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~~24. **Containing Device.** "Containing Device" means any stack, duct, flue, oven, kettle, or other structure or device which so contains an air contaminant, or a gas stream which contains or may contain an air contaminant, as essentially to prevent its entering the atmosphere except through such openings as may be incorporated for emission purposes.~~

~~a. **Multiple Chamber Incinerator.** "Multiple Chamber Incinerator" means any equipment, article, machine, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of material to be burned.~~

~~b. **Orchard or Citrus Grove Heaters.** "Orchard or Citrus Grove Heater" means any article, machine, equipment or other contrivance burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.~~

~~c. **"Single Source"** means any single stack, duct, flue, structure, device, or operation which is capable of emitting air contaminants into the atmosphere.~~

~~d. **Oil-Effluent Water Separator.** "Oil Effluent Water Separator" is any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.~~

~~25. **Reduced Sulfur Compounds.** "Reduced Sulfur Compounds" means 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 mist are not to be included in the determination of total reduced sulfur compounds.~~

RULE 101. EFFECTIVE DATE. This Regulation I shall take effect on 26 May 1971. Future amendments to this Regulation I shall take effect on the dates specified therein or as specified in the order by which they are adopted.

1. a. Except in the case of a nuisance, a reasonable time for compliance with this Regulation I, shall be allowed by the Hearing Board for existing equipment whenever the lack of compliance is a result of: (1) an adoption or change in this Regulation I or in any of the Rules therein, in the statutes or regulations of the State of California, or in the laws or regulations of the United States of America, or (2) the installation of a source by another person; provided that persons responsible for any emission not in compliance with this Regulation I, for any of the reasons stated above in this subsection shall submit reports to the Hearing Board at its request which are acceptable to it, and which give the expected time for compliance, the intended method of compliance, and the progress towards compliance. The general policies leading to compliance with this Regulation I shall be administered by the Control Officer.

~~b. The Hearing Board shall prescribe all conditions of compliance in writing which shall be transmitted in sufficient time for the person to comply with the time period prescribed by the conditions.~~

~~f. Fires used only for cooking of food for human beings or for recreational purposes.~~

~~g. Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide, or water vapor is emitted under all operating conditions.~~

~~h. Wet or Dry Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of this Rule 112, said Rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.~~

~~i. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.~~

~~j. The abatement of fires pursuant to Chapter 2 (commencing with Section 13025) of Part 1 of Division 12 of the Health and Safety Code.~~

RULE 113. PARTICULATE MATTER.

ASME
1. A person shall not discharge from any single source whatsoever particulate matter in excess of 0.3 grains per cubic foot of gas as measured at standard conditions over a period of one hour.

2. A person shall not discharge in any one hour from any source whatsoever particulate matter as measured at standard conditions in excess of the amount shown in Table I.

3. To use Table I, take the process weight per hour as such is defined in Subsection 18 of Rule 100. Then find this figure in the table and the number to the right is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example 1,500 lbs., by 3 giving a process weight of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between the figures in the left hand column, the exact weight of permitted discharge may be interpolated.

4. Combustion Contaminants: A person shall not discharge combustion contaminants, as measured at standard conditions from any single source, in excess of 0.3 grains per cubic foot of gas corrected to 3% oxygen, on a wet basis, except during the start of an operation or change in energy source during the time necessary to bring the combustion process up to operating level. With respect to the measurement of combustion contaminants from incinerators used to dispose combustible refuse by burning, the correction shall be to 6%, rather than 3% oxygen on a dry basis, and as if no auxiliary fuel had been used.

5. Exceptions: Each of the following is a separate exception to Subsections 1, 2, 3, and 4 of this Rule:

- a. Mobile equipment used solely in agricultural operations
- b. Motor vehicles
- c. Self propelled earthmoving equipment.

TABLE I

*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)	*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)
50 .....	.24	3400	5.44
100 .....	.46	3500	5.52
150 .....	.66	3600	5.61
200 .....	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50		
450	1.63	4100	6.01
500	1.77	4200	6.08
		4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80		
		6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03		
2000	4.14	12000	11.28
		13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92		
2900	5.02	30000	22.22
3000	5.10	40000	28.3
		50000	34.3
3100	5.18	60000	40.0
3200	5.27	or	
3300	5.36	more	

* See Definition in Rule 100, Subsection 18.

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San Louis Obispo

RULE 114. GASEOUS CONTAMINANTS.

1. Sulfur Dioxide:

a. A person shall not discharge from any single source whatsoever any Sulfur Compounds, calculated as sulfur dioxide, in excess of 0.2%, by volume.

b. A person shall not discharge from any single source any Sulfur Compounds, calculated as sulfur dioxide, in excess of 200 pounds in any 60 minute period if said source was built, erected, installed, or expanded after the effective date of this Regulation I.

c. Scavenger Plants Exemption: Where a separate source of air pollution is a scavenger or recovery plant, recovering pollutants which would otherwise be emitted to the atmosphere, the Air Pollution Control Officer may grant a permit to operate where the total emission of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by this Subsection 1.

~~2. Sulfur Contents of Fuels: Where fossil fuels are required for combustion in any equipment subject to "Permit to Operate" Requirements of Rule 190; only gaseous fuels containing sulfur compounds not to exceed 50 grains per 100 cubic feet of gaseous fuel shall be burned.~~

The provisions of this Subsection 2 shall not apply to any of the following:

~~a. To the burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds;~~

~~b. To the incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this Rule;~~

~~c. To the use of solid fuels in any metallurgical process;~~

~~d. To the use of fuels where the gaseous products of combustion are used as raw materials for other processes;~~

~~e. To the use of liquid or solid fuel to propel or test any vehicle, aircraft, missile, locomotive, boat, or ship;~~

~~f. To the use of liquid fuel having a sulfur content not in excess of 0.5% by weight whenever permitted gaseous fuel is not physically available to the user due to accident, act of God, act of war, act of the public enemy, or is unavailable from the supplier;~~

~~g. To the burning of liquid fuel having a sulfur content in excess of 0.5% by weight which was in storage at the burning site on the effective date of this Regulation I or;~~

~~h. Where the user can show that sulfur compounds are removed from stack gases to the extent that the emission of sulfur compounds to the atmosphere is no greater than that which would be emitted by using a permitted gaseous fuel.~~

3. **Reduced Sulfur Compounds:** A person shall not discharge from any single source whatsoever any reduced sulfur compound measured as hydrogen sulfide that results in atmospheric content greater than 0.005 parts per million parts of atmosphere by volume discernible as the average for any 60 minute period at ground level at any point off the property upon which the device is located.

4. Oxides of Nitrogen:

a. A person shall not discharge from any single source whatsoever any Oxides of Nitrogen in excess of 1000 parts per one million parts of gas by volume for the first 10,000 cubic feet of gas per hour and 250 parts per one million parts of gas by volume for all additional gas, measured as the average for any 60 minute period and corrected to 3% oxygen, on a wet basis.

b. A person shall not discharge from any single source whatsoever any Oxides of Nitrogen that result in an atmospheric concentration of Nitrogen Dioxide greater than 0.25 parts per million parts of atmosphere by volume, discernible as the average for any 60 minute period at ground level at any point off the property upon which the device is located.

RULE 115.—COMBUSTION OPERATIONS.

1. **Open Burning.** No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the District;

a. Except as listed in Subsection 3 of Rule 112.

b. The burning of dry leaves, and dry tree prunings by occupants of one or two family dwellings, shall be permitted at designated times throughout the year, subject to strict control by public fire protection agencies. This shall be effective in all areas of the County where City Ordinance does not prohibit such burning. This is not an exception to either Subsection 1 or Subsection 2 of Rule 112.

2. **Incinerator Burning:** A person shall not burn any combustible refuse in any incinerator in any Urban Area as defined in Section 22.04.160 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in Subsection 24a of Rule 100 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

RULE 116. ADDITIONAL PROHIBITIONS.

1. Equipment Testing, Firing & Cleaning:

Any containing device associated with industrial equipment required to be under permit prescribed in Rule 190 hereafter may not be tested or fired after construction or after periods of equipment lay off or cleaned by means of pressurized devices, without first obtaining approval from the Control Officer for said testing, firing or cleaning. Any person seeking said approval shall supply the Control Officer with information about the time required for testing, firing or cleaning; the method of testing, adjusting or cleaning; and an estimate of emissions resulting from said testing, firing or cleaning. The Control Officer may attach reasonable conditions to said approval.

See New Rule 117 app. Barnette June 72
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~~3. Reduced Sulfur Compounds: A person shall not discharge from any single source whatsoever any reduced sulfur compound measured as hydrogen sulfide that results in atmospheric content greater than 0.005 parts per million parts of atmosphere by volume discernible as the average for any 60 minute period at ground level at any point off the property upon which the device is located.~~

~~4. Oxides of Nitrogen:~~

~~a. A person shall not discharge from any single source whatsoever any Oxides of Nitrogen in excess of 1000 parts per one million parts of gas by volume for the first 10,000 cubic feet of gas per hour and 250 parts per one million parts of gas by volume for all additional gas, measured as the average for any 60 minute period and corrected to 3% oxygen, on a wet basis.~~

~~b. A person shall not discharge from any single source whatsoever any Oxides of Nitrogen that result in an atmospheric concentration of Nitrogen Dioxide greater than 0.25 parts per million parts of atmosphere by volume, discernible as the average for any 60 minute period at ground level at any point off the property upon which the device is located.~~

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2. Incinerator Burning: A person shall not burn any combustible refuse in any incinerator in any Urban Area as defined in Section 22.04.160 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in Subsection 24a of Rule 100 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

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a. Except as listed in Subsection 3 of Rule 112.

b. The burning of dry leaves, and dry tree prunings by occupants of one or two family dwellings, shall be permitted at designated times throughout the year, subject to strict control by public fire protection agencies. This shall be effective in all areas of the County where City Ordinance does not prohibit such burning. This is not an exception to either Subsection 1 or Subsection 2 of Rule 112.

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Any containing device associated with industrial equipment required to be under permit prescribed in Rule 190 hereafter may not be tested or fired after construction or after periods of equipment lay off or cleaned by means of pressurized devices, without first obtaining approval from the Control Officer for said testing, firing or cleaning. Any person seeking said approval shall supply the Control Officer with information about the time required for testing, firing or cleaning; the method of testing, adjusting or cleaning; and an estimate of emissions resulting from said testing, firing or cleaning. The Control Officer may attach reasonable conditions to said approval.

~~a. A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;~~

~~b. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;~~

~~c. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place; or~~

~~d. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.~~

~~This Subsection 4 shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil.~~

~~For the purpose of this Subsection 4 "Kerosine" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56, will give a temperature of 401° F. or less at the 10 per cent point recovered.~~

5. Circumvention:

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Chapter 2 of Division 20, or of Chapter 3.5, Part 1, of Division 26 of the Health & Safety Code of the State of California or of this Regulation I. This paragraph shall not apply to cases in which the only violation involved is of Section 24243 or Section 39077 of the Health & Safety Code of the State of California; or of Rule 111 of this Regulation I.

A person shall not operate any article, machine, equipment or other contrivance, where a Permit to Operate has been issued, contrary to the standards set forth in this Regulation I or to terms and conditions prescribed by the Control Officer.

~~RULE 190. PERMITS:~~

~~Any person building, erecting, installing, altering, or replacing any equipment shall, as required by this Rule, first submit to the Control Officer an application for an Authority to Construct and/or Permit to Operate and two (2) copies of the plans for such construction. The application shall be accompanied by the filing fee prescribed in Rule 192. Open Burning (Rule 112, Subsection 3) applicants shall be exempt from plan requirements. Any person making application under Rule 112, Subsection 3, or Rule 116, Subsection 1, shall make that application on a form and in a manner designated by the Control Officer.~~

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a. ~~A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;~~

b. ~~A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;~~

c. ~~A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place; or~~

d. ~~Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.~~

~~This Subsection 4 shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil. For the purpose of this Subsection 4 "Kerosine" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56 will give a temperature of 401°F. or less at the 10 per cent point recovered.~~

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~~A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Chapter 2 of Division 20, or of Chapter 3.5, Part 1, of Division 26 of the Health & Safety Code of the State of California or of this Regulation I. This paragraph shall not apply to cases in which the only violation involved is of Section 24243 or Section 39077 of the Health & Safety Code of the State of California; or of Rule 111 of this Regulation I.~~

~~A person shall not operate any article, machine, equipment or other contrivance, where a Permit to Operate has been issued, contrary to the standards set forth in this Regulation I or to terms and conditions prescribed by the Control Officer.~~

Rule 117. Agricultural Burning.

~~The provisions of this Rule, implement the Agricultural Burning Guidelines, promulgated under Article I, Subchapter 2, Title 17, California Administrative Code.~~

1. No person shall set, permit, cause to be set, or suffer, allow, or maintain any open outdoor fire, to burn agricultural waste unless:

a. He has a valid permit issued by a public fire protection or other agency designated by the Air Resources Board, and

b. The burning is in compliance with all state laws or regulations, applicable fire code provisions, and the provision of this Rule.

~~2. The Air Pollution Control Officer shall maintain a list of agencies designated to issue agricultural burning permits.~~

~~3. The designated agencies shall issue agricultural burning permits for burning of agricultural waste only.~~

4. Agricultural burning shall be subject to the following conditions:

- a. Agricultural burning is permitted only on days designated as burn days by the State Air Resources Board, except as otherwise provided herein below. Such designations will be announced at 0745 daily, together with a prediction for the next 24 hours, and are based on meteorological measurements. A day may be designated as a no-burn day.

The Air Pollution Control Officer may, by permit, authorize burning of agricultural waste on days designated as no-burn days, by the Air Resources Board, because denial of such permit would threaten imminent and substantial economic loss, as determined and certified by the Agricultural Commissioner.

A person seeking an agricultural burning permit on a no-burn day shall apply for such a permit both to the Air Pollution Control Officer and the Agricultural Commissioner. The Agricultural Commissioner shall certify in writing that denial would threaten imminent and substantial economic loss. Written certification may follow verbal certification.

~~b. Agricultural burning shall take place only on days permitted by public fire protection agencies for purposes of fire control or prevention.~~

- ~~c. Agricultural wastes to be burned shall be free of waste not conforming to the definition in Rule 100, Subsection 19.a. The following materials are not considered agricultural waste: tires, rubbish, tar paper, plastic, construction debris, packaging materials, and waste foreign to land being cleared.~~

~~Weeds, shrubs, and trees in pastures or crop production areas or in fences which are around pastures or crop production areas or on land being cleared for the growing of crops or animals are considered to be agricultural waste.~~

- ~~d. Preparation of materials:~~

~~The materials to be burned shall be arranged so as to burn with a minimum of smoke. For this purpose, materials shall be loosely stacked to allow maximum drying in preparation for burning so as to provide good combustion.~~

~~The materials shall be free of dirt and soil to the extent that such dirt or soil will not hinder burning nor be carried into the air as particulate matter, and shall be reasonably free of visible surface moisture.~~

~~e. Drying Times:~~

~~The agricultural waste to be burned shall have been dried for the minimum periods listed below. These periods include the period from drying or cutting to the day of burning.~~

~~Six (6) weeks for trees and large branches;
Three (3) weeks for prunings and small branches;
Ten (10) days for wastes from field crops.~~

- ~~f. The Air Pollution Control Officer may restrict agricultural burning to selected numbered permits on specified days. The goal of this option is to ensure that a major portion of the total tonnage of agricultural waste is not ignited at one time during adverse weather conditions. All agricultural burning permits will be issued with sequential numbers.~~

~~g. Time limits:~~

~~Agricultural burning may commence at any time after the announcement of a burn-day, by the Air Resources Board, but in no case shall it commence before sunrise. No additional waste material or ignition fuel shall be ignited or added to any fire after two hours before sunset.~~

~~h. Wind direction:~~

~~The wind direction at the burning site shall be such that the smoke will not cause a nuisance in a populated area.~~

~~i. Ignition devices:~~

~~The materials to be burned shall be ignited only by use of ignition devices approved by the Air Pollution Control Officer. Tires, tar paper, plastics, dirty oils, and similar materials shall not be used. Ignition devices must comply with the provisions of Rule 112.~~

5. Enforcement Procedures.

- a. Designated fire protection agencies or the A.P.C.D. shall enforce the provisions of this Rule by not allowing agricultural burning unless the person responsible for the burn has a valid agricultural burning permit.
- b. When a violation is known to exist, is suspected, or for routine investigations, the procedures outlined on the Enforcement Flow Chart (Appendix A), will be followed.
- c. Those fire protection agencies having the required authority shall issue a notice of violation or citation or shall order other corrective action when permit violation occurs.
- d. Smoke complaints or other air pollution complaints not involving permit violations, or for any violation found by an agency not having authority to take enforcement action, shall be referred to the A.P.C.D. for investigation.

6. Exceptions. The following are exceptions to this Rule 117.

~~a. Burning of agricultural wastes at 4,000 feet or more above mean sea level.~~

~~RULE 190. PERMITS:~~

~~Any person building, erecting, installing, altering, or replacing any equipment shall, as required by this Rule, first submit to the Control Officer an application for an Authority to Construct and/or Permit to Operate and two (2) copies of the plans for such construction. The application shall be accompanied by the filing fee prescribed in Rule 192. Open Burning (Rule 112, Subsection 3) applicants shall be exempt from plan requirements. Any person making application under Rule 112, Subsection 3, or Rule 116, Subsection 1, shall make that application on a form and in a manner designated by the Control Officer.~~

AMENDMENT 2

AMENDMENTS TO THE RULES AND REGULATIONS OF THE
SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

- 1) Page 13c, Rule 117 (Agricultural Burning) is amended by adding (b) to Subsection 6, to read as follows:

"b. Burning of agricultural waste at areas 2,000 feet or more above mean sea level, in that portion of the District located south of 35° 30' N latitude, east of 120° 7.5' W longitude, and north of 35° 00' latitude."

- ~~2) Rule 119, (new) is added to read as follows:~~

~~"Rule 119. Orchard or Citrus Grove Heaters.~~

~~1. No person shall use, after December 31, 1972, any orchard or citrus grove heater which has not been approved and included on a list of approved heaters by the State Air Resources Board. Such list of orchard or citrus grove heaters which are now or may in the future be approved by the State Air Resources Board are available from the Control Officer and are incorporated herein by reference as though here fully set forth."~~

- 3) Page 14, Rule 190 (Permits) is amended by amending (f) and (g) of Subsection 1 thereof to read as follows:

"(f) All agricultural equipment, except orchard or citrus grove heaters.

(g) Orchard or Citrus Grove Heaters, provided that this exception shall be void and of no force and effect on and after January 1, 1973."

- 4) Page 14, Rule 190, Subsection 2, is amended by amending paragraph 2 thereof and adding paragraphs 3 and 4 thereof to read as follows:

(Paragraph 2):

"Upon written notice by the Control Officer, a person operating equipment subject to permit approval existing or under construction at the time of adoption of this Regulation shall apply for a Permit to Operate within seven (7) calendar days of said notice. If compliance is required, a reasonable time shall be prescribed by the Hearing Board in accordance with Rule 101."

(Paragraph 3):

"Upon written notice by the Control Officer, a person operating orchard or citrus grove heaters existing or under construction as of January 1, 1973, shall apply for a Permit to Operate within seven (7) calendar days of said notice."

~~a. A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;~~

~~b. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;~~

~~c. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place; or~~

~~d. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.~~

~~This Subsection 4 shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil.~~

~~For the purpose of this Subsection 4 "Kerosine" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56, will give a temperature of 401° F. or less at the 10 per cent point recovered.~~

5. Circumvention:

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Chapter 2 of Division 20, or of Chapter 3.5, Part 1, of Division 26 of the Health & Safety Code of the State of California or of this Regulation I. This paragraph shall not apply to cases in which the only violation involved is of Section 24243 or Section 39077 of the Health & Safety Code of the State of California; or of Rule 111 of this Regulation I.

A person shall not operate any article, machine, equipment or other contrivance, where a Permit to Operate has been issued, contrary to the standards set forth in this Regulation I or to terms and conditions prescribed by the Control Officer.

RULE 190. PERMITS:

~~Any person building, erecting, installing, altering, or replacing any equipment shall, as required by this Rule, first submit to the Control Officer an application for an Authority to Construct and/or Permit to Operate and two (2) copies of the plans for such construction. The application shall be accompanied by the filing fee prescribed in Rule 192. Open Burning (Rule 112, Subsection 3) applicants shall be exempt from plan requirements. Any person making application under Rule 112, Subsection 3, or Rule 116, Subsection 1, shall make that application on a form and in a manner designated by the Control Officer.~~

1. Authority to construct:

~~Any person, building, erecting, installing, altering, or replacing any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain an Authority to Construct for such construction from the Control Officer. The Authority to Construct must be complied with before a Permit to Operate will be issued. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.~~

Each of the Following is a Separate Exception to the Requirement to Obtain an Authority to Construct:

a. Any existing equipment or equipment under construction on the date of adoption of this Regulation I. This exception shall not apply to alterations nor to transfers of ownership or location made after the date of the adoption of this Regulation I.

b. Vehicles as defined by the Vehicle Code of the State of California and aircraft.

c. Internal combustion engines.

d. Equipment used exclusively for space heating or air conditioning, other than boilers.

e. Equipment used to store or prepare food which is intended solely for human consumption within 24 hours.

~~f. All agricultural equipment.~~

~~g. Orchard or Citrus Grove Heaters.~~

h. Self-propelled construction equipment, other than pavement burners, used in grading, leveling, paving, or other similar operations.

i. Any other equipment exempted on a supplemental list approved by the Board.

2. Permit to Operate: Before any article, machine, equipment or other contrivance described in Rule 190, Subsection 1 may be operated or used, for other than test purposes, a written Permit to Operate shall be obtained from the Control Officer. No Permit to Operate shall be granted either by the Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 190, Subsection 1, constructed or installed without authorization as required thereby, until the information required is presented to the Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth elsewhere in this Regulation I.

~~Upon written notice by the Control Officer, a person operating equipment subject to permit approval existing or under construction at the time of adoption of this Regulation I shall apply for a Permit to Operate within seven (7) calendar days of said notice. If compliance is required, a reasonable time shall be prescribed by the Control Officer in accordance with Rule 101.~~

3. Application Processing:

~~a. Conditional Approval: The Control Officer may issue an Authority to Construct or a Permit to Operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of this Regulation I, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct or operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified. The Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of this Regulation under the revised conditions.~~

b. **Compensating for Variability:** In processing applications, including the setting of conditions, the Control Officer may take notice of the effects that variations in materials, construction, operation and maintenance have on emissions and, to compensate for such effects, may require that any article, machine, equipment or other contrivance be capable of meeting limits stricter than those in Rules 110 through 116, inclusive.

~~c. Applications & Information: Every application for a Permit as required by this Regulation I shall be filed in the manner prescribed in Rule 190.~~

The Control Officer may at any time require from an applicant for, or holder of, any Permit provided for by this Regulation I, such information, analyses, plans, or specifications as will disclose the nature, concentration or quantity of air contaminants which are or may be discharged by such source, or such additional information as he may deem necessary before passing on any application.

The Control Officer may at any time also require from an applicant for, or holder of, any Permit provided for by Regulation I, such information and analyses as will disclose the extent and degree of contamination that such source causes, or may cause, in the ambient atmosphere.

d. **Time Limit:** Within thirty (30) days after receipt of application for a Permit, or within thirty (30) days after applicant furnishes the further information, plans and specifications requested by the Control Officer, whichever is later, the Control Officer shall give the applicant written notice of his approval, conditional approval, or denial, provided that said time may, for good cause, be extended for a reasonable period of time by order of the Hearing Board. Any application not acted upon within the time limit set forth above, or within any extension of time granted by the Hearing Board, shall be deemed approved and the Permit applied for shall be issued.

e. **Action on Applications:** The Control Officer shall act on an application for a Permit within the time provided in Subsection 3d of this Rule 190 and shall notify the applicant in writing of his approval, conditional approval, or denial.

~~f. Cancellation of Applications: An Authority to Construct shall expire and the application shall be cancelled one year from the date of issue~~

~~ance of the Authority to Construct, if unused. An application for Permit to Operate existing equipment shall be cancelled one year from the date of filing of the application if unused.~~

~~g. Denial of Application: In the event of denial of a Permit, the Control Officer shall notify the applicant in writing of the reasons therefor. Service of such notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the person served, or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has corrected the deficiencies specified by the Control Officer as his reasons for denial of the Permit.~~

~~h. Appeals: Within ten (10) days after service of notice of denial of an Authority to Construct by the Control Officer, the applicant may petition the Hearing Board, in writing, for a public hearing.~~

~~The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Control Officer; such order may be made subject to specified conditions.~~

4. Designation of Person for Service: Each application for an authority to construct or a Permit shall include the name and address of a person within the District whom applicant has empowered to accept service on behalf of the applicant for all purposes where service of notice is required by Regulation I. In the event said applicant fails to indicate a person for such service, or in the event the person designated in the application is not available for service after three (3) attempts to make service upon said person, then service by publication one time in a newspaper of general circulation, together with mailing of notice by certified mail to the last known address of the applicant shall be made, and shall constitute due service of such notice.

~~5. Sampling & Testing Facilities: Before a Permit is granted, and as a condition precedent to such Permit, the Control Officer may require the applicant to provide and maintain such facilities as are necessary to enable the Control Officer to have access for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the Permit.~~

~~The Control Officer may at any time also require from an applicant for, or holder of, any Permit provided for by Regulation I, such information and analyses as will disclose the extent and degree of contamination that such source causes, or may cause, in the ambient atmosphere. In the event of a requirement for facilities as indicated above in this Subsection 5, the Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platforms and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.~~

~~The Permittee shall allow the Control Officer to install and maintain District sampling and testing facilities on the Permittee's property when specified by the Permit.~~

~~6. Display of Permit: A person who has been granted a Permit under this Rule 190 shall firmly affix such a Permit upon the equipment in such a manner as to be clearly visible and accessible, unless the Permit cannot be so placed.~~

~~In the event that the equipment is so constructed or operated that the Permit cannot be placed as above, the Permit shall be mounted so as to be clearly visible in an accessible place within twenty-five (25) feet of the equipment, or in a location approved by the Control Officer.~~

~~a. Alteration of Permit: A person shall not wilfully deface, alter, forge, counterfeit or falsify a Permit.~~

~~b. Duplicate Permits: A request for a duplicate Permit shall be made in writing to the Control Officer within ten (10) days after the loss or destruction of a Permit. The application for a duplicate Permit shall be accompanied by the fee listed in Rule 192.~~

~~c. Transfer: A Permit is not transferable, from one location to another, or from one unit of equipment to another.~~

~~A Permit may be transferred from one person to another when control of the equipment, operation or property is transferred and the transfer fee provided by Rule 192 is paid.~~

7. Compliance with Regulation I:

a. No Permit shall be granted by the Control Officer until the equipment is made to conform without emitting air contaminants in violation of Sections 24242, 24243, or 24251(b) of the Health & Safety Code, of any State or Federal Statute or regulation, or of the provisions set forth in this Regulation I.

b. Nothing in Regulation I shall be construed to be a limitation upon the type or design of equipment (except multiple chamber incinerators) to be used by the applicant, provided said equipment conforms, or the applicant shows that it may be expected to conform with the standards set forth in this Regulation I and with said Sections 24242, 24243, and 24251(b) of the Health & Safety Code, and with all applicable State and Federal statutes and regulations.

c. The issuance or granting of a Permit or approval of plans and specifications shall not be construed to be a Permit for, or an approval of, any violation of any of the provisions of this Regulation I, of said Sections 24242, 24243, or 24251(b), or of any State or Federal statute or regulation. No Permit presuming to give authority to violate or cancel any provision of this Regulation I or of said Sections 24242, 24243, or 24251(b), or of any State or Federal statute or regulation, shall be valid, except insofar as the work or use which it authorizes is lawful and in accordance with this Regulation I and said Sections 24242, 24243, or 24251(b), and all applicable State and Federal statutes and regulations.

d. The issuance of a Permit based on plans and specifications shall not prevent the Control Officer from thereafter requiring the correcting of errors in said plans and specifications or from preventing operations carried on thereunder when in violation of this Regulation I or of any other Ordinance of any Public jurisdiction within the District or of any State or Federal statute or regulation.

e. **Suspension or Revocation:** The Control Officer may, in writing, suspend or revoke an Authority to Construct or a Permit issued under provisions of this Regulation I whenever the Authority to Construct or the Permit is issued in error or on the basis of incorrect information supplied, or in violation of any Ordinance or Regulation or in violation of any of the provisions of this Regulation I, or in violation of any state or Federal statute or regulation.

~~RULE 191. ACTION IN AREAS OF HIGH CONCENTRATIONS:~~

~~If the Control Officer discovers ambient air concentrations in excess of half the limits of Rule 114, Subsection 3; 114, Subsection 4; or 116, Subsection 3 and if the Control Officer is unable to establish that non-compliance with this Regulation I is responsible for such concentrations, then the Control Officer may take any or all of the following actions within a reasonable distance from the site(s) of such concentrations:~~

- ~~1. Suspend any exception under Rule 190, Subsection 1 for any new source or for any source that is expanding that could increase such concentrations.~~
- ~~2. Refuse to issue an Authority to Construct or a Permit to Operate to any new source or to any source that is expanding that could increase such concentrations.~~
- ~~3. Take appropriate action to stop construction or expansion of any source that could increase such concentrations.~~

~~RULE 192. APPLICATION FEES:~~

- ~~1. Every applicant, except any State or Local Government Agency or Public District, for an Authorization to Construct or a Permit which is required by the State or the provisions of this Regulation I shall submit with his application the filing fee as prescribed in Table II.~~
- ~~2. Upon approval, the applicant shall pay the fee for the issuance of a Permit to Operate in the amount prescribed in Table II. The filing fee shall not be applied to the fee prescribed for the issuance of the Permit to Operate.~~
- ~~3. The fees prescribed in Table II shall be paid also upon submission of the application for Non-Agricultural Open Burning Permit.~~
- ~~4. Where an application is filed involving an alteration, an addition, a transfer of ownership, a transfer of location, or a combination thereof, the following provisions will apply:~~
 - ~~a. If the equipment had not been previously granted a Permit to Operate, the full fees in Table II shall apply;~~
 - ~~b. If the equipment had been previously granted a Permit to Operate and no alteration or addition is involved, the applicant shall pay only the permit transfer fees in Table II; or~~
 - ~~c. If the equipment had been previously granted a Permit to Operate and an alteration or addition is involved, the filing fee and the Permit fee will be based on any increase in rating (horsepower, fuel consumption, electrical energy, horizontal inside cross sectional area, or stationary container capacity, whichever yields the higher fee) or, if there is no increase in rating, the fee will be a filing fee of \$10.~~

6/30/72

AMENDMENT 2

AMENDMENTS TO THE RULES AND REGULATIONS OF THE
SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

- ~~1) Page 13c, Rule 117 (Agricultural Burning) is amended by adding (b) to Subsection 6, to read as follows:~~

~~"b. Burning of agricultural waste at areas 2,000 feet or more above mean sea level, in that portion of the District located south of 35° 30' N latitude, east of 120° 7.5' W longitude, and north of 35° 00' latitude."~~

- 2) Rule 119, (new) is added to read as follows:

"Rule 119. Orchard or Citrus Grove Heaters.

1. No person shall use, after December 31, 1972, any orchard or citrus grove heater which has not been approved and included on a list of approved heaters by the State Air Resources Board. Such list of orchard or citrus grove heaters which are now or may in the future be approved by the State Air Resources Board are available from the Control Officer and are incorporated herein by reference as though here fully set forth."

- 3) Page 14, Rule 190 (Permits) is amended by amending (f) and (g) of Subsection 1 thereof to read as follows:

"(f) All agricultural equipment, except orchard or citrus grove heaters.

(g) Orchard or Citrus Grove Heaters, provided that this exception shall be void and of no force and effect on and after January 1, 1973."

- 4) Page 14, Rule 190, Subsection 2, is amended by amending paragraph 2 thereof and adding paragraphs 3 and 4 thereof to read as follows:

(Paragraph 2):

"Upon written notice by the Control Officer, a person operating equipment subject to permit approval existing or under construction at the time of adoption of this Regulation I shall apply for a Permit to Operate within seven (7) calendar days of said notice. If compliance is required, a reasonable time shall be prescribed by the Hearing Board in accordance with Rule 101."

(Paragraph 3):

"Upon written notice by the Control Officer, a person operating orchard or citrus grove heaters existing or under construction as of January 1, 1973, shall apply for a Permit to Operate within seven (7) calendar days of said notice."

(Paragraph 4):

"The exceptions listed in Subsection 1 of this Rule are also exceptions to the requirement to obtain a Permit to Operate."

~~5) Page 20, Rule 195 (Fee Schedule) is amended by renumbering Subsections "5 and 6" to "6 and 7" respectively, and by adding a new Subsection 5 as follows:~~

~~"5. Original or Supplemental Orchard or Citrus Grove Heater Fees: .~~

~~Oil Burning Heaters, per heater \$ 0.02~~

~~Solid Fuel Blocks or Solid Fuel Heaters, per acre . . . 0.50~~

~~Maximum for Acreage and Heater Fees Combined 35.00"~~

2/21/72

~~e. **Suspension or Revocation:** The Control Officer may, in writing, suspend or revoke an Authority to Construct or a Permit issued under provisions of this Regulation I whenever the Authority to Construct or the Permit is issued in error or on the basis of incorrect information supplied, or in violation of any Ordinance or Regulation or in violation of any of the provisions of this Regulation I, or in violation of any state or Federal statute or regulation.~~

RULE 191. ACTION IN AREAS OF HIGH CONCENTRATIONS:

If the Control Officer discovers ambient air concentrations in excess of half the limits of Rule 114, Subsection 3; 114, Subsection 4; or 116, Subsection 3 and if the Control Officer is unable to establish that non-compliance with this Regulation I is responsible for such concentrations, then the Control Officer may take any or all of the following actions within a reasonable distance from the site(s) of such concentrations:

1. Suspend any exception under Rule 190, Subsection 1 for any new source or for any source that is expanding that could increase such concentrations.
2. Refuse to issue an Authority to Construct or a Permit to Operate to any new source or to any source that is expanding that could increase such concentrations.
3. Take appropriate action to stop construction or expansion of any source that could increase such concentrations.

~~**RULE 192. APPLICATION FEES:**~~

- ~~1. Every applicant, except any State or Local Government Agency or Public District, for an Authorization to Construct or a Permit which is required by the State or the provisions of this Regulation I shall submit with his application the filing fee as prescribed in Table II.~~
- ~~2. Upon approval, the applicant shall pay the fee for the issuance of a Permit to Operate in the amount prescribed in Table II. The filing fee shall not be applied to the fee prescribed for the issuance of the Permit to Operate.~~
- ~~3. The fees prescribed in Table II shall be paid also upon submission of the application for Non-Agricultural Open Burning Permit.~~
- ~~4. Where an application is filed involving an alteration, an addition, a transfer of ownership, a transfer of location, or a combination thereof, the following provisions will apply:
 - ~~a. If the equipment had not been previously granted a Permit to Operate, the full fees in Table II shall apply;~~
 - ~~b. If the equipment had been previously granted a Permit to Operate and no alteration or addition is involved, the applicant shall pay only the permit transfer fees in Table II; or~~
 - ~~c. If the equipment had been previously granted a Permit to Operate and an alteration or addition is involved, the filing fee and the Permit fee will be based on any increase in rating (horsepower, fuel consumption, electrical energy, horizontal inside cross sectional area, or stationary container capacity, whichever yields the higher fee) or, if there is no increase in rating, the fee will be a filing fee of \$10.~~~~

~~14. **Decision:** The decision of the Hearing Board shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed by certified mail or delivered to the Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.~~

~~15. **Effective Date of Decision:** The decision shall become effective 15 days after delivering or mailing a copy of the decision as provided in Rule 196, Subsection 14 or the Hearing Board may order that the decision shall become effective sooner.~~

RULE 199. GENERAL PROVISIONS.

1. Liability of District and District Officers: The Control Officer or any employee charged with the enforcement of this Regulation I, acting in good faith and without malice for the District in the discharge of his duties, shall not thereby render the District or himself liable personally, and they are hereby relieved from any and all personal liability for any and all damage of any type or kind that may accrue to persons or property as a result of any act required by this Regulation I or by State Statute or by reason of any act or omission in the discharge of their duties pursuant to this Regulation I or State Statute.

~~**2. Severability:** If any provision, clause, sentence, paragraph, section or part of this Regulation or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Regulation and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Air Pollution Control Board that this Regulation would have been adopted in any case had such invalid provision not been included.~~

3. Enforcement: Any person who intentionally or negligently violates any of the provisions of this Regulation I shall be subject to the provisions of Section 836.5 of the Penal Code regarding arrests; Chapter 2, Division 20 of the Health and Safety Code regarding designated employees of the District acting as peace officers; and Chapter 6, Part I, Division 26 of the Health and Safety Code providing for maximum penalties and recovery procedures.

Pursuant to said Code sections, civil penalties for violations of Orders to Abate shall not exceed \$6,000 for each day of the violation; civil penalties levied for intentional or negligent violations of any of the provisions of this Regulation I or of any State Statute, shall not exceed \$500 for each day of the violation; and criminal penalties levied for violations of any of the provisions of this Regulation I or of any State Statute shall not exceed \$500, or 6 months in the County Jail, or both for each day of the violation.

Any violation of any provision of this Regulation I or of any State Statute or regulation may be enjoined in a civil action brought in the name of the people of the State of California.

4. Abatement: The Hearing Board may, pursuant to Health and Safety Code Section 24260.5, issue an Order for Abatement.

San Luis Obispo County Air Pollution Control District.

RULE 101. TITLE

(Adopted 8/2/76)

These Rules and Regulations shall be known as the Rules and Regulations of the San Luis Obispo County Air Pollution Control District.

San Luis Obispo County Air Pollution Control District

RULE 103 - CONFLICTS BETWEEN DISTRICT, STATE AND FEDERAL RULES

(Adopted 8/2/76)

In the event of any conflict between these Rules and Regulations and Federal and State rules and regulations, the more stringent rules and regulations shall prevail.

4/19/84

San Luis Obispo

REGULATION I
GENERAL PROVISIONS

RULE 101. TITLE

These Rules and Regulations shall be known as the Rules and Regulations of the San Luis Obispo County Air Pollution Control District

RULE 102. COMPLIANCE BY EXISTING INSTALLATIONS

Except as otherwise specified in these Rules and Regulations any existing article, machine, equipment or other contrivance which, on the effective date of these Rules and Regulations does not conform to all of the requirements thereof, shall be forthwith brought into strict conformity with these Rules and Regulations, provided, however, that the Hearing Board may grant variances to applicants upon application therefore as provided in Regulation VIII and payment of the fee provided for in Regulation III, and subject and pursuant to all applicable Federal and State laws.

RULE 103. CONFLICTS BETWEEN DISTRICT, STATE AND FEDERAL RULES

In the event of any conflict between these Rules and Regulations and Federal and State rules and regulations, the more stringent rules and regulations shall prevail.

RULE 104. ACTION IN AREAS OF HIGH CONCENTRATIONS (Revised 7/5/77)

If the Control Officer discovers ambient air concentrations in excess of half the limits of any ambient Air Quality Standard adopted by the State Air Resources Board or Federal Environmental Protection Agency, and if the Control Officer is unable to establish that non-compliance with these Rules and Regulations is responsible for such concentrations, then the Control Officer may take any or all of the following actions within a reasonable distance from the site(s) of such concentrations:

- a) Refuse to issue an Authority to Construct or a Permit to Operate to any new source or to any source that is expanding that could increase such concentrations.
- b) Take appropriate action to stop construction or expansion of any source that could increase such concentrations.

RULE 105. DEFINITIONS (Additions and Revisions 11/21/83)

- A. Except as otherwise specifically provided in these Rules and Regulations and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words used in Division 26 of the Health and Safety Code.

1. Affected Pollutants. All pollutants for which an ambient air quality standard has been established by the Environmental Protection Agency or the Air Resources Board and the precursors to such pollutants, all pollutants regulated by the Environmental Protection Agency under the Clean Air Act or by the Air Resources Board under the Health and Safety Code, including reactive organic compounds (ROC), nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter (PM), carbon monoxide (CO), ethylene, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds. Also all the pollutants which the Environmental Protection Agency, after the notice and opportunity for public comment, or the Air Resources Board, or the Air Pollution Control District after public hearing, determine may have significant adverse effect on the environment, the public health, or the public welfare.
2. Agricultural Burning. Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management or range improvement, improvement of land for wildlife and game habitat, or disease or pest prevention, or open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.
3. Agricultural Wastes. Unwanted or unsaleable materials produced wholly from agricultural operations, other than forest or range management operations, directly related: (1) to the growing and harvesting of crops or raising of animals if such crops or animals are grown for the primary purpose of making a profit or for a livelihood, or (2) to conducting agricultural research, or (3) to instruction in an educational institution. Agricultural wastes include, but are not limited to, grass or weeds growing in or adjacent to fields used in the growing of crops or animals, and paper fertilizer and pesticide sacks or containers when such sacks or containers have been emptied in the field, or materials not produced wholly from such operations, but which are intimately related to growing or harvesting of crops and which are used in the field, except as prohibited by District regulations.
4. Air Contaminant. Smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.
5. Alteration. Any physical change in, or any change in method of operation of an existing stationary source which does not qualify for new source review.
6. Ambient Air Quality Standards. Standards set by the State and Federal government and described on page 7.
7. Atmosphere. Air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment such emission into the building shall be considered an industrial hygiene problem unless such emission subsequently is released to escape from the building.

8. Board. Air Pollution Control Board of the Air Pollution Control District of San Luis Obispo County.
9. Brush Treated. Material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, and that such material has been dried for the minimum drying times specified in Rule 502.
10. California Coastal Waters. That area between the California coastline and a line starting at the California-Oregon border at the Pacific Ocean
- | | |
|------------------|---------|
| thence to 42.0 N | 125.5 W |
| thence to 41.0 N | 125.5 W |
| thence to 40.0 N | 125.5 W |
| thence to 39.0 N | 125.0 W |
| thence to 38.0 N | 124.5 W |
| thence to 37.9 N | 123.5 W |
| thence to 36.0 N | 122.5 W |
| thence to 35.0 N | 121.5 W |
| thence to 34.0 N | 120.5 W |
| thence to 33.0 N | 119.5 W |
| thence to 32.5 N | 118.5 W |
- and ending at the California-Mexico border at the Pacific Ocean.
11. Combustible Refuse. Any solid or liquid combustible waste material containing carbon in a free or combined state.
12. Combustion Contaminants. Solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
13. Condensed Fumes. Minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.
14. Containing Device. Any stack, duct, flue, oven, kettle, or other structure or device which so contains an air contaminant, as essentially to prevent its entering the atmosphere except through such openings as may be incorporated for emission purposes.
15. Control Officer. Air Pollution Control Officer of the Air Pollution Control District of San Luis Obispo County.
16. Days. Working calendar days unless otherwise stated.
17. Designated Agency. Any agency designated by the Air Resources Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

18. District. Air Pollution Control District of San Luis Obispo County.
19. Dusts. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
20. Emission. The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.
21. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
22. Flue. Any duct or passage for air, gases, or the like, such as a stack or chimney.
23. Forest Management Burning. The use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices, and forest protection practices.
24. Hearing Board. Five member Board appointed by the Air Pollution Control Board of San Luis Obispo County pursuant to Division 26, Part 1, Chapter 8, Article 1, of the California Health and Safety Code with the powers and duties prescribed for Hearing Boards in Chapter 8, Division 26, of the California Health and Safety Code.
25. Household Rubbish. Household rubbish means the following waste material and trash normally accumulated by a family in the course of ordinary day-to-day living; garden trash and prunings, paper, paper products and wood waste.
26. Multiple Chamber Incinerator. Any equipment, article, machine, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of materials to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.
27. Natural Gas. Fuel gas supplied to commercial, industrial, and residential subscribers by Public Utility Commission regulated gas companies. (This Natural Gas will typically contain less than 1 gram per 100 cubic feet of sulfur compounds calculated as hydrogen sulfide).
28. No-Burn Day. Any day on which agricultural burning is prohibited by the Air Resources Board or the Air Pollution Control District. The San Luis Obispo County Air Pollution Control District may declare any permissive day designated by the State Air Resources Board to be a no-burn day if necessary to maintain suitable air quality.

29. Oil-Effluent Water Separator. Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
30. Open Outdoor Fire. 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.
31. Orchard or Citrus Grove Heaters. Any article, machine, equipment or other contrivance burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
32. Particulate Matter. Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
33. Permissive Burn Day. Any day on which the Air Resources Board or the Air Pollution Control District does not prohibit burning of agricultural wastes.
34. Permittee. Any person holding a valid, unrevoked agricultural burning permit issued by a designated agency.
35. Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, owner, state or local governmental agency or public district, or any officer or employee thereof.
36. Process Weight. The total weight of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered a 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 equipment is idle.
37. PPM. Parts per million by volume.
38. 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.
39. Reduction. Any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.
40. Regulation. One of the major subdivisions of the Rules and Regulations of the San Luis Obispo County Air Pollution Control District.

41. Rule. A rule of the Air Pollution Control District of San Luis Obispo County.
42. Section. A Section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.
43. Silvicultural. The establishment, development, care and reproduction of stands of timber.
44. Single Source. Any single stack, duct, flue, structure, device, or operation which is capable of emitting air contaminants into the atmosphere.
45. South Central Coast Air Basin. San Luis Obispo County, Santa Barbara County and Ventura County.
46. State Board. The State Air Resources Board, or any person authorized to act on its behalf.
47. Stationary Source. Any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

"Installation" includes any operation, article, machine, equipment, contrivance, or grouping of equipment belonging to the same two-digit standard industrial classification code, which emits or may emit any affected pollutant.

"Building, structure, or facility" includes all pollutant emitting activities, including activities located in California coastal waters adjacent to the South Central Coast Air Basin boundaries which:

- a) belong to the same industrial grouping, and
- b) are located on one or more contiguous or adjacent properties (except for activities located in coastal waters), and
- c) are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

Pollutant emitting activities shall be considered as part of the same industrial grouping if they are part of a common production process. (Common production process includes industrial processes, manufacturing processes, and any connected processes involving a common raw material.)

"Common operations" includes operations which are related through dependent processes, storage or transportation of the same or similar products or raw material. The emissions within District boundaries and California coastal waters, from cargo carriers associated with the stationary source shall be considered emissions from the stationary source.

48. Subsection. A subsection of a rule of the Air Pollution Control District of San Luis Obispo County.
49. Timber Operations. Cutting or removal of timber or other forest vegetation.
50. Wildlife or Game Habitat. Any area used or planned to be used for conservation or management of wild plants or animals.

San Luis Obispo County Air Pollution Control District

RULE 106 - STANDARD CONDITIONS

(Adopted 8/2/76)

Standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

San Luis Obispo County Air Pollution Control District

RULE 108 - SEVERABILITY

(Adopted 8/2/76)

If any provision, clause, sentence, paragraph, section or part of these Regulations or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect or invalidate the remainder of this Regulation and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Air Pollution Control Board that the regulations would have been adopted in any case had such invalid provision not been included.

San Luis Obispo County Air Pollution Control District

RULE 109 - PARTICULAR CONTROLS NOT REQUIRED

(Adopted 8/2/76)

Unless otherwise provided within these Rules and Regulations the Air Pollution Control Officer may not demand any particular control so long as the emission standards may be met.

San Luis Obispo County Air Pollution Control District

RULE 112 - PUBLIC AVAILABILITY OF INFORMATION

(Revised 12/6/76)

A. PUBLIC RECORDS

1. All information, analyses, plans or specifications that disclose the nature, extent, quantity or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.
2. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.
3. Except as otherwise provided in Paragraph 4 of this Subsection A, trade secrets are not public records under this Rule. Trade secrets as used in this Rule may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
4. Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in paragraph 3, are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

B. DISTRICT'S REQUEST FOR INFORMATION

1. When requesting information for determining the amount of air contaminants from non-vehicular sources pursuant to Section 41511 or other sections of the Health and Safety Code or these Rules and Regulations, the District shall identify the information requested with sufficient specificity to enable the source operator or owner to identify the precise information sought. The District shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets which are not emission data; (2) to the California Air Resources Board; and (3) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act, as amended in 1970 and in Code 40 of Federal Regulations, Chapter 1, Part 2.
2. Any person from whom the District obtains any records, whether requested by the District or furnished by a person for some other reason, may label as "trade secret" any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code and Subsection A of this Rule. Written justification for the "trade secret" designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.
3. After preliminary review, the District may reject a justification as having inadequate merit, in which case the person making the justification shall be promptly notified in writing; the records in question shall, upon expiration of twenty-one (21) days from the date of the notice, be subject to public inspection unless a justification is received and accepted.

C. INSPECTION OF PUBLIC RECORDS - DISCLOSURE POLICY

It is the policy of the San Luis Obispo County Air Pollution Control District that all District records, not exempted from disclosure by State law, shall be open for public inspection with the least possible delay and expense to the requesting party.

D. INSPECTION OF PUBLIC RECORDS - DISCLOSURE PROCEDURE

1. A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District shall require that a request to inspect be in writing, and such a request shall include, but shall not be limited to the following:
 - a. Name of applicant;
 - b. Address and legal residence of applicant, if required for mailing purposes;
 - c. Emission source of interest;
 - d. Date or period of emissions of interest.
2. The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by State law and those records labeled pursuant to Subsection B as "trade secrets" which are not emission data, within ten (10) working days of the date of receipt of the request therefore. If, for good cause, the information cannot be made available within ten (10) working days, the District will notify the requesting person the reasons for the delay and when the information will be available. Those records labeled as "trade secrets" shall be governed by the procedure set forth in Subsection E.
3. Within five (5) working days of receipt of a request to inspect public records, the District shall advise the requesting person of the following facts when appropriate:
 - a. The location at which the public records in question may be inspected and the data and office hours during which they may be inspected.
 - b. If copies of the public records are requested, the cost of providing such copies.
 - c. Which of the records requested, if any, have been labeled pursuant to Subsection B as "trade secret" and are not public records. In such a case, the District shall give the notice required by Subsection E.2.
 - d. The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to the following: the records are exempt from disclosure by State law; the records cannot be identified from the information contained in the request; the records do not exist; the District has determined pursuant to Section 6255 of the Government code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the District. In the latter situation the District shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

E. TRADE SECRETS

1. Only those portions of records in the custody of the District which are not emission data and (1) were labeled "trade secret" prior to the adoption of this Regulation; or (2) are hereafter specifically labeled as "trade secret" pursuant to Subsection B.2. shall be subject to the procedure set forth in this Rule. All other portions of such records shall be made available pursuant to Subsection D.
2. When the District receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that, (1) such record is designated a trade secret under Subsection B.2 and, if such is the case, under law it cannot be made available; (2) the district has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.

3. Upon receipt of such advice, the District shall, (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret(s); and (3) promptly notify those persons affected of its decision in writing. If the District withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send the notice required by this Regulation by certified mail, return receipt requested to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the District is restrained from so doing by the court of competent jurisdiction.
4. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

State of California

AIR RESOURCES BOARD

Adopted

June 22, 1977

Rule 113 - San Luis Obispo County Air Pollution Control District

Continuous Emissions Monitoring

I. DEFINITIONS

Definitions used shall be those given in 40 CFR, Part 51, or equivalent ones established by mutual agreement of the control district, Air Resources Board, and Environmental Protection Agency.

II. SOURCES AND POLLUTANTS TO BE MONITORED

The owner or operator shall provide, properly install, and maintain in good working order and in operation, continuous monitoring systems to measure the following pollutants from the following sources:

A. 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 percent per year, unless an exemption is granted as provided in paragraph 4. below.

1. Oxides of nitrogen.

2. Carbon dioxide or oxygen.

3. SO₂, if control equipment is used.

4. Upon written application by the owner or operator of a subject source, the Control Officer may grant an exemption from the requirements of this paragraph if the owner or operator demonstrates that the 30 percent use factor is exceeded on account of drought conditions. Any such exemption shall not extend beyond December 31, 1979. The Control Officer shall

promptly inform the Executive Officer of the Air Resources Board of any such application received and approval granted.

B. All sulfur recovery plants, SO_2 .

C. CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,590,000 liters) per day, SO_2 .

III. INSTALLATION AND STARTUP

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.

IV. REPORTING

A. File of Records

Owners or operators subject to the provisions of this Rule 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 State Air Resources Board and the District.

The record shall include:

1. Occurrence and duration of any startup, shutdown, 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 this Rule.
3. Emission measurements.

B. Quarterly Report

Owners or operators subject to provisions of this Rule 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 tests 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; and
4. A negative declaration when no excess emissions occurred.

C. 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 state board within five working days after receiving the report of the violation from the operator.

V. 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 control district, Air Resources Board, and Environmental Protection Agency.

VI. STANDARDS OF PERFORMANCE OF MONITORING SYSTEMS

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

1. Fossil-Fuel Fired Steam Generators: Section 60.45.
2. Petroleum Refineries: Section 60.105.

or

(Equivalent standards may be used by mutual agreement of the control district, Air Resources Board, and Environmental Protection Agency.)

B. 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 2.1, or shall meet equivalent specifications established by mutual agreement of the control district, Air Resources Board, and Environmental Protection Agency.

C. Cycling times shall be those specified in 40 CFR, Part 51, Appendix P, Sections 3.4, 3.4.1, and 3.4.2, or shall meet equivalent specifications by mutual agreement of the control district, Air Resources Board, and Environmental Protection Agency.

- D. The continuous SO_2 and NO_x monitors shall meet the applicable performance specification requirements in 40 CFR, Part 51, Appendix P, and Part 60, Appendix B, or shall meet equivalent specifications established by mutual agreement of the control district, Air Resources Board, and Environmental Protection Agency.
- E. The continuous CO_2 and O_2 monitoring system shall meet performance specification requirements in 40 CFR, Part 51, Appendix P, and Part 60, Appendix B, or shall meet equivalent specifications established by mutual agreement of the control district, Air Resources Board, and Environmental Protection Agency.

4/12/85

REGULATION II
PERMITS

RULE 201 PERMITS (Revised 11/14/84)

- A. Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.
- B. Permits to Operate. Before any article, machine, equipment or other contrivance, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated or used, a Permit to Operate shall be obtained from the Control Officer. No Permit to Operate shall be granted either by the Control Officer or the Hearing Board unless the applicant provides such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which the source may discharge. The Air Pollution Control Officer may require that the disclosure be certified by a professional engineer registered in the State of California.
- C. Permit to Sell or Rent. The Air Pollution Control Officer may issue a permit to sell, or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 203, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 203 under the revised conditions.
- D. Notification to Building Officials, etc. It shall be the duty of the Air Pollution Control Officer to notify the building department or division of every governmental agency within the district boundaries that every applicant for construction, alteration or other permit which involves any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants will be required under these rules to obtain an "Authority to Construct" before commencing construction of any such article, machine, equipment or other contrivance, and will further be required thereafter to conform to these rules in such operation.

- E. Posting of Permit to Operate. A person who has been granted, under Rule 201, a Permit to Operate any article, machine, equipment or other contrivance described in Rule 201B, C or D shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the Permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.
- F. Defacing a Permit to Operate. No person shall deface, alter, forge, counterfeit, or falsify a permit or facsimile thereof or identification to operate any article, machine, equipment or other contrivance issued or mounted or displayed pursuant to the provisions of the Rule 201.

4/12/85

RULE 205 CONDITIONAL APPROVAL (Revised 11/13/84)

The Air Pollution Control Officer may issue an Authority to Construct or Permit to Operate, subject to conditions which will insure the compliance of any machine, article, equipment or other contrivance within the standards of Rule 203, 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. The Air Pollution Control Officer shall issue a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivances can operate within the standards of Rule 203 under the revised conditions. Construction or operation of any source in violation of the conditions of the Authority to Construct or Permit to Operate is prohibited and shall constitute a violation of these District Rules and Regulations.

RULE 209 TRANSFER

An authority to construct, permit to operate or permit to sell or rent shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

RULE 210 CANCELLATION OF APPLICATIONS

An authority to construct shall expire and the application shall be cancelled one year from the date of the issuance of the authority to construct, if unused. An application for Permit to Operate existing equipment shall be cancelled one year from the date of filing of the application if unused. The Control Officer may grant an extension of an Application for Authority to Construct or Permit to Operate upon receipt of a written request by the applicant explaining the need for an extension and the additional time required.

~~officer as his reasons for denial of the authority to construct, the permit to operate or the permit to sell or rent.~~

RULE 207. ACTION ON APPLICATIONS - TIME LIMITS.

~~Except as otherwise provided in these Rules and Regulations the Air Pollution Control Officer shall act within 30 days from receipt thereof on each application for a permit to operate, sell or rent and shall notify the applicant in writing of his approval, conditional approval or denial. The Air Pollution Control Officer may at any time request further information, plans or specifications from the applicant. The 30 day time limit may be extended by written agreement executed by the Air Pollution Control Officer and the applicant. If the Air Pollution Control Officer shall fail to act within the said 30 days, or any extension thereof by written agreement, the applicant may at his option deem the application denied for the purpose of appeal.~~

RULE 208. APPEALS.

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

RULE 209. TRANSFER

~~An authority to construct, permit to operate or permit to sell or rent shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.~~

RULE 210. CANCELLATION OF APPLICATIONS.

~~An authority to construct shall expire and the application shall be cancelled one year from the date of issuance of the authority to construct, if unused. An application for Permit to Operate existing equipment shall be cancelled one year from the date of filing of the application if unused. The Control Officer may grant an extension of an Application for Authority to Construct or Permit to Operate upon receipt of a written request by the applicant explaining the need for an extension and the additional time required.~~

RULE 211. PROVISION FOR SAMPLING AND TESTING FACILITIES.

The Air Pollution Control Officer may require a person operating or using any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants to provide and maintain such facilities as are necessary for sampling and testing. In the event of such requirements the Air Pollution Control Officer shall notify the person in writing of the required size, number and location of sampling ports; the size and location of

the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

RULE 212. ANNUAL INSPECTION OF EQUIPMENT

Annually on the assigned anniversary date of a Permit to Operate, an inspection by the Air Pollution Control District shall be conducted to determine that the permitted equipment has not been altered, transferred either from one location to another or from one person to another, and that said equipment remains in compliance with all applicable Air Pollution Control District Rules and Regulations. Upon finding an alteration or transfer, or upon finding equipment being operated in violation of permit conditions, such action as is otherwise required by these Rules and Regulations shall be taken.

The San Luis Obispo County Air Pollution Control Board may by resolution set permit renewal fees in reasonable amounts based as much as possible on the cost of the annual renewal inspections performed.

RULE 213. EQUIPMENT NOT REQUIRING A PERMIT.

A permit shall not be required for the following equipment:

A. Vehicles and Transportation Equipment

1. Vehicles as defined by the Vehicle Code of the State of California but not to include any equipment mounted on such vehicle that would otherwise require a permit under the provisions of these rules.
2. Vehicles used to transport passengers or freight.
3. Vehicle mounted equipment used exclusively to transport materials on streets or highways.
4. Pumps used exclusively for direct fueling of: vehicles as defined by the Vehicle Code of the State of California, mobile equipment used on land, locomotives, boats, ships or aircraft.

B. Combustion and Heat Transfer Equipment

1. Piston type internal combustion engines.
2. Equipment used exclusively as steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units per hour (gross) and are fired exclusively with one of the following: natural gas, liquefied

PERIODIC INSPECTION AND RECERTIFICATION OF PERMITS TO
OPERATE

A. Inspection of Equipment

On the assigned anniversary date of a Permit to Operate, an inspection by the Air Pollution Control District shall be conducted to determine that the permitted equipment has not been altered, transferred either from one location to another or from one person to another, and that said equipment remains in compliance with all applicable Air Pollution Control District Rules and Regulation. Upon finding an alteration or transfer, or upon finding equipment being operated in violation of permit conditions, such action as is otherwise required by these Rules and Regulations shall be taken.

B. Recertification of Permit to Operate

1. A Permit to Operate any article, machine, equipment or other contrivance shall be recertified periodically at a frequency set by the District. In no instance shall recertification occur more often than once a year.
2. Following recertification inspection and compliance determination by the District and payment by the Permit holder of the Permit Recertification Fee established in Rule 302, the District shall issue to the Permit holder confirmation that his Permit to Operate is recertified.

RULE 220. FEDERAL PREVENTION OF SIGNIFICANT DETERIORATION

(Adopted 3/23/11; Last revision 1/22/2014)

A. Purpose

The federal Prevention of Significant Deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas classified as attainment or in areas that are unclassifiable for any criteria air pollutant. The application, processing requirements and procedures are those contained in District Rules 202 through 214 unless otherwise superseded by this rule. The intent of this Rule is to incorporate the federal PSD rule requirements into the District's Rules and Regulations by incorporating the federal requirements by reference.

B. Applicability

The provisions of this rule shall apply to any source and the owner or operator of any source subject to any requirement under Title 40 of the Code of Federal Regulations (hereinafter, 40 CFR) Part 52.21 as incorporated into this rule.

C. Incorporation by Reference

Except as provided below, the provisions of 40 CFR Part 52.21, in effect January 22, 2014, are incorporated herein by reference and made part of the Rules and Regulations of the San Luis Obispo Air Pollution Control District.

1. The following subsections of 40 CFR Part 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (k)(2), (p)(6-8), (q), (s), (t), (u), (v), (w), (x), (y), (z) and (cc).

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

a. The term "administrator" shall read as follows:

1) "EPA administrator" in 40 C.F.R. 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (l)(2) and (p)(2); and

2) "Control Officer" elsewhere, as defined in Rule 105, Definitions.

b. The phrase "paragraph (q) of this section" in 40 CFR 52.21(p)(1) and (1)(2) shall read as follows: the public notice and comment provisions of Rule 220, Section E.

c. The definition of the term "Subject to regulation" as defined in 40 CFR 52.21(b)(49)(ii)(a) shall be read as: "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."

- d. The subparagraph in 40 CFR 52.21(i)(5)(i)(c) shall be revised to read as: "PM_{2.5}-no *de minimis* air quality level is provided;".

D. Requirements:

1. The Control Officer shall provide written notice of any permit application for a proposed major stationary source or major modification to the EPA administrator. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct.
2. The Control Officer shall determine whether an application is complete not later than 30 days after receipt of the application or after such longer time as both the applicant and the Control Officer may agree. If the Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information that is required. Upon receipt of any resubmittal of the application, a new 30-day period to determine completeness shall begin. Upon determination that the application is complete, the Control Officer shall notify the applicant in writing. The date of receipt of the application shall be the date on which the reviewing authority received all required information.
3. An owner or operator must obtain a prevention of significant deterioration (PSD) permit pursuant to this Rule before beginning actual construction of a new major stationary source, a major modification, or a PAL major modification, as defined in 40 CFR 52.21(b).
4. Notwithstanding the provisions of any other District Rule or Regulation, the APCO/Control Officer shall require compliance with this rule prior to issuing a federal Prevention of Significant Deterioration permit as required by Clean Air Act (CAA) Section 165.
5. The applicant shall pay the applicable fees specified in District Rule 301 Fees and Rule 302, Schedule of Fees.
6. Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR Part 52.21 in effect on January 22, 2014.

E. Public Participation:

1. Prior to issuing a federal PSD permit pursuant to this rule and within one year after receipt of a complete application, the APCO/Control Officer shall:
 - a. Make a preliminary determination whether construction should be approved with conditions or disapproved.
 - b. Make available in at least one location in San Luis Obispo County in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit

| and a copy or summary of other materials, if any, considered in making the preliminary determination.

- c. Notify the public, by advertisement in a newspaper of general circulation in San Luis Obispo County, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, the opportunity for comment at a public hearing and of the opportunity for written public comment.
- d. Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: Any other State or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.
- e. Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's/Control Officer's judgment such a hearing is warranted.
- f. Consider all written comments that were submitted within 30 days after the notice of public comment is published and all comments received at any public hearing(s) in making a final decision on the approvability of the application and make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made available preconstruction information relating to the proposed source or modification.
- g. Make a final determination whether construction should be approved with conditions or disapproved.
- h. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the District made available preconstruction information and public comments relating to the source.

RULE 222. Federal Emission Statement *(Adopted 6/24/2020)*

A. Purpose

To establish the requirements for the submittal of emission statements from stationary sources pursuant to the Federal Clean Air Act [Section 182 (a)(3)(B)].

B. Applicability

The requirements of this rule are applicable to stationary sources in federal ozone nonattainment areas of the county which have actual emissions or potential emissions of twenty-five (25) tons or more per year of volatile organic compounds or oxides of nitrogen.

C. Requirements:

The owner or operator of any stationary source that is subject to this rule shall annually provide the District a written emission statement showing actual emissions, or operational data allowing the District to estimate actual emissions from that source.

1. The emission statement shall be on a form or in a format specified by the Air Pollution Control Officer (the Renewal Information Request) and shall contain the following information:
 - a. Operational data necessary to estimate actual emissions of volatile organic compounds and oxides of nitrogen, in tons per year, for the calendar year prior to the preparation of the emission statement; and
 - b. Information regarding seasonal or diurnal peaks in the emission of affected pollutants; and
 - c. Certification by a responsible official of the company that the information contained in the emission statement is accurate to the best of their knowledge.
2. Emission statements shall be submitted to the District annually, no later than the date specified in the Renewal Information Request.

E. Administrative Requirements:

The Air Pollution Control Officer shall annually request and require the submission of a Renewal Information Request pursuant to Subsection C from each source within the District which has actual emissions or potential to emit twenty-five (25) tons or more per year of volatile organic compounds or oxides of nitrogen.

F. Failure to Submit

A failure by the responsible official to submit a Renewal Information Request by the date required shall be deemed a willful failure to furnish information required to disclose the nature and quantity of emissions discharged by the stationary source.

1. The Air Pollution Control Officer may suspend the permit(s) of such a source.
2. The Air Pollution Control Officer shall serve notice in writing of such suspension and the reasons for the suspension upon the permittee.
3. The Air Pollution Control Officer will reinstate the suspended permit(s) when furnished with the required information.

RULE 224, FEDERAL REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN NON-ATTAINMENT AREAS (~~ADOPTION PROPOSED 1/27/2016~~), JANUARY 27, 2016, (ADOPTION 1/26/2022)

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1 APPLICABILITY PROCEDURES

1.1 PRECONSTRUCTION REVIEW REQUIREMENTS

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

1.2 AUTHORITY TO CONSTRUCT REQUIREMENT

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

1.3 EMISSION CALCULATION REQUIREMENTS TO DETERMINE NSR APPLICABILITY

1.3.1 New Major Stationary Sources

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

1.3.2 Major Modifications

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

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

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

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

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

1.5 PROJECTS THAT RELY ON A PROJECTED ACTUAL EMISSIONS TEST

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

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

- ii. Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - iii. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions* and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- (b) If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 224 before beginning actual construction. However, such owner or operator may be subject to the requirements of the San Luis Obispo County Air Pollution Control District (District) Regulation II, PERMITS, or other applicable requirements.
- (c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emission unit identified in paragraph (a)(ii) of this Section; and calculate and maintain a record of the annual emissions, in tpy, on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.
- (d) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (c) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
- (e) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (a) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of *Projected Actual Emissions*) as documented and maintained pursuant to paragraph (a)(iii) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
 - i. The name, address, and telephone number of the major stationary source;

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

1.6 SECONDARY EMISSIONS

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

1.7 STATIONARY SOURCES

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

1.8 ENVIRONMENTAL PROTECTION AGENCY DETERMINATION

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

2 DEFINITIONS

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

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

(b) The following definitions shall also apply:

"Air Pollution Control Officer (APCO)" means the Air Pollution Control Officer of the San Luis Obispo County Air Pollution Control District.

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

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

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

"District" means the San Luis Obispo County Air Pollution Control District.

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

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

"Nonattainment pollutant" means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR

81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

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

"Real" means, as it pertains to emission reductions, emissions that were actually emitted.

"Reviewing authority" means the Air Pollution Control Officer (APCO).

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

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

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

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

- (i) The federally-approved California SIP;
- (ii) Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
- (iii) Any other source or source-category specific regulatory or permitting requirement, including, but not limited to, Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and

- (iv) Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

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

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

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

3 APPLICATION REQUIREMENTS

3.1 APPLICATION SUBMITTAL

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

3.2 APPLICATION CONTENT

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

- (a) Identification of the applicant, including contact information.
- (b) Address and location of the new or modified source.
- (c) An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
- (d) A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the

applicability of standards and fees.

- (e) A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
- (f) A projected operating schedule for each emissions unit included in the new source or modification.
- (g) A determination as to whether the new source or modification will result in any secondary emissions.
- (h) The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).
- (i) The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
- (j) The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
- (k) The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
- (l) Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
- (m) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

3.3 LOWEST ACHIEVABLE EMISSION RATE (LAER)

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

3.4 STATEWIDE COMPLIANCE

The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission

limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.

3.5 ANALYSIS OF ALTERNATIVES

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

3.6 SOURCES IMPACTING CLASS I AREAS

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

3.7 APPLICATION FEES

The applicant shall pay the applicable fees specified in District Rule 302, FEES.

4 EMISSION OFFSETS

4.1 OFFSET REQUIREMENTS

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

4.2 TIMING

- (a) Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.

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

4.3 QUANTITY

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

- (a) The unit of measure for offsets, ERCs, and internal emission reductions shall be tons per year (tpy). All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.
- (b) The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (c) of this Section, and the offset ratio, as determined in accordance with paragraph (d) of this Section.
- (c) The amount of increased emissions shall be determined as follows:
 - (i) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
 - (ii) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
 - (iii) The amount of increased emissions includes fugitive emissions.
- (d) The ratios listed in Table 1 shall be applied based on the area's highest classification for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emissions reductions.

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

Area Designation	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NO _x or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO _x or VOC	1:1.15
Serious or Severe Ozone Nonattainment Area	NO _x or VOC	1:1.2

4.4 EMISSION REDUCTION REQUIREMENTS

- (a) Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - (i) Real, surplus, permanent, quantifiable, and federally enforceable; and
 - (ii) Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- (b) Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- (c) Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
 - (i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and
 - (ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- (d) The use of ERCs shall not provide:
 - (i) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - (ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - (iii) An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 RESTRICTIONS ON TRADING POLLUTANTS

- (a) The emission offsets obtained shall be for the same regulated NSR pollutant.
- (b) In no case shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as offsets for Volatile Organic Compounds.

5 ADMINISTRATIVE REQUIREMENTS

5.1 VISIBILITY

- (a) The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal

Area, in accordance with the applicable requirements of 40 CFR 51.307.

- (b) The APCO may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the APCO deems necessary and appropriate

5.2 AMBIENT AIR QUALITY STANDARDS

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

5.3 AIR QUALITY MODELS

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

5.4 STACK HEIGHT PROCEDURES

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

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

6 AUTHORITY TO CONSTRUCT - DECISION

6.1 PRELIMINARY DECISION

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

6.2 AUTHORITY TO CONSTRUCT – PRELIMINARY DECISION REQUIREMENTS

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

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

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

- (iv) The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and

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

6.3 AUTHORITY TO CONSTRUCT CONTENTS

- (a) An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:
 - (i) which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
 - (ii) sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (b) and (c) of this Section.
- (b) A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
- (c) A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit, at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 AUTHORITY TO CONSTRUCT – FINAL DECISION

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

compliance with all applicable emission standards and requirements.

- (d) The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

6.5 PERMIT TO OPERATE

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

7 SOURCE OBLIGATIONS

7.1 ENFORCEMENT

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

7.2 TERMINATION

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

7.3 COMPLIANCE

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

7.4 RELAXATION IN ENFORCEABLE LIMITATIONS

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

8 PUBLIC PARTICIPATION

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

- (a) Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8(b), and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).
- (b) No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.
- (c) Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.
- (d) Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9 PLANT-WIDE APPLICABILITY LIMITS (PAL)

The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (15). The provisions of 40 CFR 51.165(f)(1) through (15), are hereby incorporated by reference.

10 INVALIDATION

If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS

All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on January 26, 2022.

11/10/70

REGULATION IV
SOURCE EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS

RULE 401. 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 minutes in any hour which is:

1. 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.
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 this Rule.

B. Exceptions: Each of the following is a separate exception to the Subsections 1 and 2 of this Rule:

1. Wet or Dry Plumes. Where the presence of uncombined water is the the only reason for the failure of an emission to meet the limitations of this Rule 401, said Rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.
2. Smoke from fires set by or permitted by any public officer if such a 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 reasonable means, or
 - b. The instruction of public employees in the methods of fighting fire.
 - c. For the improvement of watershed, range or pasture.
3. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- ~~4. Agricultural operations in the growing of crops, or raising of fowls or animals.~~
5. Orchard and citrus heaters meeting the requirements provided for by Section 41860 of the Health and Safety Code except that this exemption shall not apply to the provisions of Rule 402.
- ~~6. The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.~~
7. Smoke from fires set pursuant to Rule 501 pertaining to backyard burning.

8. Smoke from burning for right of way clearing.
9. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over land devoted to the growing of crops and raising of fowls or animals.

RULE 402. NUISANCE

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

B. The provisions of Rule 402 A shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

RULE 403. PARTICULATE MATTER EMISSION STANDARDS

same
A. Particulate Matter. Except as otherwise provided in Rule 403.C.1 a person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of dry gas at standard conditions.

not defined
B. Dust and Fumes. A person shall not discharge in any one hour from any single source whatsoever dust or fumes in total quantities in excess of the amount shown in the following table.

To use the following Table, take the process weight per hour as such is defined in Subsection 34 of Rule 105. Then find this figure in the table and the number to the right is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example 1,500 lbs, by 3 hours giving a process weight of 500 lbs/hour. The table shows that A may not discharge more than 1.77-lbs in any one hour during the process. Where the process weight per hour falls between the figures in the left hand column, the exact weight of permitted discharge may be interpolated.

C. Combustion Contaminants.

1. A person shall not discharge into the atmosphere from any existing single source of emission whatsoever combustion contaminants, in any state or combination thereof, exceeding at the point of discharge 0.3 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions. ~~In measuring the combustion~~

RULE 404 Sulfur Compounds Emission Standards, Limitations and Prohibitions

E. Sulfur Content of Fuels

1. No person shall burn within any portion of San Luis Obispo County APCD any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet (calculated as hydrogen sulfide at standard conditions) or any liquid or solid fuel having a sulfur content in excess of 0.5 percent by weight; except the provisions of this Rule shall not apply:
 - a. To the burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.
 - b. To the incinerating of waste gases, provided the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and provided the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of the amount specified in this Rule.
 - c. To the use of solid fuels in any metallurgical process.
 - d. To the use of fuels where the gaseous products of combustion are used as raw materials for other processes..e. To the use of liquid or solid fuel to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.
 - f. Where sulfur compounds are removed from combustion products, or a mixture of fuels is used to the extent that the emission of sulfur compounds in the atmosphere is no greater than that which would be emitted by using a liquid or solid fuel complying with this Rule.
 - g. To the use of liquid fuel whenever the supply of liquid fuel with a sulfur content of 0.5% or less is not physically available to the user due to accident, strike, act of war, sabotage, act of God, failure of the supplier or by reason of any Federal or State of California rule or regulation prohibiting the purchase or use thereof, providing that an application for a variance to burn non-complying fuel is filed within three days with the Clerk of the Hearing Board of the Air Pollution Control District.

4/12/85

RULE 405 NITROGEN OXIDES EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS
(Revised 11/13/84)

A. Fuel Burning Equipment

1. A person shall not discharge into the atmosphere from any non-mobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1,775 million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO₂) at 3 percent oxygen, in excess of 225 ppm when fired by a gaseous fuel and 250 ppm when fired by a liquid or solid fuel for a new or modified source and 225 ppm when fired by a gaseous fuel and 300 ppm when fired by a liquid or solid fuel for a source in existence on January 1, 1970.
2. A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere does not exceed 140 pounds per hour of nitrogen oxides calculated as nitrogen dioxide.

For the purpose of this subsection, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

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

B. Reserved for Measurement Methods.

~~RULE 406 CARBON MONOXIDE EMISSION STANDARDS AND LIMITATIONS (Revised 11/14/84)~~

- ~~A. A person shall not discharge into the atmosphere carbon monoxide in concentrations exceeding 2,000 ppm by volume measured on a dry basis.~~
- ~~B. The provisions of this rule shall not apply to emissions from internal combustion engines.~~
- ~~C. Reserved for Measurement Methods~~

4/12/85

~~RULE 405 NITROGEN OXIDES EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS
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~~A. Fuel Burning Equipment~~

- ~~1. A person shall not discharge into the atmosphere from any non-mobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1,775 million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO₂) at 3 percent oxygen, in excess of 225 ppm when fired by a gaseous fuel and 250 ppm when fired by a liquid or solid fuel for a new or modified source and 225 ppm when fired by a gaseous fuel and 300 ppm when fired by a liquid or solid fuel for a source in existence on January 1, 1970.~~
- ~~2. A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere does not exceed 140 pounds per hour of nitrogen oxides calculated as nitrogen dioxide.~~

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~~Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.~~

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~~B. Reserved for Measurement Methods.~~

RULE 406 CARBON MONOXIDE EMISSION STANDARDS AND LIMITATIONS (Revised 11/14/84)

- A. A person shall not discharge into the atmosphere carbon monoxide in concentrations exceeding 2,000 ppm by volume measured on a dry basis.
- B. The provisions of this rule shall not apply to emissions from internal combustion engines.
- C. Reserved for Measurement Methods

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RULE 407. ORGANIC MATERIAL EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS

A. Storage of Petroleum Products. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all time to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

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

B. Gasoline Bulk Plants and Gasoline Terminals.

1. Any gasoline loading facility, with a daily throughput equal to or greater than 20,000 gallons or an annual throughput equal to or greater than 3,000,000 gallons at any gasoline terminal, constructed prior to July 1, 1976, shall be equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control District.

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

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

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2. Any gasoline loading facility, with a daily throughput equal to or greater than 20,000 gallons or an annual throughput equal to or greater than 3,000,000 gallons at any gasoline terminal, constructed after July 1, 1976, shall be equipped with a vapor recovery system certified by the California Air Resources Board.
3. Any gasoline loading facility, with a daily throughput equal to or greater than 20,000 gallons or an annual throughput equal to or greater than 3,000,000 gallons at any gasoline bulk plant shall be equipped with a vapor recovery system certified by the California Air Resources Board which shall prevent emission to the atmosphere of 90 percent by weight of the gasoline vapors displaced during loading of delivery vessels.

C. Loading of Petroleum Products Into Tanks and Delivery Vessels.

1. Submerged Fill Pipes

- a. Any person transferring or permitting the transfer of gasoline into any storage container, exempt from the requirements of Subsection A. of this rule, which has 250 gallons or more capacity shall ensure that such transfer is accomplished through a permanently installed submerged fill pipe and that such transfer is accomplished using a tight-fitting nozzle or some other method to prevent excessive aspiration of air into the storage container.

A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such a tank is equipped as described in the first paragraph of this Subsection C.

- b. The provisions of Subsection C.1.a. shall not apply to the loading of gasoline into any underground tank installed prior to December 31, 1970, where the fill line between the fill connection and tank is offset.
- c. Any person transferring or permitting the transfer of gasoline into any delivery vessel from any gasoline loading facility at any gasoline terminal or any gasoline bulk plant, exempt from the requirements of Subsection B. of this rule, shall ensure that such delivery vessel is loaded through a submerged fill pipe.

2. Vapor Recovery - Phase I

- a. Any gasoline storage container, exempt from the requirements of Subsection A. of this rule, which has more than 1,500 gallons capacity shall be equipped with a Phase I vapor recovery system as defined in Subsection E.2. of this rule.
- b. Any person transferring or permitting the transfer of gasoline into any storage container, exempt from the requirements of Subsection A., of this rule, which has more than 1,500 gallons capacity shall ensure that such transfer is accomplished using the Phase I vapor recovery system. The vapor recovery system

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shall be operated as it was operated when the system type was certified by the California Air Resources Board.

- c. Any delivery vessel loaded with gasoline at a gasoline terminal or gasoline bulk plant, equipped as required by Subsection B. of this rule, shall be equipped with a vapor recovery system certified annually by the California Air Resources Board.
- d. Any gasoline delivery vessel, manufactured and purchased after the date of adoption of this rule, shall be equipped with vapor recovery system with a system design approved by the California Air Resources Board.
- e. Any person transferring or permitting the transfer of gasoline into any delivery vessel from any gasoline loading facility or gasoline bulk plant facility required to have a vapor recovery system pursuant to Subsection B. of this rule shall load such vessel using the vapor recovery system. The vapor recovery system shall be operated as it was operated when the system type was certified by the California Air Resources Board or approved by the Air Pollution Control District. Loading shall be accomplished in such a manner that displaced organic gases will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.
- f. Any Phase I vapor recovery system, installed pursuant to the provisions of this rule, shall be maintained in accordance with the maintenance procedures used when that system type was certified by the California Air Resources Board or amended procedures approved by the Air Pollution Control District.
- g. Any above ground gasoline storage container, exempt from the requirements of Subsection C.2.a. of this rule, which has more than 1,500 gallons capacity shall be equipped with a pressure-vacuum relief valve with minimum pressure and vacuum settings of 90 percent of the maximum, safe pressure and vacuum ratings of the container. The pressure-vacuum relief valve shall be maintained in good working order.

D. Exceptions

- 1. The provisions of this rule shall not apply to wind machines used in agricultural operations.
- 2. The provisions of Subsection C.2.a. of this rule, requiring installation of Phase I vapor recovery systems, shall not apply to any gasoline storage container, installed prior to the date of adoption of this rule, if all gasoline transferred into the container is loaded into the delivery vessel at a gasoline terminal or gasoline bulk plant exempt from the requirements of Subsection B. of this rule.

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3. The provisions of Subsection C.2.b. of this rule, requiring the use of Phase I vapor recovery systems, shall not apply to any gasoline storage container if all the gasoline transferred into the container is loaded into the delivery vessel at a gasoline terminal or gasoline bulk plant, exempt from the requirements of Subsection B. of this rule.

In order to qualify for this exception, the owner or operator of any gasoline terminal or gasoline bulk plant, exempt from the requirements of Subsection B. of this rule, must submit a petition to the Air Pollution Control Officer annually stating the maximum daily throughput and the annual throughput of gasoline at his facility and identifying all his gasoline customers who have storage containers of more than 1,500 gallons capacity. The petition shall also state that the owner or operator of the gasoline terminal or gasoline bulk plant does not transfer or permit the transfer of gasoline into any storage container which has 250 gallons or more capacity unless the container has a permanently installed submerged fill pipe.

E. Definitions

1. For the purpose of this rule, a "submerged fill pipe" means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container.
2. For the purpose of this rule, a "Phase I vapor recovery system" means:
 - a. A system, certified by the California Air Resources Board, for reducing the emission into the atmosphere of organic gases resulting from the transfer of gasoline into a gasoline storage container.
 - b. A system installed prior to July 1, 1976, approved by the Air Pollution Control District, for reducing the emission into the atmosphere of organic gases resulting from the transfer of gasoline storage container.
3. For the purposes of this rule, a "gasoline terminal" means a gasoline distribution facility where delivery to the facility's storage containers is by means other than truck.
4. For the purpose of this rule, a "gasoline bulk plant" means an intermediate gasoline distribution facility where delivery to the facility's storage containers and delivery from the facility is by truck.
5. For the purposes of this rule, "gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 pounds per square inch or greater, which is sold or intended for sale for use in motor vehicle or engines and is commonly or commercially known or sold as gasoline.

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F. Compliance Schedules

1. Subsection A.1. and Subsection D.1. of this rule, which require installation and use of submerged fill pipes, shall be effective on October 1, 1977.
2. Any person required by Subsection C.2. of this rule to install a Phase I vapor recovery system shall comply with the following compliance schedule:
 - a. By October 1, 1977 - Apply for Authority to Construct from the Air Pollution Control Officer for the installation of the needed control system.
 - b. By February 1, 1978 - Complete on-site construction or installation of emission control equipment and notify the Air Pollution Control Officer of completion.
 - c. By April 1, 1978 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

G. Effluent Oil-Water Separators

1. A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:
 - a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.
 - b. A floating pontoon or double-deck type cover equipped with closure seals to enclose any space between the cover's edge and compartment wall.
 - c. A vapor recovery system, which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.
 - d. Other equipment of an efficiency equal to or greater than a., b., or c., if approved by the Air Pollution Control Officer.
2. This Subsection G. shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

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11. Solvents, Thinners and Coating

1. Organic Solvents

- a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame, or is baked, heat-cured or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this Subsection E.1.a.
- b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Subsection a for employing or applying any photochemically reactive solvent, as defined in Subsection j or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 35 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing or heat-polymerizing as described in Subsection a. shall be excluded from determination of compliance with this Subsection E.1.b. portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section, shall be collectively subject to compliance with this Subsection E.1.b.
- c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section, shall be included in determining compliance with this section. Emission resulting from baking, heat-curing or heat-polymerizing, as described in Subsection a. shall be excluded from determination of compliance with this section. Those portions of any series

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of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire, which emit organic materials and using operations described in this section shall be collectively subject to compliance with this Subsection E.1.c.

- d. Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Subsection E.1.j of any article, machine, equipment or other contrivance described in Subsections E.1.a, b, or c, shall be included with the other emissions or organic materials from that article, machine, equipment or other contrivance for determining compliance with this Subsection E.1.
- e. Emissions of organic materials into the atmosphere required to be controlled by Subsections E.1. a, b, or c, shall be reduced by:
 - (1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or
 - (2) Absorption; or
 - (3) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.
- f. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Subsection E.1. shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.
- g. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer upon request and in the manner and form prescribed by him written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.
- h. The provisions of this Subsection E.1. shall not apply to:
 - (1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.
 - (2) The use of equipment for which other requirements are specified by Rules 407.A, B, D, and Rule 406.C, or which are exempt from air pollution control requirements by said rules.
 - (3) The spraying or other employment of insecticides, pesticides or herbicides.
 - (4) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.
 - (5) The use of any material, in any article, machine, equipment, or other contrivance described in Subsections E.1.a, b, c, or d, if:

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- (a) The volatile content of such material consists only of water and organic solvents; and
- (b) The organic solvents comprised of not more than 20 percent by volume of said volatile content; and
- (c) The volatile content is not photochemically reactive as defined in Subsection E.1.j; and
- (d) The organic solvent or any material containing organic solvent does not come into contact with flame.

i. For the purpose of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220° F. at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

j. For the purposes of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent;

- (1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones, having an olefinic or cycloolefinic type of unsaturation: 5 percent;
- (2) A combination of aromatic compounds with 6 or more carbon atoms to the molecule, except ethylbenzene: 8 percent;
- (3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, i.e., that group having the least allowable percent of the total volume of solvents.

k. For the purpose of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

2.A. Metal Surface Coating Thinners and Reducers

- a. The composition of the organics in all metal surface coating thinners and reducers that are manufactured after January 1, 1977, and used in San Luis Obispo County shall be such that it will not come under the definition of photochemically reactive solvents, set out in Subsection E.1.j. of this Rule 407.
- b. After July 1, 1977, the composition of the organics in all metal surface coating thinners and reducers that are used in San Luis Obispo County shall not be photochemically reactive within the definitions of Subsection E.1.j. of Rule 407.

3.B. Architectural Coatings.

- a. A person shall not sell or offer for sale for use in San Luis Obispo County in containers of the one quart capacity or larger, any architectural coating containing photochemically reactive solvent as defined in Subsection E.1.j. of this Rule 407.
- b. A person shall not employ, apply, evaporate or dry in San Luis Obispo County any architectural coating purchased in containers of one quart capacity or larger containing photochemically reactive solvent as defined in Subsection E.1.j. of Rule 407.
- c. A person shall not thin or dilute any architectural coating with photochemically reactive solvent, as defined in Subsection E.1.j. of this Rule 407..

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- d. For the purpose of this rule, and architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances, or industrial buildings.

4β. Disposal and Evaporation of Solvents.

A person shall not during any one day dispose of a total or more than 1 1/2 gallons of any photochemically reactive solvent, as defined in Subsection 1.j. of this Rule 407, or of any material containing more than 1 1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

I. Dates of Compliance

1. Any article, machine, equipment or other contrivance required to come into compliance with the provisions of this Rule 407 shall meet the following final compliance date.

Subsection	Final Compliance Date
A. (Production Facilities)	Sep. 15, 1978
A. (Gasoline)	Feb. 1, 1978
A. (Crude Distillate)	Mar. 1, 1978
A. (Refineries)	Mar. 15, 1977
B.	Feb. 1, 1978
G. (Refineries)	Mar. 15, 1977
G. (Production Facilities)	Sep. 15, 1978
G. (Pipeline and Marketing)	Mar. 1, 1978
H. (Dry Cleaning Operations)	Jan. 1, 1978
H. (Degreasers)	Jan. 15, 1978
H. (Fiberglass Product Mfg.)	Sep. 1, 1978
H. (Paint Spray Booths)	Jan. 1, 1979
H. (Paint Baking Ovens)	Oct. 15, 1978
All Other Equipment	Jan. 15, 1979

Gasoline storage and transfer facilities shall meet the compliance dates set forth in Subsection F. of this Rule 407.

J. Reserved for Measurement Methods.

San Luis Obispo County Air Pollution Control District

RULE 409 - ORCHARD OR CITRUS GROVE HEATERS

(Adopted 8/2/76)

No person shall use within the District, any orchard or citrus grove heater which has not been approved and included on a list of approved heaters by the State Air Resources Board. Such list of orchard or citrus grove heaters which are now or may in the future be approved by the State Air Resources Board are available from the Control Officer and are incorporated herein by reference as though here fully set forth.

San Luis Obispo County Air Pollution Control District

RULE 410 - REDUCTION OF ANIMAL MATTER

(Adopted 8/2/76)

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

1. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less 0.3 seconds; or
2. Processed in such a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than 1. above.

B. A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule 410 shall provide, in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Control Officer, for indicating temperature, pressure or other operating conditions.

C. The provisions of this Rule 410 shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

RULE 411 SURFACE COATING OF MANUFACTURED METAL PARTS

A. Except as otherwise provided in Section C this rule is applicable to the coating of any manufactures metal parts and products excluding automobiles, light-duty trucks, aircraft, aerospace vehicles, marine vessels, cans, coils, and magnetic wire.

1. After January 1, 1982, a person shall not use or apply any coating on any manufactured metal part or product subject to the provision of this regulation which emits or may emit volatile organic compounds into the atmosphere in excess of the following limits:

VOC Limitation
grams per liter of coating
applied excluding water

Air Dried or
Forced Air Dried

Baked

340

275

2. New Sources

A person shall not use or apply any oven-baked coating on any manufactured metal part or product subject to the provisions of this regulation which emits or may emit volatile organic compounds into the atmosphere in excess of 180 grams per liter of coating to build, erect, or install is required after January 1, 1982.

3. Before January 1, 1982, the amount of volatile organic compounds which may be emitted from any manufactured part or product coating application line shall be re-evaluated to determine whether another limit is justifies.
4. The emission limits prescribed in this section shall be achieved by:
 - a. The use of low solvent coating: or
 - b. Any other emission reduction process determined by the Air Pollution Control Officer to be as effective as a.

B. Application Equipment Requirements

Except as otherwise provided in Section C, after January 1, 1982, a person shall not use or operate any coating application equipment subject to the provisions of this regulation that does not provide transfer affiance equal to or greater than 65

percent. The application of coating by electrostatic attraction shall be deemed to constitute compliance with requirement.

C. EXEMPTIONS

1. The provisions of this Rule shall not apply to coatings which emit or may emit volatile organic compounds in excess of the specified limits provided that the total emissions from the use of such coating do not exceed 20 pounds in any one day for new sources or 40 pounds in any one day for existing sources.
2. The provisions of Subsection A.2 shall not apply to all touch-up repairs

D. DEFINITIONS

1. "Manufactured Metal Parts and Products" include any metal parts or products manufactured under the Standard Industrial Classification Code of Major Group 25 (furniture and fixtures), Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electrical machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), Major Group 39 (miscellaneous manufacturing industries).
2. "Volatile Organic Compound (VOC)": Means any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate as determined by an ARB approved reference test method.
3. "Forced Air Dried" means a process whereby the coated object is heated above ambient temperature up to a maximum of 90° Celsius to decrease drying time.
4. "Transfer Efficiency": Means the ratio of the amount by volume of coating which is deposited on the object to be coated to the amount by volume of coating sprayed expressed as a percentage.
5. "Touch Up": Means that portion of the coating operation which is incidental to the main coating process, but necessary to cover minor imperfections or to achieve coverage as required.
6. "Repair": Means recoating portions of previously coated product due to mechanical damage to the coating following normal painting operations.

San Luis Obispo County Air Pollution Control District

RULE 415 - DRY CLEANING SOLVENTS

(Adopted 6/18/79)

- A.** Any dry cleaning establishment that uses solvents containing four percent or more by volume of any photochemically reactive solvent, except perchloroethylene or any saturated halogenated hydrocarbon, shall reduce the emissions of the discharged organics by 90 percent by use of activated carbon adsorption or other appropriate means.
- B.** Effective January 1, 1980, a person shall not operate any dry cleaning equipment which uses petroleum-based solvent unless:
1. There is no liquid leaking from any portion of the equipment.
 2. Solvents are stored in closed containers, which may be equipped with vents approved by the Control Officer.
 3. All washer lint traps, button traps, access doors and other parts of the equipment, where solvent may be exposed to the atmosphere, are kept closed at all times except as required for proper operation or maintenance.
 4. The still residue is stored in sealed containers or underground tanks, and is disposed of at a Class I dump or is disposed of by other procedures approved by the Control Officer.
 5. The used filtering material is put into a sealed container immediately after removal from the filter and is disposed of at a Class I dump, unless the dry cleaning system is equipped with one of the following filtering systems:
 - a. Cartridge filters containing paper or carbon or a combination thereof, which are fully drained in the filter housing for at least 12 hours before removal.
 - b. Diatomaceous earth filtering system, connected to a centrifugal solvent extractor or other device capable of removing sufficient solvent, so that the remaining diatomaceous earth and soil does not contain more than 0.4 pounds of solvent per pound of filter powder and soil removed.
 - c. Any other type of filtering system or process found by the Control Officer to emit into the atmosphere 1 pound or less of solvent in the discarded soil, lint and filtering material per 100 pounds of articles cleaned.
- C.** A person shall not operate any dry cleaning equipment which uses petroleum-based solvent unless all exhaust gases from drying tumblers and cabinets are vented through a carbon adsorber or other control device which reduces the total emissions of hydrocarbon vapors to the atmosphere during the entire drying cycle by at least 90 percent by weight.
1.
 - a. Effective July 1, 1981, all petroleum solvent dry cleaning plants consuming more than 50,000 liters (13,209 gallons) of solvent per year shall comply with the provisions of Section C.
 - b. Effective July 1, 1983, all petroleum solvent dry cleaning plants consuming more than 25,000 liters (6,657 gallons) of solvent per year shall comply with the provisions of Section C.
 - c. Effective July 1, 1985, all petroleum solvent dry cleaning plants consuming more than 10,000 liters (2,642 gallons) of solvent per year shall comply with the provisions of Section C.
 2. Increments of Progress

In order to conform with the compliance dates specified in Section C.1, an owner or operator of petroleum solvent dry cleaning equipment shall comply with the following increments of progress schedule.

- a. Twelve months prior to the applicable effective date, submit to the Control Officer an application for Permit to Construct describing, at a minimum, the steps that will be taken to achieve compliance with the provisions of Section C of this Rule.
- b. Nine months prior to the applicable effective date, award the contract for the emission control system, or issue purchase orders for the component parts to accomplish emission control.
- c. Five months prior to the applicable effective date, commence on-site construction or installation of equipment to reduce or control emissions.
- d. One month prior to the applicable effective date, complete on-site construction or installation of equipment to reduce or control emissions.
- e. On the applicable effective date, be in full compliance with the provisions of Section C of this Rule.

D. REPORTING REQUIREMENTS

On or before February 1 of each year, any person using petroleum-based dry cleaning solvent for dry cleaning shall report to the Control Officer the quantity of solvent used in the previous calendar year.

E. A "dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

San Luis Obispo County Air Pollution Control District

RULE 416 - DEGREASING OPERATIONS

(Adopted 6/18/79)

A. A person shall not use photochemically reactive solvent, as defined in Rule 407.A.1.j, in surface cleaning or degreasing operations unless the emission of organic materials into the atmosphere is reduced by at least 85 percent by weight.

B. Effective January 1, 1980, a person who employs solvent metal cleaning (degreasing) shall utilize a device for such cleaning, which includes the following equipment:

1. A container for the solvent and articles being cleaned.
2. An apparatus or cover which prevents the solvent from evaporating when not processing work in the degreaser.
 - a. For cold solvent cleaning, if the vapor pressure of the solvent is greater than 15 mm of mercury (0.3 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (122°F), or if the solvent is agitated, then the cover must be designed so that it can be easily operated with one hand.
 - b. For open-top vapor degreasers, the cover shall be designed such that it can be opened and closed easily without disturbing the vapor zone.
 - c. For conveyorized degreasers, covers shall be provided for closing off the entrance and exit during shutdown.
3. A facility for draining cleaned parts such that the drained solvent is returned to the container.
4. A permanent, conspicuous label, which lists each of the applicable operating requirements, appropriate for the type of cleaning operation being used, contained in Section C.
5. For cold solvent cleaning, if the vapor pressure of the solvent is greater than 33 mm Hg or 0.6 psi at 38°C (100°F), or if the solvent is heated above 50°C (122°F), then one of the following control devices shall be used:
 - a. A freeboard such that the freeboard ratio is greater than or equal to 0.75;
 - b. A water cover if the solvent is insoluble in and heavier than water; or
 - c. Any other system of equivalent control demonstrated to be equivalent in emission control efficiency to the above, such as a refrigerated freeboard chiller or carbon adsorption system, and approved by the Control Officer.
6. If open-top vapor degreasing or conveyorized vapor degreasing are employed, then the following equipment shall be utilized:
 - a. All of the following safety devices:
 1. A device which shuts off the sump heat if either the condenser coolant stops circulating or becomes warmer than specified.
 2. For degreasers of the spray type, a device (such as a temperature sensor) which prevents the spray pump operation unless the solvent vapor level is at the design operating level; and
 3. A device (of the manual reset type) which shuts off the sump heat if the solvent vapor level rises above the design operating level.
 - b. One of the following or a combination of the following major control devices:
 1. A freeboard such that the freeboard ratio is greater than or equal to 0.75;
 2. A refrigerated freeboard chiller which achieves sufficient cooling capacity to maintain the vapor level at the

design operating level;

3. A carbon adsorption system which ventilates the air-vapor interface at a minimum rate of 15 cubic meters per minute per square meter (50 cfm per square foot), but not greater than 20 cubic meters per minute per square meter (65 cfm per square foot), and with a control efficiency of 95 percent of the solvent vapors entering the carbon adsorber;
 4. Any other system demonstrated to be equivalent in emission control efficiency to the above, and approved by the Control Officer.
1. For conveyORIZED vapor degreasers, both of the following control devices shall be utilized:
 - a. Either a drying tunnel, or another means such as a rotating basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor; and
 - b. Minimized openings: entrances and exits should silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than 10 cm or less than 10 percent of the width of the opening.

C. Effective January 1, 1980, a person who employs solvent metal cleaning (degreasing) must conform to the following operating requirements:

1. The degreasing equipment and emission control equipment must be operated and maintained in proper working order.
2. A person shall not allow any solvent to leak from any portion of the degreasing equipment.
3. A person shall not store or dispose of any solvent, including waste solvent, in such a manner as will cause or allow its evaporation into the atmosphere.
4. After distillation recovery of waste solvent, solvent residues shall not contain more than 20 percent solvent by weight.
5. A person shall not remove or open any device designed to cover the solvent unless processing work in the degreaser or performing maintenance on the degreaser.

a. This section shall not apply to a vapor degreaser utilizing a refrigerated freeboard chiller, meeting the requirement of Section B.6.b.2, while the chiller is in effective operation.

6. For the cold solvent cleaning, a person shall drain cleaned parts for at least 15 seconds after cleaning or until dripping ceases.
7. If a solvent flow is utilized, then a person shall use only a continuous, fluid stream (not a fine, atomized, or shower type spray) and the pressure shall be such that it does not cause liquid solvent to splash outside of the solvent container.

. This section shall not apply to a vapor degreaser where the solvent flow is below the vapor-air interface.

8. Solvent agitation, where necessary, shall be achieved through pump recirculation, by means of a mixer, or by ultrasonics.
9. For open-top vapor degreasers, a person shall minimize solvent carry-out by the following measures:

- a. Rack parts to facilitate drainage,
- b. Move parts in and out of the degreaser at less than 3.3 meters per minute (10 feet per minute),
- c. Degrease the work load in the vapor zone at least 30 seconds or until condensation ceases, and
- d. Allow parts to dry within the degreaser for 30 seconds or until the exterior surface of the parts becomes visually dry.

10. For conveyORIZED degreasers, a person shall minimize solvent carry-out by the following measures:

- a. Rack parts to facilitate drainage, and
 - b. Maintain vertical conveyor speed at less than 3.3 meters per minute (10 feet per minute).
11. For open-top vapor degreasers:
- a. Do not degrease porous or absorbent materials such as cloth, leather, wood, or rope; and
 - b. Do not spray above the vapor level.

D. EXEMPTIONS

1. The provisions of Sections B and C of this Rule shall not apply to the cleaning of materials by wipe cleaning.
2. The provisions of Section B.6.b shall not apply to the following:
 - a. Open-top vapor degreasers which have a vapor-air interface less than one square meter (10.8 square feet).
 - b. Conveyorized vapor degreasers which have a vapor-air interface area less than two square meters (21.5 square feet).
3. The provisions of paragraph B.5 shall not apply to cold solvent degreaser which have a vapor-air interface area less than 0.5 square meters (5.4 square feet).

E. DEFINITIONS

For the purposes of this Rule:

1. "Cold cleaner": Means any batch loaded, non-boiling solvent degreaser.
2. "Conveyorized degreaser": Means any continuously loaded conveyorized solvent degreaser, either boiling or non-boiling.
3. "Freeboard height":
 - a. For cold cleaning tanks, freeboard height means the distance from the top of the solvent or solvent drain to the top of the tank.
 - b. For vapor degreasing tanks, freeboard height means the distance from the solvent vapor-air interface to the top of the basic degreaser tank.
4. "Freeboard ratio": Is defined as the freeboard height divided by the width of the degreaser.
5. "Open-top vapor degreaser": Means any batch loaded, boiling solvent degreaser.
6. "Volatile organic compound": Means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and methane that has a vapor pressure greater than 0.1 mm of Hg at standard conditions.
7. "Wipe cleaning": Is defined as that method of cleaning which utilized a material such as a rag wetted with a solvent, coupled with a physical rubbing process to remove contaminants from metal surfaces.

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RULE 417. CONTROL OF FUGITIVE EMISSIONS OF VOLATILE ORGANIC COMPOUNDS
(Adopted February 9, 1993)

A. APPLICABILITY

The provisions of this Rule are applicable to refineries, chemical plants, oil and gas production fields, natural gas processing plants, offshore oil production platforms, and pipeline transfer stations to control fugitive emissions of volatile organic compounds (VOC) from components including but not limited to valves, fittings, pumps, compressors, pressure relief devices, diaphragms, hatches, sight-glasses, meters, open-ended lines, seal packing, and sealing mechanisms.

B. DEFINITIONS

For the purposes of this Rule, the following definitions shall apply:

1. "APCO": The Air Pollution Control Officer or his/her designee from the Air Pollution Control District.
2. "Background": A reading expressed as methane on a portable hydrocarbon detection instrument which is taken at least three meters upwind from any components to be inspected and which is not influenced by any specific emission point.
3. "Chemical Plant": Any facility engaged in producing organic or inorganic chemicals, and/or manufacturing products by chemical processes. Any facility or operation that has 282 as the first three digits in its four digit Standard Industrial Classification (SIC) Code, as defined in the Standard Industrial Classification Manual, is included.
4. "Closed-vent System": A system that is not open to the atmosphere and is composed of piping, connections, and, if necessary, flow inducing devices that transport gas or vapor from a piece or pieces of equipment to a vapor recovery or disposal system.
5. "Commercial Natural Gas": A gaseous fuel purchased or transported under a Federal Energy Regulatory Commission or a California Public Utility Commission jurisdictional tariff.
6. "Component": Any valve, fitting, pump, compressor, pressure relief device, hatch, sight-glass, meter, or open-ended lines. They are further classified as:
 - a. Major component is any 4-inch or larger valve, any 5-hp or larger pump, any compressor, and any 4-inch or larger pressure relief device.
 - b. Minor component is any component which is not a major component.
 - c. Critical component is any component which would require the shutdown of the process unit if these components were shut down. These components must be identified by the source and approved by the APCO.
7. "Compressor": A device used to compress gasses and/or vapors.

8. "Exempt Compound": A compound identified as methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, 1,1,1-trichloroethane, methylene chloride, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), dichlorotrifluoroethane (HCFC-123), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124, pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), tetrafluoroethane (HFC-134a), dichlorofluoroethane (HCFC-141b), chlorodifluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), and 1,1-difluoroethane (HFC-152a), and the following four classes of perfluorocarbon (PFC) compounds:
- cyclic, branched, or linear, completely fluorinated alkanes;
 - cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - saturated perfluorocarbons containing sulfur and with sulfur bonds only to carbon and fluorine atoms.

Perfluorocarbon compounds shall be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific compounds and the amounts present in the product or process and provides a validated test method which can be used to quantify and identify these compounds.

9. "Fitting": A component used to attach or connect pipes or piping details, including but not limited to, flanges and threaded connections.
10. "Fugitive Emissions": Any hydrocarbon emissions that are released into the atmosphere from any point other than a stack, chimney, vent, or other functionally equivalent opening.
11. "Gas Processing Plant": A facility engaged in the separation of liquids from field gas and/or fractionation of the liquids into gaseous products, such as ethane, propane, butane, and natural gasoline. Excluded from the definition are compressor stations, dehydration units, sweetening units, field treatment, underground storage facilities, liquified natural gas units, and field gas gathering systems unless these facilities are located at a gas processing plant.
12. "Hatch": Any covered opening system that provides access to a tank or container.
13. "Inaccessible Component": Any component located over fifteen (15) feet above ground when access is required from the ground; or any component located over six (6) feet away from a platform when access is required from the platform.
14. "Leak Minimization": Tightening or adjusting a component for the purpose of stopping or reducing leakage to the atmosphere.

15. "Major Gas Leak": The detection of total gaseous hydrocarbons for any component in excess of 10,000 ppm_v above background methane measured according to test procedure in Subsection E.1.
16. "Major Liquid Leak": A visible mist or continuous flow of liquid.
17. "Minor Gas Leak": The detection of total gaseous hydrocarbons for any component in excess of 1,000 ppm_v but not more than 10,000 ppm_v methane above background measured according to test procedure in Subsection E.1.
18. "Minor Liquid Leak": Any liquid leak which is not a major leak and drops liquid organic compounds at the rate of more than three drops per minute or 1 cubic centimeter per minute.
19. "Offshore Oil Production Platform": A unit used in the production of oil and gas that is located offshore within three (3) miles of the shoreline.
20. "Oil and Gas Production Field": A facility at which crude petroleum and natural gas production and handling are conducted, as defined by Standard Industrial Classification code number 1311, Crude Petroleum and Natural Gas.
21. "Pipeline Transfer Station": A facility which handles the transfer or storage of petroleum products or crude petroleum in pipelines.
22. "Platform": Any raised, permanent, horizontal surface that provides access to components.
23. "Polished Rod Stuffing Box (PRSB)": A packing device used on oil and gas production well-heads compressed around a reciprocating rod for the dual purpose of lubricating the polished rod and preventing fluid leaks.
24. "Pressure Relief Device (PRD)": A pressure relief valve or rupture disc.
25. "Pressure Relief Event": A release from a pressure release device resulting when the static upstream pressure reaches the setpoint of the pressure release device. A pressure relief event is not a leak.
26. "Pressure Relief Valve (PRV)": A valve which is automatically actuated by upstream static pressure and used for safety or emergency purposes.
27. "Process Unit": A manufacturing process which is independent of other processes and is continuous when supplied with a constant feed of raw material and sufficient storage facilities for the final product.
28. "Process Unit Shutdown": A work practice or operational procedure that stops production from a process unit or part of a process unit. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than twenty-four (24) hours is not a process unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns.

29. "Pump": A device used to provide energy for transferring a liquid or gas/liquid mixture through a piping system from a source to a receiver.
30. "Refinery": A facility that processes petroleum, as defined by the Standard Industrial Classification Code number 2911, Petroleum Refining.
31. "Repair": Any corrective action for the purpose of eliminating leaks.
32. "Rupture Disc": A diaphragm held between flanges for the purpose of isolating a volatile organic compound from the atmosphere or from a downstream pressure relief valve.
33. "Seal": Packing gland or other material compressed around a moving rod, shaft, or stem to prevent the escape of gas or liquid.
34. "Unmanned Facility": A remote facility which has no permanent sited personnel and is greater than five (5) miles from the closest manned facility, operated by the same company or corporation.
35. "Unsafe to Monitor Components": Components installed at locations that would prevent the safe inspection or repair of components as defined by OSHA standards, the provisions for worker safety found in 29CFR1910, or a written owner-supplied criteria, approved by the APCO.
36. "Valve": A device that regulates or isolates the fluid flow in a pipe, tube, or conduit by means of an external actuator.
37. "Vapor Control System": Any system not open to the atmosphere intended to collect and reduce volatile organic compound emissions to the atmosphere and is composed of piping, connections, and, if necessary, flow-reducing devices that transport gas or vapor from a piece or pieces of equipment to a vapor recovery or disposal system.
38. "Volatile Organic Compound (VOC)": Any compound containing at least one atom of carbon, except exempt compounds.

C. EXEMPTIONS

1. The provisions of Subsection D.1.b. shall not apply to pressure relief valves, pumps, and compressors that are equipped with a closed-vent system capable of capturing and transporting any leak to a vapor control system.
2. The provisions of Subsection D.1. shall not apply to the following cases, where the person seeking the exemption shall supply the proof of the applicable criteria to the satisfaction of the APCO:
 - a. Components exclusively handling commercial natural gas.
 - b. Components buried below ground.
 - c. Components, except those at gas processing plants, exclusively handling fluids with a volatile organic compound concentration of 10 percent by weight or less,

as determined according to test methods specified in Subsection E.2; or components exclusively handling liquids, if the weight percent evaporated is 10 percent or less at 150°C, as determined by test methods described in Subsection E.4.

- d. Components at oil and gas production facilities handling liquids of less than 30 degree API gravity which are located after the point of primary separation of oil and gas provided the separation vessel is equipped with a vapor recovery system and the pressure of the fluid is at atmospheric
 - e. Components incorporated in lines operating exclusively under negative pressure.
- 3. One-half inch and smaller fittings which have been demonstrated to the APCO to be leak-free based on an initial inspection in accordance with EPA Reference Method 21.
 - 4. The provisions of this Rule shall not apply to any facility subject to and in compliance with Subpart GGG, Code of Federal Regulations, Title 40, Chapter I, Part 60. The person seeking this exemption shall supply proof of compliance with Subpart GGG and a showing that their compliance program is essentially equivalent to or more stringent than the provisions of Subsection D. of this Rule to the satisfaction of the APCO.

D. REQUIREMENTS

Effective on (12 months after the adoption date), any person who operates any facility that is subject to this Rule shall comply with the following requirements:

- 1. Inspection Frequencies.
 - a. i. A leak identified by Subsection D.1 shall be any liquid leak, a visual or audible vapor leak, the presence of bubbles using soap solutions, or a leak identified by the use of a vapor analyzer.
 - ii. Any vapor leak which is identified during the inspection of components shall be measured to quantify emission concentrations according to EPA Reference Method 21.
 - b. i. All pumps, compressors, and PRVs shall be inspected for leaks once during every eight-hour period or, with written approval of the APCO, once during every operating shift, except for components located at manned and unmanned oil and gas production fields and pipeline transfer stations.
 - ii. All pumps, compressors, PRVs, and PRSBs located at manned oil and gas production fields and pipeline transfer stations shall be inspected for leaks once per day and components located at unmanned facilities shall be inspected once per week.
 - c. All components shall be inspected quarterly according to EPA Method 21, except as provided in Subsections D.1.d through D.1.f.

- d. i. All inaccessible components shall be inspected annually according to EPA Method 21.
- ii. All fittings shall be inspected for leaks according to EPA Method 21 immediately after being placed in service and semi-annually thereafter, except as provided in Subsection D.1.g.
- e. All critical and unsafe to monitor components shall be inspected in accordance with an inspection plan approved by the APCO.
- f. A pressure relief valve shall be inspected according to EPA Reference Method 21 within 3 calendar days after every pressure relief.
- g. The inspection frequency for components, except pumps, compressors, PRVs, and PRSBs, as required in Subsections D.1.c. and D.1.d., may change to an annual inspection, provided all of the following conditions are met:
 - i. All components at the facility have been successfully operated and maintained with no liquid leaks and no major gas leaks exceeding 0.5 percent of the total components inspected per inspection period for twelve consecutive months. For the purpose of Sections D.1.g. and D.1.h. leaks from PRSBs will not be included in the total count of leaking components.
 - ii. The above is substantiated by documentation and written approval obtained from the APCO.
- h. Any annual inspection frequency approved in Subsection D.1.g. shall revert to the inspection frequencies specified in Subsections D.1.c. and D.1.d. should any liquid leaks and major gas leaks exceed 0.5 percent of the total components inspected per inspection period.
- i. All leaking components shall be affixed with brightly colored, weatherproof tags showing the date of leak detection. The tags shall remain in place until the components are repaired and reinspected.

2. Equipment Repair

The requirements of this Subsection shall apply in all situations when a leak is detected including those leaks detected by the APCO or his designee and identified to the operator.

- a. All noncritical components shall be successfully repaired or replaced within the following time periods after detection of the leak according to Table 1, Repair Periods.
- b. Leaks from components shall be immediately minimized to the extent possible to stop or reduce leakage to the atmosphere.
- c. All leaks from critical and unsafe to monitor components shall be minimized to the extent possible and shall be replaced with Best Available Control Technology

(BACT) equipment as determined in accordance with District Rule 204, Requirements, within one year or during the next process unit shutdown, not to exceed two (2) years.

3. Any repaired or replaced component shall be re-inspected in accordance with EPA Method 21 by the operator within 30 days of the repair or replacement.
4. A component or part which incurs five (5) repair actions for a major gas or liquid leak within a continuous twelve-month period shall be replaced with Best Available Control Technology (BACT) equipment as determined in accordance with District Rule 204, Requirements.

TABLE 1. REPAIR PERIODS

<u>Type of Leak</u>	<u>Time Period^a</u>	
	<u>Onshore</u>	<u>Offshore</u>
Minor Gas Leak	14 Days	14
Major Gas Leak	5 Days	5
Major Gas Leak over 50,000 ppm	1 Day ^{b,c}	5
Major Liquid Leak	1 Day ^{b,c}	5
Minor Liquid Leak	2 Day ^b	5

^a Day means a 24 hour period from the time of leak detection.

^b Unless prohibited by California Occupation Safety and Health Administration (Cal OSHA) standards or 29 CFR 1910.

^c Components located at oil and gas production facilities or pipeline transfer stations shall be repaired within two (2) days.

5. Open-ended lines and valves located at the end of lines shall be sealed with a blind flange, plug, cap, or a second closed valve at all times except during operation. Operation includes draining or degassing operations, connection of temporary process equipment, sampling of process streams, emergency venting, and other normal operational needs.
6. Hatches shall be closed at all times except during sampling, adding process material, or attended maintenance operations.
7. Equipment Identification
 - a. All major and critical components shall be physically identified (clearly and visibly) for inspection, repair, replacement, and recordkeeping purposes.
 - b. All major, critical, inaccessible, and unsafe to monitor components except fittings shall be clearly identified in diagrams for inspection, repair, replacement, and recordkeeping purposes as approved by the APCO.

E. TEST METHODS

1. Measurements of total gaseous hydrocarbon leak concentrations shall be conducted according to EPA Reference Method 21. The analyzer shall be calibrated with methane.
2. The volatile organic compound content of fluids shall be determined using ASTM Methods E-168-88, E-169-87, or E-260-85.
3. Determination of exempt compounds shall be performed in accordance with ASTM D-4457-85. For exempt compounds where no reference test method is available, a facility requesting the exemption shall provide appropriate test methods approved by the APCO and the U.S. Environmental Protection Agency.
4. Determination of evaporated compounds of liquids shall be performed in accordance with ASTM D-86-82.
5. Determination of the API gravity of crude oil shall be performed in accordance with ASTM Method D 287.

F. RECORDKEEPING

1. Each facility operator shall maintain an up-to-date inspection log containing, at a minimum, the following:
 - a. Name, location, type of components, and description of any unit where leaking components are found.
 - b. Date of leak detection, emission level (ppm_v) of leak, and method of leak detection.
 - c. Date and emission level of re-check after leak is repaired.
 - d. Total number of components inspected, and total number and percentage of leaking components found by component types.
2. Records of leaks detected by a quarterly or annual operator inspection, and each subsequent repair and reinspection, shall be submitted to the APCO upon request.
3. All records of operator inspection and repair shall be maintained at the facility for the previous two (2) year period and made available to the District upon request.
4. On or before February 1 of each year the operator shall submit to the APCO a report on the previous years inspection and maintenance activities which:
 - a. Summarizes the inspection log entries, and
 - b. Lists all leaking components identified that were not repaired within fifteen (15) days and all leaking components awaiting a unit turnaround for repairs.

G. COMPLIANCE SCHEDULE

1. An inspection and maintenance plan for all major, critical, inaccessible, and unsafe to monitor components shall be submitted to the APCO for approval by (six months after adoption date). At a minimum, the plan shall include component identification information to ensure:
 - a. that all major and critical components are physically identified, clearly and visibly, for inspection, repair, replacement, and recordkeeping purposes
 - b. that all major, critical, inaccessible, and unsafe to monitor components, except fittings, are clearly identified in diagrams for inspection, repair, replacement, and recordkeeping purposes, and
 - c. that the APCO is notified in writing of any changes in the identification, removal, replacement, or modification of a major component.
2. No later than [6 months after Rule adoption] a list of all critical and unsafe to monitor components shall be submitted to the APCO for approval. All changes to the list must be approved by the APCO.
3. No later than [12 months after Rule adoption] all facilities shall implement their inspection and maintenance plan and begin inspections in accordance with Section D.
4. The inspection and maintenance plan shall be updated annually, if changes are made, and submitted to the APCO for approval on or before February 1 of each year. The APCO shall be notified in writing if no changes to the plan are to be submitted.

A. APPLICABILITY

This Rule is applicable to pits, ponds, sumps, well cellars, and wastewater separators where crude oil or petroleum material is produced, gathered, separated, processed or stored.

B. DEFINITIONS

For the purposes of this Rule, the following definitions shall apply:

1. "Emergency Pit": A pit used less than thirty (30) days per year to contain emergency releases of petroleum material. An emergency pit is dry when not in use.
2. "Leak":
 - a. The detection of total gaseous hydrocarbons for any component in excess of 10,000 ppmv as methane above background measured according to the test procedure in Subsection E.3, or
 - b. Exclusive of intermediate barrier seal fluids, any liquid leak which drips liquid organic compounds at the rate of more than three drops per minute or one (1) cubic centimeter per minute.

A "leak" is not a gaseous emission from pressure relief devices on tanks or delivery vessels when normal process pressure exceeds the limit specified for the device.
3. "Pit": A receptacle, formed primarily of earthen materials, although it may be lined with artificial materials, used to receive intermittent flows of petroleum material during an emergency or from drilling and petroleum production processes. Neither a sample box of less than two (2) square feet in horizontal surface area nor a containment berm shall be considered a pit.
4. "Pond": A receptacle, formed primarily of earthen materials, although it may be lined with artificial materials, used to contain produced water from petroleum production processes for disposal or re-use. Ponds are not used for oil/water separation or evaporation.
5. "Sump": A lined or unlined surface impoundment or excavated depression in the ground that, during normal operations, is used for separating oil or other organic liquids, water, and solids in oil production operations. A sump is classified as:

- a. "Primary or First Stage Production Sump" is any sump which is in continuous use and receives a stream of crude oil and produced water directly from oil production wells or field gathering systems.
 - b. "Secondary or Second Stage Sump" is any sump which is in continuous use and receives a wastewater stream from one or more first stage separators such as a primary or first stage production sump, a free water knockout device, or a wash tank as well as intermittent or emergency streams.
 - c. "Tertiary or Third Stage Sump" is any sump which is in continuous use and receives a wastewater stream from second stage or subsequent separation processes upstream of the sump, and has a very small amount of oil present.
6. "Wastewater Separator": Any device primarily used to separate volatile organic compounds (VOCs) from the wastewater.
 7. "Well Cellar": A lined or unlined area around one or more oil wells, allowing access to the wellhead components for servicing and/or installation of blowout prevention equipment.

C. EXEMPTIONS

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

1. Equipment that exclusively receives, holds, or discharges rainwater, stormwater runoff, or non-contact cooling water.
2. Emergency pits and well cellars used in an emergency, if clean-up procedures are implemented within 24 hours after each emergency occurrence and completed within fifteen (15) calendar days.
3. Pits, ponds, or sumps, if the liquid surface area is less than one hundred (100) square feet.
4. Pits, ponds, sumps, or wastewater separators, if the VOC content of the liquid entering is less than five (5) milligrams per liter, as determined by EPA Test Method 8015 with stock standards prepared from gasoline. Sampling shall occur at the inlet to the pit, pond, sump or wastewater separator.
5. Drilling operation pits, if clean-up procedures are implemented within 48 hours after the drilling rig has been removed from the location, if clean-up procedures are completed within fifteen (15) calendar days, and if test production is routed to a closed top tank.
6. Any pit, pond, sump or wastewater separator, when it has been demonstrated to the satisfaction of the Air Pollution Control Officer (APCO) that the maximum degree of achievable emission reduction has already taken place. Each demonstration shall include a cost effectiveness calculation.

7. The provisions of Subsections D.2 and D.4 of this Rule shall not apply during maintenance operations on pits, sumps, or wastewater separators if the APCO is notified at least 24 hours prior to the maintenance operation, and if the maintenance operation will take no more than 24 hours to complete.

D. REQUIREMENTS

1. No person shall install, maintain, or operate a primary or first stage production sump.
2. No person shall use a second or third stage sump, a pit or a pond unless it is equipped with a properly installed and maintained cover which prevents the escape of VOCs into the atmosphere through openings other than pressure-vacuum relief valves. The cover and its appurtenances shall be maintained such that:
 - a. The cover material is impermeable to VOCs,
 - b. There are no holes, tears, or openings in the cover material which allow the emission of organic compounds into the atmosphere,
 - c. All covers and hatches remain closed and leak-free, except during times of actual maintenance, inspection, or repair,
 - d. The perimeter of any cover except for a rigid floating cover forms a leak-free seal with the foundation to which it is attached,
 - e. All rigid floating covers are installed and maintained such that the gap between the wall and the seal does not exceed 1/8 inch for a cumulative length of 95 percent of the perimeter of the compartment. No single gap between the wall and the seal shall exceed 1/2 inch, and
 - f. All pressure-vacuum relief valves are set to within ten (10) percent of the maximum allowable working pressure of the cover or in accordance with appropriate recommendations of the American Petroleum Institute or the American Society of Mechanical Engineers, and shall be properly installed, maintained in good operating order, and shall remain in a leak-free condition except when the operating pressure exceeds the valve set pressure.
3. No person shall hold crude oil or petroleum material in a well cellar except during periods of equipment maintenance or well workover. In no case shall storage occur for more than five (5) consecutive calendar days.
 - a. A person shall not sample petroleum at the wellhead without using a portable container to catch and contain the portion that would otherwise drop into the well cellar. Such container shall be kept closed when not in use.

- b. Immediately before a well is steamed or after a wellhead is steam cleaned, the well cellar in which it is located shall be pumped out.
4. No person shall use any compartment of a wastewater separator unless the following are implemented:
- a. Vapors from all such compartments within 100 feet of a suitable vapor recovery system are processed by that vapor recovery system. A vapor recovery system is suitable if it is of operational capacity sufficient to comply with vapor recovery requirements of Rule 425, Storage of Volatile Organic Compounds, Section E.3 after separator streams are added.
 - b. All wastewater separators not described by Subsection D.4.a of this Rule are equipped with one of the following:
 - 1) A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment, except during attended inspection of the compartment.
 - 2) A floating pontoon or double-deck type cover that rests on the surface of the liquid contents and is equipped with primary and secondary closure seals that meet the requirements of Rule 425.
 - 3) A vapor recovery system which meets the requirements of Rule 425.
 - 4) Other equipment having an overall vapor loss control efficiency of at least 90% by weight, provided
 - i. the equipment consists of an enclosure or intake designed to collect and deliver all emissions and a control device to remove VOCs from the delivered emissions, and
 - ii. an Authority to Construct for installation of such equipment is granted by the APCO.
 - 5) Any cover used to achieve compliance with Subsections D.4.b.1, D.4.b.2, or D.4.b.4 of this Rule shall meet the requirements of Section D.2 of this Rule.

E. TEST METHODS

- 1. The VOC concentration of crude oil or petroleum material in milligrams per liter shall be determined by EPA Method 8015 with stock standards prepared from gasoline. Samples shall be prepared and extracted using EPA Method 5030. Sampling shall occur at the entry point of the device.
- 2. Vapor loss control efficiency shall be determined by ARB Method 202 or 203 as published in Volume 2 of ARB's Stationary Source Test Methods dated September 12, 1990. Sections of these ARB methods which relate to

certification and fees (i.e. Sections V, VI, and VII) apply only to tanks subject to vapor recovery system certification requirements independently of this Rule. The applicability of Methods 202 and 203 shall be determined as follows:

- a. ARB Method 202 applies to tanks receiving organic liquid by truck.
 - b. ARB Method 203 applies to tanks receiving organic liquid other than by truck.
3. Detection and measurement of leaks shall be conducted according to EPA Reference Method 21. The analyzer shall be calibrated with methane.

F. RECORDKEEPING

1. Any person claiming an exemption from this Rule pursuant to Subsection C.4 above may be required to justify the exemption every twelve (12) months. Such justification shall be submitted to the APCO, in writing, upon request and shall include the results of an independent laboratory analysis.
2. Any person holding crude oil in a well cellar during periods of equipment maintenance or well workover pursuant to Subsection D.3 shall maintain records, which may include but are not limited to workover invoice documents, indicating the date(s) the material was stored in the well cellar or the date(s) of workover activity.
3. Any person claiming an exemption from this Rule pursuant to Subsections C.2, C.4, and C.6 shall maintain records to justify the exemption.
4. Records required pursuant to Subsections F.2 and F.3 shall be made available to the APCO upon request.

G. REPORTING

No later than January 12, 1995, the owner or operator shall submit to the APCO the following information:

1. The description, location, surface area, and Air Pollution Control District (APCD) Permit to Operate number (if one exists) for each petroleum pit, pond, sump, well cellar, and wastewater separator.
2. Any person claiming an exemption from this Rule pursuant to Subsections C.2, C.4, and C.6 shall submit records to justify the exemption.
3. The current compliance status of each process unit with respect to the requirements of this Rule.

H. COMPLIANCE SCHEDULE

1. All operations to which this Rule applies shall be in full compliance no later than July 12, 1996.
2. Before any person installs emission control equipment on an existing pit, pond, sump, well cellar, or wastewater separator pursuant to the requirements of this Rule, they shall submit an application for an Authority to Construct not later than July 12, 1995.

RULE 420. CUTBACK ASPHALT PAVING MATERIALS

A. COMPLIANCE DATES

1. After July 1, 1979, no person shall cause or allow the use or application of rapid cure cutback asphalt for highway or street or maintenance, nor manufacture, sell or offer to sell cutback asphalt for such use or application.
2. After July 1, 1980, no person shall cause or allow the use or application of cutback asphalt for highway or street paving or maintenance, nor manufacture, sell, or offer for sale cutback for use or application except as specified below:
 - a. Where the cutback asphalt is to be used solely as a penetrating prime coat;
 - b. Where the National Weather Service official forecast of the high temperature for the immediate vicinity of the asphalt application for the 24-hour period following application is below 50°F (10°C);
 - c. Where the cutback asphalt is to be used for highway or street paving or maintenance purposes and the location of such use is a minimum of 25 miles from the nearest available commercial plant which produces and offers for sale plant mixed surfacing material.
3. In non-attainment areas after January 1, 1982, no person shall cause or allow the use or application of an emulsified asphalt containing petroleum solvents (diluent) in excess of 3 percent by volume or cutback asphalt for highway or street paving or maintenance. These provisions do not apply to cutback asphalt manufactured in this District for shipment and use outside this District.

If by January 1, 1981, there are no suitable emulsified or slow cure asphalt alternatives available at a cost comparable to existing materials as approved by the APCD for uses listed in the exception under A.2, then the January 1, 1982 date will be extended on a year-to-year basis until such materials are available.

4. After January 1, 1982, road oils used for highway or street paving or maintenance applications shall contain no more than 5.0% of organic compounds which boil at less than 500°F as determined by ASTM D 402.

B. DEFINITIONS

1. "Asphalt": Means oil asphalt or a homogenous mixture of refined liquid and solid asphalts suitable for use in the manufacture of asphalt concrete.
2. "Cutback Asphalt": Means paving grade asphalts liquefied with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid Cure Type:	ASTM D 2028
Medium Cure Type:	ASTM D 2027
3. "Dust Palliative": Means any light application of liquefied asphalt (cutback or emulsified asphalt) for the express purpose of controlling loose dust.
4. "Emulsified Asphalt": Means any asphalt liquefied with water containing an emulsifier. The two kinds of emulsions most pertinent are the anionic and cationic types.
5. "Penetrating Prime Coat": Means any application of asphalt to an absorptive surface to penetrate and bind the aggregate surface and promote adhesion between it and the new superimposed construction. Prime coats do not include dust palliatives or tack coats.
6. "Road Oils": Shall be synonymous with slow cure asphalts.
7. "Tack Coat": Means any application of asphalt applied to an existing surface to provide a bond between new surfacing and existing surface to eliminate slippage planes where the new and existing surfaces meet.

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RULE 422 - REFINERY PROCESS TURNAROUNDS

(Adopted 6/18/79)

A. A person shall not vent organic compounds to the atmosphere during the depressurization or the vessel purging steps of a refinery process turnaround.

B. Compliance with this Rule shall be accomplished by venting all uncondensed organic gases to a fuel gas system or to a flare, or by other methods which the Air Pollution Control Officer has determined will prevent said gases from being emitted to the atmosphere.

C. DEFINITIONS

1. For the purpose of this Rule "Process Turnaround" means the operation of unit (i.e. reactors, fractionators, etc.) shutdown.
2. For the purpose of this Rule "Organic Compound" means any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, carbonates, and methane.

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RULE 424. GASOLINE DISPENSING FACILITIES (Revised 7/18/89)

A. Definitions. For the purposes of this Rule, the following definitions shall apply:

1. "ARB-certified vapor recovery system" means a vapor recovery system which has been certified by the State Air Resources Board pursuant to Section 41954 of the Health and Safety Code.
2. "Excavation" means exposure to view by digging.
3. "Existing gasoline dispensing facility" means any gasoline dispensing facility operating, constructed, or under construction as of January 10, 1989.
4. "Gasoline" means any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
5. "Gasoline Dispensing Facility" means any stationary facility which dispenses gasoline directly into the fuel tanks of motor vehicles. This facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing, and storage tanks.
6. "Hold-Open Latch" means the integral component of a gasoline dispensing nozzle which permits the nozzle to remain open without a sustained effort on the part of the refueler.

7. "Leak":

- a. The dripping at a rate of more than three (3) drops per minute of liquid containing reactive organic compounds; or
 - b. An emission of gaseous reactive organic compound which causes an appropriate analyzer sampling one (1) centimeter from a source to register at least 10,000 ppm, as methane, as determined by EPA Reference Method 21; or
 - c. An emission of gaseous reactive organic compounds which causes a soap bubble score of 3 or greater using the alternative screening procedure in EPA Reference Method 21.
 - d. The following are exceptions to the above definition and are not considered by this rule to be leaks:
 - 1) Liquid leaks from a well maintained disconnecting transfer fitting of not more than 10 milliliters per disconnect, averaged over three disconnects.
 - 2) Gaseous emissions from pressure relief devices on tanks when the process pressure exceeds the limit setting specified for the device.
8. "Motor vehicle" has the same meaning as defined in Section 415 of the Vehicle Code.
9. "New gasoline dispensing facility" means any gasoline dispensing facility which is not constructed or under construction as of January 10, 1989.
10. "Owner or operator" means the owner or operator of a facility which dispenses gasoline.
11. "Phase I vapor recovery system" means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.
12. "Phase II vapor recovery plumbing" means all portions of an ARB-certified Phase II vapor recovery system excluding those components installed above ground.
13. "Phase II vapor recovery system" means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.
14. "Soap Bubble Score" means the magnitude of a leak as indicated by the size of bubble formation resulting from spraying the suspected area with a standard solution. The solution shall consist of 100 ml of rug shampoo in 1 gallon of distilled water or 100 ml of rug shampoo in 1 gallon of a 50/50 mixture of glycol and distilled water. Soap scores are assigned following six seconds of observation as follows:

Score Estimated Bubble Volume (cubic centimeters in 6 seconds)

- 0 No detectable bubble
- 1 Up to 1 cc in 6 seconds
- 2 Greater than 1 cc but less than 10 cc in 6 seconds
- 3 Greater than 10 cc but less than 100 cc in 6 seconds
- 4 Greater than 100 cc in 6 seconds

15. "Tank replacement" means replacement of one or more stationary gasoline storage tanks at an existing gasoline dispensing facility or excavation of 50 percent or more of an existing gasoline dispensing facility's total underground liquid gasoline piping from the stationary storage tanks to the gasoline dispensers.

16. "Throughput" means the volume of gasoline dispensed at a gasoline dispensing facility.

B. Phase I Vapor Recovery System Requirements

- 1. No owner or operator shall transfer, or permit the transfer, or provide equipment for the transfer of gasoline, and no other person shall transfer gasoline from a gasoline delivery vehicle into a stationary storage tank at a gasoline dispensing facility unless an ARB-certified Phase I vapor recovery system is installed on the stationary storage tank and used during transfer.
- 2. The installation provisions of Subsection B.1 shall not apply to:
 - a. Storage tanks with a capacity of less than 1,500 gallons.
 - b. Storage tanks used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.
 - c. Storage tanks used exclusively to fuel motor vehicles with a fuel capacity of five gallons or less.
 - d. Storage tanks at an existing gasoline dispensing facility which receives gasoline exclusively from delivery tanks that are not required to be equipped with vapor recovery systems as described in Rule 407.B.3.
 - e. The temporary storage of gasoline in flexible containers to support equipment responding to an emergency or for the purposes of training to support such equipment.
- 3. The usage provisions of Subsection B.1 shall not apply to:
 - a. Storage tanks at an existing gasoline dispensing facility while receiving gasoline from delivery tanks that are not required to be equipped with vapor recovery systems as described in Rule 407.B.3.

b. Deliveries made and equipment used to completely fill stationary tanks for the purpose of leak testing, provided that such deliveries do not exceed 1,000 gallons at each tank.

4. Any Phase I vapor recovery system, installed pursuant to the provisions of this Rule, shall be maintained and operated in accordance with the procedures used when that system type was certified by the California Air Resources Board. All vapor recovery equipment shall be maintained in good working order and shall not leak.

5. Any person storing or transferring gasoline shall follow good operating practices including, but not limited to: preventing spills, storing gasoline in closed containers, and disposing of gasoline in compliance with all state and local regulations.

C. Phase II Vapor Recovery System Requirements

1. No owner or operator shall transfer, permit the transfer or provide equipment for the transfer of gasoline from a stationary storage tank at a gasoline dispensing facility into a motor vehicle fuel tank unless an ARB-certified Phase II vapor recovery system is installed and used during the transfer.

2. The provisions of Subsection C.1 shall not apply to:

a. The transfer of gasoline from a stationary storage tank which is exempt from the provisions of Subsection B.1.

b. An existing gasoline dispensing facility with an annual gasoline throughput from tanks other than those described in Subsections B.2.a, b, c, and d of less than 240,000 gallons during the calendar year prior to January 10, 1989. If during any calendar year thereafter the gasoline throughput at the facility equals or exceeds 240,000 gallons, this exemption shall cease to apply, regardless of Subsection C.2.c, commencing with the first day of the following calendar year.

c. An existing dispensing facility until the time of tank replacement regardless of Subsection C.2.b.

3. No owner or operator shall use or permit the use of any Phase II system or any component thereof containing a defect identified in Title 17, California Code of Regulations, Section 94006 until it has been repaired, replaced, or adjusted, as necessary to remove the defect.

4. All vapor recovery equipment shall be maintained in good working order and shall be leak free, except for the connection between the Phase II vapor recovery nozzle faceplate and the motor vehicle fill pipe during vehicle refueling.

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5. The operator of each retail facility using a Phase II vapor recovery system shall conspicuously post operating instructions, the Air Resources Board toll-free telephone number for complaints and the District Office telephone number in the immediate gasoline dispensing area.
 6. All Phase II vapor recovery system gasoline dispensing nozzles shall be equipped with a hold-open latch except where prohibited by law or the local fire marshall.

D. Recordkeeping Requirements

1. Any person wishing to maintain an exemption from the provisions of Section C of this Rule based on throughput shall keep monthly throughput records to substantiate that exemption. Records shall be made available to the Air Pollution Control Officer upon request and shall be maintained for a period of two (2) years.

E. Compliance Schedules. For purposes of this Rule, the following compliance schedules shall apply:

1. The owner or operator of any new gasoline dispensing facility subject to the provisions of Section C, shall comply with the following schedule:
 - a. For Authorities to Construct issued on or prior to October 10, 1990:
 - 1) Complete installation of the Phase II vapor recovery plumbing at the time gasoline is first dispensed at the facility.
 - 2) Be in full compliance with the provisions of Section C no later than January 10, 1991.
 - b. For Authorities to Construct issued subsequent to October 10, 1990, be in full compliance with the provisions of Section C at the time that gasoline is first dispensed at the facility.
2. The owner or operator of an existing gasoline dispensing facility undergoing tank replacement shall comply with the following schedule:
 - a. For Authorities to Construct issued on or prior to October 10, 1990:
 - 1) Complete installation of the Phase II vapor recovery plumbing at the completion of that tank replacement.
 - 2) Be in full compliance with the provisions of Section C no later than January 10, 1991.
 - b. For Authorities to Construct issued subsequent to October 10, 1990, be in full compliance with the provisions of Section C at the completion of that tank replacement.

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3. The owner or operator of an existing gasoline dispensing facility subject to the provisions of Section C as of January 10, 1989 shall comply with the following schedule:
 - a. Apply for an Authority to Construct to install the equipment required by Section C no later than April 10, 1990.
 - b. Complete installation of the Phase II vapor recovery plumbing at the time all underground work is finished.
 - c. Be in full compliance with the provisions of Section C no later than January 10, 1991.
4. The owner or operator of a gasoline dispensing facility, previously exempt from the provisions of Section C by virtue of the facility's throughput, shall comply with the following schedule:
 - a. Apply for an Authority to Construct to install the equipment required by Section C no later than 15 months following the calendar year in which the facility was no longer exempt.
 - b. Be in full compliance with the provisions of Section C no later than 24 months following the calendar year in which the facility was no longer exempt.

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REGULATION V
BURNING PROVISIONS, LIMITATIONS AND PROHIBITIONS

RULE 501. GENERAL BURNING PROVISIONS

A. Open Burning. No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the District except as follows:

1. A fire set by or permitted by a public officer, if such fire has been authorized by the Control Officer and is in the performance of the official duty of such public officer, and such fire in the opinion of such public officer is necessary for any of the following:
 - a. For the purpose of the prevention of a fire hazard which cannot be abated by any other reasonable means;
 - b. The instruction of public employees in the methods of fighting fires.
2. Fires permitted by the Control Officer on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
3. Fires authorized for agricultural burning for disposal of agricultural waste, as defined in Rule 105, Subsection A.2, and pursuant to Rule 502.
4. Fires permitted by the Control Officer related to the use of farm equipment in agricultural operations.
5. Any other fire permitted by the Control Officer in the performance of official duty, if such permission is given for the purpose of right-of-way clearing by a public entity or utility, levee, reservoir, and ditch maintenance, or the prevention of a fire hazard, which fire is, in the opinion of such official, necessary. Such authorization shall be predicated upon guidelines for meteorological data promulgated by the Air Resources Board of the State of California establishing the conditions of burning.
6. The burning of dry leaves, weeds, shrubbery and dry tree prunings by occupants of one or two-family dwellings shall be permitted at designated times throughout the year subject to strict control by public fire protection agencies. This shall be effective in all areas of the County where City Ordinance does not prohibit such burning.
- ~~7. Fires permitted by the Control Officer, until January 1, 1977, for the open burning of wood waste from trees, vines or bushes on the property being developed for commercial or residential purposes. The wood waste shall be burned only upon the property it was grown and shall be free of all material not grown at the site. All burning pursuant to a permit issued under this subsection shall comply with the criteria applicable to the burning of agricultural waste set forth in Rule 502 with respect to the condition of the material to be burned, its arrange-~~

~~ment, methods of ignition, drying times and wind direction. In no event shall any burning under this provision be conducted except on those days designated by the California Air Resources Board as burn days.~~

8. Fires used only for cooking of food for human beings or for recreational purposes.
9. Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide or water vapor is emitted under all operating conditions.
10. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.
11. The abatement of fires pursuant to Chapter 2, (commencing with Section 13025) of Part 1 of Division 12 of the Health and Safety Code.

~~B. Incinerator Burning: A person shall not burn any combustible refuse in any incinerator in any urban area as defined in Section 22,04.160 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in subsection A.1.3 of Rule 105 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. Outside of the urban areas burning in single chamber incinerators shall be confined to the burning of household rubbish by occupants of one or two-family dwellings.~~

RULE 502. AGRICULTURAL BURNING

- A. 1. No person shall set, permit, cause to be set, or allow, or maintain any open outdoor fire for the purpose of agricultural burning, unless he has a valid agricultural burning permit issued by a designated agency.
2. No permittee shall conduct agricultural burning unless such burning is in compliance with all state laws or regulations, applicable fire code provisions, and the provisions of this Rule.
- B. It shall be unlawful for any person (including but not limited to permittees) to conduct agricultural burning unless such person complies with each of the following:
 1. Agricultural burning shall take place only on days permitted by public fire protection agencies.
 2. The following materials shall not be burned in agricultural burning: shop wastes, construction or demolition debris, oil filters, tires, tar paper, plastic, buildings, wastes resulting from conversion of farm land to non-agricultural purposes, or anything not conforming

11/10/76

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2. No permittee shall conduct agricultural burning unless such burning is in compliance with all state laws or regulations, applicable fire code provisions, and the provisions of this Rule.
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 1. Agricultural burning shall take place only on days permitted by public fire protection agencies.
 2. The following materials shall not be burned in agricultural burning: shop wastes, construction or demolition debris, oil filters, tires, tar paper, plastic, buildings, wastes resulting from conversion of farm land to non-agricultural purposes, or anything not conforming

to the definitions of agricultural waste, range improvement burning, or forest management burning.

C. Preparation of Materials:

1. Agricultural waste and forest debris shall be reasonably free of dirt and soil, and shall be reasonably free of visible surface moisture.
2. Agricultural waste and forest debris shall be arranged so as to burn with a minimum of smoke, or shall be loosely piled or wind-rowed to allow maximum drying prior to burning. Forest debris is to be so prepared unless contrary to good silvicultural practice.
3. Range improvement burning: Brush to be burned shall be brush treated at least six months prior to the burn unless brush treatment will cause irrecoverable expense or brush treatment is technically unfeasible. For the purposes of this subsection, "technical unfeasibility" shall mean: (a) that the burn site cannot be reached by treatment equipment or methods, or (b) that there are unavoidable physical obstacles, or (c) that brush treatment may cause erosion because of slope or soil type, or (d) trees intended to be saved would be destroyed because of brush treatment, or (e) an insignificant reduction of air contaminants would be achieved by brush treatment. Unwanted trees of over six inches in diameter shall be felled and dried for minimum periods specified below in Subsection D.1 of this Rule.

D. Drying Times:

1. Except as provided in Subsection C.3 of this Rule, any materials to be burned as agricultural waste, or in range improvement burning, must be dried prior to burning for the minimum periods listed below:

Six (6) weeks for trees and large branches;
Three (3) weeks for prunings and small branches;
Ten (10) days for wastes from field crops.

These periods shall be the time between the day of dying or cutting and the day of burning.

2. Any material to be burned in forest management burning must be dried prior to burning for the minimum periods specified by the permit issuing agency.

E. Regulation of total tonnage: Range improvement burning shall be limited to 2000 acres for a single burn on any one day; provided, however, that the designated agency having jurisdiction may increase this acreage to establish an effective perimeter for fire control.

F. Time limits: Burning of agricultural waste, or forest management burning, may commence at any time after the announcement of a burn-day by the Air Resources Board, but in no case shall it commence before sunrise. No additional waste or other material for burning, or ignition fuel, shall be ignited or added to any fire after two hours before sunset for any agricultural burning unless required for safety reasons by a designated fire control agency.

~~G. Wind direction: No person shall ignite an agricultural burn if, at the time of ignition, the wind direction is toward a populated area within two and one-half (2 1/2) miles of the burn site, except in the case of threatened imminent and substantial economic loss. Such threatened economic loss shall be certified in writing by the Agricultural Commissioner.~~

H. Ignition Devices and Methods:

1. The materials to be burned shall be ignited only by the use of ignition devices approved by the Air Pollution Control Officer. Tires, tar paper, plastics, dirty oils, or similar materials shall not be used. Ignition devices must comply with the provisions of Rule 401.
2. Agricultural burns shall be ignited as rapidly as practicable within applicable fire control restrictions.

I. Permissive-burn or no-burn days: No person shall conduct agricultural burning on days designated as no-burn days by the State Air Resources Board, except as provided below in Subsection J. of this Rule. The State Air Resources Board will designate each day as a permissive-burn or no-burn day.

1. Upon request from a permittee through a designated agency, made seven days in advance of a specific range improvement burn, or forest management burn above 3,000 feet (MSL), a permissive-burn or no-burn notice will be issued by the State Air Resources Board up to 48 hours prior to the date of the scheduled burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.
2. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in Subsection I.1. of this Rule.

~~J. Agricultural burning on a no-burn day: No person shall conduct agricultural burning on a no-burn day except as follows:~~

- ~~1. The Control Officer may, by special permit, authorize agricultural burning by a permittee on days designated as no-burn days because denial of such permit would threaten imminent and substantial economic loss.~~
- ~~2. A permittee desiring to burn on a no-burn day shall obtain a special permit from the Control Officer. No special permit will be granted unless the Agricultural Commissioner certifies in writing that denial would threaten imminent and substantial economic loss. Written certification by the Agricultural Commissioner~~

2
~~ioner may follow verbal certification.~~

~~3. A permittee may conduct range improvement burning on a no-burn day during the period January 1 to May 31, of each calendar year, provided that more than 50% of the land being burned has been brush treated.~~

~~4. A permittee may burn, on no-burn days, empty paper sacks or containers which contained pesticides or other toxic substances, provided such sacks or containers are within the definition of agricultural wastes as specified in Subsection A.2 of Rule 105.~~

K. Restrictions on total tonnage: No permittee shall conduct, or cause to be conducted, any agricultural burning in violation of the Control Officer's restrictions when the Control Officer has restricted use of the permittee's permit as stated hereinafter in this Section K. All agricultural burning permits will be issued with sequential numbers. The Control Officer may restrict agricultural burning to odd or even numbered permits on specified days. The goal of this option is to ensure that a major portion of the total tonnage of agricultural materials is not ignited at one time.

L. Wildlife and game habitat: No person shall be granted an agricultural burning permit for range improvement burning where such burning is primarily for improvement of land for wildlife and game habitat, unless he has first filed with the Control Officer a statement from the Department of Fish and Game certifying that the burn is desirable and proper for the improvement of land for wildlife and game habitat.

M. Authorization for Agricultural Burning: No person shall be granted an agricultural burning permit for a range improvement or forest management burn which involves material from more than five (5) acres, unless he has first filed an application for permit to burn from the designated agency at least 14 days prior to the intended burn date. A copy of this application will be sent promptly to the Control Officer by the designated agency.

N. Burn reports: A permittee or applicant for an agricultural burning permit shall supply all information requested on the agricultural burning permit form or by the agency issuing the permit and shall make reports of dates of burning and type and amount of wastes burned as required by the Control Officer.

O. Exceptions: The following areas are exempted from the provisions of this Rule. These exemptions apply to the burning of agricultural wastes only and do not apply to range improvement or forest management burning.

1. Burning of agricultural wastes at 4,000 feet or more above mean sea level.

~~2. Burning of agricultural wastes at 2,000 feet or more above mean sea level, in that portion of the District located south of 35° N latitude, east of 120° 15' W longitude, and north of 35° 00' latitude.~~

P. Revocation: The issuing designated agency or the Control Officer may revoke an agricultural burning permit if it is found that the permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the Control Officer shall notify the permit holder in writing of the revocation and the reasons therefore. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States post office, or a mail box, sub-post office, substation, or mail chute, or other like facility.

Q. Appeal: Within ten (10) days after service of notice of revocation specified in Subsection P above, the permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the Control Officer or the designated agency.

~~ment, methods of ignition, drying times and wind direction. In no event shall any burning under this provision be conducted except on those days designated by the California Air Resources Board as burn days.~~

- ~~8. Fires used only for cooking of food for human beings or for recreational purposes.~~
- ~~9. Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide or water vapor is emitted under all operating conditions.~~
- ~~10. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.~~
- ~~11. The abatement of fires pursuant to Chapter 2, (commencing with Section 13025) of Part 1 of Division 12 of the Health and Safety Code.~~

~~B. Incinerator Burning: A person shall not burn any combustible refuse in any incinerator in any urban area as defined in Section 22.04.160 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in Subsection A.1.3. of Rule 105 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. Outside of the urban areas burning in single chamber incinerators shall be confined to the burning of household rubbish by occupants of one or two-family dwellings.~~

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- ~~A. 1. No person shall set, permit, cause to be set, or allow, or maintain any open outdoor fire for the purpose of agricultural burning, unless he has a valid agricultural burning permit issued by a designated agency.~~
- ~~2. No permittee shall conduct agricultural burning unless such burning is in compliance with all state laws or regulations, applicable fire code provisions, and the provisions of this Rule.~~
3. The Agricultural Commissioner may authorize agricultural burning by a permittee for the purpose of disease and pest prevention related to an agricultural operation. Such authorization shall be in writing to the Control Officer and the permit issuing agency.

~~B. It shall be unlawful for any person (including but not limited to permittees) to conduct agricultural burning unless such person complies with each of the following:~~

- ~~1. Agricultural burning shall take place only on days permitted by public fire protection agencies.~~
- ~~2. The following materials shall not be burned in agricultural burning: shop wastes, construction or demolition debris, oil filters, tires, tar paper, plastic, buildings, wastes resulting from conversion of farm land to non agricultural purposes, or anything not conforming~~

**BOARD OF DIRECTORS
AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

22 day January, 2020

RESOLUTION NO. 2020-1

**RESOLUTION OF THE AIR POLLUTION CONTROL BOARD ADOPTING THE OZONE EMERGENCY
EPISODE PLAN**

The following resolution is hereby offered and reads:

WHEREAS, the Clean Air Act provides authority to the U.S. Environmental Protection Agency Administrator to promulgate regulations related to emergency episode planning requirements appearing in the Code of Federal Regulations; and

WHEREAS, local air districts that have hourly ozone concentrations above 0.100 parts per million (ppm), are required to develop an Ozone Emergency Episode Plan; and

WHEREAS, San Luis Obispo County had a maximum one-hour ozone concentration greater than 0.100 ppm on July 28, 2016 and August 4, 2016; and

WHEREAS, The U.S. Environmental Protection Agency identified that the San Luis Obispo County Air Pollution Control District shall prepare an Ozone Emergency Episode Plan; and

WHEREAS, The San Luis Obispo County Air Pollution Control District prepared an Ozone Emergency Episode Plan (Exhibit A);

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Air Pollution Control Board of the San Luis Obispo County Air Pollution Control District that the Ozone Emergency Episode Plan is approved and staff shall forward the Ozone Emergency Episode Plan to the California Air Resources Board for submittal to the U.S. Environmental Protection Agency.

On motion of Director Ed Waage seconded by Director Roberta Fonzi
and passed and adopted on the following roll call vote:

Ayes: **Directors Debbie Arnold, Lynn Compton, Roberta Fonzi, John Hamon, Adam Hill,
John Headding, Jimmy Paulding, John Peschong, Mariam Shah, Ed Waage**

Noes:

Absent: **Directors Bruce Gibson, Heidi Harmon**

Abstaining:

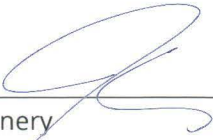


Chair, Air Pollution Control District Board
San Luis Obispo County

Attest:


Alyssa Roslan, Air Pollution Control District Board Clerk

Approved as to Form and Legal Effect:


Jeff Minnery
District Counsel

Date: 1/22/2020



Air Pollution Control District
San Luis Obispo County

SAN LUIS OBISPO COUNTY

OZONE EMERGENCY EPISODE PLAN

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

January 22, 2020

Purpose

The San Luis Obispo County Ozone Emergency Episode Plan provides the basis for taking actions when ambient ozone concentrations reach a level that could endanger public health in San Luis Obispo (SLO) County. It identifies criteria for the four levels of emergency episodes and related components for public announcements whenever an episode has been identified. This document will be incorporated into the California Infrastructure State Implementation Plan (I-SIP).

Legal Authority

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

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

In addition to the authority under H&SC, the local air districts can work with the local governing body of a city, county, or city and county, pursuant to the California Emergency Services Act³, to proclaim a local emergency when there are conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, county, or both a city and county, caused by such conditions as air pollution⁴. When a local emergency is declared, cities and counties shall implement their emergency plans and take actions to mitigate or reduce the emergency threat. Actions may include deploying field-level emergency response personnel such as law enforcement, activating emergency operation centers, and issuing orders to protect the public. Through a local emergency declaration, the air districts will obtain law enforcement aids from local governing bodies to accomplish necessary actions for preventing ambient ozone concentration from reaching the harmful level.

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

² California Health & Safety Code Section 42400 et seq.

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

⁴ California Government Code Section 8558 (c)

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

Under the Code of Federal Regulations (CFR)⁵, areas that have hourly ozone concentrations above 0.100 parts per million (ppm) are required to develop an Ozone Emergency Episode Plan which must, at a minimum, provide for taking action necessary to prevent ambient ozone concentrations at any location, in such region, from reaching the significant harm level of 0.600 ppm; averaged over two hours. As set forth in the CFR and presented in Table 1, three trigger levels (stages) are established for the ozone pollution episodes: Alert level (0.200 ppm), Warning level (0.350 ppm), and Emergency level (0.500 ppm)⁶. Corresponding actions for each specified trigger level are identified and will be implemented when the ambient ozone hourly concentration measurements reach the specified trigger levels. These elements and actions should provide for emission reductions to help mitigate high ozone concentrations.

Emergency Episode Criteria

Table 1 summarizes the four emergency episode trigger levels proposed by the San Luis Obispo County Air Pollution Control District (SLO County APCD) for the one-hour ozone concentration measurement in San Luis Obispo County. SLO County APCD proposes 0.150 ppm as a Health Advisory level to initiate emergency actions.

Table 1
Trigger Levels of Ozone Emergency Episodes in San Luis Obispo County

	Health Advisory	Alert (Stage 1)	Warning (Stage 2)	Emergency (Stage 3)
Ozone (one-hour average)	0.150 ppm	0.200 ppm	0.350 ppm	0.500 ppm

Background

Eastern San Luis Obispo County is classified as non-attainment for the 2008 and 2015 federal ozone eight-hour average standard⁷. The map presented in Figure 1 provides a graphical description of the non-attainment area. The line dividing the attainment area (western portion of San Luis Obispo County) and the non-attainment area (eastern portion of San Luis Obispo County) is defined as:

San Luis Obispo County, east of longitude -120.4 W and south of latitude 35.45 N and
San Luis Obispo County, east of longitude -120.3 W and north of latitude 35.45 N.

Because San Luis Obispo County had two days with the maximum one-hour concentration greater than 0.100 ppm between 2015 and 2017, the SLO County APCD is submitting this Ozone Emergency Episode Plan (Plan) as required by EPA regulations.

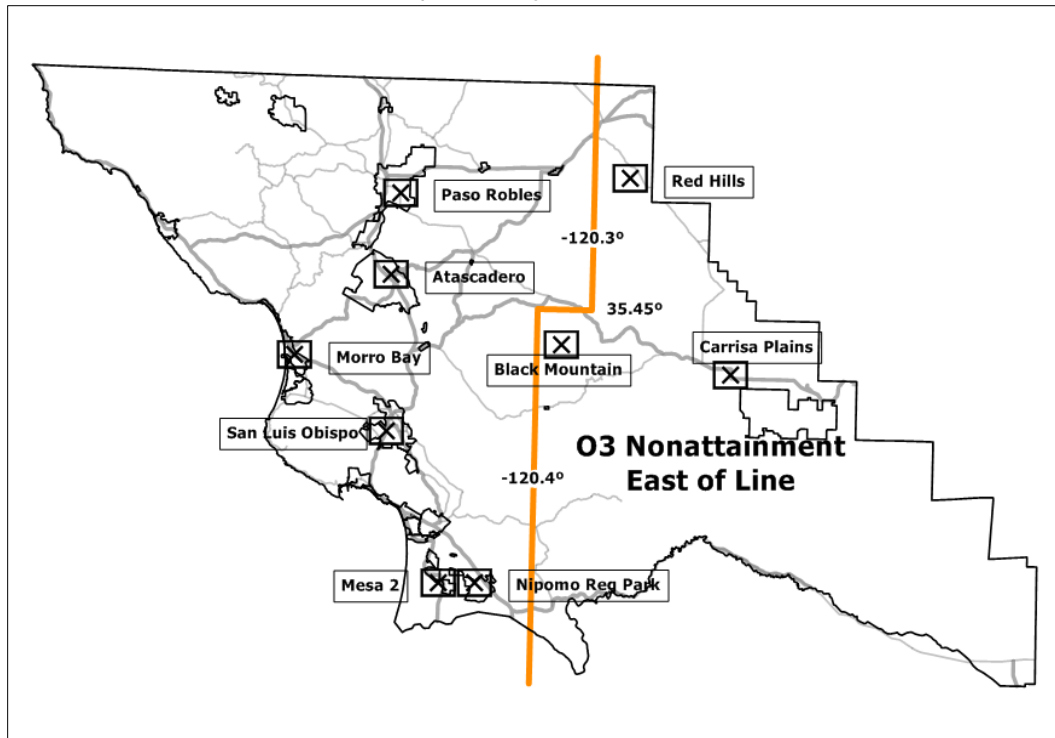
Red Hills reported a maximum one-hour concentration of 0.111 ppm on July 28, 2016 at hour 12. Carrizo Plains reported a maximum one-hour concentration of 0.101 ppm on August 4, 2016 at hour 16 and 0.102 ppm on July 28, 2016 at hour 15.

⁵ 40 CFR 51.150 and 51.151

⁶ 40 CFR 51 Appendix L

⁷ Eastern Portion of San Luis Obispo County as defined in this section

Figure 1
Eastern San Luis Obispo County Federal Non-Attainment Area



Current air monitoring stations and the historical air monitoring station at Black Mountain. The attainment boundary dividing line is drawn in orange.

Table 2 lists the number of days exceeding the 0.100 ppm threshold at the San Luis Obispo County ozone monitoring sites from 2014 through 2017. During this time period, the maximum ozone one-hour concentration was 0.111 ppm, in 2016. Prior to 2016, the last time the maximum one-hour concentration greater than 0.100 ppm was in 2008, as shown in the graph in Figure 2.

Figure 2 shows that the highest ozone concentration recorded in San Luis Obispo County, since ozone monitoring began in 1974, is below the proposed Ozone Alert (Stage 1) level of 0.200 ppm. The highest ozone concentration throughout the 2000's was below the Ozone Health Advisory level of 0.150 ppm. The ozone concentration trend shows a general decrease over time. Accordingly, Figure 2 shows that the maximum ozone one-hour concentration in San Luis Obispo County has been reduced and would need a very significant ozone event to reach the Ozone Health Advisory level of 0.150 ppm.

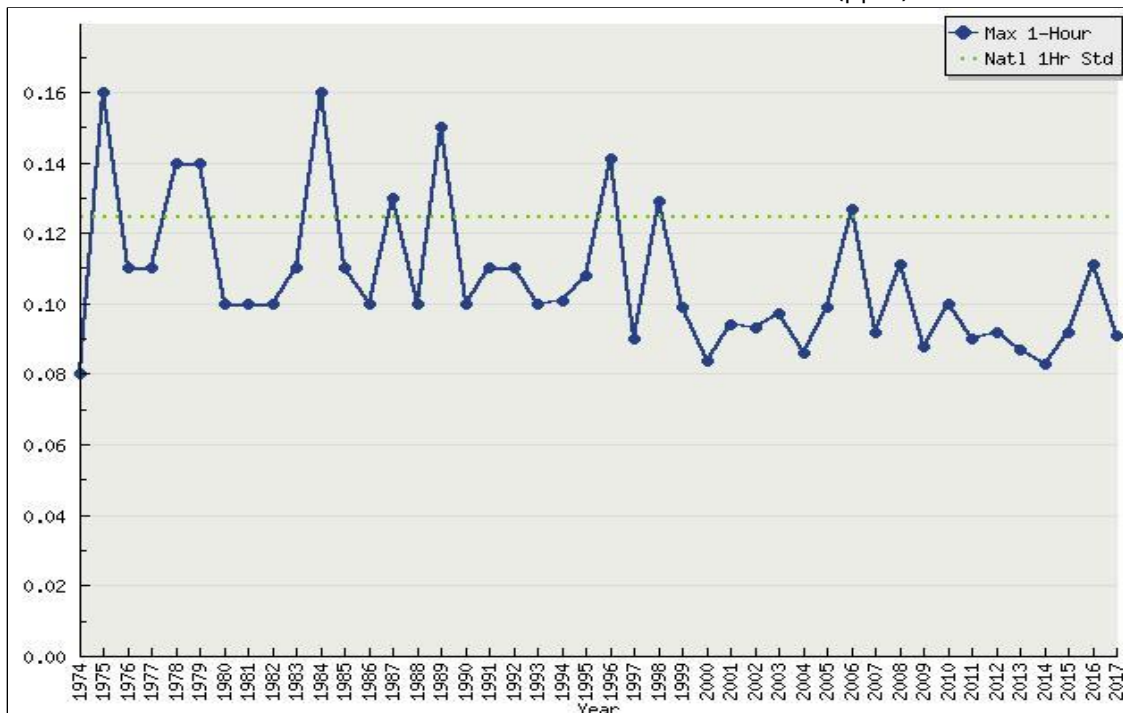
Ozone concentrations in San Luis Obispo County have been reduced through the implementation of existing control regulations and programs. Since the current federal ozone eight-hour average standard (0.070 ppm) is more stringent than the previous one-hour standard, SLO County APCD believes that the development and implementation of control regulations and programs identified by the ozone State Implementation Plan (SIP) will ensure that the ozone one-hour maximum concentrations in San Luis Obispo County will continue decreasing. Therefore, it is highly unlikely that ozone concentrations would reach the proposed Healthy Advisory level of 0.150 ppm.

Table 2
San Luis Obispo County Ozone Monitoring Sites
Current San Luis Obispo County stations with highest ozone concentrations
Number of Days with Maximum one-hour Concentration Greater than 0.10 ppm*

		2014	2015	2016	2017
Red Hills	# of Days	0	0	1	0
	Max Conc.	0.083	0.082	0.111	0.079
Carrizo Plains	# of Days	0	0	2	0
	Max Conc.	0.079	0.092	0.102	0.091
Paso Robles, Santa Fe Avenue	# of Days	0	0	0	0
	Max Conc.	0.070	0.073	0.091	0.083
Atascadero, List Station #5	# of Days	---	0	0	0
	Max Conc.	---	0.073	0.084	0.077
San Luis Obispo, Higuera	# of Days	0	0	0	0
	Max Conc.	0.080	0.066	0.069	0.074
Nipomo Regional Park	# of Days	0	0	0	0
	Max Conc.	0.081	0.079	0.070	0.076

*Morro Bay has not recorded an ozone value greater than 0.010 ppm since 1989 and is not included in this table. Atascadero Lift Station #5 opened in 2015. Atascadero Lewis Avenue was operated prior to the installation of Atascadero Lift Station #5.

Figure 2
San Luis Obispo County Peak One-Hour Ozone Concentrations – Source: CARB
Annual maximum one-hour ozone concentration (ppm)



Annual maximum one-hour concentration in San Luis Obispo County from 1974 through 2017 is from the CARB on-line data base. --- Note: the EPA AQS data base reports San Luis Obispo County data back to 1975. The EPA data base reports the highest San Luis Obispo County hourly ozone value in AQS for the 1970's as 0.140 parts per million (ppm), recorded 7/14/1979 in Paso Robles (not the same location as the current station). For the 1980's, the highest hourly ozone value in AQS is 0.160 ppm, recorded 9/9/1984 at that same former station in Paso. AQS is also showing a value of 0.190 ppm at the current Paso Robles Station for 10/16/1992.

Emissions Sources and Emissions Inventory

Table 3 lists the five largest NO_x emissions sources in San Luis Obispo County, with their associated ROG emissions, as of 2018. The most current CARB emissions inventory may be obtained from:

<https://www.arb.ca.gov/ei/emissiondata.htm>

Table 3

San Luis Obispo County Five Largest NO_x Emissions Sources - 2018 Data

Data Source: SLO County APCD emissions database

Source	Location	NO _x (tons/yr)	ROG (tons/yr)
Phillips 66 Santa Maria Refinery	2555 Willow Road, Arroyo Grande, CA	178	153
Bolthouse Farms	1277 Highway 166, Cuyama Ranch, Cuyama, CA	30	1
E & B Natural Resources	Russel Ranch Oil Field, New Cuyama, CA	27	0.8
Phillips 66 Shandon Pump Station	17525 Highway 46 East, Shandon, CA	15	0.6
PG&E Diablo Canyon Nuclear Power Plant	Diablo Canyon West of Avila Beach, CA	8	0.3

Source of Maximum Ozone Concentrations

As stated previously, the maximum San Luis Obispo County one-hour ozone concentrations presented in Figure 2 shows the Ozone Alert (Stage1) level has never been reached in San Luis Obispo County since monitoring began in 1974. In SLO County, the Health Advisory level of 0.150 ppm has not been reached in over 25 years.

Since 2000, days with the maximum one-hour concentration in San Luis Obispo County greater than 0.100 ppm can be attributed mainly to an influx of ozone precursor gasses associated with pollution transport from wildfires. Ozone precursor gasses from wildfires are outside of the regulatory framework of SLO County APCD; therefore, the air district cannot directly reduce emissions from wildfires. In 2016, the one-hour concentrations greater than 0.100 ppm recorded at the Red Hills and Carrizo Plains monitoring stations were directly related to wildfire smoke.

The following is an excerpt from the 2016 SLO County APCD Annual Monitoring Report:

Smoke from the Soberanes and Chimney wildfires had major impacts on air quality throughout the county in 2016. The Soberanes Fire started on July 22nd and burned over 130,000 acres in and around the Los Padres National Forest in Monterey County. The fire smoldered into October. The Chimney Fire burned more than 46,000 acres around Lake Nacimiento from August 13th into September. The District issued Air Quality Alerts related to these fires on July 26th and August 17th. The year's highest ozone concentrations at Paso Robles, Atascadero, Red Hills, and Carrizo Plains—including 6 of the 7 exceedances of the 8-hour standard—all occurred during this period.

SLO County APCD staff were present at the Red Hills monitoring station when the ozone monitor reported a maximum one-hour concentration of 0.111 ppm on July 28, 2016 at noon and observed very thick smoke

impacting the ozone monitor. Staff said, "it was like pea soup out there", referring to the smoke evident around the Red Hills monitoring station.

The following is an excerpt from the 2018 SLO County APCD Annual Monitoring Report:

Ozone standards were exceeded on 5 days in 2018, but all of these occurred during wildfire events.

This information demonstrates that in recent years, wildfires were a key factor in producing the highest peak one-hour ozone concentrations in San Luis Obispo County.

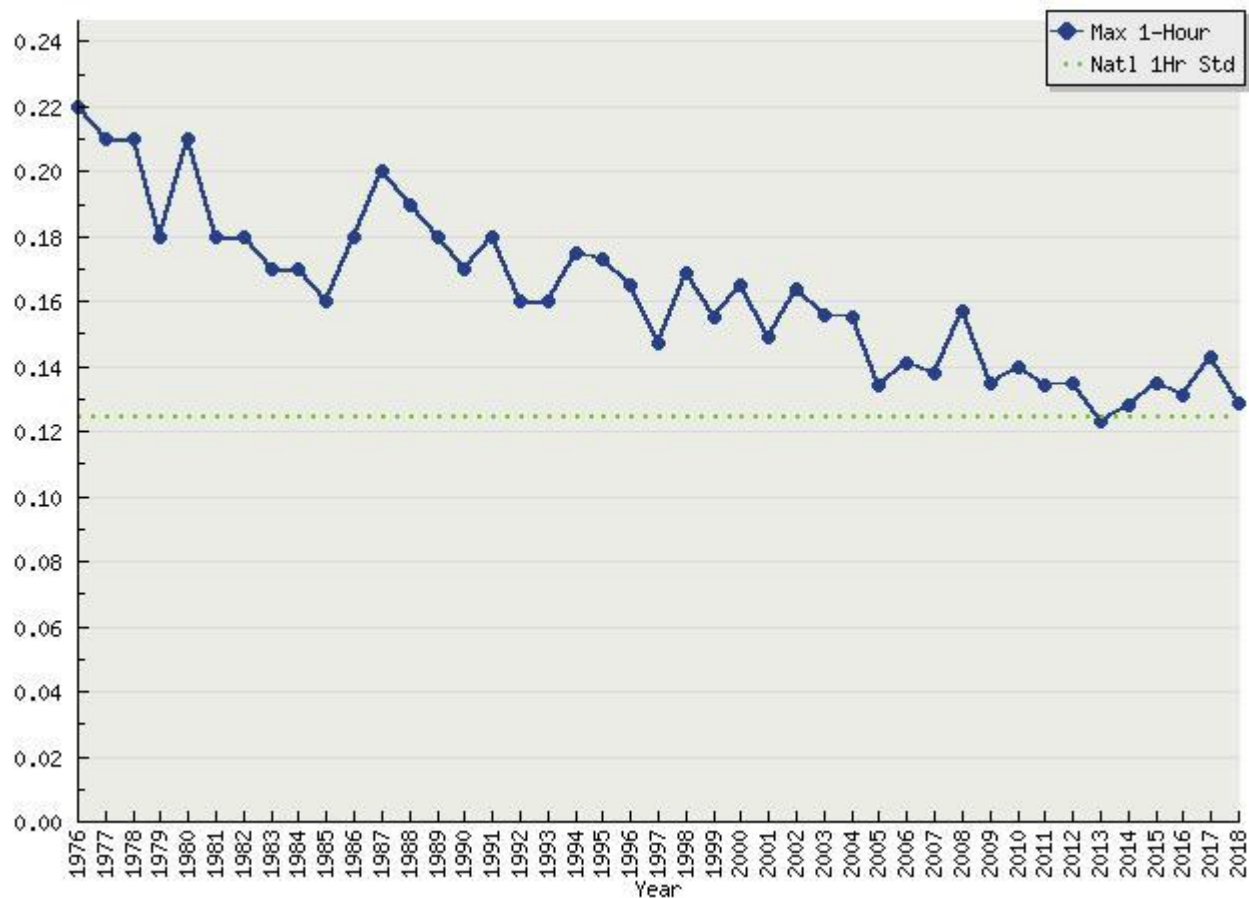
Ozone transport from areas upwind of San Luis Obispo County, including San Joaquin Valley, urban parts of Southern California, and the San Francisco Bay area can also result in an increase in ozone concentrations at Red Hills and Carrizo Plains, as well as other parts of San Luis Obispo County, especially during periods when atmospheric conditions are conducive for generating ozone. The highest ozone concentrations from pollution transport can come from Southern California or the San Joaquin Valley where peak hourly ozone concentrations have been below 0.200 ppm since 1998, as shown in Figures 3 and 4. Pollution transport from the San Francisco Bay area can also result in an increase in ozone concentrations at Red Hills and Carrizo Plains. Since the Ozone Alert level of 0.2 ppm has never been exceeded in the San Francisco Bay area since monitoring began in mid-1970's, as shown in Figure 5, contributions to the peak ozone from San Francisco Bay area ozone transport are expected to be less significant than contributions from the San Joaquin Valley and Southern California. This discussion indicates that pollution transport from the San Joaquin Valley, urban parts of Southern California, and the San Francisco Bay area is not expected to result in an increase in ozone concentrations at Red Hills and Carrizo Plains that would reach the Stage 1 Ozone Alert level, because the Annual Maximum One-Hour Ozone Concentrations (ppm) in these locations are currently below the Stage 1 Ozone Alert level.

Figure 3
South Coast Air Basin Annual Maximum One-Hour Ozone Concentrations (ppm)



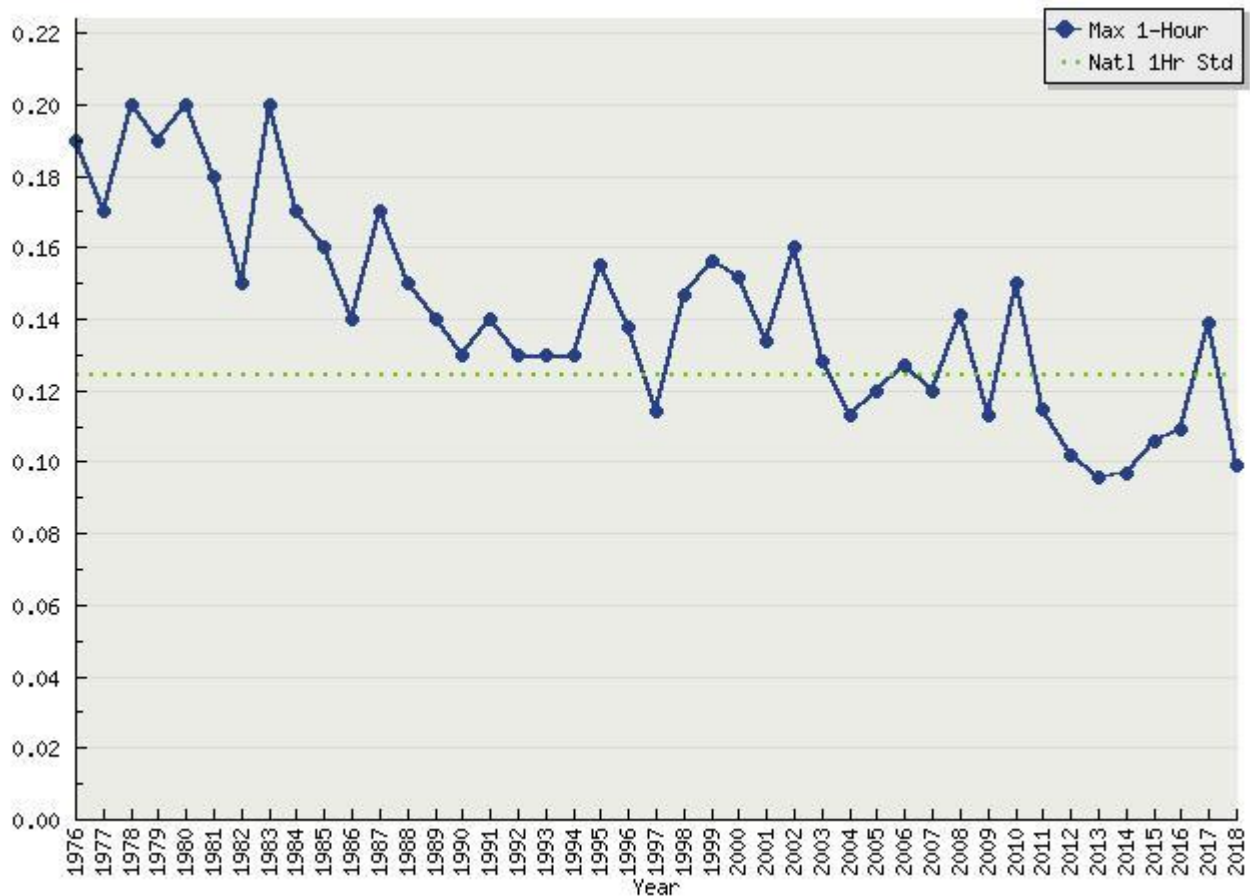
Data Source: CARB [iADAM](#)

Figure 4
San Joaquin Valley Air Basin Annual Maximum One-Hour Ozone Concentrations (ppm)



Data Source: CARB [iADAM](#)

Figure 5
San Francisco Bay Area Air Basin Annual Maximum One-Hour Ozone Concentrations (ppm)



Data Source: CARB [iADAM](#)

The following data will illustrate that the amount of emissions in the Eastern San Luis County non-attainment area are small as compared to all of San Luis County and extremely small as compared to wildfire emissions. Table 4 indicates the Eastern San Luis Obispo County non-attainment area has a very small population (approximate population of 1334). Within the Eastern San Luis County non-attainment area, the Average Weekday Vehicle Miles Traveled (VMT) in 2015 was approximately 235,000 and the stationary source emissions total approximately 160 tons per year NO_x and 14 tons per year Total Organic Gases (TOG). The most current CARB emissions inventory indicates the San Luis County emissions total is approximately 10150 tons per year NO_x and 18125 tons per year TOG. In 2015, the VMT for the entire county was approximately 8.2 million.

Table 4
Comparison of Eastern SLO County vs. SLO County statistics

Location	Population -2010	Vehicle Miles Traveled	NOx Tons Per Year	ROG Tons Per Year
SLO County	269,819	8,200,000	10,150	18,125
Eastern SLO County ozone non- attainment area	1,334	235,000	160	14

Data Sources: US Census, SLOCOG, CARB, SLO County APCD

A study of October 2003 wildfires in Southern California indicated 5 million metric tons of total pollutant emissions were produced over several days (Clinton, et al., 2006) which demonstrates that ozone precursor gasses from large wildfires can dwarf the ozone precursor emissions from stationary industrial sources within Eastern San Luis County.

Ozone Emergency Strategies for San Luis Obispo County

Smoke impacts from fires can produce large and rapid variations in air quality. When smoke is present, air quality can vary from the good range to the unhealthy range and back to the good range in a matter of minutes. Since 2008, the only official measured ozone concentration above 0.100 ppm in SLO County was for one hour at Red Hills in 2016 and 2 hours at Carrizo Plains in 2016. Since the peak ozone lasted for a relatively short period of time, it is anticipated that control actions cannot be put in place fast enough to mitigate a rapid spike in ozone from smoke. Decision makers should take these rapid variations into consideration when taking an action to mitigate air quality impacts. Important information to make decisions may not be available until the emergency occurs. At the time of the emergency, decision makers must weigh whether a curtailment of an emission source will lower the ambient ozone concentration, given atmospheric conditions (such as wind direction and wind speed).

NOx is an important precursor gas in the formation of surface-based ozone and is a key factor in efforts to reduce ozone concentrations. Mobile sources make up approximately 90% of the NOx emissions inventory in SLO County (CARB, 2016). As shown in Table 5, the largest stationary industrial NOx source in SLO County is a refinery that emits approximately 1.8% of the total NOx emissions in SLO County. Altering industrial processes in a safe manner takes time, possibly days in some cases. Because the largest stationary industrial NOx source in SLO County produces a small percentage of the total NOx emissions and is roughly 45 miles away from where the highest ozone was measured, it is extremely unlikely that reducing emissions from the largest stationary industrial NOx source during a large wildfire will have a measurable impact on the ambient ozone concentrations at Red Hills and Carrizo Plains. However, the purpose of this plan is to reduce ozone pollution throughout the district when ozone levels reach extraordinarily high levels. It does not single out one particular source; it focuses on aggregate actions. Decision makers often consider whether winds may be blowing emissions from large stationary sources offshore, away from where peak ozone is typically measured, but the ozone emergency episode stages addressed in this plan far exceed normal observations, including typical wildfire conditions. Since NOx emissions from mobile sources are so much greater than the largest stationary source, potential emission control actions to reduce ozone will focus on mobile sources NOx reductions.

On-road motor vehicles emit approximately 34% of the NOx in SLO County. Farm and off-road equipment, recreational boats and commercial harbor craft emit approximately 14% of the NOx in SLO County. Ocean going vessels emit approximately 41% of the NOx in SLO County inventory; however, these ocean-going

vessels emissions occur roughly 30 to 100 miles offshore and are emitted at such a distance that they are unlikely to significantly impact the observed inland SLO County ozone concentrations. Therefore, SLO County APCD control actions will focus on on-shore mobile sources and call for cessation of all non-essential on-shore vehicle use, recreational boat use and commercial harbor craft use, which comprise approximately 48% of the NOx emissions inventory in SLO County and most of the onshore NOx emissions inventory. If appropriate and feasible, a request will be made for ocean-going vessels to divert the typical travel path farther offshore.

Control actions related to mobile sources are expected to result in a timely reduction of NOx as the public ceases non-essential operation of motor vehicles.

Table 5

Comparison of SLO County NOx sources in the emissions inventory (in percent of total NOx)

SLO County Source	% NOx emissions inventory (2016)
Ocean going vessels	41
On-road motor vehicles	34
Farm and off-road equipment, recreational boats and commercial harbor craft	14
Largest Industrial Source - Refinery	1.8

Data Sources: CARB, SLO County APCD

The following data will provide evidence that these strategies are appropriate and adequate. In the absence of significant wildfire impacts, the maximum hourly ozone concentration from January 1, 2019 to August 1, 2019 was 0.069 ppm at Carrizo Plains and 0.065 ppm at Red Hills. During this period there were typical emissions from SLO County stationary industrial sources, all mobile sources, area and biogenic sources, pollution transport from upwind areas (San Francisco Bay Area, San Joaquin Valley, Southern California), as well as a very large prescribed burn and several small wildfires. In an atmosphere with minimal pollution, the concentration of surface-based ozone is generally around 0.040 ppm. Therefore, during January 1, 2019 to August 1, 2019, the difference between an atmosphere with minimal pollution and the hourly ozone peak was roughly 0.029 ppm at Carrizo Plains and 0.025 ppm at Red Hills. This demonstrates that in the absence of large wildfire emissions, the ozone concentrations produced from SLO County emission sources can be in the 0.025-0.030 ppm range and will not typically result in an exceedance of an ozone health standard (0.070 ppm) and are expected to be very far below an ozone concentration that could trigger an action by this plan (0.150 ppm).

Therefore, this Ozone Emergency Episode Plan will focus on mobile source emission control actions to reduce ozone, informing the public about current and forecasted air quality during significant wildfire smoke events and recommending actions to protect public health.

San Luis Obispo County Office of Emergency Services

When an emergency is proclaimed by San Luis Obispo County, the San Luis Obispo County Emergency Operations Center (EOC) may be activated and the San Luis Obispo County Emergency Services Director and key officials will direct emergency response activities. EOC participants can include the San Luis Obispo County Administrative Officer, San Luis Obispo County Health Officer, San Luis Obispo County Office of Emergency Services staff, San Luis Obispo County Sheriff representatives, California Highway Patrol representatives, Cal Fire representatives, San Luis Obispo County Office of Education representatives, San Luis Obispo County Air Pollution Control District staff, San Luis Obispo County

Environmental Health Department staff, San Luis Obispo County area city representatives and public information officers. The San Luis Obispo County Emergency Services Director will decide which control actions will be made, based on information available during the emergency event. In the unlikely event that the ozone emergency could be effectively mitigated by reduction of industrial sources, this decision and recommended control actions will be made by the San Luis Obispo County Emergency Services Director and San Luis Obispo County Office of Emergency Services procedures will be used. San Luis Obispo County Office of Emergency Services has planning documents for emergencies and local hazards that can be utilized in an ozone emergency, which are located at the following links:

[https://www.slocounty.ca.gov/getattachment/40e9d234-8576-41a1-82fe-a07f3b67a20a/County-Emergency-Operations-Plan-\(EOP\).aspx](https://www.slocounty.ca.gov/getattachment/40e9d234-8576-41a1-82fe-a07f3b67a20a/County-Emergency-Operations-Plan-(EOP).aspx)

<https://www.slocounty.ca.gov/Departments/Office-of-Emergency-Services/Forms-Documents.aspx>

[slocounty.ca.gov/OESdocs](https://www.slocounty.ca.gov/OESdocs)

Proposed Actions for Ozone Emergency Episodes

The actions for ozone emergency episodes will focus on public notification when substantially high ozone concentration measurements occur or are forecasted to occur. Mitigation measures will also be recommended as described in the following sections.

Reduction of Motor Vehicle Emissions During an Ozone Emergency

As discussed previously, motor vehicle emissions comprise a significant contribution to the ozone precursor gasses in the San Luis Obispo County emissions inventory. During an ozone emergency, an advisory will be sent, via press and social media requesting the public refrain from any non-essential driving of motor vehicles until ozone concentrations drop below episode criteria.

Reduction of Smoke and Other Emissions During an Ozone Emergency

Ozone precursor gasses from fires can add to the existing ozone precursor emissions from other sources. During an ozone emergency, an advisory will be issued requesting the public refrain from any outdoor burning, outdoor cooking, and similar smoke producing activities until ozone concentrations drop below episode criteria. SLO County APCD will also refrain from authorizing agricultural burns, prescribed burns, training burns, and fire hazard reduction burns. Additional actions may include requesting the public cease painting, construction, lawn mowing, pesticide application, and charcoal grilling.

Reduction of Smoke and Other Emissions During Wildfires via a Prescribed Burn Program

SLO County APCD has a robust prescribed burn program that addresses reduction of fuel and can help reduce the impacts of large wildfires. Prescribed burns are conducted during optimal dispersion conditions during periods of good air quality which minimizes smoke health impacts.

Notification Lists

The SLO County APCD has compiled and will periodically review and update an emergency episode Notification List, which includes all San Luis Obispo County schools. Impacted school districts will be notified about any air quality events in their area. This list is updated frequently to ensure current contact information is maintained.

SLO County APCD staff to be notified during an ozone emergency:

Gary Arcemont

805-781-5998

garcemont@co.slo.ca.us

Meghan Field
Gary Willey, Air Pollution Control Officer

805-781-1003 mfield@co.slo.ca.us
805-781-5912 gwilley@co.slo.ca.us

Routine Air Quality Notification Actions

Air Pollution Forecasts, Press Releases and Email Notifications to Schools

SLO County APCD provides daily air quality forecasts for a 6-day period and nine forecast regions within the county. This forecast is displayed on the SLO County APCD website and is disseminated through the national AirNow website and EnviroFlash email system. When conditions would result in substantially high ozone concentration measurements or other significant air pollution events, a press release is issued and impacted schools are notified via email. The notification includes recommendations that the public can take to protect their health. The notification can also include suggested voluntary actions to reduce ozone precursor emissions, such as voluntarily reducing vehicle emissions.

Air Quality Alert – Transmitted via National Weather Service Media Channels and Website

SLO County APCD works in conjunction with the National Weather Service to issue Air Quality Alerts during significant air quality events. The National Weather Service posts the Air Quality Alerts on the National Weather Service website and sends out the information via social media accounts across various platforms; including National Weather Service Twitter, Instagram, and Facebook accounts; which have a very wide reach to the public and media.

AirAware Alert Text Notification Program

AirAware Alerts is a SLO County APCD program that allows anyone with a mobile device to sign up to receive a text notification for a significant air quality event. The alert directs the public to the SLO County APCD website for detailed information and directions on how to protect public health. The public can sign up to receive these alerts via the SLO County APCD website.

Social Media

SLO County APCD actively maintains social media accounts across various platforms and uses them to disseminate information in quick and efficient ways. During an Air Quality Alert, or when Press Releases are issued, the SLO County APCD's Twitter, Instagram, and Facebook accounts are updated to provide current information.

EnviroFlash Program

The EnviroFlash Program emails air quality forecasts to subscribers. It utilizes the Air Quality Index or AQI, which is a color-coded scale used nationwide. EnviroFlash helps individuals stay informed of predicted air quality conditions and potential health impacts related to the air quality in their community. As of 31 October 2019, 980 individuals were registered with EnviroFlash to receive daily AQI emails for San Luis Obispo County air quality conditions. The notification can also include suggested voluntary actions to reduce ozone precursor emissions, such as voluntarily reducing vehicle emissions.

Additional Actions to be Put in Place During Ozone Emergency Episodes

Emergency Episode Declaration

Whenever the ozone one-hour concentration, measured at any location within San Luis Obispo County, reaches or is predicted to reach any of the episode trigger levels as shown in Table 1, the SLO County APCD shall declare that an emergency episode is in effect in San Luis Obispo County. In addition, should the Air Pollution Control Officer (APCO) of a district adjacent to the SLO County APCD declare a Stage 1, 2,

or 3 episode within their district and request assistance, the SLO County APCO may implement measures as described in this Plan as if such episode level had been measured within SLO County APCD.

Notification of an Emergency Episode

When any emergency episode is declared, the SLO County APCO shall notify contacts on the emergency episode notification list which shall include, but is not limited to, the following:

1. California Air Resources Board;
2. The San Luis Obispo County Administrative Officer, chief executive officers of the incorporated municipalities within San Luis Obispo County, police chiefs, fire chiefs, and other public safety officers as deemed appropriate by the Air Pollution Control Officer;
3. The San Luis Obispo County Health Officer;
4. The San Luis Obispo County Office of Emergency Services;
5. The San Luis Obispo County Office of Education Superintendent, school district superintendents, and private school principals;
6. All air pollution control districts within the South Central Coast Air Basin (San Luis Obispo, Ventura and Santa Barbara), as well as all adjacent districts (Monterey, San Joaquin Valley);
7. Major newspapers in daily circulation and major television and radio stations (including those who are part of the emergency broadcast system) broadcasting within San Luis Obispo County for appropriate warnings, notices, and advisories;
8. Participants in the San Luis Obispo County Air Aware Program;
9. SLO County APCD permitted facilities; and
10. SLO County APCD Staff who are responsible for public outreach.

Content of Notification

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

Termination of an Emergency Episode

The SLO County APCD shall declare an episode as terminated when the one-hour ozone concentration measurements from all monitoring sites within San Luis Obispo County fall below the level of the Alert episode and the meteorological data indicates the ozone concentration is expected to continue decreasing.

Notification of the Termination of an Episode

Upon the declaration of the termination of an episode, the SLO County APCD shall notify those agencies and organizations specified on the Notification List.

Actions for Each Emergency Episode

When an emergency episode is declared, the SLO County APCD shall implement the following control actions:

1. Ozone Health Advisory Episode (0.150 ppm):
 - a) Prepare the emergency episode notification;
 - b) Notify those public agencies and organizations identified in the plan that an Ozone Health Advisory Episode has been declared;

- c) Advise the San Luis Obispo County Office of Education Superintendent that sustained strenuous activities by students (for both public and private schools) lasting longer than one hour should be discontinued;
 - d) SLO County APCD will request the news media broadcast the appropriate health advisory, which will include a recommendation that the public curtail non-essential motor vehicle operation and smoke emissions (such as outdoor burning and outdoor cooking);
 - e) Coordinate with the San Luis Obispo County Office of Emergency Services to identify possible actions which could be taken when San Luis Obispo County proclaims an Ozone Alert (Stage 1) Episode, which might include ceasing painting, construction, lawn mowing, pesticide application.
2. Ozone Alert (Stage 1) Episode (0.200 ppm):
- a) Prepare the emergency episode notification;
 - b) Notify those public agencies and organizations identified in the plan that an Ozone Alert Stage 1 Alert Episode has been declared by SLO County APCD;
 - c) Recommend the San Luis Obispo County Office of Education Superintendent contact the School Superintendents and coordinate with private schools, to suspend students' strenuous activities;
 - d) SLO County APCD will contact the news media to request the appropriate advisories be broadcast to the public, and include a request that the public curtail any non-essential motor vehicle operation;
 - e) Contact facilities where emission control actions could help mitigate the ozone emergency, to discuss actions as deemed appropriate by the San Luis Obispo County Emergency Services Director, Health Officer, Air Pollution Control Officer, and local law enforcement agencies, in order to protect the health and welfare of the general public;
 - f) If conditions do not threaten inspectors' safety, confirm control actions have been implemented.
 - g) SLO County APCD will prohibit all open burning, including agricultural burning, and incineration throughout the affected area, except in an emergency as provided for in Section 41862 of the H&SC.
3. Ozone Warning (Stage 2) Episode (0.350 ppm): In addition to the actions associated with the Ozone Alert Stage 1 Episode, the following actions shall be implemented in an Ozone Warning Stage 2 Episode.
- a) Recommend that those agencies and organizations on the Notification List take the following actions, within the scope of their authority:
 - i. SLO County APCD will prohibit all types of open burning, including agricultural waste;
 - ii. Consider closing all non-essential public agency facilities, except emergency facilities and those facilities necessary in emergencies to protect national security or national defense; or consider shelter in place;
 - iii. Consider requesting that employees of closed public agency facilities avoid non-essential motor vehicle operation until the episode is terminated.
 - b) Consider closure of all public and private schools, colleges, and universities within San Luis Obispo County (or consider shelter in place);
 - c) In coordination with the San Luis Obispo County Emergency Services Director, contact permitted facilities to request emission control actions be implemented to mitigate the ozone emergency, including but not limited to substantial reduction of air pollutants by curtailing operations. Additional actions may be deemed appropriate by the San Luis Obispo County

- Emergency Services Director, Health Officer, Air Pollution Control Officer, and local law enforcement agencies, in order to protect the health and welfare of the general public;
- d) If conditions do not threaten inspectors' safety, confirm control actions have been implemented.
 - e) Recommend that the public refrain from non-essential motor vehicle use until the episode is terminated, and use public transit as an alternative (if available);
 - f) Recommend the suspension of all indoor and outdoor events at parks or recreational facilities open to the public;
 - g) Recommend the suspension of all scheduled athletic events;
 - h) Recommend that the San Luis Obispo County Emergency Services Director and Health Officer consider proclaiming a local emergency for air pollution, and implement emergency control measures, pursuant to the California Emergency Services Act, when the ambient ozone concentration reaches the level of 0.45 ppm.
4. Ozone Emergency (Stage 3) Episode (0.500 ppm): In addition to the actions associated with the Ozone Emergency (Stage 3) Episode, the following actions shall be implemented:
- a) Recommend that the San Luis Obispo County Emergency Services Director proclaim a local emergency for air pollution and initiate its emergency operations plan;
 - b) Recommend the media broadcast that a local emergency exists for air pollution, due to high ozone concentrations;
 - c) In coordination with the San Luis Obispo County Emergency Services Director:
 - i. Recommend closing all government facilities which are not immediately necessary for public health and safety, national security or national defense; or if appropriate, shelter in place;
 - ii. Recommend closing all recreational facilities, including but not limited to those servicing boating and off-road vehicles; or if appropriate, shelter in place;
 - iii. Discuss whether it would be appropriate to temporarily close non-emergency commercial and industrial facilities; or if appropriate, shelter in place;
Contact permitted facilities to request emission control actions be implemented to mitigate the ozone emergency, including but not limited to maximum reduction of emissions to the extent possible without causing injury or damage, or ceasing production altogether. Additional actions may be deemed appropriate by the San Luis Obispo County Emergency Services Director, Health Officer, Air Pollution Control Officer, and local law enforcement agencies, in order to protect the health and welfare of the general public;
 - iv. Hospitals within the affected area shall be notified to prepare for the possible increase in the number of patients seeking treatment.
 - d) If conditions do not threaten inspectors' safety, confirm control actions have been implemented.
 - e) Recommend closing principal streets, as deemed necessary by the San Luis Obispo County Emergency Services Director, Health Officer, Air Pollution Control Officer, and local law enforcement agencies, in order to protect the health and welfare of the general public;
 - f) Request that the San Luis Obispo County Office of Emergency Services engage with the State for necessary actions pursuant to the California Emergency Services Act, which includes prohibiting the use of all motor vehicles except for emergencies, or any other action deemed warranted;
 - g) Recommend restricting all construction and painting; and,
 - h) Recommend restricting all lawn care and mowing activities and stop the use of lawn and garden chemicals.

The SLO County APCD commits to implementing the proposed SLO County APCD actions identified in this Plan. Actions will be made in coordination with the San Luis Obispo County Emergency Services Director, San Luis Obispo County Office of Emergency Services and other agencies that participate in emergency response actions.

REFERENCES

California Air Resources Board, 2016. 2016 Emissions Inventory for San Luis Obispo County,

Clinton, N., Gong, P., Scott, K., 2006. Quantification of pollutants emitted from very large wildland fires in Southern California USA. *Atmospheric Environment*, 40 (2006) 3686-3695

SLOCOG Conformity Analysis: <https://slocog.org/programs/funding-programming/federal-transportation-improvement-program-ftip>

US Census: <https://www.census.gov/data.html>

SAMPLE ADVISORIES

AirAware Text Notification Samples

8/6/18: Smoke from the Turkey Fire near Parkfield in Monterey County is impacting northern SLO County. We will continue to assess air quality and identify any potential health impacts. Find out more: <https://goo.gl/QpnzFr>

7/30/18: Better Breather Alert – Smoke from wildfires impacting SLO County. Impacts greatest in Eastern and Central SLO County, but coastal air quality can deteriorate as the smoke plume spreads. More info: <https://goo.gl/QpnzFr>

6/26/18: Fire breaks out at CAMP San Luis Obispo on shooting range. Smoke, at this time, does not appear to be impacting major populated areas. We will continue to monitor for impacts. For more up to date information, visit our website at SLOCleanAir.org.

6/26/18: Gilardi Road Prescribed Burn planned for tomorrow, June 27. This burn is off highway 1, northwest of Cuesta College. APCD staff have already deployed a mobile monitor at Cal Poly to monitor smoke impacts. Find out more: <https://goo.gl/QpnzFr>

Press Release Sample #1



Air Pollution Control District
San Luis Obispo County

FOR IMMEDIATE RELEASE: July 30, 2018

Contact: Meghan Field, 805-781-5912
SLO County Air Pollution Control District

Dr. Penny Borenstein, 805-781-5500
SLO County Public Health Department

BETTER BREATHER ALERT - SMOKE IMPACTING SAN LUIS OBISPO COUNTY

SAN LUIS OBISPO, CALIFORNIA, – The San Luis Obispo (SLO) County Air Pollution Control District and County Health Department informs individuals that air quality in San Luis Obispo County is being impacted by smoke from wildfires. As of 2 p.m. Monday, July 30, smoke impacts are the greatest in Eastern and Central San Luis Obispo County (including Paso Robles and Atascadero) and air quality is mostly good along the coast (including San Luis Obispo), but coastal air quality could deteriorate as the smoke plume spreads. Expect skies to be hazy and fine particulate (PM_{2.5}) and ozone concentrations to be higher than normal. Changing winds make it difficult to predict which areas of the county may be most affected as the week progresses. However, until the fires are put out, smoke will likely be intermittently present in our region.

If you smell smoke or see ash fall, County officials recommend you take precautions and use common sense to reduce the harmful health effects associated with smoke exposure. When it is obvious that smoke is in the air, individuals should avoid strenuous outdoor activity and remain indoors as much as possible. These precautions are especially important for people with existing respiratory illness and heart conditions, as they are particularly vulnerable to the health effects of declining air quality. If smoke impacts increase, healthy people could be affected as well. If a cough, shortness of breath, wheezing, exhaustion, light-headedness or chest pain occurs, outdoor activity should be stopped immediately, and the affected person should seek medical attention. More information can be found at slocleanair.org/air-quality/wildfire.

To clean ash, please do the following: use a damp cloth and spray areas lightly with water, directing ash-filled water to ground areas, and away from the runoff system; take your vehicle to the car wash; wash off toys that have been outside in the ash; clean ash off pets; due to the corrosive nature of ash, avoid any skin contact with the ash (wear gloves, long-sleeved shirts); and do not use leaf blowers. Please note, if you have existing heart or lung conditions, avoid doing ash clean-up yourself or anything else that stirs the particles back up into the air. In addition, do not allow children to play in the ash.

APCD and County officials will continue to closely monitor smoke impacts and air quality in San Luis Obispo County. By following the air quality index (AQI), the public can also monitor real-time air quality throughout SLO County. The AQI focuses on health effects individuals may experience within a few hours or days after breathing polluted air. The current and forecasted AQI is available via the APCD website: slocleanair.org. Sign up to receive the daily AQI air quality forecast via email by subscribing online at enviroflash.info, sign up for our AirAware text notifications and check our Twitter feed for the latest updates (@slocleanair).

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Press Release Sample #2



Air Pollution Control District
San Luis Obispo County

FOR IMMEDIATE RELEASE: August 6, 2018

Contact: Meghan Field, 805-781-5912
SLO County Air Pollution Control District

Dr. Penny Borenstein, 805-781-5500
SLO County Public Health Department

SLO County Office of Emergency Services, 805-781-5011

HEALTH ADVISORY - SMOKE IMPACTING NORTHERN SAN LUIS OBISPO COUNTY

SAN LUIS OBISPO, CALIFORNIA, – The San Luis Obispo (SLO) County Air Pollution Control District Public Health Department and Office of Emergency Services are working in partnership to assess the air quality in order to identify any potential health impacts and to inform the community about safeguarding individual health. At this time, San Luis Obispo County is being impacted by smoke from wildfires across California and by a developing fire in Monterey County named the Turkey Fire.

Expect skies to be hazy and fine particulate (PM_{2.5}) concentrations to be higher than normal. Air quality is ranging from Moderate to Unhealthy for Sensitive Groups. Changing winds make it difficult to predict which areas of the county may be most affected. However, until the fires are put out, smoke will likely be intermittently present in our region.

If you smell smoke or see ash fall:

Air District officials recommend that if you smell smoke or see ash, take precautions and use common sense to reduce your exposure to smoke. All adults and children should:

- Avoid strenuous outdoor activity
- Remain indoors as much as possible
- Close all windows and doors that lead outside to prevent bringing additional smoke inside
- Set any heating/air conditioning/ventilation systems to recirculate

These precautions are especially important for sensitive groups, including children, older adults, and people with existing respiratory illness and heart conditions, as they are particularly vulnerable to the health effects of poor air quality. Families with small children should be aware that even if adults in the household have no symptoms, children may experience symptoms due to their smaller body mass and developing lungs. If smoke increases, healthy people could be affected as well. If you experience a cough, shortness of breath, wheezing, exhaustion, light-headedness or chest pain, stop any outdoor activity immediately and seek medical attention. More information can be found at slocleanair.org/air-quality/wildfire.

For updates:

APCD and County officials will continue to closely monitor smoke impacts and air quality in San Luis Obispo County. By following the air quality index (AQI), the public can also monitor real-time air quality throughout SLO County. The AQI focuses on health effects individuals may experience within a few hours or days after breathing polluted air. The current and forecasted AQI is available via the APCD website: slocleanair.org and you can also follow the SLO County APCD and Public Health Department Twitter feeds for the latest updates (@slocleanair and @SLOPublicHealth). You can also sign up for AirAware alerts right on your phone by visiting our website at SLOCleanAir.org.

###

Press Release Sample #3



Air Pollution Control District
San Luis Obispo County

FOR IMMEDIATE RELEASE: August 6, 2018

Contact: Meghan Field, 805-781-5912
SLO County Air Pollution Control District

Dr. Penny Borenstein, 805-781-5500
SLO County Public Health Department

**BETTER BREATHER ALERT - SMOKE AND BLOWING DUST
IMPACTING SAN LUIS OBISPO COUNTY**

SAN LUIS OBISPO, CALIFORNIA, – The San Luis Obispo (SLO) County Air Pollution Control District and County Health Department are advising the public that air quality in San Luis Obispo County is being impacted by smoke from wildfires (countywide) as well as blowing dust in the area of the Oceano Dunes/Nipomo Mesa area. As of 2 p.m. Monday, August 6, smoke impacts are the greatest in Eastern and Central San Luis Obispo County (including Paso Robles and Atascadero) and air quality is Moderate along the coast (including San Luis Obispo), coastal air quality could continue to deteriorate as the smoke plume spreads. Expect skies to be hazy and fine particulate (PM_{2.5}) and ozone concentrations to be higher than normal. Changing winds make it difficult to predict which areas of the county may be most affected as the week progresses. However, until the fires are put out, smoke will likely be intermittently present in our region.

County officials recommend you take precautions and use common sense to reduce the harmful health effects associated with particulate matter exposure. When it is obvious that smoke or dust is in the air, individuals should avoid strenuous outdoor activity and remain indoors as much as possible. These precautions are especially important for people with existing respiratory illness and heart conditions, as they are particularly vulnerable to the health effects of declining air quality. If smoke impacts increase, healthy people could be affected as well. If a cough, shortness of breath, wheezing, exhaustion, light-headedness or chest pain occurs, outdoor activity should be stopped immediately, and the affected person should seek medical attention. More information can be found at slocleanair.org/air-quality/wildfire.

APCD and County officials will continue to closely monitor smoke impacts and air quality in San Luis Obispo County. By following the air quality index (AQI), the public can also monitor real-time air quality throughout SLO County. The AQI focuses on health effects individuals may experience within a few hours or days after breathing polluted air. The current and forecasted AQI is available via the APCD website: slocleanair.org. Sign up to receive the daily AQI air quality forecast via email by subscribing online at enviroflash.info, sign up for our AirAware text notifications and check our Twitter feed for the latest updates (@slocleanair).

###

School Notification Email Sample #1

Sent: Friday, August 24, 2018 9:32 AM

Subject: Unhealthy air quality in San Luis Obispo County

Air quality has deteriorated significantly in San Luis Obispo County this morning.

Air Quality is unhealthy for everyone in San Luis Obispo and Nipomo.

Air Quality is unhealthy for sensitive individuals (such as children and adults with existing respiratory or heart conditions) in the rest of San Luis Obispo County.

The particulate pollution could be coming from a variety of sources, including urban areas and wildfires. Some of the impacts are coming directly from the Front Fire in Southern San Luis Obispo County. The Front Fire is burning in the Rockfront OHV area of the Los Padres National Forest in the Santa Lucia Ranger District.

The San Luis Obispo County Air Pollution Control District recommends rescheduling outdoor activities, remain indoors as much as possible and set any heating/air conditioning/ventilation systems to recirculation.

Exposure to particulate pollution can cause serious health problems, aggravate lung disease, cause asthma attacks and acute bronchitis and increase risk of respiratory infections.

If health problems occur, the affected person should seek medical attention.

If you have any questions, please call 805 781 5998.

Thank you.

Gary Arcemont
Air Quality Specialist
San Luis Obispo County Air Pollution Control District

School Notification Email Sample #2

Sent: Friday, March 29, 2019 4:16 PM

Subject: Blowing sand and dust is currently impacting the Nipomo area

Blowing sand and dust is currently impacting the Nipomo area and is expected to continue until approximately 7pm this evening.

Exceptionally sensitive individuals such as children and adults with existing respiratory or heart conditions may experience adverse health effects when blowing dust is in the air. The APCD recommends rescheduling strenuous outdoor activities to occur when there is no visible dust. As long as blowing dust and sand is visible in the air, the APCD recommends all adults and children avoid strenuous outdoor activity, remain indoors as much as possible and set any heating/air conditioning/ventilation systems to recirculation.

If you have any questions, please call 805 781 5998.

Thank you.

Gary Arcemont
Air Quality Specialist
San Luis Obispo County Air Pollution Control District

AirNow EnviroFlash Email - Sample

Forecast for Red Hills, CA

Today and Tomorrow's Forecast

Thursday, Sep 27: 98 AQI Moderate **Yellow** Ozone

Friday, Sep 28: 59 AQI Moderate **Yellow** Ozone

Extended Forecast

Saturday, Sep 29: 47 AQI Good **Green** Ozone

Sunday, Sep 30: 42 AQI Good **Green** Ozone

Monday, Oct 1: 38 AQI Good **Green** Ozone

Tuesday, Oct 2: 33 AQI Good **Green** Ozone

9/27/18 through 9/28/18: Ozone - Better Breathers Alert: Ozone concentrations will increase significantly midday, afternoon and evening. People who are sensitive to air pollution should limit time outside during midday, afternoon and early evening. During periods of high ozone, health impacts of ozone air pollution can be minimized by reducing strenuous activities and staying indoors. San Luis Obispo County residents are encouraged to reduce emission causing activities by limiting vehicle use.

The Air Quality Forecast is provided by the San Luis Obispo County Air Pollution Control District.

For more information, visit <http://www.slocleanair.org>

To view the current Air Quality Index (AQI) for your location, visit:
http://airnow.gov/index.cfm?action=airnow.national_summary#CA
then scroll down to your city. San Luis Obispo County cities are located near the bottom of the California listing.

For an explanation of the Air Quality Index (AQI) and the AQI colors,
visit <http://www.airnow.gov/index.cfm?action=aqibasics.aqi>

Do not reply directly to this email. If you want more information on the air quality forecast, or other aspects of the local air quality program, please contact your local air quality agency using the information above. For more information on the U.S. EPA's AIRNow Program, visit <http://www.airnow.gov>.

To unsubscribe or edit your EnviroFlash account

This message is compliant with the federal Can Spam Act of 2003 (Public Law 108-187)

Air Quality Alert – Transmitted via National Weather Service Media Channels and Website - Sample

San Luis Obispo County - Eastern and Central -
Including Paso Robles, San Miguel, Atascadero, Templeton, Santa Margarita
and Carrizo Plains
200 PM PDT Mon Jul 30, 2018

...AIR QUALITY ALERT DUE TO SMOKE IMPACTS FROM WILDFIRES...

The San Luis Obispo County Air Pollution Control District has issued an air quality alert due to smoke impacts in San Luis Obispo County. Smoke from wildfires is being transported into San Luis Obispo County and is mainly impacting the Eastern and Central parts of the county; however, smoke may be intermittently present in the coastal areas as well.

Exposure to particle pollution can cause serious health problems, aggravate lung disease, cause asthma attacks and acute bronchitis, and increase risk of respiratory infections.

Residents are advised to use caution as conditions warrant. People with heart or lung disease should follow their doctor's advice for dealing with episodes of blowing dust.

Additionally, older adults and children should avoid prolonged exposure, strenuous activity or heavy exertion, as conditions dictate.

For the latest air quality forecasts and information, visit the San Luis Obispo County Air Pollution Control District website at www.slcleanair.org, or call 805 781 5912