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REGULATION I.

GENERAL PROVISIONS

Rule 1.0 TITLE: Rules and Regulations Governing Air Pollution Control in Sutter County

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Rule 1.1 DEFINITIONS: Unless the context requires otherwise, a definition set forth in this regulation shall govern the construction of these rules and regulations, unless and until rules and regulations are adopted by the District Air Pollution Control Board which revises such definition.

- a. Agricultural Burning: "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops; raising of fowls, animals, or bees; forest management burning; range improvement burning; or the improvement of land for wildlife habitat, or disease or pest prevention.
- b. Agricultural Wastes: "Agricultural Wastes" are defined as unwanted or unsaleable material produced wholly from agricultural operations which are directly related to growing of crops, fowls, animals or bees for the primary purpose of making a profit or a livelihood. This would also include grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, and materials not produced wholly from such operations but which are intimately related to the growing or harvesting of crops, and which are used in the field. Example: empty fertilizer and pesticide sacks, bags or cartons.
- c. Agricultural Operations: The growing and harvesting of crops, including timber, or the raising of fowls, animals or bees, for the primary purpose of earning a living, or making a profit.
- d. Air Pollution Control Officer: The air pollution control officer of the Sutter County Air Pollution Control District, and his duly authorized representatives.
- e. Air Contaminant: Includes smoke, dust, charred paper, soot, grime, carbon, acids, fumes, gases, odors, or particulate matter, or any combination thereof.
- f. Approved Ignition Devices: "Approved Ignition Devices" includes those instruments or materials that will ignite open fires for agricultural burning without the production of black smoke by the ignition device.
- g. Alteration or Modification: Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.
- h. Atmosphere: The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered to be an emission into the atmosphere.
- i. Board: "Board" means the Air Pollution Control Board of the Sutter County Air Pollution Control District.

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- j. Brush Treated: "Brush Treated" means that the material to be burned has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicide or is dead.
- k. Burn Day: A day as designated by the California Air Resources Board as permissible to allow open burning within designated districts or areas.
- l. Combustible or Flammable Waste: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass or dead animals, or any other combustible or flammable refuse matter which is in solid or liquid form.
- m. Combustion Contaminant: Particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- n. Condensed Fumes: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state.
- o. Designated Agency: "Designated Agency" means the public fire protection or other equivalent agency designated by the California Air Resources Board to issue permits for agricultural burning.
- p. District: "District" means Sutter County Air Pollution Control District.
- q. Dust: Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
- r. Emission: The passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant.
- s. Emission Point: The place at which an emission enters the atmosphere.
- t. Flue: Means any duct or passage for air, gases, or the like, such as a stack or chimney.
- u. Forest Management Burning: "Forest Management" burning means the use of open fires as part of a forest management practice to remove forest debris, and includes:
 - 1) Forest management practices, including hazard reduction;
 - 2) Timber operations; and,
 - 3) Silviculture and forest protection practices.
- v. Health and Safety Code: Health and Safety Code (H & S Code) means the Health and Safety Code of the State of California.
- w. Hearing Board: The appellate review board of the Sutter County Air Pollution Control District.
- x. Hearing Board Clerk: The Clerk of the Board of Supervisors of Sutter County is the ex-officio clerk of the hearing board.

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- y. Incineration: An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.
- z. Installation: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- aa. Multiple-Chamber Incinerator: Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.
- bb. "No-Burn" Day: A "No-Burn" day means any day on which the California Air Resources Board or the District prohibits agricultural burning.
- cc. Open Fires, i.e., Open Burning: Any combustion of solid waste outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- dd. Operation: Any physical action resulting in a change in the location or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.
- ee. Orchard or Citrus Heater: Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants used or capable of being used for the purpose of giving protection from frost damage.
- ff. Owner: Includes but is not limited to, any person who leases, supervises or operates equipment in addition to the normal meaning of ownership.
- gg. Particulate Matter: Discrete atmospheric particles of solids or liquids, other than uncombined water, as distinguished from gases or vapors.
- hh. Person or Persons: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the State or any municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.
- ii. PPM: Parts per million by volume.

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- jj. Process Weight Per Hour: The total weight excluding water added for processing or air used in processing introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- kk. Range Improvement Burning: "Range Improvement" burning means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- ll. Representative Rice Straw Testing Sample: A composite sample of rice straw from under the mat and from the center of the mat. The samples are to be taken from various parts of the field.
- mm. Rice Straw Dryness Test Procedure: A representative rice straw sample is bent sharply at a minimum of a 90-degree angle. If the straw sample makes an audible cracking sound, it is considered dry enough for burning.
- nn. Rowed Rice Straw: Rice straw passing directly through the harvester discharge without being spread.
- oo. Section: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.
- pp. Solid Waste Dump: Any accumulation for the purpose of disposal of any solid waste.
- qq. Spread Rice Straw: Rice straw spread by means of a mechanical straw spreader attached to the discharge of the harvester that will insure even distribution of straw.
- rr. Source: A source is a point or source of emissions in a plant where an individual operation of one source would not affect the rest of the operation.

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- ss. Source Operation: Means the last operation preceding the emission of an air contaminant which operation:
- 1) Results in the separation of the air contaminant from the process material, or in the conversion of the process material into air contaminants as in the case of combustion of fuel, and,
 - 2) Is not an air pollution abatement operation,
- tt. Standard Conditions: As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.
- uu. Standard Dry Cubic Foot of Gas: The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor at standard conditions.
- vv. Regulation. "Regulation" means one of the major subdivisions of the Rules and Regulations of the Sutter County Air Pollution Control District.
- ww. Rule. "Rule" means a rule of the Sutter County Air Pollution Control District.

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Rule 1,2 VALIDITY: If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations, if for any reason is found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses or phrases be declared unconstitutional or invalid.

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Rule 1.3 EFFECTIVE DATE: These Rules and Regulations shall take effect on
December 16, 1980 and supercede all previous Rules and Regulations
governing air pollution control in Sutter County.

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Rule 1.3 Public Records

(a) 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 Sutter County Air Pollution Control Office or any other state or local agency or 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.

(b) All air or other pollution monitoring data, including data compiled from stationary sources are public records.

(c) Except as otherwise provided in subdivision (d), trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.


(d) Notwithstanding any other provision of law, all air pollution emission data including those emission data which constitute trade secrets as defined in subdivision (c), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

~~Rule 3.4 Standards for Granting Permits to Construct and Operate~~

~~(a) The Air Pollution Control Officer shall deny an authority to construct unless he determines that the article, machine, equipment or other contrivance is designed or controlled by air pollution control equipment so that it may be expected to operate without causing any emissions which will prevent the attainment or maintenance of any applicable ambient air quality standards.~~

~~(b) Prior to issuance of any permit, a thirty day comment period shall be provided by publication of notice of intention to issue permit. Information pertaining to the proposed permit shall be available at the Air Pollution Control Office.~~

Rule 3.9 Incinerator Burning. Except for the burning of residential rubbish, a person shall not burn any combustible refuse within the boundaries of the Sutter County Air Pollution Control District, except in a multiple chamber incinerator or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.



Rule 3.12 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 had been reduced by at least 85 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance, with this Section.
- b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Section 'a' of this Rule, for employing, or applying, any photochemically reactive solvent, as defined in Section '1' of this Rule, or material containing such photochemically reactive solvent unless said discharge has been reduced by at least 85 per cent. 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 Section 'a' of this Rule shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance with this Section.

- 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 photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal of any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, or heat-polymerizing as described in Section 'a' of this Rule, shall be excluded from determination of compliance with this Section. 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 use operations described in this Section shall be collectively subject to compliance with this Section.
- d. A person shall not sell or offer for sale for use in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- e. A person shall not employ, apply, evaporate or dry any architectural coating purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- f. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Section '1' of this Rule.
- g. For the purpose of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances or industrial buildings.
- h. A person shall not, during any one day dispose of a total of more than $1\frac{1}{2}$ gallons of any photochemically reactive solvent, as defined in Section '1' of this Rule, or of any material containing more than $1\frac{1}{2}$ gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.
- i. Emissions of organic materials into the atmosphere from the clean-up with photochemically reactive solvent, as defined in Section '1' of this Rule of any article, machine, equipment or other contrivances described in Sections 'a', 'b' or 'c', of this Rule, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivances for determining compliance with this Rule.
- j. Emissions of organic materials into the atmosphere required to be controlled by Section 'a', 'b' or 'c', of this Rule, shall be reduced by:
 - 1) Incineration, provided that 90 per cent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or,
 - 2) Adsorption; or,
 - 3) Processing in a manner determined to be not less effective than '1', or '2', above.
- k. For the purposes of this Rule, organic solvents include dilutents and thinners and are defined as organic materials which are liquid 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 degrees Fahrenheit 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 degrees Fahrenheit.

1. For the purpose of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 per cent 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 a olefinic or cycle-olefinic type of unsaturation: 5 per cent;
 - 2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 per cent;
 - 3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 per cent.

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, that is that group having the least allowable per cent of the total volume of solvents.

- m. 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.
- n. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in an Authorization to Construct or a Permit to Operate, or as specified by an 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.
- o. Any person using organic solvents or any materials containing organic solvents shall supply written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.
- p. The provisions of this Rule 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 spraying or other employment of insecticides, pesticides or herbicides;
 - 3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene;
 - 4) The use of any material in any article, machine, equipment or other contrivance described in Section 'a', 'b', 'c', or 'i', of this Rule, if:
 - a) The volatile content of such material consists only of water and organic solvents; and,
 - b) The organic solvents comprise not more than 20 per cent by volume of said volatile content; and,
 - c) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
 - d) The organic solvent or any material containing organic solvent does not come into contact with flame.
 - 5) The use of any material in any article, machine, equipment or other contrivance described in Sections 'a', 'b', 'c', or 'i', of this Rule, if:
 - a) The organic solvent content of such material does not exceed 20 per cent by volume of said material; and,
 - b) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
 - c) The organic solvent or any material containing organic solvent does not come into contact with flame.

- 6) The use of equipment for which other requirements are specified by or which are exempt from air pollution control requirements by said Prohibitions.
- 7) In addition to other restrictions contained in these regulations:
 - a) A person shall not use, in any dry-cleaning operation, organic solvents containing 4 per cent or more by volume of any photochemically reactive organic material as defined in Section 'l', of this Rule, unless the emissions of the discharged organics are reduced by 90 per cent or more by use of any of the methods described in Section 'j', of this Rule.
 - b) A person shall not discharge into the atmosphere any organic materials from surface degreasing operations unless they are either reduced by at least 85 per cent, or unless such materials are not photochemically reactive as defined in Section 'l', of this Rule.
 - c) A person shall not manufacture nor use any photochemically reactive solvent as defined in Section 'l' of this Rule for the purpose of thinning or diluting any metal surface coating.

~~Rule 3.14 Solvent Degreasing: After January 1, 1980, any containers of solvent which exceed 55 gallons capacity shall contain instructions to store in a closed condition.~~

~~Rule 3.15 Architectural Coatings:~~

~~a. Definitions:~~

- ~~1) Architectural Coatings: For the purpose of this rule, an architectural coating is defined as any coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.~~
- ~~2) Bituminous Coatings Materials: Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.~~
- ~~3) Fire Retardant Coatings: Architectural coatings which are designed to retard fires and which will significantly:
 - a) Reduce the rate of flame spread on the surface of a material to which such a coating has been applied, or,
 - b) Resist ignition when exposed to high temperatures, or,
 - c) Insulate a substrate to which such a coating has been applied and prolong the time required to reach ignition temperature.~~
- ~~4) Graphic Arts Coatings: Coatings which are marketed solely for application to indoor and outdoor signs and include lettering enamels, poster colors and bulletin colors.~~
- ~~5) Industrial Maintenance Finishes: High performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical, corrosion, temperature, electrical or solvent resistance.~~

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REGULATION IV

STATIONARY EMISSION SOURCES

PERMIT SYSTEM AND REGISTRATION

Rule 4.0 General Requirements:

- a. No person shall cause or permit the construction or modification of any source without first obtaining, as required by regulations, an authority to construct or modify from the Air Pollution Control Officer so as to comply with applicable rules and regulations and ambient air quality standards.
- b. The air pollution officer shall not approve such construction or modification unless the applicant demonstrates, to the satisfaction of the air pollution control officer, that the new or modified source can be expected to comply with all applicable regulations and will not prevent the attainment or maintenance of air quality standards.

Rule 4.1 Permits Required:

- a. Authorization 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 written authorization for such construction from the Air Pollution Control Officer. An Authorization to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.
- b. Permit to Operate: Before any article, machine, equipment or other contrivance, for which an Authorization to Construct has been issued, may be operated or used, a Permit to Operate shall first be obtained from the air pollution control officer for any article, machine, equipment or contrivance described in Section 'a' of this Rule until the information required pursuant to the Rules and Regulations is presented to the air pollution control officer and such article, machine, equipment or contrivance is altered, if necessary and made to conform to the standards set forth in these Rules and Regulations.

~~Rule 4.2 Existing Emission Sources: No person shall operate 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, without obtaining a permit from the Air Pollution Control Officer, after one year following the effective date of these Rules and Regulations or after such later time as may be fixed for good cause shown by the Hearing Board.~~

Rule 4.3 Exemptions from Permit: (New and existing operations) An Authorization to Construct or Permit to Operate shall not be required for:

- a. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicles that would otherwise require a permit under the provisions of these Rules and Regulations.
- b. Vehicles used to transport passengers or freight.

REGULATION III - FEES

RULE 3.1 HEARING BOARD FEES

(a) Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, except any state or local governmental agency or public district, shall pay to the clerk of the Hearing Board, on filing a fee in the sum of \$25.00. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code, or Rule 5.3, Regulation V, exceeds \$25.00 per petition.

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

REGULATION IV - PROHIBITIONS

RULE 4.1 PROHIBITIONS UNDER STATE LAW

The provisions of Article 3, Chapter 2, Division 20, of the State of California Health and Safety Code, entitled Prohibitions.

RULE 4.2 RINGELMANN CHART

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

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of the Rule.

RULE 4.3 EXCEPTIONS

The provisions of Rule 4.2 do not apply to:

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

(1) For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or

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STATIONARY EMISSION SOURCES

PERMIT SYSTEM AND REGISTRATION

~~Rule 4.0 General Requirements:~~

- ~~a. No person shall cause or permit the construction or modification of any source without first obtaining, as required by regulations, an authority to construct or modify from the Air Pollution Control Officer so as to comply with applicable rules and regulations and ambient air quality standards.~~
- ~~b. The air pollution officer shall not approve such construction or modification unless the applicant demonstrates, to the satisfaction of the air pollution control officer, that the new or modified source can be expected to comply with all applicable regulations and will not prevent the attainment or maintenance of air quality standards.~~

Rule 4.1 Permits Required:

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- ~~b. Permit to Operate: Before any article, machine, equipment or other contrivance, for which an Authorization to Construct has been issued, may be operated or used, a Permit to Operate shall first be obtained from the air pollution control officer for any article, machine, equipment or contrivance described in Section 'a' of this Rule until the information required pursuant to the Rules and Regulations is presented to the air pollution control officer and such article, machine, equipment or contrivance is altered, if necessary and made to conform to the standards set forth in these Rules and Regulations.~~

Rule 4.2 Existing Emission Sources: No person shall operate 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, without obtaining a permit from the Air Pollution Control Officer, after one year following the effective date of these Rules and Regulations or after such later time as may be fixed for good cause shown by the Hearing Board.

Rule 4.3 Exemptions from Permit: (New and existing operations) An Authorization to Construct or Permit to Operate shall not be required for:

- a. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicles that would otherwise require a permit under the provisions of these Rules and Regulations.
- b. Vehicles used to transport passengers or freight.

- c. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.
- d. The following equipment:
 - 1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment;
 - 2) Refrigeration units except those used, as, or in conjunction with air pollution control equipment;
 - 3) Water-cooling towers and water-cooling ponds not used for evaporative cooling or process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - 4) Equipment used exclusively for steam cleaning;
 - 5) Presses used exclusively for extruding metals, minerals, plastics or wood;
 - 6) Residential incinerators when used for burning of paper or leaves.
- e. Space heaters.
- f. Equipment used in eating establishments for the purpose of preparing food for human consumption.
- g. Self-propelled mobile construction equipment other than pavement burners.
- h. Other sources of minor significance specified by the Air Pollution Control Officer.
- i. Agricultural implements used in agricultural operations.

Rule 4.4 Standards for Granting Applications:

- a. Before Authorization to Construct or Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine equipment or other contrivance described in the Authorization to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; 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.
- b. In acting upon an application for a Permit to Operate, if the air pollution control officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The air pollution control officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance is in accordance with the Authorization to Construct.
- c. The fact that an Authorization to Construct or modify or a Permit to Operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm, or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

Rule 4.5 Conditional Approval: The Air Pollution Officer may issue an Authorization 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 permit standards of these regulations, in which case the conditions shall be specified in writing. Commencing work under such an Authorization to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the facility, article, machine, equipment, or other contrivance can operate within the permit standards under the revised conditions.

~~Rule 4.6 Standards for Authority to Construct and Permit to Operate:~~

~~a. Applicability and Exemptions:~~

- ~~1) Section a. through j. of this rule shall apply to new stationary sources or modifications which result in either:
 - ~~a) A net increase in emissions from any stationary source of 250 pounds or more, excluding seasonal sources, during any day of any pollutant for which there is a national ambient air quality standard (excluding carbon monoxide), or any precursor to such a pollutant.~~
 - ~~b) A net increase in emissions from seasonal sources of 50 tons per year (or 1,000 pounds per day) for particulate matter.~~
 - ~~c) A net increase in emissions of 1,000 or more pounds during any day of carbon monoxide.~~~~
- ~~2) New sources and modifications as defined in a.1) shall be exempt from the requirements for offsets (Section e), although Best Available Control Technology (BACT) for those pollutants defined in a.1) is still required providing the source:
 - ~~a) Which uses innovative control equipment or processes which will likely result in a significantly lower emission rate from the stationary source than would have occurred with the use of previously recognized best available control technology, and which can be expected to serve as a model for technology to be applied to similar stationary sources within the state resulting in a substantial air quality benefit, provided the applicant establishes by modeling that the new stationary source or modification will not cause the violation of any national ambient air quality standard at the point of maximum ground level impact. This exemption shall apply only to pollutants which are controlled by the innovative control equipment or processes. The Air Pollution Control Officer shall obtain concurrence from the Sacramento Valley Basinwide Air Pollution Control Council after properly notified public hearing prior to granting an exemption pursuant to this subsection, and findings of such hearing sent to ARB for concurrence.~~~~

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~~Rule 4.10 Appeals: Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authorization to Construct or a Permit to Operate, the applicant may petition the hearing board, in writing, for a public hearing. The hearing board, after notice and a public hearing may sustain or reverse the action of the Air Pollution Control Officer; such order may be subject to specified conditions.~~

Rule 4.12 Implementation Plans: The Air Pollution Control Officer may issue a permit to construct for a new stationary source or modification which is subject to Section 4.6 of Rule 4.6 only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with that plan.

Rule 4.13 Alteration of Permit: No person shall willfully deface, alter, forge, counterfeit or falsify any permit issued under these Rules and Regulations.

Rule 4.14 Posting of Permit: A person who has been granted under these Rules and Regulations a permit to operate any article, machine, equipment or other contrivance, shall firmly affix such permit to operate, any approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

Rule 4.15 Transfer of Permit: Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment to another, or from one person to another.

ENFORCEMENT PROCEDURE

S. A. R.

- ~~Rule 9.0 Enforcement: The Rules and Regulations of the Sutter County Air Pollution Control District and all State statutes so authorizing and concerning air pollution controls shall be enforced by the Air Pollution Control Officer and any officer as authorized by Health and Safety Code Sections 40752, 40753, 40702 and 40120.~~
- ~~a. This Rule specifically includes inspectors and officers of the Sutter County Air Pollution Control District.~~
- Rule 9.1 Emission Monitoring: The Air Pollution Control Officer may require the owner or operator of any air contaminant source to install, use and maintain monitoring equipment; sample emissions; establish and maintain records; and make periodic emission reports. All of these actions shall be accomplished in a manner approved by the Air Pollution Control Officer.
- Rule 9.2 Records and Reports: Air Pollution monitoring records and such fuel composition data as deemed necessary shall be recorded, compiled and submitted on forms furnished by the Air Pollution Control Officer.
- Rule 9.3 Tests: All tests shall be made and the results calculated in accordance with test procedures approved by the Air Pollution Control Officer. All tests shall be made under the direction of person qualified by training and experience in the field of air pollution control and approved by the Air Pollution Control Officer.
- a. The Air Pollution Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- Rule 9.4 Field Inspection: Each source of air pollution subject to permit shall be inspected or tested at such intervals of time so that no extended periods of violations will occur.
- Rule 9.5 Air Pollution Equipment - Scheduled Maintenance: In the case of shut-down or re-start of air pollution equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Air Pollution Control Officer at least twenty-four (24) hours prior to the planned shut-down. Such prior notice shall include, but is not limited to the following:
- Identification of the specific facility to be taken out of service as well as its location and permit number;
 - The expected length of time that the air pollution control equipment will be out of service;
 - The nature and quantity of emissions of air contaminants likely to occur during the shut-down period;
 - Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shut-down period;
 - The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period;
- During testing period moderate emission of air pollution will be allowed.