planning, studies, and provision of technical assistance.
- (xiii) Routine operation of facilities, mobile assets, and equipment.
- (xiv) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer.
- (xv) The designation of empowerment zones, enterprise communities, or viticultural areas.
- (xvi) Actions by any of the Federal banking agencies or the Federal Reserve Banks, including actions regarding charters, applications, notices, licenses, the supervision or examination of depository institutions or depository institution holding companies, access to the discount window, or the provision of financial services to banking organization or to any department, agency or instrumentality of the United States.

- (xvii) **Actions by the Board of Governors of the Federal Reserve System or any Federal Reserve Bank to effect monetary or exchange rate policy.**
- (xviii) **Actions that implement a foreign affairs function of the United States.**
- (xix) **Actions (or portions thereof) associated with transfers of land, facilities, title, and real properties through an enforceable contract or lease agreement where the delivery of the deed is required to occur promptly after a specific, reasonable condition is met, such as promptly after the land is certified as meeting the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and where the Federal agency does not retain continuing authority to control emissions associated with the lands, facilities, title, or real properties.**
- (xx) **Transfers of real property, including land, facilities, and related personal property from a Federal entity to another Federal entity and assignments of real property, including land, facilities, and related personal property from a Federal entity to another Federal entity for subsequent deeding to eligible applicants.**
- (xxi) **Actions by the Department of the Treasury to effect fiscal policy and to exercise the borrowing authority of the United States.**
- (3) **Actions where the emissions are not reasonably foreseeable, such as the following:**
 - (i) **Initial Outer Continental Shelf lease sales which are made on a broad scale and are followed by exploration and development plans on a project level, where the federal government has determined that emissions are not reasonably foreseeable.**
 - (ii) **Electric power marketing activities that involve the acquisition, sale and transmission of electric energy from currently existing sources.**
- (4) **Actions which implement a decision to conduct or carry out a conforming program such as prescribed burning actions which are consistent with a conforming land management plan.**
- (d) **Notwithstanding the other requirements of this subpart, a conformity determination is not required for the following Federal actions (or portion thereof):**

- (1) The portion of an action that includes major new or modified stationary sources that require a permit under the new source review (NSR) program (section 173 of the Act) or the prevention of significant deterioration (PSD) program (title I, part C of the Act).
 - (2) Actions in response to emergencies or natural disasters such as hurricanes, earthquakes, etc., which are commenced on the order of hours or days after the emergency or disaster and, if applicable, which meet the requirements of paragraph (e) of this section;
 - (3) Research, investigations, studies, demonstrations, or training [other than those exempted under section 204(c)(2)], where no environmental detriment is incurred and/or, the particular action furthers air quality research, as determined by the State agency primarily responsible for the applicable SIP;
 - (4) Alteration and additions of existing structures as specifically required by new or existing applicable environmental legislation or environmental regulations (e.g., hush houses for aircraft engines and scrubbers for air emissions).
 - (5) Direct emissions from remedial and removal actions carried out under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and associated regulations to the extent such emissions either comply with the substantive requirements of the PSD/NSR permitting program or are exempted from other environmental regulation under the provisions of CERCLA and applicable regulations issued under CERCLA.
- (e) Federal actions which are part of a continuing response to an emergency or disaster under section 204(d)(2) and which are to be taken more than 6 months after the commencement of the response to the emergency or disaster under section 204(d)(2) are exempt from the requirements of this subpart only if:
- (1) The Federal agency taking the actions makes a written determination that, for a specified period not to exceed an additional 6 months, it is impractical to prepare the conformity analyses which would otherwise be required and the actions cannot be delayed due to overriding concerns for public health and welfare, national security interests and foreign policy commitments; or
 - (2) For additions which are to be taken after those actions covered by paragraph (e)(1) of this section, the Federal agency makes a new determination as provided in paragraph (e)(1) of this section.
- (f) Notwithstanding other requirements of this subpart, actions specified by individual

Federal agencies that have met the criteria set forth in either paragraph (g)(1) or (g)(2) of this section and the procedures set forth in paragraph (h) of this section are presumed to conform, except as provided in paragraph (j) of this section.

- (g) The Federal agency must meet the criteria for establishing activities that are presumed to conform by fulfilling the requirements set forth in either paragraph (g)(1) or (g)(2) of this section:
- (1) The Federal agency must clearly demonstrate using methods consistent with this rule that the total of direct and indirect emissions from the type of activities which would be presumed to conform would not:
 - (i) Cause or contribute to any new violation of any standard in any area;
 - (ii) Interfere with provisions in the applicable SIP for maintenance of any standard;
 - (iii) Increase the frequency or severity of any existing violation of any standard in any area; or
 - (iv) Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area including, where applicable, emission levels specified in the applicable SIP for purposes of:
 - (A) A demonstration of reasonable further progress;
 - (B) A demonstration of attainment; or
 - (C) A maintenance plan; or
 - (2) The Federal agency must provide documentation that the total of direct and indirect emissions from such future actions would be below the emission rates for a conformity determination that are established in paragraph (b) of this section, based, for example, on similar actions taken over recent years.
- (h) In addition to meeting the criteria for establishing exemptions set forth in paragraphs (g)(1) or (g)(2) of this section, the following procedures must also be complied with to presume that activities will conform:
- (1) The Federal agency must identify through publication in the Federal

Register its list of proposed activities that are presumed to conform and the basis for the presumptions;

- (2) The Federal agency must notify the EPA Region IX Office, the Air Resources Board, AMBAG, SBCCOG, and the MBUAPCD and, where applicable, the agency designated under section 174 of the Act and provide at least 30 days for the public to comment on the list of proposed activities presumed to conform;**
 - (3) the Federal agency must document its response to all the comments received and make the comments, response, and final list of activities available to the public upon request; and**
 - (4) the Federal agency must publish the final list of such activities in the Federal Register.**
- (i) Notwithstanding the other requirements of this subpart, when the total of direct and indirect emissions of any pollutant from a Federal action does not equal or exceed the rates specified in paragraph (b) of this section, but represents 10 percent or more of the NCCAB's total emissions of that pollutant, the action is defined as a regionally significant action and the requirements of section 201 and sections 206-211 shall apply for the Federal action.**
 - (j) Where an action otherwise presumed to conform under paragraph (f) of this section is a regionally significant action or does not in fact meet one of the criteria in paragraph (g)(1) of this section, that action shall not be presumed to conform and the requirements of section 201 and sections 206-211 shall apply for the Federal action.**
 - (k) The provisions of this subpart shall apply in the NCCAB.**

§205 Conformity analysis.

Any Federal department, agency, or instrumentality of the Federal government taking an action subject to this subpart must make its own conformity determination consistent with the requirements of this subpart. In making its conformity determination, a Federal agency must consider comments from any interested parties. Where multiple Federal agencies have jurisdiction for various aspects of a project, a Federal agency may choose to adopt the analysis of another Federal agency or develop its own analysis in order to make its conformity determination.

§206 Reporting requirements.

- (a) **A Federal agency making a conformity determination under section 209 must provide to the appropriate EPA Regional Office(s), the Air Resources Board, AMBAG, SBCCOG, and the MBUAPCD and, where applicable, affected Federal land managers, the agency designated under section 174 of the Act a 30 day notice which describes the proposed action and the Federal agency's draft conformity determination on the action.**
- (b) **A Federal agency must notify the appropriate EPA Regional Office(s) the Air Resources Board, AMBAG, SBCCOG, and the MBUAPCD and, where applicable, affected Federal land managers, the agency designated under section 174 of the Act within 30 days after making a final conformity determination under section 209.**

§207 Public participation.

- (a) **Upon request by any person regarding a specific Federal action, a Federal agency must make available for review its draft conformity determination under section 209 with supporting materials which describe the analytical methods and conclusions relied upon in making the applicability analysis and draft conformity determination.**
- (b) **A Federal agency must make public its draft conformity determination under section 209 by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action and by providing 30 days for written public comment prior to taking any formal action on the draft determination. This comment period may be concurrent with any other public involvement, such as occurs in the NEPA process.**
- (c) **A Federal agency must document its response to all the comments received on its draft conformity determination under section 209 and make the comments and responses available, upon request by any person regarding a specific Federal action, within 30 days of the final conformity determination.**
- (d) **A Federal agency must make public its final conformity determination under section 209 for a Federal action by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action within 30 days of the final conformity determination.**

§208 Frequency of conformity determinations.

- (a) The conformity status of a Federal action automatically lapses 5 years from the date a final conformity determination is reported under section 206, unless the Federal action has been completed or a continuous program has been commenced to implement that Federal action within a reasonable time.
- (b) Ongoing Federal activities at a given site showing continuous progress are not new actions and do not require periodic redeterminations so long as such activities are within the scope of the final conformity determination reported under section 206.
- (c) If, after the conformity determination is made, the Federal action is changed so that there is an increase in the total of direct and indirect emissions above the levels in section 204(b), a new conformity determination is required.

§209 Criteria for determining conformity of general Federal actions.

- (a) An action required under section 204 to have a conformity determination for a specific pollutant, will be determined to conform to the applicable SIP if, for each pollutant that exceeds the rates in section 204, paragraph (b), or otherwise requires a conformity determination due to the total of direct and indirect emissions from the action, the action meets the requirements of paragraph (c) of this section, and meets any of the following requirements:
 - (1) For any criteria pollutant, the total of direct and indirect emissions from the action are specifically identified and accounted for in the applicable SIP's attainment or maintenance demonstration;
 - (2) For ozone or nitrogen dioxide, the total of direct and indirect emissions from the action are fully offset within the NCCAB through a revision to the applicable SIP or a similarly enforceable measure that effects emission reductions so that there is no net increase in emissions of that pollutant;
 - (3) For any criteria pollutant, except ozone and nitrogen dioxide, the total of direct and indirect emissions from the action meet the requirements:
 - (i) specified in paragraph (b) of this section, based on areawide air quality modeling analysis and local air quality modeling analysis, or
 - (ii) meet the requirements of paragraph (a)(5) and, for local air quality modeling analysis, the requirement of paragraph (b) of this section;

(4) For CO or PM₁₀

- (i) Where the MBUAPCD determines that an areawide air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on local air quality modeling analysis or**
- (ii) Where the MBUAPCD determines that an areawide air quality modeling analysis is appropriate and that a local air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on areawide modeling, or meet the requirements of paragraph (a)(5) of this section; or**

(5) For ozone or nitrogen dioxide, and for purposes of paragraphs (a)(3)(ii) and (a)(4)(ii) of this section, each portion of the action or the action as a whole meets any of the following requirements:

- (i) Where EPA has approved a revision to the NCCAB's attainment or maintenance demonstration after 1990 and the State makes a determination as provided in paragraph (A) or where the State makes a commitment as provided in paragraph (B):**
 - (A) The total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the MBUAPCD to result in a level of emissions which, together with all other emissions in the NCCAB, would not exceed the emissions budgets specified in the applicable SIP.**
 - (B) The total of direct and indirect emissions from the action (or portion thereof) is determined by the MBUAPCD to result in a level of emissions which, together with all other emissions in the NCCAB, would exceed an emissions budget specified in the applicable SIP and the State Governor or the Governor's designee for SIP actions makes a written commitment to EPA which includes the following:**
 - (1) A specific schedule for adoption and submittal of a revision to the SIP which would achieve the needed emission reductions prior to the time emissions from the Federal action would occur;**
 - (2) Identification of specific measures for incorporation**

into the SIP which would result in a level of emissions which, together with all other emissions in the NCCAB, would not exceed any emissions budget specified in the applicable SIP;

- (3) A demonstration that all existing applicable SIP requirements are being implemented in the area for the pollutants affected by the Federal action, and that local authority to implement additional requirements has been fully pursued;
 - (4) A determination that the responsible Federal agencies have required all reasonable mitigation measures associated with their action; and
 - (5) Written documentation including all air quality analyses supporting the conformity determination.
- (C) Where a Federal agency made a conformity determination based on a State commitment under subparagraph (a)(5)(i)(B) of this paragraph, such a State commitment is automatically deemed a call for a SIP revision by EPA under section 110(k)(5) of the Act, effective on the date of the Federal conformity determination and requiring response within 18 months or any shorter time within which the State commits to revise the applicable SIP;
- (ii) The action (or portion thereof), as determined by AMBAG, is specifically included in a current transportation plan and transportation improvement program which have been found to conform to the applicable SIP under 40 CFR part 51, subpart T, or 40 CFR part 93, subpart A;
 - (iii) The action (or portion thereof) fully offsets its emissions within the NCCAB through a revision to the applicable SIP or an equally enforceable measure that effects emission reductions equal to or greater than the total of direct and indirect emissions from the action so that there is no net increase in emissions of that pollutant;
 - (iv) Where EPA has not approved a revision to the relevant SIP attainment or maintenance demonstration since 1990, the total of direct and indirect emissions from the action for the future years [described in paragraph (d) of section 210] do not increase emissions with respect to the baseline emissions;

- (A) The baseline emissions reflect the historical activity levels that occurred in the geographic area affected by the proposed Federal action during:
 - (1) Calendar year 1990,
 - (2) The calendar year that is the basis for the classification (or, where the classification is based on multiple years, the most representative year), if a classification is promulgated in 40 CFR part 81, or
 - (3) The year of the baseline inventory in the PM₁₀ applicable SIP;
 - (B) The baseline emissions are the total of direct and indirect emissions calculated for the future years [described in paragraph (d) of section 210] using the historic activity levels [described in subparagraph (a)(5)(iv)(A) of this paragraph] and appropriate emission factors for the future years; or
 - (v) Where the action involves regional water and/or wastewater projects, such projects are sized to meet only the needs of population projections that are in the applicable SIP.
- (b) The areawide and/or local air quality modeling analyses must:
- (1) Meet the requirements in section 210 and
 - (2) Show that the action does not:
 - (i) Cause or contribute to any new violation of any standard in any area; or
 - (ii) Increase the frequency or severity of any existing violation of any standard in any area.
- (c) Notwithstanding any other requirements of this section, an action subject to this subpart may not be determined to conform to the applicable SIP unless the total of direct and indirect emissions from the action is in compliance or consistent with all relevant requirements and milestones contained in the applicable SIP, such as elements identified as part of the reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements.

- (d) Any analyses required under this section must be completed, and any mitigation requirements necessary for a finding of conformity must be identified before the determination of conformity is made.

§210 Procedures for conformity determinations of general Federal actions.

- (a) The analyses required under this subpart must be based on the latest planning assumptions, including, but not limited to, per capita water and sewer use, vehicle miles traveled per capita or per household, trip generation per household, vehicle occupancy, household size, vehicle fleet mix, vehicle ownership, wood stoves per household, and the geographic distribution of population growth.
- (1) Past or current population and employment data shall be consistent with the latest published data from the U.S. Census, California Department of Finance, or California Economic Development Department, whichever is most recent, as approved for use by AMBAG and the SBCCOG for their respective jurisdictions.
 - (2) Future population and employment data at the most detailed geographic level required for the conformity analysis shall be consistent with those most recently adopted by the AMBAG Board of Directors, and the SBCCOG Board of Directors for their respective jurisdictions.
 - (3) Travel and congestion estimates and forecasts shall be consistent with those in ARB's most recently published mobile source emissions inventory and forecasts until such time as AMBAG's tri-county regional travel demand model is approved by the California Department of Transportation and the Federal Highway Administration. After said approval, estimates and forecasts shall be those published by AMBAG, subject to paragraph (a)(4) of this section.
 - (4) If AMBAG's approved tri-county travel model has not been updated with the latest population and employment data and forecasts as defined in paragraphs (a)(1) and (2) of this section within 12 months of their availability, the latest ARB forecasts of travel and congestion as referenced in paragraph (a)(3) of this section shall be used instead.
 - (5) Aviation travel estimates shall be consistent with estimates in the latest published Regional Aviation System Plan of the Monterey Bay Area.
 - (6) For motor vehicle fleet mix estimates, the most current data from ARB shall be used.

- (7) Any other estimates or forecasts based on population, employment or travel estimates or forecasts shall be consistent with those most recently approved by the AMBAG Board of Directors, and the SBCCOG Board of Directors for their respective jurisdictions.
 - (8) Any revisions to the estimates and forecasts as described in paragraphs (a)(1)-(7) of this section used as part of the conformity determination, including projected shifts in geographic location or level of population, employment, travel and congestion, must be approved by the AMBAG Board of Directors and the SBCCOG Board of Directors for their respective jurisdictions.
- (b) The analyses required under this subpart must be based on the latest and most accurate emission estimation techniques available as described below, unless such techniques are inappropriate. If such techniques are inappropriate and written approval of the EPA Regional Administrator is obtained for any modification or substitution, they may be modified or another technique substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program.
- (1) For motor vehicle emissions, the most current version of the motor vehicle emissions model specified by EPA and available for use in the preparation or revision of SIPs in the State of California must be used for the conformity analysis as specified below:
 - (i) The EPA must publish in the Federal Register a notice of availability of any new motor vehicle emissions model; and
 - (ii) A grace period of three months shall apply during which the motor vehicle emissions model previously specified by EPA as the most current version may be used. Conformity analyses for which the analysis was begun during the grace period or no more than 3 years before the Federal Register notice of availability of the latest emission model may continue to use the previous version of the model specified by EPA if a final determination as to conformity is made within 3 years of such analysis.
 - (2) For non-motor vehicle sources, including stationary and area source emissions, the latest emission factors specified by EPA in the "Compilation of Air Pollutant Emission Factors (AP-42)" must be used for the conformity analysis unless more accurate emission data are available, such as actual stack test data from stationary sources which are part of the conformity analysis.

- (c) **The air quality modeling analyses required under this Subpart must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of the "Guideline on Air Quality Models (Revised)" (1986), including supplements (EPA publication no. 450/2-78-027R), unless:**
- (1) **The guideline techniques are inappropriate, in which case the model may be modified or another model substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program; and**
 - (2) **Written approval of the EPA Regional Administrator is obtained for any modification or substitution.**
- (d) **The analyses required under this subpart, except section 209, paragraph (a)(1), must be based on the total of direct and indirect emissions from the action and must reflect emission scenarios that are expected to occur under each of the following cases:**
- (1) **The Act mandated attainment year or, if applicable, the farthest year for which emissions are projected in the maintenance plan;**
 - (2) **The year during which the total of direct and indirect emissions from the action is expected to be the greatest on an annual basis; and**
 - (3) **any year for which the applicable SIP specifies an emissions budget.**

§211 Mitigation of air quality impacts.

- (a) **Any measures that are intended to mitigate air quality impacts must be identified and the process for implementation and enforcement of such measures must be described, including an implementation schedule containing explicit timelines for implementation.**
- (b) **Prior to determining that a Federal action is in conformity, the Federal agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures which are identified as conditions for making conformity determinations.**
- (c) **Persons or agencies voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.**
- (d) **In instances where the Federal agency is licensing, permitting or otherwise approving the action of another governmental or private entity, approval by the**

Federal agency must be conditioned on the other entity meeting the mitigation measures set forth in the conformity determination.

- (e) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the mitigation measures is subject to the reporting requirements of section 207 and the public participation requirements of section 208.**
- (f) The implementation plan revision required in section 202 of this subpart shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination and that such commitments must be fulfilled.**
- (g) After the State of California revises its SIP to adopt its general conformity rules and EPA approves that SIP revision, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the applicable SIP will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.**