

REGULATIONS

MENDOCINO COUNTY AIR POLLUTION CONTROL DISTRICT

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by the Mendocino County Board of Supervisors

Adopted February 9, 1971

2/21/72

PART V - PROHIBITIONS AND STANDARDS

1. Visible Emissions

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

- (1) as dark or darker in shade as that designated as No. 2 of the Ringlemann Chart, as published by the United States Bureau of Mines, or
- (2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of the section.

B. Visible emissions from any new source shall not discharge into the atmosphere from any single source of emission whatsoever any air contamination for a period or periods aggregating more than three (3) minutes per hour which is:

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

Existing visible emissions sources will comply with subsection V-1B by 1 January 1974.

C. Exclusions - the provisions of Part V - 1, "Visible Emissions", do not apply to emissions:

- (1) from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - (a) for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 - (b) for the instruction of public employees in the methods of fighting fire.
- (2) from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (H and S 24245).
- (3) of agricultural operations and associated necessary odors in the growing of crops, raising of fowls or animals (H and S 24251 and 39077.5) .
- (4) from fires set for improvement of watershed, range, or pasture (H and S 39077.4).
- (5) of orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute (H and S 24251).
- (6) from the use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals (H and S 24251).
- (7) from fires set pursuant to an open burning permit issued by the Control Officer (H and S 39077.4).

2. Particulate Matter Emissions:

A. Prohibitions:

(1) combustion contaminants discharged into the atmosphere from any source shall not exceed:

(a) two-tenths (0.2) grain per standard cubic foot for equipment in use at the time of adoption of these regulations, or

(b) one-tenth (0.1) grain per standard cubic foot for new equipment.

(c) equipment in use at the time of adoption of these regulations shall comply by 1 January 1972.

(2) other sources - particulate matter discharged into the atmosphere from other than combustion sources shall not exceed:

(a) two-tenths (0.2) grain per standard cubic foot, or

(b) the total process emission from a single premise source for any dust, condensed fume, or other particulate matter is given in Table 1 (Appendix). The more stringent of a or b shall apply.

(c) equipment in use at the time of adoption of these regulations will comply by 1 January 1972.

3. Total Reduced Sulfides (TRS), expressed as hydrogen sulfide, discharged into the atmosphere, shall not exceed:

- A. Three-hundredths (0.03) PPM for an aggregate period of sixty (60) minutes during any twenty-four (24) consecutive hours at ground level, or
- B. Seventeen (17) PPM from any point source at any time, or
- C. One-half (½) pound per ton of dry wood processed per month for any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper or other products. Wood materials used exclusively for fuel are not to be considered as part of the conversion process.

~~4. Other Emissions or Contaminants~~

- ~~A. General: No person shall discharge from any nonvehicular source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause or have a natural tendency to cause injury or damage to business or property (H and S Code, Sections 24243 and 39077). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals (H and S Code, Section 24251.1).~~
- ~~B. Open Storage: Storing of materials that will readily give rise to air-borne particulate matter which will escape the premise of origin shall not be permitted.~~
- ~~C. Transporting and Handling: Transporting or handling of any material in a manner which allows or may allow unnecessary amounts~~

~~(2) Thirty (30) tons per square mile in any industrial area, based on a one (1) month averaging period.~~

~~C. Sulfur Dioxide measured at ground level shall not exceed:~~

~~(1) Two (2) PPM at any time, or~~

~~(2) Four-hundredths (0.04) PPM during a twenty-four (24) hour averaging period, or~~

~~(3) Five-tenths (0.5) PPM for any one hour sampling period.~~

~~D. Other Ambient Air Standards as set forth by the Air Resources Board of the State of California, shall be considered minimum standard for the Mendocino County Air Pollution Control District. These may be reviewed from time to time at the discretion of the Board and made more stringent if conditions so warrant.~~

PART VI - MAINTENANCE, MALFUNCTION, EVASION, INSPECTION

~~1. Maintenance emissions exceeding any Air Pollution District standard as a direct result of a shutdown of equipment for scheduled maintenance shall not be deemed to be a violation of these regulations provided:~~

~~A. A report shall be submitted to the Control Officer at least twenty-four (24) hours prior to shutdown, and~~

~~B. The person responsible for such emissions shall complete maintenance with reasonable speed. The Control Officer may require in writing a full report on such occurrences if the nature of emissions or length of shutdown warrants.~~

3. Evasion: No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

~~4. Inspection: The Control Officer, during reasonable hours, for the purpose of enforcing or administering these regulations or any provisions of the Vehicle Code relating to the emissions or control of air contaminants, or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a private residence and may stop, detain, and inspect any vehicle, designed for and used on a public highway but which does not run on rails. Every person is guilty of a misdemeanor who in any way denies, obstructs or hampers such entrance, or such stopping, detaining or inspection of such vehicle, or who refuses to stop such a vehicle, upon the lawful order of the Control Officer (H and S 24246).~~

PART VII - PERMITS

1. Registration: these regulations do not constitute an automatic permit for the installation or operation of any equipment in existence upon the effective date of these regulations. Upon request of the Control Officer, any source of emission, actual or potential, shall register with the District. Any owner, operator or user of any equipment in use at the time of adoption of these regulations and subject to these regulations who is required to register shall be allowed thirty (30) days to register to obtain a permit to operate and to furnish the Control Officer with information required. Registration information required may include all information required under VII-4 relating to operating permits.

~~18. Schedule of Compliance: A person responsible for emission which is not in compliance with these regulations on their effective date or a person found by the Control Officer at a later date not in compliance, shall submit to the Control Officer for approval a schedule for compliance containing estimates of time for engineering, time for procurement, time for fabrication and time for installation and adjustment. The schedule shall be submitted within sixty (60) days of the initial request. The original schedule may be amended within ninety (90) days of the original request, provided the material facts are presented in writing, indicating a different reasonable schedule. Failure of the applicant to comply with the original or modified schedule may result in:~~

- ~~A. Further demand by the Control Officer for a compliance schedule or reports as necessary to show reasonable progress, or~~
- ~~B. Application of enforcement procedures contained in these regulations if unreasonable delay has occurred without significant progress. Submission of a schedule of compliance is not a permit to continue in violation of these regulations.~~

PART VIII - EMERGENCY CONDITIONS

In the event of generalized atmospheric conditions or localized dangerous contamination of such a nature to warrant, the Control Officer may take immediate action and instruct person or persons contributing to air pollution to reduce or discontinue immediately the emission of air contaminants. A hearing may be held by the Hearing Board within twenty-four (24) hours of such action.

~~PART IX - ABATEMENT~~

~~The Air Pollution Control Board may, after notice and a hearing, issue, or provide for the issuance by the Hearing Board, after notice and a hearing, of, an order for abatement whenever the District finds that any person is in violation of these regulations prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred on the Hearing Board. The Hearing Board in holding hearings on the issuance~~

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CALIFORNIA NORTH COAST AIR BASIN

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NORTH COAST AIR BASIN/MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 100 - TITLE

These Rules and Regulations are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and shall be known as the Rules and Regulations of the California North Coast Air Basin.

The North Coast Air Basin is comprised of the Counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District. The boundaries of each Air Pollution Control District or Air Quality Management District shall be coterminous with existing county boundaries, except for the southern boundary in Sonoma County which shall lie along a line described as follows:

Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its inter-section with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its inter-section with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its inter-section with the Township line common to Townships 8 and 9 North, M.D.M.; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.

The Counties of Del Norte, Humboldt and Trinity operate as a single unified special district agency entitled the North Coast Unified Air Quality Management District.

RULE 110 - PURPOSE

These rules and regulations are set forth to achieve and maintain such levels of air quality as will protect human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience and enjoyment of the natural attractions of the California North Coast Air Basin.

It is the intent of all air pollution control districts and air quality management districts in the California North Coast Air Basin to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain state and federal ambient air quality standards for the area under their jurisdiction and to enforce all applicable provisions of State law.

RULE 120 - ADMINISTRATION

The procedures and restrictions set forth in these rules and regulations shall be administered by each individual air pollution control district or air quality management district within its area of jurisdiction as authorized by Section 40002 of the Health and Safety Code; Chapter 3, Part 3, Division 26 of said code; or by contractual agreements between districts in accordance with the provisions of Section 40701 of said code, and further described in Section 90120 of Title 17 of the California Administrative Code.

RULE 150 - PUBLIC RECORDS

In accordance with the provisions of Government Code Section 6254.7, all air pollution monitoring and emission data in the possession of the District are public records. All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which are in possession of the District, are public records, with the exception of certified "trade secrets". Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the Control Officer. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the Control Officer shall:

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

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

RULE 190 - VALIDITY

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

RULE 210 - ENVIRONMENTAL ASSESSMENT

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

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

RULE 240 - PERMIT TO OPERATE

(a) PERMIT TO OPERATE REQUIRED

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

(b) TEMPORARY PERMIT TO OPERATE

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

(c) PERMIT TO OPERATE

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

(d) CONDITIONAL PERMIT

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

1. The Control Officer shall impose conditions on a Permit to Operate such as he deems necessary to ensure that the stationary source will be operated in the manner specified in conducting the emission analysis of Rule 220 and in granting the approval required by Rule 230.
2. The Control Officer may condition a Permit to Operate so as to prohibit a new stationary source which is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.
3. The Control Officer may at any time issue a Permit to Operate with revised conditions if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

(e) COMPLIANCE VERIFICATION

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

1. Said permit conditions may, in addition, require:
 - A. That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency as specified by the Control Officer.
 - B. That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.
2. The information recorded shall be summarized and reported to the District in the manner and form as prescribed by the Control Officer.
3. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Office, or submitted to EPA or ARB, upon request.
4. Monitoring records shall be retained by the owner for a period of not less than two years.
5. District personnel are to inspect and confirm calibration of measuring instruments, as necessary.
6. Any violation of an emission standard, ambient air quality standard, or breakdown of emission measuring instruments, is to be reported to the District in accordance with the provisions of Rule 540, Equipment Breakdown.

(f) MANDATORY MONITORING REQUIREMENTS

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

1. Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a use factor of at least 30% per year.
 - A. Oxides of nitrogen.
 - B. Carbon dioxide or oxygen.
 - C. Opacity except: where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel burned and the source is able to comply with the applicable particulate matter and opacity regulations without collection equipment, and where the source has not been found since December 31, 1970, through administrative or judicial proceedings, to be in violation of Regulation 1 of the North Coast Air Basin.
 - D. Sulfur dioxide, if control equipment is used.
2. All sulfur recovery plants and sulfuric acid plants, sulfur dioxide.
3. Nitric Acid Plants.
 - A. All new nitric acid plants, oxides of nitrogen.
 - B. All existing nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, oxides of nitrogen.
4. CO boilers of regenerators of fluid catalytic cracking units; CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,500,000 liters) per day.
 - A. Sulfur dioxide.
 - B. Opacity.
5. Kraft Pulp Mills, total reduced sulfur (TRS) from Kraft recovery furnaces and lime kilns.

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

(g) PERMIT DENIAL

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

(h) REVIEW OF PERMITS

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

(i) POSTING OF PERMIT TO OPERATE

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

(j) TRANSFER

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

4.19.84

RULE 260 - EXCLUSIONS

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

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

11/18/93

RULE 400 - GENERAL LIMITATIONS

...

(b) Circumvention

A person shall not construct, erect, modify, operate or use any equipment which conceals or tends to conceal an air contaminant emission which would be subject to the rules and regulations of the Mendocino County Air Quality Management District or to state law regarding air pollution, or which prevents the determination of compliance with the District's rules and regulations or with applicable state law, unless the operation or use of such equipment results in a verifiable and enforceable significant reduction in the emission of air contaminants which are or would be concealed or determination of whose compliance would be prevented. A person shall not discharge air contaminants into the atmosphere from any source whatsoever except in such fashion as to permit determination of compliance with applicable rules and regulations of the Mendocino County Air Quality Management District and with applicable provisions of state law.

~~RULE 400 - GENERAL LIMITATIONS~~~~(a) Public Nuisance~~~~A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. (H&S 41700)~~~~(b) Circumvention~~~~A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these rules and regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.~~~~(c) The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (H&S 41705)~~

RULE 410 - VISIBLE EMISSIONS

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

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

A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 1 or twenty (20) percent opacity.

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

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

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

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

- (4) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals. (H&S 41704d)
- (5) Open outdoor fires used only for cooking of food for human beings or for recreational purposes. (H&S 41704e)
- (6) The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41704f and 41860)

~~RULE 420 - PARTICULATE MATTER~~

~~(a) General Combustion Sources~~

~~A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations of NSPS Regulation 3, as applicable.~~

~~Steam Generating Units~~

~~A person shall not discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations of NSPS Regulation 3, as applicable.~~

~~(c) Kraft Recovery Furnaces~~

~~A person shall not discharge particulate matter into the atmosphere from any kraft recovery furnace in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas.~~

~~(d) Non-Combustion Sources~~

~~A person shall not discharge particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.~~

5/23/79

- ~~(4) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals. (H&S 41704d)~~
- (5) Open outdoor fires used only for cooking of food for human beings or for recreational purposes. (H&S 41704e)
- ~~(6) The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41704f and 41860)~~

RULE 420 - PARTICULATE MATTER

(a) General Combustion Sources

A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations of NSPS Rule 490, as applicable.

(b) Steam Generating Units

A person shall not discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations of NSPS Rule 490, as applicable.

(c) Kraft Recovery Furnaces

A person shall not discharge particulate matter into the atmosphere from any kraft recovery furnace in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide.

(d) Non-Combustion Sources

A person shall not discharge particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.

TABLE I
 ALLOWABLE RATE OF EMISSION BASED ON
 PROCESS WEIGHT RATE

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

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

b) Geothermal Well Drilling

Notwithstanding the provisions of Rule 420(d), a person shall not discharge particulate into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:

$$y = .00069X + 1.4$$

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

RULE 430 - FUGITIVE DUST EMISSIONS

- a. The handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne, shall not be permitted.
- b. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
 1. Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
 2. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.
 3. Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.
 4. The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
 5. The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
 6. The paving of roadways and their maintenance in a clean condition.
 7. The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

RULE 440 - SULFUR OXIDE EMISSIONS

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

~~RULE 450 - SULFIDE EMISSION STANDARDS~~

~~(a) Kraft Recovery Furnace~~

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

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

~~(b) Lime Kiln~~

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

~~(c) Other Kraft Mill Sources~~

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

RULE 455 - GEOTHERMAL EMISSION STANDARDS

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

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

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

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

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

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

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

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

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

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

(c) Geothermal Operations - Pre Power Emissions

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

Annual Average (lbs H ₂ S/hr)	Effective Date
180	December 31, 1976
150	December 31, 1978
*	December 31, 1980

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

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

(d) Compliance Verification

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

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

RULE 470 - REDUCTION OF ANIMAL MATTER

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors and gas-entrained effluents which contain odorous material are:

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

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

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

RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS

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

11/10/76

~~RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS~~

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

RULE 482 - PETROLEUM LOADING AND STORAGE

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of NSPS Rule 9.
- (b) No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe. (H&S 41950)
 - (1) For the purpose of Rule 482(b) "gasoline", means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 - (2) For the purpose of Rule 482(b) "submerged fill pipe", means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe." when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
- (c) The requirements of Rule 482 (b) shall not apply:
 - (1) To any stationary tanks installed prior to December 31, 1970.
 - (2) To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
 - (3) To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 - (4) To any tank equipped with a "vapor recovery system" consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors

and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

-) To any tank equipped with a "floating roof" which consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. A floating roof tank shall not be used if the gasoline or petroleum distillate has a vapor pressure of 570 millimeters of mercury absolute (11.0 pounds per square inch absolute) or greater, under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

~~RULE 490 - FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS)~~

~~All new sources of air contaminants or modifications to existing sources of the category types listed herein, shall comply with the rules, standards, criteria, and requirements set forth in Regulation 3 of the California North Coast Air Basin and all provisions of the Federal new source performance standards (NSPS).~~

- ~~NSPS Rule 1 - General Provisions~~
- ~~NSPS Rule 2 - Fossil Fuel-Fired Steam Generators~~
- ~~NSPS Rule 3 - Incinerators~~
- ~~NSPS Rule 4 - Portland Cement Plants~~
- ~~NSPS Rule 5 - Nitric Acid Plants~~
- ~~NSPS Rule 6 - Sulfuric Acid Plants~~
- ~~NSPS Rule 7 - Asphalt Concrete Plants~~
- ~~NSPS Rule 8 - Petroleum Refineries~~
- ~~NSPS Rule 9 - Storage Vessels for Petroleum Liquids~~
- ~~NSPS Rule 10 - Secondary Lead Smelters~~
- ~~NSPS Rule 11 - Secondary Brass and Bronze Ingot Production Plants~~
- ~~NSPS Rule 12 - Iron and Steel Plants~~
- ~~NSPS Rule 13 - Sewage Treatment Plants~~
- ~~NSPS Rule 14 - Phosphate Fertilizer Industry~~
- ~~NSPS Rule 15 - Steel Plant Electric Arc Furnaces~~

~~RULE 492 - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)~~

~~All sources of hazardous air pollutants of the category types listed herein, shall comply with the rules, standards, criteria and requirements set forth in Regulation 4 of the California North Coast Air Basin and all provisions of the national emission standards for hazardous air pollutants (NESHAPS).~~

~~ASBESTOS~~

~~BERYLLIUM~~

~~MERCURY~~

RULE 540 - EQUIPMENT BREAKDOWN

(a) BREAKDOWN CONDITIONS

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or similar failure of any required in-stack continuous monitoring equipment where such failure or malfunction:

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

(b) BREAKDOWN PROCEDURES

1. Any breakdown condition meeting the qualifications of Rule 540(a) shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, the Control Officer may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - A. The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (8:30 a.m. to 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.
 - B. The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.
 - C. The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.
2. The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.
3. Upon receipt of notification of a breakdown condition, the Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

(c) REPORTING REQUIREMENTS

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

1. Duration of excessive emissions.
2. Estimate of quantity of emissions.
3. Statement of the cause of the occurrence.
4. Corrective measures to be taken to prevent recurrences.

Documentation of the breakdown condition may be required by the Control Officer.

(d) BURDEN OF PROOF

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

(e) FAILURE TO COMPLY WITH REPORTING REQUIREMENTS

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (b)(1)(A) and (c)(1) through (c)(4) of this rule shall constitute a separate violation of this rule.

(f) FALSE CLAIMING OF BREAKDOWN OCCURRENCE

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

(g) EXTENDED BREAKDOWN PROVISIONS

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

APPENDIX B - CONTINUOUS MONITORING

revised 4/19/84
12/13/83

A. INSTALLATION AND START UP

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

B. REPORTING

File of Records

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

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

Quarterly Report

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

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

Reports of Violations

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

C. DATA REDUCTION

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

D. STANDARDS OF PERFORMANCE OF MONITORING SYSTEMS

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

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

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

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

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

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

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

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

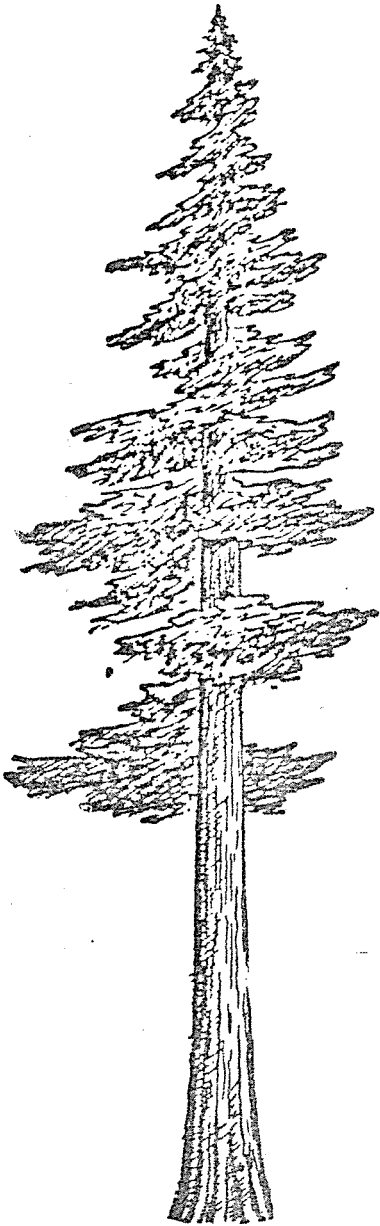
E. DEFINITIONS

Definitions shall be those given in 40 CFR, Part 51

REGULATION 2 OF THE CALIFORNIA NORTH COAST AIR BASIN

MENDOCINO COUNTY APCD

1/28/81
R120,
200,
240
300
APP
A, B,
C



OPEN BURNING
PROCEDURES
PRICE: \$ 1.00

REGULATION 2 - OPEN BURNING REGULATIONS

CHAPTER 1 - General Provisions

Rule 100 - Scope & Policy

Rule 120 - Definitions

Rule 140 - Allowable Open Burning

CHAPTER II - Burning Approval Procedures

Rule 200 - Classifications of Open Burning

Rule 220 - Notification of Burning Conditions and Forecasts

Rule 240 - Burning Permits and Reports

CHAPTER III - Limitations and Enforcement

Rule 300 - Burning Preparation and Restrictions

Rule 320 - Enforcement

APPENDIX A

Humboldt Bay Air Basin

APPENDIX B

Ukiah - Little Lake Air Basin

APPENDIX C

Eel River Watershed District

CHAPTER I - GENERAL PROVISIONS

~~RULE 100 - SCOPE AND POLICY~~

- ~~(a) These procedures shall apply to the use of open outdoor fires for the purpose of waste disposal at all locations within the California North Coast Air Basin, including the counties of Del Norte, Humboldt, Trinity, Mendocino and that portion of Sonoma County designated as the Northern Sonoma County Air Pollution Control District.~~
- ~~(b) Permit procedures for open outdoor fires on permissive burn days shall be administered by the fire control agency having jurisdiction in the area of the proposed burn.~~
- ~~(c) Open outdoor fires shall be limited to the burning described in Rule 140.~~
- ~~(d) These procedures are intended to control and limit the excessive use of open outdoor fires within the North Coast Air Basin.~~
- ~~(e) Open outdoor fires will be permitted only on those days for which satisfactory meteorological burning conditions and adequate area ventilation are predicted to occur unless specifically allowed by this Regulation.~~
- ~~(f) No open outdoor fires may be ignited on a no-burn day unless specifically allowed by this regulation; or unless such a restriction would cause imminent and substantial economic loss and authorization has been obtained from the District.~~
- ~~(g) Nothing in these procedures should be construed as encouraging in any way the use of open outdoor fires when other acceptable alternate disposal schemes are available.~~
- ~~(h) These procedures are not intended to permit open burning on days when such open burning is prohibited by public fire protection agencies for purposes of fire prevention or control.~~

RULE 120 - DEFINITIONS

~~(a) "Agricultural burning" means:~~

- ~~(1) Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention and,~~
- ~~(2) Open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1).~~

~~(b) "Approved combustibles" means paper, cardboard, brush, trees, native vegetation or other materials as approved by the Control Officer.~~

~~(c) "Board" means the State Air Resources Board, or any person authorized to act on its behalf.~~

~~(d) "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, or is dead.~~

~~(e) "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.~~

~~(f) "District" means the County Air Pollution Control District having jurisdiction in the area of the proposed burning.~~

~~(g) "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.~~

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

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

(h) "Mechanized burner" means an incineration device used exclusively for the disposal of wood wastes by open outdoor fires, subject to permit conditions specified by the District.

RULE 120 - DEFINITIONS

- ~~(i) A "no-burn" day means any day on which agricultural burning is prohibited by the Board or by the district.~~
- ~~(j) "Open outdoor fire" means any combustion 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.~~
- (k) "Open burning" in outdoor fires as used in agricultural operations in the growing of crops or raising of fowl or animals means:
- (1) The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and
 - (2) In connection with operations qualifying under Subdivision (1):
 - (A) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and
 - (B) The burning of material 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 district regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.
- ~~(l) A "permissive-burn" day means any day on which agricultural burning is not prohibited by the Board. The District may declare any permissive-burn day designated by the State Air Resources Board to be a no-burn day if necessary to maintain suitable air quality.~~
- ~~(m) "Range improvement burning" means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.~~
- (n) "Regulated open burning" means agricultural burning, Use Classifications A1 through A4 and property development burning, Use Classification 6.
- ~~(o) "Silvicultural" means the establishment, development, care and reproduction of stands of timber.~~
- ~~(p) "Timber operations" means cutting or removal of timber or other forest vegetation.~~

CHAPTER II - BURNING APPROVAL PROCEDURES

RULE 200 - CLASSIFICATIONS OF OPEN BURNING

Open outdoor fires shall be allowed for the disposal of approved combustibles from the following Use Classifications only on permissive burn days when set in accordance with the procedures of Chapters II & III of this Regulation.

Agricultural

- A1. Open burning in agricultural operations in the growing of crops or raising of fowl or animals.
- A2. Range improvement to remove unwanted vegetation or establish an agricultural practice.
- A3. Forest management to remove forest debris.
- A4. Wildlife improvement to enhance wildlife or game habitat.
(Department of Fish and Game approval required).

Non-Agricultural

5. Single and two-family dwellings. Permits issued under Use Classification 5 are valid only for the disposal of approved combustibles from single or two-family dwellings on their premises. This Use Classification is exempt from permissive-burn-day notification procedures except in the following areas of the North Coast Air Basin.

Humboldt Bay Air Basin (Appendix A)
Ukiah-Little Lake Air Basin (Appendix B)
6. Property Development and Fire Hazard Reduction. Permits issued under Use Classification 6 are valid only for the disposal of wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, or with respect to the disposal of brush cuttings on the property where the brush was grown when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard. Use Classification 6 requires a finding of necessity by the District Board and a permit from the District in addition to the appropriate fire control agency.
7. Right-of-way clearing by a public entity or utility.
8. Ditch, levee and reservoir maintenance.

RULE 240 - BURNING PERMITS AND REPORTS

(a) Burning permits may be issued by the fire control agency having jurisdiction in the area of the proposed burn and each permit will state thereon the type material to be burned and the Use Classification Number under which the permit is issued. (An additional permit from the District is required for open outdoor fires in Use Classification 6 except for hazard reduction as a result of state law.

(b) Agricultural burning permits for Use Classifications A1, A2, A3, A4 are issued only by the following designated agencies within their areas of jurisdiction:

United States Forest Service
California Department of Forestry
United States Bureau of Indian Affairs
Arcata Fire Department
Eureka Fire Department
Humboldt Fire District No. 1
Ukiah Valley Fire Protection District
Fort Bragg Fire Department
Little Lake Fire Protection District (Willits)
Round Valley Fire District (Covelo)
Potter Valley Fire Department
Redwood Valley-Calpella Fire District
Healdsburg Fire Department
Cloverdale Fire Department
Guerneville Fire Protection District
Graton Fire Protection District
Forestville Fire Protection District
Del Norte County Air Pollution Control District
Humboldt County Air Pollution Control District
Trinity County Air Pollution Control District
Mendocino County Air Pollution Control District
Sonoma County Agricultural Commissioner
Northern Sonoma County Air Pollution Control District

(c) Each applicant for an agricultural burning permit in Use Classification A1, A2, A3, A4, shall be given an Agricultural Burning Tally Card and an instruction sheet. Agricultural Burning Tally Cards must be completed and returned in accordance with procedures specified on the instruction sheet. Additional cards and sheets may be obtained at any of the designated agencies listed in paragraph (b) above.

(d) Each applicant for an agricultural burning permit in Use Classification A1, A2, A3, A4, shall supply such additional information as is required by the California Air Resources Board or the District.

RULE 240 - BURNING PERMITS AND REPORTS

- (e) Permits issued for agricultural burning shall bear a statement of warning containing the following words or words of like or similar import.

"This permit is valid only on those days during which agricultural burning is not prohibited by the California Air Resources Board or the district pursuant to Section 41855 of the Health and Safety Code."

- (f) Range improvement or forest management burning may be conducted by permit from a designated agency on no-burn days during the period between January 1 and May 31, providing that more than 50% of the land has been brush treated. The Air Resources Board may prohibit burning during this period if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.

If the burn is to be done primarily for the improvement of land for wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.

- (g) Special permits for agricultural burning on no-burn days may be issued by the District if denial of such permit would threaten imminent and substantial economic loss.

Such burning shall be limited to amounts specified by subdivision (i) of Rule 300 and shall be denied if the ambient air quality standards of metropolitan areas downwind of the burning are forecasted by the Air Resources Board to be exceeded.

- (h) A report of agricultural burning permits issued and agricultural burning conducted shall be submitted by each designated agency to the District as required by the District.
- (i) A quarterly report of agricultural burning shall be submitted by the District to the California Air Resources Board within 20 days after the end of the quarter. This report shall be of two parts; permissive burn day data and no-burn day data, and shall include the date of each burn, the type of waste burned, the estimated tonnage or acreage of waste burned and an indication of the allowance for burning on no-burn days. When such allowance is pursuant to paragraph (g) above, a listing of the number of permits, the date of issuance of each permit, the person or persons to whom the permit was issued and a summary of economic considerations leading to issuance of each permit, shall be included.
- (j) The District shall provide, at no cost to fire control agencies within the District, information on State laws, District Rules and Regulations, and other information as appropriate.

CHAPTER III - LIMITATIONS & ENFORCEMENT

RULE 300 - BURNING PREPARATION AND RESTRICTIONS

- (a) The waste to be burned shall be reasonably free of dirt, soil and excess moisture and whenever possible, shall be piled or windrowed in such a manner as to burn with maximum possible heat intensity and minimum smoke.
- (b) All open burning operations falling within the scope of these procedures must provide for ignition of the fuel pile by fuel blivets, drip torches, diesel sprayers, or other approved ignition devices.
- (c) The waste to be burned must be ignited as rapidly as practicable within applicable fire control regulations.
- (d) The waste shall be free of tires, tarpaper, garbage, or other types of rubbish likely to cause excessive smoke or odor.
- (e) The waste shall be allowed to dry for the following minimum time periods before burning:
 - (1) Trees and branches over 6 inches in diameter: 30 days.
 - (2) Brush, vines, bushes, prunings and small branches: 15 days.
 - (3) Field crops and weeds: 7 days.
 - (4) Other materials: drying times will be determined by the District.

These minimum drying periods may be waived by the District on submittal of acceptable evidence that the material to be burned contains less than 25 percent moisture.

- (f) Burning of waste after shorter drying times may be allowed by permit from the District if the denial of such permit would threaten imminent and substantial economic loss.
- (g) With respect to range improvement burning, brush shall be treated at least 6 months prior to the burn if technically and economically feasible, including the felling of any unwanted trees over six inches in diameter.

- (h) All persons desiring to burn for the improvement of land for wild-life or game habitat, Use Classification A4, shall provide the District with written certification from the Department of Fish and Game stating that the burning is desirable and proper.
- (i) Agricultural burning in any District of the North Coast Air Basin shall be limited to 1,000 acres per day, 10,000 tons of fuel per day, the daily quotas specified in Section 5153 of the Fire Control Manual of the U. S. Forest Service or by the daily quotas specified by Watershed below; whichever is the least restrictive condition.

<u>Watershed</u>	<u>Acreage</u>
Eel River	5,000
Russian River	2,000
Coastal Area	10,000

- (j) Property development burning conducted under the provisions of Use Classification 6 shall provide for:
- (1) All wood waste to be free of material not grown at the site.
 - (2) Brush to be treated at least 60 days prior to the burn if economically and technically feasible.
 - (3) Trees over 6 inches in diameter to be felled and dried prior to the burn.
 - (4) Burning may be prohibited by the District on permissive burn days if smoke would be transported to a nearby populated area.

ENFORCEMENT

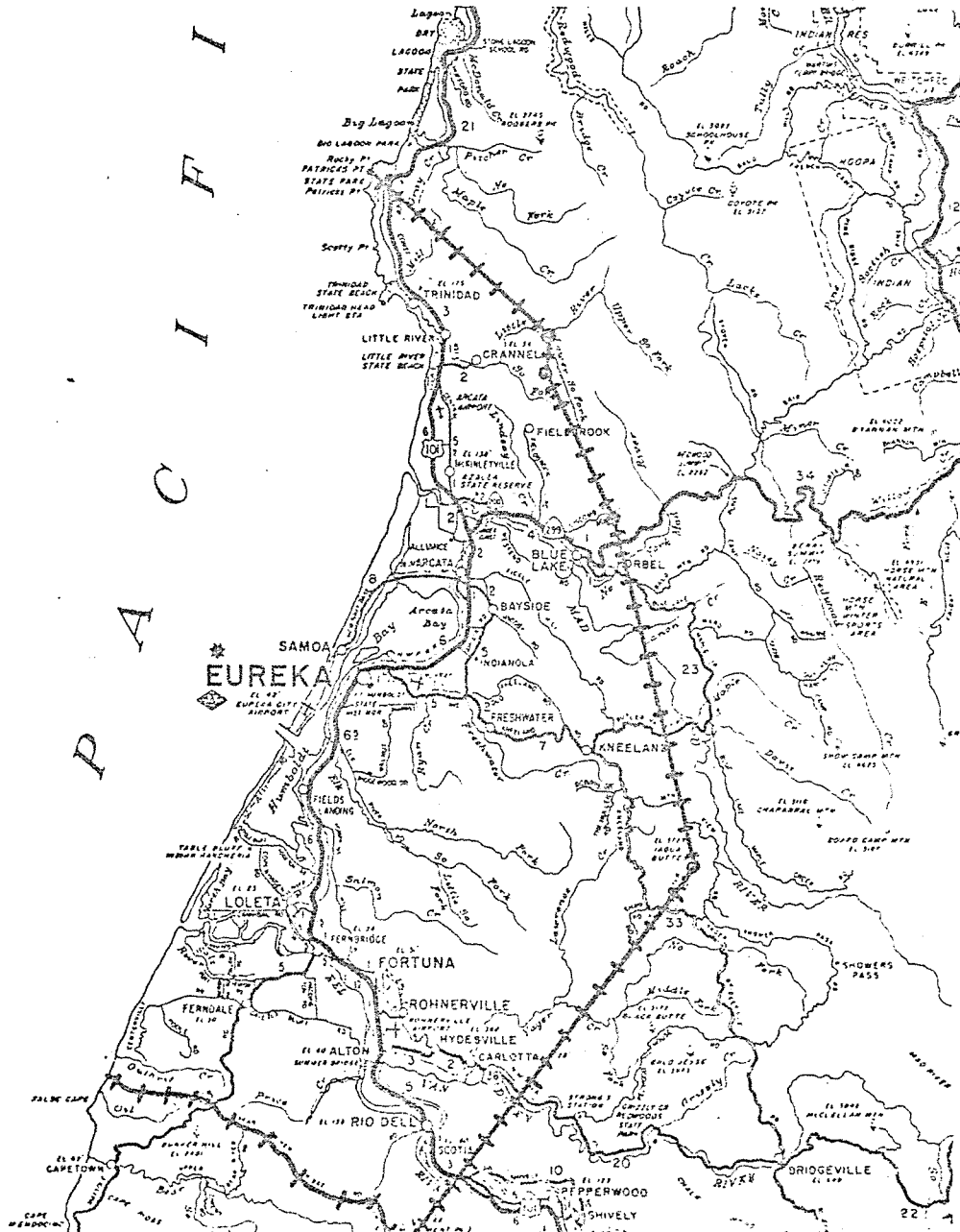
RULE 320

- (a) No person knowingly shall set or allow any open outdoor fires on days when prohibited by the Board or the District, unless specifically exempted by provisions in this Regulation.
- (b) No person knowingly shall set or allow regulated open burning unless he has a valid permit from a designated fire control agency or the District.
- (c) Any violation of the open burning requirements stated in these procedures is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500) or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs, constitutes a separate offense.

APPENDIX A

HUMBOLDT BAY AIR BASIN

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

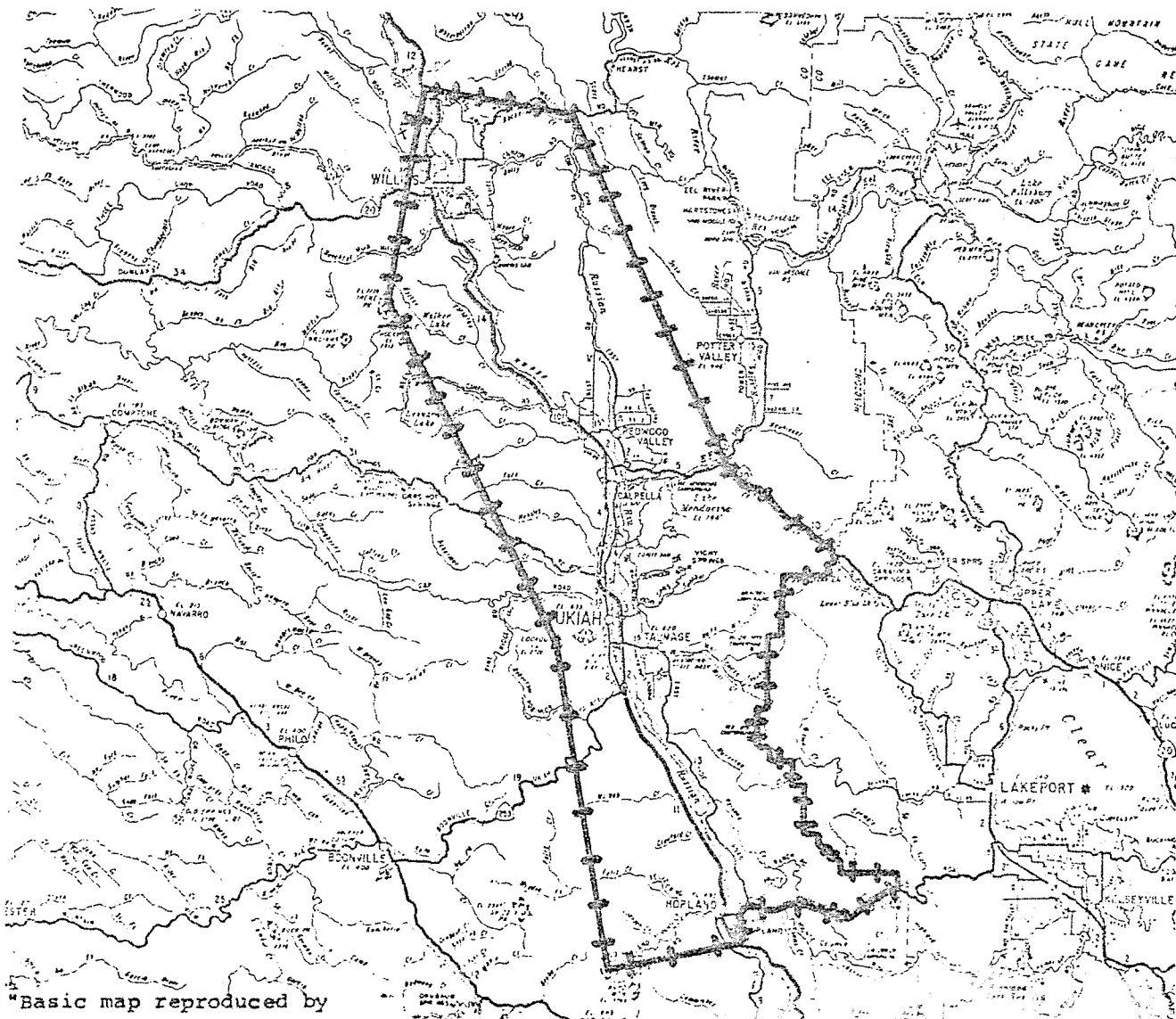


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APPENDIX B

UKIAH - LITTLE LAKE AIR BASIN

For use in this Rule, the Ukiah-Little Lake Air Basin shall be defined as all those portions of Mendocino County: bounded on the north and east by a straight line extending from the summit of Oil Well Hill on Highway 101, southeasterly to the junction of Hearst Willits Road and Tomki Road, thence southeasterly to the junction of Highway 20 and Potter Valley Road, thence southeasterly, along Highway 20 to the Lake County boundary line, thence continuing mostly southerly and easterly along the Mendocino - Lake County boundary line to the junction of Highway 175, thence westerly along Highway 175 to the junction of Highway 175 and County Road 201, thence southerly along County Road 201 to its termination with State Highway 101, thence westerly bounded on the south by a straight line extending to Snow Mountain Peak, thence northerly bounded on the west by a straight line extending to Lookout Peak, thence northwesterly bounded on the south and west by a straight line to Irene Peak, thence northerly bounded on the west by a straight line extended from Irene Peak to the point of beginning at the summit of Oil Well Hill on Highway 101.



"Basic map reproduced by

APPENDIX C

EEL RIVER
WATERSHED
DISTRICT
(95%)
1,026,263 ACRES

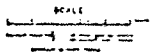
COASTAL
DISTRICT
WATERSHED
(34.3%)
690,640 ACRES

RUSSIAN
RIVER
DISTRICT
WATERSHED
(15.4%)
348,697 ACRES

DISTRICTS
BY
WATERSHEDS
1,765,600
OFFICIAL
ACRES

PAPA ADVISOR -
18-SEPT-72

MENDOCINO
COUNTY
CALIFORNIA



U.S. GEOLOGICAL SURVEY
MENDOCINO COUNTY
CALIFORNIA
1968



REGULATION 1

AIR POLLUTION CONTROL RULES

OF THE

MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT

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APPENDIX A - Procedures for Environmental Impact Review

APPENDIX B - Continuous Monitoring

RULE 1-130 - DEFINITIONS

(a) General Provisions:

Except as provided or defined below, the definitions of 40 CFR 52.21(b), in effect on November 14, 2014, excluding the definition provided in 40 CFR 52.21(b)(33), are incorporated herein by reference and made part of this rule.

(1) The following incorporated provisions of 40 CFR Part 52.21 are revised as follows:

(A) The term “administrator” shall read as follows:

(1) “EPA administrator” in 40 CFR 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51)(1) & (2) and (p)(2); and

(2) “Air Pollution Control Officer” elsewhere, as defined in Rule 1-130(a)(5).

(B) The phrase “paragraph (q) of this section” in 40 CFR 52.21(1) & (2) and (p)(1) shall read as follows: the public notice and comment provisions of Rule 1-220(b)(5) through (10).

[Amended 5/6/03, Amended 12/5/06, Amended 2/15/11, Amended 9/20/16]

(b) Definitions:

(a1) Actual Emissions:

The definition of “actual emissions” contained in 40 CFR 52.21(b)(21), which is otherwise incorporated by reference, is revised to read as set forth below whenever reference is made to that term or 40 CFR 52.21(b)(21):

- (1) Actual emissions means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with paragraphs (a1)(2) – (5) of this rule.
- (2) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The APCO shall allow the use of a different time period upon a determination that it is more representative of normal source operations
- (3) Actual emissions shall be calculated using the unit’s actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (4) The APCO may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (5) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(a2) Agricultural Operation:

The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.

(a3) Air Contaminant:

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

(a4) Air Pollution Abatement Operation:

Any operation that has as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission.

(a5) Air Pollution Control Officer (APCO or Control Officer):

The executive officer appointed by the Board of Directors of this District pursuant to Chapter 7 of Part 3 of Division 26 of the California Health and Safety Code (H&SC) in effect on November 14, 2014, to carry out the following duties:

- (1) Appoint District Personnel, pursuant to H&SC, Section 40751 and subject to the direction of the District Board, including any deputies necessary for the prompt and faithful discharge of the Air Pollution Control Officer's duties.
- (2) Observe and enforce, pursuant to H&SC, Section 40752, all of the following:
 - (A) Part 3 and Part 4 of Division 26 of the H&SC (commencing with Section 41500).
 - (B) All orders, regulations, and rules prescribed by the District Board.
 - (C) All variances and standards which the District Hearing Board has prescribed.
 - (D) All permit conditions imposed pursuant to H&SC, Sections 42301 and 42301.10.
- (3) Observe and enforce, pursuant to H&SC, Section 40753, all provisions of Division 12, (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, and 27158.5.
- (4) Observe and enforce all rules, regulations, and requirements as approved or delegated by the EPA Administrator.

(a6) Allowable Emissions:

The definition of "allowable emissions" contained in 40 CFR 52.21(b)(16), which is otherwise incorporated by reference, is revised to read as set forth below whenever reference is made to that term or 40 CFR 52.21(b)(16):

- (1) The phrase "unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both" shall read, "unless the source is subject to enforceable limits that restrict the operating rate, or hours of operation, or both."
- (2) Paragraph (iii) shall read as follows: "The emissions rate specified as an enforceable permit condition, including those with a future compliance date."

(a7) Ambient Air Quality Standard:

The specific concentrations and durations of air pollutants that reflect the relationship between intensity and composition of pollution to undesirable effects.

(a8) Approved Combustibles:

Brush, trees, and other dried vegetation as approved by the APCO, grown on the property where it is to be burned.

(a9) Area Classifications:

The classification of an area pursuant to the criteria of 40 CFR 52.21(e) and (f). Such classified areas near the Mendocino County Air Quality Management District are as follows:

- (1) Class I Areas: All areas designated as a Class I area pursuant to 40 CFR 51.21(e). Class I areas within 300 km of the District are all lands encompassed within the Yolla Bolly-Middle Eel Wilderness area and the Point Reyes National Seashore.
- (2) Class II Areas: All areas not designated as a Class I area.

(b1) Baseline Actual Emissions:

The definition of “baseline actual emissions” contained in 40 CFR 52.21(b)(48), which is otherwise incorporated by reference, is revised to read as set forth below whenever reference is made to that term or 40 CFR 52.21(b)(48):

- (1) Baseline actual emissions means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with paragraphs (b1)(2) – (4) of this rule.
- (2) In general, baseline actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a 24 month period which precedes the particular date and which is representative of normal source operations. The APCO shall allow the use of a different time period upon determination that it is more representative of normal source operation. Baseline actual emissions shall be calculated using the unit’s actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (3) The APCO may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (4) For any emissions unit which has not begun normal operations on the particular date, baseline actual emissions shall equal the potential to emit of the unit on that date.

(b2) Baseline Concentration:

That ambient concentration level which exists in the baseline area at the time of the establishment of the applicable minor source baseline date. (Ref. 40 CFR 52.21(b)(13))

- (1) A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:
 - (A) The actual emissions, representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (2) below; and
 - (B) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.
- (2) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):
 - (A) Actual emissions, from any major stationary source on which construction commenced after the major source baseline date; and
 - (B) Actual emissions increases and decreases, at any stationary source occurring after the minor source baseline date.

(b3) Base Unit:

Any major emitting device, process line, or other equipment or grouping thereof, that emits, or has the potential to emit, regulated air pollutants; for the purposes of this rule, the term base unit shall include, but shall not be limited to, any of the following:

- (1) Any major emitting device or process line, or
- (2) Any aggregate production line, including a primary crusher and associated crushers, screens, conveyors, stackers, and piles or
- (3) Any cement batch plant, or
- (4) Any asphalt hot mix plant, or
- (5) Any debarker and head rig, or

- (6) Any rip and gang saw line, or
- (7) Any planing operation, or
- (8) Any cooling tower, or
- (9) Any vent gas treatment system, or
- (10) Any burner/scrubber system, or
- (11) Any stretford system, or
- (12) Any geothermal production, injection, observation, or idle steam well and geothermal steam transmission system, or aggregation thereof, that provides steam to – or are included in the steamfield of a single or dual-unit geothermal electrical power generation plant, or
- (13) Any on-site combustion device used for power or process heat generation, except for emergency standby generators or any device that is covered under another base unit definition in this rule, or
- (14) Any geothermal well drilling operation or aggregation thereof, conducted on a company's leasehold.

(b4) Best Available Control Technology (BACT):

An emissions limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the federal Clean Air Act Amendments of 1990 and as amended at the time of application emitted from or that results from any stationary or portable source or modification, which the Air Pollution Control Officer, on a case by case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source through application of production processes and available methods, systems, and techniques for control of such air contaminants. Said BACT determinations may include a design standard, operational equipment specifications, fuel restrictions, work practice or combination thereof. In no event shall application of BACT result in emissions of any pollutants that will exceed the emissions allowed under Rules 1-490 and 1-492 of this regulation. If the District determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirements for the application of BACT (Ref. 40 CFR 52.21(b)(12)).

The BACT process shall be applied to any air contaminants that have been identified as toxic air contaminants (TAC) by the U.S. Environmental Protection Agency, the California Air Resources Board or the Mendocino County Air Quality Management District Board.

[(b4) Paragraph 2 is not included as part of the SIP]

(c1) CAAA:

The Federal Clean Air Act Amendments of 1990, as amended at the time of application.

(c2) CAPCOA:

California Air Pollution Control Officer's Association

(c3) CCAA:

California Clean Air Act

(c4) CFR:

Code of Federal Regulations

(c5) Combustion Contaminants:

Matter, excluding carbon dioxide and water, discharged into the atmosphere from the burning of any kind of material.

(c6) Compression Ignition (CI)

Compression ignition internal combustion engine.

c7) Control Strategy:

A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan for the Mendocino County Air Quality Management District and the California North Coast Air Basin.

(d1) District:

The Mendocino County Air Quality Management District as required by California Health and Safety Code, Section 40002 or a multi-county unified district authorized by Chapter 3, Part 3, Division 26, of said code.

(d2) Dust:

Minute solid particles released into the air by natural forces or by mechanical processes such as grading, crushing, grinding, milling, drilling, demolishing, shoveling, conveying, bagging, sweeping, etc.

(e1) Emissions:

The act of passing into the atmosphere an air contaminant or gas stream that contains an air contaminant, or the air contaminant so passed into the atmosphere.

(e2) Episode Alert:

A condition in an air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level that threatens the ambient air quality standard as defined in Rule 1-160 depending upon the particular topography and meteorology of the air basin. "Verified" means the pertinent measuring instrument has been checked over the following fifteen-minute period and found to be operating correctly.

(f1) Fumes:

"Fumes" means vapors, mists, and airborne liquid or solid particulate matter or any combination including these.

(g1) Geothermal Operations:

Those activities related to the extraction, transmission, and utilization of geothermal steam that may directly, or indirectly, result in air contaminant emissions.

(g2) Greenhouse Gases (GHGs):

A gas that has the capacity to create a warming effect in the earth's atmosphere; for the purposes of this rule: carbon dioxide (CO₂), nitrous oxide (NO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

(h1) Hearing Board:

The appellate review board of the Mendocino County Air Quality Management District as provided for by Section 40800 of the California Health and Safety Code.

(i1) Impact/Baseline Area:

That area where the concentration of emissions from a proposed source is predicted to be 1 µg/m³ or greater using an Environmental Protection Agency approved ambient air quality model.

(i2) Indirect Source:

A facility, building, structure or installation, or combination thereof, that indirectly results in, or is projected to result in unmitigated emissions in excess of the following: ROG – 180 lbs/day, NO_x – 42 lbs/day, CO – 690 lbs/day, PM₁₀ – 80 lbs/day. Projected unmitigated emissions are to be generated using the latest ARB approved version of URBEMIS with the Mountain and Rural Counties default settings, or other ARB approved indirect source model. In any model the latest available fleet, meteorology, and trip generation information will be used and the model run for each season.

(i3) Installation:

The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

(i1) Large Grading Operation:

A grading activity involving more than one (1) acre of exposed soil or more than one (1) mile of road during any single calendar year.

(m1) Major Modification:

“Major Modification”, as defined in 40 CFR 52.21(b)(2), which is otherwise incorporated by reference for the purpose of Rules 1-200 and 1-220, shall be revised to read as: any physical change in or change in the method of operation that would result in increase of a regulated pollutant which exceeds the significant emission rates specified in Rule 1-130(s2). “Major Modification” as it applies to gasoline dispensing facilities, means the addition, replacement, or removal of an underground storage tank, underground piping, vapor piping within a dispenser, or a dispenser of an existing installation. The replacement of a dispenser is not a major modification when the replacement is occasioned by end user damage to a dispenser.

(m2) Major Stationary Source:

The definition of the term “Major Stationary Source” as defined in 40 CFR 52.21(b)(1), which is otherwise incorporated by reference for the purpose of Rules 1-200 and 1-220, shall be revised to read as any stationary source which emits, or has the potential to emit, a regulated pollutant above the significant emission rates specified in Rule 1-130(s2).

(m3) Maximum Achievable Control Technology (MACT):

An emissions limitation which is not less stringent than the emissions limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the permitting authority, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the source.

(m4) Modeling:

A procedure for estimating the ambient air concentration of air contaminants based upon emission profiles, dispersion simulations or other techniques approved by the U.S. Environmental Protection Agency, the California Air Resources Board and/or the Mendocino County Air Pollution Control Officer. (Ref: 40 CFR 52.21(1))

(m5) Modification:

"Modification" means any change in the structure, location, operation, conditions of operation, process materials or fuel of any stationary source that may increase or decrease the amount of any air contaminant emitted into the atmosphere by that source, and that is not already specifically allowed by a permit to operate issued by the District. An increase in production rate or in hours of operation beyond limits set in the permit to operate from the District is a modification.

(n1) Net Emissions Increase:

The definition of "Net Emissions Increase" contained in 40 CFR 52.21(b)(3) as set forth below whenever reference is made to that term or 40 CFR 52.21(b)(3):

- (1) Net emissions increase means the amount by which the sum of the following exceeds zero:
 - (A) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and
 - (B) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- (2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
 - (A) The date five years before construction of the particular change commence; and
 - (B) The date that the increase from the particular change occurs.
- (3) An increase or decrease in actual emissions is creditable only if the Administrator has not relied on it in issuing a permit for the source under this section, which permit is in effect when the increase in actual emissions from the particular change occurs. An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxide, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM₁₀ emissions can be used to evaluate the net emissions increase for PM₁₀.
- (4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (5) A decrease in actual emissions is creditable only to the extent that:
 - (A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions,
 - (B) It is federally enforceable at and after the time that actual construction on the particular change begins; and
 - (C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (6) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(o1) Operation:

Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

(o2) Orchard, Vineyard, or Citrus Grove Heater:

Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

(o3) Organic Gas:

Any molecular gas containing carbon and hydrogen, or carbon and hydrogen in combination with any other element.

(o4) Owner:

Includes, but is not limited to, any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

(p1) Particulate Matter:

Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions. Specific size fractions of particulate matter are defined as follows:

(1) PM_{2.5} means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal two and one half (2.5) micrometers.

(2) PM₁₀ means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers.

(p2) Permit:

Refers to either an Authority to Construct, Temporary Permit to Operate or Permit to Operate, whichever is legally in effect.

(p3) Person or Persons:

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

(p4) Portable Source:

All units of air contaminant emitting articles, machines, equipment or other contrivance that are designed to be moved from location to location, whose emitting source is not the motive power for such moving, and that does not have a valid California Portable Equipment permit.

(p5) Potential to Emit:

The maximum capacity of a stationary source to emit an air contaminant under its physical and operational design, after considering physical and operational limitations that are enforceable by conditions imposed by the District in both the Authority to Construct and Permit to Operate. (Ref. 40 CFR 52.21(b)(4))

(p6) PPM:

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

(p7) Precursor:

A substance that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of another or secondary air 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. Presently identified precursors and secondary pollutants are:

<u>Precursors</u>		<u>Secondary Pollutants</u>
Volatile Organic Compounds	a)	Photochemical oxidants (ozone O ₃)
	b)	Organic fraction of PM ₁₀
Nitrogen Oxides (NO _x)	a)	Photochemical oxidants (Ozone)
	b)	Nitrogen dioxide (NO ₂)
	c)	Nitrates NO ₃
	d)	Nitrate fraction of PM ₁₀
	e)	Nitrate fraction of PM _{2.5}
Sulfur oxides (SO _x)	a)	Sulfur dioxide (SO ₂)
	b)	Sulfates (SO ₄)
	c)	Sulfate fraction of PM ₁₀
	d)	Sulfate fraction of PM _{2.5}

[Amended 2/15/11]

(p7) Prevention of Significant Deterioration (PSD) Increment:

The maximum allowable increase of ambient air quality above baseline concentration in the three classified areas.

Allowable PSD Increments
micrograms per cubic meter

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Sulfur Dioxide			
Annual Arithmetic Mean	2	20	40
24-hour maximum*	5	91	182
3-hour maximum	25	512	700
Particulate Matter (PM _{2.5})			
Annual Arithmetic Mean	1	4	8
24-hour maximum*	2	9	18
Particulate Matter PM ₁₀			
Annual Arithmetic Mean	4	17	34
24-hour maximum*	8	30	60
Nitrogen Dioxide			
Annual Arithmetic Mean	2.5	25	50

* Not to be exceeded more than once a year, in any one location.

(p7) Process Weight Per Hour:

The total weight, including contained moisture of all materials introduced into any specific process which may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continuous processes, the average hourly total weight of materials introduced into the process will be used in calculations.

(s1) Section:

Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(s2) Significant:

The potential of a new or modified source to emit air contaminants that would equal or exceed any of the following rates: (Ref: 40 CFR 52.21(b)(23)(i))

<u>Air Contaminant</u>	<u>Significant Emissions Rate</u>
Carbon monoxide	550 lbs. per day
Nitrogen oxides	220 lbs. per day
Sulfur dioxide	220 lbs. per day
Particulate matter	135 lbs. per day
PM-10	80 lbs. per day
PM2.5	54 lbs. per day of direct PM _{2.5} emissions; 220 lbs. per day of sulfur dioxide emissions; 220 lbs. per day of nitrogen oxide emissions.
Ozone	220 lbs. per day of VOCs * or nitrogen oxides
Lead	3 lbs. per day
Fluorides	16 lbs. per day
Sulfuric acid mist	38 lbs. per day
Hydrogen sulfide (H ₂ S)	54 lbs. per day
Total reduced sulfur (including H ₂ S)	54 lbs. per day
Reduced sulfur compounds (including H ₂ S):	0.027 lbs. per day
Municipal waste combustors: Organic emissions:	3.2 × 10 ⁻⁶ mega grams per year (3.5 × 10 ⁻⁶ tons per year) (measured as total tetra-through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)
Metals emissions:	14 mega grams per year (15 tons per year) (measured as particulate matter)
Acid gas emissions:	36 mega grams per year (40 tons per year) (measured as sulfur dioxide and hydrogen chloride)

Municipal solid waste landfills:

Non-methane organic compounds:

45 mega grams per year (50 tons per year)

Greenhouse Gases:

For the purpose of Rule 1-220 only and not for incorporation into the State Implementation Plan (SIP): as specified in Rule 1-221.4(a) or 1-221.4(c)

For the purpose of Regulation 5 only and not for incorporation into the State Implementation Plan (SIP): as specified in Rule 1-221.4(b)

Other pollutants regulated under the Clean Air Act:

any emissions rate whatsoever (Ref. 40 CFR 52.21(b)(23)(ii)).

Hazardous Air Pollutant (HAP):

Any pollutant listed pursuant to Section 112(g) of the federal Clean Air Act Amendments of 1990 and as amended at the time of Application:

10 tons per year of any one HAP
25 tons per year for two or more HAPs

* Volatile Organic Compounds except for ethanol sources below the EPA yearly threshold (40 tons per year).

Notwithstanding the above significant emissions rates for various air contaminants, significant also means any net emissions increase from any new or modified stationary source that would be constructed within 10 kilometers of a Class I area and have an air quality impact on such area equal to or greater than 1 microgram per cubic meter (24 hour average). (Ref. 40 CFR 52.21(b)(23)(iii)) The above Significant Emissions Rates are not to be used for CEQA determinations.

(s4) Stacking:

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

(s5) Standard Conditions:

As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (14.7 pounds per square inch absolute).

(s6) Standard Cubic Meter of Gas (Standard Cubic Foot of Gas):

The amount of gas that would occupy the specified cubic measure, if free of combined water, at standard conditions.

(s7) Stationary Source:

All units of air contaminant emitting articles, machines, equipment or other contrivances, which are located on adjacent or contiguous properties under the control of the same person (or persons under common control) and all of which are determined by the Air Pollution Control Officer to be related to one another through a similar product, raw material or function and are included in the same standard industrial classification.

(s8) Steam Generating Unit:

Any furnace or boiler used in the process of burning fuel for the purpose of producing steam by heat transfer.

(s9) Subject to Regulation:

Paragraph (ii)(a) of the definition of the term "Subject to Regulation" as defined in 40 CFR 52.21(b)(49), which is otherwise incorporated by reference, shall be revised to read: "Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of part 98 of this chapter – Global Warming Potentials." Paragraph (v) of the definition of the term "Subject to Regulation" as defined in 40 CFR 52.21(b)(49), which is otherwise incorporated by reference, shall be deleted in its entirety.

(t1) Total Reduced Sulfur (TRS):

"TRS" means total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mists are not to be included in the determination of TRS.

(t2) Toxic Air Contaminant:

"Toxic air contaminant" means any substance identified by the Air Resources Board as a toxic air contaminant pursuant to California Health and Safety Code, Section 39650 et seq., or listed as a hazardous air pollutant pursuant to Subsection (b) of Section 112 of the federal Clean Air Act (42 U.S.C. Sec. 7412(b)).

(t3) Trade Secrets:

As used in these rules and regulations, Trade Secrets include, but are not limited to, any formula, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or to perform a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(u1) URBEMIS:

Urban Emissions Model. A CARB approved computer program that can be used to estimate emissions associated with land development projects in California such as residential neighborhoods, shopping centers, office buildings, and construction projects.

CHAPTER II – PERMITS

All permit requirements and procedures covered by this chapter are and shall be interpreted in accordance with the provisions of the federal Clean Air Act Amendments of 1990 and as amended at the time of application, Title 40 of the Code of Federal Regulations, Part 52.21 and Division 26 of the California Health and Safety Code as applicable, to comply with the California State Implementation Plan (SIP).

[Amended 5/6/03, Amended 9/20/16]

RULE 1-200 - PERMIT REQUIREMENTS

(a) Authority to Construct or Modify

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

[Amended 5/6/03, Amended 12/5/06, Amended 9/20/16]

(b) Applications

All applications for an Authority to Construct, Modify, Replace, Operate or Use any equipment, indirect source or to conduct large grading operations as required by Rule 1-200(a), , shall be filed at the office of the District or its designated agent for accepting applications, except as provided in Rule 1-220(c) for new power plants. Such application shall contain all information required for a complete application as specified in Rule 1-200(e). Upon request of the Air Pollution Control Officer, any existing stationary, portable, or indirect source of air contaminant emissions, actual or potential, shall apply for a Permit to Operate from the District. The applicant for an Authority to Construct or Permit to Operate shall pay the fees as specified in Regulation 1, Rule 1-300 *et seq.*

[Amended 12/5/06, Amended 9/20/16]

(c) Preliminary Determinations

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

- (1) Whether the project application is subject to the requirements of Regulation 1.
- (2) Whether the project application is ministerial, categorically exempt, statutorily exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality.
- (3) Whether the project application is subject to the new source review procedures specified in Rule 1-220(b).

- (4) Whether the project is subject to the new power plant review procedures specified in Rule 1-220(c).
- (5) Whether the project application is subject to the requirements of federal New Source Performance Standards (Rule 1-490), or subject to national emission standards for Hazardous Air Pollutants (Rule 1-492).
- (6) Whether the project is classified as a major stationary source or major modification as defined in Rule 1-130 and subject to all applicable Prevention of Significant Deterioration review requirements.

[Amended 9/20/16]

(d) General Exemptions

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

- (1) Any vehicle as defined in Section 670 of the California Vehicle Code, as of November 14, 2014.
- (2) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- (3) Barbecue equipment that is not used for commercial purposes.
- (4) Orchard, vineyard or citrus grove heaters.
- (5) Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals, except that this exemption shall not apply to the following sources or equipment:
 - (A) Agricultural sources that, in aggregate, produce actual emissions equal to or greater than 50 tons of any regulated NSR pollutant. For the purposes of determining permitting applicability, fugitive emissions, except fugitive dust emissions, are included in determining aggregate emissions
 - (B) Diesel engines used in agricultural operations subject to the State Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines.
 - (C) Agricultural sources subject to any state or federal regulations enforceable by the District.
- (6) Mixing, blending, conveying, or other mechanical systems which do not, directly or indirectly, emit air contaminants.
- (7) Gasoline and organic liquid storage tanks having a capacity of less than 250 gallons.
- (8) Any article, machine, equipment or other contrivance that the Air Pollution Control Officer finds emits air contaminants in an amount that is less than 50% of the level specified in Rule 1-130(s2) as significant, is not subject to any federal regulation enforceable by the District, or any NSPS or NESHAP, and which the APCO determines should be exempt.

A federal Operating (Title V) Permit shall be required for any source that is a Major Source as defined in District Regulation 5 (Procedures for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act, including agricultural sources as defined in Section 39011.5 of the California Health and Safety Code, as of November 14, 2014

No exemption from the requirements listed herein under Rule 1-200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source that is subject to New Source Review in accordance with Rule 1-220(b).

(e) Procedures

Applications for an Authority to Construct or Permit to Operate (permit) shall be made and reviewed in accordance with the following procedures:

- (1)** In order to be deemed complete, an application for a permit shall include all information necessary to fully characterize the equipment, operation, emissions, and emissions impacts of the activity for which the permit is requested, and to determine compliance of such activity with all applicable requirements, and to assess applicable fees. To be deemed complete, the application shall also include payment of all fees assessed for review of said application.
- (2)** Within 30 days of receipt of an application for a permit, the APCO shall notify the applicant in writing if the application is not deemed complete, and shall provide a list of information needed to complete the application, including assessment of fees, unless insufficient information has been submitted for the permit fees to be determined, in which case fees shall be assessed when the necessary information has been submitted by the applicant.

[Amended 9/20/16]

RULE 1-220 - NEW SOURCE REVIEW STANDARDS (INCLUDING PSD EVALUATIONS)

(a) Emission Analysis

In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of Chapter II, the Air Pollution Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Air Pollution Control Officer to make any preliminary determinations as required by Rule 1-200(c) and the approval determinations required by the provisions of Rule 1-230.

For the purposes of emission considerations:

- (1) Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit. (Ref. 40 CFR 52.21(b)(4)).
- (2) Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increase as defined in Rule 1-130(n1), and considering any limitations enforceable in Authority to Construct or a Permit to Operate, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations, (Ref. 40 CFR 52.21(b)(2) & (3) as incorporated into Rule 1-130).
- (3) Actual emissions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two-year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that it would be more representative of normal source operation, (Ref. 40 CFR 52.21(b)(3) & (21) as incorporated into Rule 1-130).

[Amended 9/20/16]

(b) New Source Review Procedure

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 1-490 or 1-492; or for any new or modified stationary source which the Air Pollution Control Officer estimates will result in a net emissions increase of any pollutant which exceeds the significant emission rates as specified in Rule 1-130(s2), the APCO shall:

- (1) Determine best available control technology (BACT) for each air contaminant for each increase of a pollutant which exceeds the significant emission rates specified in Rule 1-130(s2) and so inform the applicant. (Ref. 40 CFR 52.21(b)(12)).
- (2) Analyze the effect of the new or modified stationary source on air quality for each increase of a pollutant that exceeds the significant emission rates specified in Rule 1-130(s2). (Ref. 40 CFR 52.21(m)).
- (3) Determine that the degree of emission limitation required for control of any air pollutant is not affected in any manner by;

- (A) So much of the stack height of any source as exceeds good engineering practice, or
 - (B) Any other dispersion technique.
- (4) Prepare or cause to be prepared an air quality analysis that includes all of the following:
- (A) Continuous air monitoring, consistent with 40 CFR 52.21(m), that establishes ambient conditions for each pollutant that would have the potential to emit a significant amount, as specified in Regulation 1, Rule 1-130(s2);
 - (B) Assessment of the effect of increased emissions of air contaminants on the PSD increments;
 - (C) The expected net increase above baseline concentrations;
 - (D) The expected impacts on air quality related values in any Class I area, for any proposed new major stationary source or major modification as defined in Rule 1-130, including any associated vessel emissions; and
 - (E) The impairment to visibility, soils and vegetation (except vegetation having no commercial or recreational value), and the impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or modification. The APCO may accept an analysis conducted pursuant to Regulation 1, Rule 1-210 if it adequately addresses these impairments and impacts.
 - (F) A dispersion analysis used to determine the location and estimated value of the highest concentration of each pollutant that has the potential to emit in a significant amount as specified in Regulation 1, Rule 130(s2) that includes a dispersion model based on the applicable models, valid meteorological information, bases and other requirements specified in the "Guideline on Air Quality Models," which is Appendix W of 40 CFR Part 51.
- (5) Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall include the preliminary determination; present the expected additional and cumulative increment consumption; provide opportunity for a public hearing; and allow 30 days beginning on the date of publication, for the public to submit written comments on the proposed Authority to Construct.
- (6) Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.
- (7) On the date of publication forward copies of the notice required in paragraph (5) to the U. S. Environmental Protection Agency, the California Air Resources Board, all Air Pollution Control District's and Air Quality Management District's in the air basin, or adjoining the District in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact or is within 100 kilometers.

- (8) In the event of an air quality controversy, hold a public hearing on the project and consider all public comments submitted prior to the granting or denial of the Authority to Construct. Notice of the public hearing shall be published in at least one newspaper of general circulation in the District at least 30 days prior to the public hearing.
- (9) Transmit copies of the application and notice of each action affecting the application to EPA and the federal land managers of any affected Class I areas and allow the managers of the affected Class I areas to provide a demonstration of adverse impacts.
- (10) All comments and the final determination on the application shall be available for public inspection.
- (11) Within 30 days of the issuance of an Authority to Construct the Air Pollution Control Officer shall publish a notice in the local newspaper with the highest circulation in the area.

[Amended 9/20/16, [Amended 4/7/20]

(c) Power Plant Review Procedures

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

- (1) Within fourteen days of receipt of an NOI, the Air Pollution Control Officer shall notify the ARB and the CEC of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Air Pollution Control Officer shall prepare and submit a report to the ARB and the CEC prior to the conclusion of the non-adjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:
 - (A) a preliminary determination of the need for and a specific definition of best available control technology (BACT) for the proposed facility;
 - (B) a preliminary discussion of whether there is substantial likelihood that the requirements of Rule 1-230(a) and all other District regulations can be satisfied by the proposed facility;
 - (C) a preliminary list of conditions which the proposed facility must meet in order to comply with Rule 1-230(a) or any other applicable District regulation.

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

- (2) Upon receipt of an Application for Certification (AFC) for a power plant, the Air Pollution Control Officer shall conduct a Determination of Compliance review in accordance with the procedures of Rule 1-220. If the information contained in the AFC does not meet the requirements of Rule 1-200(b), the Air Pollution Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the CEC, and the AFC shall be considered incomplete and returned to the applicant for re-submittal.
- 3) The Air Pollution Control Officer shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review.
- (4) The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Air Pollution Control Officer is unable to obtain the information, he may petition the presiding Commissioner of the CEC for an order directing the applicant to supply such information.
- (5) Within 180 days of accepting an AFC as complete, the Air Pollution Control Officer shall make a preliminary decision on:
 - (A) Whether the proposed power plant meets the requirements of Rule 1-230(a) and all other applicable district regulations; and
 - (B) in the event of compliance, what permit conditions will be required including specific BACT requirements and a description of required mitigation measures; and
 - (C) complete the new source review requirements of Rule 1-230.
- (6) Within 240 days of the filing date, the Air Pollution Control Officer shall submit to the CEC a Determination of Compliance, or if such a determination cannot be issued, shall so inform the CEC as to the reason for noncompliance.
- (7) Any applicant receiving a certificate from the CEC pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the Air Pollution Control Officer.

RULE 1- 230 - ACTION ON APPLICATIONS

Within 30 days of receipt of an application for an Authority to Construct, Modify, Replace, Operate or Use, the Air Pollution Control Officer shall notify the applicant in writing by mail or in person, of the action taken on that application. Such action shall include a determination of completeness or incompleteness. A determination of incompleteness shall include a request for more information necessary to issue a determination of completeness. Notice of action taken on an application shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative. (Ref. HS&C, Section 42301.3(d)(1))

[Amended 5/6/03, Amended 9/20/16]

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 1-220(b), the Air Pollution Control Officer shall provide for public notice in accordance with the provisions of said rule.

(a) General Approval

The Air Pollution Control Officer shall grant an Authority to Construct only after determining that the new or modified stationary source of air contaminants:

- (1) will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants;
- (2) will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan;
- (3) has complied with all applicable requirements, including the requirements provided in Rule 1-220 and will not cause cumulative deterioration of existing air quality in excess of 50% of remaining available PSD increments as defined in Rule 1-130(p7);
- (4) will not result in air contaminant emissions in excess of the allowable standards established by the U.S. Environmental Protection Agency for new stationary sources of the category types listed in Rule 1-490 and 1-492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition; and
- (5) provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Air Pollution Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 1-490 & 1-492.

[Amended 9/20/16]

(b) New Source Approval

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

(c) Denial of Application

The Air Pollution Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants that does not meet the requirements specified in Rule 1-230. In the event of such denial, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has satisfied the requirements that were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Air Pollution Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct shall be deemed acceptance of all conditions so specified. No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 1-230(a)(2) with respect to a federal, state, or local ambient air quality standard unless all the following conditions are met for the applicable (violating) pollutant:

- (1) The new source is required to employ "Best Available Control Technology".
- (2) Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions.
- (3) The emission reductions stated above will provide a positive net air quality benefit in the affected area.
- (4) The applicant certified that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.

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

(e) Performance Standards in Effect

- (1) The issuance of an Authority to Construct does not relieve the permit holder of the requirement to comply with all applicable rules and regulations, including emission limitations and other performance standards, whether or not such limitations and standards are explicitly stated or referenced in the permit.
- (2) If a modification to a stationary source results in the source becoming a major stationary source or is a major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, the requirements of 40CFR 51.166 paragraphs (j) through (s) shall apply as though construction had not yet commenced on the source or modification.

[Amended 4/7/20]

4/19/84

REGULATION 2
OPEN BURNING
CALIFORNIA NORTH COAST AIR BASIN
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2-100

GENERAL PROVISIONS

*at p. 101
12/13/83*

2-101

Restrictions & Descriptions

This regulation prohibits the use of open outdoor fires within the North Coast Air Basin with certain exemptions as outlined in 2-102.

101.1 Restrictions

No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the disposal of rubber, petroleum or plastic wastes, demolition debris, tires, tarpaper, wood waste, asphalt shingles, linoleum, cloth, household garbage or other combustible refuse; or for metal salvage or burning of motor vehicle bodies.

*at p. 102
12/13/83*

2-102

Exemptions

102.1 Fires used only for the cooking of food for human consumption or fires used for recreational purposes.

102.2 Fires set or permitted by any public officer when such fire is necessary for any of the following purposes: (41801 H & S)

102.2.01 The prevention of an imminent fire hazard, as defined in 2-207.

102.2.02 The instruction of public employees in the methods of fighting fires.

102.2.03 The instruction of employees in methods of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.

102.2.04 The setting of backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resources Code.

102.2.05 The abatement of fire hazards pursuant to 13055 H & S. (Any public agency authorized to engage in fire protection activities, including but not

limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.)

- 102.2.06 Disease or pest prevention, where there is an immediate need for, and no reasonable alternative to, burning.
- 102.3 Fires used for the disposal of non-industrial wood waste from trees, vines, and brush at any approved disposal site in the North Coast Air Basin subject to the requirements and limitations of 2-101.1 and 2-400 (41804.5 H & S).
- 102.4 Fires set in accordance with Sections 2-300 of this regulation, and subject to the restrictions and limitations of 2-101.1 and 2-400 (41804.5 H & S).
- 102.5 Fires conducted in a mechanized burner subject to permit conditions specified by the District such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:
 - 102.5.01 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
 - 102.5.02 Of such opacity as to obscure an observer's view to a degree equal to 102.5.01.

*Revised
12/13/83*

DEFINITIONS

- 2-201 Agricultural Burning - Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention. (H & S 39011<a>)
- 2-202 ARB - The California Air Resources Board.
- 2-203 Approved Combustibles - Paper, cardboard, brush, trees, native vegetation, or other materials as approved by the District.
- 2-204 Brush Treated - Material to be burned that has been felled, crushed, or uprooted with mechanical equipment or has been desiccated with herbicides or is dead.
- 2-205 Designated Agency - Any agency designated by the Air Resources Board (ARB) as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.
- 2-206 District - That Air Pollution Control or Air Quality Management District having jurisdiction in the area of the proposed burning.
- 2-207 Fire Hazard - For purposes of this Regulation, there are two types of fire hazards, imminent, and potential:
- 207.1 An imminent fire hazard is described as a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention by fire, and because of its imminency, not considerable for abatement by any other means. (41801<a> H & S)
- 207.2 A potential fire hazard is described as one which could in time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which is not abateable by any other means.
- 2-208 Forest Management Burning - The use of open fires, as part of a forest management practice, to remove forest debris or for Forest Management practices which include timber operations, silvicultural practices or forest protection practices.
- 208.1 Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed

to a log storage area which is not contiguous with the forested area.

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

- 2-209 Negative or No Burn Day - Any day on which it has been pronounced in the North Coast Air Basin that open outdoor fires are NOT allowed, when in the opinion of the ARB and/or the District, air pollution caused by burning may be maximized.
- 2-210 North Coast Air Basin - That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Pollution Control District, and the Northern Sonoma County Air Pollution Control District.
- 2-211 Open Outdoor Fire - Any combustion of combustible materials of any type, outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- 2-212 Permissive Burn Day - Any day on which it has been pronounced in the North Coast Air Basin that open outdoor fires are allowable when, in the opinion of the ARB and the District, air pollution caused by the burning may be minimized. In declaring such permissive burn days the meteorological criteria established by the ARB and the North Coast Air Basin shall be used as a guideline.
- 2-213 Range Improvement Burning - The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or re-establishment of an agricultural practice on land inundated by flood deposited debris.
- 2-214 Silviculture - The establishment, development, care, and reproduction of stands of timber.
- 2-215 Smoke Management - A program of prescribed burning of wildlands by, or under the direction of Fire Agency personnel, which is managed in a manner that minimizes short term detrimental impacts to air quality.
- 2-218 Timber Operations - Cutting or removal of timber or other forest vegetation.

2-300

PROCEDURES

*Revised
12/13/83*
2-301

Open Burning - Agricultural

With respect to the limitations of 2-400, open outdoor fires may be allowed for the disposal of approved combustibles only on permissive burn days in the following agricultural operations:

- 301.1 Agricultural in the growing of crops or raising of fowl or animals.
- 301.2 Range Improvement to remove unwanted vegetation or establish an agricultural practice. Smoke management procedures may be used in this practice.
- 301.3 Forest Management to remove forest debris.
- 301.4 Wildlife Management to enhance wildlife or game habitat. Smoke management procedures may be used in this practice.

*Revised
12/13/83*
2-302

Open Burning - Non-Agricultural

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations.

- 302.1 Single or two-family dwellings: open burning of approved combustibles is not restricted to permissive burn days, except in the following areas:
 - The Humboldt Bay Air Basin (Appendix A)
 - The Ukiah-Little Lake Air Basin (Appendix B)
- 302.2 Property Development for the disposal of wood waste from trees, vines, or brush on the property where grown and which is being developed for commercial or residential purposes. (41802 H & S)
- 302.3 Fire Hazard Reduction for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown. (41802 H & S)
- 302.4 Right-of-Way Clearing by a public entity or a utility.
- 302.5 Levee, Reservoir and Ditch maintenance.

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Forecasts

303.1 Information as to whether a day is a permissive burn day or a no-burn day will be available from the designated agencies listed under 2-305 of this regulation, and will be transmitted to the general public by announcement over local radio and television stations. 24-hour burn conditions may be obtained by phoning:

North Coast Unified (707) 443-3091
Mendocino County (707) 468-4391
Northern Sonoma County (707) 544-BURN

303.2 Burning forecasts will be made covering the entire California North Coast Air Basin; however, more restrictive conditions may be specified for localized problem areas.

303.3 Upon requests from a permittee through a designated agency, seven days in advance of a specific range improvement or forest management, or an approved smoke management program burn at any elevation below 6,000 feet (msl), a permissive-burn or no-burn notice will be issued by the ARB up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.

303.4 A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in 303.3.

303.5 The ARB may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.

Burning Permits

304.1 Permits are required as follows:

304.1.01 Agricultural Burning - permits are required and issued by the appropriate designated agency listed in 2-305.

304.1.02 Single and two-family dwellings - permit requirements of the fire control agency having jurisdiction in the area of the burn are required for the burning of approved combustibles on the property.

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304.1.03 Property Development - permits are required from the District for the disposal of brush clearance when done on the property where grown. Fire control agency permit requirements must be met.

304.1.04 Fire Hazard Reduction - permits are required from the district for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown. Fire Control Agency permit requirements must be met.(41802 H & S)

NOTE: District permits are preempted from the requirements of this regulation for the abatement of an imminent fire hazard as defined in 207.1 and pursuant to State Law 13055 H & S Code.

304.1.05 Right-of-Way Clearing, Ditch, Levee and Reservoir Maintenance - a permit may be required from the District (check with the appropriate District). Permit requirements of the fire control agency having jurisdiction in the area of the burn must also be met.

304.2 Each applicant for an agricultural burning permit in accordance with Section 2-301 of this regulation shall supply such additional information as is required by the California Air Resources Board (ARB) or the District.

304.3 Permits issued for agricultural burning shall bear a statement of warning containing the following words or words of similar import:

"This permit is valid only on those days during which agricultural burning is not prohibited by the California Air Resources Board or the district pursuant to Section 41855 of the Health and Safety Code."

304.4 Special permits for agricultural burning on no-burn days may be issued by the District if denial of such permit would threaten imminent and substantial economic loss.

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Agricultural burning permits are issued ONLY by the following designated agencies within their areas of jurisdiction:

- United States Forest Service
- California Department of Forestry
- United States Bureau of Indian Affairs
- Arcata Fire Department
- Eureka Fire Department
- Humboldt Fire District No. 1
- Ukiah Valley Fire Protection District
- Fort Bragg Fire Department
- Little Lake Fire Protection District (Willits)
- Round Valley Fire District (Covelo)
- Potter Valley Fire Department
- Redwood Valley-Calpella Fire District
- Healdsburg Fire Department
- Cloverdale Fire Department
- Guerneville Fire Protection District
- Forestville Fire Protection District
- North Coast Unified Air Quality Management District
- Mendocino County Air Pollution Control District
- Northern Sonoma County Air Pollution Control District

2-400

LIMITATIONS

Burning Preparation and Restrictions

The following limitations, in addition to Section 2-101.1, apply to all burning allowed by Sections 2-102.3 and 2-300.

- 401.1 The waste to be burned shall be reasonably free of dirt, soil and excess moisture and whenever possible, shall be piled or windrowed in such a manner as to burn with maximum possible heat intensity and minimum smoke.
- 401.2 All open burning operations falling within the scope of these procedures must provide for ignition of the fuel pile by fuel blivets, drip torches, diesel sprayers, or other approved ignition devices.
- 401.3 The waste to be burned must be ignited as rapidly as practicable within applicable fire control regulations.
- 401.4 The waste shall be free of tires, tarpaper, garbage, or other types of rubbish likely to cause excessive smoke or odor.
- 401.5 The waste shall be allowed to dry for the following minimum time periods before burning:
 - 401.5.01 Trees and branches over 6 inches in diameter: 30 days
 - 401.5.02 Brush, vines, bushes, prunings and small branches: 15 days.
 - 401.5.03 Field crops and weeds: 7 days.
 - 401.5.04 Other materials: drying times will be determined by the District.
- 401.6 Minimum drying periods may be waived by the District only on submittal of acceptable evidence that the material to be burned contains less than 25 percent moisture.
- 401.7 Burning of waste after shorter drying times may be allowed by permit from the District only on submittal of acceptable proof that the denial of such permit would threaten imminent and substantial economic loss.
- 401.8 With respect to range improvement burning, brush shall be treated at least 6 months prior to burning along with the

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felling of any unwanted trees over six inches in diameter, unless acceptable proof can be submitted that such treatment is technically and economically unfeasible.

401.9 All persons desiring to burn under the provisions of Section 301.4 shall provide the District with written certification from the Department of Fish and Game stating that the burning is desirable and proper.

401.10 NON-AGRICULTURAL burning conducted under the provisions of Section 2-302 shall provide for:

401.10.01 All wood waste to be free of material not grown at the site.

401.10.02 Brush to be treated at least 60 days prior to the burn if economically and technically feasible.

401.10.03 Trees over 6 inches in diameter to be felled and dried prior to the burn.

401.10.04 Burning may be prohibited by the District on permissive burn days if smoke would be transported to a nearby populated area.

2-500 *revised*
12/13/83

ENFORCEMENT

2-501 Prohibitions

- 501.1 No person shall set, or allow to be set, any open outdoor fires on days when prohibited by the ARB, or by the District, unless specifically exempted by the provisions as outlined in 2-102 of the regulation.
- 501.2 No person shall set or allow to be set any open outdoor fires as may be allowed by Sections 2-301 and 2-302, of this regulation unless, he has a valid permit from a designated Fire Control Agency and/or the District as required in 2-304 of this regulation.

~~2-502 Penalties~~

- ~~502.1 Any violation of the open burning requirements stated in this Regulation is a misdemeanor punishable by imprisonment in the County Jail not exceeding six months, or by fine not exceeding one-thousand dollars (\$1,000.) or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs, constitutes a separate offense.~~