

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 100. RULE CITATION

(Adopted prior to 11/4/77; revised 9/14/99)

These rules and regulations shall be known as the Rules and Regulations of the Imperial County Air Pollution Control District.

RULE 101 DEFINITIONS

(Adopted 7/28/81; Revised 9/14/99; 1/16/2001; 12/11/2001; 08/13/02; 01/11/2005; 10/10/2006; 02/23/2010; 10/22/2013; 2/9/2016; 09/11/2018)

Except where the context otherwise indicates, the following definitions shall govern the implementation of these Rules and Regulations. Also, pursuant to Rule 115, definitions contained in applicable sections of the California Health and Safety Code and Title 17 of the California Code of Regulations, as well as the Federal Clean Air Act and implementing regulations, may be used even when not set forth herein.

ACCELERATED VEHICLE RETIREMENT PROGRAM: a program creating Actual Emission Reductions by the accelerated retirement of on-road motor vehicles for purposes of establishing Mobile Source Emission Reduction Credits (MSERC) pursuant to Rule 214.1.

ACTUAL EMISSIONS: measured or calculated emissions, which most accurately represent the emissions from an Emissions Unit. Determination of Actual Emissions must be based on average actual production rates, fuel consumption and/or throughput rates from the last consecutive 24 months. Emission factors shall be established by Source testing or obtained from AP-42 or other approved sources.

ACTUAL EMISSIONS REDUCTIONS (AER): reductions of Actual Emissions from an Emissions Unit, calculated pursuant to Section E.2 of Rule 207, which are Real, Quantifiable, Surplus, Permanent and Enforceable.

ACTUAL INTERRUPTIONS OF POWER: the interruption of electrical service by an unforeseeable event.

ADDITIVE: any substance added in small quantities to another substance or mixture in order to increase volume and/or change the physical properties of the mixture.

ADHESION PROMOTER: a Coating, which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent Coatings, and on which, a subsequent Coating is applied.

ADHESIVE: any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

ADHESIVE BONDING PRIMER: a Coating applied in a very thin film to aerospace adhesive bond detail components for corrosion inhibition and adhesion of the subsequently applied adhesive.

ADHESIVE BONDING PRIMER, STRUCTURAL: an adhesive bonding primer used in conjunction with structural adhesives to form load carrying aircraft components.

ADHESIVE BONDING PRIMER FOR ELASTOMERS AND ELASTOMERIC ADHERENTS: an adhesive bonding primer applied to elastomers or nonmetallic substrates for adhesion of the subsequently applied adhesive.

ADMINISTRATOR: the Administrator of the United States Environmental Protection Agency (US EPA).

AEROSPACE COMPONENT: any fabricated part, assembly of parts or completed unit of any aircraft, helicopter, missile or space vehicle.

AEROSOL COATING PRODUCT: a pressurized Coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand held application, or for use in specialized Equipment for ground traffic/marketing applications.

AFFECTED POLLUTANTS: pollutants for which an Ambient Air Quality Standard (AAQS) have been established by the United States Environmental Protection Agency (US EPA) or the California Air Resources Board (CARB) and the Precursors to such pollutants, and those pollutants regulated by the US EPA under the Clean Air Act (CAA) or by the CARB under the Health and Safety Code (H&SC), except for greenhouse gases and hazardous air pollutants, including but not limited to Volatile Organic Compounds (VOC), nitrogen oxides (NO_x), sulfur oxides (SO_x), Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers (PM₁₀), Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers (PM_{2.5}), carbon monoxide (CO), lead, fluorides, sulfuric acid mist, hydrogen sulfide, and total reduced sulfur compounds. The term *Affected Pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, and which have not been delisted pursuant to Section 112(b)(3) of the CAA, unless the listed hazardous air pollutant is also regulated as a constituent or Precursor of a general pollutant listed under Section 108 of the CAA.

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, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

AGRICULTURAL BURNING: also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.

AGRICULTURAL BURNING: also means open outdoor fires used in wild land vegetation management burning. Wild land vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.

AGRICULTURAL SOURCE: means a Source of air pollution or a group of Sources used in the production of crops, or the raising of fowl or animals located on Contiguous Property under common ownership or control that meets any of the following criteria;

1. is a Confined Animal Facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.
2. is an Internal Combustion Engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the Health & Safety Code except an engine that is used to propel implements of husbandry.
3. is a Title V Source, or is a Source that is otherwise subject to regulation by the District or the Clean Air Act.

AIR CONTAMINANT: any discharge, release, or other propagation into the Atmosphere and includes, but is not limited to, smoke, charred paper, Dust, soot, grime, carbon, fumes, gases, odors, Particulate Matter, acids, or any other combination thereof. For the purposes of Rule 403, the definition applies only to materials which are solid or liquid at Standard Conditions (60 degrees Fahrenheit, 760 mm Hg).

AIR POLLUTION CONTROL OFFICER (APCO): the person appointed by the Air Pollution Control Board and assigned to manage and direct the business and operations of the District, or their designee.

ALTERNATIVE FUEL: any fuel used for certifying a low emission vehicle, other than gasoline or diesel fuel.

ALUMINUM ROOF COATING: a Coating labeled and formulated exclusively for application to roofs and containing at least 84 grams of elemental aluminum pigment per liter of Coating (at least 0.7 pounds per gallon). Pigment content shall be determined in accordance with South Coast Air Quality Management District (SCAQMD) Method 318-95, incorporated by reference in Rule 424, subsection G.5.d.

AMBIENT AIR QUALITY STANDARDS: for the purposes of these regulations an Ambient Air Quality Standard (AAQS) shall be interpreted to include State and National AAQS. For the purposes of submittal of this Rule to the US EPA for inclusion in the California State Implementation Plan (SIP) all references in this Rule to AAQS shall be interpreted as National AAQS.

ANNUAL CAPACITY FACTOR (ACF): means the ratio of the amount of fuel burned by a unit in a calendar year to the amount of fuel it could have burned if it had operated at the heat input rating for 8,760 hours during the calendar year.

ANTENNA COATING: a Coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

ANTIFOULING COATING: a Coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling Coating, the Coating must be registered with both the US EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code, Subsection 135, *et seq.*) and with the California Department of Pesticide Regulation. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

ANTI-GLARE/SAFETY COATING: a Coating, which does not reflect light.

APPLICATION EQUIPMENT: for the purposes of Rule 425, means Equipment used for applying Coating to a substrate. Application Equipment includes Coating distribution lines, Coating hoses, equipment used in hand application methods, and equipment used in mechanically operated application methods, including but not limited to spray guns, spinning disks, and pressure pots.

APPROVED IGNITION DEVICES: includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, and flares, but does not include the use of tires, tar paper, oil, and other similar materials.

APPURTENANCES: any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

ARCHITECTURAL COATINGS: a Coating to be applied to stationary structures or their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered Architectural Coatings for the purposes of this Rule.

ASPHALT: the dark-brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are b Bitumens that occur naturally or as a residue of petroleum refining.

ASSEMBLY LINE: an arrangement of industrial Equipment and workers in which the product passes from one specialized operation to another until complete, by either automatic or manual means.

ASSOCIATED PARTS AND COMPONENTS: structures, devices, pieces, modules, sections, assemblies, subassemblies, or elements of motor vehicles or mobile equipment that are designed to be a part of motor vehicles or mobile Equipment but which are not attached to motor vehicles or mobile Equipment at the time of Coating the structure, device, piece, module, section, assembly, subassembly, or element. "Associated Parts and Components" does not include circuit boards.

ATMOSPHERE: the air that envelopes or surrounds the earth. When air pollutants are emitted into or within a building, such emission into or within the building shall be considered an emission into the Atmosphere unless the building is designed specifically as a piece of air pollution control equipment.

AUTHORITY TO CONSTRUCT: a written permit issued by the District for the Construction, installation, assembly, Modification, or replacement of any facility, article, machine, Equipment, or other contrivance.

AUTOMOTIVE COATING: any Coating or Coating component used or recommended for use in Motor Vehicle or Mobile Equipment Refinishing, service, maintenance, repair, restoration, or Modification, except metal plating activities. Any reference to automotive Refinishing or Automotive Coating made by a Person on the container or in product literature constitutes a recommendation for use in Motor Vehicle or Mobile Equipment Refinishing.

AUTOMOTIVE COATING COMPONENT: any portion of a Coating, including, but not limited to, a Reducer or thinner, toner, hardener, and Additive, which is recommended by any Person to distributors or end-users for use in an Automotive Coating, or which is supplied for or used in an Automotive Coating. The raw materials used to produce the components are not considered Automotive Coating Components.

AUTOMOTIVE REFINISHING FACILITY: any shop, business, location, or parcel of land where Motor Vehicles or Mobile Equipment or their associated parts and components are coated including auto body collision repair shops. "Automotive Refinishing Facility" does not include the original Equipment manufacturing plant where the Motor Vehicle or Mobile Equipment is completely assembled.

BANKING: the District's system of quantifying, certifying, recording, and storing Emission Reduction Credits for future use or Transfer. This system shall be called Emission Reduction Credit Banking or Mobile Source Emission Reduction Credit.

BANKING REGISTER: the document that records all Emission Reduction Credits deposits, withdrawals, Transfers, and transactions.

BASEMENT SPECIALTY COATING: a clear or opaque Coating that is labeled and formulated for application to concrete and masonry surfaces to provide a hydrostatic seal for basements and other below-grade surfaces. Basement Specialty Coatings must meet the following criteria:

1. Coating must be capable of withstanding at least 10 psi of hydrostatic pressure, as determined in accordance with ASTM D7088-04, which is incorporated by reference in Rule 424, subsection G.5.n.
2. Coating must be resistant to mold and mildew growth and must achieve a microbial growth rating of 8 or more, as determined in accordance with ASTM D3273-00 and ASTM D3274-95, incorporated by reference in Rule 424, subsection G.5.t.

BEEF FEEDLOT: a lot, fenced area, or facility used for the feeding or holding of more than ten (10) cattle, except for Grazing Land as defined herein.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT): for any Emissions Unit the more stringent of:

1. the most effective emission Control Device, emission limit, or technique which has been achieved in practice for such class or category of Source.
2. any other alternative emission Control Device, emission control technique, basic Equipment, fuel, or process determined to be technologically feasible and cost-effective by the APCO. Cost-effectiveness analyses shall be performed in accordance with methodology and criteria specified in the Best Available Control Technology Guideline for the South Coast Air Quality Management District, or an alternative methodology and criteria acceptable to the APCO.
3. under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of law or regulation of the District, State and federal government, or the most stringent emissions limitation which is contained in the implementation plan of any State, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not technologically achievable. In no event shall the application of BACT result in the emissions of any pollutant which exceeds the emissions allowed by any applicable New Source Performance Standard (40 CFR, part 60) or National Emission Standard for Hazardous Air Pollutants (40 CFR, part 61 or part 63).

BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY (BARCT): the most stringent and cost effective of the following control options:

1. the most effective elements of the related suggested control measure.
2. the most effective limits in effect in any regulation in California, in the United States, or in any other country for that Source category with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.
3. the most effective limit for Source category determined to a reasonable degree of certainty, to be achievable in the near future.
4. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

BIOMASS: material derived from the harvesting of crops or removal of vegetation, including timber, except for material from processed dimensional timber.

BITUMENS: black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

BITUMINOUS ROOF COATING: a Coating, which incorporates Bitumens, that is labeled and formulated exclusively for roofing.

BITUMINOUS ROOF PRIMER: a Primer, which incorporates Bitumens that is labeled and formulated exclusively for roofing and intended for the purpose of preparing a weathered or aged surface or improving the adhesion of subsequent surfacing components.

BOARD: the Air Pollution Control Board of the Imperial County Air Pollution Control District.

BOILER OR STEAM GENERATOR: means any combustion Equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. "Boiler" or "Steam Generator" shall not include waste heat recovery Boilers that are used to recover heat from the exhaust of Stationary Gas Turbines or Internal Combustion Engines, or any unfired waste heat recovery Boiler that is used to recover sensible heat from the exhaust of any combustion Equipment.

BOND BREAKER: a Coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

BOTTOM LOADED: a Gasoline Delivery Vessel shall be considered to be Bottom Loaded

when the fuel transfer and vapor return lines have separate, independent, and dedicated attachments on the delivery vessel, when the inlet is flush with the bottom of the storage device, and when the delivery vessel hatches remain closed during fuel transfer.

BREAKDOWN: an unforeseeable failure or malfunction of 1) any air pollution control Equipment, or related operating Equipment, which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or 2) any monitoring Equipment, where such failure or malfunction is not the result of neglect or disregard of any air pollution control law or rules or regulations, is not intentional or the result of negligence, is not the result of improper maintenance, does not constitute a nuisance, and is not a recurrent breakdown of the same Equipment.

BRITISH THERMAL UNIT (Btu): means the amount of heat required to raise the temperature of one pound of water from 59F to 60F at one Atmosphere.

BURN DAY: any day on which Agricultural Burning is not prohibited by the Air Resources Board and/or the Imperial County Air Pollution Control District.

CALIFORNIA AIR RESOURCES BOARD (CARB): the California Air Resources Board or any Person authorized to act on its behalf.

CAMOUFLAGE COATING: a Coating applied on Motor Vehicles, or Mobile Equipment to conceal such vehicles or Equipment from detection and/or to provide resistance to chemical agents.

CARB CERTIFIED VAPOR RECOVERY SYSTEM: is any Phase I or Phase II Vapor Recovery System, which has been certified by the California Air Resources Board pursuant to Section 41954 of the California Health and Safety Code.

CARGO CARRIERS: Cargo Carriers are trains dedicated to a specific Stationary Source. For purposes of this Rule, the term "trains dedicated to a specific Stationary Source" shall not include any train for which the prime mover is owned and operated by a common carrier, and by which cargo is delivered to or from the Stationary Source under a contract of common carriage. The emissions from all trains dedicated to a specific Stationary Source, while operating in the District, including directly emitted and Fugitive Emissions, shall be considered as emissions from the Stationary Source.

CATALYST: a substance whose presence initiates/enhances the reaction between chemical compounds.

CERTIFICATE: a District issued document specifying information regarding an ERC/MSERC/ABERC including but not limited to the legal owner(s), certificate identification number, date of issuance, pollutant(s) reduced, type of pollutant, quantity of Actual Emission Reduction, time period for which the ERC/MSERC/ABERC is Valid and any other records as may be required as a condition of ERC/MSERC/ABERC issuance.

CLASS I AREA: 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, a national lakeshore or seashore.

CLEAN AIR ACT (CAA): the Federal Clean Air Act (42 United States Code section 7401 et seq.) and implementing regulations. (see also Federal Clean Air Act)

CLEANING OPERATIONS: the removal of loosely held uncured Adhesives, inks, Coatings, or contaminants, including, but not limited to, dirt, soil, or grease, from Motor Vehicles, Mobile Equipment, associated parts and components, substrates, parts, products, tools, machinery, Equipment, or general work areas.

CLEAR BRUSHING LACQUERS: clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush, and which are labeled as specified in Rule 424, subsection E.6. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

CLEAR COATING: any Coating that contains no pigments and is labeled and formulated for application over a color Coating or clear Coating.

CLEAR WOOD COATINGS: clear and semi-transparent Coatings, including Lacquers and Varnishes, applied to Wood Substrates, to provide a transparent or translucent solid film. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

COATING: a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to paints, Varnishes, sealers, and Stains. For purposes of Rule 427, Coating shall mean a material which is applied to a surface and forms a film in order to beautify, preserve, repair, or protect such a surface.

CODE OF FEDERAL REGULATIONS (CFR): the United States document codifying federal regulations.

COLD CLEANER: any batch loaded, non-boiling Organic Solvent Degreaser.

COLORANT: a concentrated pigment dispersion in water, Solvent, and/or binder that is added to an Architectural Coating after packaging in sale units to produce the desired color.

COLOR COATING: any pigmented Coating, excluding Adhesion Promoters, primers, and

Multi-Color Coatings, that requires a subsequent Clear Coating and which is applied over a Primer, Adhesion Promoter, or Color Coating. Color Coatings include metallic/iridescent Color Coatings.

COLOR MATCH: the ability of a repair Coating to blend into an existing Coating so that color difference is not visibly detectable.

COMBUSTIBLE REFUSE: any solid or liquid combustible waste material containing carbon in a free or combined state.

COMBUSTION CONTAMINANT: solid or liquid particles discharged into the Atmosphere from the burning of any kind of material containing carbon in a free or combined state.

COMPLETE APPLICATION: completeness of an application for an Authority to Construct a new or modified Emissions Unit shall be evaluated on the basis of a list of required information which has been adopted by the District.

CONCRETE CURING COMPOUND: a Coating labeled and formulated for application to freshly poured concrete to perform one or more of the following functions:

1. retard the evaporation of water; or
2. harden or dustproof the surface of freshly poured concrete.

CONCRETE/MASONRY SEALER: a clear or opaque Coating that is labeled and formulated primarily for application to concrete and masonry surfaces to perform one or more of the following functions:

1. prevent penetration of water; or
2. provide resistance against abrasion, alkalis, acids, mildew, staining, or ultraviolet light; or
3. harden or dustproof the surface of aged or cured concrete

CONDENSER EQUIPMENT: any Equipment, such as refrigerated or non-refrigerated freeboard chillers, condenser coils, or water jackets, used to condense Organic Solvent vapor in a vapor Degreaser.

CONDENSER FLOW SWITCH: safety switch which shuts off pump heat if condenser water fails to circulate or if condenser water temperature rises above designated operating temperature.

CONFINED ANIMAL FACILITY (CAF): a Source or group of Sources of air pollution at an Agricultural Source for the raising of fowl or animals, including but not limited to, any structure, building, installation, farm, corral, coop, feed storage area, milking parlor, or

system for the collection, storage, or distribution of solid and liquid manure; if domesticated animals, including but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

CONSTRUCTION: any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or Modification of an Emissions Unit) which would result in a change in emissions.

CONTAMINATED SOIL: for purposes of Rule 412, soil which indicates 50ppm by volume, or greater of ROC (measured as hexane) at a distance of three inches above the surface with a ROC analyzer.

CONTIGUOUS PROPERTY: two or more Parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

CONTROL DEVICE: any device for reducing emissions into the Atmosphere.

CONTROL EFFICIENCY: the percentage of emissions removed by an existing emission Control Device or estimated to be removed by a proposed emission Control Device. The estimated control efficiency of the proposed air pollution control technology which will be incorporated, by means of Enforceable permit condition(s), in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating reductions attributed to lowering throughput rates or operating hours shall not be considered in determining Control Efficiency.

CONTROL EQUIPMENT: air pollution Control Equipment that eliminates, reduces or controls the issuance of air emissions.

CONVEYORIZED DEGREASER: any continuously loaded, conveyORIZED Organic Solvent Degreaser, either boiling or non-boiling.

COOLING TOWERS: open water re-circulating devices that use fans or natural draft to draw or force air through the device to cool water by evaporation and direct contact. This includes, but is not limited to, evaporative condensers, quench or cooling towers used for heating ventilation air conditioning (HVAC) and/or industrial cooling processes.

CREMATORIES AND PATHOLOGICAL INCINERATORS: for the purposes of Rule 302, Schedule 10, Crematories and Pathological Incinerators are any Furnace or similar enclosed fire chamber burning human or animal tissue or cremating human or animal remains.

CUTBACK ASPHALT: 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 D2028-76
Medium Cure Type: ASTM D2027-76

DAILY EMISSIONS LIMIT: one or a combination of permit conditions, specific to an Emissions Unit, which restricts its maximum daily emissions, in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limitation must be:

1. contained in and Enforceable by the latest Authority to Construct or the latest Permit to Operate for the Emissions Unit, and
2. Enforceable on a daily basis, and
3. established pursuant to a permitting action occurring after September 7, 1993.

DAIRY: a Confined Animal Facility (CAF) with operations centered around the production of milk, butter, or cheese for commercial purposes.

DECONTAMINATION: for purposes of Rule 412, removal of ROC from contaminated soil by aeration, or District approved treatment process.

DEGREASER: tank, tray, drum, or other container in which objects to be cleaned are exposed to a liquid or vapor degreasing Organic Solvent

DISTRICT: the Imperial County Air Pollution Control District (ICAPCD).

DRIVEWAY SEALER: a Coating labeled and formulated for application to worn Asphalt driveway surfaces to perform one or more of the following functions:

1. fill cracks; or
2. seal the surface to provide protection; or
3. restore or preserve the appearance.

DRY FOG COATING: a Coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface Coating activity.

DUST: minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, and demolishing.

ELECTROSTATIC APPLICATION: a sufficient charging of atomized paint droplets to cause deposition, principally by electrostatic attraction.

ELECTROSTATIC DISCHARGE COATING: electrically conductive Coating which prevents the build-up of static charge on the surface of an Aerospace Component. Applications include, but are not limited to, composites, space vehicles, missiles, and helicopter blades.

ELECTROSTATIC SPRAY APPLICATION: any method of spray application of Coatings where an electrostatic attraction is created between the part to be coated and the paint particles.

EMERGENCY STANDBY TANK: a standby tank used in an emergency to store organic liquids during the draining of the primary tank or for use when the operator is granted breakdown relief.

EMISSION CONTROL SYSTEM: for the purpose of Rule 427, means any combination of capture systems and Control Devices used to reduce VOC emissions from an Automotive Refinishing Operation.

EMISSION REDUCTION CREDITS (ERCs): reductions of Actual Emissions from an Emissions Unit that are registered with the District in accordance with the requirements of Rule 214.

EMISSIONS INCREASE: for the purpose of Rule 207, means any increase in a Stationary Source or an Emissions Unit's Potential to Emit. For determining if a Project will result in a new Major Stationary Source or a Major Modification and the amount of offsets required for such projects, an emission increase means the difference between a Stationary Source or an Emissions Unit's Potential to Emit and its Historic Actual Emissions.

EMISSIONS UNIT: an identifiable operation or piece of process Equipment, such as an article, machine, or other contrivance, which emits, has the Potential to Emit, or results in the emissions of any air pollutant directly or as Fugitive Emissions.

EMULSIFIED ASPHALT: any Asphalt liquefied with water containing an emulsifier, either anionic or cationic.

ENCLOSED GUN CLEANER: a device that is used for the cleaning of spray guns that is not open to the ambient air when in use and has a mechanism to force the cleanup material through the gun while the cleaner is in operation.

ENFORCEABLE: means certain actions, which are assured by verifiable and legally binding conditions in an Authority to Construct and/or Permit to Operate.

EQUIPMENT: includes any article, machine, or contrivance that emits, has the Potential to Emit, or reduces emissions of any air pollutant emitted directly or as Fugitive Emissions.

ERC: see Emission Reduction Credits

ERC CERTIFICATE: a document identifying the quantity and type of ERCs issued by the District to the individual(s) or Source(s) identified on the certificate.

ESSENTIAL PUBLIC SERVICES: the following Sources shall be considered Essential Public Services:

1. sewage treatment operations which are publicly owned and operated consistent with the approved General Plan; or
2. prison, jail, correctional facility; or
3. police or fire fighting facility; or
4. school or hospital; or
5. landfill gas control or processing system which is publicly owned and operated; or
6. water delivery operations which are publicly owned and operated consistent with the approved General Plan; or
7. cleanup operations to remove contaminants from soil or water, mandated by the Regional Water Quality Control Board, California Department of Health Services, Environmental Protection Agency or any other State or Federal law.

EXCAVATION: for purposes of Rule 412, removal of contaminated soil for the purpose of decontamination. Excavated soil may have become contaminated by leaking underground or above ground tank, loading rack, spillage, pipeline leak, accidental spill, or any other Source.

EXEMPT COMPOUND: a compound identified as exempt under the definition of Volatile Organic Compound (VOC). Exempt compound content of a Coating shall be determined by US EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised 1993), incorporated by reference in Rule 424, subsection G.5.j

EXTREME PERFORMANCE COATING: Coating that encounters acute or chronic exposure to salt water, corrosives, caustics, acids, oxidizing agents, wind- or ocean-driven debris, or electromagnetic pulses.

FAUX FINISHING COATING: a Coating labeled and formulated to meet one or more of the following criteria:

1. a glaze or textured Coating used to create artistic effects, including, but not limited to: dirt, suede, old age, smoke damage, and simulated marble and wood grain; or
2. a decorative Coating used to create a metallic, iridescent, or pearlescent

appearance that contains at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of Coating as applied (at least 0.4 pounds per gallon); or

3. a decorative Coating used to create a metallic appearance that contains less than 48 grams of elemental metallic pigment per liter of Coating as applied (less than 0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District (SCAQMD) method 318-95, incorporated by reference in Rule 424, subsection G.5.d; or
4. a decorative Coating used to create a metallic appearance that contains greater than 48 grams of elemental metallic pigment per liter of Coating as applied (greater than 0.4 pounds per gallon) and which requires a clear topcoat to prevent the degradation of the finish under normal use conditions. The metallic pigment content shall be determined in accordance with SCAQMD method 318-95, incorporated by reference in Rule 424, subsection G.5.d; or
5. a clear topcoat to seal and protect a Faux Finishing Coating that meets the requirements of subsections 1 thru 4 of this definition. These clear topcoats must be sold and used solely as part of a Faux Finishing Coating system, and must be labeled in accordance with Rule 424, subsection E.4.

FEDERAL CLEAN AIR ACT: the Federal Clean Air Act (CAA) as amended in 1990 (42 United States Code, section 7401 et seq.) and its implementing regulations.

FEDERAL LAND MANAGER: the Secretary of the Department with authority over the specified federal lands.

FINISH: the Coating of incomplete vehicles, their parts and components, or Mobile Equipment for which the original Coating was not applied from an original Equipment manufacturer (OEM) plant Coating assembly line.

FIRE RESISTIVE COATING: a Coating labeled and formulated to protect structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials. The fire resistive category includes sprayed fire resistive materials and intumescent Fire Resistive Coatings that are used to bring structural materials into compliance with federal, state, and local building code requirements. Fire Resistive Coatings shall be tested in accordance with ASTM E119-07, incorporated by reference in Rule 424, subsection G.5.b. Fire Resistive Coatings and testing agencies must be approved by building code officials.

FIRE RETARDANT COATING: a Coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state and local building code requirements. The Fire Retardant Coating and the testing agency must be approved by building code officials. The Fire Retardant Coating

shall be tested in accordance with ASTM E84-07, incorporated by reference in Rule 424, subsection G.5.a.

Effective January 1, 2011, the Fire Retardant Coating category is eliminated and Coatings with fire retardant properties will be subject to the VOC limit of their primary category (e.g., Flat, Nonflat, etc.).

FIXED COVER: any cover made out of metal(s), polymer(s) or other material, and installed in a permanent position over the liquid.

FLAT COATING: a Coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM D 523-89 (1999), incorporated by reference in Rule 424, subsection G.5.c .

FLEET VEHICLE: one of a group of ten (10) or more Motor Vehicles under common ownership or control and dispatched from a location within Imperial County.

FLIGHT TEST COATINGS: a temporary Coating applied to test aircraft to protect from corrosion and to provide required markings during flight test evaluation.

FLOATING COVER: any cover made out of metal(s), polymer(s) or other material, which is in contact with a liquid surface at all times.

FLOOR COATING: an opaque Coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches steps, garage floors, and other horizontal surfaces which may be subject to foot traffic.

FLOW COATING: a Coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective Coating systems present on utility transformer units. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

FLUORIDES: elemental fluorine and all fluoride compounds.

FORM RELEASE COMPOUND: a Coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

FREEBOARD HEIGHT:

1. for a Cold Cleaning Degreaser, distance from the top of the Organic Solvent, or the Organic Solvent drain to the top of the Degreaser, based on the inside tank dimensions.

2. for a Remote Reservoir Degreaser, the distance from the Organic Solvent drain to the top of the Degreaser, based on the inside dimensions.
3. for a vapor Degreaser, the distance from the Organic Solvent air-vapor interface to the top of the basic Degreaser tank, based on the inside tank dimensions.

FREEBOARD RATIO: freeboard height divided by the smaller of the length or width of the Degreaser.

FROST PROTECTION: the protection of agricultural crops against damage from frost or cold weather.

FUEL BURNING EQUIPMENT: 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. Equipment, which burns fuel and serves primarily as air pollution control Equipment by using a combustion process to destroy air contaminants shall not be considered "Fuel Burning Equipment."

FUEL CHANGE: means the transitory operating period when a switch occurs between liquid or gaseous fuels, or any combination thereof.

FUEL TANK COATING: a Coating applied to the interior of a fuel tank of an aircraft or space vehicle to protect it from corrosion.

FUGITIVE EMISSIONS: those emissions which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

FUMES: small particles resulting from chemical reaction or from the condensation of vapors produced in combustion, distillation or sublimation, or other above ambient temperature process.

FURNACE: means any enclosed structure in which heat is produced by the combustion of any fuel.

GASEOUS FUEL: means natural gas, digester gas, landfill gas, methane, ethane, propane, butane, or any gas stored as a liquid at high pressure such as liquefied petroleum gas.

GASOLINE: any petroleum distillate having a Reid Vapor pressure of 4.0 pounds or greater.

GASOLINE BULK PLANT: an intermediate gasoline loading facility where delivery to the facility's storage containers and delivery from the facility is by truck.

GASOLINE DELIVERY VESSEL: a truck, trailer, or railroad car with a storage device containing Gasoline, or Gasoline Vapors, used to transport fuel or other petroleum

products.

GASOLINE TERMINAL: a gasoline loading facility where delivery to the facility's storage containers is by means other than truck.

GASOLINE THROUGHPUT: for the purposes of Rule 415, means the volume of gasoline dispensed at a gasoline dispensing facility.

GASOLINE VAPORS: the Reactive Organic Compounds in the displaced vapors, including any entrained liquid gasoline.

GRAPHIC ARTS COATING OR SIGN PAINT: a Coating labeled and formulated for hand-application by artists using brush, airbrush, or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.

GRAPHIC ARTS OPERATION: the application of logos, letters, numbers, or graphic to a painted surface by brush, roller, or airbrush.

GRAPHIC DESIGN APPLICATION: the application of logos, letters, numbers, and graphics to a painted surface, with or without the use of a template.

GRAZING LAND: open range or fenced fields where animals feed on crops or grasses which grow naturally or are planted.

GROUP I VEHICLES: public transit buses and mobile Equipment.

GROUP II VEHICLES: passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, and motorcycles.

HALOGENATED HYDROCARBONS: all Halogenated Hydrocarbons listed as exempt under the definition of Volatile Organic Compounds.

HAND APPLICATION METHODS: the application of Coatings by nonmechanical hand-held Equipment including but not limited to paint brushes, hand rollers, caulking guns, trowels, spatulas, syringe daubers, rags, and sponges.

HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

HEARING BOARD: the Hearing Board of the Air Pollution Control District of Imperial County.

HEAT INPUT: means the heat derived from the combustion of a fuel in a unit, calculated using the higher heating value, excluding the heat input from preheated combustion air, re-circulated flue gases, or exhaust gases from other Sources, including but not limited

to, Stationary Gas Turbines, Internal Combustion Engines and Kilns.

HEAT INPUT RATING: means the maximum steady state heat input capacity of a unit, in BTU per hour, as specified by the manufacturer, or as limited by an Authority to Construct or a Permit to Operate.

HEAVY DUTY ENGINE: an engine which is used to propel a Heavy Duty Vehicle.

HEAVY DUTY VEHICLE: any Motor Vehicle having a manufacturer's gross vehicle weight rating greater than 6,000 pounds, except passenger cars (Title 13, California Code of Regulations, Section 1900 [13 CCR. 1900].)

HEXAVALENT CHROMIUM-CONTAINING WATER TREATMENT CHEMICALS: water treatment Additives which contain Hexavalent Chromium (Chrome VI), alone or in combination with other water treatment chemicals.

HIGH TEMPERATURE COATING: a high performance Coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 240°C (400° F).

HIGH TEMPERATURE RESISTANT, THERMAL FLASH RESISTANT, RAIN EROSION RESISTANT COATING: for the purposes of Rule 425, means a fluoroelastomeric Coating that is designed specifically to protect aerospace vehicles from thermonuclear flash, erosion from airborne particles such as rain, ice, sand, etc., and temperatures above 450 degrees Fahrenheit resulting from aerodynamic heating.

HIGH VOLATILITY SOLVENT: any Organic Solvent that is not a low volatility Solvent.

HIGH-VOLUME, LOW-PRESSURE (HVLP): spray Equipment permanently labeled as such and which is designed and operated between 0.1 and 10 pounds per square inch, gauge, (psig) air atomizing pressure measured dynamically at the center of the air cap and at the air horns.

HIGHER HEATING VALUE: means the total heat liberated, including the heat of condensation of water, per mass of fuel burned (BTU per pound) when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to standard conditions.

HISTORIC ACTUAL EMISSIONS: Actual Emissions from an existing Emissions Unit averaged over a 24 month period immediately preceding the date of application. The APCO may approve another 24 month period within the last 60 months, if the APCO determines that the other period is more representative of normal operations. Where an Emissions Unit has been in operation for less than 24 months a shorter averaging period of at least 12 months may be used providing it represents the full operational history of the Emission Unit. The Historic Actual Emissions from Emission Units which have been in operation for less than 12 months shall be equal to zero. Historic Actual Emissions are

to be calculated in pounds per quarter for each calendar quarter. Historic Actual Emissions in quarters 2 or 3 may be lowered by transferring these emissions to quarters 1 or 4, provided that the resulting emissions in quarters 1 or 4 are no higher than the higher of quarters 2 or 3.

HISTORIC EMISSIONS: the Potential to Emit of an existing Emissions Unit prior to Modification. For a new Emissions Unit Historic Emissions are equal to zero.

HYDROCARBON VAPORS: the Reactive Organic Compounds in the vapors, including any entrained organic liquid.

IDENTICAL REPLACEMENT UNIT: a replacement Emissions Unit which is the same as the original unit in all respects except for the serial number.

IMPERVIOUS BARRIER: for purposes of Rule 412, physical covering for contaminated soil which controls ROC emissions to the extent a ROC analyzer detects less than 50ppm by volume ROC (measured as hexane) at a distance of three inches above the surface.

IMPLEMENTS OF HUSBANDRY: is a vehicle which is used exclusively in the conduct of agricultural operations. An Implement of Husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property in a highway.

INCINERATOR: any Furnace or similar enclosed fire chamber, with or without a draft control, used for burning refuse or other waste material and where the products of combustion are channeled through a flue.

INDUSTRIAL MAINTENANCE COATING: a high performance Architectural Coating, including Primers, Sealers, Undercoaters, intermediate coats, and topcoats formulated for application to substrates, including floors, exposed to one or more of the following extreme environmental conditions listed below and labeled as specified in Rule 424, subsection E.5 .

1. immersion in water, wastewater or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation; or
2. acute or chronic exposure to corrosive, caustic or acidic agents, or to chemicals, chemical fumes, chemical mixtures or solutions; or
3. frequent exposure to temperatures in excess of 250°F (121°C); or
4. frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial Solvents, cleansers or scouring agents; or
5. exterior exposure of metal structures and structural components.

INTERNAL COMBUSTION ENGINE: any spark or compression ignited reciprocating

Internal Combustion Engine that is attached to a foundation at a location, or is portable and operated at a location for more than 90 days in any consecutive twelve month period, excluding engines used for self propulsion of a vehicle.

KILN: means an oven, Furnace, or heated enclosure used for processing a substance by burning, firing, or drying.

LACQUER: a clear or opaque wood Coating, including clear lacquer Sanding Sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

LARGE CONFINED ANIMAL FACILITY (LCAF): any Confined Animal Facility that maintains on any one day: 500 or more milk-producing dairy cows; or 3,500 or more beef cattle, calves, heifers, or other cattle; or 100,000 or more turkeys; or 400,000 or more chickens other than laying hens; or 400,000 or more laying hens; or 3,000 or more swine; or 15,000 or more sheep, lambs, or goats; or 2,500 or more horses; or 400,000 or more ducks; or 30,000 or more rabbits or other animals.

LARGE/HEAVY DUTY TRUCKS: any truck having a manufacturer's gross vehicle weight rating of over 10,000 pounds.

LEAK OF REACTIVE ORGANIC COMPOUNDS: an emission of a liquid containing Reactive Organic Compounds at a rate of more than 3 drops per minute, as a continuous stream, or as a visible mist; or an emission of a gas containing Reactive Organic Compounds which causes an appropriate analyzer sampling 1 centimeter from a Source to register at least 10,000ppm as methane as determined by US EPA Reference Method 21.

LEAK-FREE: for the purposes of Rule 415, means a liquid leak of no more than three drops per minute excluding losses which occur upon disconnecting transfer fittings. Provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.

LEAN-BURN ENGINE: any spark or compression ignited Internal Combustion Engine that is operated with an exhaust gas stream oxygen concentration of four percent (4%) by volume, or greater. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.

LIGHT DUTY TRUCK: any Motor Vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use (13 CCR 1900.)

LIQUID FUEL: means any fuel which is a liquid at standard conditions including but not limited to distillate oils, kerosene and jet fuel. Liquefied gaseous fuels are not liquid fuels.

LOADING FACILITY: any aggregation or combination of gasoline loading Equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading Equipment can be encompassed within any circle of 300 feet in diameter.

LOW EMISSION VEHICLE: any vehicle certified by the California Air Resources Board (CARB) to the transitional, low, ultra-low, or zero emission vehicle standards established in 13 CCR 1960.1

LOW SOLIDS COATING: a Coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of Coating material as recommended for application by the manufacturer. The VOC content for Low Solids Coatings shall be calculated in accordance with the definition of VOC Actual.

LOW VOLATILITY SOLVENT: any Organic Solvent, including emulsions containing no more than 2% Reactive Organic Compounds (ROC) by weight as determined by US EPA test method 24.

LOWEST ACHIEVABLE EMISSION RATE (LAER): for any Stationary Source or Modification the more stringent of:

1. the most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of Stationary Source, unless the Owner or Operator of the proposed Stationary Source demonstrates that such limitations are not achievable; or
2. the most effective emissions control technique which has been achieved in practice, for such class or category of Source as determined by the APCO; or
3. the emission limitation specified for such class or category of Source under applicable federal New Source Performance Standards pursuant to Section 111 of the Clean Air Act; or
4. any other emissions control technique found after public hearing, by the APCO or the California Air Resources Board to be technologically feasible and cost effective for such class or category of Sources or for a specific Source.

MAGNESITE CEMENT COATING: a Coating labeled and formulated for application to Magnesite Cement decking to protect the Magnesite Cement substrate from erosion by water.

MAJOR MODIFICATION: a Modification to a Major Stationary Source which results in a Significant Emissions Increase and a Significant Net Emissions Increase of the pollutant

for which the Stationary Source is classified as a Major Stationary Source.

MAJOR PROJECT: for the purpose of Rule 206 and 301 means a Project which will emit pollutants under any of the following conditions: 250 or more lbs/day controlled for any single pollutant; 100 or more tons/yr uncontrolled for any single pollutant; 250 or more tons/yr uncontrolled for all emissions combined.

MAJOR STATIONARY SOURCE: means a Stationary Source which emits, or has the Potential to Emit 100 tons per year (tpy) or more of Volatile Organic Compounds or Oxides of Nitrogen, or 70 tpy or more of PM₁₀, or a PM₁₀ Precursor or 100 tpy or more of PM_{2.5} or a PM_{2.5} Precursor. In addition, any physical change occurring at a Stationary Source which is not already a Major Stationary Source, and which Modification would constitute a Major Stationary Source by itself, makes the Source a Major Stationary Source. For PM_{2.5} and PM_{2.5} precursors, this definition applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area of Imperial County.

MAKE-UP SOLVENT: Organic Solvent added to a Degreaser to replace Organic Solvent lost through evaporation, carry-out, splashing, leakage, or disposal.

MANUFACTURER'S MAXIMUM THINNING RECOMMENDATION: the maximum recommendation for thinning that is indicated on the label or lid of the Coating container.

MANURE: the accumulated animal excrement in or around a livestock feed yard that does not undergo decomposition as would occur on open grazing land or natural habitat. This definition includes feces or urine which may be mixed with bedding materials, with spilled feed or with soil.

MASKANT: a Coating applied directly to a metal part or other surface to protect surface areas during chemical milling, anodizing, aging, bonding, plating, etching, or other chemical surface operations.

MASTIC TEXTURE COATING: a Coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

MEDIUM DENSITY FIBERBOARD (MDF): a composite wood product, panel, molding, or other building material composed of cellulosic fibers (usually wood) made by dry forming and pressing of a resinated fiber mat.

MEDIUM DUTY VEHICLE: any pre-1995 model year Heavy-Duty Vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less; any 1992 through 2006 model-year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in section 1960.1(h)(2) of the California Code of Regulations (CCR) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 1995 through 2003 model-year heavy-duty vehicle certified to the

standards in section 1960.1(h)(1) of the CCR having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Section 1961(a)(1), 1962, or 1962.1 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds. (California Code of Regulations Title 13, Division 3, Chapter 1, Article 1, §1900)

METALLIC/IRIDESCENT COLOR COATING: any Coating that contains more than 0.042 pounds per gallon (5 grams per liter) of metal or iridescent particles as applied, where such particles are visible in the dried film.

METALLIC PIGMENTED COATING: a Coating that is labeled and formulated to provide a metallic appearance. Metallic Pigmented Coatings must contain at least 48 grams of elemental metallic pigment (excluding zinc) per liter of Coating as applied (at least 0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in Rule 424, subsection G.5.d. The Metallic Pigmented Coating category does not include Coatings applied to roofs or Zinc-Rich Primers.

MILITARY BASE: means a Military Base that is designated for closure or downward realignment pursuant to the Defense Base Closure and Realignment Act of 1988 (P.L. 100-526) or the Defense Base Closure and Realignment Act of 1990 (10 United States Code Sec. 2687 et seq.).

MINOR PROJECT: for the purpose of Rules 206 and 301, a Project for which uncontrolled emissions will not exceed 35 lbs/day of any pollutant, and for which there will be no emission of pollutants which are toxic Air Contaminants or for which the District has been designated nonattainment.

MOBILE EQUIPMENT: for the purposes of Rule 427 is any device that may be drawn and/or driven on rails or a roadway including, but not limited to, trains, railcars, truck trailers, mobile cranes, bulldozers, street cleaners, and Implements of Husbandry for agriculture.

MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC): Actual Emission Reductions which have been recognized by the District as being banked and registered with a MSERC certificate issued in accordance with the requirements of Rule 214.1.

MOBILE TRANSPORT TANK: any tank truck or trailer, railroad tank car, or tanker used to transport reactive organic liquids.

MODELING: use of an air quality simulation model, based on specified assumptions and data, which has been approved in writing by the executive officer of the California Air Resources Board.

MODIFICATION: any physical change, change in method of operation of, or addition to, an existing Emissions Unit, or any change in hours of operation or production rate which

would necessitate a change in permit conditions.

Unless previously limited by a permit condition, the following shall not be considered a Modification:

1. change in ownership of an existing Stationary Source with valid Permit(s) to Operate.
2. routine maintenance or repair.
3. an Identical Replacement Unit, if the Modification does not result in a Major Modification.

A Modification of an Emissions Unit also occurs when there is an increase in emissions from such a unit caused by a Modification of the Stationary Source and the Emissions Unit is not subject to a Daily Emissions Limit.

A Modification to a Stationary Source shall include any Modification of its permitted Emissions Unit(s) or the addition of any new Emissions Unit(s).

A Reconstructed Stationary Source shall be treated as a new Stationary Source and not as a Modification.

MOTOR VEHICLE: any self-propelled vehicle, but not limited to, cars, trucks, buses, golf carts, vans, motorcycles, tanks, and armored personnel carriers.

MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC) PROGRAM: as recognized by the California Air Resources Board, any activity undertaken by a Person which produces actual Mobile Source Emission Reductions within Imperial County for purposes of establishing ERC's pursuant to Rules 214 and 214.1. A program can be a onetime action, a series of one time actions or a continuous set of actions.

MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC) REGISTRY: a tracking maintained by the District which records all MSERC deposits, withdrawals, transfers and transactions as required by Rule 214.1.

MULTI-COLOR COATING: a Coating that is packaged in a single container and that is labeled and formulated to exhibit more than one color when applied in a single coat. For purposes of Rule 427, means any Coating that exhibits more than one color in the dried film after a single application, is packaged in a single container, and hides surface defects on areas of heavy use, and which is applied over a Primer or Adhesion Promoter.

MULTIPLE-CHAMBER INCINERATOR: any article, machine, Equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

NO-BURN DAY: any day on which Agricultural Burning is prohibited by the California Air Resources Board or by the District.

NO-BURN LIST: a list of fields for which ERC's have been applied and on which burning will not be allowed.

NONATTAINMENT AREA: an area designated by a state or federal agency as exceeding a state or National Ambient Air Quality Standard.

NONATTAINMENT POLLUTANT: any pollutant or Precursor which has been designated "nonattainment" by the US EPA as codified in 40 CFR Section 81.305, or that has been designated "nonattainment" by the CARB pursuant to H&SC Section 39607.

NONFLAT COATING: a Coating that is not defined under any other definition in this Rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM D523-89 (1999), incorporated by reference in Rule 424, subsection G.5.c .

NONFLAT-HIGH GLOSS COATING: a Nonflat Coating that registers a gloss of 70 or greater on a 60-degree meter according to ASTM D523-89 (1999), incorporated by reference in Rule 424, subsection G.5.c. Nonflat-High Gloss Coatings must be labeled in accordance with Rule 424, subsection E.12.

NON-PERMITTED EMISSIONS: for the purpose of Rule 214, Non-Permitted Emissions are emissions which are not governed under a District permit.

OFFSET: the use of an emission decrease to compensate for an Emission Increase from a new or modified Stationary Source subject to the requirements of Rule 207.

OFFSET FILL LINE: any liquid fill line which contains one or more pipe bends, and the horizontal distance between the truck delivery connection and the storage container fill opening is 6.1 meters (20 feet) or greater.

OIL-EFFLUENT WATER SEPARATOR: any device or piece of Equipment used to remove petroleum compounds or associated chemicals from effluent water

OPACITY: the degree to which emissions reduce the transmission of light and obscure the view of the background.

OPAQUE STAINS: all Stains that are not classified as Semi-Transparent Stains.

OPAQUE WOOD PRESERVATIVES: all Wood Preservatives not classified as clear or Semi-Transparent Wood Preservatives or as below ground Wood Preservatives.

OPEN BURNING IN AGRICULTURAL OPERATIONS IN THE GROWING OF CROPS

OR RAISING OF FOWLS OR ANIMALS:

1. the burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and
2. the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation in connection with operations qualifying under 1 above; and
3. the burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields, except as prohibited by District regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or combustible containers, where the sacks or combustible containers are emptied in the field, or other reasonable nearby location under the direct control of the farm operator. This does not include products made from rubber.

OPEN OUTDOOR FIRE: the complete or partial burning or smoldering of any combustible refuse or other material of any type, directly exposed to the Atmosphere, whether or not enclosed in a fireproof container, where the products of combustion are not channeled through a flue.

OPEN-TOP VAPOR DEGREASER: any batch loaded, boiling Organic Solvent Degreaser.

ORCHARD OR CITRUS GROVE HEATER: 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. Contrivances commonly known as wind machines are not included.

ORGANIC CONTENT: for purposes of Rule 412, degree of contamination used to limit daily rate contaminated soil may be added to an active soil aeration pile.

ORGANIC MATERIALS: chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates and ammonium carbonate.

ORGANIC SOLVENTS: includes 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.

OTHER CATTLE FACILITY: a Confined Animal Facility (CAF) housing cattle which does not meet the definition of a Beef Feedlot or Dairy.

OWNER OR OPERATOR: includes, but is not limited to, any Person who owns, leases, supervises or operates Equipment.

PARCEL: a legally subdivided piece of land or combined lands under common ownership.

PARTICLEBOARD: a composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.

PARTICULATE MATTER: any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. Dust shall also be considered as Particulate Matter.

PARTICULATE MATTER (PM₁₀): Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PARTICULATE MATTER (PM_{2.5}): Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PASSENGER CAR: “any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less” (California Code of Regulations Title 13, Division 3, Chapter 1, Article 1, §1900)

PEARLESCENT: exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

PERMANENT: the actual emission reductions that continue or endure for the duration of any Project utilizing the resulting ERC's as Offsets.

PERMISSIVE-BURN DAY: any day on which Agricultural Burning is not prohibited by the California Air Resources Board or the District.

PERMIT TO OPERATE: the written permit issued by the District for the operation of any facility, article, machine, Equipment, Emission Unit or other contrivance.

PERSON: any person, firm, association, organization, partnership, business trust, corporation, company, limited liability company, contractor, supplier, installer, user or owner, or any federal, state or local government agency, public district, or any officer or employee thereof.

PHASE I VAPOR RECOVERY SYSTEM: a system which recovers the hydrocarbon vapors resulting from the transfer of r Reactive o Organic c Compounds into a Stationary Tank or Mobile Transport Tank.

PHASE II VAPOR RECOVERY SYSTEM: a gasoline vapor recovery system that recovers vapors during the fueling of Motor Vehicles from stationary storage tanks.

PHOTOCHEMICALLY REACTIVE SOLVENT: 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 cyclo-olefinic type of unsaturation: 5 percent;
2. a combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;
3. a combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

PLYWOOD: a panel product consisting of layers of wood veneers or composite core pressed together with resin. Plywood includes panel products made by either hot or cold pressing (with resin) veneers to a platform.

PM_{2.5} NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

POST-CONSUMER COATING: finished Coatings generated by a business or consumer that have served their intended end uses, and are recovered from or otherwise diverted from the waste stream for the purpose of recycling.

POTENTIAL EMISSIONS: the sum of the maximum emissions from all Emissions Units at a Stationary Source, based on the maximum design capacity, unless otherwise limited by practically and legally Enforceable conditions contained in the Authority to Construct and/or Permit to Operate, expressed in terms of pounds per quarter. (Pounds per quarter for PM₁₀, PM_{2.5} and sulfur oxides shall be determined by multiplying the Daily Emission Limit, in pounds per day, by the permitted operating days per quarter.)

POTENTIAL TO EMIT: the maximum capacity of an Emissions Unit to emit an Affected Pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the Emission Unit to emit a pollutant, including air pollution Control Equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as a practically and legally Enforceable permit condition.

POWER RATING: means the maximum, continuous power output of a Stationary Gas Turbine(s), in megawatts (MW) or equivalent, as certified by the manufacturer unless limited by a condition in a District Authority to Construct or a Permit to Operate. Power augmentation shall not be included in Power Rating.

PRECURSOR: a directly emitted Affected Pollutant that, when released into the Atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a state or National AAQS has been adopted, or whose presence in the Atmosphere will contribute to the violation of one or more state or National AAQS. The following Precursor secondary pollutant relationships shall be used for the purposes of these regulations:

PRECURSORS**SECONDARY POLLUTANTS**

Hydrocarbons and substituted hydrocarbons (Volatile Organic Compounds.)

- a) Photochemical Oxidant (Ozone)
- b) The organic fraction of PM₁₀.
- c) Organic fraction of PM_{2.5}

Nitrogen Oxides (NO_x)

- a) Nitrogen Dioxide (NO₂)
- b) The nitrate fraction of PM₁₀
- c) Photochemical Oxidant (Ozone)
- d) The nitrate fraction of PM_{2.5}

Sulfur Oxides (SO_x)

- a) Sulfur Dioxide (SO₂)
- b) Sulfates (SO₄)
- c) The sulfate fraction of PM₁₀
- d) The sulfate fraction of PM_{2.5}

Ammonia

- a) The ammonium fraction of PM_{2.5}

PREPREG COMPOSITE MATERIAL: for the purposes of Rule 425, means, a reinforcing material impregnated with partially polymerized organic resins and ready for application.

PRESSURE TANK: a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss into the Atmosphere.

PRE-TREATMENT WASH PRIMER: a Primer that contains a minimum of 0.5 percent acid, by weight, when tested in accordance with ASTM D1613-06, incorporated by reference in Rule 424, subsection G.5.e that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

PRETREATMENT COATING: for the purposes of Rule 427, any Coating that contains a minimum of one-half (0.5) percent acid by weight and not more than 16 percent solids by weight necessary to provide surface etching and is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and adhesion.

PRIMER, SEALER, AND UNDERCOATER: for purposes of Rule 424, a Primer, Sealer, and Undercoater is a Coating labeled and formulated for one or more of the following purposes;

1. to provide a firm bond between the substrate and the subsequent Coatings; or
2. to prevent subsequent Coatings from being absorbed by the substrate; or
3. to prevent harm to subsequent Coatings by materials in the substrate; or
4. to provide a smooth surface for the subsequent application of Coatings; or
5. to provide a clear finish coat to seal the substrate; or
6. to block materials from penetrating into or leaching out of a substrate.

PRIMER: for purposes of Rule 427, Primer is any Coating which is labeled and formulated for application to a substrate to provide:

1. a bond between the substrate and subsequent coats
2. corrosion resistance
3. a smooth substrate surface, or
4. resistance to penetration of subsequent coats, and on which a subsequent Coating is applied.

Primers may be pigmented.

PRIMER SEALER: for purposes of Rule 427, a Primer Sealer is any Coating which is labeled and formulated for application prior to the application of a color Coating for the purpose of color uniformity, or to promote the ability of the underlying Coating to resist penetration by the color Coating.

PRIMER SURFACER: any Coating applied prior to the application of a Topcoat for the purpose of corrosion resistance, adhesion of the Topcoat, and which promotes a uniform surface by filling in surface imperfections.

PRIORITY RESERVE: a depository of emission reductions for loan to applicable priority sources for use as Offsets.

PROCESS HEATER: means any combustion Equipment fired with liquid and/or gaseous fuel and which transfers heat from the combustion gases to water or processes stream. Heaters used for swimming pools, spas and/or therapy pools shall be considered Process

Heaters. "Process Heater" shall not include any combustion Equipment where the material being heated is in direct contact with the products of combustion, such as Furnaces or Kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion Equipment.

PROCESS WEIGHT PER HOUR: the total weight of all materials introduced into any specific process which process may cause any discharge into the Atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the Equipment is idle. Cooling air and cooling water will not be considered as part of the process weight.

PROJECT: activity, for which a permit is required, or that has the Potential to Emit Air Contaminants. A project includes all of the Emission Units associated with the scope of the preconstruction application for a new or modified Stationary Source and any Emissions Unit(s) indirectly affected.

PROPOSED EMISSIONS: the Potential to Emit for a new or post Modification Emissions Unit.

QUANTIFIABLE: means a reliable, replicable and accurate basis for calculating the amount, rate, nature and characteristic of an emission reduction by adhering to a quantification protocol that can be established, considering US EPA, CARB and District policies and procedures.

QUARTERLY: the calendar quarter beginning in January 1, April 1, July 1, and October 1.

QUICK-DRY ENAMEL: a Nonflat Coating that is labeled as specified in Rule 424, subsection E.9 and that is formulated to have the following characteristics:

1. is capable of being applied directly from the container under normal conditions with ambient temperatures between 60°F and 80°F (16°C and 27°C).
2. when tested in accordance with ASTM D1640-95, incorporated by reference in Rule 424, section G.5.f, sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method; and
3. has a dried film gloss of 70 or above on a 60 degree meter.

Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

QUICK-DRY PRIMER, SEALER AND UNDERCOAT: a Primer, Sealer or Undercoat that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM D1640-95, incorporated by reference in Rule 424, section G.5.f. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

RAINY PERIOD: for the purpose of Rule 420, when the twenty-four (24) hour measured rainfall amount ending at 4 a.m. is between 0.20 inches and 0.75 inches.

RANGE IMPROVEMENT BURNING: the use of open outdoor fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

RATED BRAKE HORSEPOWER: the maximum Rated Brake Horsepower specified for the engine by the manufacturer and listed on the nameplate for the unit, regardless of any derating, unless limited by the engine's Permit to Operate (PTO).

REACTIVE ORGANIC COMPOUND (ROC): see Volatile Organic Compound (VOC) definition.

REACTIVE PENETRATING SEALER: a clear or pigmented Coating that is labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants, including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate. Reactive Penetrating Sealers line the pores of concrete and masonry substrates with a hydrophobic Coating, but do not form a surface film. Reactive Penetrating Sealers must meet all of the following criteria:

1. the Reactive Penetrating Sealer must improve water repellency at least 80 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards, incorporated by reference in Rule 424, subsection G.5.u, ASTM C67-07, or ASTM C97-02, or ASTM C140-06; and
2. the Reactive Penetrating Sealer must not reduce the water vapor transmission rate by more than 2 percent after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens in accordance with ASTM E96/E96M-05, incorporated by reference in Rule 424, subsection G.5.v; and
3. products labeled and formulated for vehicular traffic surface chloride screening applications must meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), incorporated by reference in Rule 424, subsection G.5.w.

Reactive Penetrating Sealers must be labeled in accordance with Rule 424, subsection E.10.

REAL: a "real" emission reduction means that actual air emissions are reduced and that they are actually occurring and not artificially devised.

REASONABLE FURTHER PROGRESS: annual incremental reductions in emissions required for the purpose of ensuring attainment of state or federal Ambient Air Quality Standards by the applicable date.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): is the most stringent of the following control options:

1. the most effective emission limits in existing regulations that are currently in effect in any District whose nonattainment status is designated as moderate, with such limits resulting from the application of retrofit technologies judged by the APCO to be demonstrated and reliable.
2. emission limits identified in existing Suggested Control Measures (SCM's), model rules, the US EPA's Control Techniques Guidelines (CTG's) or other such documents.
3. emission limits in new (post 1988) SCM's and the technical review group of the California Air Pollution Control Officers Association approved Reasonably Availability Control Technology/Best Available Retrofit Control Technology (RACT/BARCT) determinations, which are not identified as BACT and are less stringent than BACT.
4. the lowest emission limit that can be achieved by the specific Source by the application of control technology taking into account environmental impacts, technological feasibility, cost-effectiveness, and the specific design features or extent of necessary Modifications to the Source. Emission limits for existing specific Sources may be found in the field studies and evaluations of District regulations conducted by the US EPA and the CARB.
5. the lowest emission limit achieved for the Source category that is technically feasible, economically reasonable and achieved in practice anywhere (including outside the United States), with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.
6. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

REBUILT EQUIPMENT: for the purposes of Rule 415, means any component of a Vapor Recovery System that has undergone repair or replacement of any or all of its internal parts.

RECONSTRUCTED STATIONARY SOURCE: any Stationary Source undergoing physical Modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new Stationary Source. Fixed capital cost means that capital needed to provide all the depreciable components.

RECYCLED COATING: an Architectural Coating formulated such that it contains a minimum of 50% by volume post-consumer Coating, with a maximum of 50% by volume secondary industrial materials or virgin materials.

REDUCER: the Solvent used to thin enamel.

REDUCTION OF ANIMAL MATTER: processing animal matter by any process, including rendering, cooking, drying, dehydration, digestion, and evaporation, but not including any processing of food for human consumption.

REFINISHING: any Coating of vehicles, their parts and components, or Mobile Equipment, including partial body collision repairs, for the purpose of protection or beautification and which is subsequent to the original Coating applied at an original Equipment manufacturing (OEM) plant Coating assembly line.

REMOTE RESERVOIR: liquid Organic Solvent tank which is completely enclosed except for a Solvent return opening no larger than 100 cm² (15 in²) which allows used Organic Solvent to drain into it from a separate Organic Solvent sink or work area and which is not accessible for soaking parts.

RESIDENTIAL: areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

RESIDENTIAL RUBBISH: refuse originating from Residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants, but not household garbage.

RETAIL FACILITY OR RETAIL SERVICE STATION: is any Motor Vehicle refueling facility subject to payment of California sales tax on gasoline sales.

RICH BURN ENGINE: any spark or compression ignited Internal Combustion Engine that is operated with an exhaust gas stream oxygen concentration of less than four percent (4%) by volume. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.

ROAD OILS: slow cure asphalts.

ROC ANALYZER: hydrocarbon analyzer satisfying United States Environmental Protection Agency Method 21, 40 CFR Part 60.

ROOF COATING: a non-bituminous Coating labeled and formulated for application to roofs for the primary purpose of preventing water penetration, reflecting ultraviolet light, or reflecting solar radiation.

RULE: a Rule of the Air Pollution Control District of Imperial County.

RUST PREVENTATIVE COATING: a Coating formulated to prevent the corrosion of metal surfaces for one or more of the following applications:

1. direct-to-metal Coating; or
2. Coating intended for application over rusty, previously coated surfaces.

The Rust Preventative category does not include the following:

3. Coatings that are required to be applied as a topcoat over a p Primer; or
4. Coatings that are intended for use on wood or any other non-metallic surface.

Rust Preventative Coatings are for metal substrates only and must be labeled as such, in accordance with the labeling requirements in Rule 424, subsection E.7.

SANDING SEALER: a clear or semi-transparent Wood Coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of Coatings. A Sanding Sealer that also meets the definition of a Lacquer is not included in this category, but is included in the Lacquer category. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

SEASONAL SOURCE: any Stationary Source with more than 75 percent of its annual operating hours within a consecutive 120 day period.

SECONDARY EMISSIONS: means emissions which would occur as a result of the Construction or operation of a Stationary Source or Modification, but do not come from the Stationary Source or Modification itself. Secondary emissions must be specific, well defined, Quantifiable, and impact the same general area as the Stationary Source or Modification which causes the Secondary Emissions. Secondary Emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the Construction or operation of the Stationary Source. Secondary Emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a Motor Vehicle, from a train, or from a vessel.

SECONDARY INDUSTRIAL MATERIALS: products or by-products of the paint

manufacturing process that are of known composition and have economic value but can no longer be used for their intended purpose.

SEMITRANSSPARENT COATING: a Coating that contains binders and colored pigments and is formulated to change the color of the surface, but not conceal the grain pattern or texture.

SEMI-TRANSPARENT STAINS: Coatings which are formulated to change the color of a surface but not conceal the surface.

SEMI-TRANSPARENT WOOD PRESERVATIVES: Wood Preservative Stains formulated and used to protect exposed wood from decay or insect attack by the addition of a Wood Preservative chemical registered by the California Department of Food and Agriculture, which change the color of a surface but do not conceal the surface, including clear Wood Preservatives.

SHELLAC: a clear or opaque Coating formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*), and formulated to dry by evaporation without a chemical reaction.

SHOP APPLICATION: application of a Coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original Equipment manufacturing Coatings).

SHUTDOWN: means an action necessary to cease operation of an Emissions Unit and includes the amount of time needed to safely do so. For the purposes of calculating ERC's, means the Permanent cessation of emissions from an emitting unit and the surrender of the operating permit.

SIGNIFICANT: in reference to an Emissions Increase or the potential of a Source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

1. PM_{2.5}: 10 tpy of direct PM_{2.5} or 40 tpy of sulfur dioxide, nitrogen oxide, VOC's or Ammonia.
2. Nitrogen oxides: 40 tpy
3. Sulfur dioxide: 40 tpy
4. VOC's: 40 tpy; and
5. PM₁₀: 15 tpy

SIGNIFICANT EMISSIONS INCREASE: an increase in emissions that is Significant for that pollutant.

SIGNIFICANT NET EMISSIONS INCREASE: an increase in net emissions that is Significant for that pollutant. The "net emissions increase" shall be determined as defined in 40 CFR 51.165.

SINGLE-STAGE COATING: any pigmented Coating, excluding Primers and Multi-Color Coatings, labeled and formulated for application without a subsequent clear coat. Single-stage Coatings include single-stage metallic/iridescent Coatings.

SOAP BUBBLE SCORE: the magnitude of a leak as indicated by the size of bubble formation resulting from spraying the suspected area with a standard solution. Soap scores are assigned following six seconds of observation as follows:

Soap Score	Estimate Bubble Volume (cc/6 Sec.)
0	No detectable bubbling
1	0 to 1 cc per 6 sec.
2	1 to 10 cc per 6 sec.
3	10 to 100 cc per 6 sec.
4	Greater than 100 cc per 6 sec.

SOLICIT: to require for use or to specify, by written or oral contract.

SOLVENT: for purposes of Rule 427, a VOC-containing fluid used to perform cleaning operations.

SOURCE: a specific device, article, or piece of Equipment from which Air Contaminants are emitted, or the distinct place (such as with fires or other chemical activity) from which Air Contaminants are emitted. A Project or facility may have more than one Source and the term may be used to describe a group of "Sources."

SPACE VEHICLE: a vehicle designed for use beyond the earth's Atmosphere.

SPECIALTY COATING: a Coating used for limited, specialty applications, such as Camouflage Coatings or extreme performance Coatings. Such Coatings frequently have no complying counterpart, and often must be used to fulfill specific performance requirements of the particular Coating application.

SPECIALTY PRIMER, SEALER, AND UNDERCOATER: a Coating that is formulated for application to a substrate to block water-soluble Stains resulting from: fire damage; smoke damage; or water damage. Specialty Primers, Sealers, and Undercoaters must be labeled in accordance with Rule 424, subsection E.8. Until January 1, 2012, the Specialty Primer, Sealer, and Undercoater includes Coatings formulated to seal excessively chalky surfaces. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM D4214-98, incorporated by reference in Rule 424, subsection G.5.g.

SPOT REPAIR: repair of an area on a Motor Vehicle, piece of Mobile Equipment, or associated parts or components of less than 1 square foot (929 square centimeters).

SPRAY SAFETY SWITCH: safety switch which cuts off the spray applicator pump if vapor levels drop below a specific level.

STACK-GAS OXYGEN SYSTEM: means a system of monitors that is used to maintain excess air at the desired level. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller.

STAIN: a semi-transparent, or opaque Coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

STANDARD CONDITIONS: 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.

STARTUP: means an action necessary to begin operation of a unit and includes the amount of time needed for a unit and ancillary Equipment to achieve stable operations.

STATE BOARD: the California Air Resources Board, or any Person authorized to act on its behalf.

STATIONARY GAS TURBINE(S): means any gas turbine system, with or without power augmentation, which is permanently attached to a foundation, or is not a portable gas turbine. Two or more gas turbines powering a common shaft shall be treated as one gas turbine.

STATIONARY SOURCE: any building, structure, facility, Equipment, or Emissions Unit which emits or may emit any Affected Pollutant directly or as a Fugitive Emission. Building, structure, or facility includes all pollutant emitting activities, including Emission Units, which:

1. are located on one or more contiguous or adjacent properties, and
2. are under the same or common ownership or operation, or which are owned or operated by entities which are under common control, and
3. belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common production process, industrial process, manufacturing process, or connected process involving a common raw material.

STATIONARY TANK: any tank, reservoir or other container used to store, but not transport, Reactive Organic Compounds.

STENCIL COATING: for the purposes of Rule 425, means an ink or Coating which is rolled, sprayed with an airbrush or a touch-up gun with a capacity of 8 ounces (236.4 ml) or less, or brushed using a template to add identifying letters and/or numbers to Aerospace Component.

STONE CONSOLIDANT: a Coating that is labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must penetrate into stone substrates to create bonds between particles and consolidate deteriorated material. Stone Consolidants must be specified and used in accordance with ASTM E2167-01, incorporated by reference in Rule 424, subsection G.5.x. Stone Consolidants are for professional use only and must be labeled as such, in accordance with the labeling requirements in Rule 424, subsection E.11.

STRIPPER: a Reactive Organic Compound liquid applied to remove a Maskant, paint, paint residue or temporary protective Coating.

SUBMERGED FILL PIPE: any permanent fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged Fill Pipe" when applied to a tank which is loaded from the side means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

SURFACE PREPARATION SOLVENT: any Solvent used primarily for the conditioning of a surface to receive a Coating.

SURPLUS: the amount of emission reductions that are, at the time of generation of an 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 SIP. For the purpose of Rule 207, sections C.2.c and C.2.d, "Surplus" means the amount of emission reductions that are, at the time of use of an 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 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 Rule 207 if those reductions meet all other requirements of Rule 207. Examples of federal, State, and local laws and of SIP-related requirements include, but are not limited to, the following:

1. the federally-approved California SIP;
2. 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;

3. any other Source or Source-category specific regulatory or permitting requirement, including, but not limited to, RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and the Lowest Achievable Emission Rates (LAER); and
4. any regulation or supporting documentation that is required by the CAA 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 emissions reduction commitment; assumptions used in conformity demonstrations, and assumptions used in emissions inventories.
5. emission reductions produced by monies from any public air quality related funding program including but not limited to the Carl Moyer Memorial Air Quality Standards Attainment Program and the vehicle registration surcharge fee.

SWIMMING POOL COATING: a Coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals. Swimming Pool Coatings included Coatings used for swimming pool repair and maintenance.

SWIMMING POOL REPAIR AND MAINTENANCE COATING: a rubber based Coating labeled and formulated to be used over existing rubber based Coatings for the repair and maintenance of swimming pools. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

SWITCH LOADING: the loading of organic liquids with a Reid vapor pressure of less than 4.0 pounds into a delivery vessel where the previous load was gasoline.

TACK COAT: any application of Asphalt applied to an existing surface to provide a bond between new surfacing and an existing surface and to eliminate slippage planes where the new and existing surfaces meet.

TANK REPLACEMENT: the replacement of one or more stationary Gasoline storage tanks at an existing Gasoline dispensing facility, or, the 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.

TEMPERATURE-INDICATOR SAFETY COATING: a Coating labeled and formulated as

a color-changing indicator Coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying Equipment, and for application to substrates exposed continuously or intermittently to temperatures above 400°F (204°C). Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

TEMPORARY PROTECTIVE COATING: for the purposes of Rule 427, any Coating which is labeled and formulated for the purpose of temporarily protecting areas from overspray or mechanical damage.

THERMAL OXIDIZER: means combustion Equipment fired with Gaseous Fuel and used to control emissions of Air Contaminants from industrial or commercial processes.

THERMO CONTROL COATING: a Coating applied to Space Vehicle components to reflect heat and formulated to give specific heat reflectance, absorption and emissivity properties, or a Coating required for aerospace engine components to delay component failure due to fire.

TINT BASE: an Architectural Coating to which colorant is added after packaging in sale units to produce a desired color.

TOPCOAT: a Coating applied over a Primer as the final coat for purposes such as appearance, identification, or protection.

TOTAL REDUCED SULFUR COMPOUNDS: the sulfur compounds methyl mercaptan, dimethyl sulfide, dimethyl disulfide, carbon disulfide, and carbonyl sulfide.

TOUCH-UP COATING: for the purposes of Rule 425, means a Coating that is used for 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. A touch-up Coating may include small amounts of Solvent, applied by hand, used to attach Coating patches exhibiting inadequate adhesion.

TOXIC AIR CONTAMINANT: an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness or which may pose a present or potential hazard to human health. This includes, but is not limited to, hazardous air pollutants listed in Section 112(b) of the Clean Air Act, which is incorporated by reference.

TRAFFIC MARKING COATING: a Coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

TRANSFER: in reference to ERC's, means the conveyance of an ERC from one entity to another

TRANSFER EFFICIENCY: is the amount of Coating solids adhering to the object being coated divided by the total amount of Coating solids sprayed, expressed as a percentage.

TREATED BRUSH: material to be burned that has been felled, crushed or uprooted with mechanical Equipment, or desiccated with herbicides.

TRUCK BED LINER COATING: any Coating, excluding clear, color, multi-color, and single stage Coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.

TUB AND TILE REFINISH COATING: a clear or opaque Coating that is labeled and formulated exclusively for refinishing the surface of a bathtub, shower, sink, or countertop. Tub and Tile Refinish Coatings must meet all of the following criteria:

1. the Coating must have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder. This must be determined on bonderite 1000, in accordance with ASTM D3363-05, incorporated by reference in Rule 424, subsection G.5.p and
2. the Coating must have a weight loss of 20 milligrams or less after 1000 cycles. This must be determined with CS-17 wheels on bonderite 1000, in accordance with ASTM D4060-07 incorporated by reference in Rule 424, subsection G.5.q and
3. the Coating must withstand 1000 hours or more of exposure with few or no #8 blisters. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D714-02e1, incorporated by reference in Rule 424, subsection G.5.r and
4. the Coating must have an adhesion rating of 4B or better after 24 hours of recovery. This must be determined on unscribed bonderite, in accordance with ASTM D4585-99 and ASTM D3359-02, incorporated by reference in Rule 424, subsection G.5.o.

ULTRASONIC: enhancement of cleaning process by vibrating Organic Solvent with high frequency sound waves, causing implosion of microscopic vapor cavities within liquid Organic Solvent.

UNDERBODY COATING: for purposes of Rule 427, any Coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the Motor Vehicle.

UNIFORM FINISH COATING: for purposes of Rule 427, any Coating labeled and formulated for application to the area around a Spot Repair for the purpose of blending a repaired area's color or clear coat to match the appearance of an adjacent area's existing Coating.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA): the

Administrator or appropriate delegate of the "United States Environmental Protection Agency."

UNRESERVED FUND BALANCE: the excess of the assets of a governmental fund or trust fund over its liabilities and fund balance reserved accounts.

UPWIND: the area bounded by a line drawn perpendicular to the predominant wind flow line passing through or nearest to the site of the new source or Modification and extending to the boundaries of the same or adjoining counties within the same air basin except where the APCO determines that for reasons of topography or meteorology such a definition is inappropriate.

VAPOR LEVEL CONTROL THERMOSTAT: safety switch which turns off sump heater if temperature rises above design operating level at center of air-vapor interface.

VAPOR RECOVERY SYSTEM: a vapor-gathering system capable of collecting organic vapors and gases emitted during the operation of Equipment.

VAPOR TIGHT: for the purposes of Rule 415, means a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in) from the Source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

VARIANCE: an authorization by the Hearing Board to permit, for a specified limited period of time, some act contrary to the requirements specified by the District Rules and regulations.

VARNISH: a clear or semi-transparent Wood Coating, excluding Lacquers and Shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the Finish. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

VEHICLE CLASS: either a Passenger Car, Light Duty Truck, Medium Duty Vehicle or Heavy Duty Vehicle as defined in Title 13 California Code of Regulation section 1900.

VENEER: thin sheets of wood peeled or sliced from logs for use in the manufacture of wood products such as plywood, laminated Veneer lumber, or other products.

VIRGIN MATERIALS: materials that contain no post-consumer Coatings or secondary industrial materials.

VOLATILE FUEL: any fuel having a Reid vapor pressure of greater than 3.0 pounds per square inch when tested pursuant to the American Society of Testing and Materials (ASTM) Reid Vapor Pressure test method, or having a true vapor pressure of greater than

3.0 pounds per square inch absolute at 100°F if the ASTM Reid Vapor Pressure test is not applicable.

VOLATILE ORGANIC COMPOUND (VOC): any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

1. methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
trifluoromethane (HFC-23);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes;
the following classes of perfluorocarbons:
 - (A) cyclic, branched, or linear, completely fluorinated alkanes;
 - (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
2. the following low Reactive Organic Compounds which have been exempted by the US EPA:
acetone;
ethane;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene;
methyl acetate;
propylene carbonate and
dimethyl carbonate

3. Perfluorocarbon and Methylated Siloxane compounds shall be assumed to be absent from any product or process unless the manufacturer or operator indicates which specific, individual compounds from these broad classes are present, indicated the amount(s) present, and demonstrates the availability of a test method approved by the US EPA, the CARB, and the District for verifying the amount(s) present quantitatively.
4. Tertiary-Butyl Acetate (also known as t-butyl acetate, TBAC or TBAC) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements, but will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements with apply to VOC's.

VOC ACTUAL: VOC Actual is the weight of VOC per volume of Coating and it is calculated with the following equation:

$$\text{VOC Actual} = \frac{(Ws - Ww - Wec)}{(Vm)}$$

Where:

VOC Actual	=	the grams of VOC per liter of Coating (also known as "Material VOC")
Ws	=	weight of volatiles, in grams
Ww	=	weight of water, in grams
Wec	=	weight of exempt compounds, in grams
Vm	=	volume of Coating, in liters

VOC CONTENT: the weight of VOC per volume of Coating. VOC Content is VOC Regulatory, as defined within this rule under VOC Regulatory, for all Coatings except those in the Low Solids category. For Coatings in the Low Solids category, the VOC Content is VOC Actual, as defined within this rule under VOC Actual. If the Coating is a multi-component product, the VOC content is VOC Regulatory as mixed or catalyzed. If the Coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

VOC REGULATORY: VOC Regulatory is the weight of VOC per volume of Coating, less the volume of water and exempt compounds. It is calculated with the following equation:

$$\text{VOC Regulatory} = \frac{(Ws - Ww - Wec)}{(Vm - Vw - Vec)}$$

Where:

VOC Regulatory	=	grams of VOC per liter of Coating, less water and exempt compounds (also known as "Coating VOC")
Ws	=	weight of volatiles, in grams

Ww	=	weight of water, in grams
Wec	=	weight of exempt compounds, in grams
Vm	=	volume of Coating, in liters
Vw	=	volume of water, in liters
Vec	=	volume of exempt compounds, in liters

WASTE HEAT RECOVERY BOILER: means Waste Heat Recovery Boilers used to recover sensible heat from unfired Waste Heat Recovery Boilers and from the exhaust of any combustion Equipment.

WATER TREATMENT ADDITIVES: any combination of chemicals used to treat cooling tower water. They include, but are not limited to, corrosion inhibitors antiscalants, dispersants and biocides.

WATERPROOFING CONCRETE/MASONRY SEALER: a clear or pigmented film-forming Coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

WATERPROOFING MEMBRANE: a clear or opaque Coating that is labeled and formulated for application to concrete and masonry surfaces to provide a seamless waterproofing membrane that prevents any penetration of liquid water into the substrate. Waterproofing Membranes are intended for the following waterproofing applications: below-grade surfaces, between concrete slabs, inside tunnels, inside concrete planters, and under flooring materials. Waterproofing Membranes must meet the following criteria:

1. Coating must be applied in a single coat of at least 25 mils (at least 0.025 inch) dry film thickness; and
2. Coatings must meet or exceed the requirements contained in ASTM C836-06, incorporated by reference in Rule 424, subsection G.5.s.

The Waterproofing Membrane category does not include Topcoats that are included in the Concrete/Masonry Sealer category (e.g., parking deck Topcoats, pedestrian deck Topcoats, etc.).

WATERPROOFING SEALER: a Coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water. Effective January 1, 2011, a Coating meeting this definition will be subject to the applicable category in Table 424-2, except as provided in subsection D.2, Most Restrictive VOC Limits found in Rule 424.

WIPE CLEANING: method of cleaning which utilizes a cloth, cotton swab or other material, wetted with an Organic Solvent, which is physically rubbed on surface to be

degreased.

WOOD COATINGS: Coatings labeled and formulated for application to Wood Substrates only. The Wood Coatings category includes the following clear and semitransparent Coatings: Lacquers; Varnishes; Sanding Sealers; penetrating oils; clear Stains; wood conditioners used as undercoats; and wood sealers used as Topcoats. The Wood Coatings category also includes the following opaque wood Coatings: opaque Lacquers; opaque Sanding Sealers; and opaque Lacquer undercoaters. The Wood Coatings category does not include the following: clear sealers that are labeled and formulated for use on concrete/masonry surfaces; or Coatings intended for substrates other than wood.

Wood Coatings must be labeled "For Wood Substrates Only", in accordance with Rule 424, subsection E.13.

WOOD PRESERVATIVE: a Coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the US EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

WOOD SUBSTRATE: a substrate made of wood, particleboard, plywood, medium density fiberboard, rattan, wicker, bamboo, or composite products with exposed wood grain. Wood Products do not include items comprised of simulated wood.

ZINC-RICH PRIMER: a Coating that meets all of the following specifications:

1. Coating contains at least 65 percent metallic zinc powder or zinc dust by weight of total solids; and
2. Coating is formulated for application to metal substrates to provide a firm bond between the substrate and subsequent applications of Coatings; and
3. Coating is intended for professional use only and is labeled as such, in accordance with the labeling requirements in Rule 424, subsection E.14.

Imperial County

Submitted to EPA: 619187

Contact Person: John Ong
Telephone: FTS: 454-7635

RULE 102 - PUBLIC RECORDS:

All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which the Air Pollution Control 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.

All air and other pollution monitoring data, including data compiled from stationary sources, are public records.

Trade secrets are not public records under this rule. Trade secrets 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.

All air pollution emission data, including those emission data which constitute trade secrets, as described in the above paragraph, 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.

Any person furnishing any records may label as "trade secret" any part of those records which are entitled to confidentiality. 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.

Upon the receipt of an Application for "Confidential" Classification of Source Data the Air Pollution Control Officer shall, within ten (10) working days, notify the applicant of his ruling. In cases of rejection, the Air Pollution Control Officer shall promptly notify the person making the justification, in writing, that the records in questions shall, within twenty-one (21) days be subject to public inspection unless a justification is received and accepted.

~~RULE 103 - INSPECTION OF PUBLIC RECORDS:~~

~~The Air Pollution Control Officer shall within ten (10) working days make available records requested. If, for good cause, the~~

not submitted for revision

11.4.77

RULE 103 - INSPECTION OF PUBLIC RECORDS:

- The Air Pollution Control Officer shall within ten (10) working days make available records requested. If, for good cause, the information cannot be made available within the ten (10) working days, the Air Pollution Control Officer shall notify the requesting person the reasons for the delay and when the information will be available.

- The Air Pollution Control Officer may require the requests for public records to be specific and in sufficient detail so that the information may be readily identified.

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RULE 107 - CONDITIONAL APPROVAL:

THE CONTROL OFFICER MAY ISSUE A PERMIT SUBJECT TO CONDITIONS WHICH WILL
BRING THE OPERATION OF ANY ARTICLE, MACHINE, EQUIPMENT, OR CONTRIVANCE WITHIN
THE STANDARDS ESTABLISHED BY THESE RULES. ALL CONDITIONS IMPOSED HEREUNDER
SHALL BE SPECIFIED IN WRITING ON THE PERMIT.

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.

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Upon the receipt of an (Application for "Confidential" Classification of Source Data) the Air Pollution Control Officer shall, within ten (10) working days, notify the applicant of his ruling. In cases of rejection, the Air Pollution Control Officer shall promptly notify the person making the justification, in writing, that the records in question shall, within twenty-one (21) days be subject to public inspection unless a justification is received and accepted.

RULE 103 - INSPECTION OF PUBLIC RECORDS:

The Air Pollution Control Officer shall within ten (10) working days make available records requested. If, for good cause, the information cannot be made available within the ten (10) working days, the Air Pollution Control Officer shall notify the requesting person the reasons for the delay and when the information will be available.

The Air Pollution Control Officer may require the requests for public records to be specific and in sufficient detail so that the information may be readily identified.

RULE 104 - VIOLATIONS:

Any person doing any acts prohibited herein, or operating any article, machine, equipment or contrivance described in Rule 201 without a permit is guilty of a misdemeanor punishable by detention in the county jail not exceeding six (6) months or by fine not exceeding five hundred dollars (\$500) or both for each day upon which such violation occurs.

RULE 105 - ENFORCEMENT:

These rules shall be enforced by the Control Officer. He may issue citations, seek a misdemeanor complaint from the District Attorney or seek an injunction. He may issue notices to abate or correct violations of these rules, or he may require attendance at hearing before the Hearing Board, or constitute other administrative proceedings as provided in procedures adopted by the Control Board.

RULE 106 - ABATEMENT:

The Board may, after notice and a hearing, issue, or provide for the issuance by the Hearing Board, of an order for abatement whenever the District finds that any person is in violation of the rules and regulations limiting the discharge of air contaminants into the atmosphere.

RULE 107 - LAND USE:

As part of his responsibility to protect the public health and property from the damaging effects of air pollution it shall be the duty of the Air Pollution Officer to review and advise the appropriate planning authorities within the district on all new construction or changes in land use which the Air Pollution Control Officer believes could become a source of air pollution problems.

RULE 108 - INSPECTIONS:

Inspections shall be made by the enforcement agency for the purpose of obtaining information necessary to determine whether air pollution sources are in compliance with applicable rules and regulations, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources.

RULE 109 - SOURCE SAMPLING:

Upon the request of the Control Officer and as directed by him, the owner of any source operation which emits or may emit air contaminants, for which emission limits have been established, shall provide the following facilities, constructed in accordance with the general industry safety orders of the State of California:

- A. Sampling ports
- B. Sampling platforms
- C. Access to sampling platforms
- D. Utilities for sampling equipment

The owner of such a source operation, when requested by the Control Officer, shall

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 109. SOURCE SAMPLING

(Adopted prior to 11/04/77; revised 9/14/99)

Upon the request of the Air Pollution Control Officer, the owner of any Source operation which emits or may emit Air Contaminants, for which emission limits have been established, shall provide the following facilities, constructed in accordance with the general industry safety orders of the State of California:

- (1) Sampling ports
- (2) Sampling platforms
- (3) Access to sampling platforms
- (4) Utilities for sampling Equipment

The owner of such a Source operation, when requested by the Air Pollution Control Officer, shall provide records or other information which will enable the Air Pollution Control Officer to determine when a representative sample can be taken.

In addition, upon the request of the Air Pollution Control Officer, the owner of such a Source operation shall collect, have collected, or allow the Air Pollution Control Officer to collect, a Source sample.

All Source samples collected to determine the compliance status of an emission Source shall be collected in a manner specified or approved by the Air Pollution Control Officer.

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RULE 110. STACK MONITORING

(Adopted 11/19/85; revised 9/14/99)

- A. The Owner or Operator of any Source identified below shall provide, properly install, and maintain in good working order, continuous monitoring systems to measure the following pollutants and Opacity:
- A.1 Source - Steam generators with a heat input of 63 million kilogram calories (250 million British thermal units) or more per hour and with a use factor of at least 30 percent per year shall monitor for oxides of nitrogen (NO_x), sulfur dioxide (SO₂), carbon dioxide (CO₂) or oxygen (O₂). Opacity shall also be monitored unless, gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel burned and the Source can meet particulate and Opacity regulations without collection equipment and the Source has not been found, through administrative or judicial proceedings, to be in violation of regulations for nuisance, Opacity or particulate emissions.
 - A.2 Source - All existing nitric acid plants of greater than 300 tons per day production capacity (being expressed as 100 percent acid), shall monitor for oxides of nitrogen (NO_x)
 - A.3 Source - CO boilers of regenerators of fluid catalytic cracking units and CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,590,000 liters) per day shall monitor for sulfur dioxide (SO₂) and Opacity.
 - A.4 Source - Sulfuric acid plants and sulfur recovery plants shall monitor for liquid and gaseous sulfur compounds, as sulfur dioxide (SO₂).
- B. **Quarterly Report**
Owners or Operators subject to provisions of this Rule shall submit a written report for each calendar quarter to the Air Pollution Control Officer. The report is due by the 30th day following the end of the calendar quarter and shall include the following information:
- B.1 Time intervals, date and magnitude of excess emissions; nature and cause of the excess (if known), corrective actions taken and preventive measure adopted.
 - B.2 Averaging period used for data reporting corresponding to averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/Source category in question.
 - B.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.
 - B.4 A negative declaration when no excess emissions occurred.
 - B.5 Reports on Opacity monitors giving the number of three minute periods during which the average Opacity exceeded the standard for each hour of operation. The averages may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced instantaneous Opacity measurements per minute. Any time period exempted shall be considered before determining the excess averages of Opacity.
- C. A violation of emission standards of these Rules, as shown by the stack-monitoring system, shall be reported by such Person to the Air Pollution Control Officer within 96 hours.
- D. In the event of a Breakdown of monitoring equipment, the owner shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner shall inform the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.

- E. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.
- F. A stack-monitoring system required to be installed by this Rule shall be of a type specified by the California Air Resources Board pursuant to Section 42702 of the Health and Safety Code, or of a type approved by the Air Pollution Control Officer.
- G. System shall be installed, calibrated, maintained and operated in accordance with the following Sections of 40 CFR.
- G.1 Fossil-Fuel Fired Steam Generators: Section 60.45.
- G.2 Sulfuric Acid Plants: Section 60.84.
- G.3 Nitric Acid Plants: Section 60.73.
- G.4 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.
- G.5 Cycling times shall be those specified in 40 CFR 60, Appendix P, Sections 3.4, 3.4.1 and 3.4.2.
- G.6 The continuous SO₂ and NO_x monitors shall meet the applicable performance specification requirements in CFR 40, Part 51, Appendix P, Part 60, Appendix B.
- G.7 The continuous CO₂ and O₂ monitoring system shall meet the performance specification requirements in CFR 40, Part 51, Appendix P, and Part 60, Appendix B.
- G.8 The continuous Opacity monitoring system shall meet the 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 Air Pollution Control District, California Air Resources Board, and U.S. Environmental Protection Agency.
- H. **Effective Dates**
Sources which are not in compliance with any of the provisions of this Rule on the date the rule is adopted or revised shall come into compliance within 12 months following that date.

1. FILING FEES:

AGRICULTURAL BURNING ----- NO FEE

NON-AGRICULTURAL (OTHER THAN TESTING, FIRING & CLEANING) 1/2 PERMIT TO OPERATE FEE

NON-AGRICULTURAL TESTING, FIRING & CLEANING ----- NO FEE

2. DUPLICATE PERMITS ----- \$ 2.00

3. PERMIT TRANSFER FEES: SINGLY OR FIRST IN SERIES ----- 10.00
EACH ADDITIONAL PERMIT IN SERIES ----- 5.00

4. PERMIT TO OPERATE:

FEE	HP	1000 BTU	KVA	SQ FEET	GALLONS
\$ 15	0-24	0-189	0-41	0-5	0-5,000 MISC.
25	25 TO 49	150 TO 399	45 TO 144	6-10	5,001 TO 20,000
50	50 TO 99	400 TO 649	145 TO 449	11-15	20,001 TO 50,000
75	100 TO 199	650 TO 1449	450 TO 1449	16-25	50,001 TO 100,000
100	200 TO 399	1500 TO 2499	1450 TO 4499	26-50	100,001 TO 500,000
150	400 TO 799	2500 TO 4999	4500 TO 14499	51-100	500,001 TO 1,000,000
200	800 TO 1599	5000 TO 14999	14500 OR UP	100 OR UP	1,000,001-UP
250	1600-UP	15000-UP			

HP - TOTAL RATED HORSEPOWER OF ALL ELECTRIC MOTORS
 1000 BTU - THOUSANDS OF BRITISH THERMAL UNITS PER HOUR, USING GROSS HEATING VALUES OF FUEL.
 KVA - TOTAL KILOVOLT AMPERE RATINGS OF ELECTRICAL ENERGY, EXCEPT ELECTRIC MOTORS.
 SQ FEET - MAXIMUM INSIDE CROSS SECTIONAL AREA OF PRIMARY COMBUSTION CHAMBER.
 GALLONS - CAPACITY IN GALLONS OR CUBIC EQUIVALENT.
 MISC - ANY ARTICLE, MACHINE, EQUIPMENT, OR CONTRIVANCE NOT IN OTHER SCHEDULES.

~~AND THE AIR POLLUTION CONTROL OFFICER SHALL NOTIFY THE PERMITTEE BY MAIL.~~

RULE 112 - ANNUAL RENEWAL:

A PERMIT ISSUED PURSUANT TO THESE RULES IS GOOD FOR THE CALENDAR YEAR FOR WHICH IT IS ISSUED. IF THE ARTICLE, MACHINE, EQUIPMENT OR CONTRIVANCE FOR WHICH A PERMIT IS ISSUED IS TO CONTINUE IN USE OR OPERATION, A NEW PERMIT MUST BE ISSUED FOR EACH CALENDAR YEAR, OR PART THEREOF, DURING WHICH SAID ARTICLE IS IN OPERATION.

PROHIBITIONS

RULE 113 - OPACITY OF EMISSIONS:

NO PERSON SHALL DISCHARGE INTO THE ATMOSPHERE FROM ANY SINGLE SOURCE OF EMISSION WHATSOEVER, ANY AIR CONTAMINANT FOR A PERIOD OR PERIODS AGGREGATING MORE THAN THREE (3) MINUTES IN ANY ONE 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" ABOVE.

RULE 114 - QUANTITY OF EMISSIONS:

NO PERSON SHALL RELEASE OR DISCHARGE INTO THE ATMOSPHERE FROM ANY SOURCE OR SINGLE PROCESSING UNIT, EMISSIONS OF DUST, FUMES OR PARTICULATE MATTER IN EXCESS OF 0.3 GRAINS PER CUBIC FOOT OF GAS, OR EQUIVALENT METRIC MEASUREMENT, AT STANDARD CONDITIONS.

RULE 115 - OPEN BURNING:

NO PERSON SHALL, AFTER DECEMBER 31, 1971, USE AN OPEN OUTDOOR FIRE FOR THE PURPOSE OF DISPOSAL OF PETROLEUM WASTES, DEMOLITION DEBRIS, TIRES, TAR,

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 113. CIRCUMVENTION

(Adopted 11/19/85; revised 9/14/99)

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 the concentration or conceals an emission which would otherwise constitute a violation of Division 26, of the Health and Safety Code of the State of California or of these rules and regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California, or of Rule 407 of these rules and regulations.

RULE 114 - SEVERABILITY CLAUSE:

11/4/77

If any provision of these rules is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these rules, it being hereby expressly declared that these rules and each provision thereof would have been adopted irrespective of the fact that any one or more other provisions be declared invalid or unconstitutional.

~~RULE 115 - LEGAL APPLICATION:~~

~~All sections contained in the Health and Safety Code relating to Air Pollution Control shall have application in Imperial County unless superceded by more stringent rules and regulations in these rules and regulations.~~

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 115. LEGAL APPLICATION AND INCORPORATION OF OTHER REGULATIONS

(Adopted 11/19/85; revised 9/14/99)

- A. All sections contained in the California Health and Safety Code relating to Air Pollution Control shall have application in the Imperial County Air Pollution Control District unless superseded by more stringent provisions in these rules and regulations.
- B. The Air Pollution Control Officer shall enforce those applicable Health and Safety Code regulations in the same manner as if they were set forth in these regulations.
- C. Permits issued by the Air Pollution Control District shall include language requiring compliance with all applicable air pollution control regulations of state, federal, and local agencies. Air emission or performance standards of state or federal agencies may be required in connection with permits issued. Violation of such regulations or required standards shall be considered as a violation of conditions of the permit.
- D. The incorporation of, or reference to, regulations of other governmental agencies by the Imperial County Air Pollution Control District is not meant to interfere in any way with the procedures or enforcement activities of these other agencies. No applicant, or any other Person, is relieved of any obligation to comply with the regulations of other governmental agencies, by the incorporation of, or reference to, any other agency's regulations.
- E. The Air Pollution Control Officer shall insure that applicants for permits, and other interested Persons, are made aware of the existence of air pollution control regulations of other agencies. The Air Pollution Control Officer may prepare summaries of such regulations and make them available at a reasonable cost.

RULE 116 EMISSIONS STATEMENT AND CERTIFICATION
(Adopted 02/23/2010, Revised 11/03/2020)

- A. Purpose
This Rule establishes the requirements for the submittal of emissions statements from specified stationary sources in accordance with the requirements of the Clean Air Act [Section 182(a)(3)(B)].
- B. Applicability
The requirements of this Rule are applicable to any stationary source, which emits or may emit oxides of nitrogen (NO_x) or reactive organic compounds (ROCs).
- C. Requirements
- C.1 The owner or operator of any stationary source that is subject to this Rule shall provide the APCO with a written emissions statement showing actual emissions or operational data allowing the APCO to estimate actual emissions of oxides of nitrogen and reactive organic compounds from that source.
- C.2 The emissions statement shall be on a form or in a format specified by the APCO and shall contain emissions data for the time period specified by the APCO. Emissions statements shall be submitted annually.
- D. Administrative Requirements
- D.1 The APCO may waive the requirements to any class or category of stationary sources which emit less than 25 tons per year of NO_x or ROCs if the District provides the California Air Resources Board with an emission inventory of sources emitting greater than 10 tons per year of NO_x or ROCs. Emissions calculations shall be based on emission factors approved by the APCO and established by the Environmental Protection Agency (EPA) or other methods acceptable by the EPA.
- D.2 All official documents submitted to the District shall contain a certification signed and dated by a responsible official of the company attesting that the information contained in the submitted documents is accurate to the best knowledge of the individual certifying the submission. The requirements of this Section apply to, but are not limited to, the emissions statements required in Section C of this Rule.

RULE 201 PERMITS REQUIRED

(Adopted prior to 10/15/79; revised 9/14/99; 10/10/2006)

A. Authority to Construct

Each Person constructing, erecting, installing, modifying, or replacing any article, machine, Equipment or contrivance, the use of which may emit or control Air Contaminants, shall first obtain written authorization for such Construction from the Air Pollution Control Officer, except as may be exempted herein.

B. Permit to Operate

Subject to the exemptions contained in Rule 202 of this part, each Person who uses or operates any article, machine, Equipment, or other contrivance that emits or controls Air Contaminants is required to have a permit. A single Permit to Operate may be issued for all components of an integrated system or process.

C. Other Permits

Agricultural Burning permits are provided for in Rule 701. Large Confined Animal Facilities are provided for in Rule 217 and Rule 420. Non-Agricultural Burning permits are provided for in Rule 421.7

D. Posting of Permit

A Person who has been granted a Permit to Operate any article, machine, Equipment, or other contrivance described in this Rule, shall firmly affix such permit, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, Equipment, or other contrivance in such a manner as to be clearly visible and accessible, in the event that the article, machine, Equipment, or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, Equipment, or other contrivance, or maintained readily available at all times on the operating premises.

E. Altering of Permit

A Person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued by the Air Pollution Control District.

RULE 202 EXEMPTIONS

(Adopted prior to 11/19/85; Revised 9/7/93; 9/14/99; 10/10/2006; 2/9/2016)

- A. An Authority to Construct or Permit to Operate shall not be required for any process, article, machine, Equipment, or other contrivance listed in Section E unless:
 - A.1 The process, article, machine, Equipment, or other contrivance is subject to New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS) or a Source specific prohibitory rule, or
 - A.2 The process, article, machine, Equipment, or other contrivance emits, in quantities determined to be appropriate for review by the Air Pollution Control Officer, substances identified as Toxic Air Contaminants or which are under review as candidate Toxic Air Contaminants by the California Air Resources Board, or
 - A.3 The Air Pollution Control Officer makes a determination that a permit shall be required because the Equipment may not operate in compliance with all Air Pollution Control District rules and regulations.
- B. An Authority to Construct or Permit to Operate shall not be required for any process, article, machine, Equipment, or other contrivance with uncontrolled emissions of Affected Pollutants less than or equal to two pounds in any 24-hour period.
- C. An otherwise exempt piece of Equipment requires a permit if it is part of a process that requires a permit.
- D. Appropriate recordkeeping shall be required to verify and maintain any exemption.
- E. Unless otherwise specified in sections A or B, an Authority to Construct or Permit to Operate shall not be required for the following Equipment:
 - E.1 Combustion and Heat Transfer Equipment
 - E.1.a Internal Combustion Engines and Gas Turbines: Piston type internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower (bhp) or less or gas turbine engines with a maximum heat input rate of 3 million British thermal units (Btu) per hour or less at ISO Standard Day Conditions. The ratings of all engines or turbines used within a

Stationary Source will be accumulated to determine whether this exemption applies.

- E.1.b (reserved)
 - E.1.c Steam generator, steam superheaters, water boilers, water heaters, steam cleaners, and closed indirect heat transfer systems which have a maximum input heat rating of 5,000,000 Btu per hour (gross) or less and are equipped to be fired exclusively with Public Utilities Commission regulated natural gas, liquefied petroleum gas or any combination thereof.
 - E.1.d Portable equipment holding a valid registration under the Statewide Portable Equipment Registration Program pursuant to Title 13, Article 5, Sections 2450 - 2465 of the California Code of Regulations.
- E.2 Vehicles
- E.2.a Motor Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, Equipment, or other contrivance mounted on such vehicle, that would otherwise require a permit under the provisions of these rules and regulations.
 - E.2.b Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption is not intended to apply to Equipment used for the dredging of waterways or to Equipment used in pile driving adjacent to or in waterways.
- E.3 Residential Structures
- E.3.a Any structure designed for and used exclusively as a dwelling for not more than four families and any Incinerator used exclusively in connection with such a structure.
- E.4 Cooling Towers
- E.4.a Water Cooling Towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for cooling of process water, water from barometric jets or water from barometric condensers.
- E.5 Printing and Reproduction Equipment

- E.5.a Printing and related Coating or laminating Equipment not using more than 2 gallons of graphic arts material per day. Graphic arts materials are any inks, Coatings, Adhesives, fountain solutions, thinners, retarders, or cleaning solutions used in printing or related Coating or laminating processes. (Does not include Equipment associated with wood flat stock Coating operations.)
- E.6 Food Processing
- E.6.a Equipment, excluding boilers, used in eating establishments or other retail establishments for the purpose of preparing food for human consumption.
- E.6.b Mixers and blenders used in bakeries where the products are edible and intended for human consumption. Ovens at bakeries whose total production is less than 1,000 pounds of product per operating day.
- E.6.c Equipment used exclusively to grind, blend or package tea, cocoa, spices or roasted coffee and Control Equipment venting exclusively such Equipment.
- E.6.d Smokehouses for preparing food in which the maximum horizontal inside cross-section area does not exceed 20 square feet (or 2 square meters).
- E.6.e Barbecue Equipment.
- E.7 Plastic/Rubber Processing
- E.7.a General - The following uncontrolled Equipment or process, located at the same Stationary Source, using material containing ROCs, when aggregated emissions of ROCs from the Equipment or process do not exceed 5 pounds in any one day:
- Foam manufacturing or application
 - Fiberglass reinforced plastic fabrication
 - Plastics manufacturing
- E.7.b Presses - Equipment used exclusively for extruding rubber products or plastic where no plasticizer or blowing agent is

present, or for pelletizing polystyrene foam scraps except Equipment used to extrude or to pelletize acrylics, polyvinyl chloride, polystyrene, and their copolymers.

E.7.c Ovens - Ovens used exclusively for the curing, softening, or annealing of plastics. Does not apply to ovens used to cure fiberglass reinforced plastics.

E.8 Storage and Transfer Equipment

E.8.a Unheated solvent dispensing containers with capacity not more than 250 gallons.

E.8.b Mobile Transport Tanks or delivery tanks or cargo tanks on vehicles for delivery of VOCs except Asphalt tankers used to transport and transfer hot Asphalt for roofing applications.

E.8.c Equipment used exclusively for the storage of unheated Organic Material with an initial boiling point of 150 C (302 F) or greater, or with an organic vapor pressure of 5 mm Hg (0.1 psi) absolute or less at 21.1 C (70 F) as determined by the following ASTM test methods:

E.8.c.1 ASTM D 2879-86, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope"

E.8.c.2 ASTM 1078-86, "Standard Test Method for Distillation Range of Volatile Organic Liquids"

E.8.d Equipment used exclusively for the unheated underground storage of 23,000 liters (6,077 gallons) or less of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psi) absolute or less at actual storage conditions. Equipment used exclusively for the transfer to or from such storage of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psi) absolute or less at actual storage conditions. Vapor pressure to be determined by ASTM D 2879-86, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope".

E.9 Surface Coating and Cleaning Operations

E.9.a Application Equipment for architectural surface Coatings used

for commercial or residential applications. Architectural surface Coating is defined as any Coating applied to stationary structures and their Appurtenances, to mobile homes, to pavements, or to curbs.

E.9.b Unheated non-conveyorized, cleaning Equipment: (Does not include control enclosures)

E.9.b.1 With an open surface area of 1.0 square meters (10.8 sq. feet) or less and an internal volume of 350 liters (92.5 gal.) or less, and

E.9.b.2 Using only Organic Solvents with an initial boiling point of 160 C (302 F) or greater as determined by ASTM test method 1078-86, "Standard Test Method for Distillation Range of Volatile Organic Liquids", and

E.9.b.3 Less than 25 gallons of solvent per year are lost to the Atmosphere from all such Equipment. Solvent lost shall not include solvent that is recycled or disposed of properly. Any Person claiming exemption pursuant to this subsection shall maintain adequate monthly records to substantiate their exempt status.

E.9.c Surface Coating Equipment using a combined total of one gallon per day or less of Coating material and solvent. Coatings applied by means of non-refillable aerosol cans shall not be included in the daily usage determination for purposes of determining the one gallon per day limit.

E.9.d Surface Coating using non-refillable aerosol spray cans.

E.10 Agricultural Sources

E.10.a Stationary combustion agricultural sources with combined actual emissions of less than one half of any applicable emissions threshold for a major source.

E.10.b Any confined animal facility that maintains on any one day less than 500 milk producing cows; or less than 3,500 beef cattle, calves, heifers, or other cattle; or less than 100,000 turkeys or less than 400,000 chickens other than laying hens; or less than 400,000 laying hens; or less than 3,000 swine; or less than 15,000 sheep, lambs or goats; or less than 2,500 horses or less than 400,000 ducks or less than 30,000 rabbits or other

animals.

E.11 Repairs or Maintenance

Routine repairs or maintenance not involving structural changes to any Equipment for which a permit has been granted.

RULE 203. TRANSFER
(Adopted 11/19/85; revised 9/14/99)

A permit 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, except as provided for in these Rules and Health and Safety Code.

5/26/00

Imperial County Air Pollution Control District

Rule 204

RULE 204. APPLICATIONS

(Adopted 11/19/85; revised 9/14/99)

Every application for a permit required under Rule 201 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to properly assess the project and to make the determination required by these Rules. The Air Pollution Control Officer, at any time, may require from an applicant for, or the holder of, any District permit, such information, analyses, plans or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source.

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~~misdemeanor in his presence which is a violation of a statute or ordinance which such officer or employee has the duty to enforce.~~

~~(e) For the purpose of this section, "ordinance" includes an order, rule, or regulation of any Air Pollution Control District.~~

RULE 204 ENFORCEMENT PROCEDURES

Open Burning

Complaint received or burning observed.

Investigation (Fire Protection Agency or Air Pollution Control District)

1. Determine responsible person.
2. Determine who ordered fire.
3. Ask for permit.
4. Determine section of regulations prohibiting such acts.

If Violation exists:

Action taken

1. Obtain all pertinent information for report--name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.
2. Issue citation to appear (Section Penal Code 835.5).
3. If citation cannot be issued because of complexities of the violation or the magnitude of the violations, the following may be pursued:
 - (1) Investigation: same as above.

- (2) Review file with Air Pollution Control Officer.
- (3) Ask District Attorney for complaint or injunctive action.
4. May issue official notice to cease and desist==subject to judgment of officer.

RULE 205 BURNING PERMIT

A. The Imperial County Air Pollution Control District shall issue the permits for agricultural burning. These shall be issued on an annual basis.

B. The burning permit shall be prepared in triplicate to provide information to the various agencies of concern. The copies of the permits shall be distributed accordingly:

1. Original: To the District.
2. Duplicate: To the appropriate fire protection agency.
3. Triplicate: To the permittee.

C. The permittee shall have his copy available for inspection at the burn site.

D. In order to provide for proper control of agricultural burning, the permittee shall notify the District prior to each burn and supply the following data:

1. Time and date of burn.
2. Estimated tonnage to be burned.
3. Location of burn.
4. Type of material to be burned.
5. Material drying procedure used if applicable.

E. Data in part D shall be supplied by phone to the District and recorded in duplicate as follows:

1. Original to the District.
2. Duplicate to the California Air Resources Board, sent on a quarterly basis.

RULE 205. CANCELLATION OF APPLICATIONS
(Adopted 11/19/85; revised 9/14/99)

The Air Pollution Control Officer may cancel or decline to renew an Authority to Construct if the Construction is not begun within two years from date of issuance or, if during the Construction, work is suspended for one year.

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~~(2) Review file with Air Pollution Control Officer.~~

~~(3) Ask District Attorney for complaint or injunctive action.~~

~~4. May issue official notice to cease and desist==subject to judgment of officer.~~

RULE 205 BURNING PERMIT

A. The Imperial County Air Pollution Control District shall issue the permits for agricultural burning. These shall be issued on an annual basis.

B. The burning permit shall be prepared in triplicate to provide information to the various agencies of concern. The copies of the permits shall be distributed accordingly:

1. Original: To the District.

2. Duplicate: To the appropriate fire protection agency.

3. Triplicate: To the permittee.

C. The permittee shall have his copy available for inspection at the burn site.

D. In order to provide for proper control of agricultural burning, the permittee shall notify the District prior to each burn and supply the following data:

1. Time and date of burn.

2. Estimated tonnage to be burned.

3. Location of burn.

4. Type of material to be burned.

5. Material drying procedure used if applicable.

E. Data in part D shall be supplied by phone to the District and recorded in duplicate as follows:

1. Original to the District.

2. Duplicate to the California Air Resources Board, sent on a quarterly basis.

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F. The application for a specific burn shall be reviewed by the District to determine if the burn is likely to cause a nuisance or hazard. A nuisance or hazard might be caused if the location of the burn site and the direction of the wind will direct large amounts of air contaminants toward an adjacent residential area or major road.

~~RULE 206 RANGE IMPROVEMENT BURNING~~

~~A. Range improvement burns shall be regulated by all rules in the Agricultural Burning Regulation of the Air Pollution Control District of Imperial County.~~

~~B. If a burn is done primarily for improvement of land for wild life and game habitat, a statement from the Department of Fish and Game certifying that the burn is desirable and proper shall be submitted and filed with the application for a burning permit.~~

~~C. All burns shall be ignited as rapidly as practicable within applicable fire control restrictions.~~

~~D. Brush to be ignited shall be treated at least six months prior to the burn unless the Air Pollution Control Officer determines it is economically and technically not feasible.~~

~~E. Unwanted trees over six inches in diameter shall be felled and dried in accordance with Rule 201 I (d).~~

FOREST MANAGEMENT BURNING

Since the Imperial County Air Pollution Control District has no forest management burning within its jurisdiction, it is requested that an exemption be granted to the District for Section 80170 of the State Air Resources Board Agricultural Burning Guidelines.

2/10/14

RULE 206 PROCESSING OF APPLICATIONS
(Adopted 2/21/72; Revised 9/14/99; 10/10/2006; 10/22/2013)

A. Guidelines

- A.1 The Air Pollution Control Officer (APCO) shall prepare guidelines for the processing of applications and issuance of permits, to implement and supplement the provisions of these Rules and other laws (notably Article 1, Chapter 4, Part 4, Division 26 of the Health and Safety Code and Chapter 4.5, Division 1, Title 7, of the Government Code).
- A.2 The APCO shall determine whether the application is complete not later than 30 days after receipt of the application, or after such longer time as both the applicant and the APCO may agree. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the information requirements established by the District. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.
- A.3 Guidelines and procedures for processing and issuing permits shall insure that:
- A.3.a no Project will prevent or interfere with the attainment or maintenance of applicable Ambient Air Quality Standards, and
- A.3.b no Project will be permitted unless the APCO is satisfied that all applicable Rules, orders, and regulations will be complied with.
- A.4 The APCO shall provide guidelines specifying criteria and methods for the calculation of emissions, required by these Rules, and pursuant to applicable state and federal requirements.
- A.4.a Fugitive Emissions shall be included in the assessment of emissions for a Project.
- A.4.b Mobile sources (e.g. trucks, forklifts, tractors, etc.) whose activity is predominantly "on-site" shall be included in the assessment of emissions for a Project.
- A.4.c Toxic and hazardous air contaminants may be restricted. Beyond

the provisions of Rule 407 (Nuisance), the APCO shall take reasonable steps to insure that no Project will emit Air Contaminants that may endanger the short or long term health, safety or property of Persons. The APCO may include emission standards for toxic and hazardous Air Contaminants as conditions of permits even where standards for such materials have not been established by state, federal, or other agencies, if based upon a substantial body of responsible literature and data.

- A.5 The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in Rule 207 shall apply.

MAJOR PROJECT: means a Project which will emit pollutants under any of the following conditions: 250 or more lbs/day controlled for any single pollutant; 100 or more tons/yr uncontrolled for any single pollutant; 250 or more tons/yr uncontrolled for all emissions combined.

MINOR PROJECT: means a Project for which uncontrolled emissions will not exceed 35 lbs/day of any pollutant, and for which there will be no emission of pollutants which are toxic Air Contaminants or for which the District has been designated nonattainment.

B. Ministerial Permits

- B.1 Burn permits, permits for Minor Projects, transfer of named permittee, annual renewals, and permits to operate issued pursuant to a valid Authority to Construct permit, shall be considered ministerial. All other permits shall be considered discretionary permits, and subject to Section C of this Rule.
- B.2 Projects which do not require Control Equipment and for which malfunction of normal operating Equipment cannot result in emissions in violation of any Rule or standard, shall be considered ministerial.
- B.3 The APCO may determine, upon significant evidence, that an application should not be processed as ministerial. Such decision may be appealed to the Hearing Board.
- B.4 Within ten (10) days of acceptance as complete, the APCO shall approve an application for a ministerial Project which complies with all applicable Rules, procedures, and guidelines, and issue the permit, or shall deny the application and give the applicant a written statement of the reasons for the denial.
- B.4.a Failure of the APCO to either approve or deny a ministerial permit

within the prescribed time limits shall be deemed an approval if all fees have been paid and the Project complies with all Rules and regulations.

- B.5 Any Project that meets the definition of a Major Stationary Source or a Major Modification, as defined in Rule 207, shall not be considered a ministerial permit

C. Discretionary Permits

- C.1 Following acceptance of an application for a discretionary permit as complete, the APCO shall perform the evaluations and environmental impact analysis required to determine compliance with all applicable Rules and regulations and make a preliminary written decision as to whether the permit should be approved, conditionally approved, or disapproved. The APCO shall deny any application if the APCO finds that the subject of the application would not comply with the requirements of this Rule or any other applicable Rule or regulation. The decision shall be supported by a succinct written analysis.
- C.2 Within ten (10) calendar days following the preliminary decision, the APCO shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The District shall transmit to the applicant, the California Air Resources Board (CARB), the United States Environmental Protection Agency (US EPA), and to any Person requesting such information its preliminary written decision (including proposed conditions of approval represented by permit conditions), the APCO's analysis, and a copy of the notice submitted for publication, no later than the date of publication.
- C.3 The requirements of Subsection C.2 shall not apply if the Potential to Emit of the new or modified Stationary Source is less than the values listed below, in terms of lbs/day or tons/year, as listed.

Pollutant	Lbs/day	Tons/year
VOC, Nitrogen oxides, Sulfur dioxide, Total Reduced Sulfur Compounds or Hydrogen Sulfide	100	
PM10 (non-fugitive)	80	
PM10 (including fugitive)	100	
PM2.5	40	
Carbon Monoxide (Offsets required)	137	
Carbon Monoxide (Offsets not required)	550	
Fluorides	16	
Sulfuric Acid Mist	38	

Pollutant	Lbs/day	Tons/year
Lead (Actual emissions)		5.0

- C.4 The APCO shall make available for public inspection at the District office, the information submitted by the applicant and the APCO's analysis no later than the date the preliminary decision is published. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Code of Regulations.
- C.5 Within 180 days after acceptance of an application as complete, or within 180 days (or one year if the District is lead agency) after the designated lead agency has approved the Project under the California Environmental Quality Act, whichever occurs later, the APCO shall take final action on the application after considering all written comments.
- C.6 The APCO shall provide written notice of the final permit action to the applicant, the US EPA, and the CARB and shall publish such notice on the District's website or in a newspaper of general circulation in the District. The APCO shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. The requirements of Subsection C.6 shall not apply if the Potential to Emit of the new or modified Stationary Source is less than the emission rates listed in Section C.3 above.
- C.7 Failure of the APCO to either approve or deny a discretionary permit within the prescribed time limits shall be deemed a denial. In such case the applicant may appeal, pursuant to the Hearing Board procedures, but without paying the appeal fee.
- C.8 A Notice of Determination, pursuant to the California Environmental Quality Act, shall be filed, for approved Projects.
- C.9 For Major Stationary Sources or Modifications to Major Stationary Sources, a copy of the approved permit shall be sent to the CARB and the US EPA, and make copies of the final approval and supporting documents available for public inspection.

RULE 207 NEW AND MODIFIED STATIONARY SOURCE REVIEW
(Adopted prior to 3/17/80; Revised 9/7/93; 9/14/99; 10/22/2013: 09/11/18)

A. General

A.1 Purpose:

A.1.a This Rule establishes preconstruction review requirements for new and modified Stationary Sources to ensure that the operation of such Sources do not interfere with the attainment or maintenance of Ambient Air Quality Standards (AAQS).

A.1.b This Rule shall provide for no net increase in emissions, pursuant to Health and Safety Code (H&SC) Section 40918, from new or modified Stationary Sources, which emit or have the Potential to Emit 137 pounds per day or more of any Nonattainment Pollutant or their Precursors.

A.2 Applicability:

A.2.a This Rule shall apply to all new Stationary Sources and all Modifications to existing Stationary Sources, which are subject to District permit requirements, and after Construction, emit or have the Potential to Emit one or more Affected Pollutants.

A.2.b Applications received by the District shall be subject to the requirements of this Rule in effect at the time such application is deemed complete, except when a more stringent new federal requirement not yet incorporated into this Rule shall apply to the new or modified Stationary Source.

A.2.c PUBLIC NOTIFICATION AND PUBLIC INSPECTION REQUIREMENTS: All applications for any new or modified Stationary Source or Emissions Unit shall be processed following the provisions of Rule 206, Processing of Applications, and shall be finalized by the Air Pollution Control Officer (APCO) only after being subject to the public notice and comment requirement of Rule 206.

A.2.d If any Source or Modification becomes a Major Stationary Source or Major Modification, as defined in this Rule, solely by virtue of a relaxation in any federally enforceable limitation which was established after August 7, 1980, on a capacity of the Source or Modification to emit a federal Nonattainment Pollutant or its Precursor such as a restriction on hours of operation, then the requirements of this Rule shall apply to such a Source or Modification as though construction had not yet commenced on the Source or

Modification.

B. Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in 40 Code of Federal Regulations (CFR) 51.165, as of July 1, 2012, shall apply.

ACTUAL EMISSIONS: measured or calculated emissions, which most accurately represent the emissions from an Emissions Unit. Determination of Actual Emissions must be based on average actual production rates, fuel consumption and/or throughput rates from the last consecutive 24 months. Emission factors shall be established by Source testing or obtained from AP-42 or other approved sources.

ACTUAL EMISSIONS REDUCTIONS (AER): reductions of Actual Emissions from an Emissions Unit, calculated pursuant to Section E.2, which are Real, Quantifiable, Surplus, Permanent and Enforceable.

ACTUAL INTERRUPTIONS OF POWER: the interruption of electrical service by an unforeseeable event.

AFFECTED POLLUTANTS: pollutants for which an Ambient Air Quality Standard (AAQS) have been established by the United States Environmental Protection Agency (US EPA) or the California Air Resources Board (CARB) and the Precursors to such pollutants, and those pollutants regulated by the US EPA under the Clean Air Act (CAA) or by the CARB under the H&SC, except for greenhouse gases and hazardous air pollutants, including but not limited to: Volatile Organic Compounds (VOC), nitrogen oxides (NO_x), sulfur oxides (SO_x), Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers (PM₁₀), Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers (PM_{2.5}), carbon monoxide (CO), lead, fluorides, sulfuric acid mist, hydrogen sulfide, and total reduced sulfur compounds. The term *Affected Pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, and which have not been delisted pursuant to Section 112(b)(3) of the CAA, unless the listed hazardous air pollutant is also regulated as a constituent or Precursor of a general pollutant listed under Section 108 of the CAA.

AGRICULTURAL SOURCE: means a Source of air pollution or a group of Sources used in the production of crops, or the raising of fowl or animals located on Contiguous Property under common ownership or control that meets any of the following criteria;

1. is a Confined Animal Facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or

system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.

2. is an Internal Combustion Engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the H&SC, except an engine that is used to propel implements of husbandry.
3. is a Title V Source or is a Source that is otherwise subject to regulation by the District or the CAA.

AIR POLLUTION CONTROL OFFICER (APCO): the person appointed by the Air Pollution Control Board and assigned to manage and direct the business and operations of the District, or their designee.

AMBIENT AIR QUALITY STANDARDS (AAQS): for the purposes of this Rule, Ambient Air Quality Standards (AAQS) shall be interpreted to include State and National AAQS. For the purposes of submittal of this Rule to the US EPA for inclusion in the California State Implementation Plan (SIP) all references in this Rule to AAQS shall be interpreted as National AAQS.

AUTHORITY TO CONSTRUCT: a written permit issued by the District for the Construction, installation, assembly, Modification, or replacement of any facility, article, machine, Equipment, or other contrivance.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT): for any Emissions Unit the more stringent of:

1. the most effective emission Control Device, emission limit, or technique which has been achieved in practice for such class or category of Source.
2. any other alternative emission Control Device, emission control technique, basic Equipment, fuel, or process determined to be technologically feasible and cost-effective by the APCO. Cost-effectiveness analyses shall be performed in accordance with methodology and criteria specified in the Best Available Control Technology Guideline for the South Coast Air Quality Management District, or an alternative methodology and criteria acceptable to the APCO.
3. under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of law or

regulation of the District, State and federal government, or the most stringent emissions limitation which is contained in the implementation plan of any State, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not technologically achievable. In no event shall the application of BACT result in the emissions of any pollutant which exceeds the emissions allowed by any applicable New Source Performance Standard (40 CFR, part 60) or National Emission Standard for Hazardous Air Pollutants (40 CFR, part 61 or part 63).

CARGO CARRIERS: Cargo Carriers are trains dedicated to a specific Stationary Source. For purposes of this Rule, the term "trains dedicated to a specific Stationary Source" shall not include any train for which the prime mover is owned and operated by a common carrier, and by which cargo is delivered to or from the Stationary Source under a contract of common carriage. The emissions from all trains dedicated to a specific Stationary Source, while operating in the District, including directly emitted and Fugitive Emissions, shall be considered as emissions from the Stationary Source.

CLASS I AREA: 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, a national lakeshore or seashore.

CLEAN AIR ACT (CAA): the Federal Clean Air Act (42 United States Code Section 7401 et seq.) and implementing regulations.

CODE OF FEDERAL REGULATIONS (CFR): the United States document codifying federal regulations.

COMPLETE APPLICATION: completeness of an application for an Authority to Construct a new or modified Emissions Unit shall be evaluated on the basis of a list of required information which has been adopted by the District.

CONSTRUCTION: any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or Modification of an Emissions Unit) which would result in a change in emissions.

CONTIGUOUS PROPERTY: two or more Parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

CONTROL DEVICE: any device for reducing emissions into the Atmosphere.

CONTROL EQUIPMENT: air pollution Control Equipment that eliminates, reduces or controls the issuance of air emissions.

DAILY EMISSIONS LIMIT: one or a combination of permit conditions, specific to an Emissions Unit, which restricts its maximum daily emissions, in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limit must be:

1. contained in and Enforceable by the latest Authority to Construct or the latest Permit to Operate for the Emissions Unit, and
2. Enforceable on a daily basis, and
3. established pursuant to a permitting action occurring after September 7, 1993.

DISTRICT: the Imperial County Air Pollution Control District (ICAPCD).

EMISSION REDUCTION CREDITS (ERC's): reductions of Actual Emissions from an Emissions Unit that are registered with the District in accordance with the requirements of Rule 214.

EMISSION INCREASE: means any increase in a Stationary Source or an Emissions Unit's Potential to Emit. For determining if a Project will result in a new Major Stationary Source or a Major Modification and the amount of offsets required for such projects, an emission increase means the difference between a Stationary Source or an Emissions Unit's Potential to Emit and its Historic Actual Emissions.

EMISSIONS UNIT: an identifiable operation or piece of process Equipment, such as an article, machine, or other contrivance, which emits, has the Potential to Emit, or results in the emissions of any air pollutant directly or as Fugitive Emissions.

ENFORCEABLE: means certain actions, which are assured by verifiable and legally binding conditions in an Authority to Construct and/or Permit to Operate.

EQUIPMENT: includes any article, machine, or contrivance that emits, has the Potential to Emit, or reduces emissions of any air pollutant emitted directly or as Fugitive Emissions.

ERC: see Emission Reduction Credits.

FEDERAL LAND MANAGER: the Secretary of the Department with authority over the specified federal lands.

FLUORIDES: elemental fluorine and all fluoride compounds.

FUGITIVE EMISSIONS: those emissions, which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HALOGENATED HYDROCARBONS: all Halogenated Hydrocarbons listed as exempt under the definition of Volatile Organic Compounds.

HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

HISTORIC ACTUAL EMISSIONS: Actual Emissions from an existing Emissions Unit averaged over a 24 month period immediately preceding the date of application. The APCO may approve another 24 month period within the last 60 months, if the APCO determines that the other period is more representative of normal operations. Where an Emissions Unit has been in operation for less than 24 months a shorter averaging period of at least 12 months may be used providing it represents the full operational history of the Emission Unit. The Historic Actual Emissions from Emission Units which have been in operation for less than 12 months shall be equal to zero. Historic Actual Emissions are to be calculated in pounds per quarter for each calendar quarter. Historic Actual Emissions in quarters 2 or 3 may be lowered by transferring these emissions to quarters 1 or 4, provided that the resulting emissions in quarters 1 or 4 are no higher than the higher of quarters 2 or 3.

IDENTICAL REPLACEMENT UNIT: a replacement Emissions Unit which is the same as the original unit in all respects except for the serial number.

MAJOR MODIFICATION: a Modification to a Major Stationary Source which results in a Significant Emission Increase and a Significant Net Emission Increase of the pollutant for which the Stationary Source is classified as a Major Stationary Source.

MAJOR STATIONARY SOURCE: means a Stationary Source which emits, or has the Potential to Emit 100 tons per year (tpy) or more of Volatile Organic Compounds or Oxides of Nitrogen, or 70 tpy or more of PM₁₀, or a PM₁₀ Precursor or 100 tpy or more of PM_{2.5} or a PM_{2.5} Precursor. In addition, any physical change occurring at a Stationary Source which is not already a Major Stationary Source, and which Modification would constitute a Major Stationary Source by itself, makes the Source a Major Stationary Source. For PM_{2.5} and PM_{2.5} precursors, this definition applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area of Imperial County.

MODIFICATION: any physical change, change in method of operation of, or addition to, an existing Emissions Unit, or any change in hours of operation or production rate which would necessitate a change in permit conditions.

Unless previously limited by a permit condition, the following shall not be considered a Modification:

1. change in ownership of an existing Stationary Source with valid Permit(s)

to Operate.

2. routine maintenance or repair.
3. an Identical Replacement Unit, if the Modification does not result in a Major Modification.

A Modification of an Emissions Unit also occurs when there is an increase in emissions from such a unit caused by a Modification of the Stationary Source and the Emissions Unit is not subject to a Daily Emissions Limit.

A Modification to a Stationary Source shall include any Modification of its permitted Emissions Unit(s) or the addition of any new Emissions Unit(s).

A Reconstructed Stationary Source shall be treated as a new Stationary Source and not as a Modification.

NONATTAINMENT AREA: an area designated by a State or federal agency as exceeding a State or National Ambient Air Quality Standard.

NONATTAINMENT POLLUTANT: any pollutant or Precursor which has been designated "nonattainment" by the US EPA as codified in 40 CFR Section 81.305 or that has been designated "nonattainment" by the CARB pursuant to H&SC Section 39607.

OFFSET: the use of an emission decrease to compensate for an Emission Increase from a new or modified Stationary Source subject to the requirements of Rule 207.

PARTICULATE MATTER: any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. Dust shall also be considered as Particulate Matter.

PARTICULATE MATTER (PM₁₀): Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PARTICULATE MATTER (PM_{2.5}): Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PERMANENT: the actual emission reductions that continue or endure for the duration of any Project utilizing the resulting ERC's as Offsets.

PERMIT TO OPERATE: the written permit issued by the District for the operation of any facility, article, machine, Equipment, Emission Unit or other contrivance.

PERSON: any person, firm, association, organization, partnership, business trust, corporation, company, limited liability company, contractor, supplier, installer, user or owner, or any federal, State or local government agency, public district, or any officer or employee thereof.

PM_{2.5} NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

POTENTIAL EMISSIONS: the sum of the maximum emissions from all Emissions Units at a Stationary Source, based on the maximum design capacity, unless otherwise limited by practically and legally Enforceable conditions contained in the Authority to Construct and/or Permit to Operate, expressed in terms of pounds per quarter. (Pounds per quarter for PM₁₀, PM_{2.5} and sulfur oxides shall be determined by multiplying the Daily Emission Limit, in pounds per day, by the permitted operating days per quarter.)

POTENTIAL TO EMIT: the maximum capacity of an Emissions Unit to emit an Affected Pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the Emissions Unit to emit a pollutant, including air pollution Control Equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as a practically and legally Enforceable permit condition.

PRECURSOR: a directly emitted Affected Pollutant that, when released into the Atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a State or National AAQS has been adopted, or whose presence in the Atmosphere will contribute to the violation of one or more State or National AAQS. The following Precursor secondary pollutant relationships shall be used for the purposes of this Rule:

PRECURSORS

Hydrocarbons and substituted hydrocarbons (Volatile Organic Compounds).

SECONDARY POLLUTANTS

- a) Photochemical Oxidant (Ozone)
- b) The organic fraction of PM₁₀
- c) Organic fraction of PM_{2.5}

Nitrogen Oxides (NO_x)

- a) Nitrogen Dioxide (NO₂)
- b) The nitrate fraction of PM₁₀
- c) Photochemical Oxidant (Ozone)
- d) The nitrate fraction of PM_{2.5}

Sulfur Oxides (SO_x)

- a) Sulfur Dioxide (SO₂)
- b) Sulfates (SO₄)
- c) The sulfate fraction of PM₁₀
- d) The sulfate fraction of PM_{2.5}

Ammonia

- a) The ammonium fraction of PM_{2.5}

PROJECT: activity, for which a permit is required, or that has the Potential to Emit Air Contaminants. A Project includes all of the Emission Units associated with the scope of the preconstruction application for a new or modified Stationary Source and any Emissions Unit(s) indirectly affected.

PROPOSED EMISSIONS: the Potential to Emit for a new or post Modification Emissions Unit.

QUANTIFIABLE: means a reliable, replicable and accurate basis for calculating the amount, rate, nature and characteristic of an emission reduction by adhering to a quantification protocol that can be established considering US EPA, CARB and District policies and procedures.

QUARTERLY: the calendar quarter beginning on January 1, April 1, July 1, and October 1.

REAL: a "real" emission reduction means that actual air emissions are reduced and that they are actually occurring and not artificially devised.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): is the most stringent of the following control options:

1. the most effective emission limits in existing regulations that are currently in effect in any District whose nonattainment status is designated as moderate, with such limits resulting from the application of retrofit technologies judged by the APCO to be demonstrated and reliable.
2. emission limits identified in existing Suggested Control Measures (SCM's), model rules, the US EPA's Control Techniques Guidelines (CTG's) or other such documents.
3. emission limits in new (post 1988) SCM's and the technical review group of the California Air Pollution Control Officers Association approved Reasonably Availability Control Technology/Best Available Retrofit Control

Technology (RACT/BARCT) determinations, which are not identified as BACT and are less stringent than BACT.

4. the lowest emission limit that can be achieved by the specific Source by the application of control technology taking into account environmental impacts, technological feasibility, cost-effectiveness, and the specific design features or extent of necessary Modifications to the Source. Emission limits for existing specific Sources may be found in the field studies and evaluations of District regulations conducted by the US EPA and the CARB.
5. the lowest emission limit achieved for the Source category that is technically feasible, economically reasonable and achieved in practice anywhere (including outside the United States), with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.
6. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

RECONSTRUCTED STATIONARY SOURCE: any Stationary Source undergoing physical Modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new Stationary Source. Fixed capital cost means that capital needed to provide all the depreciable components.

RULE: a Rule of the Air Pollution Control District of Imperial County.

SHUTDOWN: means an action necessary to cease operation of an Emissions Unit and includes the amount of time needed to safely do so. For the purposes of calculating ERC's, means the Permanent cessation of emissions from an emitting unit and the surrender of the operating permit.

SIGNIFICANT: in reference to an Emission Increase or the potential of a Source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

1. PM_{2.5}: 10 tpy of direct PM_{2.5} or 40 tpy of sulfur dioxide, nitrogen oxide, VOCs or Ammonia.
2. Nitrogen oxides: 40 tpy;
3. Sulfur dioxide: 40 tpy;
4. VOC's: 40 tpy; and

5. PM₁₀: 15 tpy.

SIGNIFICANT EMISSION INCREASE: an increase in emissions that is Significant for that pollutant.

SIGNIFICANT NET EMISSION INCREASE: an increase in net emissions that is Significant for that pollutant. The "net emission increase" shall be determined as defined in 40 CFR 51.165.

SOURCE: a specific device, article, or piece of Equipment from which Air Contaminants are emitted, or the distinct place (such as with fires or other chemical activity) from which Air Contaminants are emitted. A Project or facility may have more than one Source and the term may be used to describe a group of "Sources."

STATIONARY SOURCE: any building, structure, facility, Equipment, or Emissions Unit which emits or may emit any Affected Pollutant directly or as a Fugitive Emission. Building, structure, or facility includes all pollutant emitting activities, including Emission Units, which:

1. are located on one or more contiguous or adjacent properties, and
2. are under the same or common ownership or operation, or which are owned or operated by entities which are under common control, and
3. belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common production process, industrial process, manufacturing process, or connected process involving a common raw material.

SURPLUS: the amount of emission reductions that are, at the time of generation of an 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 SIP. For the purposes of Sections C.2.c and C.2.d, "Surplus" means the amount of emission reductions that are, at the time of use of an 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 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 requirements of this section. Examples of federal, State, and local laws and of SIP-related requirements include, but are not limited to, the following:

1. the federally-approved California SIP;
2. 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;

3. any other Source or Source-category specific regulatory or permitting requirement, including, but not limited to, RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and the Lowest Achievable Emission Rates (LAER); and
4. any regulation or supporting documentation that is required by the CAA 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 emissions reduction commitment; assumptions used in conformity demonstrations, and assumptions used in emissions inventories.
5. emission reductions produced by monies from any public air quality related funding program including but not limited to the Carl Moyer Memorial Air Quality Standards Attainment Program and the vehicle registration surcharge fee.

TOTAL REDUCED SULFUR COMPOUNDS: the sulfur compounds methyl mercaptan, dimethyl sulfide, dimethyl disulfide, carbon disulfide, and carbonyl sulfide.

TRANSFER: in reference to ERC's, means the conveyance of an ERC from one entity to another.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA): the Administrator or appropriate delegate of the "United States Environmental Protection Agency."

VOLATILE ORGANIC COMPOUND (VOC): any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

1. Methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);

dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
trifluoromethane (HFC-23);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes;
the following classes of perfluorocarbons:

- (A) cyclic, branched, or linear, completely fluorinated alkanes;
 - (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 - (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and
2. the following low-Reactive Organic Compounds which have been exempted by the US EPA:
acetone;
ethane;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene;
methyl acetate;
propylene carbonate and
dimethyl carbonate
 3. Perfluorocarbon and Methylated Siloxane compounds shall be assumed to be absent from any product or process unless the manufacturer or operator indicates which specific, individual compounds from these broad classes are present, indicated the amount(s) present, and demonstrates the availability of a test method approved by the US EPA, the CARB, and the District for verifying the amount(s) present quantitatively.
 4. Tertiary-Butyl Acetate (also known as t-butyl acetate, TBAC or TBAC) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements, but will continue to be a VOC for

purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements with apply to VOCs.

C. Standards

C.1 Best Available Control Technology (BACT)

- C.1.a An applicant shall apply (BACT) on a pollutant by pollutant basis to any new Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For PM_{2.5} this provision applies only to Emissions Units located in the PM_{2.5} Nonattainment Area of Imperial County.
- C.1.b An applicant shall apply (BACT) on a pollutant by pollutant basis to any modified Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For PM_{2.5} this provision applies only to Emissions Units located in the PM_{2.5} Nonattainment Area of Imperial County.
- C.1.c Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP
- C.1.d For projects to be constructed in phases, the BACT determination for Equipment to be added or modified in each phase shall be reevaluated no more than 18 months prior to the commencement of construction of that phase of the project. If it is determined that current BACT will result in lower emissions than previously determined, then current BACT shall be applied. Equipment which was installed during prior phases and which will not be modified during the current phase shall not be subject to the redetermination of the BACT.
- C.1.e Cargo Carriers shall not be required to implement BACT.
- C.1.f BACT shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit used solely for the purpose of compliance with District, State, or federal air pollution control laws, regulations, or orders, as approved by the APCO, provided there is no increase in the permitted production rate, operating schedule, or maximum Equipment rating; and the new or modified Emissions Unit does not result in a new Major Stationary Source or Major Modification. This exemption applies only to the primary pollutant for which compliance with District, State, or federal air pollution control laws, regulations, or orders is required. The APCO shall require the use of RACT for control of consequent pollutants that are the direct

result of the use of an abatement device or emission reduction techniques implemented to comply with the BACT requirements for control of another pollutant.

- C.1.g BACT shall not be required for any Modification of an existing Emissions Unit used for voluntary emission reductions for the sole purpose of generating ERC's. This exemption applies only to the pollutant for which ERC's are obtained.
- C.1.h For emergency standby Equipment which meets the requirements of Section C.2.g, only those emissions which occur during routine operation of the Equipment for maintenance purposes shall be considered for the purpose of determining if the application of BACT is required for the emergency standby Equipment.
- C.1.i BACT for ammonia emissions shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit, provided the increase in ammonia emissions does not result in a new Major Stationary Source or Major Modification for ammonia.
- C.1.j BACT for ammonia emissions shall only apply to Emissions Units located in the PM_{2.5} Nonattainment Area of Imperial County.
- C.2 Offset Requirements General: Offsets are Actual Emission Reductions (AER's), calculated pursuant to Section E of this Rule, sufficient to Offset Emission Increases from a new or modified Emissions Unit. A new or modified Emissions Unit subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter as specified in Subsection C.3. The quantity of emissions to be offset shall be based on an initial estimate of proposed Emission Increases for the Project. The APCO shall require the use of acceptable methods to accurately estimate the emissions from the proposed Project, and shall require acceptable methods to measure those emissions once the Source is operating.
 - C.2.a Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP
 - C.2.b Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP
 - C.2.c Major Stationary Source Requirement to Provide Offsets: A Stationary Source whose Project emissions will result in a new Major Stationary Source determination shall Offset all Emission Increases from the Project for each Nonattainment Pollutant that constitutes a

Major Stationary Source. For PM_{2.5}, this provision applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area of Imperial County.

- C.2.d Major Modification to a Major Stationary Source Requirement to Provide Offsets: A Modification of an existing Major Stationary Source whose Project emissions will result in a Major Modification shall Offset all Emission Increases that constitutes a Major Modification. For PM_{2.5}, this provision applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area of Imperial County.
- C.2.e The PM₁₀ emissions from an existing Stationary Source shall be calculated using applicable PM₁₀ emission factors.
- C.2.f In no case shall Halogenated Hydrocarbons be used as Offsets for Volatile Organic Compounds.
- C.2.g The APCO may exempt an applicant from the requirements of Sections C.2 and C.3 of this Rule for Equipment to be used exclusively as emergency standby Equipment for non-utility electrical power generation and not used in conjunction with any utility voluntary demand reduction program, provided:
- C.2.g.1 Operation for maintenance purposes is limited to 100 hours per year, and such maintenance shall be scheduled in cooperation with the District so as to have no adverse air quality impact, and to maintain Reasonable Further Progress, and operation of diesel engines may be further limited by the CARB's Airborne Toxic Control Measure for Stationary Compression Engines pursuant to H&SC Section 93115.6(a), and
- C.2.g.2 Operation for other than maintenance purposes shall be limited to Actual Interruptions of Power by the serving utility. Appropriate record keeping shall be required to verify and maintain this exemption.
- C.2.h Offsets for carbon monoxide emissions from Sources located in carbon monoxide attainment areas shall not be required if the applicant demonstrates to the satisfaction of the APCO, pursuant to Section F of this Rule, that the carbon monoxide Emission Increases will not cause or contribute to a violation of AAQS.
- C.2.i Upon approval by the APCO, an exemption from Sections C.2.a and C.2.b, shall be allowed, provided BACT is utilized, for the following subject permit units:

- C.2.i.1 Abrasive Blasting Equipment, which has been registered under the Statewide Portable Equipment Registration Program (PERP).
- C.2.i.2 Air Pollution Control Devices: Emission Increases, which do not result in a new Major Stationary Source or Major Modification, from an Emissions Unit that results from the installation, operation or other implementation of any emission Control Device or technique used to comply with a District, State, or federal emission control requirement, including, but not limited to, requirements for the use of RACT or Best Available Retrofit Control Technology (BARCT), unless there is a Modification that results in an increase in the capacity of the unit being controlled.
- C.2.i.3 Emergencies: Emergencies which comply with the provisions of the Hearing Board Procedures for which Offsets are not required under those procedures.
- C.2.j Except for Major Stationary Sources or Major Modifications, Agricultural Sources required to obtain a District permit shall be exempted from obtaining emission Offsets for any pollutant emitted from a particular Source, if the emissions from that Source would not meet the criteria necessary for creating Real, Permanent, Quantifiable, and Enforceable emission reductions.
- C.3 Location of Offsets and Offset Ratios:
- C.3.a A new or modified Stationary Source subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter equal to the Emission Increase for each calendar quarter, calculated in accordance with Section E of this Rule, and multiplied by using the appropriate Offset ratio listed in the following table:

LOCATION	Offset RATIO
Within the same Source	1 to 1
Within 50 miles of the Source	1.2 to 1
More than 50 miles from the Source, and within air basin	No greater than 3 to 1 or less than 1.2 to 1, as necessary to assure the Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS

- C.3.b The APCO may impose, based on the air quality analysis, a higher Offset ratio such that the new or modified Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS.
 - C.3.c Offsets shall be obtained from emission Sources located within the same Nonattainment Area within the District as the proposed Source or an emission Source that is located in the same air basin and in a Nonattainment Area with equal or worse nonattainment status.
- C.4 Offset Requirements:
- C.4.a Offsets which are obtained to meet the requirements of Sections C.2 and C.3 from an air district other than that in which the proposed Source is located, but within the same air basin, may be used only if the APCO has reviewed the permit conditions issued by the air pollution control district in which the proposed Offsets are obtained and certifies that such Offsets meet the requirements of H&SC Section 40709.6 and this Rule and will not be used as mitigation for any other new or modified Emissions Unit(s). Intra-District Offsets used to meet Major Stationary Source Offset requirements shall be approved by the US EPA.
 - C.4.b Interpollutant Offsets, including interpollutant trades between PM₁₀ and PM₁₀ Precursors, may be approved by the APCO on a case-by-case basis, provided that the trade is technically justified and that the applicant demonstrates to the satisfaction of the APCO that the emissions from the new or modified Source will not cause or contribute to a violation of an AAQS. The APCO shall, based on an air quality impact analysis, impose Offset ratios equal to or greater than those required in Section C.3 of this Rule. PM₁₀ emission reductions shall not be allowed to Offset nitrogen oxide or Volatile Organic Compound Emission Increases in ozone Nonattainment Areas. PM₁₀ emission reductions shall not be allowed to Offset sulfur oxide Emission Increases in sulfate Nonattainment Areas. Interpollutant Offsets between PM_{2.5} and PM_{2.5} Precursors are only allowed at specific ratios as approved into the SIP by the US EPA. Interpollutant Offsets used to meet federal Nonattainment Area Offset requirements shall be approved by the US EPA.
 - C.4.c Offsets for new or modified Stationary Sources shall occur during the same annual time period as the Stationary Source will operate.
 - C.4.d Source Shutdowns or permanent curtailments in production or operating hours occurring before an application for an ERC is filed per Rule 214 may not be used as Offsets.

C.5 Additional Source Requirements:

C.5.a Alternative Siting: The applicant shall prepare an analysis functionally equivalent to the requirements of Division 13, Section 21000 et. seq. of the Public Resources Code for Sources for which an analysis of alternative sites, sizes, and production processes is required under Section 173 of the CAA.

C.5.b Ambient Air Quality Standards:

C.5.b.1 Emissions from a new or modified Emissions Unit shall not cause or make worse a violation of an AAQS.

C.5.b.2 Section F of this Rule shall be used to estimate the effects of a new or modified Emissions Unit. In making this determination the APCO shall take into account the increases in minor and secondary emissions as well as the mitigation of emissions through Offsets obtained pursuant to this Rule.

C.5.b.3 A new or modified Emissions Unit may be exempt from the provisions of Subsection C.5.b.2 provided that the new or modified Stationary Source is not subject to the public noticing requirements of Rule 206, Processing of Applications.

C.5.c Compliance By Other Owned, Operated, Or Controlled Sources: The Owner or Operator of a proposed new or modified Emissions Unit shall demonstrate to the satisfaction of the APCO that all Stationary Sources owned or operated by such Person (or by any entity controlling, controlled by, or under common control of such Person) in California which are subject to emission limitations, are in compliance or on a schedule for compliance with all applicable emission limitations and standards.

C.5.d Except for Major Stationary Sources or Major Modifications, Projects which burn municipal waste, landfill gas or digester gas shall also be reviewed consistent with H&SC Section 42314.1 and 42315.

C.5.e Issuance of an Authority to Construct shall not relieve any Owner or Operator of the responsibility to comply fully with any applicable provision of the District portion of the California SIP and any other requirements under District, State or federal law.

D. Administrative Requirements

The following administrative requirements, in addition to other requirements specified in all applicable District Rules and regulations, shall apply to all applications for a new or modified Emissions Unit, except for the review of power plants 50 megawatts and greater. Power plants 50 megawatts and greater shall be subject to the administrative requirements of Section D.4.

D.1 Authority To Construct - General Conditions:

D.1.a An Authority to Construct shall not be issued unless the new or modified Emissions Unit complies with the provisions of this Rule and all applicable District Rules and regulations.

D.1.b An Authority to Construct shall require a new or modified Emissions Unit be built in accordance with specifications and plans contained in the application and approved by the APCO.

D.1.c An Authority to Construct shall contain all conditions deemed necessary by the APCO to assure Construction and operation of an Emissions Unit in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations.

D.1.d An Authority to Construct shall include all conditions deemed necessary by the APCO to assure compliance with the Offset requirements of this Rule.

D.1.e An Authority to Construct permit shall include Daily Emission Limits which reflect applicable emission standards.

D.1.f The APCO shall consult with the Federal Land Manager on a proposed Major Stationary Source or Major Modification that may impact visibility in any Class I Area.

An Authority to Construct permit shall address the potential to impact air quality (including visibility) of any Class 1 federal area.

D.1.g Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP

D.2 Permit to Operate - General Conditions:

D.2.a A Permit to Operate shall require that a new or modified Emissions Unit be operated in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules

and regulations and as conditioned in the Authority to Construct.

D.2.b A Permit to Operate shall include Daily Emission Limits which reflect applicable emission standards.

D.2.c Prior to the issuance of a Permit to Operate the APCO shall make a determination that the Source complies with the conditions established in the Authority to Construct.

D.3 Offset Conditions:

D.3.a For any Stationary Source which provides emission Offsets, the Source's Permit to Operate shall be subject to Enforceable permit conditions containing specific operational and Daily Emissions Limits, which ensure that the emission reductions are provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed Source which required Offsets.

D.3.b Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP

D.3.c Offsets required as a condition of an Authority to Construct or a Permit to Operate shall be Enforceable requirements at the time of Authority to Construct issuance and shall be in effect no later than the date of initial operation of the new or modified Emissions Unit. Where a new or modified Emissions Unit requires a shake-down period, and is a replacement for an existing Emissions Unit, the APCO may allow a maximum of 90 days as a start-up period for simultaneous operation of the existing Emissions Unit and the replacement Emissions Unit.

D.3.d For Major Stationary Sources and Major Modifications which are constructed in phases, the Authority to Construct shall clearly identify each phase of the p Project, the Emissions Unit(s) to be added at each phase, and the permitted emissions associated with those Emissions Units. The initial Authority to Construct for the Project shall identify sufficient Offsets for all Project phases in order to confirm Project feasibility. The Offsets for each phase shall (1) be implemented prior to the initiation of construction of that phase, (2) shall remain in effect for the life of the Equipment installed in that phase, (3) shall meet the Rules and regulations in effect at the time of initiation of construction for that phase, and (4) shall be reevaluated for consistency with local, State and federal requirements by the District not more than 18 months prior to the

initiation of construction for that phase. The Permit to Operate for each phase of the p Project shall be issued separately, after the District finds that the above requirements, in addition to any other applicable requirements of these Rules and regulations, have been met.

D.4 Power Plants: This section shall apply to all power plants proposed to be constructed within Imperial County and for which a Notice of Intent (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

D.4.a Within 14 days of receipt of a NOI, the APCO shall notify the CARB and the California Energy Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to the CARB and the California Energy Commission prior to the conclusion of the nonadjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:

D.4.a.1 A specific preliminary determination of BACT for the proposed facility;

D.4.a.2 A preliminary discussion of whether there is substantial likelihood that the requirements of this Rule and all other District Rules and regulations can be satisfied by the proposed facility; and

D.4.a.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable District Rules or regulations.

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

D.4.b Upon receipt of an application for certification for a power plant, the APCO shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the application for the certification does not meet the requirements of this Rule, the APCO shall, within 20 calendar days of receipt of the application for certification, so inform the California Energy Commission, and the application for certification shall be considered incomplete and returned to the applicant for re-submittal.

- D.4.c The APCO shall consider the application for certification to be equivalent to an application for an Authority to Construct during the determination of compliance review, and shall apply all provisions of this Rule which apply to applications for an Authority to Construct.
- D.4.d The APCO may request from the applicant any information necessary for the completion of the determination of compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.
- D.4.e Within 180 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall make a preliminary decision on:
- D.4.e.1 whether the proposed power plant meets the requirements of this Rule and all other applicable District regulations; and
 - D.4.e.2 in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.
 - D.4.e.3 The preliminary written decision under Subsection D.4.e shall be treated as a preliminary decision under Rule 206, Processing of Applications, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Rule 206. The APCO shall not issue a preliminary determination of compliance unless all requirements of this Rule are met.
- D.4.f Within 240 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall issue and submit to the California Energy Commission a preliminary determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an Authority to Construct only when and if the California Energy Commission approves the application for certification, and the California Energy Commission certificate includes all conditions of the final determination of compliance.
- D.4.g Any applicant receiving a certificate from the California Energy Commission pursuant to this section and demonstrates compliance with all conditions related to air pollution of the certificate shall be

issued a Permit to Operate by the APCO.

E. Calculations

E.1 Calculation Of Offsets Required: Calendar quarter calculations used for determining Offsets required shall be determined as follows:

E.1.a the daily Emission Increase multiplied by the number of permitted days in each calendar quarter; or

E.1.b the Potential to Emit on a Quarterly basis, provided that in addition to Daily Emissions Limits, the Authority to Construct and Permit to Operate contain Enforceable conditions which limit emissions from the Emissions Unit for each calendar quarter

E.2 Calculation Of Actual Emissions Reductions (AER's) To Be Used As Offsets: AER's resulting from Modifications to existing Emissions Units shall be calculated based on emission reductions from the Historic Actual Emissions for that Emissions Unit. Only positive values so calculated may qualify as AER's. Prior to use as Offsets, all AER's must qualify for deposit into the District's Emissions Reduction Credit Bank, except for AERs used to Offset Emission Increases within the same source. AER calculations shall be adjusted based on the provisions of E.2.d.

E.2.a AER's from the Shutdown of an Emissions Unit shall be calculated as follows:

AER's = Historic Actual Emissions

E.2.b When the Modification consists solely of an application for new Control Equipment or implementation of a more efficient process, the AER's shall be calculated as follows:

AER's = Historic Actual Emissions minus post-Modification Potential to Emit

E.2.c AER's from other Modifications shall be calculated as follows:

AER's = Historic Actual Emissions minus the post Modification Potential to Emit.

E.2.d AER's shall meet the following criteria:

E.2.d.1 Shall be Real, Enforceable, Quantifiable, Surplus, and Permanent.

RULE 208. PERMIT TO OPERATE
(Adopted 3/17/80; revised 9/14/99)

A. Inspection

Upon acceptance of an application for a Permit to Operate, the Air Pollution Control Officer shall inspect the facility for which the permit is applied and conduct other evaluations as necessary to insure that the facility has been constructed or installed and will operate so as to comply with all of the provisions and conditions of the Authority to Construct permit and all applicable laws, rules, standards, and guidelines.

A single Permit to Operate may be issued for all components of an integrated system or process, or separate Permits to Operate may be issued for distinct Equipment or processes within a Project.

The Air Pollution Control Officer shall insure that all emissions from a Project will be subject to a Permit to Operate. The Air Pollution Control Officer may require a general Permit to Operate for the entire Project in addition to those for individual Sources.

B. Approval

After inspecting the facility or Equipment for which a Permit to Operate has been applied for, and finding such Equipment or facility to be in compliance with all required provisions, the Air Pollution Control Officer shall approve the permit.

C. No Authority to Construct Permit

C.1 Existing facilities for which no valid Authority to Construct permit exists, may be issued a Permit to Operate after being subject to the review, processing, fees, and time limits for an Authority to Construct permits in addition to the requirements for a Permit to Operate.

C.2 Certain movable, or mobile equipment (such as pavement burners) may be issued a combined Permit to Operate and Authority to Construct, where there will be no construction, installation, or establishment of a Stationary Source, and where manufacturers specifications and other information provided with the Permit to Operate application provides the Air Pollution Control Officer with an adequate basis to assess the emissions and impacts of the Equipment. Conditions as appropriate may be required.

RULE 217 LARGE CONFINED ANIMAL FACILITIES (LCAF) PERMITS REQUIRED
(Adopted 10/10/2006; Revised 2/09/2016)

A. General

A.1 Purpose

The purpose of this rule is to limit emissions of Volatile Organic Compounds (VOC) and Ammonia from Large Confined Animal Facilities (LCAF).

A.2 Applicability

This rule sets forth the permitting requirements for agricultural sources subject to permit as a result of amendments to California Health and Safety Code Section 40724.6 that became effective January 1, 2004. A written Permit to Operate shall be required for all Large Confined Animal Facilities.

B. Definitions

The following definitions apply to all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in Rule 101 shall apply.

B.1 AERATED STATIC PILE (ASP): a system designed, constructed, maintained, and operated for decomposing organic material in which the material is placed on top of perforated plates or pipes that are connected to blowers that either push or pull air through the piles.

B.2 AEROBIC DIGESTER: a basin or tank designed, constructed, maintained, and operated for the aerobic treatment of liquid or solid manure that is approved by the APCD, ARB, and EPA.

B.3 AEROBIC LAGOON: a lagoon designed, constructed, maintained, and operated in accordance with the applicable standards for aerobic lagoons in the Natural Resource Conservation Service (NRCS) California Field Office Technical Guide Conservation Practice Standard Code 359 or other applicable standards approved by the APCD, ARB, and EPA.

B.4 ALTERNATIVE MITIGATION MEASURES: a mitigation measure that is determined by the APCD, ARB, and EPA to achieve reductions that are equal to or exceed the reductions that would be achieved by other mitigation measures listed in this rule that owners/operators could choose to comply with rule requirements.

- B.5 **ANAEROBIC DIGESTER:** a basin or tank designed, constructed, maintained, and operated for the anaerobic treatment of liquid or solid manure in accordance with the applicable standards for anaerobic digesters in the Natural Resource Conservation Service (NRCS) California Field Office Technical Guide Conservation Practice Standard Code 365 or 366 or other applicable standards approved by the APCD, ARB, and EPA.
- B.6 **ANAEROBIC TREATMENT:** the decomposition of organic matter by microbes in the absence of oxygen. During this process four main reactions occur. In the first reaction, complex organic materials (e.g. carbohydrates, proteins, and fats) are hydrolyzed to form soluble organic molecules (e.g. sugars, amino acids, and fatty acids). In the second reaction, soluble organic molecules ferment to form acetic acid, formic acid, and volatile fatty acids. In the third reaction, volatile fatty acids undergo acetogenesis to form acetic acid and formic acid. In the fourth reaction, acetic acid and formic acid undergo methanogenesis to form methane and carbon dioxide.
- B.7 **ANAEROBIC TREATMENT LAGOON:** a lagoon designed, constructed, maintained, and operated in accordance with the standards for anaerobic lagoons in the Natural Resource Conservation Service (NRCS) California Field Office Technical Guide Conservation Practice Standard Code 359 or other applicable standards approved by the APCD, ARB, and EPA.
- B.8 **BEEF FEEDLOT:** a CAF that is primarily concerned with raising cattle for the production of meat for commercial purposes.
- B.9 **CDFA:** California Department of Food and Agriculture or any person designed to act on its behalf.
- B.10 **CEREAL GRAINS:** grasses (members of the monocot families Poaceae or Gramineae) cultivated for the edible components of their fruit. These grains include corn, rice, wheat, barley, sorghum, millet, oats, rye, triticale, and fonio. For the purpose of this rule, buckwheat and quinoa will also be considered cereal grains.
- B.11 **CERTIFIED NUTRITIONIST:** a nutritionist certified by the American Registry of Professional Animal Scientists or who is approved by the APCD, ARB, and EPA.
- B.12 **COMPOSTING:** the controlled biological decomposition of organic material, under aerobic (with air) or anaerobic (without air) conditions, to form a humus-like material.

- B.13 **CORRAL:** an area where animals are confined without separate stalls in which the animals may rest. (also referred to as dry lot, pen, exercise pen, loafing barn, saudi barn or open lot).
- B.14 **DAY:** a twenty-four hour period beginning at 12:00 a.m. and ending at midnight.
- B.15 **DRY MANURE/DRY SEPARATED SOLIDS:** manure or separated solids with less than 50% moisture, by weight, not including any materials used for on-site composting operations.
- B.16 **DRY ROLLED CORN:** any corn that is crushed between rollers without previous treatment with steam or another softening process.
- B.17 **EMISSION MITIGATION PLAN:** a document that lists and describes all VOC mitigation measures to be implemented at the CAF.
- B.18 **FACILITY:** a source or group of air pollution sources located on one or more properties that are contiguous, adjacent, or separated only by a public right-of-way and are under common ownership, common control, or operated by entities that are under common ownership or control. A facility includes, but is not limited to, all barns, buildings, coops, corrals, feed storage areas, installations, milking parlors, structures, and systems for the collection, distribution, storage, and treatment of manure on the properties.
- B.19 **FEED BUNK:** the area where feed is placed for the animals to eat the feed.
- B.20 **FEEDAPRON:** the area in which the animal stands while eating feed. This area may also be referred to as a flush or scrape concrete lane.
- B.21 **FREESTALL BARN:** a structure for housing animals in which the animals are contained in pens under a roof and have free access to feed bunks, waterers, and stalls for resting.
- B.22 **HIGH MOISTURE CORN:** corn which, at harvest, has a kernel moisture of greater than 25%.
- B.23 **IN-CORRAL MOUNDS:** mounds of manure and/or soil which are constructed, designed, maintained, and operated by the owner/operator to allow animals to have a dry area to lay and rest during the wet season.
- B.24 **LAGOON:** a basin constructed, maintained, and operated to store and treat manure. This does not include basins primarily used to collect

runoff and storm water.

- B.25 **LARGE CAF:** a CAF that maintains, on any one day, at least the following number of animals:

Table 1 - Large CAF Definition By Livestock Category	
Livestock Category	Large CAF Definition
Beef Feedlots	3,500 beef cattle
Dairy	500 milking cows
Other Cattle Facility	3,500 calves, heifers, or other cattle
Poultry Facility	
Chicken	400,000 head
Duck	400,000 head
Turkey	100,000 head
Swine Facility	3,000 head
Horses Facility	2,500 head
Sheep and Goat Facilities	15,000 head of sheep, goats, or any combination of the two
Any livestock facility not listed above	30,000 head

- B.26 **LICENSED VETERINARIAN:** a veterinarian licensed by the State of California or a veterinarian that is approved by the APCD, ARB, and EPA.
- B.27 **MATURE COW:** a cow that has had at least one calf.
- B.28 **MILKING COW:** a cow that is currently producing milk (lactating).
- B.29 **MITIGATION MEASURE:** an activity, practice, or technology that reduces VOC air pollutants emitted by or associated with a CAF.
- B.30 **MAXIMUM ONE-TIME CAPACITY:** the maximum number of animals at the facility in each production stage (facility capacity).
- B.31 **MOLT:** the periodic replacement of feathers by shedding old feathers while producing new ones.
- B.32 **NRC:** the National Research Council of the United States of America.
- B.33 **NRCS:** the Natural Resource Conservation Service operated under the United States Department of Agriculture.
- B.34 **PHOTOTROPIC LAGOON:** a lagoon where at least 10% of the bacteria in the lagoon are photosynthetic bacterium; the bacteriochlorophyll a concentration is above 1081 g/L; or that is

designed, constructed, maintained, and operated according to other standards approved by the APCD, ARB, and EPA.

- B.35 POULTRY: any domesticated birds kept or raised for eggs or meat.
- B.36 POULTRY LITTER: poultry excretions and bedding, including, but not limited to, dried solids, manure, urine and bedding from chickens, turkeys, geese, or ducks.
- B.37 OVERALL VOC CAPTURE AND CONTROL
- B.38 OXYGEN BARRIER FILM: a plastic film with an oxygen transfer rate not exceeding $200 \text{ cm}^3/(\text{m}^2\text{-24 hrs})$ as measured by ASTM D3985 or a plastic film with an equivalent oxygen transfer rate as determined by methods approved by the APCO and EPA.
- B.39 PHASE FEEDING: the feeding of multiple diets during the nursery stage and during the grower/finisher phase.
- B.40 PROCESSED CEREAL GRAIN OR PROCESSED CORN: cereal grains or corn that have undergone one or more processes to changes the underlying chemical structure compared to the cereal grain or corn as harvested.
- B.41 RAIN EVENT: precipitation greater than 0.1 inch in 24 hours at the facility.
- B.42 SEPARATED SOLIDS: solids removed from manure by a solid separator system, not including any materials used for onsite composting operations.
- B.43 SHADE STRUCTURE: a structure designed, constructed, installed, maintained, and operated to provide shade for livestock.
- B.44 SOLID SEPARATOR SYSTEM: a system for separating solid manure from the liquid manure stream that is designed, installed, constructed, operated, and maintained in accordance with the applicable standards in California NRCS Field Office Technical Guide Conservation Practice Standard Code 632 or other applicable standards approved by the APCD, ARB, and EPA. Solid separator systems may include, but are not limited to, flat belt separators, roller press separators, vibrating screen separators, stationary inclined screen separators, weeping walls, and settling basins.
- B.45 SPLIT-SEX FEEDING PROGRAM: a feeding program that separates male and female swine after they are moved from the nursery and feed

different diets to more closely match the nutrient requirements of the different sexes.

- B.46 STEAM-FLAKED CEREAL GRAINS: cereal grain that is processed by cooking the grain with steam under pressure and then flaking the resulting material through heated rollers.
- B.47 STEAM-FLAKED CORN: corn that is processed by cooking the corn with steam under pressure and then flaking the resulting material through heated rollers.
- B.48 STORAGE POND: a basin constructed, maintained, and operated, to store manure, after it has been treated or processed in a lagoon.
- B.49 SWINE: for the purposes of this rule, and determination of the threshold in Table 2, any weaned pig of at least forty-five (45) pounds in weight, such as finishing pigs and breeding stock.
- B.50 VOC CONTROL DEVICE: a device, into which captured air is vented, that reduces the VOC content in the air prior to the air being released into the atmosphere.
- B.51 WEATHERPROOF COVERING/STORAGE STRUCTURE: A covering, such as a building or tarp, constructed, installed, maintained, and operated such that the material inside or underneath the covering is not moved or moistened by weather conditions outside of the covering including, but not limited, to wind and rain. The covering shall be maintained according to manufacturer recommendations and adhere to the applicable standards in NRCS California Field Office Technical Guide (FOTG) Conservation Practice Standard Code 313 or other applicable standards approved by the APCD, ARB, and EPA.
- B.52 YEAR: any consecutive 365-day period.

C. Requirements

- C.1 An Owner/operator shall obtain an Authority to Construct (ATC) or Permit to Operate (PTO) for the facility. Upon adoption of this rule, an owner or operator of a new or modified LCAF shall submit, for approval by the Air Pollution Control District (APCD), an Authority to Construct (ATC)/Permit to Operate (PTO) application for each LCAF. Additionally, each application shall include:
 - C.1.a The information that the APCD, or his designee, determines is necessary to prepare an emissions inventory of all regulated air

pollutants emitted from the operation, including, but not limited to, the provisions listed in C.1.b through C.1.e.

- C.1.b List of all stationary combustion equipment. The applicant must provide the APCD with the frequency of equipment use, including year and model of the equipment, capacity (Btu/hr, horsepower, etc.), hours of usage each year, and/or gallon of fuel consumption to determine the baseline emission factors.
 - C.1.c List of all other significant sources of air pollution, including but not limited to, stationary irrigation pumps, gasoline storage tanks, etc.
 - C.1.d The maximum one-time capacity of the facility regardless if the facility is operating at full production at the time the application is submitted.
 - C.1.e An Emissions Mitigation Plan that demonstrates that the facility will reduce emissions of VOCs and Ammonia, according to the requirements of Section C.5. In addition, owner/operator of any LCAF shall implement all emission mitigation measures as contained in the permit application on the day operations of a LCAF commence.
 - C.1.f In addition, the dust control plan for beef feedlots shall adhere to the requirements within Rule 420.
 - C.1.g The owner/operator of LCAFs that are not a dairy, beef feedlot, swine, or poultry operations shall submit an Emissions Mitigation Plan demonstrating facility-wide reductions of at least 30% or submit an Emissions Mitigation Plan that adheres to all the applicable requirements of sections C.5.
- C.2 The APCD shall determine completeness for each ATC/PTO application according to the requirements contained within Rule 206, Section A.2. The APCD shall act upon an application pursuant to this rule within six months of receipt of a complete application.

C.3 Temporary Suspension of Mitigation Measures

An owner/operator may temporarily suspend utilization of a mitigation measure provided all of the following requirements are met:

- C.3.a It is determined by a licensed veterinarian or certified nutritionist that the mitigation measure is detrimental to animal health or that suspension of the mitigation measure is necessary for the animal to molt, a signed, written copy of the determination shall be retained

on-site and made available for inspection upon request, and

- C.3.b The owner/operator notifies the APCD, within forty-eight (48) hours of the veterinarian's or nutritionist's determination that a measure is being temporarily suspended, and
- C.3.c If such a situation exist, or is expected to exist for longer than thirty (30) days, the owner/operator shall, within that thirty (30) day period, submit another mitigation measure from the same section of the appropriate table to be implemented in lieu of the mitigation measure that suspended. Substituted measures shall be requested by submitting was an application to modify the mitigation plan.
- C.3.d The APCD, ARB, and EPA approve the temporary suspension of the mitigation measure for the time period requested by the owner/operator and a signed written copy of this determination shall be retained on-site.
- C.4 For each existing LCAF, three months after adoption of this rule, the owner or operator of a LCAF shall submit an Emissions Mitigation Plan that updates the information submitted pursuant to section C.1 and C.6. In addition, an owner/operator of an existing LCAF shall implement all emission mitigation measures as contained in the updated Emissions Mitigation Plan within 180 days of approval of this Rule. All modifications to LCAF's shall follow Rule 207 procedures.

C.5 Facility Emission Mitigation Plan

The owner/operator shall submit a facility emission mitigation plan as part of the Permit to Operate application or Authority to Construct application.

The mitigation plan shall contain the following:

- C.5.a The name, business address, and phone number of the owner/operator responsible for the preparation and the implementation of the mitigation measure listed in the mitigation plan.
- C.5.b The signature of the owner/operator attesting to the accuracy of the information provided and adherence to implementing the activities specified in the mitigation plan at all times and the date that the application was signed.
- C.5.c A list of all the mitigation measures from Section C.6 that the owner/operator will use to comply with Rule 217 requirements; including the number of animals and acreage subject to each

control, as applicable.

C.6 Owners/operators of LCAFs shall implement control measures identified in their Emissions Mitigation Plan which shall include those applicable mitigation measures from the appropriate tables as follows:

C.6.a Beef Feedlots: Owners/operators of a beef feedlot CAF shall comply with the mitigation measures in Table 2.1

Table 2.1 Beef Feedlot Mitigation Measures Requirements

A. Feed: An owner/operator of a beef feedlot CAF shall implement at least two (2) of the following feed mitigation measures:	
1.	Feed according to National Research Council (NRC) guidelines.
2.	Feed steam-flaked, dry rolled, cracked or ground corn or other steam-flaked, dry rolled, cracked or ground cereal grains.
3.	Remove uneaten wet feed from feed bunks within twenty-four (24) hours after the end of a rain event.
4.	Implement an alternative mitigation measure(s), not listed above.

B. Silage: An owner/operator of a beef feedlot CAF that feeds silage shall implement at least one (1) of the following silage mitigation measures:	
	Operators selecting this option must choose mitigation measure 1a plus one (1) from mitigation measures 1b, 1c, 1d plus two (2) from mitigation measures 1e, 1f, 1g:
	a. Cover the surface of silage piles, except for the area where feed is being removed from the pile, with a plastic tarp that is at least five (5) mils thick (0.005 inches), multiple plastic tarps with a cumulative thickness of at least 5 mils (0.005 inches), or an oxygen barrier film covered with a UV resistant material, within seventy-two (72) hours of last delivery of material to the pile.
	Choose one of the following:
1.	b. Build silage piles such that the average bulk density of silage piles is at least 44 lb/cu ft for corn silage and 40 lb/cu ft for other silage types, as measured in accordance with G; or
	c. When creating a silage pile, adjust filling parameters to assure a calculated average bulk density of at least 44 lb/cu ft for corn silage and at least 40 lb/cu ft for other silage types, using a spreadsheet approved by the District; or
	d. Incorporate all of the following practices when creating silage piles:
	i. Harvest silage crop at ≥65% moisture for corn; and ≥60% moisture for alfalfa/ grass and other silage crops; and
	ii. Incorporate the following parameters for Theoretical Length of Chop (TLC) and roller opening, as applicable, for the crop being harvested.

Crop Harvested	TLC	Roller Opening (mm)
Corn with no Processing	≤ ½ in	N/A
Processed Corn <35% dry matter	≤ ¾ in	1-4 mm
Alfalfa/Grass	≤ 1.0 in	N/A
Wheat/Cereal/Other	≤ ½ in	N/A

iii. Manage silage material delivery such that no more than six (6) inches of material are un-compacted on top of the pile.

Choose two of the following:

e. Manage exposed silage (select one of the following):

- i. Manage silage piles such that only one silage pile has an uncovered face and the uncovered face has a total exposed surface area of less than 2,150 square feet; or
- ii. Manage multiple uncovered silage piles such that the total exposed surface area of all uncovered silage piles is less than 4,300 square feet.

f. Maintain silage working face (select one of the following):

- i. Use a shaver/facer to remove silage from the silage pile; or
- ii. Maintain a smooth vertical surface on the working face of the silage pile.

g. Silage Additives (select one of the following):

- i. Inoculate silage with homolactic lactic acid bacteria in accordance with manufacturer recommendations to achieve a concentration of at least 100,000 colony forming units per gram of wet forage; or
- ii. Apply propionic acid, benzoic acid, sorbic acid, sodium benzoate, or potassium sorbate at a rate specified by the manufacturer to reduce yeast counts when forming silage pile; or
- iii. Apply other additives at specified rates that have been demonstrated to reduce alcohol concentrations in silage and/or VOC emissions from silage and have been approved by the District and EPA.

2. Utilize a sealed feed storage system (e.g., Ag-Bag) for silage.

3. Implement an alternative mitigation measure(s), not listed above.

C. Housing: An owner/operator of a beef feedlot CAF shall implement mitigation measures 1, 2, 3, and 4 and at least one (1) additional mitigation measure in each of the animal housing structures (e.g. each corral, etc.):	
1.	a. Scrape corrals twice a year with at least ninety (90) days between cleanings, excluding the removal of in-corral mounds; and b. Clean and remove manure from corrals every eighteen (18) months, including the removal of in-corral mounds.
2.	Inspect water pipes and troughs and repair leaks at least once every seven (7) days.
3.	Choose one of the following: a. Maintain corrals to ensure proper drainage preventing water from standing more than forty-eight (48) hours; unless standing water is the result of a rain event; or b. Harrow, rake, or scrape corrals sufficiently to maintain a dry surface, unless the corrals have not held animals in the last thirty (30) days; except moisture may be permitted in areas underneath shade structures or where animals commonly congregate in large groups.
4.	If the CAF has shade structures, they must choose with one of the following: a. Install shade structures such that they are constructed with a light permeable roofing material; or b. Install all shade structures uphill of any slope in the corral; or c. Install shade structure so that the structure has a North/South orientation.
5.	Manage corrals and concrete lanes such that the dry manure depth in the pen does not exceed twelve (12) inches at any time or point, except for in-corral mounds. Manure depth may exceed twelve (12) inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of twelve (12) inches or lower immediately upon the corral becoming accessible.
6.	Knockdown fence line manure build-up prior to it exceeding a height of twelve (12) inches at any time or point. Manure depth may exceed twelve (12) inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of twelve (12) inches or lower immediately upon the corral becoming accessible.
7.	Implement an alternative mitigation measure(s), not listed above.

D. Solid Manure/Separated Solids:

An owner/operator of a beef feedlot CAF that handles or stores solid manure or separated solids outside the animal housing shall implement at least one (1) of the

following mitigation measures:	
1.	Choose one of the following: a. Within 72 hours of removal from animal housing, either remove dry manure from the facility or, during those months where rain occurs, cover dry manure pile with a weatherproof covering, except for times, not to exceed twenty-four (24) hours per event, when wind events remove the covering; or b. Manage moisture content of manure to less than 50%.
2.	Implement an alternative mitigation measure(s), not listed above.

E. Liquid Manure: An owner/operator of a beef feedlot CAF that handles manure in a liquid form shall implement at least one (1) of the following mitigation measures:	
1.	Use a phototropic lagoon.
2.	Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
3.	Remove solids from the waste system with a solid separator system, prior to the waste entering the lagoon.
4.	Maintain lagoon pH between 6.5 and 7.5.
5.	Implement an alternative mitigation measure(s), not listed above.

F. Land Application: An owner/operator of a beef feedlot CAF who land applies manure to crop land on the facility shall implement the following applicable mitigation measures:	
1.	If the CAF applies solid manure, choose one of the following: a. Incorporate all solid manure within seventy-two (72) hours of land application; or b. Only apply solid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or c. Apply no solid manure with a moisture content of more than 50%; or d. Implement an alternative mitigation measure(s), not listed above.
2.	If the CAF applies liquid manure, choose one of the following: a. Only apply liquid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or b. Allow liquid manure to stand in the fields for no more than twenty-four (24) hours after irrigation; or c. Apply liquid/slurry manure via injection with drag hose or similar apparatus; or d. Implement an alternative mitigation measure(s), not listed above.

C.6.b Dairy CAF: An owner/operator of a large Dairy CAF shall comply with the mitigation measures in Table 2.2.

Table 2.2 Dairy CAF Mitigation Measure Requirements

A. Feed:	
An owner/operator of a dairy CAF shall implement mitigation measures 1, 2, 3, and 4 and at least one (1) additional mitigation measure:	
1.	Feed according to National Research Council (NRC) guidelines.
2.	Push feed so that it is within three (3) feet of feedapron fence within two hours of putting out the feed or use a feed trough or other feeding structure designed to maintain feed within reach of the cows.
3.	Begin feeding total mixed rations within two (2) hours of grinding and mixing rations.
4.	Store grain in a weatherproof storage structure or under a weatherproof covering from October through May.
5.	Feed steam-flaked, dry rolled, cracked or ground corn or other steam-flaked, dry rolled, cracked or ground cereal grains.
6.	Remove uneaten wet feed from feed bunks within twenty-four (24) hours after the end of a rain event.
7.	For total mixed rations that contain at least 30% by weight of silage, feed animals total mixed rations that contain at least 45% moisture.
8.	Implement an alternative mitigation measure(s), not listed above.

B. Silage:	
An owner/operator of a dairy CAF that feeds silage shall implement at least one (1) of the following silage mitigation measures:	
1.	<p>Operators selecting this option must choose mitigation measure 1a plus one (1) from mitigation measures 1b, 1c, 1d plus two (2) from mitigation measures 1e, 1f, 1g:</p> <p>a. Cover the surface of silage piles, except for the area where feed is being removed from the pile, with a plastic tarp that is at least five (5) mils thick (0.005 inches), multiple plastic tarps with a cumulative thickness of at least 5 mils (0.005 inches), or an oxygen barrier film covered with a UV resistant material, within seventy-two (72) hours of last delivery of material to the pile.</p> <p>b. Choose one of the following:</p> <p>b. Build silage piles such that the average bulk density of silage piles is at least 44 lb/cu ft for corn silage and 40 lb/cu ft for other silage types, as measured in accordance with G; or</p> <p>c. When creating a silage pile, adjust filling parameters to assure a calculated average bulk density of at least 44 lb/cu ft for corn silage and at least 40 lb/cu ft for other silage types, using a spreadsheet approved by the District; or</p> <p>d. Incorporate all of the following practices when creating silage piles:</p> <ul style="list-style-type: none"> i. Harvest silage crop at $\geq 65\%$ moisture for corn; and $\geq 60\%$ moisture for alfalfa/ grass and other silage crops; and ii. Incorporate the following parameters for Theoretical Length of Chop

(TLC) and roller opening, as applicable, for the crop being harvested.		
Crop Harvested	TLC	Roller Opening (mm)
Corn with no Processing	$\leq \frac{1}{2}$ in	N/A
Processed Corn <35% dry matter	$\leq \frac{3}{4}$ in	1-4 mm
Alfalfa/Grass	≤ 1.0 in	N/A
Wheat/Cereal/Other	$\leq \frac{1}{2}$ in	N/A
<p>iii. Manage silage material delivery such that no more than six (6) inches of material are un-compacted on top of the pile.</p> <p>Choose two of the following:</p> <p>e. Manage exposed silage (select one of the following):</p> <ul style="list-style-type: none"> i. Manage silage piles such that only one silage pile has an uncovered face and the uncovered face has a total exposed surface area of less than 2,150 square feet; or ii. Manage multiple uncovered silage piles such that the total exposed surface area of all uncovered silage piles is less than 4,300 square feet. <p>f. Maintain silage working face (select one of the following):</p> <ul style="list-style-type: none"> i. Use a shaver/facer to remove silage from the silage pile; or ii. Maintain a smooth vertical surface on the working face of the silage pile. <p>g. Silage Additives (select one of the following):</p> <ul style="list-style-type: none"> i. Inoculate silage with homolactic lactic acid bacteria in accordance with manufacturer recommendations to achieve a concentration of at least 100,000 colony forming units per gram of wet forage; or ii. Apply propionic acid, benzoic acid, sorbic acid, sodium benzoate, or potassium sorbate at a rate specified by the manufacturer to reduce yeast counts when forming silage pile; or iii. Apply other additives at specified rates that have been demonstrated to reduce alcohol concentrations in silage and/or VOC emissions from silage and have been approved by the District and EPA. 		
2.	Utilize a sealed feed storage system (e.g., Ag-Bag) for silage.	
3.	Implement an alternative mitigation measure(s), not listed above.	

C. Milking Parlor:	
An owner/operator of a dairy CAF shall implement at least one (1) of the following mitigation measures in each milking parlor:	
1.	Flush or hose milking parlor immediately prior to, immediately after, or during each milking.

2.	Implement an alternative mitigation measure(s), not listed above.
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D. Freestall Barn:	
An owner/operator of a dairy CAF that houses animals in freestalls shall implement mitigation measures 1 and 2 and at least one (1) additional mitigation measure in each freestall barn:	
1.	Pave feedaprns, where present, for a width of at least eight (8) feet along the corral side of the feedapron fence for milk and dry cows and at least six (6) feet along the corral side of the feedapron for heifers.
2.	Choose one of the following: a. Flush, scrape, or vacuum freestall flush lanes immediately prior to, immediately after, or during each milking; or b. Flush or scrape freestall flush lanes at least three (3) times per day.
3.	Use non-manure-based bedding and non-separated solids based bedding for at least 90% of the bedding material, by weight, for freestalls (e.g. rubber mats, almond shells, sand, or waterbeds).
4.	For a large dairy CAF, remove manure that is not dry from individual cow freestall beds or rake, harrow, scrape, or grade freestall bedding at least once every seven (7) days.
5.	Have no animals in exercise pens or corrals at any time.
6.	Implement an alternative mitigation measure(s), not listed above.

E. Corrals:	
An owner/operator of a dairy CAF that houses animals in corrals shall implement mitigation measures 1, 2, 3, 4, 5, and 6 and at least one (1) additional mitigation measure in each corral where animals have been housed in the last thirty (30) days:	
1.	Pave feedaprns, where present, for a width of at least 8 feet along the corral side of the feedapron fence for milk and dry cows and at least 6 feet along the corral side of the feedapron for heifers.
2.	Choose one of the following: a. Clean manure from corrals at least four (4) times per year with at least sixty (60) days between cleaning; or b. Clean corrals at least once between April and July and at least once between September and December.
3.	Choose one of the following: a. Scrape, vacuum, or flush concrete lanes in corrals at least once every day for mature cows and every seven (7) days for support stock; or b. Clean concrete lanes such that the depth of manure does not exceed twelve (12) inches at any point or time.
4.	Inspect water pipes and troughs and repair leaks at least once every seven (7) days.
5.	Choose one of the following: a. Slope the surface of the corrals at least 3% where the available space for each animal is 400 square feet or less. Slope the surface of the corrals at

	<p>least 1.5% where the available space for each animal is more than 400 square feet per animal; or</p> <p>b. Maintain corrals to ensure proper drainage preventing water from standing more than forty-eight (48) hours; or</p> <p>c. Harrow, rake, or scrape corrals sufficiently to maintain a dry surface.</p>
6.	<p>If the CAF has shade structures, they must choose one of the following:</p> <p>a. Install shade structures such that they are constructed with a light permeable roofing material; or</p> <p>b. Install all shade structures uphill of any slope in the corral; or</p> <p>c. Clean manure from under corral shades at least once every fourteen (14) days, when weather permits access into the corral; or</p> <p>d. Install shade structure so that the structure has a North/South orientation.</p>
7.	<p>Manage corrals such that the manure depth in the corral does not exceed twelve (12) inches at any time or point, except for in-corral mounding. Manure depth may exceed 12 inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of 12 inches or lower immediately upon the corral becoming accessible.</p>
8.	<p>Knockdown fence line manure build-up prior to it exceeding a height of twelve (12) inches at any time or point. Manure depth may exceed 12 inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of 12 inches or lower immediately upon the corral becoming accessible.</p>
9.	<p>Choose one of the following:</p> <p>a. Use lime or a similar absorbent material in the corrals according to the manufacturer's recommendation; or</p> <p>b. Apply thymol to the feedlot soil in accordance with the manufacturer's recommendation.</p>
10.	<p>Implement an alternative mitigation measure(s), not listed above.</p>

<p>F. Solid Manure/Separated Solids: Owners/operators of a large dairy CAF that handle or store solid manure or separated solids outside the animal housing shall implement at least one (1) of the following mitigation measures:</p>	
1.	<p>Within seventy-two (72) hours of removal from housing, either:</p> <p>a. Remove dry manure from the facility; or</p> <p>b. Cover dry manure outside the housing with a weatherproof covering except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event.</p>
2.	<p>Within seventy-two (72) hours of removal from the drying process, either:</p> <p>a. Remove separated solids from the facility; or</p> <p>b. Cover separated solids outside the housing with a weatherproof covering from October through May, except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event.</p>
3.	<p>Implement an alternative mitigation measure(s), not listed above.</p>

G. Liquid Manure: An owner/operator of a dairy CAF that handles manure in a liquid form shall implement at least one (1) of the following mitigation measures:	
1.	Use a phototropic lagoon.
2.	Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
3.	Remove solids from the waste system with a solid separator system, prior to the waste entering the lagoon.
4.	Maintain lagoon pH between 6.5 and 7.5.
5.	Implement an alternative mitigation measure(s), not listed above.

H. Land Application: An owner/operator of a dairy CAF who land applies manure to crop land on the facility shall implement the following applicable mitigation measures:	
1.	If the CAF applies solid manure, choose one of the following: a. Incorporate all solid manure within seventy-two (72) hours of land application; or b. Only apply solid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or c. Apply no solid manure with a moisture content of more than 50%; or d. Implement an alternative mitigation measure(s), not listed above.
2.	If the CAF applies liquid manure, choose one of the following: a. Only apply liquid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or b. Allow liquid manure to stand in the fields for no more than twenty-four (24) hours after irrigation; or c. Apply liquid/slurry manure via injection with drag hose or similar apparatus; or d. Implement an alternative mitigation measure(s), not listed above.

C.6.c Other Cattle CAF: Owners/Operators of an other cattle CAF shall comply with the mitigation measures in Table 2.3

Table 2.3 Other Cattle Mitigation Measure Requirements

A. Feed: An owner/operator of an other cattle CAF shall implement at least two (2) of the following feed mitigation measures:	
1.	Feed according to National Research Council (NRC) guidelines.
2.	Feed steam-flaked, dry rolled, cracked or ground corn or other steam-flaked, dry rolled, cracked or ground cereal grains.
3.	Remove uneaten wet feed from feed bunks within twenty-four (24) hours after the end of a rain event.
4.	Implement an alternative mitigation measure(s), not listed above.

B. Silage:

An owner/operator of an other cattle CAF that feeds silage shall implement at least one (1) of the following silage mitigation measures:

1. Operators selecting this option must choose mitigation measure 1a plus one (1) from mitigation measures 1b, 1c, 1d plus two (2) from mitigation measures 1e, 1f, 1g:
- a. Cover the surface of silage piles, except for the area where feed is being removed from the pile, with a plastic tarp that is at least five (5) mils thick (0.005 inches), multiple plastic tarps with a cumulative thickness of at least 5 mils (0.005 inches), or an oxygen barrier film covered with a UV resistant material, within seventy-two (72) hours of last delivery of material to the pile.
- Choose one of the following:
- b. Build silage piles such that the average bulk density of silage piles is at least 44 lb/cu ft for corn silage and 40 lb/cu ft for other silage types as measured in accordance with G; or
 - c. When creating a silage pile, adjust filling parameters to assure a calculated average bulk density of at least 44 lb/cu ft. for corn silage and at least 40 lb/cu ft for other silage types using a spreadsheet approved by the District; or
 - d. Incorporate all of the following practices when creating silage piles:
 - i. Harvest silage crop at $\geq 65\%$ moisture for corn; and $\geq 60\%$ moisture for alfalfa/ grass and other silage crops; and
 - ii. Incorporate the following parameters for Theoretical Length of Chop (TLC) and roller opening, as applicable, for the crop being harvested.

Crop Harvested	TLC	Roller Opening (mm)
Corn with no Processing	$\leq \frac{1}{2}$ in	N/A
Processed Corn <35% dry matter	$\leq \frac{3}{4}$ in	1-4 mm
Alfalfa/Grass	≤ 1.0 in	N/A
Wheat/Cereal/Other	$\leq \frac{1}{2}$ in	N/A

- iii. Manage silage material delivery such that no more than six (6) inches of material are un-compacted on top of the pile.

Choose one of the following:

- e. Manage exposed silage (select one of the following):
 - i. Manage silage piles such that only one silage pile has an uncovered face and the uncovered face has a total exposed surface area of less than 2,150 square feet; or
 - ii. Manage multiple uncovered silage piles such that the total exposed surface area of all uncovered silage piles is less than 4,300 square feet.

	<p>f. Maintain silage working face (select one of the following):</p> <ul style="list-style-type: none"> i. Use a shaver/facer to remove silage on the working face of the silage pile. ii. Maintain a smooth vertical surface on the working face of the silage pile. <p>g. Silage Additives (select one of the following):</p> <ul style="list-style-type: none"> i. Inoculate silage with homolactic lactic acid bacteria in accordance with manufacturer recommendations to achieve a concentration of at least 100,000 colony forming units per gram of wet forage; or ii. Apply propionic acid, benzoic acid, sorbic acid, sodium benzoate, or potassium sorbate at a rate specified by the manufacturer to reduce yeast counts when forming silage pile; or iii. Apply other additives at specified rates that have been demonstrated to reduce alcohol concentrations in silage and/or VOC emissions from silage and have been approved by the District and EPA.
2.	<u>Utilize a sealed feed storage system (e.g., Ag-Bag) for silage.</u>
3.	<u>Implement an alternative mitigation measure(s), not listed above.</u>

C. Freestalls:	
An owner/operator of an other cattle CAF that houses animals in freestalls shall implement mitigation measures 1 and 2 and at least one (1) additional mitigation measure in each freestall barn:	
1.	Vacuum, scrape, or flush freestalls at least once every seven (7) days.
2.	Pave feedaprons, where present, for a width of at least six (6) feet along the corral side of the feedapron.
3.	Use non-manure-based bedding and non-separated solids based bedding for at least 90% of the bedding material, by weight, for freestalls (e.g. rubber mats, almond shells, sand, or waterbeds).
4.	Remove manure that is not dry from individual cow freestall beds or rake, harrow, scrape, or grade bedding in freestalls at least once every seven (7) days.
5.	Implement an alternative mitigation measure(s), not listed above.

D. Corrals:	
An owner/operator of a other cattle CAF that houses animals in corrals shall implement mitigation measures 1, 2, 3, 4, and 5 and at least one (1) additional mitigation measure in each corral where animals have been housed in the last thirty (30) days:	
1.	Scrape corrals twice a year with at least 90 days between cleanings, excluding in-corral mounds.
2.	Choose one of the following: <ul style="list-style-type: none"> a. Scrape, vacuum, or flush concrete lanes in corrals at least once every seven (7) days; or b. Clean concrete lanes such that the depth of manure does not

	exceed twelve (12) inches at any point or time.
3.	Inspect water pipes and troughs and repair leaks at least once every seven (7) days.
4.	Choose one of the following: a. Slope the surface of the corrals at least 3% where the available space for each animal is 400 square feet or less. Slope the surface of the corrals at least 1.5% where the available space for each animal is more than 400 square feet per animal. b. Maintain corrals to ensure proper drainage preventing water from standing more than forty-eight (48) hours; or c. Harrow, rake, or scrape corrals and corrals sufficiently to maintain a dry surface, unless the corrals have not held animals in the last thirty (30) days.
5.	If the CAF has shade structures, they must choose one of the following: a. Install shade structures such that they are constructed with a light permeable roofing material; or b. Install all shade structures uphill of any slope in the corral; or c. Install shade structure so that the structure has a North/South orientation.
6.	Manage corrals and concrete lanes such that the dry manure depth in the pen does not exceed twelve (12) inches at any time or point, except for in-corral mounds. Manure depth may exceed twelve (12) inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of twelve (12) inches or lower immediately upon the corral becoming accessible.
7.	Knockdown fence line manure build-up prior to it exceeding a height of twelve (12) inches at any time or point. Manure depth may exceed twelve (12) inches when corrals become inaccessible due to rain events. The facility must resume management of the manure depth of twelve (12) inches or lower immediately upon the corral becoming accessible.
8.	Choose one of the following: a. Use lime or a similar absorbent material in the corrals according to the manufacturer's recommendation; or b. Apply thymol to the feedlot soil in accordance with the manufacturer's recommendation.
9.	Implement an alternative mitigation measure(s), not listed above.

E. Solid Manure/Separated Solids: An owner operator of an other cattle CAF that handles or stores solid manure or separated solids outside the animal housing shall implement at least one (1) of the following mitigation measures:	
1.	Within seventy-two (72) hours of removal from housing, either: a. Remove dry manure from the facility; or b. Cover dry manure outside the housing with a weatherproof covering from during those months where rain occurs, except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event.

2.	Within seventy-two (72) hours of removal from the drying process, either: a. Remove separated solids from the facility; or b. Cover separated solids outside the housing with a weatherproof covering from October through May, except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event.
3.	Implement an alternative mitigation measure(s), not listed above.

F. Liquid Manure:	
An owner/operator of an other cattle CAF that handles manure in a liquid form shall implement at least one (1) of the following mitigation measures:	
1.	Use a phototropic lagoon.
2.	Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
3.	Remove solids from the waste system with a solid separator separation system.
4.	Maintain lagoon pH between 6.5 and 7.5.
5.	Implement an alternative mitigation measure(s), not listed above.

G. Land Application:	
An owner/operator of an other cattle CAF who land applies manure to crop land on the facility shall implement the following applicable mitigation measures:	
1.	If the CAF applies solid manure, choose one of the following: a. Incorporate all solid manure within seventy-two (72) hours of land application; or b. Only apply solid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or c. Apply no solid manure with a moisture content of more than 50%; or d. Implement an alternative mitigation measure(s), not listed above.
2.	If the CAF applies liquid manure, choose one of the following: a. Only apply liquid manure that has been treated with an anaerobic treatment lagoon, aerobic lagoon, or digester system; or b. Allow liquid manure to stand in the fields for no more than twenty-four (24) hours after irrigation; or c. Apply liquid/slurry manure via injection with drag hose or similar apparatus; or d. Implement an alternative mitigation measure(s), not listed above.

C.6.d Swine CAF: An owner/operator of a swine CAF shall comply with the mitigation measures in Table 2.4

Table 2.4 Swine Mitigation Measure Requirements

A. Feed: Owners/operators of a swine CAF shall implement at least two (2) of the following
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feed mitigation measures:	
1.	Use grain with an average particle size diameter between 300-800 microns.
2.	Utilize phase feeding and split-sex feeding programs to more closely match the nutrient requirements of animals.
3.	Implement an alternative mitigation measure(s), not listed above.

B. Housing:	
Owners/operators of a swine CAF shall implement at least three (3) of the following mitigation measures in each animal housing unit:	
1.	Use a slatted floor system (slatted floors over deep pits or shallow flush alleys), with daily manure removal for shallow flush alleys and weekly removal from deep pits.
2.	Manage pens such that the manure depth in the pen does not exceed twelve (12) inches at any time or point.
3.	Inspect water pipes and troughs and repair leaks at least once every seven (7) days.
4.	Implement an alternative mitigation measure(s), not listed above.

C. Liquid Manure:	
Owners/operators of a swine CAF that handle manure in a liquid form shall implement at least one (1) of the following mitigation measures:	
1.	Use a phototropic lagoon.
2.	Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
3.	Maintain lagoon pH between 6.5 and 7.5.
4.	Implement an alternative mitigation measure(s), not listed above.

D. Land Application:	
Owners/operators of a swine CAF who land apply liquid manure to crop land on the facility shall implement one (1) of the following mitigation measures:	
1.	<u>Allow liquid manure to stand in the fields for no more than twenty-four (24) hours after irrigation.</u>
2.	<u>Implement an alternative mitigation measure(s), not listed above.</u>

C.5.e Layer CAF: An owner/operator of a layer CAF shall comply with the mitigation measures in Table 2.5.

Table 2.5 Layer Mitigation Measures Requirements

A. Feed:	
Owners/operators of a layer CAF shall implement at least one (1) of the following feed mitigation measures:	
1.	Choose one of the following: a. Feed according to NRC guidelines; or b. Feed animals probiotics designed to improve digestion according to

	manufacturer recommendations; or c. Feed animals an amino acid supplemented diet to meet their nutrient requirements; or d. Feed animals feed additives such as amylase, xylanase, and protease, designed to maximize digestive efficiency according to manufacturer recommendations.
2.	Implement an alternative mitigation measure(s), not listed above.

B. Housing:	
Owners/operators of a layer CAF shall implement at least two (2) of the following housing mitigation measures:	
1.	Use drinkers that do not drip continuously.
2.	Inspect water pipes and drinkers and repair leaks daily.
3.	Implement an alternative mitigation measure(s), not listed above.

C. Solid Manure/Separated Solids:	
Owners/operators of a layer CAF that handle or store solid litter/manure or separated solids outside the animal housing shall implement at least one (1) of the following mitigation measures:	
1.	Within seventy-two (72) hours of removal from housing, either: a. Remove all litter/manure from the facility; and b. Cover litter/manure outside the housing with a weatherproof covering during those months where rain occurs, except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event.
2.	Implement an alternative mitigation measure(s), not listed above.

D. Liquid Manure:	
Owners/operators of a layer CAF that handle manure in a liquid form shall implement at least one (1) of the following mitigation measures:	
1.	Use a phototropic lagoon.
2.	Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
3.	Maintain lagoon pH between 6.5 and 7.5.
4.	Implement an alternative mitigation measure(s), not listed above.

C.6.d Broiler, Duck, or Turkey CAF: An owner/operator of a chicken broiler, duck, or turkey CAF shall comply with the mitigation measures in Table 2.6

Table 2.6 Broiler, Duck or Turkey Mitigation Measure Requirements

A. Feed:	
Owners/operators of a broiler, duck, or turkey CAF shall implement at least one (1) of the following feed mitigation measures:	

1.	<p>Choose one of the following:</p> <p>a. Feed according to NRC guidelines; orb. Feed animals probiotics designed to improve digestion according to manufacturer recommendations; or</p> <p>b. Feed animals probiotics designed to improve digestion according to manufacturer recommendations; or</p> <p>c. Feed animals an amino acid supplemented diet to meet their nutrient requirements; or</p> <p>d. Feed animals feed additives such as amylase, xylanase, and protease, designed to maximize digestive efficiency according to manufacturer recommendations.</p>
2.	Implement an alternative mitigation measure(s), not listed above.

<p>B. Housing: Owners/operators of a broiler or duck CAF shall implement at least four (4) of the following housing mitigation measures:</p> <p>Owners/operators of a turkey CAF shall implement at least five (5) of the following housing mitigation measures:</p>	
1.	Use a dry housing cleaning method at all times, except when a wet cleaning method is required for animal health or biosecurity issues, pursuant to Section C.1.e.
2.	Use drinkers that do not drip continuously.
3.	Inspect drinkers at least once every seven (7) days and adjust the height, volume, and location of drinkers if necessary.
4.	Inspect water pipes and drinkers and repair leaks daily.
5.	If the facility houses turkeys in pens, install mounds or berms up gradient to prevent the runoff of storm water into pens.
6.	Implement an alternative mitigation measure(s), not listed above.

<p>C. Solid Manure/Separated Solids: Owners/operators of a broiler, duck, or turkey CAF that handles or stores solid litter/manure or separated solids outside the animal housing shall implement at least one (1) of the following mitigation measures:</p>	
1.	<p>Within seventy-two (72) hours of removal from housing, either:</p> <p>a. Remove all litter/manure from the facility; or</p> <p>b. Cover litter/manure outside the housing with a weatherproof covering during those months where rain occurs, except for times when wind events remove the covering, not to exceed twenty-four (24) hours per event.</p>
2.	Implement an alternative mitigation measure(s), not listed above.

<p>D. Liquid Manure:</p>

Owners/operators of a broiler, duck, or turkey CAF that handles manure in a liquid form shall implement at least one (1) of the following mitigation measures:	
1.	Use a phototropic lagoon.
2.	Use an anaerobic treatment lagoon designed in accordance with NRCS Guideline No. 359.
3.	Maintain lagoon pH between 6.5 and 7.5.
4.	Implement an alternative mitigation measure(s), not listed above.

D. Exemptions

Except for the recordkeeping requirements of Section F, the provisions of this rule shall not apply to a CAF, which remains at all times below all of the regulatory thresholds in Table 3:

Livestock Category	Large CAF Definition
Beef Feedlots	3,500 beef cattle
Dairy	500 milking cows
Other Cattle Facility	3,500 calves, heifers, or other cattle
Poultry Facility	
Chicken	400,000 head
Duck	400,000 head
Turkey	100,000 head
Swine Facility	3,000 head
Horses Facility	2,500 head
Sheep and Goat Facilities	15,000 head of sheep, goats, or any combination of the two
Any livestock facility not listed above	30,000 head

E. Monitoring Requirements

Owners/operators shall comply with the requirements of Section E.1 when implementing all applicable Mitigation Measures in Section C.6.

E.1 Lagoon Monitoring

Owners/operators using a mitigation measure for a lagoon in their approved emissions mitigation plan shall monitor the lagoon for the required parameter(s), as determined by the District and EPA, at least once every calendar quarter, with at least 30 days between monitoring tests.

F. Administrative Requirements

F.1 Records for Exempt CAFs

An owner/operator claiming exemption pursuant to section D shall maintain records on a quarterly basis of the number and type of animals and production group at the facility. Examples of records that may be used to show proof of exemption include, but are not limited to, Dairy Herd Improvement Association records and animal inventories maintained for financial purposes.

F.2 General Records for CAFs Subject to Section C Requirements

- F.2.a Permits: Owners/operators shall maintain copies of all facility permits.
- F.2.b Number of Animals: Owner/operators shall maintain records of the number of animals of each species and production group at the facility on a quarterly basis. Examples of records that may be used include, but are not limited to, Dairy Herd Improvement Association records and animal inventories done for financial purposes.
- F.2.c Owner/operators shall maintain records sufficient to demonstrate compliance with all applicable mitigation measures.

F.3 Records for Feed and Silage Mitigation Measures

- F.3.a Feed Content/Feed Additive: Records of feed content, formulation, and quantity of feed additive utilized, sufficient to verify compliance with approved feed content and feed additive mitigation measures. Records may include laboratory test results and other test results.
- F.3.b Feed Processing: Records sufficient to verify that feed was given to animals (for example, put in feed bunks) or disposed of within the time allowed by the approved mitigation measure.
- F.3.c Feed Removal: Records demonstrating that feed is removed within the specified time period.
- F.3.d Feed Storage: Records demonstrating that feed was kept in weatherproof storage for the required period. Records for feed storage shall be required when implementing the mitigation measures.
- F.3.e Feed Moisture Content: Records for annual testing to determine moisture content of mixed ration food that contains at least 30% by weight of silage. Records for feed moisture content shall be required when implementing the mitigation measures.

- F.3.f Silage Covers: Records demonstrating that silage was covered, including the thickness of the cover, in compliance with any silage mitigation measures chosen. Examples of records that show compliance include, but are not limited to, invoices demonstrating that silage covers were installed and maintained at the facility, cover thickness, records demonstrating the thickness of the silage cover, and maintenance records for repair or replacement of damaged covers.
- F.3.g Silage Pile Bulk Density at Pile Formation: Records of required practices used to ensure adequate bulk density of silage piles and/or measured bulk density of silage piles. Records for silage bulk density shall be required when implementing the mitigation measures.
- F.3.h Silage Pile Formation: Records demonstrating that silage piles were formed in compliance with any silage mitigation measures chosen. Examples of records that show compliance include, but are not limited to, moisture content of silage pile material, records of the length of cut for the crop being harvested, records of silage material delivery date, records that there are no more than six inches of material un-compacted on top of the pile of silage piles. Records for silage pile formation shall be required when implementing the mitigation measures.
- F.3.i Silage Leachate: Records demonstrating that the leachate was collected either by an active or passive system and the system was maintained in a manner approved by the APCO and EPA. Examples of records that show compliance include, but are not limited to, design specification for the system and a maintenance checklist for inspections and repairs.
- F.3.j Exposed Silage: Records demonstrating that silage piles are managed such that exposed surface area is in compliance with any silage mitigation measures chosen. Records for exposed silage shall be required when implementing the mitigation measures.
- F.3.k Silage Inoculation: Records demonstrating silage inoculation with either homolactic lactic acid bacteria, propionic acid, benzoic acid, sorbic acid sodium benzoate, or potassium sorbate. Records shall include rate specified by manufacturer and rate applied by operator/owner, date of inoculation and date of silage pile formation completion. Records for silage inoculation shall be required when implementing the mitigation measures.

F.3.l VOC Emission Control Systems: Source test results, monitoring/inspection logs and maintenance logs.

F.3.m Weatherproof Coverings: Records verifying that any covers used are installed, used, and maintained in accordance with manufacturer recommendations and any applicable standard approved by the APCO and EPA. For covers removed by wind events, an estimate of when the cover was removed and documentation of when the cover was replaced.

F.3.n Alternative Feed or Silage Mitigation Measures: Records sufficient to verify compliance with each approved alternative mitigation measure to the satisfaction of the APCO and EPA.

F.4 Records for Milking Parlor Mitigation Measures

F.4.a Records verifying that the milking parlor was flushed or hosed immediately prior to, immediately after, or during each milking.

F.5 Records for Freestall/Corral/Animal Housing

F.5.a Bedding Material: Records of the material(s) used for animal bedding, including the percentage of non-manure. Records for bedding material shall be required when implementing the mitigation measures.

F.5.b Clean/Scrape/Flush/Vacuum: Records sufficient to demonstrate that the removal of manure/bedding was performed as required in the approved mitigation measure. This may be a log when owners/operators initial that they performed all applicable practices.

F.5.c Depth of Manure: Records demonstrating the measurement of the manure depth and measures taken to remove material greater than the amount allowed by the mitigation measure.

F.5.d Foggers: Records, such as design specifications, demonstrating that foggers used to comply with rule requirements meet the required standards.

F.5.e Lime, Thymol, and Eugenol: Records of the quantity of material applied and the area over which it was applied. Owners/operators shall also maintain manufacturer's product application recommendations to demonstrate compliance with the recommendations.

- F.5.f Litter Additives: Records, including a copy of the manufacturer's recommendations, which demonstrate litter additives used to comply with rule requirements are administered in accordance with manufacturer's specifications.
 - F.5.g Roof Structure/Runoff: Records such as design specifications and maintenance logs demonstrating that any roof runoff structures used to comply with rule are in compliance with applicable standards in NRCS Field Office Technical Guide Code 558 or other applicable standards approved by the APCO and EPA.
 - F.5.h Shade Structures: Records, such as design specifications, demonstrating that any shade structures used to comply with rule requirements meet the required standards.
 - F.5.i Slope/Drainage: Records sufficient to verify that harrowing and sloping of corrals used to comply with rule requirements are implemented as required in the rule.
 - F.5.j Vacuum/Land Apply Cattle Waste: Records showing time of vacuuming and time of land application of the vacuumed solids.
 - F.5.k VOC Emission Control Systems: Source test results, monitoring/inspection logs and maintenance logs.
 - F.5.l Water Pipes, Drinkers, and Water Troughs: Records of inspections performed and repairs completed.
 - F.5.m Wet Feed Removal: Records verifying that animal housing was inspected for wet feed after a rain event/inspection and that the wet feed was removed.
 - F.5.n Alternative Freestall/Corral/Animal Housing Mitigation Measure: Records that demonstrate compliance with each approved alternative mitigation measure to the satisfaction of the APCO and EPA.
- F.6 Records for Solid Manure/Separated Solids Outside of Animal Housing
- E.6.a Aerated Static Pile: Records of monitoring/inspection logs and maintenance logs.
 - F.6.b Removal of Manure/Separated Solids: Records sufficient to verify when the waste was removed from freestall/corral/animal housing and when the waste was either removed from the facility or land

incorporated.

F.6.c Storage of Manure/Separated Solids in an Aerobic/Anaerobic Digester.

F.6.c.1 Records, such as design specifications and maintenance logs, demonstrating that any aerobic/anaerobic digesters used to comply with rule requirements meets the standards in NRCS Field Office Technical Guide Code 366 or 365 or other applicable standards approved by the APCO and EPA.

F.6.c.2 Records of the quantity of manure/separated solids, as needed, to comply with the approved mitigation measure.

F.6.d VOC Emission Control Systems: Source test results, monitoring/inspection logs and maintenance logs.

F.6.e Weatherproof Coverings: Records verifying that any covers used are installed, used, and maintained in accordance with manufacturer recommendations and any applicable standard approved by the APCO and EPA. For covers removed by wind events, an estimate of when the cover was removed and documentation of when the manure/separated solid piles were re-covered.

F.6.f Alternative Solid Manure/Separated Solids Mitigation Measure: Records that demonstrate compliance with each approved alternative mitigation measure to the satisfaction of the APCO and EPA.

F.7 Records for Liquid Manure

F.7.a Lagoons

F.7.a.1 Test results of the approved monitoring parameter and records of measures taken to bring the parameter within specified limits.

F.7.a.2 Design specifications demonstrating that the lagoon meets the requirements listed in the NRCS Field Office Technical Guide for the lagoon type or other applicable standards approved by the APCO and EPA.

F.7.b Solids Separator System

- F.7.b.1 Records, such as design specifications and maintenance logs, demonstrating that the solids separator system meets the approved mitigation measure specifications and is operated and maintained as recommended by the manufacturer.
- F.7.b.2 Non-Standard Chemicals: Record the quantity of material used. Owners/operators shall also maintain manufacturer's product usage recommendations to demonstrate compliance with the manufacturer's recommendations.
- F.7.b.3 Non-Standard Equipment for Solid Separator System: Records, such as design specifications and maintenance logs, demonstrating that the solids separator equipment meets the approved mitigation measure specifications and is operated and maintained as recommended by the manufacturer.
- F.7.c VOC Emission Control Systems, including biofilters and other VOC emission control systems: source test results, monitoring/inspection logs and maintenance logs.
- F.7.d Alternative Liquid Manure Mitigation Measures: Records that demonstrate compliance with the approved alternative mitigation measure, to the satisfaction of the APCO and EPA.
- F.8 Records for Land Application of Manure
 - F.8.a Time to Incorporate Manure: Records indicating the time the manure was applied and when the waste was incorporated into the soil.
 - F.8.b Lagoon-Treated or Digester-Treated Manure: Records that demonstrate that the applied manure came from an aerobic lagoon, an anaerobic treatment lagoon or a digester system.
 - F.8.c Liquid Waste Standing in Field: Records that demonstrate that liquid manure does not remain in the field for longer than twenty-four (24) hours after application.
 - F.8.d Moisture Content of Solid Manure: Records of the moisture content of applied solid manure.
- F.9 Source Testing Requirements

- F.9.a Owners/operators shall conduct an initial source test of all VOC control devices and aerated static piles used to comply with rule requirements not later than six (6) months after the date of installation, and at least once every twelve (12) months thereafter unless the APCO, ARB, and EPA determines more frequent testing is required to demonstrate compliance with rule requirements.
- F.9.b Owners/operators using phototropic lagoons as a mitigation measure in their emission mitigation plan shall test lagoons for bacteria concentration, bacteriochlorophyll concentration, or a surrogate parameter determined by the APCO, ARB, and EPA not later than six (6) months after the date of issuance of the permit, and at least once every twelve (12) months thereafter unless the APCO, ARB, and EPA determines more frequent testing is required to demonstrate compliance with rule requirements.
- F.9.c Owners/operators using aerobic lagoons as a mitigation measure in their emission mitigation plan shall test lagoons for dissolved oxygen content not later than six (6) months after the date of issuance of the permit, and at least once every twelve (12) months thereafter, unless the APCO, ARB, and EPA determines more frequent testing is required to demonstrate compliance with rule requirements.
- F.9.d Owners/operators using mechanically aerated lagoons as a mitigation measure in their emission mitigation plan shall test lagoons for biological oxygen demand within six (6) months after the date of issuance of the permit, and at least once every twelve (12) months thereafter, unless the APCO, ARB, and EPA determines more frequent testing is required to demonstrate compliance with rule requirements.
- F.9.e Owners/operators using lagoon pH as a mitigation measure in their emission mitigation plan shall test lagoons for pH within six (6) months after the date of issuance of the permit, and at least once every twelve (12) months thereafter, unless the APCO, ARB, and EPA determines more frequent testing is required to demonstrate compliance with rule requirements.
- F.9.f Owners/operators shall test any other parameters determined necessary by the APCO, ARB, and EPA to demonstrate compliance with rule requirements as frequently as determined necessary by the APCO, ARB, and EPA.

G. Test Methods

Owners/operators shall conduct applicable testing using the following methods or any other alternative test method approved by the APCD and EPA. Test methods referenced shall be the latest approved version.

- G.1 Bacterial Concentration - ASTM D4454 - 85(2009) Standard Test Method for Simultaneous Enumeration of Total and Respiring Bacteria in Aquatic Systems by Microscopy or ASTM D4455 - 85(2009) Standard Test Method for Enumeration of Aquatic Bacteria by Epifluorescence Microscopy Counting Procedure.
- G.2 Bacteriochlorophyll a Concentration - ASTM D3731 - 87 (2004) Standard Practices for Measurement of Chlorophyll Content of Algae in Surface Waters.
- G.3 Biological Oxygen Demand - EPA Method 405.1 (Biochemical Oxygen Demand (5 days, 20°C)).
- G.4 Bulk Packing Density of Silage Piles - Remove representative samples of known volume using a forage probe or other instrument and weighing the samples. Bulk density is the weight of the sample divided by the volume of material removed from the pile. The bulk density shall be determined as the average of the least three representative samples per silage pile.
- G.5 Biofilter Control Efficiency - The control efficiency of a biofilter shall be determined using SCAQMD Method 25.3 (Determination of Low Concentration Non-Methane Non-Ethane Organic Compound Emissions from Clean Fueled Combustion Sources). The SCAQMD Method 25.3 apparatus should be connected to sample directly inside the flux chamber or duct as applicable. Compost emissions are considered as water soluble sources where the 50 ppm applicability limit of Method 25.3 does not apply. Samples from more than one location may be combined (composited) per SCAQMD Rule 1133.2 Attachment A Section 8.
- G.6 Non-Biofilter Control Efficiency - The control efficiency of a VOC emission control system that is not a biofilter shall be determined using:
 - G.6.a EPA Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type s Pitot Tube), 2A (Volume Meters, or 2D (Rate Meters) for measuring flow rates.

- G.6.b EPA Methods 25, 25A, or 25B for measuring total gaseous organic concentrations at the inlet and outlet of the control device.
 - G.6.c EPA Method 18 or ARB Method 422 shall be used to determine the emissions of exempt compounds.
 - G.7 Dissolved Oxygen - EPA Method 360.1 (Oxygen, Dissolved (Membrane Electrode)) or 360.2 (Oxygen, Dissolved (Modified Winker, Full-Bottle Technique)).
 - G.8 Moisture Content for Biofilters - Test Methods for the Examination of Compost and Composting (TMECC) Method 3.09 (Total Solids and Moisture at 70±5 degrees Centigrade).
 - G.9 Moisture Content for Silage - Soil, Plant and Water References Methods for the Western Region (Third Edition, 2005) Test Methods P1.10 (Dry Matter Content - Gravimetric), or American Association of Agricultural and Biological Engineers (ASABE) Standard S358.2, National Forage Testing Association (NFTA) Method 2.1.3 and 2.1.4 AOAC Methods: 930.15,934.01,991.01, and 2001.1.
 - G.10 Organic Loading - Standard Methods of the Examination of Water and Wastewater Method 2540G - Solids.
 - G.11 pH - EPA Method 150.2 (pH, Electrometric) or TMECC Method 04.11-A (1:5 Slurry pH)
 - G.12 Temperatures - EPA Method 170.1 (Temperature - Thermometric)
 - G.13 Alternatives Test Methods - An operator may use an alternative test method to those listed in Sections G through G.12 for which written approval of the APCD and EPA has been obtained.
- H. Compliance Determination
- H.1 Any violation of this underlying LCAF permit constitutes a violation of Rule 217.
 - H.2 Pursuant to District Rule 212, the APCD may update LCAF permits upon annual renewal, or as necessary, to include conditions necessary for compliance.

I. Annual Renewal Permits

Annual Renewal Permits to Operate for LCAF shall be renewed according to the conditions set forth within Rule 206 and Rule 301.

J. Recordkeeping

All owners of confined animal facilities, regardless of size, shall keep records that specify the daily number and type of animals maintained at the facility in each production stage, the current ATC or PTO permit, the current Facility Mitigation Plan and other records necessary to demonstrate compliance. Current records shall be maintained and kept on-site for two years, except for major sources where records shall be maintained and kept on-site for 5 years, after the date of each entry and shall be presented to the APCD, or his designee, within 72 hours of notice to the owner or operator.

K. Public Review

Noticing prior to issuing any permit for LCAF, the draft permit shall be available for public review and inspection for a period of no less than 30 calendar days. To identify the location, the public notice shall include only the property address, city and state of the LCAF, as well as any other relevant permit information.

L. Non-duplication

Information required to be submitted pursuant to other Air District Rules and Regulations that are applicable to a LCAF as determined by the APCD.

M. Other Provisions

Any permit issued to a LCAF is subject to all applicable provisions of the California Health & Safety Code and the Air District Rules and Regulations.

RULE 400. FUEL BURNING EQUIPMENT - OXIDES OF NITROGEN
(Adopted prior to 2/21/72; revised 11/19/85, 9/14/99)

A. Applicability

- A.1 This Rule shall apply to nitrogen oxides emissions from new and existing stationary Fuel Burning Equipment.
- A.2 Nothing in this Rule shall be construed as preventing the maintenance, alteration, or Modification of an existing Fuel Burning Equipment unit which will reduce its mass rate of Air Contaminant emissions.

B. Requirements

A Person shall not build, erect, install, use, or expand any non-mobile Fuel Burning Equipment unit within Imperial County unless the discharge of nitrogen oxides into the Atmosphere does not exceed 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);

C. Test Procedures

- C.1 All Fuel Burning Equipment covered under Section B shall demonstrate compliance through emission compliance testing not less than once every 12 months, except the testing shall be conducted not less than every 36 months for emission units which operate less than 100 hours per 12 month period (as demonstrated by operational logs) and which emit less than 5 tons of NO_x per 12 month period.
- C.2 All emission rates shall be based on an hourly average.
- C.3 The results of all compliance and test reports shall be retained for two (2) years from the date of each entry and made available to Air Pollution Control District personnel upon request. Title V facilities shall maintain these reports for five (5) years.

D. Test Methods

- D.1 Compliance with the NO_x emission limits in Section B shall be determined using U.S. EPA Method 7, 7A, 7C, 7E, or any other applicable EPA approved test method.
- D.2 Measurements of stack flow rates shall be determined using U.S. EPA Method 2, or any other applicable EPA approved test method.

RULE 400.1 STATIONARY GAS TURBINE(S) - REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)
(Adopted 02/23/2010)

A. Applicability

- A.1 This rule limits emissions of oxides of nitrogen (NO_x) from Stationary Gas Turbine(s).
- A.2 This rule shall apply to any new or existing Stationary Gas Turbine(s) of 1 megawatt (MW) and/or larger, unless the equipment is exempt from this rule pursuant to Section D.
- A.3 Any Stationary Gas Turbine(s) subject to the provisions of this rule shall not be subject to Rule 400.

B. Definitions

Terms applicable to this rule are defined in Rule 101- Definitions and incorporated them to ICAPCD Rule 101 – Definitions.

C. Requirements

- C.1 Except as provided in Section D, the emission concentration of NO_x from a Stationary Gas Turbine(s) subject to this rule, calculated as nitrogen dioxide (NO₂) at 15% oxygen on a dry basis, shall not exceed the following:
 - C.1.a 42 parts per million by volume (ppmv) when operated on a gaseous fuel.
 - C.1.b 65 ppmv when operated on a liquid fuel.

D. Exemptions

- D.1 The provisions of this rule shall not apply to the following:
 - D.1.a Any Stationary Gas Turbine(s) engine(s) or their components when operated exclusively for research, development or testing (except for source testing).
- D.2 The provisions of Section C shall not apply to the following:
 - D.2.a Stationary Gas Turbine(s) which operate less than 400 hours per calendar year.

D.2.b Stationary Gas Turbine(s) during Startup, Shutdown or a change in load, when bringing the combustion process up to operating levels, may not exceed fifteen (15) minutes for simple cycle Stationary Gas Turbine(s) and two (2) hours for combined cycle and cogeneration cycle Stationary Gas Turbine(s), or as specified on the permit to operate.

D.3 Section C.1.b shall not apply to a Stationary Gas Turbine(s) while forced to burn nongaseous fuel during times of natural gas curtailment. This exemption shall not exceed 168 cumulative hours of operation per calendar year excluding equipment testing time not exceeding 24 hours per calendar year.

E. Recordkeeping

E.1 The owner or operator of a Stationary Gas Turbine(s) with a continuous emission monitoring system (CEMS) which has been installed to measure NO_x emissions pursuant to any federal regulation shall certify, calibrate and maintain the CEMS in accordance with applicable federal regulations including the reporting requirements of Sections 60.7(c), 60.7(d), and 60.13 of Title 40, Code of Federal Regulations Part 60 (40 CFR 60), performance specifications of Appendix B, quality assurance procedures of Appendix F, and a protocol approved in writing by the Air Pollution Control Officer (APCO).

E.2 The owner or operator of a Stationary Gas Turbine(s) subject to this rule shall maintain an operating log and record actual times and duration of all Startups, Shutdowns and fuel changes, and the type and quantity of each fuel used.

E.3 For the purposes of a compliance determination based on CEMS data, the averaging period to calculate NO_x emissions concentration shall be one clock hour.

F. Test Methods

F.1 Compliance with the NO_x emission limits in Section C shall be determined using United States Environmental Protection Agency (U.S. EPA) Method 7, 7A, 7C, 7E, California Air Resources Board (CARB) Method 100, or any other applicable EPA approved test method.

G. Compliance Testing

G.1 Any required source testing shall be performed at no less than 90% of the power rating. If an owner or operator of a Stationary Gas Turbine demonstrates to the satisfaction of the APCO that the Stationary Gas

Turbine cannot operate at these conditions, then emissions source testing shall be performed at the highest achievable continuous power rating.

G.2 Stationary Gas Turbine(s) subject to the requirements of Section C shall demonstrate compliance through emission compliance testing not less than once every 12 months. All emission rates shall be based on an hourly average. Frequency of compliance testing may be extended under the following:

G.2.a The frequency of compliance testing may be extended to not less than every 36 months for Stationary Gas Turbine(s) which operate less than 100 hours per 12 month period (as demonstrated by operational logs) and which emit less than 5 tons of NO_x per 12 month period.

G.2.b The frequency of compliance testing may be extended to not less than every five (5) years for secondary fuel testing for Stationary Gas Turbine(s) which operate less than 100 hours per 12 month period under this fuel (as demonstrated by operational logs) and which emit less than 5 tons of NO_x per 12 month period operating under secondary fuel. This period may be extended if a source can prove no secondary fuel has been fired

G.3 Test reports shall include the operational characteristics recommended by the manufacturer to ensure compliance with the applicable emission limits of this rule of a Stationary Gas Turbine(s) and of all add-on NO_x control systems.

G.4 For the purpose of a compliance determination based on source testing, the NO_x emissions concentration shall be calculated as an average of three test runs.

G.5 At least 30 days prior to the scheduled source test date, the owner or operator of a unit subject to this rule shall submit a source test plan to the APCO. At least seven days prior to the source test, the owner or operator shall notify the APCO of the exact date and time of the source test. A final source test result shall be submitted to the APCO within 60 days following the actual source test date.

H. Records Retention

H.1 The owner or operator of any Stationary Gas Turbine(s) subject to this rule shall maintain all records required by this rule for a minimum of two (2) calendar years. Title V facilities shall maintain these records for five (5) calendar years. These records shall be maintained on the premises and made available to the District upon request.

RULE 400.2 BOILERS, PROCESS HEATERS AND STEAM GENERATORS
(Adopted 02/23/2010)

A. Applicability

- A.1 This rule limits emissions of oxides of nitrogen (NO_x) from Boilers, Process Heaters, or Steam Generators.
- A.2 This rule shall apply to any new or existing Process Heaters, Boilers or Steam Generators with a heat input rating of 5 million British Thermal Units (Btu) per hour or more, unless exempted pursuant to Section D of this rule.
- A.3 Boilers, Process Heaters and Steam Generators that are subject to the provisions of this rule shall not be subject to Rule 400.

B. Definitions

Terms applicable to this rule are defined in Rule 101-Definitions and incorporated them to ICAPCD Rule 101-Definitions.

C. Requirements

- C.1 All Boilers, Process Heaters and Steam Generators unless exempted pursuant to Sections C.3 or C4, shall not emit NO_x in excess of the following:
- C.1.a 30 parts per million by volume (ppmv) or 0.036 pounds per million BTU of heat input when operated on gaseous fuels.
- C.1.b 40 ppmv or 0.052 pounds per million BTU of heat input when operated on liquid fuels.
- C.1.c The heat-input weighted average of the limits specified in C.1.a and C.1.b, when operated on combinations of gas and liquid fuels.

$$\text{Weighted Average Limit} = \frac{(\text{NO}_x \text{ limit for gaseous fuel} \times G) + (\text{NO}_x \text{ limit for liquid fuel} \times L)}{G + L}$$

Where: G = annual heat input from gaseous fuel
L = annual heat input from liquid fuel

- C.2 All ppmv emission limits are referenced at dry stack-gas conditions and 3.0% by volume stack-gas oxygen as an hourly average.

- C.3 All Boilers, Process Heaters, and Steam Generators, with an Annual Capacity Factor (ACF) less than or equal to 30%, shall not emit NOx in excess of the following:

ACF _{cu} ≤ 30%	ppmv
Gaseous Fuel	70
Liquid Fuel	70

- C.4 Biomass boilers or process heaters shall not emit NOx in excess of the following:

C.4.a An exhaust concentration of 120 ppmv corrected to 12 percent by volume stack gas carbon dioxide (CO₂) on a three-hour average dry basis, or

C.4.b NOx emissions shall be reduced minimum 80 percent of the uncontrolled NOx emission concentration in the exhaust gas stream. A corresponding controlled limit shall be established in the Authority to Construct/Permit to Operate condition(s) for the purpose of demonstrating continuous compliance with the 80 percent emission reduction.

D. Exemptions

- D.1 The provisions of this rule shall not apply to the following:

D.1.a Waste Heat Recovery Boilers that are used to recover heat from the exhaust of Stationary Gas Turbines or Internal Combustion Engines.

D.1.b Furnaces, Kilns, and any combustion equipment where the material being heated is in direct contact with the products of combustion.

D.1.c Thermal Oxidizers and associated waste heat recovery equipment.

D.1.d Boilers, Process Heaters and Steam Generators used exclusively in connection with a structure that is designed for and used exclusively as a dwelling for not more than four families.

D.1.e Coal fired units, installed or erected prior to December 31, 2009.

- D.2 Boilers, Process Heaters, or Steam Generators, during Startup, Shutdown or a change in load, when bringing the combustion process up to operating levels, may not exceed twelve hours (12) for Boilers and

Process Heaters of more than 40 MM Btu per hour or six (6) hours per Boilers and Process Heaters of equal to or less than 40 MM Btu per hour, or as specified on the permit to operate.

- D.3 Section C.1.b shall not apply to Boilers while forced to burn nongaseous fuel during times of natural gas curtailment. This exemption shall not exceed 168 cumulative hours of operation per calendar year excluding equipment testing time not exceeding 24 hours per calendar year.

E. Monitoring and Recordkeeping Requirements

- E.1 The owner or operator of Boilers, Process Heaters or Steam Generators with a continuous emission monitoring system (CEMS) which has been installed to measure NO_x emissions pursuant to any federal regulation shall certify, calibrate and maintain the CEMS in accordance with applicable federal regulations including the reporting requirements of Sections 60.7(c), 60.7(d), and 60.13 of Title 40, Code of Federal Regulations Part 60 (40 CFR 60), performance specifications of Appendix B, quality assurance procedures of Appendix F, and a protocol approved in writing by the Air Pollution Control Officer (APCO).
- E.2 The owner or operator of Boilers, Process Heaters or Steam Generators subject to this rule shall maintain an operating log and record actual times and duration of all Startups, Shutdowns and Fuel Changes, and the type and quantity of each fuel used.
- E.3 For the purposes of a compliance determination based on CEMS data, the averaging period to calculate NO_x emissions concentration shall be one clock hour.
- E.4 For the purpose of determine compliance with Section C.4.b to evaluate percentage NO_x emission reductions, the owner or operator has the option to run a one-time uncontrolled NO_x emission source testing and use these results as reference for future annual compliance testing determination.

F. Test Methods

- F.1 Compliance with the NO_x emission limits in Section C shall be determined using United States Environmental Protection Agency (U.S. EPA) Method 7, 7A, 7C, 7E, California Air Resources Board (CARB) Method 100, or any other applicable U.S. EPA approved test method.

G. Source Test Requirements

- G.1 Any required source testing shall be performed at no less than 80% of the power rating. If an owner or operator of a Boilers, Process Heaters or Steam Generators demonstrates to the satisfaction of the APCO that the equipment cannot operate at these conditions, then emissions sources testing shall be performed at the highest achievable continuous power rating.
- G.2 Boilers, Process Heaters or Steam Generators subject to the requirements of Section C shall demonstrate compliance through emission compliance testing not less than once every 12 months. All emission rates shall be based on an hourly average. Frequency of compliance testing may be extended under the following:
- G.2.a The frequency of compliance testing may be extended to not less than every 36 months for Boilers, Process Heaters, or Steam Generators which operate less than 100 hours per a 12 month period (as demonstrated by operational logs) and which emit less than 5 tons of NOx per a 12 month period.
- G.2.b The frequency of compliance testing may be extended to not less than every five (5) years for secondary fuel testing for Boilers, Process Heaters, or Steam Generators which operate less than 100 hours per a 12 month period operating secondary fuel (as demonstrated by operational logs) and which emit less than 5 tons of NOx per a 12 month period operating secondary fuel. This period may be extended if a source can prove no secondary fuel has been fired.
- G.3 Test reports shall include the operational characteristics recommended by the manufacturer to ensure compliance with the applicable emission limits of this rule for Boilers, Process Heaters and Steam Generators and all add-on NOx control systems.
- G.4 For the purposes of a compliance determination based on source testing, the NOx emissions concentration shall be calculated as an average of three test runs.
- G.5 At least 30 days prior to the scheduled source test date, the owner or operator of a unit subject to this rule shall submit a source test plan to the APCO. At least seven (7) days prior to the source test, the owner or operator shall notify the APCO of the exact date and time of the source test. A final source test result shall be submitted to the APCO within 60 days following the actual source test date.

H. Records Retention

H.1 The owner or operator of Boilers, Process Heaters and Steam Generators subject to this rule shall maintain all records required by this rule for a minimum of two (2) calendar years. Title V facilities shall maintain these records for five (5) calendar years. These records shall be maintained on the premises and made available to the District upon request.

I. Compliance Schedule

I.1 The owner or operator of Boilers, Process Heaters and Steam Generators subject to the requirements of this rule which are not in compliance with the thresholds pursuant to Section C, may be granted an extension for compliance provided the following criteria is met:

I.1.a On or before June 30, 2010, an owner or operator shall submit for approval by the APCO, an Authority to Construct (ATC)/Permit to Operate (PTO) application amendment. The application shall include the following supplemental information:

I.1.a.1 Permit to Operate number.

I.1.a.2 Fuel Type.

I.1.a.3 Annual fuel consumption (BTU/yr).

I.1.a.4 Current emission level, including method used to determine emission level, and

I.1.a.5 Plan of actions, including a schedule of increments of progress, which will be taken to satisfy the requirements of Section C and the compliance schedule in Section I.1.b, and

I.1.a.6 Any other information the ICAPCD deems necessary for the completion of the application.

I.1.b Any Boilers, Process Heaters, and Steam Generators not in compliance with the thresholds in Section C shall demonstrate full compliance with all applicable standards and requirements of this rule no later than June 30, 2011.

I.2 Any person installing a new unit shall comply with all applicable provisions of this rule upon initial installation and Startup.

RULE 400.3 INTERNAL COMBUSTION ENGINE(S)
(Adopted 10/22/2013)

A APPLICABILITY

- A.1 The provisions of this Rule shall apply to any Internal Combustion Engine(s) with a brake horsepower (bhp) rating greater than 50 that requires a Permit to Operate (PTO), except as provided in Section D.
- A.2 Internal Combustion Engine(s) subject to the provisions of this Rule shall not be subject to Rule 400.

B DEFINITIONS

The following definitions apply to all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in Rule 101 shall apply.

INTERNAL COMBUSTION ENGINE: any spark or compression ignited reciprocating Internal Combustion Engine that is attached to a foundation at a location, or is portable and operated at a location for more than 90 days in any consecutive twelve (12) month period, excluding engines used for self propulsion of a vehicle.

LEAN-BURN ENGINE: any spark or compression ignited Internal Combustion Engine that is operated with an exhaust gas stream oxygen concentration of four percent (4%) by volume, or greater. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.

RATED BRAKE HORSEPOWER: the maximum Rated Brake Horsepower specified for the engine by the manufacturer and listed on the units nameplate, regardless of any derating, unless limited by the engine's PTO.

RICH-BURN ENGINE: any spark or compression ignited Internal Combustion Engine that is operated with an exhaust gas stream oxygen concentration of less than four percent (4%) by volume. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.

VALID: under the provisions of this Rule, as long as the certification is current and does not exceed the maximum hours.

C REQUIREMENTS

- C.1 The emission concentration of NO_x in ppmv, calculated as nitrogen dioxide (NO₂) at 15% oxygen on a dry basis, are not greater than the limits in Table 400.3-1.

Table 400.3-1

Engine Type	NOx Limits
Rich-Burn	90
Lean-Burn	150
Diesel	600

C.2 For all engines subject to Subsection C.1 of this Rule, emissions of carbon monoxide (CO), calculated at 15% oxygen on a dry basis shall not exceed 2500 ppmv.

D EXEMPTIONS

The provisions of this Rule shall not apply to the following engine(s):

- D.1 The operation of any engine while being used to preserve or protect property, human life, or public health during the existence of a disaster or state of emergency;
- D.2 Engines used directly and exclusively for the growing of crops or the raising of animals that are located within facilities that are not exempt under Rule 202, Exemptions, Section E.10;
- D.3 Gas turbine engines;
- D.4 New or existing emergency stand-by engines which operate 100 hours or less per calendar year for the purpose of testing and maintenance shall be exempt from the requirements of Section C, and;
- D.5 Existing Internal Combustion Engines to be permanently replaced with electric motors or removed from service by April 22, 2014 based upon a permit condition, contract, or binding agreement with the District.

E RECORDKEEPING REQUIREMENTS

- E.1 The Owner or Operator of any Internal Combustion Engine subject to the provisions of this Rule shall maintain an engine operating log on-site for each month or any part of a month that the device is operated that includes the following:
 - E.1.a Engine(s) manufacturer name and model number, brake horsepower output rating, combustion method (i.e. Rich or Lean Burn or diesel).

- E.1.b A manual of recommended maintenance as provided by the engine(s) manufacturer or other maintenance procedure as approved in writing by the Air Pollution Control Officer (APCO).
 - E.1.c Record of routine engine(s) maintenance, including date(s) and type of maintenance performed.
 - E.1.d A specific emission inspection procedure to assure that the engine is operated in continual compliance with the provisions of this Rule. The procedure shall include an inspection schedule. Inspections shall be conducted every quarter or after every 2,000 hours of engine operation. In no event shall the frequency of inspections be less than once per year.
 - E.1.e Total recorded hours of operation or calculated hours of operation based upon fuel usage.
 - E.1.f Type of fuel combusted.
- E.2 In addition to the records required in Subsection E.1, an Owner or Operator of an engine(s) subject to this Rule shall install a non-resettable fuel consumption meter or a non-resettable elapsed time meter.

F TEST METHODS

- F.1 Compliance with the requirements of Section C shall be determined in accordance with the following test procedures or any other method approved by the United States Environmental Protection Agency (US EPA) and/or the California Air Resources Board (CARB).
- F.1.a NO_x emissions for compliance source tests shall be determined by using CARB Method 100 or US EPA Method 7E.
 - F.1.b Oxygen content for compliance source tests shall be determined by using CARB Method 100 or US EPA Method 3A.
 - F.1.c Carbon monoxide emissions for compliance source tests shall be determined by using CARB Method 100 or US EPA Method 10.

G COMPLIANCE TESTING

- G.1 The Owner or Operator of any Internal Combustion Engine with a bhp rating less than 500 shall demonstrate compliance using one of the following:

- G.1.a For diesel fueled engines, off-road engine certification data for the stationary diesel-fueled engine, or
 - G.1.b Engine manufacturer test data, or
 - G.1.c Engine emission compliance source test.
- G.2 The Owner or Operator of any Internal Combustion Engine with a bhp rating of 500 or greater shall demonstrate compliance through emission compliance testing not less than once every 36 months. All emission rates shall be based on an hourly average. The Owner or Operator shall perform initial source test to demonstrate compliance within one year of start up or adoption of this Rule, thereafter frequency of compliance testing may be extended under the following:
- G.2.a The frequency of compliance testing may be extended to not less than every 60 months for Internal Combustion Engine(s) which operate less than 500 hours per 12 month period (as demonstrated by operational logs) and which emit less than 5 tons of NO_x per 12 month period. This period may be extended if a source can prove that the engine(s) has not been operated during the calendar year.
 - G.2.b The frequency of compliance testing may be extended to not less than every 60 months for Internal Combustion Engine(s) which use a portable NO_x analyzer to take NO_x emission readings to verify compliance with the emission limits in Section C during each quarter in which a source test is not performed. All emission reading shall be taken with the engine operating either at conditions representative of normal operations or conditions specified in the PTO. The analyzer shall be calibrated, maintained, and operated in accordance with the manufacturer's specifications and recommendations and the Protocol for the Periodic Monitoring of Nitrogen Oxides, Carbon Monoxide, and Oxygen from Stationary Engines Subject to South Coast Air Quality Management District Rule 1110.2, approved on February 1, 2008, or subsequent protocol approved by US EPA and the APCO. NO_x emission readings taken pursuant to this section shall be averaged over a 15 consecutive-minute period by either taking a cumulative 15 consecutive-minute sample reading or by taking at least five (5) readings, evenly spaced out over the 15 consecutive-minute period.
- G.3 For the purpose of a compliance determination based on source testing, the NO_x emissions concentration shall be calculated as an average of three test runs.

- G.4 At least 30 days prior to the scheduled source test date, the Owner or Operator of a unit subject to this Rule shall submit a source test plan to the APCO. At least seven days prior to the source test, the Owner or Operator shall notify the APCO of the exact date and time of the source test. A final source test result shall be submitted to the APCO within 30 days following the actual source test date.

H RECORDS RETENTION

- H.1 The Owner or Operator of any Internal Combustion Engine(s) subject to this Rule shall maintain all records required by this Rule for a minimum of two (2) calendar years. Title V facilities shall maintain these records for five (5) calendar years. These records shall be maintained on the premises and made available to the District upon request.

I COMPLIANCE SCHEDULE

- I.1 The Owner or Operator of any Internal Combustion Engine(s) subject to the requirements of this Rule which are not in compliance with the thresholds pursuant to Section C, may be granted an extension for compliance provided the following criteria is met:
- I.1.a No later than six (6) months after Rule adoption, an Owner or Operator shall submit for approval by the APCO an Authority to Construct (ATC)/PTO application amendment. The application shall include the following supplemental information:
1. PTO number.
 2. Fuel Type;
 3. Annual fuel consumption (Btu/yr);
 4. Current emission level, including method used to determine emission level; and
 5. Plan of actions, including a schedule of increments of progress, which will be taken to satisfy the requirements of Section C and the compliance schedule in Section I.1.b; and
 6. Any other information the District deems necessary for the completion of the application.
- I.1.b Any Internal Combustion Engine(s) not in compliance with the thresholds in Section C shall demonstrate full compliance with all applicable standards and requirements of this Rule no later than one year after Rule adoption.
- I.2 Any person installing a new unit shall comply with all applicable provisions of this Rule upon initial installation and startup.

RULE 400.4 EMISSIONS OF OXIDES OF NITROGEN FROM WALLBOARD KILNS
(Adopted 10/22/2013)

A. Applicability

- A.1 This Rule limits emissions of oxides of nitrogen (NO_x) from Kilns operated at wallboard production facilities.
- A.2 This Rule shall apply to any new or existing Kiln(s) with a heat input rating of 5 million British Thermal Units (Btu) per hour or more, unless exempt pursuant to Section D of this Rule.
- A.3 Kilns that are subject to the provisions of this Rule shall not be subject to Rule 400.

B. Definitions

Terms applicable to this Rule and not found within this Rule are defined in Rule 101-Definitions

- B.1 WALLBOARD KILN: is a device for drying in the manufacturing process of gypsum wallboard.

C. Requirements

- C.1 Wallboard Kilns shall not emit NO_x in excess of the following:
- C.1.a 30 parts per million by volume (ppmv) or 0.036 pounds per million Btu of heat input when operated on gaseous fuels.
- C.1.b 40 ppmv or 0.052 pounds per million Btu of heat input when operated on liquid fuels.
- C.1.c The heat-input weighted average of the limits specified in C.1.a and C.1.b, when operated in combination of gas and liquid fuels.

$$\text{Weighted Average Limit} = \frac{(\text{NO}_x \text{ limit for gaseous fuel} \times G) + (\text{NO}_x \text{ limit for liquid fuel} \times L)}{G + L}$$

Where: G = annual heat input from gaseous fuel
L = annual heat input from liquid fuel

- C.2 All ppmv emission limits are referenced at dry stack-gas conditions and 3.0% by volume stack-gas oxygen as an hourly average.

D. Exemptions

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

- D.1 The emission limits in Sections C.1 and C.2 shall not apply during Startup and Shutdown provided the operator complies with the requirements specified below:
 - D.1.a The duration of each start-up shall not exceed two hours.
 - D.1.b The duration of each shutdown shall not exceed 15 minutes.
 - D.1.c Wallboard Kilns shall not emit NO_x in excess of 60 (sixty) parts per million by volume (ppmv), 3.0% by volume stack-gas oxygen, during any Start-up or Shut-down episode.
 - D.1.d The emission control system shall be in operation and emissions shall be minimized insofar as technologically feasible during startup or shutdown episodes.
 - D.1.e The Wallboard Kilns subject to this exemption shall be operated in a manner consistent with good practice for minimizing emissions and use best efforts regarding planning, design, and operating procedures to meet the otherwise applicable emission limitation at all times.

E. Monitoring and Recordkeeping Requirements

- E.1 The Owner or Operator of Wallboard Kilns subject to this Rule shall maintain an operating log and shall record actual times and duration of all Startups and Shutdowns, including the type and quantity of each fuel used. In addition, the owner or operator's actions during startup and shutdown periods must be documented by properly signed, contemporaneous operating logs, or other relevant evidence.
- E.2 For the purpose of a compliance determination based on CEMS data, the averaging period to calculate NO_x emission concentrations shall be one clock hour.

F. Test Methods

- F.1 Compliance with the NO_x emission limits in Section C shall be determined using United States Environmental Protection Agency (US EPA) Method 7, 7A, 7C, 7E, California Air Resources Board (CARB) Method 100, or any other applicable US EPA approved test method.

G. Source Test Requirements

- G.1 Any required source testing shall be performed at no less than 80% of the power rating. If an Owner or Operator demonstrates to the satisfaction of the APCO that the Equipment cannot operate at these conditions, then emission source testing shall be performed at the highest achievable continuous power rating.
- G.2 Kilns subject to the requirements of Section C shall demonstrate compliance through emission compliance testing not less than once every 12 months. All emission rates shall be based on an hourly average. Frequency of compliance testing may be extended under the following:
- G.2.a The frequency of compliance testing may be extended to not less than every 36 months for Kilns which operate less than 100 hours per a 12 month period (as demonstrated by operational logs) and which emit less than 5 tons of NO_x per a 12 month period. This period may be extended if a source can prove that the Kiln(s) has not been operated during the calendar year.
- G.3 Test reports shall include the operational characteristics recommended by the manufacturer to ensure compliance with the applicable emission limits of this Rule and all add-on NO_x control systems.
- G.4 For the purposes of a compliance determination based on source testing, the NO_x emission concentrations shall be calculated as an average of three test runs.
- G.5 At least 30 days prior to the scheduled source test date, the Owner or Operator of a unit subject to this Rule shall submit a source test plan to the APCO. At least seven (7) days prior to the source test, the Owner or Operator shall notify the APCO of the exact date and time of the source test. A final source test result shall be submitted to the APCO within 60 days following the actual source test date.

H. Records Retention

- H.1 The Owner or Operator of a Wallboard Kiln(s) subject to this Rule shall maintain all records required by this Rule for a minimum of two (2) calendar years. Title V facilities shall maintain these records for five (5) calendar years. These records shall be maintained on the premises and made available to the District upon request.

RULE 400.6 NATURAL GAS-FIRED WATER HEATERS
(Adopted 11/26/2019)

A. Purpose

The purpose of this rule is to limit oxides of nitrogen emissions from natural gas-fired Water Heaters.

B. Applicability

B.1 This rule shall apply to manufacturers, distributors, retailers, and installers of natural gas-fired Water Heaters with heat input less than 75,000 British Thermal Units per hour, unless exempted pursuant to Section E of this rule.

B.2 Boilers, Process Heaters and Steam Generators that are subject to the provisions of this rule shall not be subject to Rule 400.

C. Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 California Public Utility Commission (PUC) Quality Natural Gas: Any gaseous fuel, gas-containing fuel where the sulfur content is no more than one-fourth (0.25) grain of hydrogen sulfide per one hundred (100) standard cubic feet and no more than five (5) grains of total sulfur per one hundred (100) standard cubic feet. PUC quality natural gas also means high methane gas of at least 80% methane by volume.

C.2 Mobile Home: A structure built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The structure typically includes plumbing, heating, air conditioning, and electric systems and may be transportable in one or more sections. Excluded are self-propelled vehicles and recreational vehicles.

C.3 Recreational Vehicles: A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designated for human habitation for recreational, emergency, or other occupancy.

C.4 Water Heater: A device that heats water at a thermostatically-controlled temperature for delivery on demand. Water is heated by the combustion of gaseous fuel and withdrawn for use external to the vessel at pressures not exceeding 160 psig. The device includes the apparatus by which heat is

generated and all controls and equipment necessary to prevent water temperatures from exceeding 210 °F.

D. Requirements

D.1 No person shall sell, offer for sale, supply, or install any PUC quality natural gas-fired water heater subject to this rule, except as specified in Section D.2, unless the water heater is certified pursuant to Section G to an oxides of nitrogen (NO_x) emissions level of less than or equal to:

D.1.1 10 nanograms of NO_x (calculated as NO₂) per joule of heat output (23 lb per billion Btu of heat output); or

D.1.2 15 ppmv @ 3 percent oxygen, dry (17.5 lb per billion Btu of heat input).

D.2 No person shall sell, offer for sale, supply, or install any PUC quality natural gas-fired Mobile Home water heater unless the water heater is certified pursuant to Section G to an oxides of nitrogen (NO_x) emissions level of less than or equal to:

D.2.1 40 nanograms of NO_x (calculated as NO₂) per joule of heat output (93 lb per billion Btu of heat output); or

D.2.2 55 ppmv @ 3 percent oxygen, dry (71 lb per billion Btu of heat input).

E. Exemptions

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

E.1 Water heaters using any fuel other than natural gas.

E.2 Water heaters used in Recreational Vehicles.

E.3 Water heaters with a rated heat input of 75,000 Btu/hr or greater are exempted from all provisions of this rule.

F. Compliance Schedule

Effective March 31, 2020, no person shall offer for sale, sell or install any natural gas-fired water heater, which does not comply with the requirements of Section D.

G. Certification Requirement

G.1 Equipment certified by the South Coast Air Quality Management District (SCAQMD) in accordance with the certification requirements in Section (d)

of SCAQMD Rule 1121, amended September 3, 2004, shall be considered certified for use in Imperial County.

G.2 Certification Report

Prior to the sale of any model of water heater in Imperial County, the manufacturer shall submit to the ICAPCD a Compliance Report documenting its certification pursuant to Section G of this rule. The Compliance Report shall contain the following information:

G.2.1 Compliance Statement

A statement that the water heater is in compliance with Section G of this rule. The statement shall be signed by the manufacturer and dated, and shall attest to the accuracy of all statements.

G.2.2 General Information

Name and address of the manufacturer, brand name of the water heater, Model number (as it appears on the water heater rating plate), description of each model water heater being certified, and a copy of the letter from SCAQMD certifying the water heater model.

H. Manufacturer's Labeling

A manufacturer shall display the model number of the water heater, the date of manufacture, and the certification status, as determined in Section G of this rule, of an applicable unit on both: the permanent nameplate and the packaging.

I. Enforcement

I.1 The APCO may require a NO_x emissions test when necessary to verify compliance. Testing shall be conducted according to the SCAQMD Protocol for Nitrogen Oxides Emissions Compliance Testing for Natural Gas-Fired Water Heaters and Small Boilers, dated March 1995 (amended January 1998).

I.2 The APCO may periodically inspect distributors, retailers, and installers of water heaters located in the District and conduct such tests as are deemed necessary to insure compliance with the provisions of this rule.

J. Records Retention

A manufacturer shall keep certification reports, test reports, and certification statements for as long as the water heater, boiler or process heater model is

offered for sale, sold, or installed within the ICAPCD, or for a minimum of three calendar years, whichever is longer.

6.9.87

RULE 401 - OPACITY OF EMISSIONS: (Amended 11-19-85)

A. No person shall release or discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any hour which is:

1. As dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United States-Bureau of Mines; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 1 above,

3. Except that; for any source in operation prior to July 1, 1972 and which has been continuously subject to a valid permit to operate from the Air Pollution Control District, the "shade" or equivalent "opacity" shall not exceed Ringlemann No. 2.

6. 9. 87

RULE 402 - EXCEPTIONS:

The provisions of Rule 401 do not apply to:

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

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

2. For the instruction of public employees in the methods of fighting fire, or

3. For disease or pest prevention.

B. Smoke from fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

C. Agricultural operations necessary for the growing of crops or raising of fowl or animals.

D. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

E. The use of other equipment in agricultural operations necessary for growing of crops, or the raising of fowl or animals.

RULE 403. GENERAL LIMITATIONS ON THE DISCHARGE OF AIR CONTAMINANTS
(Adopted 11/19/85; revised 9/14/99; 7/24/01; 5/18/2004)

A. Applicability

This Rule applies to the discharge of Air Contaminants, Combustion Contaminants, and Particulate Matter into the Atmosphere

B. Requirements

B.1 A Person shall not discharge into the Atmosphere from any single Emissions Unit, Particulate Matter, including lead and lead compounds, in excess of the rate shown in Table 403-1. For the purposes of this Rule, emissions shall be averaged over one complete cycle of operation or one hour, whichever is the lesser time period. Where the Process Weight Per Hour is between figures listed in the table, the exact weight of permitted discharge shall be determined by linear interpolation.

B.2 A Person shall not discharge into the Atmosphere from any single Emissions Unit, Air Contaminants in excess of the concentrations at Standard Conditions shown in Table 403-2. Where the volume discharged is between figures listed in the table, the exact concentration allowed to be discharged shall be determined by linear interpolation.

B.3 A Person shall not discharge into the Atmosphere from any single Emissions Unit, constructed after July 1, 1972, Combustion Contaminants exceeding in concentration at the point of discharge of 0.2 grains per dry cubic foot of gas, calculated to 12 percent of carbon dioxide (CO₂) at Standard Conditions averaged over 25 consecutive minutes. In measuring the Combustion Contaminants from Incinerators used to dispose of Combustible Refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂).

B.4 A Person shall not discharge Combustion contaminants from new or existing stationary electrical utility generating units, excepting Emergency Standby Generators, in concentrations at the point of discharge of 0.01 grains per dry standard cubic foot of gas, calculated to 3 percent O₂ for boilers, and 15 percent O₂ for gas turbines.

B.5 A Person shall not discharge Combustion Contaminants derived from the fuel in excess of 10 pounds per hour from a new or existing stationary Fuel Burning Equipment other than electrical utility generating units.

C. Test Methods

Concentrations of Combustion Contaminants shall be determined using EPA Method 5, or any other applicable EPA approved test method, that has also been approved, for this application, by the APCO. Stack flow rate shall be measured using EPA Method 1 and 2 and concentrations of carbon dioxide and oxygen shall be determined using EPA Method 3A.

D. Test Procedures

- D.1 All emission units operated at major sources covered under Sections B.3, B.4 and B.5 shall demonstrate compliance through emission compliance testing not less than once every 12 months. For emission units which operate less than 100 hours per 12 month period (as demonstrated by operational logs) testing shall be conducted not less than once every 36 months.
- D.2 The results of all compliance and test reports shall be retained for five (5) years from the date of each entry and made available to Air Pollution Control District personnel upon request.

E. Exemptions:

Sources are exempt from the requirements specified in Section B.3 and B.4 during start-up or shutdown and during changes in load when bringing the combustion process up to operating levels. Start up or shutdown may not last longer than is necessary to reach stable temperatures. The start-up or shutdown may not exceed the following:

- E.1 Eight (8) hours for boilers and process heaters of more than 40 MM Btu per hour.
- E.2 Six (6) hours for boilers or process heaters of equal to or less than 40 MM Btu per hour.
- E.3 Fifteen minutes for simple cycle stationary gas turbines and two hours for stationary combined cycle and cogeneration cycle gas turbines.

Table 403-1

Process Weight per hour (pounds/hour)	Maximum Discharge Rate Allowed for Solid Particulate Matter (Aggregate discharged from all points of process pounds/hour)	Process Weight per hour (pounds/hour)	Maximum Discharge Rate Allowed for Solid Particulate Matter (Aggregate discharged from all points of process pounds/hour)
50	0.24	12,000	10.1
100	0.46	14,000	10.8
150	0.66	16,000	11.2
200	0.85	18,000	11.5
250	1.00	20,000	11.8
300	1.10	25,000	12.4
350	1.23	30,000	13.0
400	1.34	35,000	13.5
450	1.44	40,000	13.9
500	1.54	45,000	14.3
600	1.73	50,000	14.7
700	1.90	60,000	15.3
800	2.07	70,000	15.9
900	2.22	80,000	16.4
1,000	2.38	90,000	16.9
1,200	2.66	100,000	17.3
1,400	2.93	120,000	18.1
1,600	3.19	140,000	18.8
1,800	3.43	160,000	19.4
2,000	3.66	180,000	19.9
2,500	4.21	200,000	20.4

3,000	4.72	250,000	21.6
3,500	5.19	300,000	22.5
4,000	5.64	350,000	23.4
4,500	6.07	400,000	24.1
5,000	6.49	450,000	24.8
5,500	6.89	500,000	25.4
6,000	7.27	600,000	26.6
6,500	7.64	700,000	27.6
7,000	8.00	800,000	28.4
7,500	8.36	900,000	29.3
8,000	8.70	1,000,000 or more	30.0
8,500	9.04		
9,000	9.36		
9,050	9.68		
10,000	10.0		

Table 403-2

Volume Discharged Calculated as Dry Gas at Standard Conditions	Maximum Concentration of Air Contaminants Allowed in Discharged Gas Calculated as Dry Gas at Standard Conditions	Volume Discharged Calculated as Dry Gas at Standard Conditions	Maximum Concentration of Air Contaminants Allowed in Discharged Gas Calculated as Dry Gas at Standard Conditions
Cubic Feet per Minute	Grains Per Cubic Foot	Cubic Feet Per Minute	Grains Per Cubic Foot
883 or less	.196	31780	.0515
1059	.183	35310	.0493
1236	.173	38850	.0476
1413	.165	42380	.0463
1589	.158	45910	.0445
1766	.152	49440	.0437
2119	.141	52970	.0424
2472	.134	61800	.0402
2825	.127	70630	.0380
3178	.122	79460	.0362
3531	.117	88290	.0349
4414	.107	105900	.0327
5297	.100	141300	.0293
6180	.0947	176600	.0271

7063	.0900	211900	.0253
8829	.0830	282500	.0227
10590	.0773	353100	.0210
12360	.0730	529700	.0179
14130	.0694	706300	.0162
15890	.0664	882900	.0148
17660	.0637	1059000	.0140
21190	.0598	1413000	.0122
24720	.0563	1766000	.0114
28250	.0537	2472000 or more	0100

RULE 405. SULFUR COMPOUNDS EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS

(Adopted prior to 11/04/77; revised 9/14/99;5/18/2004)

A. Applicability

This Rule applies to the discharge of sulfur compounds into the Atmosphere.

B. Requirements

B.1 Sulfur Compounds

B.1.a A Person shall not discharge into the Atmosphere from any single Source of emissions, sulfur compounds, calculated as sulfur dioxide (SO₂) in excess of 0.2 percent by volume, measured at point of discharge, except as specified below.

B.2 Sulfur Recovery Units

B.2.a A Person shall not discharge into the Atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than the limits specified below:

B.2.a.1 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

B.2.a.2 10 ppm by volume of hydrogen sulfide.

B.2.a.3 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

B.3 Sulfuric Acid Units

B.3.a A Person shall not discharge into the Atmosphere from any sulfuric acid unit, effluent process gas containing more than the limits specified below:

B.3.a.1 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

B.3.a.2 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

B.4 Fuel Burning Equipment

B.4.a A Person shall not discharge into the Atmosphere from any stationary Fuel Burning Equipment, contaminants containing more than the limits specified below:

- B.4.a.1 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.
- B.4.a.2 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

- B.4.b Nothing in Section B.4.a shall be construed as preventing the use, maintenance, alteration, or Modification, to existing Fuel Burning Equipment, which will reduce its mass rate of Air Contaminant emissions.

- B.5. Sulfur Content of Fuels
 - B.5.a A Person shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions.
 - B.5.b A Person shall not burn any liquid or solid fuel, or mixture thereof, having a sulfur content in excess of 0.5 percent by weight.
 - B.5.c (Reserved)
 - B.5.d The provisions of Section B.5.a, and B.5.b shall not apply under the circumstances specified below:
 - B.5.d.1 The burning of sulfur, hydrogen sulfide, acid sludge, or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.
 - B.5.d.2 The use of solid fuels in any metallurgical process.
 - B.5.d.3 The use of fuels where the gaseous products of combustion are used as raw materials for other processes.
 - B.5.d.4 The incineration 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 provided that the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel calculated as hydrogen sulfide at standard conditions.
 - B.5.d.5 When the supply of compliant fuel is not available to the user due to accident, strike, act of war, sabotage, act of God, or by reason of any federal or State of California rule or regulation prohibiting the purchase or use thereof.
 - B.5.e The use of non-complying fuel shall be allowed where process conditions or Control Equipment will reduce emissions to a level equal to or less than emissions associated with the use of complying fuel.
 - B.5.f Prior to the use of any non-complying fuel as provided for in Sections B.5.d and

B.5.e, the APCO shall be notified in writing.

C. Test Methods

- C.1 Concentrations of sulfur dioxide and sulfuric acid mist shall be determined using EPA Method 8, or any other applicable EPA approved test method.
- C.2 Concentrations of hydrogen sulfide and other sulfides shall be determined using EPA Method 15, 16A, 16B, or any other applicable EPA approved test method.
- C.3 The sulfur content of liquid fuels shall be determined using ASTM D129-95, D1552-95, or D4057-95 or any other applicable EPA approved test method.
- C.4 The sulfur content of gaseous fuels shall be determined using ASTM D5504-94 or any other applicable EPA approved test method.
- C.5 The sulfur content of coal shall be determined using ASTM D3177-89 or D4239-97 or any other applicable EPA approved test method.
- C.6 The heating value of low BTU gas shall be determined using ASTM D1946-90 (analysis) and D3588-98 (calculation), or any other applicable EPA approved test method.

D. Monitoring and Recordkeeping

- D.1 Any person subject to the provisions of this rule shall:
 - D.1.a maintain records of the monthly fuel consumption and hours of operation per unit per month or
 - D.1.b source test each unit annually or
 - D.1.c maintain a continuous monitor per unit.
 - D.1.d All records pertaining to subsections D.1.a, D.1.b, and D.1.c shall be maintained for source users for two years except for major sources, subject to Title V, which shall maintain the information for five years.
- D.2 To demonstrate compliance with this rule, a stationary source may use the sulfur content specification provided by the distributor, marketer, or retailer. Otherwise, a stationary source shall test each batch of fuel purchased, according to the test methods specified in section C. The sulfur content specifications of fuels and other information acquired from distributors, marketers, retailers or from testing shall be maintained by source users for two years except for major sources, subject to Title V, which shall maintain the information for five years.
- D.3 Sulfur content specifications of fuels and other information specified in this rule as well as continuous gas monitoring and chart recorder information will be made

available to District staff upon request.

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 408. FROST PROTECTION

(Adopted 11/9/82; revised 9/14/99)

A. Applicability

This Rule applies to the use of heaters and other methods for Frost Protection.

B. Requirements

B.1 The use of any Orchard or Citrus Grove Heater for Frost Protection is prohibited unless the heater has been approved by the California Air Resources Board or produces one (1) gram per minute or less of unconsumed solid carbonaceous material.

B.2 The burning of rubber tires or any rubber products, in any combustion process in connection with Frost Protection, is hereby prohibited.

B.3 Open Outdoor Fires in orchards or citrus groves are prohibited. This prohibition excludes the use of commercially prepared charcoal briquettes or similar substances designed for Frost Protection.

B.4 The burning of oil or other combustible substances in drums, buckets, tubes, pails or other containers is prohibited.

B.5 All orchard heaters must be clean and in good repair and working condition.

B.6 All orchard heaters must be free of solids in stacks.

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 409. INCINERATORS

(Adopted 11/9/82; revised 6/16/97, 9/14/99)

A. Applicability

A.1 This Rule regulates burning Combustible Refuse.

B. Requirements

B.1 No Person shall operate any Incinerator other than Multiple Chamber Incinerators. Materials shall be incinerated at temperatures of not less than 1800 degrees Fahrenheit for a period of not less than one (1) second.

B.2 Alternate Equipment or operating conditions may be utilized if the applicant can demonstrate to the satisfaction of the APCO that they will be as effective in destroying contaminants as required by Section B.1.

C. Exemptions

C.1 This Rule shall not apply to Incinerators used to burn only Residential Rubbish and yard trimmings and brush in an area not served on a weekly basis by an organized solid waste disposal service. For the purposes of this section, this exemption does not apply to the burning of tires, Construction material, mattresses, petroleum products, paint, rubber, fireworks, and cotton or wool or other similar smoke or toxic fume production items.

Any burning undertaken under this exemption must be done in such a way as to not discharge smoke, Fumes or particulate into any adjacent property or residences such as to create a nuisance as set forth in Rule 407.

10-15-79

RULE 410 - SCAVENGER PLANTS:

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 Rule 405. The Air Pollution Control Officer shall report immediately in writing to the Air Pollution Control Board the granting of any such permit together with the facts and reasons therefore.

This rule does not apply to sulfur recovery units and sulfuric acid units.

Both are controlled by Rules 411 and 412.

RULE 412. SOIL DECONTAMINATION OPERATIONS
(Adopted 1/16/2001)

A. Applicability

This Rule shall apply to Excavation and/or treatment of ROC-Contaminated Soil.

A.1 Exemptions

The provision of this rule shall not apply to:

- A.1.a Contaminated Soil exposed for the sole purpose of sampling;
- A.1.b Decontamination of less than one cubic yard of Contaminated Soil with 50 ppm or less of ROC;
- A.1.c Soil contaminated solely by an organic liquid having an initial boiling point of 302° F, or higher, as determined by ASTM D86-78, provided such soil is not heated above ambient temperature and samples of the contaminating liquid can be obtained; or
- A.1.d Emergency Excavation and/or Decontamination of soil performed by, under jurisdiction of, or pursuant to requirements of, an authorized health officer, agricultural commissioner, fire protection officer, or other authorized agency officer. The Air Pollution Control Officer (APCO) shall be notified prior to commencing such Excavation.

B. Requirements

B.1 Excavation

- B.1.a Any person performing an Excavation subject to this Rule shall sample, with a ROC Analyzer, excavated soil to determine if it is Contaminated Soil.
- B.1.b If excavated soil is Contaminated Soil, such soil shall be transported off-site for treatment, recycling, or disposal at an approved disposal site; or returned to the Excavation.
- B.1.c Contaminated Soil shall be covered except when soil is being added or removed. Contaminated Soil may be covered with a layer of uncontaminated soil no less than six inches deep, or it may be covered with an Impervious

Barrier.

B.2 Treatment Systems

B.2.a Treatment of Contaminated Soil shall be accomplished by one of the following methods with an overall Control Efficiency equivalent to at least 90%:

B.2.a.1 installation and operation of ROC collection and control system for in-situ treatment of Contaminated Soil, or

B.2.a.2 installation and operation of a ROC collection and control system for on-site treatment of Contaminated Soil.

B.2.b Applicable requirements of Regulation II (Permits) shall be satisfied prior to installation of any equipment required for a treatment system.

C. Administrative Requirements

C.1 Test Methods

C.1.a Initial boiling point of a liquid shall be measured in accordance with ASTM D86.

C.1.b For purposes of Contaminated Soil and Impervious Barrier (as defined in Rule 101), volatilization of ROC's from Contaminated Soils shall be measured using a ROC Analyzer which satisfies requirements of U.S. EPA Method 21, 40 CFR Part 60.

C.1.c Organic Content of soil shall be determined, as appropriate, by U.S. EPA Reference Method 8015, 8260, or the gas chromatographic method contained in the "Leaking Underground Fuel Tank (LUFT) Manual (October, 1989)" as approved by the California Department of Health Services.

C.2 Soil Sampling Procedure (Used in Determining Organic Content)

One composite sample shall be collected and analyzed for every 50 cubic yards of excavated Contaminated Soil. (Samples are not required if soil is not "Contaminated Soil")

C.2.a A composite sample shall consist of one sample taken from the center of each of the four equal sectors of the area required to be sampled using procedures described below unless another method is approved by the APCO because the

standard method is infeasible.

C.2.b Samples shall be taken from at least three inches into the Contaminated Soil of a pile using a driven-tube type sampler, capped and sealed with inert materials, and extruded in the lab to reduce loss of volatile materials; or by using a clean brass or stainless steel tube (at least three inches long) driven into the soil with a suitable instrument. Ends of the tube shall then be covered with aluminum foil, then plastic end caps, and finally wrapped with a suitable tape. Samples shall be immediately placed on ice, or dry ice, for transport to a laboratory.

C.2.c Chain-of-custody records shall be kept to document possession of a sample from collection in the field until it is analyzed.

D. Compliance Schedule

Any existing and active Soil Decontamination operation not in compliance with this Rule on the date of adoption shall comply with the following compliance schedule:

- D.1 Submit a compliance plan to ICAPCD within 60 days of the date of adoption of this Rule, and
- D.2 Achieve compliance with this Rule within 180 days of submitting the compliance plan submitted pursuant to Subsection D.1.

RULE 413. ORGANIC SOLVENT DEGREASING OPERATIONS
(Adopted 1/16/2001)

A. Applicability

Requirements of this Rule shall apply to Organic Solvent Degreasing Operations.

A.1 Exemptions

Provisions of this Rule do not apply to:

A.1.a Wipe Cleaning.

A.1.b Except Subsection B.1.c.2, degreasing equipment using Low Volatility Solvent.

A.1.c Unheated non-conveyorized cleaning equipment as specified in Section E.9.b of Rule 202.

A.1.d Degreasing equipment using halogenated solvents. Such equipment shall comply with the National Emission Standards For Hazardous Air Pollutants (Subpart T of Part 63).

B. Requirements:

B.1 Cold Cleaner Requirements: Any person who operates a Cold Cleaner shall conform to the following requirements:

B.1.a General Operating Requirements:

B.1.a.1 Degreaser equipment and any emission control equipment shall be operated and maintained in proper working order;

B.1.a.2 Organic Solvent leaks shall be corrected immediately, or Degreaser shut down and drained;

B.1.a.3 No device designed to cover Organic Solvent shall be opened or removed unless processing work in Degreaser or performing maintenance on the Degreaser.

- B.1.a.4 If Organic Solvent flow is utilized, only continuous fluid stream (not fine, atomized, or shower type spray) shall be used at a pressure which does not cause liquid Organic Solvent to splash outside of the Organic Solvent container;
 - B.1.a.5 No porous or absorbent materials such as cloth, leather, wood, or rope shall be degreased;
 - B.1.a.6 No Organic Solvent shall be stored or disposed, including waste Organic Solvent and Organic Solvent residues, in such a manner to cause or allow its evaporation into the atmosphere;
 - B.1.a.7 Waste Organic Solvent and waste Organic Solvent residues shall be managed in compliance with California and Federal requirements applicable to solid wastes, hazardous wastes, or recyclable materials;
 - B.1.a.8 Organic Solvent agitation, where necessary, shall be achieved only by pump circulation, by means of mixer, or with Ultrasonics. Air agitation shall not be used;
 - B.1.a.9 Cleaned parts shall be drained for at least 15 seconds after cleaning or until dripping ceases; and
 - B.1.a.10 Organic Solvent spraying shall be done at least 4 inches below top of vapor layer.
- B.1.b Design Requirements (Except Remote Reservoir Cold Cleaners):
- B.1.b.1 Freeboard Height shall provide Freeboard Ratio greater than or equal to 0.75;
 - B.1.b.2 Container (Degreaser) shall be provided for Organic Solvent and objects being degreased;
 - B.1.b.3 Apparatus or cover shall be provided which prevents Organic Solvent from evaporating when not degreasing objects in Degreaser. Such cover shall be designed to be opened and closed easily with one hand;

- B.1.b.4 Device shall be provided for draining cleaned parts such that drained Organic Solvent is returned to a reservoir;
 - B.1.b.5 If High Volatility Solvent is used, the drainage device shall be internal, so that degreased objects are enclosed under a cover while draining. Such drainage device may be external for applications where internal type cannot fit into cleaning system;
 - B.1.b.6 A permanent, conspicuous label or sign shall be affixed which lists all requirements of Subsection B.1.a.
 - B.1.b.7 A permanent, conspicuous mark shall be placed locating maximum allowable solvent level which conforms to applicable Freeboard requirement of B.1.b.1.
- B.1.c Control Requirements (Except Remote Reservoir Cold Cleaners)
- B.1.c.1 If High Volatility Solvent is used, then one of the following control devices shall be used:
 - B.1.c.1(a) Water cover if Organic Solvent is insoluble in and heavier than water; or
 - B.1.c.1(b) Any other system of emission control demonstrated to have overall capture and Control Efficiency equivalent to at least 85%.
 - B.1.c.2 If Low Volatility Solvent is used, Freeboard Height shall be at least six inches.
- B.1.d Design Requirements (Remote Reservoir Cold Cleaners)
- B.1.d.1 If High Volatility Solvent is used, cover shall be provided for drain when no objects are degreased;
 - B.1.d.2 Freeboard Height of at least six inches shall be maintained;
 - B.1.d.3 Sink-like work area shall be provided which is sloped sufficiently towards drain to preclude pooling of Organic Solvent;

- B.1.d.4 Workplace fans shall not be used in manner which disturbs air-vapor interface;
 - B.1.d.5 A permanent, conspicuous label or sign shall be affixed summarizing applicable operating requirements of Subsection B.1.a; and
 - B.1.d.6 A permanent, conspicuous mark shall be placed locating maximum allowable Organic Solvent level which conforms to applicable Freeboard requirement of Subsection B.1.d.2.
- B.2 Open-Top Vapor Degreasers: Any person who operates an Open-Top Vapor Degreaser shall conform to the following requirements:
- B.2.a General Operating Requirements:
 - B.2.a.1 Degreaser equipment and any emission control equipment shall be operated and maintained in proper working order;
 - B.2.a.2 Organic Solvent leaks shall be corrected immediately, or Degreaser shut down and drained;
 - B.2.a.3 No device designed to cover Organic Solvent shall be removed or opened unless degreasing objects work in Degreaser or performing maintenance on Degreaser;
 - B.2.a.4 If Organic Solvent flow is utilized, only continuous fluid stream (not fine, atomized, or shower type spray) shall be used at pressure which does not cause liquid Organic Solvent to splash outside of the Organic Solvent container;
 - B.2.a.5 No porous or absorbent materials such as cloth, leather, wood, or rope shall be degreased;
 - B.2.a.6 No Organic Solvent, including waste Organic Solvent and Organic Solvent residues, shall be stored or disposed of in such a manner as will cause or allow its evaporation into the atmosphere;

- B.2.a.7 Waste Organic Solvent and waste Organic Solvent residues shall be managed in compliance with California and Federal requirements applicable to solid wastes, hazardous wastes, or recyclable materials;
- B.2.a.8 Organic Solvent agitation, where necessary, shall be achieved only by pump circulation, by means of mixer, or with Ultrasonics. Air agitation shall not be used;
- B.2.a.9 Objects to be degreased shall not occupy more than half of the Degreaser's open top area;
- B.2.a.10 Organic Solvent spraying shall be done at least (4) four inches below top of vapor layer;
- B.2.a.11 Water shall not be visually detectable in Organic Solvent returning from water separator to solvent cleaner;
- B.2.a.12 For Open-Top Vapor Degreasers equipped with a lip exhaust, exhaust shall be turned off when Degreaser is covered;
- B.2.a.13 Organic Solvent carry-out shall be minimized by implementing the following measures:
- B.2.a.13(a) Rack degreased objects to allow complete drainage,
 - B.2.a.13(b) Move objects in and out of Degreaser at less than 3.3 m/min (2.2 inches/sec),
 - B.2.a.13(c) Degrease objects in vapor zone until condensation ceases,
 - B.2.a.13(d) Allow degreased objects to dry within Degreaser until visually dry, and
 - B.2.a.13(e) Tip out any pools of Organic Solvent on degreased objects before removal;
- B.2.a.14 If unit is equipped with refrigerated freeboard chiller and/or primary condenser, the following procedures shall be followed:

- B.2.a.14(a) When starting up Degreaser, cooling system shall be turned on before, or simultaneously with, sump heater, and
 - B.2.a.14(b) When shutting down Degreaser, sump heater shall be turned off before, or simultaneously with cooling system;
 - B.2.a.15 Exhaust ventilation shall not exceed $20 \text{ m}^3 / \text{min per m}^2$ (65 cfm/ft^2) of Degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall be positioned to not disturb vapor zone.
- B.2.b Design Requirements:
- B.2.b.1 Freeboard Height shall provide a Freeboard Ratio greater than or equal to 0.75;
 - B.2.b.2 Container (Degreaser) shall be provided for Organic Solvent and objects being degreased;
 - B.2.b.3 An apparatus or cover shall be provided, which prevents Organic Solvent from evaporating when not degreasing objects in the Degreaser. Cover shall be designed to be opened and closed easily without disturbing vapor zone;
 - B.2.b.4 Device shall be provided for draining degreased objects such that drained Organic Solvent is returned to a reservoir; and
 - B.2.b.5 A permanent, conspicuous label or signs shall be affixed which lists all operating requirements of Subsection B.2.a.
- B.2.c Control Requirements: One of the following or combination of the following control devices shall be utilized:
- B.2.c.1 Condenser Equipment with chilled air blanket temperature measured in degrees F at coldest point on vertical axis in center of Organic Solvent cleaner shall be operated at either temperature no greater than 30% of initial boiling point of the solvent used, or 41°F ;

- B.2.c.2 Enclosed design (cover or door opens only when dry object to be degreased is actually entering or exiting Degreaser);
 - B.2.c.3 Carbon adsorption system which ventilates air-vapor interface at minimum rate of 15 m³/min per m² (50cfm/ft²), but not greater than 20 m³/min per m² (65 cfm/ft²), unless required by OSHA standards, and exhausts less than 25 ppm of Organic Solvent by volume over complete adsorption cycle, and with overall capture and Control Efficiency of 85%; or
 - B.2.c.4 Any other system of emission control demonstrated to have overall capture and Control Efficiency of at least 85%.
- B.2.d Safety Switch Requirements:
- B.2.d.1 Degreaser shall be equipped with Condenser Flow Switch with Organic Solvent temperature indicator, except where non-water refrigerant is used;
 - B.2.d.2 Degreaser shall be equipped with Spray Safety Switch; and
 - B.2.d.3 Degreaser shall be equipped with manual reset Vapor Level Control Thermostat with Organic Solvent temperature indicator.
- B.3 ConveyORIZED Organic Solvent Degreaser: Any person who operates a ConveyORIZED Organic Solvent Degreaser shall conform to the following requirements:
- B.3.a General Operating Requirements:
- B.3.a.1 Degreaser equipment and emission control equipment shall be operated and maintained in proper working order;
 - B.3.a.2 Organic Solvent leaks shall be corrected immediately, or Degreaser shut down and drained;
 - B.3.a.3 If Organic Solvent flow is utilized, Degreaser shall use only continuous fluid stream (not fine, atomized, or shower type spray) at pressure which does not cause liquid Organic Solvent to splash outside of the Organic Solvent container;

- B.3.a.4 No porous or absorbent materials such as cloth, leather, wood, or rope shall be degreased;
 - B.3.a.5 No Organic Solvent, including waste Organic Solvent and Organic Solvent residues, shall be stored or disposed in such a manner as will cause or allow its evaporation into the atmosphere;
 - B.3.a.6 Waste Organic Solvent and waste Organic Solvent residues shall be managed in compliance with California and Federal requirements applicable to solid wastes, hazardous wastes, or recyclable materials;
 - B.3.a.7 Organic Solvent agitation, where necessary, shall be achieved only by pump circulation, by means of a mixer, or with Ultrasonics. Air agitation shall not be used;
 - B.3.a.8 Organic Solvent carry-out shall be minimized by implementing the following measures:
 - B.3.a.8(a) Racking degreased objects to allow complete drainage; and
 - B.3.a.8(b) Maintaining vertical conveyor speed at less than 3.3 meters/min. (2.2 inches/sec);
 - B.3.a.9 Exhaust ventilation shall not exceed 20 m³/min per m² (65 cfm/ft²) of Degreaser opening, unless necessary to meet OSHA requirements. Ventilation fans shall be positioned to not disturb vapor zone; and
 - B.3.a.10 Down-time cover shall be placed over entrances and exits of Conveyorized Degreasers immediately after conveyor and exhaust are shutdown and removed just before start-up.
- B.3.b Design Requirements:
- B.3.b.1 Container shall be provided for Organic Solvent and objects being degreased;
 - B.3.b.2 Freeboard Height shall provide Freeboard Ratio greater than or equal to 0.75;

- B.3.b.3 An apparatus or cover shall be provided which prevents Organic Solvent from evaporating when not degreasing objects. Covers shall be provided for closing off entrance and exit during non-operation;
 - B.3.b.4 Device for draining degreased objects shall be provided such that drained Organic Solvent is returned to a reservoir;
 - B.3.b.5 For Degreasers with greater than 2 m² air/vapor interface, hood or enclosure shall be provided with device or ductwork to collect Degreaser emissions, exhausting to carbon adsorber or equivalent control device;
 - B.3.b.6 Drying tunnel or other device, such as rotating basket, sufficient to prevent cleaned parts from carrying out Organic Solvent liquid or vapor shall be provided; and
 - B.3.b.7 Entrances and exits shall be minimized by silhouetting objects to be degreased so that average clearance between objects and edge of Degreaser opening is either less than 10 cm (4in.) Or less than 10 percent of width of opening, whichever is less.
 - B.3.b.8 A permanent, conspicuous label or sign shall be affixed which lists all operating requirements of B.3.a.
- B.3.c Control Requirements: one of the following or combination of the following control devices shall be utilized:
- B.3.c.1 Condenser Equipment with chilled air blanket temperature measured in degrees F at coldest point on vertical axis in center of Organic Solvent cleaner shall be operated at temperature no greater than 30% of initial boiling point of Organic Solvent used, or 41°F;
 - B.3.c.2 Carbon adsorption system which ventilates air-vapor interface at minimum rate of 15m³/min per m² (50 cfm/ft²), but not greater than 20 m³/min per m² (65 cfm/ft²), unless required by OSHA standards, and exhausts less than 25 ppm of Organic Solvent by volume over complete adsorption cycle, and with overall capture and Control Efficiency of 85% by weight; or

B.3.c.3 Any other system of emission control demonstrated to have overall capture and Control Efficiency of at least 85%.

B.3.d Safety Switch Requirements:

B.3.d.1 Degreaser shall be equipped with Condenser Flow Switch with Organic Solvent temperature indicator, except where non-water refrigerant is used;

B.3.d.2 Degreaser shall be equipped with Spray Safety Switch; and

B.3.d.3 Degreaser shall be equipped with manual reset Vapor Level Control Thermostat with Organic Solvent temperature indicator.

C. Administrative Requirements:

C.1 Record Keeping:

C.1.a Any person subject to requirements of this Rule shall have Organic Solvent manufacturer specification sheets available for review and shall maintain records which show on quarterly basis, following information for each Degreaser:

C.1.a.1 Type of Degreaser,

C.1.a.2 Type of Organic Solvent,

C.1.a.3 Organic Solvent(s) initial boiling point,

C.1.a.4 Volume of Organic Solvent used, and

C.1.a.5 Volume Make-Up Solvent added to Degreaser.

C.1.b Each time waste Organic Solvent or waste Organic Solvent residues are removed from facility, records shall be kept confirming compliance with acceptable disposal methods listed in Subsections B.1.a.7, B.2.a.7, and B.3.a.6.

C.1.c Records shall be maintained for minimum of two years and made available for inspection by Control Officer upon request.

- C.2 Test Methods: the following test methods shall apply to this Rule:
- C.2.a Initial boiling point of Organic Solvent shall be determined by ASTM 1078-78;
 - C.2.b Where “add-on” control equipment is utilized, capture efficiency shall be determined using U.S. EPA Methods 204 and 204A through 204F.
 - C.2.c Analysis of halogenated exempt compounds shall be made using CARB Test Method 422;
 - C.2.d ROC emissions shall be measured by using U.S. EPA Test Method 25, 25a, or 25b, as applicable, and analysis of halogenated exempt compounds shall be made with CARB Test Method 422; and
 - C.2.e Exhaust ventilation rates shall be measured using U.S. EPA Test Method 2, 2a, 2b, or 2c.

Rule 414. STORAGE OF REACTIVE ORGANIC COMPOUND LIQUIDS
(Adopted 12/11/79; revised 9/14/99,5/18/2004)

A. Applicability

A.1 Provisions of this Rule shall apply to any storage tank with a capacity equal to or greater than 1,500 gallons used to store Reactive Organic Compound (ROC) liquids with a true vapor pressure equal to or greater than 0.50 pounds per square inch absolute (psia).

A.2 Terms used in this Rule are defined in Rule 101 - Definitions.

A.3 Exemptions

A.3.a Gasoline storage tanks are exempt from this Rule and are regulated under Rule 415, "Transfer and Storage of Gasoline."

A.3.b The provisions of Subsections B.2 and B.4 shall not apply to emergency standby tanks not equipped with a vapor loss control device when:

A.3.b.1 the primary tank, while not in operation, is drained of reactive organic compound liquids, or

A.3.b.2 a breakdown, as defined by Rule 101, of the primary tank occurs and the requirements of Rule 111, Equipment Breakdown, sections C. thru G. are met and

A.3.b.3 shall be equipped with applicable and properly functioning relief valves.

A.3.c The provisions of Sections C, D, E, and F, shall not apply to out-of-service or empty storage tanks while they are undergoing cleaning, stock change, tank and roof repairs, or removal of contaminated stock, provided that the following provisions are implemented:

A.3.c.1 Written notice is received by the APCO at least 72 hours prior to such work being done (verbal notices are acceptable only in cases of emergency and if they are followed by a written notice);

A.3.c.2 For floating roof tanks, when the floating roof is resting on the leg supports, the process of emptying and refilling shall be accomplished as rapidly as possible. Emissions shall be minimized during the process of filling, emptying, and refilling;

A.3.c.3 Vapor Recovery Systems are operated on tanks so equipped, during filling, flushing, and emptying procedures prior to opening tanks for clean out;

A.3.c.4 Deleted

A.3.c.5 the tank is in compliance with this Rule prior to notification;

A.3.c.6 the APCO is notified when returning a tank to service after the above listed work is completed.

A.3.d The provisions of Sections C, D, E and F, shall not apply to in-service tanks undergoing preventive maintenance, including, but not limited to primary seal inspection, removal or installation of a secondary seal, repairs of regulators, fittings, deck components, hatches, valves, roofs, flame arrestors, or compressors, provided that the following conditions are met:

A.3.d.1 Written notice is received by the APCO at least 72 hours prior to such work being done (verbal notices are acceptable only in cases of emergency and if they are followed by a written notice);

A.3.d.2 the tank is in compliance with this Rule prior to notification;

A.3.d.3 no product moves in or out of the storage tank and emissions are minimized through the use of vapor recovery devices;

A.3.d.4 an Authority to Construct is obtained prior to commencing work, if required under District Rules;

A.3.d.5 The APCO is notified when work is completed;

A.3.d.6 a report is submitted to the APCO no later than 30 days after returning to normal operation, demonstrating compliance with Section A.3.d.

A.3.d.7 The time of exemption allowed under this section shall not exceed 72 hours.

B. Requirements

B.1 A person shall not store Reactive Organic Compound liquids in any storage tank with a capacity less than 40,000 gallons with a true vapor pressure equal to or greater than 0.50 pounds per square inch absolute (psia) unless such tank is equipped with at least one of the following:

B.1.a a Submerged Fill Pipe, or

B.1.b one of the vapor loss control devices listed in Section C.

B.2 A person shall not store organic liquids containing Reactive Organic Compounds with a true vapor pressure equal to or greater than 0.50 psia in any storage tanks with a capacity of 40,000 gallons or more, without using one of the vapor loss control devices listed in Section C.

- B.3 A person shall not store organic liquids containing Reactive Organic Compounds with a true vapor pressure equal to or greater than 1.50 psia in any above ground storage tank with a capacity of 10,000 gallons or more, and less than 20,000 gallons, unless the tank is equipped with one of the following:
- B.3.a a pressure-vacuum relief valve set to within ten (10) percent of the maximum allowable working pressure of the tank or in accordance with appropriate recommendations of the American Petroleum Institute (API) or the American Society of Mechanical Engineers (ASME). The pressure vacuum relief valve 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; or
 - B.3.b one of the vapor loss control devices in Section C.
- B.4 A person shall not store organic liquids containing Reactive Organic Compounds with a true vapor pressure equal to or greater than 1.50 psia in any storage tank with a capacity of 20,000 gallons or more and less than 40,000 gallons, without using one of the vapor loss control devices listed in Section C.
- B.5 A person shall not store Reactive Organic Compound liquids with a true vapor pressure equal to or greater than 11.0 psia in any tank unless the tank is a Pressure Tank maintaining working pressures sufficient at all times to prevent organic vapor loss to the atmosphere, or designed and equipped with a vapor loss control device listed in Section C.
- B.6 A person shall not use an external floating roof tank or an internal floating roof tank to store organic liquids with a vapor pressure of 11 psia or greater.
- C. Vapor Loss Control Devices
- C.1 Vapor loss control devices that satisfy the storage tank requirements referred to in Section B are as follows:
 - C.1.a an external floating roof tank consisting of a pontoon-type or double - deck-type cover resting on the surface of the liquid contents and properly installed, maintained, and in good operating order. External floating roofs shall have both a primary and a secondary seal, one above the other. Primary and secondary seals shall comply with the criteria specified in Sections D and E.
 - C.1.b an internal floating roof tank consisting of a pan, pontoon, or double-deck that rests on the liquid surface and is properly installed, and maintained in good operating order. Internal floating roof seals shall comply with the criteria specified in Sections D and F.
 - C.1.c a closed-type Vapor Recovery System, with a vapor loss control efficiency of at least 95 percent by weight, capable of collecting all Reactive Organic

Compounds.

C.1.d other equipment, approved by the APCO, that has a capture and control efficiency of at least 95% by weight.

D. Requirements for All Closure Devices

D.1 The closure device on any external floating roof tank or any internal floating roof tank shall meet the following requirements:

D.1.a any secondary seals shall extend from the roof to the tank shell. Secondary seals shall not be attached to primary seals and shall not be shoe-mounted;

D.1.b All openings in any floating roof or Floating Cover, except pressure/vacuum valves and hatches on manhole covers, shall provide projections below the liquid surface. The projections shall be designed to prevent belching of liquid and to prevent entrained or foamed volatile organic compounds from escaping from the liquid contents of the tank and shall be equipped with a cover, seal, or lid which shall be gas tight at all times, except when the device or appurtenance is in use. Hatches on manhole covers shall also be gas tight except during sampling, inspection or maintenance.

D.1.c Pressure-vacuum valves shall be set in accordance with appropriate recommendations of the American Petroleum Institute, shall be properly installed, properly maintained, and in good operating order, and shall remain in a leak-free condition except when operating pressure exceeds the valve set pressure.

D.2 Solid sampling or gauging wells, and similar fixed projections through a floating roof, such as an anti-rotational pipe, shall meet the following requirements:

D.2.a the sampling or gauging well shall provide a projection of at least two (2) inches below the liquid surface;

D.2.b the sampling or gauging well shall be equipped with a cover, seal or lid, which shall be in a closed position with no gap exceeding 1/8 inch, except when the sampling or gauging well is in use;

D.2.c in no case shall the gap between the sampling or gauging well and the roof exceed 1/2 inch. The length of the gap between the sampling or gauging well and the roof shall be added to the cumulative length of the gaps measured to determine compliance of the secondary seal as specified in Subsections E.2.c, E.3.a, E.4.b.

D.3 Slotted sampling or gauging wells shall meet the following requirements:

D.3.a the sampling or gauging well shall provide a projection of at least two (2) inches below the liquid surface.

- D.3.b the sampling or gauging well shall have an internal float designed to minimize the gap between the float and the sampling or gauging well, provided that the gap in no case exceeds ½ inch;
- D.3.c in no case shall the gap between the sampling or gauging well and the roof exceed ½ inch. The length of the gap between the sampling or gauging well and the roof shall be added to the cumulative length of the gaps measured to determine compliance of the secondary seal as specified in Subsections E.2.c, E.3.a, E.4.b.
- D.3.d Any emergency roof drain that drains back to the stored liquid shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least 90 percent of the area of the opening;
- D.4 Any metallic shoe-type seal shall meet the following requirements:
 - D.4.a one end of the shoe shall extend at least two (2) inches into the stored liquid and the other end shall extend a minimum vertical distance of 24 inches above the liquid surface;
 - D.4.b the gap between the shoe and tank wall shall not exceed three (3) inches for a welded tank or five (5) inches for a riveted tank at any point from the liquid surface to 18 inches above it.
- E. External Floating Roof Requirements

External floating roofs shall meet the following conditions in addition to the closure device requirements in Section D.

 - E.1 There shall be no holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric which allow the emission of Reactive Organic Compounds to the atmosphere.
 - E.2 Welded Tanks with Primary Metallic Shoe Seals:
 - E.2.a The cumulative length of all gaps between the primary seal and the tank shell exceeding ½ inch shall not be more than ten (10) percent, and exceeding 1/8 inch shall not be more than 40 percent of the tank circumference.
 - E.2.b No gap between the tank shell and the primary seal shall exceed 1-1/2 inches; no continuous gap greater than 1/8 inch shall exceed ten (10) percent of the circumference of the tank.
 - E.2.c The cumulative length of all gaps between the secondary seal and the tank shell exceeding 1/8 inch shall not be more than five (5) percent of the tank circumference.

- E.2.d No gap between the tank shell and the secondary seal shall exceed ½ inch.
- E.2.e The secondary seal shall allow easy insertion of probes up to 1-1/2 inches in width in order to measure gaps in the primary seal.
- E.3 Tanks with Primary Resilient-Toroid Seals:
 - E.3.a The cumulative length of all gaps between the tank shell and the primary or secondary seal exceeding 1/8 inch shall not be more than five (5) percent of the circumference of the tank.
 - E.3.b No gap between the tank shell and the primary or secondary seal shall exceed ½ inch
 - E.3.c The secondary seal shall allow easy insertion of probes up to ½ inch in width in order to measure gaps in the primary seal.
 - E.3.d The primary resilient toroid seal shall be liquid-mounted.
- E.4 Riveted Tanks with Primary Metallic Shoe Seals:
 - E.4.a Gaps between the tank shell and the primary seal shall not exceed 2-1/2 inches. The cumulative length of all primary seal gaps exceeding 1-1/2 inches shall be not more than ten (10) percent of the circumference of the tank.
 - E.4.b The secondary seal shall consist of at least two sealing surfaces, so that the sealing surfaces prevent the emission of Reactive Organic Compounds around the rivets. Serrated sealing surfaces are allowable if the length of serration does not exceed six (6) inches. No gap between the tank shell and the secondary seal shall exceed ½ inch. The cumulative length of all secondary seal gaps exceeding 1/8 inch shall be not more than five (5) percent of the circumference.
- E.5 Welded Tanks with “Zero Gap” Secondary Seals

Any secondary seal on a welded tank shall meet the following conditions:

 - E.5.a The gap between the tank shell and the primary seal shall not exceed 1-1/2 inches. A continuous gap in the primary seal greater than 1/8 inch shall not exceed ten (10) percent of the circumference of the tank. The cumulative length of all primary seal gaps exceeding ½ inch shall be not more than ten (10) percent of the circumference. The cumulative length of all primary seal gaps exceeding 1/8 inch shall be not more than 40 percent of the circumference.
 - E.5.b There shall be no visible or measurable gap between the tank shell and the secondary seal, excluding gaps less than two (2) inches from vertical weld

seams.

F. Internal Floating Roof Requirements.

- F.1 For any fixed roof tank with an internal floating-type cover, the closure device shall consist of one of the following in addition to the closure device requirements in Section D.
- F.1.a A liquid mounted primary seal only, mounted in full contact with the liquid in the annular space between the tank shell and floating roof, or
- F.1.b Both a primary and a secondary seal, where secondary seals are required, one above the other.
- F.2 There shall be no holes, tears, or other openings in the seal or seal fabric which allow the emission of Reactive Organic Compound vapors through the primary or secondary seals.

G. Vapor Recovery System Requirements

Vapor Recovery Systems shall comply with the following requirements:

- G.1 Any tank gauging or sampling device on a tank vented to the Vapor Recovery System shall be equipped with a leak-free cover which shall be closed at all times except during gauging or sampling.
- G.2 All piping, valves and fittings shall be designed and constructed to operate in a leak-free condition, and shall be maintained and operated in a leak-free condition so as to minimize the release of Reactive Organic Compound vapors.

H. Inspection Requirements

- H.1 The primary seal envelope shall be made available for unobstructed inspection by the APCO on an annual basis at four (4) locations selected along its circumference at random by the APCO. In the case of riveted tanks with toroid-type seals, eight (8) such locations shall be made available. In all other cases, a minimum of four (4) such locations shall be made available. If any violations are suspected, the APCO may require such further unobstructed inspection of the primary seal as may be necessary to determine the seal condition for its entire circumference.
- H.2 For tanks with secondary seals, the primary seal envelope shall be made available for unobstructed inspection by the APCO for the full circumference at the following times:
- H.2.a Prior to installation of the secondary seal.
- H.2.b At least once every five (5) years, or once every ten (10) years if the seal is a zero gap secondary seal.

- H.2.c If the secondary seal is voluntarily removed by the Owner or Operator, it shall be made available for such inspection at that time. The Owner or Operator shall provide notification to the APCO at least 72 hours prior to voluntary removal of the secondary seal.
- H.3 For all primary seals, actual gap measurements shall be recorded upon installation or replacement of primary seals, or prior to installation of secondary seals, and at least once every five (5) years thereafter.
- H.4 If the secondary seal is a "zero gap seal" the actual gap measurements of the primary seal shall be recorded at least once every ten (10) years.
- H.5 For all secondary seals, actual gap measurements shall be recorded on an annual basis. In all cases, those records shall be of sufficient detail to determine compliance with requirements of this Rule.
- H.6 Any internal floating-type cover on a fixed roof tank shall be made available for inspection each time the tank is degassed and emptied. Visual inspections through the manholes or roof hatches on the fixed roof shall be conducted on an annual basis, provided such an inspection can be conducted safely. The APCO shall be notified at least 72 hours in advance of each degassing.
- H.7 Each calendar month, pipes, valves and fittings shall be inspected for liquid and vapor leaks. For the purposes of this section, detection methods incorporating sight, sound, or smell are acceptable. Any leaks detected shall be recorded. Appropriate corrective action must be taken immediately to correct the leak. Any leak must be repaired within 15 days of detection.

I. Record Keeping and Reporting Requirements

- I.1 The operator of any tank requesting an exemption according to the provisions of Sections A.1, A.2, and A.3 of this Rule, shall maintain records containing the following information:
 - I.1.a Permit number, tank identification, and type of vapor controls;
 - I.1.b Description of specific maintenance procedure performed;
 - I.1.c Start and finish times and dates of procedure;
 - I.1.d Estimate of emissions caused by maintenance procedure and description of estimation method;
 - I.1.e Any additional information required by Sections A.3.c and A.3.d.
- I.2 The operator of any tank subject to this Rule shall maintain records of

- I.2.a the type of compound stored in each tank,
 - I.2.b the vapor pressure ranges of such compounds, unless the compound is a substance listed in Table 1 and kept below the temperature listed therein for that substance,
 - I.2.c the settings of any pressure-vacuum relief valve, and,
 - I.2.d the basis for the pressure-vacuum relief valve setting.
 - I.3 Records of monthly leak inspections shall include the following information:
 - I.3.a date of inspection;
 - I.3.b findings indicate if any leaks were discovered and the location, nature, and severity of each leak);
 - I.3.c leak determination method;
 - I.3.d corrective action (date each leak was repaired and the reasons for any repair interval in excess of 15 calendar days); and
 - I.3.e name and signature of the person performing the inspection.
 - I.4 Reports shall be prepared after the inspection of seals from floating roof covers as required by Section I and shall contain, the following information:
 - I.4.a Date of inspection and initials of inspector;
 - I.4.b For all floating roof tanks, actual gap measurements between the tank shell and seals;
 - I.4.c Data, supported by calculations as necessary, to demonstrate compliance
 - I.4.d Any corrective actions or repairs taken to comply with the requirements of this Rule and the date these actions were taken.
 - I.5 Records required by Section I of this Rule shall be maintained for a period of at least five (5) years from the date of each entry, and such records shall be made available to the APCO upon request.
- J. Test Methods
- J.1 True vapor pressure of tank contents shall be determined as follows:
 - J.1.a For reactive organic liquids having the reference properties listed in Table 1, the true vapor pressure can be assumed to fall below the values listed in the Table, provided that the actual storage temperature does not exceed the

corresponding maximum temperature specified in the Table and that the tank contains only one substance.

- J.1.b The true vapor pressure of organic liquids that are not petroleum products shall be determined by ASTM Method D2879-97.
 - J.1.c If the API gravity of the oil is greater than or equal to 20 degrees, then the vapor pressure shall be determined by measuring the Reid vapor pressure and converting the result to true vapor pressure at the tank's maximum liquid storage temperature.
 - J.1.c.1 For storage tanks operating above or below ambient temperatures, the maximum liquid storage temperature is the highest calendar-month average of the storage temperature.
 - J.1.c.2 For storage tanks operating at ambient temperatures, the maximum liquid storage temperature is the maximum local monthly average ambient temperature as reported by the National Weather Service.
 - J.1.c.3 True vapor pressure shall be measured using ASTM D-323-99a, Standard Test Method for Vapor Pressure of Petroleum Products.
 - J.1.c.4 Conversion shall be done using the American Petroleum Institute Nomograph (API 2518 from API Publication 2517, Second Edition, February 1980).
 - J.1.c.5 If the API nomograph scales do not encompass the quantities necessary for its use, conversion shall be done using the conversion calculation specified in the oil and gas section of the California Air Resources Board (ARB) document entitled "Technical Guidance Document to the Criteria and Guidelines Regulation for AB 2588" and dated August 1989.
 - J.1.d If the API gravity of the oil is less than 20 degrees, then the vapor pressure shall be determined by using the latest version of the "Test Method for Vapor Pressure of Reactive Organic Compounds in Heavy Crude Oil Using Gas Chromatography," by the Lawrence Berkeley National Laboratory approved by the California Air Resources Board and the United States Environmental Protection Agency.
 - J.1.e The API gravity shall be determined according to ASTM Method D-287-92e1.
 - J.1.f Separate samples shall be taken for API gravity and vapor pressure determinations. Sampling for API gravity shall be according to ASTM Method D-4057-95.
- J.2 The test methods used for measuring the vapor loss control efficiency in Subsections

C.1.c. and C.1.d. shall be conducted according to ARB Methods 202 and 203.

J.3 EPA Reference Method 21 shall be used to measure liquid and vapor leaks. The analyzer shall be calibrated with methane.

K Violations

Any leak discovered by District personnel from equipment required to be leak-free shall constitute a violation of this Rule.

L. Compliance Schedule

L.1 Any person required to modify or replace an existing storage tank to comply with this Rule shall submit a complete Authority to Construct application to the APCO no later than January 1, 1998, and shall demonstrate final compliance no later than January 1, 1999.

Table 1 Maximum Allowable Temperature Versus True Vapor Pressure Maximum Temp. EF

Organic Compounds	Reference Properties			Not to Exceed	
	Density (lb/ga)	EAPI	IBP (EF)	0.5 psia (tvp)	1.5 psia (tvp)
Middle Distillates					
Kerosene	----	42.5	350	195	250
Diesel	----	36.4	372	230	290
Gas Oil	----	26.2	390	249	310
Stove Oil	----	23.0	421	275	340
Jet Fuels					
JP-1	----	43.1	330	165	230
JP-3	----	54.7	110	----	25
JP-4	----	51.5	150	20	68
JP-S	----	39.6	355	205	260
JP-7	---	44--50	360	205	260
JP-8	----	----	----	167	222
Fuel Oil					
No.1	----	42.5	350	195	250
No.2	----	36.4	372	230	290
No. 3	----	26.2	390	249	310
No. 4	----	23.0	421	275	340
No. 5	----	19.9	560	380	465
Residual	----	19-27	----	405	----
No.6	----	16.2	625	450	----
Asphalts					
60-100 pen.	----	----	----	490	550
120-150 pen.	----	----	----	450	500
200-300 pen.	----	----	----	360	420
Acetone	6.6	47.0	133	----	35
Acrylonitrile	6.8	41.8	173	30	62
Benzene	7.4	27.7	176	34	70
Carbon Disulfide	10.6	22.1	116	----	10
Carbon Tetrachloride	13.4	----	170	20	63
Chloroform	12.5	----	142	----	40
Cyclohexane	6.5	49.7	177	30	65
1,2 Dichloroethane	10.5	----	180	35	75
Ethyl Acetate	7.5	23.6	171	38	70
Ethyl Alcohol	6.6	47.0	173	55	85
Isopropyl Alcohol	6.6	47.0	181	62	95
Methyl Alcohol	6.6	47.0	148	30	62
Methyl Ethyl Ketone	6.7	44.3	175	30	70
Toluene	7.3	30.0	231	75	120
Vinyl Acetate	7.8	19.6	163	30	65

Note: To use Table 1, first determine the maximum temperature (per Section J of the Rule) for the organic compound being stored. If the temperature is below the value listed in the 1.5 psia column for that compound, the true vapor pressure is assumed to be less than 1.5 psia. Similarly, if the temperature is below

the value listed in the 0.5 psia column for that compound, the true vapor pressure is assumed to be less than 0.5 psia.

RULE 415 TRANSFER AND STORAGE OF GASOLINE (Adopted 11/4/77; Revised 12/1/88; 4/22/96; 9/14/99; 5/18/2004; 11/03/2020)

A Applicability

This Rule applies to the transfer and storage of Gasoline.

A.1 Exemptions

The following types of operations shall be exempt from the Rule requirements. Any Gasoline facility exempt pursuant to throughput limits in this section, that ever exceeds the throughput limit, shall be subject to the requirements of this Rule and shall remain subject to these requirements, even if throughput later falls below the threshold.

A.1.a Deleted

A.1.b The provisions of Section B.4 shall not apply to a Retail Service Station in existence prior to December 1, 1988, where the rolling thirty-day throughput of Gasoline to all of the containers does not exceed 40,000 gallons and the annual Gasoline Throughput of the facility does not exceed 480,000 gallons per calendar year. This exemption shall not apply to any Retail Service Station where tanks have been replaced since December 1, 1988.

A.1.c The provisions of Section B.4 shall not apply to a stationary storage tank equipped with a Submerged Fill Pipe, or a Pressure Tank as described in Rule 101, where no more than 10,000 gallons are transferred into motor vehicle tanks in any calendar month, provided that the facility is not a Retail Service Station.

A.1.d The provisions of Sections B.1.k, B.1.l, B.1.m and B.1.n, shall not apply to out-of-service or empty storage tanks while they are undergoing cleaning, stock change, tank and roof repairs, or removal of contaminated stock provided that the following provisions are implemented:

A.1.d.1 Written notice is received by the APCO at least 72 hours prior to such work being done (verbal notices are acceptable only in cases of emergency and if they are followed by a written notice);

A.1.d.2 For floating roof tanks, when the floating roof is resting on the leg supports, the process of emptying and refilling shall be accomplished as rapidly as possible. Emissions shall be minimized during the process of filling, empty and

refilling.

- A.1.d.3 Vapor Recovery Systems are operated on tanks so equipped, during filling, flushing, and emptying procedure prior to opening tanks for clean out;
 - A.1.d.4 A report demonstrating compliance with Section A.1.d is submitted to the APCO no later than 30 days after returning to normal operation;
 - A.1.d.5 The tank is in compliance with this rule prior to notification;
 - A.1.d.6 The APCO is notified when work is completed.
- A.1.e The provisions of Sections B.1.k, B.1.l, B.1.m and B.1.n., shall not apply to in-service tanks undergoing preventive maintenance, including, but not limited to primary seal inspection, removal or installation of a secondary seal, repairs of regulators, fittings, deck components, hatches, valves, roofs, flame arrestors, or compressors, provided that the following conditions are met:
- A.1.e.1 Written notice is received by the APCO at least 72 hours prior to such work being done (verbal notices are acceptable only in cases of emergency and if they are followed by a written notice);
 - A.1.e.2 the tank is in compliance with this Rule prior to notification;
 - A.1.e.3 no product moves in or out of the storage tank and emissions are minimized through the use of vapor recovery devices;
 - A.1.e.4 an Authority to Construct is obtained prior to commencing work, if required under District Rules;
 - A.1.e.5 The APCO is notified when work is completed;
 - A.1.e.6 a report is submitted to the APCO no later 30 days after returning to normal operation, demonstrating compliance with Section A.1.e;
 - A.1.e.7 The time of exemption allowed under this section shall not exceed 72 hours, unless an extension is granted by the APCO.

A.1.f The provisions of Section B.1 shall not apply to a stationary storage tank equipped with a Submerged Fill Pipe, or a Pressure Tank as described in Rule 101, with a capacity of 1000 gallons or less, where no more than 3000 gallons are transferred into motor vehicle tanks in any calendar month, provided that the facility is not a Retail Service Station.

B Requirements - Transfer of Gasoline into Stationary Storage Containers (Phase I)

B.1 A person shall not store, transfer, permit the storage or transfer, or provide equipment for the storage or transfer of Gasoline from any tank truck, trailer or railroad tank car into any stationary storage container with a capacity of more than 250 gallons unless all of the following conditions are met:

B.1.a such container is equipped with a permanent Submerged Fill Pipe, unless such tank is a Pressure Tank as described in Rule 101-Definitions;

B.1.b such container is equipped with a Phase I "ARB-certified" Vapor Recovery System;

B.1.c all vapor return lines are connected between the tank truck, trailer or railroad tank car and the stationary storage container;

B.1.d the Vapor Recovery System is operating in accordance with the manufacturer's specifications and the delivery vehicle, including all hoses, fittings, and couplings, is maintained in a vapor-tight condition, as defined by the applicable ARB certification and test procedures, and equipment is operated and maintained according to manufacturers' specifications, except that hatch openings of no more than three minutes in duration are permitted for visual inspection provided that all the following are met:

B.1.d.1 pumping has been stopped for at least 3 minutes prior to opening;

B.1.d.2 the hatch is closed before pumping is resumed.

B.1.e except for above-ground tanks, all lines are gravity drained, in such a manner that upon disconnect no liquid spillage would be expected;

B.1.f above-ground tanks shall be equipped with dry breaks, with any liquid spillage upon line disconnect not exceeding 10 ml (.02 pints);

- B.1.g equipment subject to this section is operated and maintained, with no defects, as follows:
- B.1.g.1 all fill tubes are equipped with vapor-tight covers, including gaskets;
 - B.1.g.2 all dry breaks have vapor-tight seals and are equipped with vapor-tight covers or dust covers;
 - B.1.g.3 coaxial fill tubes are operated so there is no obstruction of vapor passage from the storage tank back to the delivery vehicle;
 - B.1.g.4 the fill tube assembly, including fill tubes, fittings and gaskets, is maintained to prevent vapor leakage from any portion of the Vapor Recovery System;
 - B.1.g.5 all storage tank vapor return pipes, without dry breaks are equipped with vapor-tight covers, including gaskets.
- B.1.h Any above ground Gasoline storage container with 250 gallons or more but less than 40,000 gallons capacity shall be equipped with a pressure-vacuum relief valve with minimum pressure and vacuum settings of 90% of the maximum safe pressure and vacuum ratings of the container, or a vapor control system as specified in B.1.k.
- B.1.i Any above ground Gasoline storage container with 40,000 gallons capacity or more shall be equipped with a vapor control system as specified in B.1.k.
- B.1.j No person shall store any Gasoline with a true vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions in any storage container with an internal floating roof or external floating roof.
- B.1.k For the purposes of B.1.h and B.1.i, Vapor Control System shall mean:
- B.1.k.1 an external floating roof tank consisting of a pontoon-type or double deck-type cover resting on the surface of the liquid contents and properly installed, maintained, and in good operating order. External floating roofs shall have both a primary and a secondary seal, one above the other. Primary and secondary seals shall comply with the criteria specified in Sections B.1.l and B.1.m of this Rule, or

- B.1.k.2 an internal floating roof tank consisting of a pan, pontoon, or double-deck that rests on the liquid surface and is properly installed, and maintained in good operating order. Internal floating roof seals shall comply with the criteria specified in Rule 414 Section F and Sections B.1.l and B.1.n of this Rule, or
- B.1.k.3 other equipment, approved by the Air Pollution Control Officer, that has a capture and control efficiency of at least 95% by weight, or
- B.1.k.4 a closed-type Vapor Recovery System, with a vapor recovery efficiency of at least 95 percent by weight, capable of collecting all Reactive Organic Compounds. Any tank gauging or sampling device on a tank vented to the Vapor Recovery System shall be equipped with a leak-free cover which shall be closed at all times except during gauging or sampling. All piping, valves and fittings shall be designed and constructed to operate in a leak-free condition, and shall be maintained and operated in a leak-free condition so as to minimize the release of Reactive Organic Compound vapors.

B.1.l Requirements for All closure Devices

- B.1.l.1 The closure device on any external floating roof tank or any internal floating roof tank shall meet the following requirements:
 - B.1.l.1.a any secondary seals shall extend from the roof to the tank shell. Secondary seals shall not be attached to primary seals and shall not be shoe-mounted;
 - B.1.l.1.b All openings in any floating roof or floating cover, except pressure/vacuum valves and hatches on manhole covers, shall provide projections below liquid surface. The projections shall be designed to prevent belching of liquid and to prevent entrained or foamed Reactive Organic Compounds from escaping from the liquid contents of the tank and shall be equipped with a cover, seal, or lid which shall be gas tight at all times, except when the device or appurtenance is in use.

- B.1.1.1.c Pressure-vacuum valves shall be set in accordance with appropriate recommendations of the American Petroleum Institute, shall be properly installed, properly maintained, and in good operating order, and shall remain in a leak-free condition except when operating pressure exceeds the valve set pressure.
- B.1.1.2 Solid sampling or gauging wells, and similar fixed projections through a floating roof, such as an anti-rotational pipe, shall meet the following requirements:
 - B.1.1.2.a the sampling or gauging well shall provide a projection of at least two (2) inches below the liquid surface;
 - B.1.1.2.b the sampling or gauging well shall be equipped with a cover, seal or lid, which shall be in a closed position with no gap exceeding 1/8 inch, except when the sampling or gauging well is in use;
 - B.1.1.2.c in no case shall the gap between the sampling or gauging well and the roof exceed ½ inch. The length of the gap between the sampling or gauging well and the roof shall be added to the cumulative length of the gaps measured to determine compliance of the secondary seal as specified in Subsections B.1.m.2.c., B.1.m.3.a. and B.1.m.4.b.
- B.1.1.3 Slotted sampling or gauging wells shall meet the following requirements:
 - B.1.1.3.a the sampling or gauging well shall provide a projection of at least two (2) inches below the liquid surface.
 - B.1.1.3.b the sampling or gauging well shall have an internal float designed to minimize the gap between the float and the sampling or gauging well, provided that the gap in no case exceeds ½ inch;

- B.1.1.3.c in no case shall the gap between the sampling or gauging well and the roof exceed $\frac{1}{2}$ inch. The length of the gap between the sampling or gauging well and the roof shall be added to the cumulative length of the gaps measured to determine compliance of the secondary seal as specified in Subsections B.1.m.2.c, B.1.m.3.a., and B.1.m.4.b.
- B.1.1.3.d Any emergency roof drain that drains back to the stored liquid shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least 90 percent of the area of the opening;
- B.1.1.4 Any metallic shoe-type seal shall meet the following requirements:
 - B.1.1.4.a one end of the shoe shall extend at least two (2) inches into the stored liquid and the other end shall extend a minimum vertical distance of 24 inches above the liquid surface;
 - B.1.1.4.b the gap between the shoe and tank wall shall not exceed three (3) inches for a welded tank or five (5) inches for a riveted tank at any point from the liquid surface to 18 inches above it.

B.1.m External Floating Roof Requirements

External floating roofs shall meet the following conditions in addition to the closure device requirements in Section B.1.l.

- B.1.m.1 There shall be no holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric which allow the emission of Reactive Organic Compounds to the atmosphere.
- B.1.m.2 Welded Tanks with Primary Metallic Shoe Seals:
 - B.1.m.2.a The cumulative length of all gaps between the primary seal and the tank shell exceeding $\frac{1}{2}$ inch shall not be more than ten (10) percent, and exceeding $\frac{1}{8}$ inch shall not be more than 40 percent of the tank circumference.

- B.1.m.2.b No gap between the tank shell and the primary seal shall exceed 1-1/2 inches; no continuous gap greater than 1/8 inch shall exceed ten (10) percent of the circumference of the tank.
 - B.1.m.2.c The cumulative length of all gaps between the secondary seal and the tank shell exceeding 1/8 inch shall not be more than five (5) percent of the tank circumference.
 - B.1.m.2.d No gap between the tank shell and the secondary seal shall exceed 1/2 inch.
 - B.1.m.2.e The secondary seal shall allow easy insertion of probes up to 1-1/2 inches in width in order to measure gaps in the primary seal.
- B.1.m.3 Tanks with Primary Resilient-Toroid Seals:
- B.1.m.3.a The cumulative length of all gaps between the tank shell and the primary or secondary seal exceeding 1/8 inch shall not be more than five (5) percent of the circumference of the tank.
 - B.1.m.3.b No gap between the tank shell and the primary or secondary seal shall exceed 1/2 inch.
 - B.1.m.3.c The secondary seal shall allow easy insertion of probes up to 1/2 inch in width in order to measure gaps in the primary seal.
 - B.1.m.3.d The primary resilient toroid seal shall be liquid-mounted.
- B.1.m.4 Riveted Tanks with Primary Metallic Shoe Seals:
- B.1.m.4.a Gaps between the tank shell and the primary seal shall not exceed 2-1/2 inches. The cumulative length of all primary seal gaps exceeding 1-1/2 inches shall be not more than ten (10) percent of the circumference of the tank.

B.1.m.4.b The secondary seal shall consist of at least two sealing surfaces, so that the sealing surfaces prevent the emission of Reactive Organic Compounds around the rivets. Serrated sealing surfaces are allowable if the length of serration does not exceed six (6) inches. No gap between the tank shell and the secondary seal shall exceed $\frac{1}{2}$ inch. The cumulative length of all secondary seal gaps exceeding $\frac{1}{8}$ inch shall be not more than five (5) percent of the circumference.

B.1.m.5 Welded Tanks with “Zero Gap” Secondary Seals

Any secondary seal on a welded tank shall meet the following conditions:

B.1.m.5.a The gap between the tank shell and the primary seal shall not exceed 1-1/2 inches. A continuous gap in the primary seal greater than $\frac{1}{8}$ inch shall not exceed ten (10) percent of the circumference of the tank. The cumulative length of all primary seal gaps exceeding $\frac{1}{2}$ inch shall be not more than ten (10) percent of the circumference. The cumulative length of all primary seal gaps exceeding $\frac{1}{8}$ inch shall be not more than 40 percent of the circumference.

B.1.m.5.b There shall be no visible or measurable gap between the tank shell and the secondary seal, excluding gaps less than two (2) inches from vertical weld seams.

B.1.n Internal Floating Roof Requirements.

B.1.n.1 For any fixed roof tank with an internal floating-type cover, the closure device shall consist of one of the following in addition to the closure device requirements in Section B.1.l.

B.1.n.1.a A liquid mounted primary seal only, mounted in full contact with the liquid in the annular space between the tank shell and floating roof, or

- B.1.n.1.b Both a primary and a secondary seal, one above the other.
 - B.1.n.2 There shall be no holes, tears, or other openings in the seal or seal fabric which allow the emission of Reactive Organic Compound vapors through the primary or secondary seals.
- B.2 Requirements - Transfer of Gasoline from Gasoline Terminals and Gasoline Bulk Plants
 - B.2.a Any person transferring, permitting the transfer, or providing equipment for the transfer of Gasoline into a Gasoline Delivery Vessel at a Gasoline Terminal or Gasoline Bulk Plant shall use a CARB-certified Vapor Recovery System. The Vapor Recovery System shall limit the ROC emissions to 0.08 pounds per 1000 gallons of Gasoline loaded from Gasoline Terminals and 0.50 pounds per 1000 gallons of Gasoline loaded from Gasoline Bulk Plants.
 - B.2.b Any person transferring, permitting the transfer, or providing equipment for the transfer of Gasoline into a Gasoline Delivery Vessel shall ensure that loading is accomplished in such a manner that displaced Gasoline Vapors are vented only to the Vapor Recovery System. Measures shall be taken to insure that the loading device is leak free when it is not in use and to accomplish complete drainage before the loading device is disconnected.
 - B.2.c Switch loading shall be subject to the requirements of Section B.2.a of this Rule.
 - B.2.d Each calendar month, any Gasoline Terminal or Gasoline Bulk Plant shall be inspected by the operator for liquid and vapor leaks during product transfer operations. For the purposes of this subsection, detection methods incorporating sight, sound, or smell are acceptable. Any leaks detected shall be recorded according to the provisions of Section D.2. Appropriate corrective action must be taken immediately to correct the leak. Any leak must be repaired within 15 days of detection.

B.3 Requirements - Gasoline Delivery Vessels

- B.3.a Any Gasoline Delivery Vessel manufactured and purchased after June 27, 1977 shall be equipped with a Vapor Recovery System approved by the CARB pursuant to Section 41692 of the State Health and Safety Code. The vapor tightness of such system shall be determined using CARB Test Method TP-204.3, Determination of Leak(s), or shall meet the specifications for a "vapor-tight Gasoline tank truck" specified in 40 CFR 60.501 (in conjunction with EPA Test Method 27).
- B.3.b Any Gasoline Delivery Vessel loaded with Gasoline at a Gasoline Terminal or Gasoline Bulk Plant, equipped with a Vapor Recovery System as required by This Rule, shall be certified annually by CARB pursuant to Section 41692 of the State Health and Safety Code.
- B.3.c Any Gasoline Delivery Vessel used to transfer Gasoline into any storage container with 250 gallons or more capacity shall be certified annually by CARB pursuant to Section 41692 of the State Health and Safety Code.
- B.3.d Any person transferring or permitting the transfer of Gasoline into any Gasoline Delivery Vessel shall use a Submerged Fill Pipe or bottom loading.
- B.3.e Any Vapor Recovery System shall be maintained and operated in a manner that prevents the gauge pressure in a delivery vessel from exceeding 18 inches of water column or 6 inches of water vacuum.

B.4 Requirements - Transfer of Gasoline into Vehicle Fuel Tanks (Phase II)

- B.4.a Any person transferring, permitting the transfer, or providing equipment for the transfer of Gasoline from any container with 250 gallons or more capacity into any motor vehicle fuel tank with more than 5 gallons capacity shall use a permanently installed CARB-certified Phase II Vapor Recovery System during the transfer. The Phase II Vapor Recovery System shall be certified to be at least 95 percent effective when used in conjunction with a CARB-certified Phase I Vapor Recovery System.
- B.4.b The Vapor Recovery System shall be operated in accordance with the manufacturers' specifications;

B.4.c An owner or operator shall not 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, and, as required under Health and Safety Code Section 41960.2, the District personnel has reinspected the system or has authorized its use pending reinspection. Such defects include, but are not limited to the following:

- B.4.c.1 torn or cut boots;
- B.4.c.2 torn or cut face seals or face cones;
- B.4.c.3 loose or broken retractors;
- B.4.c.4 boots clamped or otherwise held in an open position;
- B.4.c.5 leaking nozzles;
- B.4.c.6 any nozzle components found loose, missing, or disconnected, including but not limited to boots, face seals, face cones, check valve wires, diaphragm covers, and latching devices;
- B.4.c.7 defective shutoff mechanisms;
- B.4.c.8 any vapor fuel hoses and associated components found loose, missing, or disconnected, including but not limited to flow restrictors, swivels and anti-recirculation valves;
- B.4.c.9 crimped, cut, severed, or otherwise damaged vapor fuel hoses;
- B.4.c.10 assist type Vapor Recovery Systems, or any components of such systems, missing, turned off, or otherwise not operating;
- B.4.c.11 any improper or non-"ARB certified" equipment or components.

- B.4.d The operator of each Retail Facility utilizing a Phase II Vapor Recovery System shall conspicuously post operating instructions and the Imperial County Air Pollution Control District telephone number for complaints in the immediate Gasoline dispensing area and a District-specified sign warning:

"Toxic Risk - Avoid Breathing Fumes -

For Your Own Protection DO NOT TOP TANK!!"

B.5 Additional Requirements

- B.5.a Vapor recovery or vapor processing systems used to comply with the provisions of this Rule shall comply with all safety, fire, weights and measures, and other applicable codes or regulations.
- B.5.b A person shall not offer for sale, sell, buy, or install within the Imperial County Air Pollution Control District, any new or rebuilt vapor recovery equipment unless the components and parts clearly identify, by markings, the certified manufacturing company and/or certified rebuilding company. Vapor Recovery Systems shall, at all times, be maintained in accordance with the manufacturer's specifications and the ARB certification.
- B.5.c Upon completion of construction of any new or modified vapor recovery system, the owner or operator shall conduct and pass, within 30 calendar days, all applicable performance tests as required by the Authority to Construct, Permit to Operate and any applicable CARB executive orders.
- B.5.d All applicable Phase II vapor recovery reverification tests at retail gasoline stations shall be conducted annually. Additionally, a person shall not operate gasoline dispensing equipment equipped with Phase I or Phase II vapor recovery equipment without complying with the applicable reverification tests pursuant to the requirements of an Authority to Construct, Permit to Operate and/or any applicable CARB executive orders.
- B.5.e All piping, valves and fittings on Vapor Recovery Systems and delivery vessels shall be designed and constructed to operate in a leak-free condition, and shall be maintained and operated in a leak-free condition to minimize the release of Reactive Organic Compound vapors.

- B.5.f A person shall not perform or permit the "pump-out" (bulk transfer) of Gasoline from a storage container subject to Section B unless such bulk transfer is performed using a vapor collection and transfer system capable of returning the displaced vapors from the Gasoline Delivery Vessel or other container being filled back to the stationary storage container. This vapor transfer is not required where the container is to be removed or filled with water for testing. For visual inspections, the procedures outlined in subsection B.1.d are applicable.
- B.5.g Notwithstanding A.1.b at the time of Tank Replacement at an existing Retail Service Station, ARB-certified Phase I and II recovery system shall be installed and used thereafter on all of the station facilities.
- B.5.h All equipment associated with delivery and loading operations shall be maintained to be leak free, vapor tight, and in good working order.
- B.5.i 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.
- B.5.j All Phase II vapor recovery systems shall be used only in facilities equipped with a certified Phase I system so as to accomplish a 95% vapor recovery efficiency and shall comply with all applicable CARB executive orders, Permits to Operate and Authorities to Construct.

C Test Methods

- C.1 The Reid vapor pressure for petroleum products shall be determined using Reid vapor pressure American Society of Testing and Materials (ASTM) Method No. D323-99a at the storage temperature.
- C.2 The true vapor pressure shall be determined by the following the procedures:
 - C.2.a If the API gravity is greater than or equal to 20 degrees, then the vapor pressure shall be determined by measuring the vapor pressure and converting the result to true vapor pressure at the tank's maximum liquid storage temperature.
 - C.2.a.1 For storage tanks operating above or below ambient temperatures, the maximum liquid storage temperature is the highest calendar-month average of the storage temperature.

- C.2.a.2 For storage tanks operating at ambient temperatures, the maximum liquid storage temperature is the maximum local monthly average ambient temperature as reported by the National Weather Service.
- C.2.a.3 True vapor pressure shall be measured using ASTM D-323-99a, Test Method for Vapor Pressure for Petroleum Products.
- C.2.a.4 Conversion shall be done using the American Petroleum Institute Nomograph (API 2518 from API Publication 2517, Second Edition, February 1980).
- C.2.a.5 If the API nomograph scales do not encompass the quantities necessary for its use, conversion shall be done using the conversion calculation specified in the oil and gas section of the California Air Resources Board (ARB) document entitled "Technical Guidance Document to the Criteria and Guidelines Regulation for AB 2588" and dated August 1989.
- C.2.b Deleted
- C.2.c The API gravity shall be determined according to ASTM Method D-287-92e1.
- C.2.d Separate samples shall be taken for API gravity and vapor pressure determinations. Sampling for API gravity shall be according to ASTM Method D-4057-95.
- C.3 The emission factor of a Vapor Recovery System of a Gasoline Bulk Plant shall be determined using the California Air Resources Board's Test Method TP-202.1, Determination of Emission Factor of Vapor Recovery Systems of Bulk Plants.
- C.4 The emission factor of a Vapor Recovery System of a Gasoline Terminal shall be determined using the California Air Resources Board's Test Method TP-203.1, Determination of Emission Factor of Vapor Recovery Systems of Terminals.
- C.5 Vapor tightness for Gasoline Delivery Vessels shall be determined using the CTG EPA-450/2-78-051, entitled, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," or CARB Test Method TP-204.3, Determination of Leak(s).

- C.6 EPA Methods 25A or EPA Method 25B, as specified in 40 CFR 60 Appendix A, shall be used to determine control device efficiency.
- C.7 Liquid leaks shall be measured by observing the number of drops per minute. A leak exists when the dripping rate exceeds three or more drops per minute of liquid containing Reactive Organic Compounds.
- C.8 Vapor leaks shall be determined using one of the following methods:
 - C.8.a EPA Method 21 (Determination of Volatile Organic Compound Leaks), as specified in 40 CFR 60 Appendix A, or,
 - C.8.b Soap Bubble Screening Technique: The soap bubble screening technique involves spraying a solution of rug shampoo in distilled water (or glycol) over all points of suspected leakage. Any escaping gas will thus be encapsulated in bubbles forming at the point of the leak. This technique is for screening purposes only and further testing is required to determine the leaks volume or measurement. Recommended are the referenced test methods in C.10, C.13 and C.14. In addition to the cited test methods in Sections C.10, C.13 and C.14 CARB test method TP-201.6C Compliance Determination of Liquid Removal Rate is recommended.
- C.9 The Hydrocarbon emission factor and/or vapor recovery efficiency for Phase II vapor recovery systems shall be determined using CARB test procedures TP-201.2, TP-201.2A and TP-201.2F.
- C.10 The static pressure performance of Phase II systems shall be determined using CARB test procedure TP-201.3 and under no circumstances shall Phase II components be partially or completely immersed in water to check for pressure integrity.
- C.11 Liquid retention in the nozzle and vapor path on the atmospheric side of the vapor check valve shall not exceed 100 ml per 1,000 gallons. Nozzle "spitting" shall not exceed 1.0 ml per nozzle per test. Both performance tests shall be determined by CARB test procedure TP-201.2E and shall comply with the standards set by any applicable executive orders and CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.)
- C.12 Where applicable in cases where a liquid removal system is required in conjunction with a Phase II balance system the liquid removal rate shall be determined in accordance with TP-201.6

- C.13 The dynamic pressure drop from the tip of the nozzle spout to the underground storage tank for balance systems shall be determined by CARB test procedure TP-201.4 and shall comply with the standards set by any applicable executive orders and CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.)
- C.14 The maximum air to liquid ratio performance standard and specifications applicable to Phase II assist vapor recovery systems shall be determined by CARB test procedure TP-201.5 and shall comply with the standards set by any applicable executive orders and CARB CP-201 (Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities.)

D Record Keeping

- D.1 The owner or operator of any Gasoline Terminal, Gasoline Bulk Plant or Gasoline storage container subject to this Rule, shall maintain records showing the quantity of all Gasoline delivered to the site, the quantity of all Gasoline loaded into Gasoline tank trucks, and the dates of delivery of each quantity. The operator of a Retail Facility shall provide to the Imperial County Air Pollution Control District, upon request, the annual Gasoline Throughput of such facility.
- D.2 All Gasoline Bulk Plants and Gasoline Terminals shall maintain a record of each monthly leak inspection required under Section B.2.d. Inspection records shall include, at a minimum, the following information:
 - D.2.a Date of inspection;
 - D.2.b Findings (may indicate no leaks discovered or location, nature, and severity of each leak);
 - D.2.c Leak determination method;
 - D.2.d Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days); and
 - D.2.e Name and signature of person performing the inspection.
- D.3 Any person claiming an exemption to the capacity limits specified in Section A.1 shall specify in the permit to operate, the capacity of the storage tanks, the types and vapor pressure of liquids transferred.
- D.4 Any person claiming an exemption from the throughput provisions of Section A.1 shall keep daily throughput records.

- D.5 Records sufficient to demonstrate the continuous compliance of emissions control equipment shall be maintained.
- D.6 All records shall be retained for at least five years in a readily accessible location and shall be made available to the District upon request.

E Compliance Schedule

For purposes of this section, the following compliance schedule shall apply:

- E.1 The owner or operator of any new Retail Service Station subject to this Rule shall comply with the provisions of this Rule at the time Gasoline is first sold from the station.
- E.2 The owner or operator of any existing Retail Service Station without ARB-certified Phase I and II Vapor Recovery Systems shall notify the air pollution control officer in writing in advance of an intended Tank Replacement and shall secure all necessary permits and other approvals for the installation of Phase I and II Vapor Recovery Systems. The owner or operator of an existing Retail Service Station shall comply with the provisions of this Rule upon completion of the Tank Replacement.
- E.3 The owner or operator of existing equipment and/or facility subject to this Rule, who is not currently in compliance as of September 14, 1999, shall secure all permits and other approvals necessary for installation of the equipment required by this Rule. The owner or operator shall comply with the provisions of this Rule within 12 months after date of adoption.
- E.4 The owner or operator of a previously exempt stationary storage tank or Retail Service Station, where the operation or annual throughput has changed such that the exemption from either the Phase I or II requirements or both is no longer applicable, shall comply with the provisions of this Rule within 12 months of the date that the throughput exceeds the threshold exemptions. This requirement does not apply to existing Retail Service Stations subject to this Rule as a result of Tank Replacement.

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 416. OIL-EFFLUENT WATER SEPARATORS

(Adopted 12/11/79; revised 9/14/99)

A. Applicability

A.1 This rule applies to any compartment, vessel, or device operated for the recovery of oil from effluent water, which recovers 200 gallons or more petroleum in any one day, from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds per square inch or greater.

A.2 Terms applicable to this rule are defined in Rule 101 - Definitions.

B. Requirements

B.1 A person shall not use any compartment of any single or multiple compartment Oil-Effluent Water Separator unless such compartment is equipped with one of the vapor loss control devices specified in B.2 through B.5.

B.2 A fixed cover with all openings sealed and totally enclosing the liquid contents, except for breathing vents that are structurally necessary.

B.3 A floating pontoon or double-deck type cover, resting on the surface of the liquid contents and equipped with primary and secondary closure seals, to close the space between the cover and container wall.

B.4 A vapor recovery system, which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

B.5 Other control equipment of equal or greater efficiency than the equipment specified in Sections B.1 through B.4, above, provided equipment specifications are submitted to, and approved by the Air Pollution Control Officer.

C. Specifications for Covers

C.1 Covers for oil-water separators shall be impermeable to ROCs, and free from holes or openings.

C.2 Any gauging or sampling devices on the compartment cover shall be covered and these covers shall be kept closed except when the sampling device is being used.

C.3 Hatches on covers shall be kept closed and free of gaps, except when opened for inspection, maintenance or repair.

C.4 The perimeter of a fixed cover, shall form a seal free of gaps with the foundation to which it is installed.

D. Compliance and Record keeping

D.1 Any facility claiming an exemption to the rule pursuant to Section A.1 shall keep records to

substantiate the requested exempt status and shall determine the Reid Vapor Pressure in accordance with the procedure identified in Section E.1.a.

D.2 Any person using an emission control device or system pursuant to Sections B.4 and B.5, as a means of complying with provisions of this rule, shall maintain operating and maintenance data records for the purpose of demonstrating continuous compliance during periods of emission producing activities.

D.3 Vapor return and vapor recovery systems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measures, and other applicable rules and regulations.

D.4 Each calendar month, Oil- Effluent Water Separators shall be inspected for liquid and vapor leaks. Any leaks detected shall be recorded. Appropriate corrective action to minimize or eliminate the leak shall occur within 48 hours. Any leak must be repaired within 15 days of detection. Ant leaks discovered by Air Pollution Control District staff during an inspection constitutes a violation of the Rule.

D.4.a A log of the monthly leak inspection shall be kept on file at the facility. At a minimum, the log shall record shall contain, the date of inspection, findings (indicate if leaks are discovered, location, nature, and severity of each leak, or if no leaks are discovered), the leak determination method, any corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days), and the name and signature of the person performing the inspection.

D.5 Any record required or produced pursuant to this rule shall be retained on site for a minimum of two (2) years and shall be made available to the APCO upon request.

E. Test Methods for Compliance Verification

E.1 Compliance with the rule shall be determined using the following test methods. A violation determined by any one of these test methods shall constitute a violation of the rule.

E.1.a ASTM D 323-82 (Vapor Pressure of Petroleum Products, Reid Method) shall be used to determine the Reid vapor pressure of petroleum products.

E.1.b ARB Method TP203.1 Determination of Emission Factor of Vapor Recovery Systems of Terminal, shall be used to determine control device efficiency.

E.1.c Liquid leaks shall be measured by observing the number of drops per minute. A leak exists when the dripping rate exceeds three or more drops per minute of liquid containing reactive organic compounds.

E.1.d Vapor leaks shall be determined using EPA Method 21 (Determination of Volatile Organic Compound Leaks), as specified in 40 CFR 60 Appendix A

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 417 - ORGANIC SOLVENTS

(Adopted prior to 11/4/77; revised 9/14/99)

A. Applicability

This Rule applies to the discharge of Organic Solvent vapors from Equipment that uses Organic Solvents and from the use of materials that contain Organic Solvents.

A.1 The provisions of this Rule shall not apply to:

A.1.a The manufacture, transport, or storage of Organic Solvents, or materials containing Organic Solvents.

A.1.b Equipment or processes regulated by other District Rules, including, but not limited to, Rules 415, 416, 424 and 425.

A.1.c The spraying or other use of insecticides, pesticides, or herbicides.

A.1.d The use, application, evaporation or drying of saturated Halogenated Hydrocarbons or Perchloroethylene.

A.1.e The use of any material if:

A.1.e.1 The volatile content of such material consists only of water and Organic Solvents; and

A.1.e.2 The Organic Solvents comprise not more than 20% by volume of said volatile content, and

A.1.e.3 The volatile content is not photochemically reactive, and

A.1.e.4 The Organic Solvent or any material containing Organic Solvent does not come into contact with flame.

B. Requirements

B.1 Requirements for Equipment exposing solvent to flame, baking or oxidizing conditions:

B.1.a A Person shall not discharge more than 15 pounds in any one day nor more than 3 pounds in any one hour of organic solvent vapors into the atmosphere, 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.

B.1.a.1 Emissions from all Equipment designed for processing a continuous web, strip or wire shall be collectively subject to compliance with this section.

B.1.a.2 Emissions resulting from the cleanup with Photochemically Reactive Solvent, as defined in Rule 101, shall be included with the other emissions from that Equipment for determining compliance with this Rule.

B.2 Requirements for Equipment using Photochemically Reactive Solvents

B.2.a A Person shall not discharge more than 40 pounds in any one day nor more than 8 pounds in any one hour, of Organic Solvent vapors into the atmosphere, from any article, machine, Equipment or other contrivance used under conditions other than those described in Section B.1., for using or applying any Photochemically Reactive Solvent, or material containing such solvent.

B.2.a.1 Emissions resulting from air or heated drying of products for the first 12 hours after their removal from any Equipment using Photochemically Reactive Solvent shall be included in determining compliance with Section B.2.

B.2.a.2 Emissions resulting from baking, heat-curing or heat-polymerizing, as described in Section B.1, shall be excluded from determination of compliance with Section B.2.

B.2.a.3 Emissions from all Equipment designed for processing a continuous web, strip or wire shall be subject to compliance with this section.

B.2.a.4 Emissions resulting from the cleanup with Photochemically Reactive Solvent, as defined in Rule 101 shall be included with the other emissions from that Equipment for determining compliance with this Rule.

B.3 Requirements pertaining to the use of alternate compliance using Control Equipment

B.3.a The requirements of Sections B.1 and B.2 shall not apply if Control Equipment (other than incineration) is used to control emissions and the overall efficiency (capture and control of emissions) is no less than 85 percent by weight.

B.3.a.1 If incineration is used to reduce emissions, then at least 90 percent of the carbon in the Organic Solvent vapors being incinerated shall be oxidized to carbon dioxide.

B.3.a.2 A Person using Control Equipment pursuant to this Rule shall provide, properly install and maintain in calibration and in good working order, devices as specified in the Authority to Construct or the Permit to Operate, or as specified by the Air Pollution Control Officer, for indicating and recording temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

C. Record Keeping

C.1 Any Person using Organic Solvents or any materials containing Organic Solvents shall maintain written evidence of the chemical compositions, physical properties, and amounts consumed for each solvent used. Where compliance with the hourly or daily emission limits is required, usage records shall be sufficient to document compliance with the limit.

C.2 The Air Pollution Control Officer may approve, in writing, an alternative record keeping plan which uses purchase records and product inventories to document the type and quantities of Organic Solvents used at a source. The plan shall be submitted in writing to the District, and shall be adequate to demonstrate compliance with the applicable provisions of this Rule.

C.3 Records must be maintained to substantiate that the Control Equipment is well maintained, well calibrated, and in good working order.

C.4 Records must be maintained for at least two years and made available to the District upon request.

D. Test Methods

D.1 The composition of solvents which may be classifiable as Photochemically Reactive Solvents, defined in Rule 101, shall be determined by American Society of Testing and Materials Method E 168-67, E 169-87, or E 260-85, as appropriate.

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

D.3 The Organic Solvent content of materials shall be determined by EPA Method 24 (40 CFR 60, Appendix A).

10.15.79

RULE 418 - DISPOSAL AND EVAPORATION OF SOLVENTS:

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule ~~419~~ 417 (K), 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.

10-15-79

RULE 419 - REDUCTION OF ANIMAL MATTER:

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

- A. Incinerated at temperatures of not less than 1200 degrees fahrenheit for a period of not less than 0.3 second, or
- B. ~~Processed~~ Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than "A" above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

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

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

8/24/07

RULE 420 BEEF FEEDLOTS
formerly LIVESTOCK FEED YARDS
(Adopted 11/19/85; revised 9/14/99; 08/13/2002; 10/10/2006)

A. Applicability

Any Person using or operating a Large Confined Animal Facility shall acquire and maintain a Large Confined Animal Facilities (LCAF) permit according to the conditions set forth in Rule 217. The LCAF permit application, fee and renewal requirements for such a permit shall be substantially the same as those set out in Regulation II for permits, except as herein after provided.

B. Requirements

In addition to the conditions set forth in Rule 217 a Beef Feedlot which submits an application for a LCAF permit shall include a written plan designed to effectively control Dust. Such Dust control plan shall contain the following:

- B.1 Procedures for assuring Manure at all times is maintained at a moisture factor between 20% and 40%, in the top three inches (3") in occupied pens.
- B.2 An outline of Manure management practices, including standards and time tables for Manure removal, designed to effectively control Dust and to prevent adverse public health conditions.

C.. Compliance

The Air Pollution Control Officer shall grant an Authority to Construct (ATC) or a Permit to Operate (PTO) upon receiving a Dust control plan which he believes is reasonably designed to meet the criteria set forth in B.1 and B.2 above. Failure-to comply with the terms of an approved Dust control plan shall be grounds for an ATC or PTO revocation and/or for imposition of other penalties and sanctions contained in the District's rules and regulations.

D. Exceptions

The Air Pollution Control Officer may grant exception to the provisions of section B.1 only for the following:

- D.1 An exception to the minimum 20% moisture content limit may be granted for a period of up to sixty (60) days in any fiscal year, provided a written application is submitted describing in detail an alternative dust control plan. The alternative dust control plan shall contain measures to control Dust as effectively as to assure compliance with Rule 401, Opacity, and Rule 407, Nuisance.
- D.2 An exception to the maximum 40% moisture content limit may be allowed during rainy periods, as defined in Rule 101, Definitions.

E. Test Methods

The following test method shall be used to determine manure moisture content within occupied pens at the livestock feed yards.

- E.1 The corrals shall be sampled in such a manner as to be representative of the feedlot. No fewer than 10% of the total number of occupied corrals shall be tested. Selection shall be random and must have at least four (4) inches of manure base for the test to be valid. Boot covers shall be worn to help prevent transport of biological contaminants into the corrals.
- E.2 Random samples shall be taken throughout each selected corral. The moisture content of manure shall be determined with an electrical conductivity moisture meter. Moisture reading shall be taken by introducing the probe three inches into the manure. All readings shall be recorded and averaged.
- E.3 Random samples is defined for purposes of this rule as the moisture reading of occupied corrals in a manner lacking previous calculation, direction or without intent of a specific result or purpose.

RULE 421. OPEN BURNING
(Adopted 11/19/85; revised 9/14/99)

A. Applicability

The provisions of this Rule shall apply to the burning of combustible materials in Open Outdoor Fires, except for Agricultural Burning and range improvement burning which are regulated under Rules 701 and 702.

B. Requirements

Except as otherwise provided herein, no Person shall use Open Outdoor Fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, trash or other combustible or flammable solid or liquid waste; or for metal salvage or burning of Motor Vehicle bodies. Materials to be burned shall be ignited only with an approved ignition device as defined in Rule 101.

C. Exceptions

C.1 Open burning of wood waste

C.1.a The Air Pollution Control Officer may issue a permit to allow burning in an Open Outdoor Fire of wood waste, trees, vines, or brush from property being developed for commercial or residential purposes; or brush cuttings to reduce fire hazard. Such material may be burned only upon the property on which it originated.

C.1.b All burning pursuant to a permit issued under this Rule shall comply with the criteria applicable to the burning of agricultural wastes set forth in Rule 701 and such other conditions as required by the Air Pollution Control Officer.

C.1.c The Air Pollution Control Officer may approve or disapprove each application for burning under this Rule after consideration of the amount of waste to be burned, the season of the year, the ambient air quality, the proximity of the burn to developed or sensitive areas, and such other or additional criteria as the District may establish.

C.2 Authority to Set or Permit Fires; Purposes

Nothing in this Rule shall be construed as limiting the authority granted under the provisions of law to any public officer to set or permit a fire when such fire is, in his or her opinion, necessary for any of the following purposes.

- C.2.a The prevention of a fire hazard which cannot be abated by any other means.
- C.2.b The instruction of public employees in the methods of fighting fire.
- C.2.c The instruction of employees in method of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.
- C.2.d The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- C.2.e The abatement of fire hazards pursuant to H&SC Section 13055.
- C.2.f Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.
- C.2.g The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

C.3 Burning for Right-of-Way Clearing Permitted

Nothing in this Rule shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance. No such material may be burned pursuant to this section unless:

- C.3.a Agricultural Burning is not prohibited on the day, and
- C.3.b the material as been prepared by stacking, drying, or other methods to promote combustion as specified by the Air Pollution Control Officer.

C.4 Burning Permitted for disposal of Russian Thistle

Open Outdoor Fires may be used to dispose of Russian thistle (*Salsola kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the county agricultural commissioner, or the Air Pollution Control Officer.

C.5 Use of Mechanized Burner Permitted

The Air Pollution Control Officer, upon authorization of the District Board, may authorize, by permit, Open Outdoor Fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no Air Contaminant is discharged into the Atmosphere for a period or periods aggregating more than 30 minutes in any eight hours period which is:

C.5.a As dark or darker in shade as that designated as No.1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or

C.5.b Of such Opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivisions C.5.a.

In authorizing the operation of a mechanized burner, the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this section.

- C.6. Single or two family dwellings located in areas not serviced on a weekly basis by a solid waste disposal service, may use an Incinerator to burn Residential Rubbish and yard trimmings. The Incinerator shall be designed for efficient combustion to minimize smoke and odors. Any burning undertaken under this section must be done in such a way as to not discharge smoke, Fumes or particulate into any adjacent property or residences such as to create a nuisance as set forth in Rule 407. This exception does not apply to the burning of tires, construction material, mattresses, petroleum products, paint, rubber, fireworks, and cotton or wool or other similar smoke or toxic fume production items.
- C.7 Open Outdoor Fires used only for cooking food for human beings or for recreational purposes.

RULE 424 ARCHITECTURAL COATINGS

(Adopted 11/9/82; revised 9/14/99; 01/11/2005; 02/23/2010)

A. Applicability

Except as provided in section C, this rule is applicable to any person who supplies, sells, offers for sale, or manufactures, blends, or repackages any architectural coating for use within the District, as well as any person who applies or solicits the application of any architectural coating within the District. Terms applicable to this rule are defined in Rule 101-Definitions.

B. Severability

Each provision of this rule shall be deemed severable, and in the event that any provision of this rule is held to be invalid, the remainder of this rule shall continue in full force and effect.

C. Exemptions

The requirements of this rule do not apply to:

C.1 Any architectural coatings that are supplied, sold, offered for sale, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.

C.2 Any aerosol coating product

C.3 With the exception of section F, this rule does not apply to any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

D. Standards

D.1 **VOC Content Limits:** Except as provided in subsections D.2 or D.3, no person shall: (i) manufacture, blend, or repackage for use within the district; or (ii) supply, sell, or offer for sale for use within the district; or (iii) solicit for application or apply within the district, any architectural coating with a VOC content in excess of the corresponding limits specified in Table 424-1 and Table 424-2. Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.

D.2 **Most Restrictive VOC Limit:** Effective until January 1, 2011, if anywhere on the container of any architectural coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any

representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table 424-1, then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified in subsections D.2.a through D.2.o below.

- D.2.a Antenna coatings
- D.2.b Antifouling coatings
- D.2.c Bituminous roof primers
- D.2.d Fire retardant coatings
- D.2.e Flow Coatings
- D.2.f High temperature coatings
- D.2.g Industrial maintenance coatings
- D.2.h Lacquer coatings (including lacquer sanding sealers)
- D.2.i Low solids coatings
- D.2.j Metallic pigmented coatings
- D.2.k Pretreatment wash primers
- D.2.l Shellacs
- D.2.m Specialty primers, sealers, and undercoaters
- D.2.n Temperature indicator safety coatings
- D.2.o Wood preservative

Effective January 1, 2011, if a coating meets the definition in Rule 101 for one or more specialty coating categories that are listed in Table 424-1 and Table 424-2, then that coating is not required to meet the VOC limits for Flat, Nonflat, or Non-flat – High Gloss coatings, but is required to meet VOC limit for the applicable specialty coating listed in Table 424-2.

Effective January 1, 2011, with the exception of the specialty coating categories specified in subsection D.2.p through D.2.ee below, if a coating is recommended for use in more than one of the specialty coating categories listed in Table 424-2, the most restrictive (or lowest) VOC content limit shall apply. This requirement applies to: usage recommendations that appear anywhere on the coating container, anywhere on any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf.

- D.2.p Aluminum roof coatings
- D.2.q Basement specialty coatings
- D.2.r Bituminous roof primers
- D.2.s High temperature coatings
- D.2.t Industrial maintenance coatings
- D.2.u Low-solids coatings
- D.2.v Metallic pigmented coatings
- D.2.w Pretreatment wash primers

- D.2.x Reactive penetrating sealers
 - D.2.y Shellacs
 - D.2.z Specialty primers, sealers, and undercoaters
 - D.2.aa Stone consolidants
 - D.2.bb Tub and tile refinish coatings
 - D.2.cc Wood coatings
 - D.2.dd Wood preservatives
 - D.2.ee Zinc-rich primers
- D.3 **Sell-Through of Coatings:** A coating manufactured prior to the effective date specified for that coating in Table 424-2, and that complied with the standards in effect at the time the coating was manufactured, may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, such coating may be applied at any time, both before and after the specified effective date. This subsection D.3 does not apply to any coating that does not display the date or date-code required by subsections E.1.
- D.4 **Painting Practices:** All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers or any VOC containing materials used for thinning and cleanup shall also be closed when not in use.
- D.5 **Thinning:** No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table 424-1 and Table 424-2.
- D.6 **Rust Preventative Coatings:** Effective until January 1, 2012, a person shall only apply or solicit the application of a rust preventative coating for non-industrial use, unless the rust preventative coating complies with the industrial maintenance coating VOC limit specified in subsection D.1.
- D.7 **Coatings Not Listed in Table 424-1 and Table 424-2:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in Table 424-1 and Table 424-2, the VOC content limit shall be determined by classifying the coating as a Flat, Nonflat, or Nonflat-High Gloss coating, based on its gloss, as defined in Rule 101-Definitions and the corresponding Flat, Nonflat, or Nonflat – High Gloss coating VOC limit shall apply.
- D.8 **Lacquers:** Effective until January 1, 2011, notwithstanding the provisions of subsection D.1 and D.5, a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days

with relative humidity greater than 70 percent and temperature below 65°F, at the time of application, provided that the coating contains acetone and is no more than 550 grams of VOC per liter of coating, less exempt compounds, prior to the addition of VOC.

E. Container Labeling Requirements

Each manufacturer of any architectural coating subject to this rule shall display the information listed in sections E.1 through E.14 on the coating container (or label) in which the coating is sold or distributed.

E.1 Date Code: The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the California Air Resources Board.

E.2 Thinning Recommendations: A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

E.3 VOC Content: Each container of any coating subject to this rule shall display one of the following values in grams of VOC per liter of coating:

E.2.a Maximum VOC Content as determined from all potential product formulations; or

E.2.b VOC Content as determined from actual formulation data, or

E.2.c VOC Content as determined using the test methods in subsection G.2.

If the manufacturer does not recommend thinning, the container must display the VOC Content, as supplied. If the manufacturer recommends thinning, the container must display the VOC Content, including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the container must display the VOC content as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOC's during the curing process, the VOC content must include the VOC's emitted during curing. VOC Content shall be determined as defined in Rule 101-Definitions.

- E.4 **Faux Finishing Coatings:** Effective January 1, 2011, the labels of all clear topcoat Faux Finishing coatings shall prominently display the statement "This product can only be sold or used as part of a Faux Finishing coating system."
- E.5 **Industrial Maintenance Coatings:** Effective January 1, 2011, the labels of all Industrial Maintenance coatings shall prominently display the statement "For industrial use only" or "For professional use only" or "Not For Residential Use" or "Not Intended For Residential Use".
- E.6 **Clear Brushing Lacquers:** Until January 1, 2011, the labels of all clear brushing lacquers shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed."
- E.7 **Rust Preventative Coatings:** The labels of all rust preventative coatings shall prominently display the statement "For Metal Substances Only."
- E.8 **Specialty Primers, Sealers, and Undercoaters:** Until January 1, 2012, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subsection E.8.a thru E.8.c.
- E.8.a For fire-damaged substrates
 - E.8.b For smoke-damaged substrates
 - E.8.c For water-damaged substrates
- E.9 **Quick Dry Enamels:** Until January 1, 2011, the labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.
- E.10 **Reactive Penetrating Sealers:** Effective January 1, 2011, the labels of all Reactive Penetrating Sealers shall prominently display the statement "Reactive Penetrating Sealer".
- E.11 **Stone Consolidants:** Effective January 1, 2011, the labels of all Stone Consolidants shall prominently display the statement "Stone Consolidant – For Professional Use Only".
- E.12 **Nonflat - High Gloss Coatings:** The labels of all Nonflat-High Gloss coatings shall prominently display the words "High Gloss."
- E.13 **Wood Coatings:** Effective January 1, 2011 the labels of al Wood Coatings shall prominently display the statement "For Wood Substrates Only."

- E.14 **Zinc Rich Primers:** Effective January 1, 2011, the labels of all Zinc Rich primers shall prominently display the statement "For Professional Use Only" or "Not For Residential Use" or "Not Intended For Residential Use" or "For Industrial Use Only".
- F. Reporting Requirements
- F.1 Sales Data: A responsible official from each manufacturer shall upon request of the Executive Officer of the California Air Resources Board, or his or her delegate, provide data concerning the distribution and sales of architectural coatings. The responsible official shall within 180 days provide information, including, but not limited to:
- F.1.a the name and mailing address of the manufacturer;
 - F.1.b the name, address and telephone number of a contact person;
 - F.1.c the name of the coating product as it appears on the label and the applicable coating category;
 - F.1.d whether the product is marketed for interior or exterior use or both;
 - F.1.e the number of gallons sold in California in containers greater than one liter (1.057 quart) and equal to or less than one liter (1.057 quart);
 - F.1.f the VOC Actual content and VOC Regulatory content in grams per liter. If thinning is recommended, list the VOC Actual content and VOC Regulatory content after maximum recommended thinning. If containers less than one liter have a different VOC content than containers greater than one liter, list separately. If the coating is a multi-component product, provide the VOC content as mixed or catalyzed;
 - F.1.g the names and CAS numbers of the VOC constituents in the product;
 - F.1.h the names and CAS number of any compounds in the product specifically exempted from the VOC definition, as listed in Rule 101-Definitions;
 - F.1.i whether the product is marketed as solventborne, waterborne, or 100% solids;
 - F.1.j description of resin or binder in the product;
 - F.1.k whether the coating is a single-component or multi-component product;
 - F.1.l the density of the product in pounds per gallon;
 - F.1.m the percent by weight of: solids, all volatile materials, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Rule 101-Definitions; and
 - F.1.n the percent by volume of: solids, water, and any compounds in the product specifically exempted from the VOC definition, as listed in Rule 101-Definitions.

F.2 All sales data listed in subsection F.1.a thru F.1.n shall be maintained by the responsible official for a minimum of three years. Sales data submitted by the responsible official to the Executive Officer of the California Air Resources Board may be claimed as confidential, and such information shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations Sections 91000-91022.

G. Compliance Provisions and Test Methods

G.1 **Calculation of VOC Content:** for the purpose of determining compliance with the VOC content limits in Table 424-1 and Table 424-2, the VOC content of a coating shall be determined as defined in Rule 101-Definitions. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured. If the manufacturer does not recommend thinning, the VOC Content must be calculated for the product as supplied. If the manufacturer recommends thinning, the VOC Content must be calculated including the maximum amount of thinning solvent recommended by the manufacturer. If the coating is a multi-component product, the VOC content must be calculated as mixed or catalyzed. If the coating contains silanes, siloxanes, or other ingredients that generate ethanol or other VOCs during the curing process, the VOC content must include the VOCs emitted during curing.

G.2 **VOC Content of Coatings:** To determine the physical properties of a coating in order to perform the calculations found in Rule 101-Definitions, the reference method for VOC content is U.S. EPA Method 24, incorporated by reference in subsection G.5.k, except as provided in subsections G.3 and G.4. An alternative method to determine the VOC content of coatings is the South Coast Air Quality Management District (SCAQMD) Method 304-91 (Revised February 1996), incorporated by reference in subsection G.5.l. The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised 1993), Bay Area Air Quality Management District (BAAQMD) Method 43 (Revised 1996), or BAAQMD Method 41 (Revised 1995), as applicable, incorporated by reference in subsections G.5.h, G.5.i, and G.5.j, respectively. To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method as provided in subsection G.3, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g., quality assurance checks, record keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in subsection G.3. The District Air Pollution Control Officer (APCO) may require the manufacturer to conduct a Method 24 analysis.

- G.3 **Alternative Test Methods:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with subsection G.2, after review and approved in writing by the staffs of the District, the ARB, and the U.S. EPA, may also be used.
- G.4 **Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in subsection G.5.m. This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings.
- G.5 **Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule.
- G.5.a **Flame Spread Index:** The flame spread index of a fire-retardant coating shall be determined by ASTM E84-07, "Standard Test Method for Surface Burning Characteristics of Building Materials" (see Rule 101, Fire-Retardant Coating).
- G.5.b **Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ASTM E119-07, "Standard Test Methods for Fire Tests of Building Construction Materials" (see Rule 101, Fire-Resistive Coating).
- G.5.c **Gloss Determination:** The gloss of a coating shall be determined by ASTM D523-89 (1999). "Standard Test Method for Specular Gloss"(see Rule 101, Flat Coating, Nonflat Coating and Nonflat - High Gloss Coating).
- G.5.d **Metal Content of Coatings:** The metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Rule 101, Aluminum Roof Coatings, Faux Finishing Coatings, and Metallic Pigmented Coating).
- G.5.e **Acid Content of Coatings:** The acid content of a coating shall be determined by ASTM D1613-06, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products" (see Rule 101, Pre-Treatment Wash Primer).

- G.5.f **Drying Times:** The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM D1640-95, "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature" (see Rule 101, Quick-Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack-free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM D1640-95.
- G.5.g **Surface Chalkiness:** The chalkiness of a surface shall be determined using ASTM D4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films" (see Rule 101, Specialty Primer, Sealer, and Undercoater).
- G.5.h **Exempt Compounds-Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with section G by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," *BAAQMD Manual of Procedures*, Volume III, adopted 11/6/96 (see Rule 101, Volatile Organic Compound, and subsection G.2).
- G.5.i **Exempt Compounds-Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with section G by BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent Based Coatings and Related Materials Containing Parachlorobenzotrifluoride." *BAAQMD Manual of Procedures*, Volume III, adopted 12/20/95 (see Rule 101, Volatile Organic Compound, and subsection G.2).
- G.5.j **Exempt Compounds:** The content of compounds exempt under U.S. EPA Method 24 shall be analyzed by SCAQMD Method 303-91 (Revised 1993), "Determination of Exempt Compounds," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see Rule 101, Volatile Organic Compound, and subsection G.2).
- G.5.k **VOC Content of Coatings:** The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in appendix A of 40 *Code of Federal Regulations* (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings" (see subsection G.2).
- G.5.l **Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by U.S. EPA Method 24 or

SCAQMD Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," *SCAQMD Laboratory Methods of Analysis for Enforcement Samples* (see subsection G.2).

- G.5.m **Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings" (see subsection G.4).
- G.5.n **Hydrostatic Pressure for Basement Specialty Coatings:** ASTM D7088-04 "Standard Practice for Resistance to Hydrostatic Pressure for Coatings Used in Below Grade Applications Applied to Masonry" (see Rule 101, Basement Specialty Coating).
- G.5.o **Tub and Tile Refinish Coating Adhesion:** ASTM D4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D3359-02, "Standard Test Methods for Measuring Adhesion by Tape Test" (see Rule 101, Tub and Tile Refinish Coating).
- G.5.p **Tub and Tile Refinish Coating Hardness:** ASTM D3363-05, "Standard Test Method for Film Hardness by Pencil Test" (see Rule 101, Tub and Tile Refinish Coating).
- G.5.q **Tub and Tile Refinish Coating Abrasion Resistance:** ASTM D4060-07, "Standard Test Methods for Abrasion Resistance of Organic Coatings by the Taber Abraser" (Rule 101, Tub and Tile Refinish Coating).
- G.5.r **Tub and Tile Refinish Coating Water Resistance:** ASTM D4585-99, "Standard Practice for Testing Water Resistance of Coatings Using Controlled Condensation" and ASTM D714-02e1, "Standard Test Method for Evaluating Degree of Blistering of Paints" (see Rule 101, Tub and Tile Refinish Coating).
- G.5.s **Waterproofing Membrane:** ASTM C836-06, "Standard Specification for High Solid Content, Cold Liquid-Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course" (see Rule 101, Waterproofing Membrane).
- G.5.t **Mold and Mildew Growth for Basement Specialty Coatings:** ASTM D3273-00, "Standard Test Method for Resistance to Growth

of Mold on the Surface of Interior Coatings in an Environmental Chamber" and ASTM D3274-95, "Standard Test Method for Evaluating Degree of Surface Disfigurement of Paint Films by Microbial (Fungal or Algal) Growth of Soil and Dirt Accumulation" (see Rule 101, Basement Specialty Coating).

- G.5.u **Reactive Penetrating Sealer Water Repellency:** ASTM C67-07, "Standard Test Method for Sampling and Testing Brick and Structural Clay Tile"; or ASTM C97-02, "Standard Test Methods for Absorption and Bulk Specific Gravity of Dimension Stone", or ASTM C140-06, "Standard Test Methods for Sampling and Testing Concrete Masonry Units and Related Units" (see Rule 101, Reactive Penetrating Sealer.)
- G.5.v **Reactive Penetrating Sealer Water Vapor Transmission:** ASTM E96/E96M-05, "Standard Test Method for Water Vapor Transmission of Materials" (see Rule 101, Reactive Penetrating Sealer).
- G.5.w **Reactive Penetrating Sealer – Chloride Screening Applications:** National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures" (see Rule 101, Reactive Penetrating Sealer).
- G.5.x **Stone Consolidants:** ASTM E2167-01, "Standard Guide for Selection and Use of Stone Consolidants" (see Rule 101, Stone Consolidant).

TABLE 424-1	
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS	
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.	
<i>Table effective until January 1, 2011</i>	
Coating Category	Effective 5/1/2005
Flat Coatings	100
Nonflat Coatings	150
Nonflat-High Gloss Coatings	250
Specialty Coatings	
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Clear Wood Coatings	
Clear Brushing Lacquers	680
Varnishes	350
Sanding Sealers (other than lacquer sanding sealers)	350
Lacquers (including lacquer sanding sealers)	550
Concrete Curing Compounds	350
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire Resistive Coatings	350
Fire Retardant Coatings	
Clear	650
Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High Temperature Coatings	420
Industrial Maintenance Coatings	250
Low Solids Coatings ^a	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Pre-treatment Wash Primers	420
Primers, Sealers & Undercoaters	200

TABLE 424-1	
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS	
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.	
<i>Table effective until January 1, 2011</i>	
Coating Category	Effective 5/1/2005
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers, and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellac:	
Clear	730
Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Traffic Marking Coatings	150
Waterproofing Concrete/Masonry Sealers	400
Waterproofing Sealers	250
Wood Preservatives	350

a. Limit is expressed as VOC Actual.

TABLE 424-2		
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS		
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.		
<i>Table becomes effective January 1, 2011</i>		
Coating Category	Effective 1/1/2011	Effective 1/1/2012
Flat Coatings	100	50
Nonflat Coatings	100	
Nonflat-High Gloss Coatings	150	
Specialty Coatings		
Aluminum Roof Coatings	400	
Basement Specialty Coatings	400	
Bituminous Roof Coatings	50	
Bituminous Roof Primers	350	
Bond Breakers	350	
Concrete Curing Compounds	350	
Concrete/Masonry Sealers	100	
Driveway Sealers	50	
Dry Fog Coatings	150	
Faux Finishing Coatings	350	
Fire Resistive Coatings	350	
Floor Coatings	100	
Form-Release Compounds	250	
Graphic Arts Coatings (Sign Paints)	500	
High Temperature Coatings	420	
Industrial Maintenance Coatings	250	
Low Solids Coatings ^a	120	
Magnesite Cement Coatings	450	
Mastic Texture Coatings	100	
Metallic Pigmented Coatings	500	
Multi-Color Coatings	250	
Pre-treatment Wash Primers	420	
Primers Sealers & Undercoaters	200	100
Reactive Penetrating Sealers	350	
Recycled Coatings	250	
Roof Coatings	50	
Rust Preventative Coatings	400	250
Shellac:		
Clear	730	
Opaque	550	

TABLE 424-2		
VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS		
Limits are expressed as VOC Regulatory, thinned to the manufacturer's maximum thinning recommendation, excluding any colorant added to tint bases.		
<i>Table becomes effective January 1, 2011</i>		
Coating Category	Effective 1/1/2011	Effective 1/1/2012
Specialty Primers, Sealers, and Undercoaters	350	100
Stains	250	
Stone Consolidants	450	
Swimming Pool Coatings	340	
Traffic Marking Coatings	100	
Tub and Tile Refinish Coatings	420	
Waterproofing Membranes	250	
Wood Coatings	275	
Wood Preservatives	350	
Zinc-Rich Primers	340	

a. Limit is expressed as VOC Actual.

RULE 425 AEROSPACE COATING OPERATIONS
(Adopted 8/5/89; revised 3/3/92; 9/14/99; 5/18/2004; 02/23/2010)

A. Applicability

A.1 This Rule is applicable to the Coating, masking, surface cleaning and paint stripping of Aerospace Components and the cleanup of Equipment associated with these operations. Terms applicable to this Rule are defined in Rule 101 - Definitions.

A.2 Any Coating, cleaning or surface preparation operation which is exempt from all or a portion of this Rule pursuant to Section A.3 shall comply with the provisions of Rule 417, Organic Solvents.

A.3 Exemptions

A.3.a A stationary source using 3 gallons or less of aerospace Coating per day is exempt from the requirements contained in Section B.

A.3.b The ROC limits specified in Table 425-1 of this Rule shall not apply to Coatings with separate formulations that are used in volumes of less than 20 gallons per formulation per year, provided that no more than 50 gallons total of such separate formulations are applied at the facility annually and it can be demonstrated that complying Coatings are not available.

A.3.c (Deleted)

A.3.d Touch-Up Coatings and Stencil Coatings.

A.3.e Coatings applied using non-refillable hand held aerosol spray containers.

A.3.f Prepreg Composite Materials.

A.4 Any facility claiming an exemption according to Section A.3.a or A.3.b must submit a request for exemption to the Air Pollution Control District and provide the following information in a District approved format:

A.4.a types of Coatings to be used;

A.4.b maximum volume of Coatings to be applied daily and yearly;

A.4.c mix ratio of Coatings and Reducers or quantities of any Coating components, Reducers or thinners;

A.4.d grams of ROC per liter of Coating, less water and less exempt organic compounds;

- A.4.e method of application.
- A.5 A request for continued exemption must be resubmitted to the Air Pollution Control District annually, prior to the first day of February, and contain updated usage information.
- A.6 The Owner or Operator shall not qualify for the exemptions specified in Sections A.3.b and A.3.c of this Rule, unless written approval is received from the Air Pollution Control District stating that the facility qualifies for the exemptions.
- A.7 An exceedance of the low usage limit specified in Sections A.3.a and A.3.b shall constitute a violation of this Rule.

Table 425-1

Coating	Grams of ROC Per Liter of Coating, Less Water, and Exempt Compounds
Primer	350
Topcoat	420
Adhesive Bonding Primers:	
Structural	850
For Elastomers and Elastomeric Adherents	850
All other Adhesive Bonding Primers	850
Adhesives:	
Structural Autoclavable	50
Structural Epoxy	50
Structural Non-Autoclavable	250
Elastomeric	850
All Other Adhesives	250
Flight-Test Coating	420
Fuel-Tank Coating	420
High Temperature Thermal Flash Resistant Coatings	800
Pretreatment Coatings	780
Radiation-effect Coating	800
Solid-film Lubricant:	
Fasteners Lubrication	880
Non-Fasteners Lubrication	880
Space-Vehicle Coatings:	
Electrostatic Discharge Protection	800
Thermocontrol Coatings	600

Coating	Grams of ROC Per Liter of Coating, Less Water, and Exempt Compounds
Other Space-vehicle Coatings	1000
Temporary Protective Coatings	250

B. Requirements

- B.1 A Person shall not apply or solicit the application of any Coating or combination of Coatings, aerosols, or Adhesives with a ROC content, less water and less Exempt Compounds, in excess of the limits in Table 425-1. The requirements of this paragraph shall apply to all written or oral agreements.
- B.2 Manufacturers of any Coating subject to this Rule shall display the maximum ROC content of the Coating after any mixing or thinning as recommended by the manufacturer. The ROC content shall be displayed as grams of ROC per liter of Coating. The volatile organic compound (VOC) content may be displayed instead of the Reactive Organic Compound (ROC) content as long as the manufacturer's definition of VOC is consistent with the definition of ROC.
- B.3 Closed containers shall be used for disposal and storage of cloth, paper, or other solvent-containing materials used for surface preparation, Coating, cleanup, and paint removal. Upon final disposal, the solvent containing material shall be transported to a permitted waste disposal facility in sealed metal or plastic molded drums with snap-on or screw-type lids.
- B.4 Solvents containing Reactive Organic Compounds shall not be used for the cleanup of spray Equipment in Aerospace Component Coating operations unless 85 percent of the Reactive Organic Compound vapors are collected and properly disposed of such that they are not emitted to the Atmosphere.
- B.5 A Person shall not use solvents for surface cleaning, clean-up or the cleaning of components, which have a ROC content of more than 200 grams per liter or has a composite vapor pressure greater than 45 mm Hg at a temperature of 20 degrees C (68 degrees F) for surface preparation or cleanup of Aerospace Components. This prohibition does not apply to the stripping of Coating.
- B.6 A Person shall not use or specify for use within the District, a Stripper which contains more than 200 grams per liter ROC content.
- B.7 A Person shall not apply any Maskant to Aerospace Components unless:
 - B.7.a the Maskant contains less than 600 grams of ROC per liter of Coating, less water and Exempt Compounds, as applied.
- B.8 A Person may comply with the provisions of Section B.1 and B.7 by using air pollution Control Equipment with a capture rate of at least 90 percent and Control Efficiency of at least 95 percent by weight. Prior approval must be received from

the Air Pollution Control Officer.

B.9 A Person shall not apply Coatings in aerospace Coating operations subject to this Rule except by means of the following application methods:

B.9.a Electrostatic spray applications, or

B.9.b Flow coat application, or

B.9.c Dip coat application, or

B.9.d Hand Application Methods, or

B.9.e Airless spray application for use with Maskants and Temporary Protective Coatings only, or

B.9.f High-volume low-pressure (HVLP) spray application, or

B.9.g Other Coating application methods that are demonstrated to achieve a minimum of 65 percent Transfer Efficiency or have Transfer Efficiency at least equal to one of the above application methods, and which are used in such a manner that parameters under which they were tested are permanent features of the method. Such Coating application methods shall demonstrate transfer efficiency in accordance with South Coast Air Quality Management District method "Spray Equipment Transfer Efficiency Test Procedure for Equipment User," May 24, 1989.

B.10 Except for electrostatic spray guns, a Person shall not use materials containing ROC for the cleaning of spray guns in Coating operations unless the spray gun is cleaned in an Enclosed Gun Cleaner. The enclosed spray gun cleaner must not be open to the ambient air when in use and must have a mechanism to force the cleanup material through the gun while the cleaner is in operation. Alternative gun cleaning systems may be used provided the emission loss from the system is demonstrated to be less than or equivalent to the emission loss from an Enclosed Gun Cleaner. The equivalency demonstration must be performed pursuant to the test method specified in Section D.6 of this Rule.

C. Record Keeping Requirements

C.1 Each facility shall maintain a comprehensive listing of Coatings, Maskants, Strippers, surface preparation and cleaning materials, and spray Equipment cleaning materials and solvents applied at the facility in the District approved format.

For each Coating listed in the comprehensive list, the facility shall provide a Coating specification sheet in the District approved format. The Coating specification sheet shall contain as a minimum:

C.1.a Coating name and manufacturer identification

- C.1.b Specific mixing instructions
 - C.1.c ROC content as applied
 - C.1.d Weight percent water as applied
 - C.1.e Weight percent Exempt Compound as applied
 - C.1.f Solvent composition and density as applied
 - C.1.g Solids content, less water and Exempt Compound as applied
- C.2 A Person who applies Coatings and/or solvents to Aerospace Components shall maintain a daily record of each Coating, Stripper, and solvent used. Maintain daily inventory (dispensing) records of solvents used or Equipment cleaning and surface cleaning operations. Maintain records of material additions to dip tank for dip Coating operations.
- Records shall at all times be retained at the facility for a period of the previous five years and be made available for review by the District upon request. Copies of such records shall be supplied to a District representative upon request of the representative.
- C.3 By the first day of April of each year, each facility shall submit a report to the District which states the total volume of each Coating and solvent applied to Aerospace Components during the previous calendar year. A District approved reporting format shall be used.
- C.3.a Daily usage records of Coatings, solvents, and paint Strippers. shall include, but not be limited to:
 - C.3.a.1 The amount and type of Coating used in each piece of Application Equipment.
 - C.3.a.2 The method of application.
 - C.3.a.3 The amount of ROC in each Coating, the volume of each Coating and the volume of thinners at time of application.
 - C.3.a.4 The amount of other solvent and exempt solvent used.
 - C.3.a.5 The ROC content of each solvent.
 - C.3.a.6 The solids content of each Coating.
- C.4 As an alternative record keeping plan an aerospace operation may use purchase records and product inventories to document the type and quantities of Coatings used at a Source. The plan shall be submitted in writing to the District, and shall

be adequate to demonstrate compliance with the applicable provisions of this Rule.

D. Test Methods

- D.1 The ROC content of Coatings and solvent shall be determined using EPA Reference Method 24 or its constituent methods.
- D.2 The solid content of pretreatment Coatings shall be determined using ASTM Method D2369-03.
- D.3 The acid content of pretreatment Coatings shall be determined using ASTM Method D1639-90e1.
- D.4 The composite vapor pressure of a blended solvent shall be determined by quantifying the amount of each organic compound in the blend using gas chromatographic analysis (ASTM 2306-00) and by calculating the composite vapor pressure of the solvent by summing the partial pressures of each component. For the purpose of this calculation, the blend shall be assumed to be an ideal solution where Raoult's Law applies.
- D.5 The ROC emissions from enclosed systems used to clean Coating Application Equipment shall be determined using the South Coast Air Quality Management District General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems.
- D.6 The transfer efficiency of alternative application methods shall be determined in accordance with the South Coast Air Quality Management District method "Spray Equipment Transfer Efficiency Test Procedure for Equipment User," May 24, 1989.
- D.7 Control Efficiency of the emission Control Device shall be determined in accordance with EPA Method 25.
- D.8 Capture Efficiency of the system shall be determined in accordance with U.S. EPA "Guidelines for Determining Capture Efficiency," dated January 9, 1995, and the methods found in 40 CFR 51, Appendix M, Method 204 through Method 204F.
- D.9 Destruction Efficiency, measured and calculated as carbon, of the system shall be determined in accordance with U.S. EPA test methods found in Appendix A, Methods 18, 25 and 25A at 40 CFR 60.

RULE 426 CUTBACK ASPHALT AND EMULSIFIED PAVING MATERIALS
(Adopted 2/10/81; revised 9/14/99)

A Applicability

The provisions of this Rule shall apply to the manufacture, mixing, storage, use and application of cutback and Emulsified Asphalt for paving materials.

B Requirements

B.1 A Person shall not manufacture, sell, offer for sale, or use for paving, road Construction, or road maintenance any of the following:

B.1.a Rapid cure Cutback Asphalt.

B.1.b Medium cure Cutback Asphalt.

B.1.c Slow cure Cutback Asphalt containing more than 0.5 percent by volume of ROC which evaporates at 260°C (500°F) as determined by ASTM Method D402-76.

B.1.d Emulsified Asphalt containing petroleum solvents in excess of 3 percent by volume.

B.2 The requirements of Section B.1.b shall not apply:

B.2.a during the months of November, December, January, and February,
or

B.2.b where the medium cure Cutback Asphalt is to be used solely as a penetrating prime coat for bond between an aggregate base and new surfacing or as a Tack Coat for bond between an existing surface and a new surface, or

B.2.c to the manufacture of Asphalt for long-period storage or stockpiling of patching mixes used in pavement maintenance but not for general paving.

C Recordkeeping

C.1 Any Person who manufactures Cutback Asphalt shall maintain records showing the types and amounts of Asphalt that were produced and the destination of these products.

C.2 Any Person who uses Cutback Asphalt shall maintain monthly records showing the types and amounts used.

C.3 All records shall be maintained for a period of two years and shall be made available to the Air Pollution Control District upon request.

D Test Methods

D.1 The total distillate content of Cutback Asphalt shall be determined in accordance with ASTM Method D402, "Distillation of Cutback Asphaltic (Bituminous) Products."

D.2 The petroleum solvent content of Emulsified Asphalt shall be determined in accordance with ASTM Method D244-88, "Emulsified Asphalt."

RULE 427 AUTOMOTIVE REFINISHING OPERATIONS
(Adopted 9/14/99: Revised 02/23/2010)

A. General

A.1 Purpose

The purpose of this rule is to limit Volatile Organic Compound (VOC) emissions from coatings and solvents associated with the coating of motor vehicles, mobile equipment, and associated parts and components.

A.2 Applicability

A.2.a Except as provided in section A.2.b, this rule is applicable to any person who supplies, sells, offers for sale, manufactures, or distributes any automotive coating or associated solvent for use within the District, as well as any person who uses, applies, or solicits the use or application of any automotive coating or associated solvent within the District.

A.2.b This rule does not apply to:

A.2.b.1 Any Automotive coating or associated solvent that is offered for sale, sold, or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging.

A.2.b.2 Any aerosol coating product

A.2.b.3 Any automotive coating that is sold, supplied, or offered for sale in 0.5 fluid ounce or smaller containers intended to be used by the general public to repair tiny surface imperfections.

A.2.b.4 Any coating applied to motor vehicles or mobile equipment, or their associated parts and components, during manufacture on an assembly line.

B. Definitions

The terms used in this Rule are defined in Rule 101 - Definitions:

For the purpose of this Rule the following definition shall apply:

B.1 VOC Content

B.1.a “VOC regulatory for Coatings” means VOC in grams per liter of coating, excluding water and exempt compounds, and shall be calculated by the following equation:

$$\text{VOC regulatory content} = \frac{W_v - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

B.1.b “VOC actual for Coatings” means VOC in grams per liter of material shall be calculated using the following equation:

$$\text{VOC actual content} = \frac{W_v - W_w - W_{ec}}{V_m}$$

B.1.c “VOC content for Solvents” means VOC in grams per liter of material shall be calculated using the following equation:

$$\text{VOC content} = \frac{W_v - W_w - W_{ec}}{V_m}$$

Where:

VOC content = amount of volatile organic compounds in grams/liter

- W_v = weight of volatiles in grams
- W_w = weight of water in grams
- W_{ec} = weight of exempt compounds in grams
- V_m = volume of material (coating or solvent, as applicable) in liters
- V_w = volume of water in liters
- V_{ec} = volume of exempt compounds in liters

C. Standards

C.1 Coating Limits

No person shall apply to any motor vehicle, mobile equipment, or associated parts and components, any coating with a VOC regulatory content, as calculated pursuant to subsection B.1.a, in excess of the following limits, except as provided in section C.3:

Coating Category	VOC regulatory limit, as applied, in grams/liter (pounds per gallon*)
	Effective April 1, 2010
Adhesion Promoter	540 (4.5)
Clear Coating	250 (2.1)

Coating Category	VOC regulatory limit, as applied, in grams/liter (pounds per gallon*)
	Effective April 1, 2010
Color Coating	420 (3.5)
Multi-Color Coating	680 (5.7)
Pretreatment Coating	660 (5.5)
Primer	250 (2.1)
Primer Sealer	250 (2.1)
Single-Stage Coating	340 (2.8)
Temporary Protective Coating	60 (0.5)
Truck Bed Liner Coating	310 (2.6)
Underbody Coating	430 (3.6)
Uniform Finish Coating	540 (4.5)
Any other coating type	250 (2.1)

*English units are provided for information only.

C.2 Most Restrictive VOC Limit

If anywhere on the container of any automotive coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a person, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in section C.1, then the lowest VOC content limit shall apply.

C.3 Alternative Compliance

Instead of complying with the VOC content limits specified in section C.1, a person may use an emission control system that has been approved, in writing, by the Executive Officer or Air Pollution Control Officer of the District and which achieves an overall control efficiency of at least 85 percent as determined pursuant to sections E.5 and E.6. Any approved system emission control must be maintained and used at all times in proper working condition.

C.4 Prohibition of Possession

No person shall possess at any automotive refinishing facility, any automotive coating that is not in compliance with section C.1 or C.3, as applicable. Effective April 1, 2010, no person shall possess at any automotive refinishing facility, any solvent with a VOC content greater than 25 grams per liter.

C.5 Prohibition of Sale or Manufacture

No person shall manufacture, blend, repackage for sale, supply, sell, offer for sale, or distribute within the District any coating with a VOC content in excess of the limits specified in section C.1.

Notwithstanding the provisions of this section, a person may manufacture, blend, repackage for sale, supply, sell, offer for sale, or distribute a coating with a VOC content in excess of the limits specified in section C.1 under the following circumstances and provided all of the requirements of section D.6 are also met:

C.5.a The coating is for use exclusively within an emission control system as allowed in section C.3, or

C.5.b The coating is for use outside the District.

C.6 Prohibition of Specification

No person shall solicit or require the use of, or specify the application or use of any coating or solvent on a motor vehicle or mobile equipment, or associated parts and components, if such use or application results in a violation of this rule. This prohibition shall apply to all written or oral contracts, including, but not limited to, job orders, under the terms of which any coating or solvent that is subject to the provisions of this rule is to be used or applied. This prohibition shall not apply to coatings that meet the criteria specified in section C.5.

C.7 Coating Application Methods

No person shall apply any coating to any motor vehicle, mobile equipment, or associated parts and components unless one of the following application methods is used:

C.7.a Brush, dip or roller.

C.7.b Electrostatic spray.

C.7.c High-Volume Low-Pressure (HVLP) spray equipment

C.7.d Use of a spray gun: If a spray gun is used, the end user must demonstrate that the gun meets the HVLP definition found in Rule 101 Definitions in design and use. A satisfactory demonstration must be based on the manufacturer's published technical material on the design of the gun and by a demonstration of the operation of the gun using an air pressure

tip gauge from the manufacturer of the gun.

- C.7.e Any alternative method that achieves a transfer efficiency equivalent to, or higher than, the application methods listed in sections C.7.a, C.7.b, or C.7.c as determined per section E.9. Written approval from the Executive Officer or Air Pollution Control Officer shall be obtained for each alternative method prior to use.

Section C.7 does not apply to underbody coatings, graphic arts operations, truck bed liner coatings, or any coating use of less than one (1) fluid ounce (29.6 milliliters).

C.8 Solvent Limits and Evaporative Loss Minimization

- C.8.a Effective April 1, 2010, each solvent present at any automotive refinishing facility shall not exceed a VOC content of 25 grams per liter as calculated pursuant to section B.1.c.
- C.8.b Solvent-laden materials shall be stored in closed containers.
- C.8.c All automotive coating components, automotive coatings, and solvents shall be stored in closed vapor-tight containers.
- C.8.d No person shall clean spray equipment unless a closed system is used. However, equivalent control equipment can be used if the Executive Officer or Air Pollution Control Officer of the District approves it in writing prior to use.
- C.8.e All waste automotive coating components, automotive coatings, and solvents shall be stored in closed vapor-tight containers, except while adding to or removing them from the containers.

D. Administrative Requirements

D.1 Compliance Statement Requirement

- D.1.a For each individual automotive coating or automotive coating component, the manufacturer and repackager shall include the following information on product data sheets, or an equivalent medium:
 - D.1.a.1 The VOC actual for coatings and VOC regulatory for coatings, expressed in grams per liter;
 - D.1.a.2 The weight percentage of volatiles, water, and exempt

compounds;

D.1.a.3 The volume percentage of water and exempt compounds; and,

D.1.a.4 The density of the material (in grams per liter).

D.1.b For each individual ready to spray mixture (based on the manufacturer's and repackager's stated mix ration), the manufacturer and repackager shall include the following information on product data sheets, or an equivalent medium:

D.1.b.1 The VOC actual for coatings and VOC regulatory for coatings, expressed in grams per liter;

D.1.b.2 The weight percentage of volatiles, water, and exempt compounds;

D.1.b.3 The volume percentage of water and exempt compounds; and,

D.1.b.4 The density of the material (in grams per liter).

D.1.c The manufacturer and repackager of solvents subject to this rule shall include the VOC content as supplied, calculated pursuant to section B.1.c, expressed in grams per liter, on product data sheets, or an equivalent medium.

D.2 Labeling Requirements

D.2.a The manufacturer and repackager of automotive coatings or automotive coating components shall include on all containers the applicable use category(ies), and the VOC actual for coatings and VOC regulatory for coatings, as supplied, expressed in grams per liter.

D.2.b The manufacturer and repackager of solvents subject to this rule shall include on all containers the VOC content for solvents, as supplied, expressed in grams per liter.

D.3 Maintenance of Records.

Records required by this rule shall be retained for a minimum of three years and made available for inspection by District personnel upon request.

D.4 Record Keeping Requirements.

Any person who uses coatings or solvents subject to this rule shall maintain and have available at all times, on site, the following:

D.4.a A current list of all coatings and solvents used that are subject to this rule. This list shall include the following information for each coating and solvent:

D.4.a.1 Material name and manufacturer

D.4.a.2 Application method

D.4.a.3 Coating type (as listed in section C.1) and mix ratio specific to the coating

D.4.a.4 VOC actual for coatings and VOC regulatory for coatings, as applied, or VOC content for solvent.

D.4.a.5 Whether the material is a coating or solvent.

D.4.b Current manufacturer specification sheets, material safety data sheets, technical data sheets, or air quality data sheets, which list the VOC actual for coatings and VOC regulatory for coatings of each ready-to-spray coating (based on the manufacturer's stated mix ratio) and automotive coating components, and VOC content of each solvent.

D.4.c Purchase records identifying the coating type (as listed in section C.1), name, and volume of coatings and solvents.

D.5 Record Keeping Requirements for Emission Control Systems.

Any person using an emission control system shall maintain daily records of key system operating parameters which will demonstrate continuous operation and compliance of the emission control system during periods of VOC emission producing activities. "Key system operating parameters" are those parameters necessary to ensure or document compliance with section C.3, including, but not limited to, temperatures, pressure drops, and air flow rates.

D.6 Record Keeping Requirements for Prohibition of Sale.

Any person claiming an exception specified in section C.5 shall keep a detailed log of each automotive coating component and automotive coating manufactured, blended, repackaged for sale, supplied, sold,

offered for sale, or distributed showing:

- D.6.a The quantity manufactured, blended, repackaged for sale, supplied, sold, offered for sale, or distributed, including size and number of containers;
- D.6.b The VOC regulatory for coatings;
- D.6.c The VOC actual for coatings;
- D.6.d To whom they were supplied, sold, offered for sale, or distributed, or for whom they were manufactured, blended, or repackaged for sale including the name, address, phone number, retail tax license number, and valid district permit number; and,
- D.6.e The specific exception being utilized under section C.5.

E. Test Methods

The following test methods are incorporated by reference herein, and shall be used to test coatings and solvents subject to the provisions of this rule. A source is in violation of this rule if any measurement by any of the listed applicable test methods exceeds the standards of this rule.

E.1 Methyl Acetate, Acetone, and PCBTF Content.

The quantity of methyl acetate, acetone, and parachlorobenzotrifluoride (as specified in section B.1 and the Exempt Compounds found in Rule 101 Definitions "Volatile Organic Compounds" and "Exempt Compounds" shall be determined by using ASTM Method D6133-02: "Standard Test Method for Acetone, *p*-Chlorobenzotrifluoride, Methyl Acetate or *t*-Butyl Acetate Content of Solventborne and Waterborne Paints, Coatings, Resins, and Raw Materials by Direct Injection Into a Gas Chromatograph" (February 2003).

E.2 Acid Content.

Measurement of acid content (as specified in the definition of "Pretreatment Coating" found in Rule 101 Definitions) shall be determined by using ASTM D1613-03 "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products" (October 2003)

E.3 Alternative Test Methods.

The use of other test methods which are determined to be equivalent or better and approved, in writing, by the Executive Officer or Air Pollution Control Officer of the District, CARB, and U.S. EPA may be used in place of the test methods specified in this rule.

E.4 VOC Content of Coatings or Solvents.

VOC content (as specified in sections B.1, C.1, and C.8.a) shall be determined by U.S. EPA Method 24 as set forth in Appendix A of Title 40 of the Code of Federal Regulations (40 CFR) Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".

E.5 Control Efficiency

When either U.S. EPA Method 25, 25A, or 25B is used to determine VOC emissions, control device equivalency (as specified in section C.3) shall be determined as specified in U.S. EPA's "Guidelines for Determining Capture Efficiency," (January 9, 1995) and 40 CFR 51, Appendix M, Methods 204-204f as applicable.

E.6 Determination of Alternative Compliance.

Alternative compliance (as specified in section C.3) shall be determined by U.S. EPA Method 25, 25A, or 25B, Title 40 Code of Federal Regulations, Part 60, Appendix A as applicable. A source is in violation if the measured VOC emissions, as measured by any of the test methods, exceed the standards specified in section C.3.

E.7 Metallic Content.

The metallic content of a coating (as specified in the definition for "Metallic/Iridescent Color Coating" found in Rule 101 Definitions) shall be determined by South Coast Air Quality Management District Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-ray" (July 1996).

E.8 Exempt Compound Content.

Exempt compound content, other than as determined pursuant to section E.1, (as specified in the definition for "Volatile Organic Compounds" found in Rule 101 Definitions for exempt compounds and section B.1) shall be determined by using CARB Method 432, "Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings" (September 12, 1998); CARB Method 422, "Determination of Volatile Organic Compounds in Emissions from Stationary Sources" (January 22,

1987); or South Coast Air Quality Management District (SCAQMD) Method 303-91, "Determination of Exempt Compounds" (February 1993).

E.9 Transfer Efficiency.

Spray equipment transfer efficiency (as specified in the definition for "Transfer Efficiency" found in Rule 101 Definitions and C.7.e) shall be determined by using South Coast Air Quality Management District "Spray Equipment Transfer Efficiency Test Procedures for Equipment User" (May 24, 1989).

E.10 HVLP Equivalency.

Spray equipment HVLP equivalency (as specified in section C.7.d) shall be determined by using South Coast Air Quality Management District "Guidelines for Demonstrating Equivalency with District Approved Transfer Efficient Spray Guns" (September 26, 2002).

F. Construction of Headings

Section and subsection headings do not in any manner affect the scope, meaning, or intent of the provisions of this Rule.

G. Severability

Each part of this Rule shall be deemed severable, and in the event that any part of this Rule is held to be invalid, the remainder of the Rule shall continue in full force and effect.

RULE 428 WOOD BURNING APPLIANCES
(Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

This rule applies to:

- B.1 Any person who manufactures, sells, offers for sale, or operates a permanently installed, indoor or outdoor, wood burning appliance within the Imperial County PM_{2.5} Nonattainment Area.
- B.2 Any person who installs a wood burning appliance in any residential or commercial, single or multi-building unit within the Imperial County PM_{2.5} Nonattainment Area.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

- C.1 FIREPLACE: Any permanently installed indoor or outdoor masonry or factory built device used for aesthetic or space-heating purposes that is designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1 as determined by EPA Test Method 28A, Air to Fuel Burn Rate – Wood Fired Appliances.
- C.2 IMPERIAL COUNTY PM_{2.5} NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.
- C.3 MANUFACTURER: any person who constructs or imports a wood burning appliance.
- C.4 NSPS: New Source Performance Standard. For purposes of this rule, the NSPS is the Code of Federal Regulations, Title 40, Part 60, Subpart AAA.

- C.5 OUTDOOR WOOD BURNING DEVICE: any wood burning fireplace, or other device designed to burn wood, and that is located outside of a building or structure. This includes, but is not limited to, burn bowls, fire rings/pits, chimeneas, and chimneys. This does not include fire pits at state parks, national parks, or national forests.
- C.6 PELLET FUELED HEATER: any heater manufactured for the purpose of heating a space and is intended to operate on pellet fuel.
- C.7 PELLET FUEL: includes, but is not limited to, compressed sawdust, compressed paper products, and compressed forest residue, wood chips and other waste biomass, ground nut-hulls and fruit pits, corn, and cottonseed.
- C.8 PERMANENTLY INOPERABLE: modified in such a way that a wood heater can no longer operate as a wood heater.
- C.9 RETAILER: any person engaged in the sale of wood burning appliances directly to the consumer.
- C.10 SEASONED WOOD: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight, as determined by Current version of ASTM Test Method D 4442-92.
- C.11 U.S. EPA CERTIFIED WOOD BURNING APPLIANCES: A wood burning appliance that (1) Complies with NSPS certification requirements in effect at the time of installation, and (2) has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation.
- C.12 U.S. EPA-QUALIFIED FIREPLACE: Means any fireplace model or retrofit device that has been qualified by EPA under EPA's Voluntary Fireplace Program as emitting no more than 5.1 g of particulate matter per kilogram of wood burned.
- C.13 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).
- C.14 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in Title 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled heater, or wood burning fireplace insert).

D Exemptions

The following devices are exempt from the provisions of this rule:

- D.1 Devices that are exclusively gaseous-fueled.
- D.2 Cook stoves, as defined in the Code of Federal Regulations, Title 40 section 60.531.

E Requirements

E.1 Sale and installation of Wood Burning Appliances

E.1.1 New Wood Burning Appliances. Effective 04/12/2019, no person shall sell, offer for sale, supply, install, or transfer a new wood burning appliance unless it:

E.1.1.1 Is a wood heater that complies with NSPS certification requirements in effect at the time of installation, and

E.1.1.2 Has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation, or

E.1.1.3 Is a U.S. EPA-Qualified Fireplace.

E.1.2 Used Wood Burning Appliances. No person shall advertise, sell, offer for sale, supply, install, or transfer a used wood burning appliance unless it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.1.3 Effective 04/12/2019, any person selling, offering for sale, or installing new wood burning appliances shall distribute public awareness information with each wood burning appliance, in the form of pamphlets, brochures, or fact sheets on the following topics:

E.1.3.1 Proper installation, operation, and maintenance of the wood burning appliance.

E.1.3.2 Proper Fuel selection and use,

E.1.3.3 Health effects from wood smoke, and

E.1.3.4 Weatherization methods for the home.

E.1.4 Sale or Transfer of Real Property. Effective 04/12/2019, no person shall sell or transfer any real property which contains a wood heater without first assuring that it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.2 Operation of Wood Burning Appliances: All wood burning appliances shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA-certified Wood Burning Appliance which has been altered, installed, or disassembled in any way not specified by the manufacturer, or which is operated in any manner that would result in emissions exceeding the standards set forth in the NSPS, shall not be considered a U.S. EPA-certified appliance.

E.3 Permitted Fuel Types

Burning of any fuels or materials in a Wood Burning Appliance other than the following fuels shall be in violation of this rule:

E.3.1. Seasoned wood (less than 20% moisture content, dry basis).

E.3.2. Uncolored paper.

E.3.3. Manufactured logs, pellets, and similar manufactured products (i.e., processed fire starters)

E.4 Operation of Wood Burning Appliances

E.4.1. All wood burning appliances should be installed and operated according to the manufacturer's specifications. No wood burning appliance shall be altered, installed, or disassembled in a way not specified by the manufacturer, or operated in a manner that could result in additional emissions.

~~E.4.2. No person shall cause or allow readily visible smoke from a wood burning appliance to occur for a time exceeding three continuous minutes in any one hour period. Smoke created during the thirty minute start-up or shut down period is exempt from this condition. Readily visible smoke is equated with an opacity of 20% (U.S. EPA Test Method 9) or greater as designated by shade No 1 on the Ringelmann Chart.~~

RULE 429 MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING
(Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

B.1 This rule applies to any person who operates a Wood Burning Appliance in Imperial County, as specified in Sections E.1 or E.2.

B.2 The provisions of this rule shall take effect on January 1, 2020.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

C.1 CALEXICO AREA: the geographical area under Zip Code 92231.

C.2 CURTAILMENT DAY: Any day during the wood burning season so declared to the public by the APCO when the District forecasts that 24-Hour average levels of particulate matter of 2.5 microns in size or less (PM_{2.5}) is forecast to exceed 35 µg/m³ at the Calexico monitor.

C.3 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled wood heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).

C.4 WOOD HEATER: an enclosed, wood burning appliance capable of and intended for space heating as described in 40 CFR Section 60.531 (i.e. wood stove, pellet-fueled wood heater, or wood burning fireplace insert).

C.5 WOOD BURNING SEASON: for purposes of this rule, the months of November, December, January, and February.

C.6 2018 ANNUAL PM_{2.5} SIP: Imperial County 2018 Annual Particulate Matter Less Than 2.5 Microns in Diameter State Implementation Plan.

D Exemptions

The following devices are exempt from the provisions of this rule:

- D.1 Devices that are exclusively gaseous-fueled.
- D.2 Cookstoves, as defined in 40 CFR section 60.531.
- D.3 Any wood burning appliance located where natural gas service is not available. For the purposes of this rule, propane and butane are not considered natural gas.
- D.4 Any wood burning appliance that is the sole available source of heat in a residence. This includes times of temporary service outages, as determined by the gas or electrical utility service.

E. Mandatory Wood Burning Curtailment

This section shall be in effect annually during the Wood Burning Season.

- E.1 The APCO shall declare a mandatory wood burning curtailment for the Calexico Area whenever the District forecasts that the 24-hour average PM_{2.5} concentration will exceed 35 µg/m³ at the Calexico monitoring station.
- E.2 Upon U.S. EPA notification that the Imperial County PM_{2.5} Nonattainment Area has failed: (1) to meet Reasonable Further Progress in the 2018 Annual PM_{2.5} SIP, (2) to meet a Quantitative Milestone in the 2018 Annual PM_{2.5} SIP, and/or (3) to submit a Quantitative Milestone Report required under 40 CFR 51.1013(b), the APCO shall declare a Mandatory Wood Burning Curtailment for all Imperial County whenever the forecast for the 24-hour average PM_{2.5} concentration is equal to or exceeds 30 µg/m³ at the Calexico monitoring station.
- E.3 No person shall operate any wood burning appliance during a mandatory wood burning curtailment, unless the wood burning appliance is subject to one or more of the exemptions in section D.

F Mandatory Wood Burning Curtailment Notice.

- F.1 The APCO shall notify the public of each mandatory wood burning curtailment by any of the following methods:
 - F.1.1 Provide notice to newspapers of general circulation within the Imperial Valley.

- F.1.2 Broadcast of messages presented by radio or television stations operating in the Imperial Valley.
- F.1.3 A recorded telephone message for which the telephone number is published.
- F.1.4 Messages posted on the Air Pollution Control District's website.
- F.1.5 On the Imperial Valley forecasting website and the mobile app "Imperial Valley Air Quality".
- F.1.6 Any other method as the APCO determines is appropriate.

Regulation VI - Emergency Regulations

This emergency regulation is designed to prevent the excessive buildup of air contaminants and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants.

11/4/77
Imperial

RULE 601 - GENERAL:

Notwithstanding any other provisions of these rules and regulations, the provisions of this regulation shall apply within Imperial County to the control of emissions of air contaminants during any "EPISODE" stage as provided herein.

RULE 602 - EPISODE CRITERIA LEVELS:

	Averaging Time	Stage 1 (Health Advisory-Alert)	Stage 2 (Warning)	Stage 3 (Emergency)
Photochemical Oxidant (Including Ozone)	1 Hour	.20 ppm	.35 ppm	.50 ppm for 1 hr.*
Carbon Monoxide	1 Hour	40 ppm	75 ppm	100 ppm for 1 hr.*
	12 Hours	20 ppm	35 ppm	50 ppm
Sulfur Dioxide	1 Hour	0.5 ppm	1.0 ppm	2.0 ppm
	24 Hours	0.2 ppm	0.7 ppm	0.9 ppm

* and predicted to persist for one additional hour.

RULE 603 - EPISODE STAGES:

Stage 1 (Health Advisory - Alert) A health advisory is issued when the concentration of the pollutants specified for this stage is predicted or reached.

Stage 2 (Warning) A warning is called when the concentration of pollutants specified for this stage is predicted or reached.

Stage 3 (Emergency) An emergency is called when the conditions specified for this stage are reached; and in the case of the one hour criteria for carbon monoxide or oxidants, are predicted to persist for one additional hour.

Episode Termination A stage is terminated whenever the concentration of the pollutant(s) which cause the declaration of the episode has been verified to have fallen below the criteria level for the declaration of the episode and meteorological data indicate that the pollutant concentration is expected to decrease.

RULE 604 - DIVISION OF RESPONSIBILITY FOR ABATEMENT ACTION:

- A. Prediction of Episode Conditions The Air Resources Board shall provide advisory notices of probably episodes. These notices will include air quality predictions based upon analysis of meteorological and ambient air quality data. The Imperial County Air Pollution Control District may supplement this information with data from their own facilities or from contract services.
- B. Stage 1 (Health Advisory - Alert) The Air Pollution Control Officer shall notify persons with special health problems to take precautions against exposures. Schools shall be notified by the Air Pollution Control Officer so they can curtail students participation in strenuous activities. Abatement action for this stage will be voluntary.

- C. Stage 2 (Warning) The Air Pollution Control Officer shall implement both voluntary and mandatory abatement plans.
- D. Stage 3 (Emergency) The Air Pollution Control Officer shall take all actions within its authority to abate the emergency. If further abatement action is necessary, the Air Pollution Control Board may request the Governor to take action or the Governor may take action in accordance with the Emergency Services Act. The Air Resources Board should be consulted prior to submitting this request. If the Governor invokes the provisions of the Act, the Office of Emergency Services (OES) will implement the appropriate portion of the State Peacetime Emergency Plan, with the local district and the Air Resources Board assisting in the control action.
- E. Termination The Air Pollution Control Officer shall terminate Stage 1, Stage 2, and Stage 3 using the episode termination criteria. If the emergency stage is declared by the Governor it can only be terminated by the Governor or his authorized representative.

RULE 605 - ADMINISTRATION OF EMERGENCY PROGRAM

- A. Sampling Stations There shall be at least one permanently located atmospheric sampling station equipped to monitor the contaminants covered by the plan. Sampling locations shall be designated by the Imperial County Air Pollution Control Officer with the concurrence of the Air Resources Board. These stations shall consist of monitoring equipment operated in a manner that will provide for measurements of contaminant concentration in the range of values specified in the episode criteria. Additional temporary, fixed or mobile sampling stations may be maintained and activated as deemed necessary in the applicable areas. Analytical procedures shall be in conformance with Air Resources Board standards. The Air Resources Board shall provide calibration services as required.
- B. Meteorological Services When deemed necessary by the Air Resources Board, they shall provide for the acquisition of meteorological information in any area of the state. The Imperial County Air Pollution Control District may provide such services in addition to the State services.
- C. Notification of Episode The Air Pollution Control Officer shall notify the following when an episode has been declared.

All Episodes

- 1. The Air Resources Board
- 2. Local public health officials and hospitals
- 3. School officials
- 4. The news, radio and television medias
- 5. Air Pollution Control District personnel

Episode - Stage 2 and 3

- 6. Appropriate elected officials
- 7. Local and State law enforcement agencies
- 8. Sources specified in the shutdown plans
- 9. Public safety personnel, who have responsibilities for or interests in air pollution control
- 10. Other Air Pollution Control Districts in the Southeast Desert Air Basin
- 11. The Emergency Action Committee (if one is appointed)

The "Notice of Declaration" of an episode shall include the following:

- 1. The specific level achieved or predicted.
- 2. The estimated geographic area affected or to be affected.
- 3. The pollutant for which the declaration is made.

- D. Emergency Action Committee The Air Pollution Control Officer may appoint an Emergency Action Committee consisting of the Health Officer, Sheriff, County Counsel, Chairman of the Board, Emergency Services and other members and may include representatives of the Air Resources Board or the State Office of Emergency Service for liason purposes. The committee shall act in an advisory capacity to the Air Pollution Control Officer.

RULE 606 - ADVISORY OF HIGH AIR POLLUTION POTENTIAL

Upon the determination that a high potential for deteriorating air quality exists in

local district's staff, the Air Resources Board shall inform all affected local districts of this condition. The operators of the monitoring stations shall be alerted to the potential by the appropriate local district.

RULE 607 - DECLARATION OF EPISODE

The Air Pollution Control Officer shall declare an "Health Advisory-Alert," "Warning" or "Emergency" in the control district whenever the concentration of the pollutant(s) is predicted or has reached the concentrations set forth in Rule 602.

RULE 608 - EPISODE ACTION STAGE 1 (HEALTH ADVISORY-ALERT)

Upon the declaration of this stage the Air Pollution Control Officer shall take the following general action:

- A. The notifications required by Rule 605 B.
- B. Request the public to stop all unnecessary driving.
- C. Request the public to operate all privately-owned vehicles on a pool basis in the affected source and receptor areas.
- D. Request all employers to encourage employee car pools.
- E. Prohibit the burning of a combustible refuse and agricultural waste within the district.

RULE 609 - EPISODE ACTION STAGE 2 (WARNING)

Upon the declaration of this stage, the Air Pollution Control Officer shall take the following actions or any combination of actions:

- A. The notifications required by Rule 605 C.
- B. The Air Pollution Control Board, County Counsel and the Emergency Action Committee (if one is appointed) shall be called into session to study the pertinent information relating to the concentration of air contaminants and to recommend to the Air Pollution Control Officer actions to be taken. Those actions may include, but are not limited to, Stationary Source Curtailment and Episode Abatement Plans or any portion thereof.
- C. Carbon Monoxide - If the occurrence of Stage 2 for carbon monoxide is determined to have been due to traffic congestion in a specific area, measures shall be taken to reduce the traffic congestion in that area.
- D. The Air Resources Board shall be notified at each quarter of the concentration difference between Stages 2 and 3.
- E. The Executive Officer of the Air Resources Board shall activate the Air Resources Board emergency action staff and notify the Office of Emergency Service upon notification by the Air Pollution Control Officer that the pollutant(s) concentration has reached Stage 2.
- F. Whenever the Air Pollution Control Officer determines it is necessary, the Air Pollution Control Board, County Counsel and the Emergency Action Committee (if one is appointed) may take any action required by this rule with less than a quorum present. A majority of the members present is required for any such action.
- G. The Air Pollution Control Officer shall implement the actions recommended by the Air Pollution Control Board, County Counsel and Emergency Action Committee (if one is appointed).

RULE 610 - EPISODE ACTION STAGE 3 (EMERGENCY)

Upon the declaration of this stage, the Air Pollution Control Officer shall take the following actions or any combination of actions:

- A. The notification required by Rule 605 C.
- B. The Air Pollution Control Board, County Counsel and the Emergency Action Committee (if one is appointed) shall be called into session to study the pertinent information relating to the concentration of air contaminants and to recommend to the Air Pollution Control Officer actions to be taken.

those actions may include, but are not limited to, curtailment and Episode Abatement Plans or any portion thereof.

- C. Whenever the Air Pollution Control Officer determines it necessary, the Air Pollution Control Board, County Counsel and the Emergency Action Committee (if one is appointed) may take any action required by this rule with less than a quorum present. A majority of the members present is required for such action.
- D. Review abatement action and determine if curtailment plan should include additional industrial sources and the closing of all but essential business where continued operation would result in emissions that contribute to the episode.
- E. The Air Pollution Control Officer shall implement the actions recommended by the Air Pollution Control Board, County Counsel and the Emergency Action Committee (if one is appointed).
- F. If it appears that the steps taken by the Air Pollution Control Officer will be inadequate to cope with the emergency, the Air Pollution Control Board shall request action of the Executive Officer of the Air Resources Board.
 - 1. The Office of Emergency Service and the Air Resources Board shall evaluate actions that have been taken and jointly advise the Governor of the conditions and shall recommend to the Governor whether or not further actions under the Emergency Service Act should be taken.
 - 2. If it is determined that further action is necessary, the Office of Emergency Service shall activate its predetermined procedures in accordance with the applicable portion of the State Peacetime Emergency Plan developed pursuant to the Emergency Services Act.

RULE 611 - EPISODE TERMINATION

The Air Pollution Control Officer shall declare the termination of the appropriate episode whenever the concentration of an air contaminant which caused the declaration of such episode has been verified to be below the levels set forth in Rule 602 for the calling of such episode and the available scientific and meteorological data indicate that the concentration of such air contaminant will not immediately increase again so as to reach the levels set forth for such episode in Rule 602. The Air Pollution Control Officer shall immediately notify those required by Rule 605 C of the declaration of the termination of the episode.

RULE 612 - STATIONARY SOURCE CURTAILMENT

Upon the request of the Air Pollution Control Officer, all industries, businesses, commercial establishments or other establishments that may emit 100 tons/year or more of hydrocarbons or any pollutant included in this plan shall prepare plans for immediate curtailment of emissions. The plans shall be made available to the Air Pollution Control District and shall contain the following information:

- A. Name or identification of the sources,
- B. Location of the sources,
- C. Information on estimated emissions in terms of both quantity and nature of each pollutant,
- D. The number of fleet vehicles,
- E. Name of the person to contact in case curtailment is necessary and
- F. Shutdown procedures including the time required to effect the shutdown.

RULE 613 - EPISODE ABATEMENT PLAN

The Air Pollution Control Board, County Counsel and the Emergency Action Committee (if one is appointed) after study of all pertinent information relating to the concentration of air contaminants shall recommend to the Air Pollution Control Officer the following Episode Abatement Plan, any combination of the following plan or other traffic abatement strategy that will abate the air pollution episode.

STRATEGY	EPISODE STAGE		
	1	2	3
Voluntary Reduction in Traffic	x	x	x
Ban Government Vehicles		x	x
Close Admission to Public Recreation Facilities		x	x
Close Government Offices		x	x
Ban Fleet Vehicles - Excluding Gaseous Fueled		x	x
Close Admission to Private Recreation Facilities		x	x
Close Admission to Regional Shopping Centers		x	x
Close Schools and Colleges		x	x
Close Admission to "Downtown" Retail and Service Business		x	x
Ban Delivery Service of All Non-Perishables		x	x
Stationary Source Curtailment		x	x
Ban Non-Essential Service Calls		x	x
Close Establishments with 100 or More Employees		x	x
Close Admission to All Other Retail and Service Business		x	x
Close Other Industrial and Large Emission Sources			x

RULE 614 - ENFORCEMENT

When an episode has been declared, the Air Pollution Control Officer, Sheriff, Fire Chief, their deputies and all other peace officers within the affected area(s) shall enforce the appropriate provisions of this regulation and all orders of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this regulation, against any person who having knowledge of the declaration of an episode, refuses to comply with the rules set forth in this regulation or any order of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this regulation.

RULE 701. AGRICULTURAL BURNING

(Adopted prior to 10/15/79; revised 6/1/77, 9/14/99; 08/13/2002)

A. Prohibitions

- A.1 No person knowingly shall set or permit Agricultural Burning unless he has a valid permit from the Air Pollution Control Officer. The Air Pollution Control Officer shall issue Agricultural Burning permits subject to the rules and regulations of the Imperial County Air Pollution Control District, and the California Health and Safety Code and implementing regulations.
- A.2 Each applicant for a permit shall provide information as required by the Air Pollution Control Officer.
- A.3 Prior to the burn, notice of intent shall be given by the permittee to the Air Pollution Control Officer.
- A.4 No permit shall be valid for any day during a period in Which Agricultural Burning is prohibited by the California Air Resources Board or the Air Pollution Control District.
- A.5 No permit shall be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.
- A.6 All agricultural wastes to be burned must be free of tires, rubbish, tar paper, construction debris, and all other material that is not produced in an agricultural operation.
- A.7 All agricultural wastes to be burned shall be arranged in such manner as to promote drying and insure combustion with a minimum of smoke production. All agricultural wastes to be burned shall be free of excessive dirt, soil, and visible surface moisture.
- A.8 All agricultural wastes to be burned shall be ignited only by an approved ignition device as defined in Rule 101.
- A.9 The following types of agricultural waste materials to be burned must be dried for the following minimum time periods or equivalent:
 - A.9.a Green field stubble: 4 days following harvest
 - A.9.b Dry cereals: 0 days
 - A.9.c Prunings and small branches: 2 weeks
 - A.9.d Large branches and trees: 6 weeks

- A.10 Materials to be burned shall be ignited between 10:00 a.m. and 3:00 p.m., and all burning shall be terminated by sunset of each day.
- A.11 No burning of agricultural waste materials shall be permitted which will create a nuisance as defined in Section 41700 of the California State Health and Safety Code.
- A.12 The Air Pollution Control Officer may restrict Agricultural Burning to selected permittees on designated Burn Days if the total tonnage to be ignited would total more than 5% of the total annual tonnage burned in Imperial County if visibility is less than 10 miles for two observations one (1) hour apart, when the relative humidity is less than 70%.
- A.13 The Air Pollution Control Officer may declare a No-Burn Day for the District when the visibility is below 5 miles. (Amended 6-1-77)
- A.14 In addition to the provisions of this rule, burning within one and one half miles of a residential area (three or more contiguous, inhabited dwellings), rural school, or adjacent to heavily traveled roads, is subject to the following conditions:
- A.14.a An Air Pollution Control District inspector must be present prior to, and at the time of ignition, and must give approval before the burn may be started.
- A.14.b The inspector may require backfiring, strip lighting, or use of needed fire breaks.
- A.14.c The inspector may withhold approval if meteorological conditions are not appropriate. Such conditions may be strong or gusty winds, smoke drift toward residential or sensitive areas or across traveled roads, low inversion layer, or excessive moisture, and low visibility.
- A.14.d A responsible person shall remain at the fire until it is out.
- A.14.e A sufficient number of competent persons shall be available to caution or direct traffic in the event smoke may obscure vision on roads adjacent to the burn.
- A.14.f Fields must be disced within 48 hours after the burn for wheat and barley, and for other crops as may be required by the inspector.
- A.14.g The permittee or responsible agent must make an appointment to meet an inspector. A requested schedule for burning may be denied or delayed if an inspector is not available, or if an excessive amount of burning is being requested for the same local area and time.

A.14.h Levee, ditch, right-of-way, and spot burns need not have an inspector present to burn, and shall comply with A.14.a and A.14.b above.

A.15 The Air Pollution Control Officer may restrict Agricultural Burning to selected permittees on designated Burn Days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions. (Amended 6-1-77)

B. Exceptions to Prohibitions

B.1 The Air Pollution Control Officer may grant an exception to Section A.4. allowing burning on a No-Burn Day so designated by the Air Resources Board or the Imperial County APCD when there is a threat of imminent and substantial economic loss. The Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources. Said exception shall be provided pursuant to the following provisions:

B.1.a the Air Pollution Control Officer may only authorize such burning when downwind populated areas are forecast by the Imperial County APCD to achieve the ambient air quality standards.

B.1.b the Air Pollution Control Officer shall limit the amount of acreage that can be burned on any one no-burn day.

B.1.c the granting of an exemption does not exempt the applicant from any other Imperial County APCD or fire control regulations.

B.1.d The applicant shall submit in writing on the form provided, his reasons for the exception.

B.2 The burning of empty sacks or combustible containers which contained pesticides is permitted on No-Burn Days, providing the sacks or containers are within the definition of "Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowls or Animal" in Rule 101.

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 702. RANGE IMPROVEMENT BURNING

(Adopted prior to 10/15/79; revised 3/20/73, 9/14/99)

- A. Range improvement burns shall be regulated by the provisions of Rule 701.
- B. If a burn is done primarily for improvement of land for wildlife and game habitat, a statement from the Department of Fish and Game certifying that the burn is desirable and proper shall be submitted and filed with the application for a burning permit.
- C. All burns shall be ignited as rapidly as practicable within applicable fire control restrictions.
- D. Brush to be ignited shall be treated at least six months prior to the burn unless the Air Pollution Control Officer determines it is economically and technically not feasible.
- E. Unwanted trees over six inches in diameter shall be felled and dried in accordance with Rule 701.A.9.

RULE 800 GENERAL REQUIREMENTS FOR CONTROL OF FINE PARTICULATE MATTER (PM-10)

(Adopted 10/10/94; Revised 11/25/96; Revised 11/08/2005; Revised 10/16/2012)

A. General Description

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from anthropogenic (man-made) Fugitive Dust (PM-10) sources generated from within Imperial County by requiring actions to prevent, reduce, or mitigate PM-10 emissions. The Rules contained within this Regulation have been developed pursuant to United States Environmental Protection Agency guidance for Serious PM10 Non Attainment Areas.

B. Applicability

The requirements of this rule shall apply to any Active Operation, and/or man-made or man-caused condition or practice capable of generating Fugitive Dust (PM-10) as specified in this Regulation except those determined exempt as defined in Part E of this Rule. The definitions, exemptions, requirements, administrative requirements recordkeeping requirements, and test methods set forth in this rule are applicable to all the rules under Regulation VIII (Fugitive Dust Requirements) of the Rules and Regulations of the Imperial County Air Pollution Control District.

C. Definitions

For the purpose of this Regulation, the following terms are defined:

- C.1 **ACTIVE OPERATION:** Activities capable of generating Fugitive Dust (PM-10), including but not limited to, Earthmoving Activities, Construction activities, Unpaved Roads, Track-Out/Carry-Out, Bulk Material storage and transport, Unpaved Haul/Access Roads.
- C.2 **AGGREGATE MATERIALS:** Consists of sand, Gravel, quarried stone and/or rock fragments that are typically used in Construction. Aggregates may be natural, artificial or recycled.
- C.3 **ANEMOMETERS:** Are devices used to measure wind speed and direction in accordance with manufacturer's performance standards, maintenance and calibration criteria.
- C.4 **ANNUAL AVERAGE DAILY VEHICLE TRIPS:** annual average 24-hour total of all vehicles counted on a road.

- C.5 APCD: The Imperial County Air Pollution Control District.
- C.6 APCO: The Imperial County Air Pollution Control Officer.
- C.7 AVERAGE VEHICLE TRIPS PER DAY: Means the average number of vehicles that cross a given point surface during a specific 24-hour period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.
- C.8 BLM: The Bureau of Land Management.
- C.9 BP: The United States Border Patrol.
- C.10 BULK MATERIAL: Earth, rock, Silt, sediment, sand, Gravel, soil, fill, Aggregate, dirt, mud, debris, and other organic and/or inorganic material consisting of or containing Particulate Matter with five percent or greater Silt content. For the purpose of this Regulation, the Silt content level is assumed to be 5 percent or greater, unless the Person responsible for the Active Operation conducts the applicable laboratory tests and demonstrate that the Silt content is less than 5 percent. Active Operations seeking to determine if the Silt content is less than five percent are required to conduct the laboratory analysis in accordance with ASTM method C-136-a (Standard Test Method for Sieve analysis of Fine and Coarse Aggregates), or other equivalent test methods approved by EPA, ARB, and the APCD.
- C.11 CANAL BANK: A rise of land on either side of an irrigation canal.
- C.12 CHEMICAL STABILIZATION/SUPPRESSION: A means of Fugitive Dust (PM-10) control implemented to mitigate PM-10 emissions by applying petroleum resins, asphaltic emulsions, acrylics, adhesives, or any other materials approved for use by the California Air Resources Board (CARB), U.S. Environmental Protection Agency (U.S. EPA) and/or the APCO.
- C.13 CONSTRUCTION: Any on-site mechanical activities preparatory to or related to the building, alteration, rehabilitation, or demolition of an improvement on real property, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of any structure. As used in Regulation VIII, a construction site may encompass several contiguous parcels, or may encompass only a portion of one parcel, depending on the relationship of the property boundaries to the actual construction activities.
- C.14 DESIGNATED REPRESENTATIVE: The agent for a Person. The Designated Representative shall be responsible for and have the full authority to implement BACM on behalf of the Person.

- C.15 **DISTURBED SURFACE AREA:** An area in which naturally occurring soils, or soils or other materials placed thereon, have been physically moved, uncovered, destabilized, or otherwise modified by grading, land leveling, scraping, cut and fill activities, excavation, bush and timber clearing, or grubbing, and soils on which vehicle traffic and/or equipment operation has occurred. An area is considered to be disturbed until the activity that caused the disturbance has been completed, and the disturbed area meets the stabilized surface conditions specified in this rule, or the area has been paved or otherwise covered by a permanent structure.
- C.16 **DPR:** The California Department of Parks and Recreation.
- C.17 **EARTHMOVING ACTIVITIES:** The use of any equipment for an activity that may generate Fugitive Dust emissions, including, but not limited to, cutting and filling, grading, leveling, excavation, trenching, loading or unloading of Bulk Materials, demolishing, drilling, adding to or removing bulk materials from open storage piles, weed abatement through disking, and back filling.
- C.18 **FUGITIVE DUST:** The Particulate Matter entrained in the ambient air which is caused from man-made and natural activities such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind. This excludes Particulate Matter emitted directly in the exhaust of motor vehicles or other fuel combustion devices, from portable brazing, soldering, or welding equipment, pile drivers, and stack emissions from stationary sources.
- C.19 **GRAVEL:** Gravel travelways shall have a three (3) inch minimum depth Stabilized Surface. The travelway shall have a relative compaction of not less than 95% as determined by Test Method No. California 216 of State of California, Business and Transportation Agency Department of Transportation, and conforming to the following grading:

Sieve Designation	$\frac{3}{4}$ " Maximum Percent Passing
1"	100
$\frac{3}{4}$ "	90-100
#4	35-60
#30	10-30
#200	2-9

Reference: California Department of Transportation Standard Specification Section 26/class II Aggregate Base

- C.20 HAUL/ACCESS ROAD: Any on-site road used for commercial, industrial, institutional, and/or governmental traffic.
- C.21 HAUL TRUCK: Any fully or partially open-bodied licensed motor vehicle used for transporting Bulk Material for industrial or commercial purposes.
- C.22 IMPLEMENT OF HUSBANDRY: An unlicensed vehicle which is used exclusively in the conduct of Agricultural Operations. An Implement of Husbandry does not include a vehicle if its existing design is primarily for the transportation of persons or property on a highway, unless specifically designated as such by some other provision of the Vehicle Code of California.
- C.23 NON-RESIDENTIAL AREA: Any unpaved vehicle and equipment traffic area operated at any commercial, manufacturing or government sites.
- C.24 MODIFIED PAVED ROAD: Any Paved Road that is widened or improved so as to increase traffic capacity. This term does not include road maintenance, repair, chip seal, pavement or roadbed rehabilitation that does not affect roadway geometrics, or surface overlay work.
- C.25 OFF-FIELD AGRICULTURAL SOURCE: Any Agricultural Source or activity at an Agricultural Source that falls into one or more of the following categories:
- C.25.a Outdoor handling, storage and transport of Bulk Material;
 - C.25.b Paved Road;
 - C.25.c Unpaved Road; or
 - C.25.d Unpaved Traffic Area.
- C.26 OFF-ROAD EVENT AND/OR COMPETITIONS: Means any of the following: any organized, sanctioned, or structured use, event or activity on public land in which two hundred and fifty (250) or more contestants compete and either or both of the following elements apply: (i) Participants register, enter, or complete an application for the event; (ii) A predetermined course or area is designated.
- C.27 OFF- HIGHWAY VEHICLE(OHV): An off-highway vehicle is a motorized vehicle when operating off a highway, including a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind. "Highway" means the entire width between the

boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel, excluding unpaved trails and paths specifically intended for recreational use.

- C.28 ON-FIELD AGRICULTURAL SOURCE: Any Agricultural Source or activity at an Agricultural Source that is not an Off-Field Agricultural Source, including (but not limited to) the following:
- C.28.a Activities conducted solely for the purpose of preparing land for the growing of crops or the raising of fowl or animals, such as brush or timber clearing, grubbing, scraping, ground excavation, land leveling, grading, turning under stalks, disking, or tilling;
 - C.28.b Drying or pre-cleaning of agricultural crop material on the field where it was harvested;
 - C.28.c Handling or storage of agricultural crop material that is baled, cubed, pelletized, or long-stemmed, on the field where it was harvested, and the handling of fowl or animal feed materials at sites where animals or fowl are raised;
 - C.28.d Disturbances of cultivated land as a result of fallowing, planting, fertilizing or harvesting.
- C.29 OPEN AREA: Any of the following described in Subsection C.29.a through C.29.c of this rule. For the purpose of this rule, vacant portions of residential or commercial lots and contiguous parcels that are immediately adjacent to and owned and/or operated by the same individual or entity are considered one open area. An open area does not include any Unpaved Traffic Area as defined in this rule.
- C.29.a An un-subdivided or undeveloped land whether or not it is adjoining a developed (or partially developed) residential, industrial, institutional, governmental, or commercial area.
 - C.29.b A subdivided residential, industrial, institutional, governmental, or commercial lot, which contains no approved or permitted building or structures of a temporary or permanent nature.
 - C.29.c A partially developed residential, industrial, institutional, governmental, or commercial lot and contiguous lots under common ownership.
- C.30 PARTICULATE MATTER: Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at 60 degrees F and one

atmosphere pressure.

- C.31 PAVED ROADS: An improved street, highway, alley, public way, that is covered by concrete, asphaltic concrete, or asphalt.
- C.32 PERSON: Any individual, public or private corporation, partnership, association, firm, trust, estate, municipality, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, who is responsible for an Active Operation.
- C.33 PM-10: Particulate Matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by the applicable State and Federal reference test methods.
- C.34 RECREATIONAL OFF-HIGHWAY VEHICLE (OHV) USE AREA: The entire area of a parcel of land, except for camping and approved buffer areas, that is managed for off-highway vehicle use through the development or designation of off-highway vehicle trails or areas.
- C.35 RURAL: Areas not classified as urban constitute "rural."
- C.36 SILT: Any Aggregate Material with a particle size less than 75 micrometers in diameter as measured by a No. 200 sieve as defined in ASTM D-2487 and as tested by ASTM-C-136 or other equivalent test methods approved by EPA, ARB, and the APCD.
- C.37 STABILIZED SURFACE: Any disturbed surface area or open bulk storage pile that is resistant to wind blown Fugitive Dust emissions. A surface is considered to be stabilized if it meets at least one of the following conditions specified in this Section and as determined by the test methods specified in Appendix B, Section A, B and D-G tests of this rule:
- C.37.a A visible crust; or
 - C.37.b A threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 centimeters per second or greater; or
 - C.37.c A flat vegetative cover of at least 50 percent that is attached or rooted vegetation; or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind; or
 - C.37.d A standing vegetative cover of at least 30 percent that is attached or rooted vegetation with a predominant vertical orientation; or

- C.37.e A standing vegetative cover that is attached or rooted vegetative with a predominant vertical orientation that is at least 10 percent and where the TFV is at least 43 centimeters per second when corrected for non-erodible elements; or
- C.37.f A surface that is greater than or equal to 10 percent of non-erodible elements such as rocks, stones, or hard-packed clumps of soil.
- C.38 STABILIZED UNPAVED ROAD: Any Unpaved Road or unpaved vehicle/equipment traffic area surface which meets the definition of Stabilized Surface as determined by the test method in Appendix B, Section C of this rule, and where VDE is limited to 20% opacity.
- C.39 TACTICAL TRAINING: Training conducted by the U.S. Department of Defense, the U.S. military services, or its allies for combat, combat support, combat service support, tactical or relief operations. Examples include but are not limited to munitions training.
- C.40 TEMPORARY UNPAVED ROAD: Any Unpaved Road surface which is created to support a temporary or periodic activity and the use of such road surface is limited to vehicle access for a period of not more than six months during any consecutive three-year period.
- C.41 THRESHOLD FRICTION VELOCITY (TFV): The corrected velocity necessary to initiate soil erosion as determined by the test method specified in Appendix B, Section D, of this rule. The lower TFV, the greater the propensity for fine particles to be lifted at relatively low wind speeds.
- C.42 TRACK-OUT/CARRY-OUT: Any and all Bulk Materials that adhere to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto the pavement.
- C.43 TRACK-OUT PREVENTION DEVICE: A Gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a Paved Road that prevents or controls Track-Out.
- C.44 UNPAVED ROADS: Streets, alley ways, or roadways that are not covered by one of the following: concrete, asphaltic concrete, asphalt, or other similar materials specified by the U.S.EPA, CARB and/or the APCO.
- C.45 UNPAVED TRAFFIC AREA: Any nonresidential area that is:
- C.45.a Not covered by asphalt, recycled asphalt, asphaltic concrete, concrete, or concrete pavement, and

- C.45.b Used for fueling and servicing; shipping, receiving and transfer; or parking or storing equipment, haul trucks, vehicles, and any conveyances.
 - C.46 URBAN AREA: An area within an incorporated city boundary or within unincorporated areas completely surrounded by an incorporated city.
 - C.47 VDE: Visible dust emissions. Dust emissions that are visible to an observer.
 - C.48 VMT: Vehicle miles traveled.
 - C.49 WIND GUST: Is the maximum instantaneous wind speed as measured by an anemometer.
- D. Compliance Schedule
- D.1 Existing sources subject to this Regulation shall comply with its requirements no later than 90 days after its adoption date.
 - D.2 New sources subject to this Regulation shall comply with its requirements prior to initiation of activity.
 - D.3 BP and any person (including BLM and DPR) who owns or operates a Recreational OHV Use Area on public lands shall each comply with the following compliance schedule:
 - D.3.a Submit a draft dust control plan addressing all applicable portions of this Regulation including section F.5 and F.7 within three (3) months of the adoption date of this rule, to which the APCO shall respond within 60 days;
 - D.3.b Submit a final dust control plan addressing all APCO comments within two (2) months after receiving APCO's comments, which the APCO shall transmit to CARB and U.S. EPA for 45-day review and comment;
 - D.3.c If comments received from CARB or EPA, submit to them and APCO a revised final dust control plan addressing all comments within two (2) months after receiving comments.
 - D.3.d Implement all final dust control plan elements within six (6) months of submittal; and
 - D.3.e Submit an updated dust control plan every two calendar years

by the procedures described in D.3.a to D.3.d. The updated plans shall be transmitted to the District no later than 90 days after the end of the calendar year and, in addition to information required of the initial plan, shall include a summary of actions taken to prevent or mitigate PM10 emissions during the previous two years.

E. Exemptions

The following activities are exempt from provisions of this Regulation:

- E.1 Actions required by the Federal or State Endangered Species Act or any order issued by a court or governmental agency.
- E.2 Off-Field Agricultural Sources necessary to minimize or respond to adverse effects on agricultural crops caused during freezing temperatures as declared by the National Weather Service.
- E.3 Emergency maintenance of flood control channels and water spreading basins.
- E.4 Any emergency operation activities performed to ensure public health and safety. Emergency activities lasting more than 30 days shall be subject to this Regulation, except where compliance would limit the effectiveness of the emergency activity performed to ensure public health and safety.
- E.5 Blasting operations permitted by the California Division of Industrial Safety. Other activities performed in conjunction with blasting are not exempt from complying with the provisions of this rule.
- E.6 The following military training activities conducted by the Department of Defense: (1) military Tactical Training, (2) maintenance, repair, and removal of targets and munitions associated with military Tactical Training, (3) open areas on active military ranges, including but not limited to designated impact areas, landing zones, and bivouac areas. However, unpaved roads, staging areas, parking lots, and other activities performed in conjunction with military Tactical Training are not exempt from complying with the provisions of this Regulation, as applicable.

F. General Requirements

- F.1 Materials used for Chemical Stabilization of soils, including petroleum resins, asphaltic emulsions, acrylics, and adhesives shall not violate State Water Quality Control Board standards for use as a soil stabilizer. Materials accepted by the California Air Resources Board (ARB) and the

United States Environmental Protection Agency (EPA), and which meet State water quality standards, shall be considered acceptable to the ICAPCD.

- F.2 Any material prohibited for use as dust Suppressant by EPA, the ARB, or other applicable law, rule, or regulation is also prohibited under Regulation VIII.
- F.3 Use of hygroscopic materials may be prohibited by the APCD in areas lacking sufficient atmospheric moisture of soil for such materials to effectively reduce Fugitive Dust emissions. The atmospheric moisture of soil is considered to be sufficient if it meets the application specifications of the hygroscopic product manufacturer. Use of such materials may be approved in conjunction with sufficient wetting of the controlled area.
- F.4 Any use of dust Suppressants or gravel pads, and paving materials such as asphalt or concrete for paving, shall comply with other applicable District Rules.
- F.5 Recreational OHV Use Area on Public lands Dust Control Plan Requirements

The BLM, DPR, or any other owner or operator of a Recreational OHV Use Area on public lands shall prepare a dust control plan to minimize PM-10 emissions. The dust control plan shall include at a minimum the following:

- F.5.a A stipulation that all new authorizations for point and area stationary emission sources obtain all necessary permits and satisfy all applicable SIP provisions, including Regulation VIII specific control measures;
- F.5.b A summary of:
 - F.5.b.1 The total miles of roads in the Recreational OHV Use Area on public lands that are paved, paved with unpaved shoulders, and unpaved roads with 50 or more average vehicle trips per day, including length and level of usage of each such road; the priority for control of road segments based on annual and episodic (e.g. event) usage; the plans for control of PM-10 emissions from these roads;
 - F.5.b.2 The location and extent (acreage and where feasible, estimate of number of vehicles) of open areas disturbed by legal and illegal Recreational Use,

including maps such as those required by California Public Resources Code (PRC) section 5090.34; the priority for control of these open areas based on annual and episodic (e.g. event) usage; the plans for control of PM-10 emissions from these areas;

F.5.c Unpaved Roads and Unpaved Vehicle/Equipment Traffic Area. The dust control plan shall be implemented on all days that traffic exceeds, or is expected to exceed, the number of average daily vehicle trips per day as specified in sections F.5.c.1 and F.5.c.2 of this rule, except where measures are demonstrated by owner/operator to be prohibited by federal or state laws, regulations, or approved plans concerning wilderness preservation and species management and recovery.

F.5.c.1 On each day of an Off-Road Event and/or Competition that 50 average vehicle daily trips per day will occur on an unpaved road segment, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures:

- F.5.c.1.1 Watering;
- F.5.c.1.2 Uniform layer of washed gravel;
- F.5.c.1.3 Paving;
- F.5.c.1.4 Restrict access;
- F.5.c.1.5 Restrict speed limit at or below 15 mph;
- F.5.c.1.6 Chemical/organic dust suppressants;
- F.5.c.1.7 Roadmix;
- F.5.c.1.8 Any other method(s) that can be demonstrated that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

F.5.c.2 On each day of an Off-Road Event and/or Competition that 50 average vehicle daily trips per day will occur on an unpaved surface area dedicated to any vehicle parking and Unpaved Traffic Area, the owner/operator shall limit VDE to 20% opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one of the following control measures:

- F.5.c.2.1 Watering;
- F.5.c.2.2 Uniform layer of washed gravel;

- F.5.c.2.3 Paving;
- F.5.c.2.4 Restricted access below the limit;
- F.5.c.2.5 Restrict speed limit at or below 15 mph;
- F.5.c.2.6 Chemical/organic dust suppressants;
- F.5.c.2.7 Roadmix;
- F.5.c.2.8 Any other method(s) that can be demonstrated that effectively limits VDE to 20% opacity and meets the conditions of a stabilized unpaved road.

- F.5.d The dust control plan must describe all PM-10 control measures that will be implemented, such as restricted use areas, stabilization of Unpaved Traffic Areas and current Recreation Area Management Plan (RAMP) measures, all applicable soil and habitat conservation requirements, and all monitoring and corrective actions taken to reduce PM10 emissions during Off-Road Events and/or Competitions on public land and include all those measures that are feasible and not prohibited by the laws, regulations and plans described in F.5.c;
- F.5.e Use BLM-standard road design and drainage specifications when maintaining existing roads or authorizing road maintenance and new road construction;
- F.5.f Include public educational information on reducing PM-10 emissions with agency (e.g., BLM and DPR) open area literature (e.g. identification of restricted areas and/or applicable speed limits) and on related information signs in heavily used areas; and
- F.5.g The owner or operator of a recreational OHV use area on public lands shall not permit Off-Road Events and/or Competitions from June 15th to August 15th, unless a specific dust control plan is submitted to and approved by the ICAPCD. The dust control plan shall include specific fugitive dust control measures and demonstrate that all control measures, including the requirements of this rule, can be implemented and enforced.

F.6 Border Patrol (BP) Requirements

The BP shall prepare a dust control plan designed to minimize PM10 emissions from sources under the control of the BP. The dust control plan shall include the following fugitive dust control measures:

- F.6.a A stipulation that all new authorizations for point and area stationary emission sources obtain all necessary permits and

satisfy all applicable SIP provisions, including Regulation VIII specific control measures;

- F.6.b Implement alternatives to tire-dragging that result in fewer PM10 emissions, unless BP demonstrates such alternatives to be inconsistent with the monitoring of immigration across the U.S.-Mexico border;

F.7 New Recreational OHV Use Area(s) on Public Land Requirements

Before a public agency (including BLM and DPR) designates a property as “New Recreational OHV Use Area” (hereafter referred to as “New Recreational OHV Use Area”) for OHV recreation, the agency shall meet and confer with ICAPCD. A “New Recreational OHV Use Area” shall include areas physically undisturbed by OHV usage as of January 1, 2013. After development and approval of an agency’s first Dust Control Plan under Section D.3 of this rule, “New Recreational OHV Use Area also includes areas not described in the previous public agency’s dust control plan.”

- F.7.a ICAPCD shall review the public agency’s draft General Plan, Specific Plan, or RAMP and/or related documents for consistency and compliance with the rules and requirements applicable to and/or implementing Imperial County’s plan for attainment and/or maintenance of the 24-hour federal PM-10 standard. During the applicable public comment period, ICAPCD may provide comments on the applicable plan to the public agency related to consistency and compliance with such rules and requirements, and where applicable, describe additional measures necessary for consistency and compliance with such rules and requirements.
- F.7.b For any New Recreational OHV Use Area(s) with PM-10 emissions of 70 tons per year or above, the public agency must demonstrate in a federal- and/or state-required environmental assessment that these emissions would not:
 - F.7.b.1 Cause or contribute to any new violations of any PM-10 NAAQS in the area.
 - F.7.b.2 Interfere with provisions in the applicable PM-10 SIP for maintenance of the PM-10 NAAQS.
 - F.7.b.3 Increase the frequency or severity of any existing violation of PM-10 NAAQS; or

F.7.b.4 Delay timely attainment of the PM-10 NAAQS or any required interim emission reductions or other milestones in any area including, where applicable, emission levels specified in the applicable SIP for purposes of: (i) a demonstration of reasonable further progress; (ii) a demonstration of attainment; or (iii) a maintenance plan.

F.7.c The public agency shall not approve the applicable General Plan, Specific Plan, or RAMP unless and until it has incorporated ICAPCD's comments and recommended mitigation measures or explained why a comment or recommended mitigation measure does not apply or is infeasible. If the public agency does not accept a mitigation measure or comment, the public agency shall consult with ICAPCD to identify an alternative measure or way to address ICAPCD's concern. In any event, all New Recreational OHV Use Areas shall comply with Section F.5 above.

G. Administrative Requirements

G.1 Test Methods

G.1.a Determination of VDE Opacity

Opacity observations to determine compliance with VDE standards shall be conducted in accordance with the test procedures for "Visual Determination of Opacity" as described in Appendix A of this rule. Opacity observations for sources other than unpaved traffic areas (e.g., roads, parking areas) shall be conducted per Section B of Appendix A and shall require 12 readings at 15-second intervals.

G.1.b Determination of Stabilized Surface

Observations to determine compliance with the conditions specified for a stabilized surface, in any inactive disturbed surface area, whether at a work site that is under construction, at a work site that is temporarily or permanently inactive, or on an open area and vacant lot, shall be conducted in accordance with the test methods described in Appendix B of this rule. If a disturbed surface area passes any of the applicable Appendix B-Section A, B and D-G tests, then the surface shall be considered stabilized.

G.1.c Determination of Soil Moisture Content

Soil moisture content shall be determined by using ASTM Method D2216-98 (Standard Test Method for Laboratory Determination of Water [Moisture] Content of Soil and Rock by Mass), or other equivalent test methods approved by the EPA, ARB, and the APCO.

G.1.d Determination of Silt Content for Bulk Materials

Silt content of a Bulk Material shall be determined by ASTM Method C136a (Standard Test Method for Sieve Analysis of Fine and Coarse Aggregates), or other equivalent test methods approved by EPA, ARB, and the APCD.

G.1.e Determination of Silt Content for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas

Silt Content for Unpaved Roads and Unpaved Traffic Areas shall be determined by using Section C of Appendix B of this Rule or other equivalent test methods approved by EPA, ARB, and the APCO.

G.1.f Determination of Threshold Friction Velocity (TFV)

TFV shall be determined by using Section D of Appendix B of this Rule or other equivalent test methods approved by EPA, ARB, and the APCO.

H. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application and compliance with this rule (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

I. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII. Failure to comply with the provisions of an APCO approved dust control plan shall also constitute a violation of this Regulation. Regardless of whether an APCO approved dust control plan is being implemented or not, or

whether a Person responsible for an Active Operation(s) is complying with an approved dust control plan, the Person is still subject to the requirements of Regulation VIII at all times.

APPENDIX A
Visual Determination of Opacity

SECTION A Test Method For Unpaved Roads and Unpaved Traffic Areas

SECTION B Test Method For Time-Averaged Regulations

SECTION A TEST METHOD FOR UNPAVED ROADS AND UNPAVED TRAFFIC
AREAS

- A Opacity Test Method. The purpose of this test method is to estimate the percent opacity of Fugitive Dust plumes caused by vehicle movement on Unpaved Roads and Unpaved Traffic Areas. This method can only be conducted by an individual who has current certification as a qualified observer.
- A.1 Step 1: Stand at least 16.5 feet from the fugitive dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Following the above requirements, make opacity observations so that the line of vision is approximately perpendicular to the dust plume and wind direction. If multiple plumes are involved, do not include more than one plume in the line of sight at one time.
- A.2 Step 2: Record the Fugitive Dust source location, source type, method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), observer's position to the Fugitive Dust source, and color of the plume and type of background on the visible emission observation form both when opacity readings are initiated and completed.
- A.3 Step 3: Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of vision. Make opacity observations approximately 1 meter above the surface from which the plume is generated. Note that the observation is to be made at only one visual point upon generation of a plume, as opposed to visually tracking the entire length of a dust plume as it is created along a surface. Make two observations per vehicle, beginning with the first reading at zero seconds and the second reading at five seconds. The zero-second observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume but, instead, observe the plume briefly at zero seconds and then again at five seconds.
- A.4 Step 4: Record the opacity observations to the nearest 5% on an observational record sheet. Each momentary observation recorded

represents the average opacity of emissions for a 5-second period. While it is not required by the test method, EPA recommends that the observer estimate the size of the vehicles which generate dust plumes for which readings are taken (e.g. mid-size passenger car or heavy-duty truck.) and take the approximate speeds the vehicles are traveling when the readings are being taken.

- A.5 Step 5: Repeat Step 3 (Section A.3. of this appendix) and Step 4 (Section A.4. of this appendix) until you have recorded a total of 12 consecutive opacity readings. This will occur once six vehicles have driven on the source in your line of observation for which you are able to take proper readings. The 12 consecutive readings must be taken within the same period of observation but must not exceed 1 hour. Observations immediately preceding and following interrupted observations can be considered consecutive.
- A.6 Step 6: Average the 12 opacity readings together. If the average opacity reading equals 20% or lower, the source is in compliance with the opacity standard described in the applicable rule.

SECTION B TEST METHOD FOR VISUAL DETERMINATION OF OPACITY OF EMISSIONS FROM SOURCES FOR TIME-AVERAGED REGULATIONS

- B Applicability. This method is applicable for the determination of the opacity of emissions from sources of visible emissions for time-averaged regulations. A time-averaged regulation is any regulation that requires averaging visible emission data to determine the opacity of visible emissions over a specific time period.
 - B.1 Principle. The opacity of emissions from sources of visible emissions is determined visually by a qualified observer who has received certification.
 - B.2 Procedures. A qualified observer who has been certified shall use the following procedures for visually determining the opacity of emissions.
 - B.2.a Position. Stand at a position at least 5 meters from the Fugitive Dust source in order to provide a clear view of the emissions with the sun oriented in the 140° sector to the back. Consistent as much as possible with maintaining the above requirements, make opacity observations from a position such that the line of sight is approximately perpendicular to the plume and wind direction. The observer may follow the Fugitive Dust plume generated by mobile earthmoving equipment, as long as the sun remains oriented in the 140° sector to the back. As much as possible, if multiple plumes are involved, do not include more than one plume in the line of sight at one time.

- B.2.b Field Records. Record the name of the site, Fugitive Dust source type (i.e., pile, material handling (i.e., transfer, loading, sorting)), method of control used, if any, observer's name, certification data and affiliation, and a sketch of the observer's position relative to the Fugitive Dust source. Also, record the time, estimated distance to the Fugitive Dust source location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds,) observer's position relative to the fugitive dust source, and color of the plume and type of the background on the visible emission observation form when opacity readings are initiated and completed.
- B.2.c Observations. Make opacity observations, to the extent possible, using a contrasting background that is perpendicular to the line of sight. For storage piles, make opacity observations approximately 1 meter above the surface from which the plume is generated. For extraction operations and the loading of haul trucks in open-pit mines, make opacity observations approximately one meter above the rim of the pit. The initial observation should begin immediately after a plume has been created above the surface involved. Do not look continuously at the plume, but instead observe the plume momentarily at 15-second intervals. For Fugitive Dust from Earthmoving equipment, make opacity observations approximately 1 meter above the mechanical equipment generating the plume.
- B.2.d Recording Observations. Record the opacity observations to the nearest 5% every 15 seconds on an observational record sheet. Each momentary observation recorded represents the average opacity of emissions for a 15-second period. If a multiple plume exists at the time of an observation, do not record an opacity reading. Mark an "x" for that reading. If the equipment generating the plume travels outside of the field of observation, resulting in the inability to maintain the orientation of the sun within the 140° sector or if the equipment ceases operating, mark an "x" for the 15 – second interval reading. Readings identified as "x" shall be considered interrupted readings.
- B.2.e Data Reduction For Time-Averaged Regulations. For each set of 12 or 24 consecutive readings, calculate the appropriate average opacity. Sets must consist of consecutive observations, however, readings immediately preceding and following interrupted readings shall be deemed consecutive and in no case shall two sets overlap, resulting in multiple violations.

APPENDIX B
Determination of Stabilization

- SECTION A Test Methods for Determining Stabilization
 - SECTION B Visible Crust Determination
 - SECTION C Determination of Silt Content for Unpaved Roads and Unpaved Vehicle/Equipment Traffic Areas
 - SECTION D Determination of Threshold Friction Velocity
 - SECTION E Determination of Flat Vegetative Cover
 - SECTION F Determination of Standing Vegetative Cover
 - SECTION G Rock Test Method
-

SECTION A TEST METHODS FOR DETERMINING STABILIZATION

The test methods described in Section B through Section G of this appendix shall be used to determine whether an area has a Stabilized Surface. Should a disturbed area contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, test each representative surface separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, according to the appropriate test methods in Section B through Section G of this appendix, and include or eliminate it from the total size assessment of disturbed surface area(s) depending upon test method results.

SECTION B VISIBLE CRUST DETERMINATION

- B.1 Where a visible crust exists, drop a steel ball with a diameter of 15.9 millimeters (0.625 inches) and a mass ranging from 16-17 grams from a distance of 30 centimeters (one foot) directly above (at a 90° angle perpendicular to) the soil surface. If blowsand is present, clear the blowsand from the surfaces on which the visible crust test method is conducted. Blowsand is defined as thin deposits of loose uncombined grains covering less than 50% of a site which have not originated from the representative site surface being tested. If material covers a visible crust, which is not blowsand, apply the test method in Section D of this appendix to the loose material to determine whether the surface is stabilized.
- B.2 A sufficient crust is defined under the following conditions: once a ball has been dropped according to section B.1 of this appendix, the ball does not sink into the surface, so that it is partially or fully surrounded by loose grains and, upon removing the ball, the surface upon which it fell has not been pulverized, so that loose grains are visible.
- B.3 Drop the ball three times within a survey area that measures 1 foot by 1 foot and that represents a random portion of the overall disturbed conditions of the site. The survey area shall be considered to have passed the Visible Crust Determination Test if the results of at least two out of the three times that the ball

was dropped, met the criteria in section B.2 of this appendix. Select at least two other survey areas that represent a random portion of the overall disturbed conditions of the site, and repeat this procedure. If the results meet the criteria of section B.2 of this appendix for all of the survey areas tested, then the site shall be considered to have passed the Visible Crust Determination Test and shall be considered sufficiently crusted.

- B.4 At any given site, the existence of a sufficient crust covering one portion of the site may not represent the existence or protectiveness of a crust on another portion of the site. Repeat the visible crust test as often as necessary on each random portion of the overall conditions of the site for an accurate assessment.

SECTION C DETERMINATION OF SILT CONTENT FOR UNPAVED ROADS AND UNPAVED VEHICLE/EQUIPMENT TRAFFIC AREAS

The purpose of this test method is to estimate the silt content of the trafficked parts of Unpaved Roads and Unpaved vehicle/equipment Traffic Areas. The higher the Silt content, the more fine dust particles that are released when vehicles travel on Unpaved Roads and Unpaved vehicle/equipment Traffic Areas.

C.1 Equipment:

- C.1.a A set of sieves with the following openings: 4 millimeters (mm), 2mm, 1mm, 0.5mm and 0.25 mm, a lid, and collector pan.
- C.1.b A small whisk broom or paintbrush with stiff bristles and dustpan 1 ft. in width (the broom/brush should preferably have one, thin row of bristles no longer than 1.5 inches in length.)
- C.1.c A spatula without holes.
- C.1.d A small scale with half-ounce increments (e.g., postal/package scale.)
- C.1.e A shallow, lightweight container (e.g., plastic storage container.)
- C.1.f A sturdy cardboard box or other rigid object with a level surface.
- C.1.g A basic calculator.
- C.1.h Cloth gloves (optional for handling metal sieves on hot, sunny days.)
- C.1.i Sealable plastic bags (if sending samples to a laboratory.)
- C.1.j A pencil/pen and paper.

- C.2 Step 1: Look for a routinely traveled surface, as evidenced by tire tracks. Only collect samples from surfaces that are not damp due to precipitation or dew. This statement is not meant to be a standard in itself for dampness where watering is being used as a control measure. It is only intended to ensure that surface testing is done in a representative manner. Use caution when taking samples to ensure personal safety with respect to passing vehicles. Gently press the edge of a dustpan (1 foot in width) into the surface four times to mark an area that is 1 square foot. Collect a sample of loose surface material into the dustpan, minimizing escape of dust particles. Use a spatula to lift heavier elements such as gravel. Only collect dirt/Gravel to an approximate depth of 3/8

inch or 1 cm in the 1 square foot area. If you reach a hard, underlying subsurface that is $<3/8$ inch in depth, do not continue collecting the sample by digging into the hard surface. In other words, you are only collecting a surface sample of loose material down to 1 cm. In order to confirm that samples are collected to a 1cm depth, a wooden dowel or other similar narrow object at least one-foot in length can be laid horizontally across the survey area while a metric ruler is held perpendicular to the dowel. (Optional: At this point, you can choose to place the sample collected into a plastic bag or container and take it to an independent laboratory for silt content analysis. A reference to the procedure the laboratory is required to follow is at the end of this section.)

- C.3 Step 2: Place a scale on a level surface. Place a lightweight container on the scale. Zero the scale with the weight of the empty container on it. Transfer the entire sample collected in the dustpan to the container, minimizing escape of dust particles. Weigh the sample and record its weight.
- C.4 Step 3: Stack a set of sieves in order according to the size openings specified above, beginning with the largest size opening (4mm) at the top. Place a collector pan underneath the bottom (0.25mm) sieve.
- C.5 Step 4: Carefully pour the sample into the sieve stack, minimizing escape of dust particles by slowly brushing material into the stack with a whiskbroom or brush. On windy days, use the trunk or door of a vehicle as a wind barrier. Cover the stack with a lid. Lift up the sieve stack and shake it vigorously up and down and sideways for at least 1 minute.
- C.6 Step 5: Remove the lid from the stack and disassemble each sieve separately, beginning with the top sieve. As you remove each sieve, examine it to make sure that all of the material has been sifted to the finest sieve through which it can pass (e.g., material in each sieve (besides the top sieve that captures a range of larger elements) should look the same size.) If this is not the case, re-stack the sieves and collector pan, cover the stack with the lid, and shake it again for at least 1 minute. You only need to reassemble the sieve(s) that contain material, which require further sifting.
- C.7 Step 6: After disassembling the sieves and collector pan, slowly sweep the material from the collector pan into the empty container originally used to collect and weigh the entire sample. Take care not to minimize escape of dust particles. You do not need to do anything with material captured in the sieves – only the collector pan. Weigh the container with the materials from the collector pan and record its weight.
- C.8 Step 7: If the source is an unpaved road, multiply the resulting weight by 0.38. If the source is an Unpaved vehicle/equipment Traffic Area, multiply the resulting weight by 0.55. The resulting number is the estimated silt loading. Then, divide the total weight of the sample you recorded earlier in Step 2 (Section C.4) and

multiply by 100 to estimate the percent Silt content.

- C.9 Step 8: Select another two routinely traveled portions of the Unpaved Road or Unpaved vehicle/equipment Traffic Area and repeat this test method. Once you have calculated the silt loading and percent silt content of the 3 samples collected, average your results together.
- C.10 Step 9: Examine Results. If the average silt loading is less than 0.33 oz/ft^2 , the surface is STABLE. If the average silt loading is greater than or equal to 0.33 oz/ft^2 , then proceed to examine the average percent Silt content. If the source is an Unpaved Road and the average percent Silt content is 6% or less, the surface is STABLE. If the source is an unpaved parking lot and the average percent Silt content is 8% or less, the surface is STABLE. If your field test results are within 2% of the standard (for example, 4%-8% Silt content on an Unpaved Road) it is recommended that you collect 3 additional samples from the source according to Step 1 (section C.2) and take them to an independent laboratory for Silt content analysis.
- C.11 Independent Laboratory Analysis: You may choose to collect samples from the source, according to Step 1 (section C.2) and send them to an independent laboratory for Silt content analysis rather than conduct the sieve field procedure. If so, the test method the laboratory is required to use is: "Procedures For Laboratory Analysis for Surface/Bulk Dust Loading Samples," (Fifth Edition, Volume 1, Appendix C.2.3 "Silt Analysis," 1995,) AP-42, Office of Air Quality Planning & Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina.

SECTION D DETERMINATION OF THRESHOLD FRICTION VELOCITY (TFV)

For disturbed surface areas that are not crusted or vegetated, determine threshold friction velocity (TFV) according to the following sieving field procedure (based on a 1952 laboratory procedure published by W.S. Chepil).

- D.1 Obtain and stack a set of sieves with the following openings: 4 millimeters (mm), 2 mm, 1 mm, 0.5 mm, and 0.25 mm or obtain and stack a set of standard/commonly available sieves. Place the sieves in order according to size openings, beginning with the largest size opening at the top. Place a collector pan underneath the bottom (0.25 mm) sieve. Collect a sample of loose surface material from an area at least 30 cm by 30 cm in size to a depth of approximately 1 cm using a brush and dustpan or other similar device. Only collect soil samples from dry surfaces (i.e. when the surface is not damp to the touch). Remove any rocks larger than 1 cm in diameter from the sample. Pour the sample into the top sieve (4 mm opening) and cover the sieve/collector pan unit with a lid. Minimize escape of particles into the air when transferring surface soil into the sieve/collector pan unit. Move the covered sieve/collector pan unit by hand using a broad, circular arm motion in the horizontal plane. Complete twenty

circular arm movements, ten clockwise and ten counterclockwise, at a speed just necessary to achieve some relative horizontal motion between the sieves and the particles. Remove the lid from the sieve/collector pan unit and disassemble each sieve separately beginning with the largest sieve. As each sieve is removed, examine it for loose particles. If loose particles have not been sifted to the finest sieve through which they can pass, reassemble and cover the sieve/collector pan unit and gently rotate it an additional ten times. After disassembling the sieve/collector pan unit, slightly tilt and gently tap each sieve and the collector pan so that material aligns along one side. In doing so, minimize escape of particles into the air. Line up the sieves and collector pan in a row and visibly inspect the relative quantities of catch in order to determine which sieve (or whether the collector pan) contains the greatest volume of material. If a visual determination of relative volumes of catch among sieves is difficult, use a graduated cylinder to measure the volume. Estimate TFV for the sieve catch with the greatest volume using Table 1 of this appendix, which provides a correlation between sieve opening size and TFV.

Table 1. Determination of Threshold Friction Velocity (TFV)

Tyler Sieve No.	ASTM 11 Sieve No.	Opening (mm)	TFV (cm/s)
5	5	4	135
9	10	2	100
16	18	1	76
32	35	0.5	58
60	60	0.25	43
Collector Pan	---	---	30

- D.2 Collect at least three soil samples which represent random portions of the overall conditions of the site, repeat the above TFV test method for each sample and average the resulting TFVs together to determine the TFV uncorrected for non erodible elements. Non-erodible elements are distinct elements, in the random portion of the overall conditions of the site, that are larger than 1 cm in diameter, remain firmly in place during a wind episode, and inhibit soil loss by consuming Section of the shear stress of the wind. Non-erodible elements include stones and bulk surface material but do not include flat or standing vegetation. For surfaces with non-erodible elements, determine corrections to the TFV by identifying the fraction of the survey area, as viewed from directly overhead, that is occupied by non-erodible elements using the following procedure. Select a survey area of 1 meter by 1 meter that represents a random portion of the overall conditions of the site. Where many non-erodible elements lie within the survey area, separate the non-erodible elements into groups according to size. For each group, calculate the overhead area for the non-erodible elements according to the following equations:

Average Dimensions = (Average Length) x (Average Width)	Eq. 1
Overhead Area = (Average Dimensions) x (Number of Elements)	Eq. 2
Total Overhead Area = Overhead Area Of Group 1 + Overhead Area of Group 2 (etc)	Eq. 3
Total Frontal Area = Total Overhead Area/2	Eq. 4
Percent Cover of Non-Erodible Elements = (Total Frontal Area/Survey Area) x 100	Eq. 5

Note: Ensure consistent units of measurements (e.g., square meters or square inches when calculating percent cover).

Repeat this procedure on an additional two distinct survey areas that represent a random portion of the overall conditions of the site and average the results. Use Table 2 of this appendix to identify the correction factor for the percent cover of non-erodible elements. Multiply the TFV by the corresponding correction factor to calculate the TFV corrected for non-erodible elements.

Table 2. Correction Factors for Threshold Friction Velocity

Percent Cover of Non-Erodible Elements	Correction Factor
Greater than or equal to 10%	5
Greater than or equal to 5% and less than 10%	3
Less than 5% and greater than or equal to 1%	2
Less than 1%	None

SECTION E DETERMINATION OF FLAT VEGETATIVE COVER

Flat vegetation includes attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind. Flat vegetation, which is dead but firmly attached, shall be considered equally protective as live vegetation. Stones or other aggregate larger than 1 centimeter in diameter shall be considered protective cover in the course of

conduction the line transect test method. Where flat vegetation exists conduct the following line transect test method.

- E.1 Line Transect Test Method. Stretch a 100 foot measuring tape across a survey area that represents a random portion of the overall conditions of the site. Firmly anchor both ends of the measuring tape into the surface using a tool such as a screwdriver, with the tape stretched taut and close to the soil surface. If vegetation exists in regular rows, place the tape diagonally (at approximately a 45° angle) away from a parallel or perpendicular position to the vegetated rows. Pinpoint an area the size of a 3/32 inch diameter brazing rod or wooden dowel centered above each 1 foot interval mark along one edge of the tape. Count the number of times that flat vegetation lies directly underneath the pinpointed area at 1 foot intervals. Consistently observe the underlying surface from a 90° angle directly above each pinpoint on one side of the tape. Do not count the underlying surface as vegetated if any portion of the pinpoint extends beyond the edge of the vegetation underneath in any direction. If clumps of vegetation or vegetative debris lie underneath the pinpointed area, count the surface as vegetated, unless bare soil is visible directly below the pinpointed area. When 100 observations have been made, add together the number of times a surface was counted as vegetated. This total represents the percent of flat vegetations cover (e.g., if 35 positive counts were made, then vegetation cover is 35%.) If the survey area that represents a random portion of the overall conditions of the site is too small for 100 observations, make as many observations as possible. Then multiply the count of vegetated surface areas by the appropriate conversion factor to obtain percent cover. For example, if vegetation was counted 20 times within a total of 50 observations, divide 20 by 50 and multiply by 100 to obtain a flat vegetation cover of 40%.
- E.2 Conduct the line transect test method, as described in section E.1 of this appendix, an additional two times on areas that represent a random portion of the overall conditions of the site and average results.

SECTION F DETERMINATION OF STANDING VEGETATIVE COVER.

Standing vegetation includes vegetation that is attached (rooted) with a predominant vertical orientation. Standing vegetation, which is dead but firmly rooted, shall be considered equally protective as live vegetation. Conduct the following standing vegetation test method to determine if 30% cover or more exists. If the resulting percent cover is less than 30% but equal to or greater than 10%, then conduct the test in Section D; "Determination Of Threshold Friction Velocity (TFV,) of this appendix in order to determine if the site is stabilized, such that the standing vegetation cover is equal to or greater than 10%, where threshold friction velocity, corrected for non-erodible elements, is equal to or greater than 43cm/second.

- F.1 For standing vegetation that consists of large, separate vegetative structures (e.g., shrubs and sagebrush,) select a survey area that represents a random

portion of the overall conditions of the site that is the shape of a square with sides equal to at least 10 times the average height of the vegetative structures. For smaller standing vegetation, select a survey area of three feet by three feet.

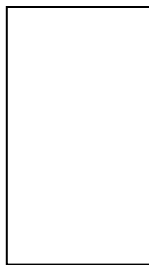
F.2 Count the number of standing vegetative structures within the survey area. Count vegetation, which grows in clumps as a single unit. Where different types of vegetation exist and/or vegetation of different height and width exists, separate the vegetative structures with similar dimensions into groups. Count the number of vegetative structures in each group within the survey area. Select an individual structure within each group that represents the average height and width of the vegetation in the group. If the structure is dense (e.g., when looking at it vertically from base to top there is little or zero open air space within its perimeter,) calculate and record its frontal silhouette area, according to Equation 6 of this appendix. Also, use Equation 6 of this appendix to estimate the average height and width of the vegetation if the survey area is larger than nine square feet. Otherwise, use the procedure in section F.3 of this appendix to calculate the frontal silhouette area. Then calculate the percent cover of standing vegetation according to Equations 7, 8, and 9 of this appendix.

Frontal Silhouette Area = (Average Height) x (Average Width)	Eq. 6
Frontal Silhouette Area Of Group= (Frontal Silhouette Area Of Individual Vegetative Structure) x (Number Of Vegetation Structures Per Group)	Eq. 7
Total Frontal Silhouette Area = Frontal Silhouette Area Of Group 1 + Frontal Silhouette Area Of Group 2 (etc.)	Eq. 8
Percent Cover Of Standing Vegetation = (Total Frontal Silhouette Area/Survey Area) x 100	Eq. 9
Percent Open Space = [(Number Of Circled Gridlines Within The Outlined Area Counted That Are Not Covered By Vegetation/Total Number Of Gridline Intersections Within The Outlined Area) x 100]	Eq.10
Percent Vegetative Density = 100 – Percent Open Space	Eq. 11
Vegetative Density = Percent Vegetative Density/100	Eq. 12
Frontal Silhouette Area = [Max. Height x Max. Width] x [Vegetative Density/.04] ^{0.5}	Eq. 13

Note: Ensure consistent units of measurement (e.g., square meters or square inches when calculating percent cover.)

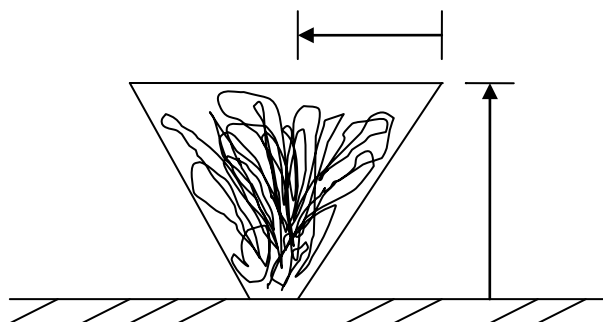
- F.3 Vegetative Density Factor. Cut a single, representative piece of vegetation (or consolidated vegetative structure) to within 1cm of surface soil. Using a white paper grid or transparent grid over white paper, lay the vegetation flat on top of the grid (but do not apply pressure to flatten the structure.) Grid boxes of 1 inch or ½ inch squares are sufficient for most vegetation when conducting this procedure. Using a marker or pencil, outline the shape of the vegetation along its outer perimeter, according to Figure B, C, or D of this appendix, as appropriate. (Note: Figure C differs from Figure D primarily in that the width of vegetation in Figure C is narrow at its base and gradually broadens to its tallest height. In Figure D, the width of the vegetation generally becomes narrower from its midpoint to its tallest height.) Remove the vegetation, count and record the total number of gridline intersections within the outlined area, but do not count gridline intersections that connect with the outlined shape. There must be at least 10 gridline intersections within the outlined area and preferably more than 20, otherwise, use smaller grid boxes. Draw small circles (no greater than a 3/32 inch diameter) at each gridline intersection counted within the outlined area. Replace the vegetation on the grid within its outlined shape. From a distance of approximately 2 feet directly above the grid, observe each circled gridline intersection. Count and record the number of circled gridline intersections that are not covered by any piece of the vegetation. To calculate percent vegetative density, use Equations 10 and 11 of this appendix. If percent vegetative density is equal to or greater than 30, use an equation (one of the equations-Equations 16, 17, or 18 of this appendix) that matches the outline used to trace the vegetation (Figure B, C, or D) to calculate its frontal silhouette area. If percent vegetative density is less than 30, use Equations 12 and 13 of this appendix to calculate the frontal silhouette area.

Figure B. Cylinder



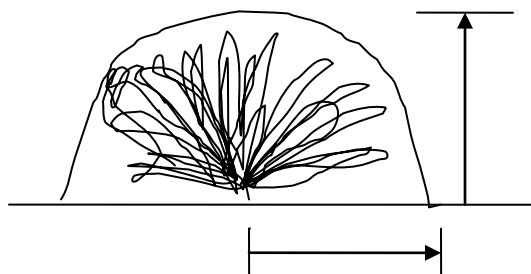
$$\text{Frontal Silhouette Area} = \text{Maximum Height} \times \text{Maximum Width} \quad \text{Eq.16}$$

Figure C. Inverted Cone



$$\text{Frontal Silhouette Area} = \text{Maximum Height} \times \frac{1}{2} \text{Maximum Width} \quad \text{Eq. 17}$$

Figure D. Upper Sphere



$$\text{Frontal Silhouette Area} = (3.14 \times \text{Maximum Height} \times \frac{1}{2} \text{Maximum Width}) / 2 \quad \text{Eq. 18}$$

SECTION G ROCK TEST METHOD

The Rock Test Method, which is similar to Section D, Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV) of this appendix, examines the wind-resistance effects of rocks and other non-erodible elements on disturbed surfaces. Non-erodible elements are objects larger than 1 centimeter (cm) in diameter that remain firmly in place even on windy days. Typically, non-erodible elements include rocks, stones, glass fragments, and hardpacked clumps of soil lying on or embedded in the surface. Vegetation does not count as a non-erodible element in this method. The purpose of this test method is to estimate the percent cover of non-erodible elements on a given surface to see whether such elements take up enough space to offer protection against windblown dust. For simplification, the following test method refers to all non-erodible elements as 'rocks.'

- G.1 Select a 1 meter by 1 meter survey area that represents the general rock distribution on the surface. A 1 meter by 1 meter area is slightly greater than a 3 foot by 3 foot area. Mark-off the survey area by tracing a straight, visible line in the dirt along the edge of a measuring tape or by placing short ropes, yard sticks,

- or other straight objects in a square around the survey area.
- G.2 Without moving any of the rocks or other elements, examine the survey area. Since rocks $>3/8$ inch (1cm) in diameter are of interest, measure the diameter of some of the smaller rocks to get a sense of which rocks need to be considered.
- G.3 Mentally group the rocks $>3/8$ inch (1cm) diameter lying in the survey area into small, medium, and large size categories. Or, if the rocks are all approximately the same size, simply select a rock of average size and typical shape. Without removing any of the rocks from the ground, count the number of rocks in the survey area in each group and write down the resulting number.
- G.4 Without removing rocks, select one or two average-size rocks in each group and measure the length and width. Use either metric units or standard units. Using a calculator, multiply the length times the width of the rocks to get the average dimensions of the rocks in each group. Write down the results for each rock group.
- G.5 For each rock group, multiply the average dimensions (length times width) by the number of rocks counted in the group. Add the results from each rock group to get the total rock area within the survey area.
- G.6 Divide the total rock area, calculated in section G.5 of this appendix, by two (to get frontal area.) Divide the resulting number by the size of the survey area (make sure the units of measurement match,) and multiply by 100 for percent rock cover. For example, the total rock area is 1,400 square centimeters divide 1,400 by 2 to get 700. Divide 700 by 10,000 (the survey area is 1 meter by 1 meter, which is 100 centimeters by 100 centimeters or 10,000 centimeters) and multiply by 100. The result is 7% rock cover. If rock measurements are made in inches, convert the survey area from meters to inches (1 inch = 2.54 centimeters.)
- G.7 Select and mark-off two additional survey areas and repeat the procedures described in section G.1 through section G.6 of this appendix. Make sure the additional survey areas also represent the general rock distribution on the site. Average the percent cover results from all three survey areas to estimate the average percent of rock cover.
- G.8 If the average rock cover is greater than or equal to 10%, the surface is stable. If the average rock cover is less than 10%, follow the procedures in section G.9 of this appendix.
- G.9 If the average rock cover is less than 10%, the surface may or may not be stable. Follow the procedures in Section D.3 Determination Of Threshold Friction Velocity (TFV) of this rule and use the results from the rock test method as a correction (i.e., multiplication) factor. If the rock cover is at least 1%, such rock

cover helps to limit windblown dust. However, depending on the soil's ability to release fine dust particles into the air, the percent rock cover may or may not be sufficient enough to stabilize the surface. It is also possible that the soil itself has a high enough TFV to be stable without even accounting for rock cover.

- G.10 After completing the procedures described in Section G.9 of this appendix, use Table 2 of this appendix to identify the appropriate correction factor to the TFV, depending on the percent rock cover.

RULE 801. CONSTRUCTION AND EARTHMOVING ACTIVITIES
(Adopted 11/08/2005)

A. Purpose

The purpose of this rule is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from Construction and other Earthmoving Activities by requiring actions to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to any Construction and other Earthmoving Activities, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, erection or demolition of any structure, cutting and filling, trenching, loading or unloading of bulk materials, demolishing, drilling, adding to or removing bulk of materials from open storage piles, weed abatement through disking, back filling, travel on-site and travel on access roads to and from the site.

C. Definitions

The definitions of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10)) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

D.1 Construction or demolition at existing single family residential dwellings.

D.2 The 20% opacity limit of Sections E.1.a and E.2.b shall not apply when Wind Gusts exceed 25 miles per hour, provided that at least one of the following control measures is implemented for each applicable Fugitive Dust source type:

D.2.a Cease dust generating activities for a period of one hour after Wind Gusts last exceed the threshold. If operations cease for the remainder of the day, stabilization measures must be implemented.

D.2.b Apply water or dust Suppressants once per hour.

D.2.c Apply water to maintain 12% soil moisture content.

D.2.d Construct fences 3-5 feet high with 50% or less porosity, and must be done in conjunction with another measure, as above.

E. Requirements

E.1 Construction sites and Earthmoving Activities:

- E.1.a All Persons who own or operate a Construction site shall comply with the requirements of Section F.1 so as to limit VDE to 20% opacity and comply with the conditions for a Stabilized Surface when applicable.
- E.1.b. All Persons who perform any Earthmoving Activities shall comply with the requirements of Section F.1 so as to limit VDE to 20% opacity.
- E.1.c All Persons who own or operate a Construction site of 10 acres or more in size for residential developments or 5 acres or more for non-residential developments shall develop a dust control plan. The dust control plan shall be made available to the APCD upon request. The dust control plan shall comply with the requirements of Section F.
- E.1.d The owner or operator required to develop a dust control plan shall provide written notification to the APCD within 10 days prior to the commencement of any Construction activities via fax or mail. The requirement to develop a dust control plan shall apply to all such activities conducted for residential and non-residential (e.g., commercial, industrial, or institutional) purposes or conducted by any governmental entity. Regardless of whether a dust control plan is in place or not the owner or operator is still subject to comply with all requirements of the applicable rules under Regulation VIII at all times.

F. Best Available Control Measures for Fugitive Dust (PM-10)

F.1 Construction and Earthmoving Activities shall comply with the following requirements:

F.1.a Pre-Activity:

F.1.a.1 Pre-water site sufficient to limit VDE to 20% opacity, and

F.1.a.2 Phase work to minimize the amount of disturbed surface area at any one time.

F.1.b During Active Operations:

F.1.b.1 Apply water or Chemical Stabilization as directed by product manufacturer to limit VDE to 20% opacity, or

F.1.b.2 Construct and maintain wind barriers sufficient to limit VDE to 20% opacity. If utilizing wind barriers, control measure F.1.b.1

above shall be implemented.

F.1.b.3 Apply water or Chemical Stabilization as directed by product manufacturer to unpaved haul/access roads and Unpaved Traffic Areas sufficient to limit VDE to 20% opacity and meet the conditions of a Stabilized Unpaved Road.

F.1.c Temporary Stabilization During Periods of Inactivity:

F.1.c.1 Restrict vehicular access to the area by fencing or signage; and

F.1.c.2 Apply water or Chemical Stabilization, as directed by product manufacturer, sufficient to comply with the conditions of a Stabilized Surface. If an area having 0.5 acres or more of disturbed surface area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface area.

F.1.d Track Out/Carry Out of Bulk Materials at the site shall be mitigated in compliance with Rule 803.

F.1.e Unpaved Roads and Unpaved Traffic Areas at the site shall comply with Rule 805.

F.1.f Bulk Material handling operations at the site shall comply with Rule 802.

F.1.g Material transport of Bulk Material to, from, or around the site shall comply with Rule 802.

F.1.h Haul trucks transporting Bulk Material to, from, or around the site shall comply with Rule 802.

F.2 Dust Control Plan:

F.2.a Retain a copy of the dust control plan at the project site.

F.2.b Comply with the requirements of the approved dust control plan.

F.2.c A dust control plan shall contain all of the following information:

1. Name, address, and phone number of the Person responsible for the preparation, submittal, and implementation of the dust control plan and responsible for the project site.
2. A plot plan which shows the type and location of each project.
3. The total area of land surface to be disturbed, estimated daily

throughput volume of earthmoving in cubic yards, and total area in acres of the entire project site.

4. The expected start and completion dates of dust generating and soil disturbance activities to be performed on the site.
5. The actual and potential sources of Fugitive Dust emissions on the site and the location of Bulk Material handling and storage areas, Paved and Unpaved Roads, entrances and exits where Track Out/Carry Out may occur, and Unpaved Traffic Areas.
6. Dust Suppressants to be applied, including: product specifications; manufacturer's usage instructions (method, frequency, and intensity of application); type, number, and capacity of application equipment; and information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.
7. Specific surface treatment(s) and/or control measures utilized to control Track Out/Carry Out, and sedimentation where unpaved and/or access points join paved public access roads.
8. The dust control plan should describe all Fugitive Dust control measures to be implemented before, during, and after any dust generating activity.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

RULE 802. BULK MATERIALS
(Adopted 11/08/2005)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from outdoor handling, storage, and transport of Bulk Material by requiring actions to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to the outdoor handling, storage, and transport of Bulk Material, including, but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, Aggregate Materials, dirt, mud, debris, and other organic and/or inorganic material consisting of or containing Particulate Matter with five percent or greater silt content.

C. Definitions

The definitions of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10)) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

- D.1 Outdoor storage, transport, or handling of Bulk Materials (including, but not limited to, organic or inorganic fertilizer, grains, seed, soil amendments, and feed) which would be damaged by wetting with water or by the application of Chemical Stabilization/Suppression, provided owners/operators demonstrate to the satisfaction of the APCO that none of the control measures required by this rule can be implemented to limit VDE to 20% opacity or provide a Stabilized Surface, as defined in Rule 800.
- D.2 Outdoor storage or handling of any Bulk Material at a single site where no material is actively being added or removed at the end of the workday or overnight and where the total material stored is less than 100 cubic yards.
- D.3 Transport of a Bulk Material in an outdoor area for a distance of twelve feet or less with the use of a chute or conveyor device.
- D.4 Transport/hauling of Bulk Materials when conducted within the boundaries of a premises, are exempt from the requirements specified in Sections F.3.a and F.3.d.

E. Requirements

- E.1 Bulk Material handling: no Person shall cause, suffer, allow or engage in any Bulk Material handling operation including, but not limited to stacking, loading, unloading, conveying and reclaiming of Bulk Material, for industrial or commercial purposes without complying with one or more of the requirements of Section F.1 so as to limit VDE to 20% opacity.
- E.2 Bulk Material storage: no Person shall cause, suffer, allow or engage in any Bulk Material storage, for industrial or commercial purposes without complying with one or more of the requirements of Section F.2 so as to limit VDE to 20% opacity.
- E.3 Material transport: no Person shall cause, suffer, allow or otherwise engage in the transportation of Bulk Materials for industrial or commercial purposes, without complying with all of the requirements of Section F.3 so as to limit VDE to 20% opacity.
- E.4 Haul Trucks: no Person shall cause, suffer, allow or otherwise engage in the use or operation of any Haul Truck, for industrial or commercial purposes, of transporting or storing Bulk Material without complying with all of the requirements of Section F.3 so as to limit VDE to 20% opacity.

F. Best Available Control Measures for Fugitive Dust (PM-10)**F.1 BULK MATERIAL HANDLING/TRANSFER:**

- F.1.a Spray with water prior to handling and/or at points of transfer; or.
- F.1.b Apply and maintain Chemical Stabilization, or
- F.1.c Protect from wind erosion by sheltering or enclosing the operation and transfer line.

F.2 BULK MATERIAL STORAGE

- F.2.a When storing Bulk Materials, comply with the conditions for a Stabilized Surface; or
- F.2.b Cover Bulk Materials stored outdoors with tarps, plastic, or other suitable material and anchor in such a manner that prevents the cover from being removed by wind action, or
- F.2.c Construct and maintain barriers with less than 50% porosity. If utilizing fences or wind barriers, apply water or chemical/organic stabilizers/suppressants, or

F.2.d Utilize a 3-side structure with a height at least equal to the height of the storage pile and with less than 50% porosity.

F.3. MATERIAL TRANSPORT/HAULING:

F.3.a Completely cover or enclose all Haul Truck loads of Bulk Material.

F.3.b Haul Trucks transporting loads of Aggregate Materials shall not be required to cover their loads if the load, where it contacts the side, front, and back of the cargo container area remains six inches from the upper area of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area (As defined in Section 23114 of the California Vehicle Code for both public and private roads).

F.3.c The cargo compartment(s) of all Haul Trucks are to be constructed and maintained so that no spillage and loss of Bulk Material can occur from holes or other openings in the cargo compartment's floor, side, and/or tailgate. Seals on any openings used to empty the load including, but not limited to, bottom-dump release gates and tailgates to be properly maintained to prevent the loss of Bulk Material from those areas.

F.3.d The cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

RULE 803. CARRY-OUT AND TRACK-OUT
(Adopted 11/08/2005)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from Track-Out and Carry-Out by requiring actions to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to all sites that are subject to Regulation VIII where Track-Out or Carry-Out has occurred or may occur on paved public roads or the paved shoulders of a paved public road.

C. Definitions

The definitions of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10)) shall apply to this rule.

D. Exemptions:

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

D.1 Agricultural Operation Sites defined in and subject to Rule 806, Conservation Management Practices, are exempt from the requirements specified in Sections F.1.b and F.1.c.

D.2 Any operation site that operates no more than 10 days within a 90 days period at each location is exempt from the requirements specified in Sections F.1.b and F.1.c.

E. Requirements

E.1 Track Out/Carry Out: any Person who causes the deposition of Bulk Material by tracking out or carrying out onto a Paved Road surface shall comply with the requirements of Section F.1, as specified, to prevent or mitigate such deposition.

F. Best Available Control Measures for Fugitive Dust (PM-10)

F.1 TRACK OUT/CARRY OUT:

F.1.a. Clean up any Bulk Material tracked out or carried out onto a Paved Road on the following time-schedule:

- (1) Within urban areas, immediately, when Track-Out or Carry-Out extends a cumulative distance of 50 linear feet or more; and
- (2) At the end of the workday, for all other Track-Out or Carry-Out.

F.1.b In addition to F.1.a, all sites with access to a Paved Road and with 150 or more Average Vehicle Trips per Day, or 20 or more Average Vehicle Trips per Day by vehicles with three or more axles shall install one or more Track-Out Prevention Devices or other APCO approved Track-Out control device or wash down system at access points where unpaved traffic surfaces adjoin Paved Roads; or

F.1.c In addition to F.1.a, all sites with access to a Paved Road and with 150 or more Average Vehicle Trips per Day, or 20 or more Average Vehicle Trips per Day by vehicles with three or more axles shall apply and maintain paving, Chemical Stabilization, or at least 3 inch depth of Gravel (using Gravel or other low Silt (<5%) content material), for a distance of 50 or more consecutive feet at access points where Unpaved Roads adjoin Paved Roads.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

RULE 804 OPEN AREAS

(Adopted 11/08/2005; Revised 10/16/2012; 04/12/2016; 09/11/2018)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM₁₀) entrained in the ambient air as a result of emissions generated from Open Areas by requiring actions to prevent, reduce, or mitigate PM₁₀ emissions.

B. Applicability

This rule shall apply to any open area having 0.5 acres or more within urban areas, or 3.0 acres or more within rural areas; and contains at least 1000 square feet of disturbed surface area.

C. Definitions

The definition of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM₁₀)) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this rule:

D.1 Agricultural Operation Sites subject to Rule 806, Conservation Management Practices.

D.2 Recreational OHV Use Areas on public lands subject to Rule 800, General Requirements for Control of Fine Particulate Matter (PM₁₀).

E. Requirements

E.1 Open Areas: all Persons who own or otherwise have jurisdiction over an Open Area shall comply with one or more of the requirements of Section F.1 to comply with the conditions of a Stabilized Surface at all times and limit VDE to 20% opacity in accordance with U.S. EPA Test Method 9.

E.2 Vehicle use in Open Areas: within 30 days following initial discovery of evidence of trespass, a Person who owns or otherwise has jurisdiction over an Open Area shall prevent unauthorized vehicle access by posting "No Trespassing" signs or installing physical barriers such as fences, gates, posts, and/or appropriate barriers to effectively prevent access to the area.

E.3 Upon U.S. EPA notification that the Imperial County PM_{2.5} Nonattainment Area has failed: (1) to meet Reasonable Further Progress in the 2018

Annual PM_{2.5} SIP, (2) to meet a Quantitative Milestone in the 2018 Annual PM_{2.5} SIP, and/or (3) to submit a Quantitative Milestone Report required under 40 CFR 51.1013(b), this rule shall apply to any open area having 0.5 acres or more within urban areas and all rural open areas; that contain at least 1000 square feet of a disturbed surface area.

F. Best Available Control Measures for Fugitive Dust (PM₁₀)

F.1 OPEN AREAS

Any Combination of BACM and Alternative BACM is permissible.

F.1.a Apply and maintain water or dust suppressant(s) to all unvegetated areas.

F.1.b Establish vegetation on all previously disturbed areas.

F.1.c Pave, apply and maintain Gravel, or apply and maintain Chemical Stabilizers/Suppressants

F.1.d Implement Alternative BACM for exposed playa at the Salton Sea if approved by both the APCD and EPA. Alternative BACM may be approved by the APCD and EPA in accordance with a technical evaluation demonstrating that the proposed Alternative BACM achieves PM₁₀ emission reductions equivalent to BACM measures identified in subsection F.1.a, F.1.b, and F.1.c and that the dust control method will achieve a STABILIZED SURFACE and meet the 20% opacity requirement in accordance with U.S. EPA Test Method 9.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

RULE 805 PAVED AND UNPAVED ROADS
(Adopted 11/08/2005; Revised 10/16/2012)

A. Purpose

The purpose of this regulation is to reduce the amount of fine Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from new or existing public or private Paved or Unpaved Road, road construction project, or road modification project by requiring actions to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to any new or existing public or private Paved or Unpaved Road, road construction project, or road modification project.

C. Definitions

The definition of terms found in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10)) shall apply to this rule.

D. Exemptions

In addition to the exemptions listed in Rule 800, Section E, the following exemptions are established for this Rule:

D.1 Paved and unpaved driveways serving one single family residential dwelling.

D.2 Agricultural Operation Sites subject to Rule 806, Conservation Management Practices.

D.3 Recreational OHV Use Areas on public lands subject to Rule 800, General Requirements for Control of Fine Particulate Matter (PM-10).

E. Requirements

E.1 Unpaved Haul/Access Roads: No Person shall cause, suffer or allow the operation, use, or maintenance of any unpaved Haul/Access Road without complying with one or more of the requirements of Section F.1 so as to limit VDE to 20% opacity.

E.2 Unpaved Roads: On any Unpaved Road segment with 50 or more Average Vehicle Trips per Day, the owner/operator shall limit VDE to 20% opacity, as determined by the test methods for "Visual Determination of Opacity" in Rule 800, Appendix A, and comply with the requirements of a

Stabilized Unpaved Road by application and/or maintenance of at least one of the requirements of Section F.1.

- E.3 The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. The Temporary Unpaved Road shall meet the definition of a Stabilized Unpaved Road as determined by the test methods in Rule 800, Appendix B, Section C, and where VDE is limited to 20% opacity.
- E.4 Canal Roads: all Persons who cause, suffer or allow the operation, use or maintenance of any Canal Road with 20 or more Average Vehicle Trips per Day shall comply with one or more of the requirements of Section F.1 to comply with the requirements of a Stabilized Unpaved Road and limit VDE to 20% opacity, as determined by the test methods in Rule 800, Appendix A, and shall also comply with one or more of the requirements of Section F.2.
- E.5 Unpaved Traffic Areas: All Persons who cause, suffer or allow the operation, use or maintenance of any Unpaved Traffic Area larger than one (1) acre and with 75 or more Average Vehicle Trips per Day shall comply with one or more of the requirements of Section F.3 and limit VDE to 20% opacity.
- E.6 Paved Roads: any new or Modified Paved Roads shall comply with the requirements of section F.4.
- E.7 Requirements for Existing Unpaved Public Roads in City and Rural Areas:
- Each city or county agency with primary responsibility for any existing Unpaved Road shall take the following actions:
- E.7.a By January 1, 2006 provide the APCD with a list of all Unpaved Roads under its jurisdiction in any city or Rural area(s), including data on length of, and Average Vehicle Trips per Day on, each Unpaved Road segment.
- E.7.b By March 31, 2006 the County Public Works Department shall provide the APCD and comply with a compliance plan. The compliance plan shall include a compliance schedule indicating that during the period 2006 through 2015 a 10% per each fiscal year, beginning July 1 and ending June 30, of all Unpaved Roads subject to the requirements of this rule will comply with a 20% VDE and comply with the requirements of a Stabilized Unpaved Road (Treatment in excess of the annual requirement can be credited toward future year requirements). The plan shall identify the control

measures implemented or that will be implemented at each Unpaved Road segment with 50 or more Average Vehicle Trips per Day. The plan shall clarify that the 10% stabilized each year differ from the roads previously stabilized so that 100% of roads are stabilized by 2015.

E.7.c By July 31 of each year, 2007 through 2016, the County Public Works Department shall submit to the APCD the total number of Unpaved Road miles which were mitigated during the previous fiscal year, a list of the specific mitigated roads, and the percentage of cumulative miles relative to the schedule provided pursuant to Section E.7.b. Once stabilized pursuant to Section E.7, Public Roads must comply with the requirements of a Stabilized Unpaved Road by application and/or maintenance of at least one of the requirements of Section F.1.

F. Best Available Control Measures for Fugitive Dust (PM-10)

F.1 UNPAVED ROADS, INCLUDING UNPAVED HAUL AND ACCESS ROADS:

F.1.a Pave.

F.1.b Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads.

F.1.c Apply and maintain Gravel, recrushed/recycled asphalt or other material of low Silt (<5%) content to a depth of three or more inches.

F.1.d Wetting. Apply water one or more times daily

F.1.e Permanent road closure

F.1.f Restrict unauthorized vehicle access.

F.1.g Any other method that effectively limits VDE to 20% opacity and meets the conditions of a Stabilized Unpaved Road.

F.2 CANAL ROADS:

F.2.a Stocking of Triploid Grass Carp in canals to reduce maintenance vehicle trips along Canal Banks to mechanically remove aquatic weeds.

F.2.b Installation of remote control delivery gates to eliminate manual

gate operation by maintenance personnel in vehicles along Canal Banks.

F.2.c Implement Silt removal program to delay grading of spoil piles deposited on Canal Bank after cleaning operations until the next cleaning operation to eliminate vehicle access to Canal Bank.

F.2.d Permanent road closure.

F.2.e Conversion of open canals to pipeline.

F.2.f Lining canals to eliminate maintenance for Silt/weed control.

F.2.g Canal Bank surface maintenance.

F.3 UNPAVED TRAFFIC AREAS:

F.3.a Pave.

F.3.b Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads.

F.3.c Apply and maintain Gravel, recrushed/recycled asphalt or other material of low silt (<5%) content to a depth of three or more inches.

F.3.d Wetting. Apply water one or more times daily.

F.4 NEW OR MODIFIED PAVED ROADS

Any Person having jurisdiction over, or ownership of, public or private Paved Roads shall construct, or require to be constructed, all new or Modified Paved Roads in conformance with the Imperial County Public Works Department guidelines for width of shoulders and median shoulders as specified below:

F.4.a New arterial roads or streets or modifications to existing arterial roads or streets shall be constructed with paved shoulders that meet following widths:

Annual Average Daily Vehicle Trips	Minimum Paved or Stabilized Shoulder Width in Feet
1-2000	2
Greater than 2000	6

F.4.b New or modified collector roads or streets or local roads or streets shall be constructed with paved shoulders that meet following widths:

Annual Average Daily Vehicle Trips	Minimum Paved or Stabilized Shoulder Width in Feet
1-2000	2
Greater than 2000	4

F.4.c A curbing adjacent to and contiguous with the travel lane or paved shoulder or a road may be constructed, in lieu of meeting the paved shoulder width standard listed in Sections F.4.a and F.4.b. Any road paving projects constructing curbing in County road right of ways shall be approved by the Director of Public Works Department prior to construction.

F.4.d Intersections, auxiliary entry lanes, and auxiliary exit lanes may be constructed adjacent to and contiguous with the roadway, in lieu of meeting the paved shoulder width standard in Sections F.4.a and F.4.b.

F.4.e New Paved Road construction or modifications to an existing Paved Road that are required to comply with California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) determinations regarding environmental, cultural, archeological, historical, or other considerations addressed in such documents, are exempt from the paved shoulder width requirements specified in Section F.4.a.

F.4.f Whenever any Paved Road which has projected Annual Average Daily Vehicle Trips of 500 or more is constructed, or modified with medians, the medians shall be constructed with paved shoulders having a minimum width of four feet adjacent to the traffic lanes unless:

F.4.f.1 The medians of roads having speed limits set at or below 45 miles per hour are constructed with curbing; or

F.4.f.2 The medians are landscaped and maintained with grass or other vegetative ground cover to comply with the definition of Stabilized Surface.

F.4.g In lieu of complying with the paving or vegetation requirements a Person may apply oils or other Chemical Stabilizers/Suppressants to the required width of shoulder and median areas as specified in

Sections F.4.a and F.4.b. The material shall be reapplied and maintained to limit VDE to 20% opacity and fulfill conditions for a Stabilized Surface.

G. Record of Control Implementation

Any Person subject to the requirements of this rule shall compile and retain records that provide evidence of control measure application (i.e., receipts and/or purchase records). Such Person shall describe, in the records, the type of treatment or control measure, extent of coverage, and date applied. For control measures which require multiple daily applications, recording the frequency of application will fulfill the recordkeeping requirements of this rule (i.e., water being applied three times a day and the date) Records shall be maintained and be readily accessible for two years after the date of each entry and shall be provided to the APCD upon request.

H. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII.

RULE 806 CONSERVATION MANAGEMENT PRACTICES
(Adopted 11/08/2005; Revised 10/16/2012)

A. Purpose

The purpose of this regulation is to reduce the amount of coarse Particulate Matter (PM-10) entrained in the ambient air as a result of emissions generated from Agricultural Operation Sites by requiring Conservation Management Practices to prevent, reduce, or mitigate PM-10 emissions.

B. Applicability

This rule applies to Agricultural Operation Sites located within Imperial County. Effective on and after January 1, 2013, an owner/operator shall implement the applicable CMPs selected for each Agricultural Operation Site. The provisions of this rule adopted on November 8, 2005 shall remain in effect until January 1, 2013 at which time the amendments adopted on October 16, 2012 shall take effect.

C. Definitions

In addition to the definitions of terms in Rule 800 (General Requirements for Control of Fine Particulate Matter (PM-10)), the following definitions shall govern the implementation of this rule:

- C.1 AGRICULTURAL OPERATIONS: The growing and harvesting of crops for the primary purpose of earning a living.
- C.2 AGRICULTURAL OPERATION SITE: One or more agricultural parcels that meet the following:
- C.2.a Are under the same or common ownership or operation, or which are owned or operated by entities which are under common control; and
 - C.2.b Are located on one or more contiguous or adjacent properties wholly within Imperial County.
- C.3 AGRICULTURAL PARCEL: A portion of real property used by an owner or operator for carrying out a specific agricultural operation. Roads, vehicle/equipment traffic areas, and facilities, on or adjacent to the cropland are part of the agricultural parcel.
- C.4 ALTERNATIVE TILLING: Till alternative rows for weed management, reducing approximately 50% of field activity related to tilling, in addition to stabilizing soil surface and reducing soil compaction.

- C.5 APPLICATION EFFICIENCIES: Use more efficient application equipment so as to reduce a minimum of one ground operation. Examples include: compact or low volume spray equipment; aerial applications; micro-heads or infrared spot sprayers; electrostatic sprayers. Reduces soil compaction, passes and chemical usage.
- C.6 BALING/LARGE BALES: Reduce a minimum of one pass through the field per acre by using large balers to harvest crops.
- C.7 BED/ROW SIZE OR SPACING: Reduce a minimum of one tillage operation by Increasing or decreasing the size of the planting bed area (can be done for field and permanent crops) or adjusting spacing. Spacing adjustments reduce the number of passes and soil disturbance by increasing plant density/canopy through reduction of row width to contain PM within the canopy.
- C.8 BULK MATERIALS CONTROL: Minimize visible dust emissions from bulk materials by using dust suppressant or water to form a stabilized surface, or using a tarp to fully cover the pile or truckbed, or using a wind barrier or 3-sided structure to reduce entrainment of fugitive dust.
- C.9 CHEMIGATION/FERTIGATION: Reduce a minimum of one ground operation by applying chemicals through an irrigation system. This reduces the need to travel in the field for application purposes, thus reducing operations and soil disturbance while increasing the efficiency of the application.
- C.10 CHIPS/MULCHES, ORGANIC MATERIALS, POLYMERS, ROAD OIL & SAND: Application of any nontoxic chemical or organic dust suppressant that meets all specification required by any federal, state, or local water agency and is not prohibited for use by any applicable regulations. Chips/Mulches and organic materials should meet the specifications in the mulches definition below. Polymers, road oil and sand should create a stabilized surface during high traffic times such as harvest.
- C.11 COMBINED OPERATION: Combine equipment to perform several operations during one pass, thereby reducing a minimum of one tillage operation. Examples include: use of one-pass till equipment in ground preparation or crop tillage; and cultivation and fertilization of a field crop in a single pass. Other benefits are reduction of soil compaction and time to prepare fields, both of which can be precursors to additional tillage requirements. If a combined operation is accomplished through equipment change/technological improvement, that action is considered one CMP, and either Equipment Changes/Technological Improvements CMP or Combined Operations CMP may be selected in a CMP Plan, but not both.

- C.12 CONSERVATION IRRIGATION: Reduce a minimum of one tillage operation related to weeding by conserving the amount of water used by using either drip, sprinkler, or buried/underground line irrigation. Conserving water reduces weed population, which in turn reduces the need for tillage and reduces soil compaction.
- C.13 CONSERVATION MANAGEMENT PRACTICE (CMP): An activity or procedure that prevents, reduces, or mitigates PM-10 normally emitted by, or associated with, an agricultural activity.
- C.14 CONSERVATION MANAGEMENT PRACTICES PLAN (CMP PLAN): A document prepared by the owner or operator of an Agricultural Operation site that lists the selected CMPs for implementation. The CMP Plan also contains, but is not limited to, contact information for the owner or operator, a description of the Agricultural Operation Site and locations of Agricultural Parcels, and other information describing the extent and duration of CMP implementation.
- C.15 CONSERVATION TILLAGE (e.g.: no tillage, minimum tillage): A tillage system that reduces a minimum of three tillage operations. This system reduces soil and water loss by reducing the number of passes and by leaving crop residue on the field after harvest as well as managing the residue so that it remains intact during the planting season. It reduces the number of passes and amount of soil disturbance. It improves soil because it retains plant residue and increases organic matter.
- C.16 COVER CROPS: Establish cover crops that maintain a minimum of 60 percent ground cover, as determined by the Line Transect Test Method. Native or volunteer vegetation that meets the minimum ground cover requirement is acceptable.
- C.17 CROP RESIDUE MANAGEMENT: Maintain crop residue from previous crops until tilling for the next crop. Crop residues must maintain a minimum of 60 percent ground cover as determined by Line Transect Test Method. Implements such as undercutters or sweeps can maintain crop residues without burying or destroying residues.
- C.18 CROPLAND - OTHER: This CMP category includes CMPs to reduce windblown emissions.
- C.19 CROSS WIND STRIPCROPPING: Establish crops in parallel strips across the prevailing wind erosion direction and arranged so that strips susceptible to wind erosion are alternated with strips having a protective cover that is resistant to wind erosion. The strips with the protective cover should be at least as wide as the strips susceptible to wind erosion.

- C.20 EQUIPMENT CHANGES/TECHNOLOGICAL IMPROVEMENTS: Reduce a minimum of one tillage operation by modifying equipment or making technological improvements. Examples include flame cultivation or equipment that combines discing, chiseling and ring rolling. If an equipment change/technological improvement is made in order to combine operations, that action is considered one CMP; either Equipment Changes/Technological Improvements CMP or Combined Operations CMP may be selected in the CMP plan, but not both.
- C.21 FALLOW LAND: Temporary or permanent removal from production. Eliminates entire operation/passes or reduces activities.
- C.22 FIELD WINDBREAKS: Plant or maintain a single or multiple row of trees or shrubs adjacent to windward edge of the field as close to perpendicular as practical with the direction of erosive winds. Windbreaks such as trees or shrubs should be established at a right angle to the prevailing wind direction. Sites downwind of the windbreak are considered protected if they fall within an area that is less than or equal to 10 times the height of the windbreak. The windbreak should have a porosity of 50 %.
- C.23 GRAVEL: Placing a layer of Gravel at least 3 inches in depth to minimize dust generated from vehicle movement and to dislodge any excess debris which can become entrained. Gravel should conform to the grading defined in Rule 800.
- C.24 GREEN CHOP: Reduce a minimum of one ground operation by harvesting a forage crop without allowing it to dry in the field. This practice reduces soil disturbance and soil compaction.
- C.25 GRINDING/CHIPPING/SHREDDING: Grinding pruning's and orchard removals instead of burning; incorporate to soil. Reduces PM from burning crop residues.
- C.26 GROUND OPERATION: An agricultural operation that is not a tillage operation that involves equipment passing across the field, such as a chemical spray application. A pass through the field may be a subset of a ground operation.
- C.27 HAND HARVESTING: Reduce a minimum of one ground operation by harvesting a crop by hand. It reduces soil disturbance due to machinery passes.
- C.28 INTEGRATED PEST MANAGEMENT: Reduce a minimum of one ground operation by using a combination of techniques including organic, conventional and biological farming concepts to suppress pest problems.

It creates beneficial insect habitat that reduces the use of herbicides/pesticides thereby reducing number of passes for spraying. It also reduces soil compaction and the need for additional tillage. If integrated pest management CMP uses the same practices described in the Organic Practices CMP, this action is considered one CMP, and either Integrated Pest Management CMP or Organic Practices CMP may be selected in a CMP plan, but not both.

- C.29 IRRIGATION POWER UNITS: Use cleaner burning engines, electric motors (CMP only applicable if engines are cleaner than otherwise required by current local, state and federal requirements).
- C.30 MULCHING: Reducing PM10 emissions and wind erosion and preserving soil moisture by uniformly applying a protective layer of plant residue or other material to a soil surface prior to disturbing the site to reduce soil movement. Mulching material shall be evenly applied, and if necessary, anchored to the soil. Mulch should achieve a minimum 70% cover, and a minimum of 2 inch height above the surface. Inorganic material used for mulching should consist of pieces of .75 to 2 inches in diameter.
- C.31 NIGHT FARMING: Operate at night when moisture levels are higher and winds are lighter. It decreases the concentration of PM emissions during daytime and the increased ambient humidity reduces PM emissions during the night. Night farming should take place between sundown and sunrise.
- C.32 NIGHT HARVESTING: Implementing harvesting practices at night when moisture levels are higher and winds are lighter. It reduces PM by operating when ambient air is moist, thereby reducing PM emissions. Night harvesting should take place between sundown and sunrise.
- C.33 NO BURNING: Switching to a crop/system that would not require waste burning. It reduces emissions associated with burning.
- C.34 NON TILLAGE/CHEMICAL TILLAGE: Reduce a minimum of one tillage operation by, for example, using a flail mower or low volume sprayers. It reduces soil compaction and stabilizes soil.
- C.35 ORGANIC PRACTICES: Reduce a minimum of one ground or tillage operation by using biological control methods or non-chemical control methods. Examples include: organic certification, biological controls, mulches and humus. If an organic practice CMP uses the same practice as described in the integrated pest management CMP, this action is considered one CMP, and either Organic Practices CMP or Integrated Pest Management CMP may be selected in a CMP plan, but not both.
- C.36 PAVING: To pave currently Unpaved Roads.

- C.37 PERMANENT CROPS: Having an established permanent crop that is not replanted annually.
- C.38 PRECISION FARMING (GPS): Reduce a minimum of one pass through the field per acre by using satellite navigation to calculate position in the field, therefore manage/treat the selective area. It reduces overlap and allows operations to occur during inclement weather conditions and at night thereby generating less PM.
- C.39 PRE-HARVEST SOIL PREPARATION: Applying a water or stabilizing material to soil prior to harvest to form a visible crust. It reduces PM emissions at harvest.
- C.40 REDUCED PRUNING: Reduce a minimum of one ground operation by reducing the frequency of pruning (e.g. one time per year, or every other year).
- C.41 RESTRICTED ACCESS: To restrict or eliminate public access to unpaved private roads with signs or physical obstructions. At each access point, install signs or physical barriers such as gates, fencing, posts, signs, shrubs, trees that block or effectively control access to the area. It reduces vehicle traffic and thus reduces associated fugitive dust.
- C.42 RIDGE ROUGHNESS: Establish stabilized ridges by normal tillage and planting equipment as close to perpendicular as practical with the direction of erosive winds (not appropriate for unstable soils such as sands or loamy sands). After establishment, ridges shall be maintained through those periods when wind erosion is expected to occur, or until growing crops provide enough cover to protect the soil from wind erosion. Ridge spacing should be no greater than 4 times the ridge height.
- C.43 ROAD MIX: A mixture of tank bottoms from crude oil storage tanks, material from crude oil spills, or other crude-oil-containing soil mixed with aggregates and soils, that are used as a base cover materials for roads, parking lots, berms, tank and well locations, or similar applications.
- C.44 SHED PACKING: Reducing a minimum of one pass through the field per acre by packing commodities in a covered or closed area, rather than field-pack. It reduces field traffic, thereby reducing PM emissions.
- C.45 SHUTTLE SYSTEM/LARGE CARRIER: Reduce a minimum of one pass through the field per acre by hauling multiple or larger trailers/bins per trip.
- C.46 SOIL AMENDMENTS: Organic or chemical materials uniformly applied to the soil for improvement (e.g. gypsum, lime, polyacrylamide).

- C.47 SPEED LIMITS: Control speed limits to 15 mph on unpaved roads through worker behavior modifications, signage, or any other necessary means.
- C.48 SULFUR REDUCTION OR ELIMINATION: Reduce a minimum of one ground operation by reducing or eliminating sulfur dusting, an organic chemical used to control disease in crop, ornamental and home and gardens.
- C.49 SURFACE ROUGHENING: Produce and maintain stable clods or aggregates on the land surface by bedding, rough disking, or tillage that leaves the surface covered by stable clods. Soil clods prevent wind erosion because they resist the forces of the wind and because they shelter other erodible materials. This CMP should be implemented consistent with NRCS Code 609 – Surface Roughening.
- C.50 TILLAGE OPERATION: An agricultural operation that mechanically manipulates the soil for the enhancement of crop production. Examples include disking, weeding, or bedding. A pass through the field may be a subset of a tillage operation.
- C.51 TRACK-OUT CONTROL: Minimize any and all material that adheres to and agglomerates on all vehicle and equipment from unpaved roads and falls onto a paved public road or the paved shoulder of a paved public road. Install one of the following devices: a grizzly, a gravel pad or a wheelwash system at all intersections of unpaved roads and public roads.
- C.52 TRANSGENIC CROPS: Use of GMO or Transgenic crops such as “herbicide-ready” to reduce a minimum of one tillage operation. It reduces the need for tillage or cultivation operations, as well as reduces soil disturbance. It can also reduce the number of chemical applications.
- C.53 WATER APPLICATION: Application of water to unpaved roads and traffic areas to create a visibly moist surface.
- C.54 WIND BARRIER: Reduce wind erosion by planting or maintaining perennial or annual plants established in rows or narrow strips interspersed throughout a crop field as close to perpendicular as practical with the direction of erosive winds. To be effective, the selected plant(s) must create a stand at least three feet tall, with a porosity of 50%.
- D. Requirements for Agricultural Operation Sites:
- D.1 All Persons who own or operate an Agricultural Operation Site of forty (40) acres or more in size shall implement in each Agricultural Parcel at least one of the Conservation Management Practices from each of D.1.a through D.1.f. unless they implement the Conservation Tillage CMP. On

acres implementing the Conservation Tillage CMP, persons do not need to select additional measures for D.1.a, D.1.b or D.1.e, but do need to implement at least one CMP each from D.1.c, D.1.d and D.1.f. Persons may choose the same CMP for D.1.c and D.1.d since they apply to different land, but must choose a unique and individual CMP for each of D.1.a, D.1.b, D.1.e and D.1.f (unless using Conservation Tillage CMP) since they apply to the same land.

D.1.a Land preparation and cultivation, CMPs in Section E.1;

D.1.b Harvest activities, CMPs in section E.2;

D.1.c Unpaved Roads, CMPs in Section E.3;

D.1.d Unpaved Traffic Areas, CMPs in Section E.4;

D.1.e Cropland-Other, CMPs in Section E.5; and

D.1.f Windblown Dust Control, CMPs in Section E.6.

- D.2 Agricultural unpaved roads with greater than fifty (50) or more vehicle daily trips (VDT), or twenty (20) or more VDT with three (3) or more axle vehicles, must meet the stabilization and opacity requirements in Section E.3.
- D.3 Agricultural unpaved equipment or traffic areas with fifty (50) or more VDT, or twenty (20) or more VDT with 3 or more axle vehicles, must meet the stabilization and opacity requirements in Section E.4.
- D.4 The owner or operator of an Agricultural Operation Site may implement more than one Conservation Management Practices for one or more of the categories.
- D.5 The owner or operator of an Agricultural Operation Site shall ensure that the implementation of each selected Conservation Management Practices does not violate any other local, state, or federal law.
- D.6 The owner or operator of an Agricultural Operation Site may develop alternative CMPs. The owner or operator shall submit to the APCD a technical evaluation of the alternative CMPs, demonstrating that the alternative CMP achieves PM-10 emission reductions that are at least equivalent to the most effective CMPs available for the applicable operation (e.g., by eliminated equivalent passes or operations). The APCD will review the technical evaluation, and the alternative CMP must receive approval by the APCD before being included in the CMP Plan.

- D.7 The owner or operator shall prepare a CMP Plan for each Agricultural Operation Site. The CMP Plan shall be made available to the APCD upon request. The CMP Plan shall be provided to the APCD within 72 hours of notice to the owner or operator.
- E. Conservation Management Practices for Fugitive Dust (PM-10)
- E.1 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs in each Agricultural Parcel to reduce PM10 emissions from land preparation and cultivation (CMP Category D.1.a). If the owner or operator selects "Fallow Land" as its CMP, the owner/operator must comply with section E.6 of this rule.
- E.1.a Alternative Tilling,
 - E.1.b Bed/Row Size Spacing,
 - E.1.c Chemigation/Fertigation,
 - E.1.d Combined Operations,
 - E.1.e Conservation Irrigation,
 - E.1.f Cover Crops,
 - E.1.g Equipment Changes/Technological Improvements,
 - E.1.h Fallow Land,
 - E.1.i Integrated Pest Control,
 - E.1.j Mulching,
 - E.1.k Night Farming,
 - E.1.l Non Tillage /Chemical Tillage,
 - E.1.m Organic Pesticides,
 - E.1.n Precision Farming (GPS), or
 - E.1.o Transgenic Crops
- E.2 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs in each Agricultural Parcel to reduce PM10 emissions from harvest activities (CMP Category D.1.b). If the owner or operator selects "Fallow Land" as its CMP, the owner/operator must comply with Section E.6 of this rule.
- E.2.a Baling /Large Bales
 - E.2.b Combined Operations
 - E.2.c Equipment Changes/Technological Improvements
 - E.2.d Green Chop
 - E.2.e Hand Harvesting
 - E.2.f Fallow Land
 - E.2.g Night Harvesting
 - E.2.h No Burning
 - E.2.i Pre-Harvesting Soil Preparation
 - E.2.j Shed Packing
 - E.2.k Shuttle System/Large Carrier

- E.3 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs for each unpaved road (CMP Category D.1.c) to reduce PM10 emissions at all times:

- E.3.a Chips/Mulches, Organic Materials, polymers, road oil and sand,
- E.3.b Gravel
- E.3.c Paving,
- E.3.d Restricted access
- E.3.e Speed limit
- E.3.f Track-out control
- E.3.g Water Application
- E.3.h Field windbreak

On each day that high traffic accounts for 50 or more vehicle daily trips (VDT), or 20 or more VDT with 3 or more axles, on an unpaved road segment, the owner/operator of an Agricultural Operation Site shall comply with the requirements of a stabilized unpaved road and limit VDE to 20% opacity by implementing or maintaining one or more of the following CMPs:

- E.3.i Pave.
- E.3.j Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads.
- E.3.k Apply and maintain Gravel, recrushed/recycled asphalt or other material of low Silt (<5%) content to a depth of three or more inches.
- E.3.l Water Application.
- E.3.m Permanent road closure.
- E.3.n Restrict unauthorized vehicle access.

- E.4 The owner or operator of an agricultural operation site shall implement at least one of the following CMPs for each unpaved traffic area (CMP Category D.1.d) to reduce PM10 emissions at all times:

- E.4.a Chips/Mulches, Organic Materials, Polymers, Road Oil and Sand,
- E.4.b Gravel
- E.4.c Paving
- E.4.d Restricted Access
- E.4.e Speed Limit
- E.4.f Track-Out Control
- E.4.g Water Application
- E.4.h Field windbreak

On each day that high traffic accounts for 50 or more vehicle daily trips (VDT), or 20 or more VDT with 3 or more axles, on an Unpaved Traffic

Area larger than one (1) acre, the owner/operator of an Agricultural Operation Site shall comply with the requirements of a stabilized unpaved road and limit VDE to 20% opacity by implementing or maintaining one or more of the following CMPs:

- E.4.i Pave.
 - E.4.j Apply Chemical Stabilization as directed by product manufacturer to control dust on Unpaved Roads.
 - E.4.k Apply and maintain Gravel, recrushed/recycled asphalt or other material of low Silt (<5%) content to a depth of three or more inches.
 - E.4.l Water Application.
- E.5 The owner or operator of an Agricultural Operation Site shall implement at least one of the following CMPs in each Agricultural Parcel to reduce PM10 emissions from cropland-others (Category D.1.e). If the owner or operator selects "Fallow Land" as its CMP, the owner/operator must comply with Section E.6 of this rule.
- E.5.a Alternate Tilling
 - E.5.b Application Efficiencies
 - E.5.c Bailing/Large Bales
 - E.5.d Bulk Materials Control
 - E.5.e Chemigation/Fertigation
 - E.5.f Conservation Irrigation
 - E.5.g Fallow Land
 - E.5.h Grinding/Chipping/Shredding
 - E.5.i Integrated Pest Management
 - E.5.j Irrigation Power Units
 - E.5.k Mulching
 - E.5.l Night Farming
 - E.5.m No Burning
 - E.5.n Non Tillage/Chemical Tillage
 - E.5.o Organic Practices
 - E.5.p Permanent Crops
 - E.5.q Reduced Pruning
 - E.5.r Soil Amendments
 - E.5.s Soil Incorporation
 - E.5.t Sulfur: Reduction or Elimination of Dusting
 - E.5.u Surface Roughening
 - E.5.v Transgenic Crops
 - E.5.w Wind Barrier
- E.6 For windblown dust control (CMP Category D.1.f), the owner or operator of an agricultural operation site shall implement E.6.1. In addition to following E.6.1, if the owner or operator of an Agricultural Operation Site

has fields that are in between crops or more permanently fallow, the owner or operator shall implement at least one of the CMPs in E.6.2.

E.6.1 When preparing a field for planting, minimize the time that newly tilled soil is smooth and dry by leaving the field surface with large clods for as long as possible and bedding and planting the field as soon as possible once it no longer has large clods.

E.6.2 For fields that are in between crops or are permanently fallow, the owner shall implement at least one of the CMPs below:

- E.6.2a Cover Crop
- E.6.2b Conservation Tillage
- E.6.2c Crop Residue Management
- E.6.2d Cross Wind Stripcropping
- E.6.2e Field Windbreaks
- E.6.2f Ridge Roughness
- E.6.2g Surface Roughening
- E.6.2h Wind Barrier

F. CMP Plan Preparation

An owner or operator shall prepare a CMP Plan for each Agricultural Operation Site. An owner or operator must maintain a CMP Plan that corresponds to the current crops being grown in the field and the corresponding CMPs for those crops. Each CMP Plan shall include, but is not limited to, the following information:

- F.1 The name, business address, and telephone number of the owner or operator responsible for the preparation and implementation of the CMP Plan.
- F.2 The signature of the owner or operator and the date that the CPM Plan was signed.
- F.3 The location of the Agricultural Operation Site: cross roads; canal and gate number.
- F.4 The crop grown at each location covered by the CMP Plan, total acreage for each crop, the length (miles) of unpaved roads, and the total area (acres or square feet) of the unpaved equipment and traffic areas to be covered by the CMP Plan
- F.5 The CMPs being implemented for each crop, unpaved road, unpaved equipment and traffic area, and windblown dust control. The CMPs implemented should be described to verify that implementation is

consistent with the CMP definitions in this rule.

F.6 Other relevant information as determined by the APCD.

G. Violations

Failure to comply with any provisions of this rule shall constitute a violation of Regulation VIII. Failure to comply with the provisions of a CMP Plan shall also constitute a violation of Regulation VIII.

H. Record of Control Implementation

Any Person subject to the requirements of this rule shall maintain a copy of the CMP Plan and any supporting documentation necessary to confirm implementation of the CMPs. An owner or operator implementing alternative CMPs shall maintain a copy of technical evaluation for alternative CMPs and documentation of APCD approval of alternative CMPs. Records shall be maintained for two years after the date of each entry and shall be provided to the APCD upon request.

RULE 904 PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT PROGRAM
(Adopted 06/28/2011; Revised 12/20/2011)

A. PURPOSE

The 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 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 40 Code of Federal Regulations (hereinafter, CFR) Part 52.21 as incorporated into this rule.

C. INCORPORATION BY REFERENCE

Except as provided below, the provisions of Title 40 of CFR Part 52.21, in effect December 20, 2011, are incorporated herein by reference and made part of the Rules and Regulations of the District.

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

C.2 Exemption, Greenhouse Gas Air Quality Analyses: Greenhouse Gas emissions, shall not be subject to the requirements of subsections (k) or (m) of 40 CFR Part 52.21.

D. DEFINITIONS

Unless otherwise defined below, the terms used in this rule are defined in 40 CFR Part 52.21(b):

D.1 The definition of "potential to emit" contained in 40 CFR, Part 52.21(b)(4), is revised so that the phrase "is federally enforceable" shall read "is federally enforceable or enforceable as a practical matter."

D.2 The definition of "allowable emissions" contained in 40 CFR, Part 52.21(b)(16), is revised so that:

D.2.a the phrase "unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or

both” shall read, “unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both.”

D.2.b paragraph (iii) shall read as follows: “The emissions rate specified as an enforceable permit condition, including those with a future compliance date.”

D.3 The following terms found in 40 CFR Part 52.21(b) are revised as follows:

D.3.a The term “administrator” means:

D.3.a.1 “federal 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

D.3.a.2 “APCO/Control Officer” elsewhere, as defined in Rule 101.

D.3.b The phrase “paragraph (q) of this section” in 40 CFR 52.21(p)(6) and (p)(7) shall read as follows: the public notice and comment provisions of Rule 206.

E. REQUIREMENTS

E.1 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 Plantwide Applicability Limitation (PAL) major modification, as defined in 40 CFR 52.21(b).

E.2 Notwithstanding the provisions of any other District Rule or Regulation, the APCO shall require compliance with this rule prior to issuing a federal PSD permit as required by Clean Air Act (CAA) Section 165.

E.3 The applicant shall pay the applicable fees specified in District Rule 301.

F. PUBLIC PARTICIPATION

Prior to issuing a federal PSD permit pursuant to this rule and after receipt of a complete application, the APCO shall:

F.1 Make a preliminary determination whether construction should be approved with conditions or disapproved.

- F.2 Make available at the District office 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.
- F.3 Notify the public, by advertisement in a newspaper of general circulation in the Imperial County, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for written public comment.
- F.4 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.
- F.5 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.
- F.6 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 for public inspection in the same locations where the District made available preconstruction information relating to the proposed source or modification.
- F.7 Make a final determination whether construction should be approved with conditions or disapproved.
- F.8 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 910 - ENHANCED MONITORING (Adopted 3/21/95)

A. GENERAL

A.1 Purpose:

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

A.2 Applicability:

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

A.3 Exemptions:

RESERVED

A.4 Effective Dates:

This Rule becomes effective on (date of adoption).

A.5 References

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

B. DEFINITIONS

B.1 ADMINISTRATOR: The Administrator of the United States Environmental Protection Agency or delegate.

B.2 DISTRICT: Imperial County Air Pollution Control District.

C. VIOLATIONS OF OTHER LEGAL MANDATES

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

D. STANDARDS FOR DETERMINATION OF COMPLIANCE

D.1 Compliance Certification:

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

D.1.a An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

D.1.b Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

D.2 Credible Evidence:

Notwithstanding any other provision in the District's State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

D.2.a Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

D.2.a(1) An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

D.2.a(2) A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

D.2.a(3) Compliance test methods specified in the District's State Implementation Plan.

D.2.b The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

D.2.b(1) Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75.

D.2.b(2) Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in D.2.a or D.2.a(1) herein.

RULE 925 - GENERAL CONFORMITY (Adopted 11-29-94)

A. PROHIBITIONS

- A.1 No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an Applicable Implementation Plan.
- A.2 A Federal Agency must make a determination that a Federal Action conforms to the Applicable Implementation Plan in accordance with the requirements of this rule before the action is taken.
- A.3 The preceding sentence does not include Federal Actions where either:
 - A.3.a A National Environmental Policy Act (NEPA) analysis was completed as evidenced by a final environmental assessment (EA), environmental impact statement (EIS), or finding of no significant impact (FONSI) that was prepared prior to the effective date of this rule, or
 - A.3.b Prior to the effective date of this rule, an EA was commenced or a contract was awarded to develop the specific environmental analysis.
 - A.3.c Sufficient environmental analysis is completed by March 15, 1994 so that the Federal Agency may determine that the Federal Action is in conformity with the specific requirements and the purposes of the applicable SIP pursuant to the agency's affirmative obligation under section 176(c) of the Clean Air Act (Act), and
 - A.3.d A written determination of conformity under section 176(c) of the Act has been made by the Federal Agency responsible for the Federal Action by March 15, 1994.
- A.4 Notwithstanding any provision of this Rule, a determination that an action is in conformance with the Applicable Implementation Plan does not exempt the action from any other requirements of the Applicable Implementation Plan, the NEPA, or the Act.

B. STATE IMPLEMENTATION PLAN (SIP) REVISION

- B.1 Each State must submit to the Environmental Protection Agency (EPA) a revision to its Applicable Implementation Plan which contains criteria and procedures for assessing the conformity of Federal Actions to the Applicable Implementation Plan, consistent with this Rule. The State must submit the conformity provisions within 12 months after November 30, 1993, or within 12 months of an area's designation to nonattainment, whichever date is later.
- B.2 The federal conformity rules under this Rule and 40 CFR part 93, in addition to any existing applicable State requirements, establish the conformity criteria and procedures necessary to meet the Act requirements until such time as the required conformity SIP revision is approved by EPA. A State's conformity provisions must contain criteria and procedures that are no less stringent than the requirements described in this Rule. A State may establish more stringent conformity criteria and procedures only if they apply equally to non-federal as well as federal entities. Following EPA approval of the State conformity provisions (or a portion thereof) in a revision to the applicable SIP, the approved (or approved portion of the) State criteria and procedures would govern conformity determinations and the federal conformity regulations contained in 40 CFR part 93 would apply only for the portion, if any, of the State's conformity provisions that is not approved by EPA. In addition, any previously applicable SIP requirements relating to conformity remain enforceable until the State revises its SIP to specifically remove them from the SIP and that revision is approved by EPA.

C. DEFINITIONS

Terms used but not defined in this part shall have the meaning given them by the Act and EPA's regulations, in that order of priority.

- C.1 **AFFECTED FEDERAL LAND MANAGER:** The Federal Agency or the federal official charged with direct responsibility for management of an area designated as Class I under 42 U.S.C. 7472 of the Act that is located within 100 km of the proposed Federal Action.
- C.2 **APPLICABLE IMPLEMENTATION PLAN OR APPLICABLE SIP:** The portion (or portions) of the SIP or most recent revision thereof, which has been approved under section 110 of the Act, or promulgated under section 110(c) of the Act (federal implementation plan), or promulgated or approved pursuant to regulations promulgated under section 301(d) of the Act and which implements the relevant requirements of the Act.
- C.3 **AREAWIDE AIR QUALITY MODELING ANALYSIS:** An assessment on a scale that includes the entire nonattainment or Maintenance Area which uses an air quality dispersion model to determine the effects of emissions on air quality.
- C.4 **CAUSE OR CONTRIBUTE TO A NEW VIOLATION:** A Federal Action that:
- C.4.a Causes a new violation of a national ambient air quality standard (NAAQS) at a location in a nonattainment or Maintenance Area which would otherwise not be in violation of the standard during the future period in question if the Federal Action were not taken, or
- C.4.b Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment or Maintenance Area in a manner that would increase the frequency or severity of the new violation.
- C.5 **CAUSED BY,** as used in the terms "DIRECT EMISSIONS" and "INDIRECT EMISSIONS": Emissions that would not otherwise occur in the absence of the Federal Action.
- C.6 **CRITERIA POLLUTANT OR STANDARD:** Any pollutant for which there is established a NAAQS at 40 CFR part 50.
- C.7 **DIRECT EMISSIONS:** Those emissions of a Criteria Pollutant or its Precursors that are caused or initiated by the Federal Action and occur at the same time and place as the action.
- C.8 **EMERGENCY:** A Situation where extremely quick action on the part of the Federal Agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of this rule, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.
- C.9 **EMISSIONS BUDGETS:** Those portions of the Applicable SIP's projected emissions inventories that describe the levels of emissions (mobile, stationary, area, etc.) that provide for meeting reasonable further progress Milestones, attainment, and/or maintenance for any Criteria Pollutant or its Precursors.
- C.10 **EMISSION OFFSETS,** for purposes of Section I: Emissions reductions which are quantifiable, consistent with the Applicable SIP attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other Applicable SIP provisions, enforceable at both the State and federal levels, and permanent within the time frame specified by the program.

- C.11 EMISSIONS THAT A FEDERAL AGENCY HAS A CONTINUING PROGRAM RESPONSIBILITY FOR: Emissions that are specifically Caused By an agency carrying out its authorities, and does not include emissions that occur due to subsequent activities, unless such activities are required by the Federal Agency. Where an agency, in performing its normal program responsibilities, takes actions itself or imposes conditions that result in air pollutant emissions by a non-federal entity taking subsequent actions, such emissions are covered by the meaning of a continuing program responsibility.
- C.12 EPA: The United States Environmental Protection Agency.
- C.13 FEDERAL ACTION: Any activity engaged in by a department, agency, or instrumentality of the federal government, or any activity that a department, agency or instrumentality of the federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal Action is a permit, license, or other approval for some aspect of a non-federal undertaking, the relevant activity is the part, portion, or phase or the non-federal undertaking that requires the federal permit, license, or approval.
- C.14 FEDERAL AGENCY: For purposes of this rule, a federal department, agency, or instrumentality of the federal government.
- C.15 INCREASE THE FREQUENCY OR SEVERITY OF ANY EXISTING VIOLATION OF ANY STANDARD IN ANY AREA: To cause a Nonattainment Area to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented.
- C.16 INDIRECT EMISSIONS: Those emissions of a Criteria Pollutant or its Precursors that:
 - C.16.a Are Caused By the Federal Action, but may occur later in time and/or may be farther removed in distance from the action itself but are still reasonably foreseeable, and
 - C.16.b The Federal Agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal Agency.
- C.17 LOCAL AIR QUALITY MODELING ANALYSIS: An assessment of localized impacts on a scale smaller than the entire nonattainment or Maintenance Area, including, for example, congested roadway intersections and highways or transit terminals, which uses an air quality dispersion model to determine the effects of emissions on air quality.
- C.18 MAINTENANCE AREA: An area with a Maintenance Plan approved under section 175A of the Act.
- C.19 MAINTENANCE PLAN: A revision to the Applicable SIP, meeting the requirements of section 175A of the Act.
- C.20 METROPOLITAN PLANNING ORGANIZATION (MPO): That organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.
- C.21 MILESTONE: The meaning given in sections 182(g)(1) and 189(c)(1) of the Act.
- C.22 NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS): Those standards established pursuant to section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone, particulate matter (PM-10), and sulfur dioxide (SO₂).
- C.23 NEPA: The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).
- C.24 NONATTAINMENT AREA (NAA): An area designated as nonattainment under section 107 of the Act and described in 40 CFR part 81.

- C.25 PRECURSORS OF A CRITERIA POLLUTANT:
 - C.25.a For ozone, nitrogen oxides (NOx), unless an area is exempted from NOx requirements under section 182(f) of the Act, and volatile organic compounds (VOC) and
 - C.25.b For PM-10, those pollutants described in the PM-10 Nonattainment Area Applicable SIP as significant contributors to the PM-10 levels.
- C.26 REASONABLY FORESEEABLE EMISSIONS: Projected future Indirect Emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the Federal Agency based on its own information and after reviewing any information presented to the Federal Agency.
- C.27 REGIONALLY SIGNIFICANT ACTION: A Federal Action for which the Direct and Indirect Emissions of any pollutant represent 10 percent or more of a nonattainment or Maintenance Area's emissions inventory for that pollutant.
- C.28 REGIONAL WATER AND/OR WASTEWATER PROJECTS: Include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or Maintenance Area.
- C.29 TOTAL OF DIRECT AND INDIRECT EMISSIONS: The sum of Direct and Indirect Emissions increases and decreases Caused By the Federal Action; i.e., the "net" emissions considering all Direct and Indirect Emissions. The portion of emissions which are exempt or presumed to conform under section D subsection D.3, D.4, D.5, or D.6 are not included in the "Total Of Direct and Indirect Emissions." The "Total Of Direct and Indirect Emissions" includes emissions of Criteria Pollutants and emissions of Precursors of Criteria Pollutants.

D. APPLICABILITY

- D.1 Conformity determinations for Federal Actions related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must meet the procedures and criteria of 40 CFR part 51, subpart T, in lieu of the procedures set forth in this Rule.
- D.2 For Federal Actions not covered by subsection D.1 of this section, a conformity determination is required for each pollutant where the Total Of Direct and Indirect Emissions in a nonattainment or Maintenance Area Caused By a Federal Action would equal or exceed any of the rates in subsections D.2.a or D.2.b of this section.
 - D.2.a For purposes of subsection D.2 of this section, the following rates apply in Nonattainment Areas (NAAs):

	Tons/Year
Ozone (VOC's or NOx)	
Serious NAA's	50
Severe NAA's	25
Extreme NAA's	10
Other ozone NAA's outside an ozone transport region	100
Marginal and moderate NAA's inside an ozone transport region	100
VOC	50
NOx	100
Carbon monoxide	
All NAA's	100
SO ₂ or NO ₂	
All NAA's	100
PM-10	

Moderate NAA's	100
Serious NAA's	70
Pb	
All NAA's	25

D.2.b For purposes of subsection D.2 of this section, the following rates apply in Maintenance Areas:

	Tons/Year
Ozone (NOx), SO ₂ or NO ₂	
All Maintenance Areas	100
Ozone (VOC's)	
Maintenance Areas inside	
an ozone transport region	50
Maintenance Areas outside	
an ozone transport region	100
Carbon monoxide	
All Maintenance Areas	100
PM-10	
All Maintenance Areas	100
Pb	
All Maintenance Areas	25

D.3 The requirements of this Rule shall not apply to:

D.3.a Actions where the Total Of Direct and Indirect Emissions are below the emissions levels specified in subsection D.2 of this section.

D.3.b The following actions which would result in no emissions increase or an increase in emissions that is clearly de minimis:

- D.3.b(1) Judicial and legislative proceedings.
- D.3.b(2) Continuing and recurring activities such as permit renewals where activities conducted will be similar in scope and operation to activities currently being conducted.
- D.3.b(3) Rule making and policy development and issuance.
- D.3.b(4) Routine maintenance and repair activities, including repair and maintenance of administrative sites, roads, trails, and facilities.
- D.3.b(5) Civil and criminal enforcement activities, such as investigations, audits, inspections, examinations, prosecutions, and the training of law enforcement personnel.
- D.3.b(6) Administrative actions such as personnel actions, organizational changes, debt management or collection, cash management, internal agency audits, program budget proposals, and matters relating to the administration and collection of taxes, duties and fees.
- D.3.b(7) The routine, recurring transportation of material and personnel.
- D.3.b(8) Routine movement of mobile assets, such as ships and aircraft, in home port reassignments and stations (when no new support facilities or personnel are required) to perform as operational groups and/or for repair or overhaul.
- D.3.b(9) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.

- D.3.b(10) Actions, such as the following, with respect to existing structures, properties, facilities and lands where future activities conducted will be similar in scope and operation to activities currently being conducted at the existing structures, properties, facilities, and lands; for example, relocation of personnel, disposition of federally-owned existing structures, properties, facilities, and lands, rent subsidies, operation and maintenance cost subsidies, the exercise of receivership or conservatorship authority, assistance in purchasing structures, and the production of coins and currency.
- D.3.b(11) The granting of leases, licenses such as for exports and trade, permits, and easements where activities conducted will be similar in scope and operation to activities currently being conducted.
- D.3.b(12) Planning, studies, and provision of technical assistance.
- D.3.b(13) Routine operation of facilities, mobile assets and equipment.
- D.3.b(14) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer.
- D.3.b(15) The designation of empowerment zones, enterprise communities, or viticultural areas.
- D.3.b(16) Actions by any of the Federal banking agencies or the Federal Reserve Banks, including actions regarding charters, applications, notices, licenses, the supervision or examination of depository institutions or depository institution holding companies, access to the discount window, or the provision of financial services to banking organizations or to any department, agency or instrumentality of the United States.
- D.3.b(17) Actions by the Board of Governors of the Federal Reserve System or any Federal Reserve Bank to effect monetary or exchange rate policy.
- D.3.b(18) Actions that implement a foreign affairs function of the United States.
- D.3.b(19) Actions (or portions thereof) associated with transfers of land, facilities, title, and real properties through an enforceable contract or lease agreement where the delivery of the deed is required to occur promptly after a specific, reasonable condition is met, such as promptly after the land is certified as meeting the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and where the Federal Agency does not retain continuing authority to control emissions associated with the lands, facilities, title, or real properties.
- D.3.b(20) Transfers of real property, including land, facilities, and related personal property from a Federal entity to another federal entity and assignments of real property, including land, facilities, and related personal property from a Federal entity to another federal entity for subsequent deeding to eligible applicants.
- D.3.b(21) Actions by the Department of the Treasury to effect fiscal policy and to exercise the borrowing authority of the United States.
- D.3.c Actions where the emissions are not reasonably foreseeable, such as the following:
 - D.3.c(1) Initial Outer Continental Shelf lease sales which are made on a broad scale and are followed by exploration and development plans on a project level.
 - D.3.c(2) Electric power marketing activities that involve the acquisition, sale and transmission of electric energy.

- D.3.d Actions which implement a decision to conduct or carry out a conforming program such as prescribed burning actions which are consistent with a conforming land management plan.
- D.4 Notwithstanding the other requirements of this Rule, a conformity determination is not required for the following Federal Actions (or portion thereof):
 - D.4.a The portion of an action that includes major new or modified stationary sources that require a permit under the new source review (NSR) program (section 173 of the Act) or the prevention of significant deterioration (PSD) program (title I, part C of the Act).
 - D.4.b Actions in response to emergencies or natural disasters such as hurricanes, earthquakes, etc., which are commenced on the order of hours or days after the Emergency or disaster and, if applicable, which meet the requirements of subsection D.5 of this section;
 - D.4.c Research, investigations, studies, demonstrations, or training (other than those exempted under section D.3.b) where no environmental detriment is incurred and/or, the particular action furthers air quality research, as determined by the State agency primarily responsible for the Applicable SIP;
 - D.4.d Alteration and additions of existing structures as specifically required by new or existing applicable environmental legislation or environmental regulations (e.g., hush houses for aircraft engines and scrubbers for air emissions);
 - D.4.e Direct Emissions from remedial and removal actions carried out under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and associated regulations to the extent such emissions either comply with the substantive requirements of the PSD/NSR permitting program or are exempted from other environmental regulation under the provisions of CERCLA and applicable regulations issued under CERCLA.
- D.5 Federal Actions which are part of a continuing response to an Emergency or disaster under section D4.b and which are to be taken more than 6 months after the commencement of the response to the Emergency or disaster under section D.4.b are exempt from the requirements of this Rule only if:
 - D.5.a The Federal Agency taking the actions makes a written determination that, for a specified period not to exceed an additional 6 months, it is impractical to prepare the conformity analyses which would otherwise be required and the actions cannot be delayed due to overriding concerns for public health and welfare, national security interests and foreign policy commitments; or
 - D.5.b For actions which are to be taken after those actions covered by subsection D.5.a of this section, the Federal Agency makes a new determination as provided in subsection D.5.a of this section.
- D.6 Notwithstanding other requirements of this Rule, actions specified by individual Federal agencies that have met the criteria set forth in either subsection D.7.a or D.7.b and the procedures set forth in subsection D.8 of this section are presumed to conform, except as provided in subsection D.10 of this section.
- D.7 The Federal Agency must meet the criteria for establishing activities that are presumed to conform by fulfilling the requirements set forth in either subsection D.7.a or D.7.b of this section:
 - D.7.a The Federal Agency must clearly demonstrate using methods consistent with this rule that the Total Of Direct and Indirect Emissions from the type of activities which would be presumed to conform would not:
 - D.7.a(1) Cause or contribute to any new violation of any standard in any area;
 - D.7.a(2) Interfere with provisions in the Applicable SIP for maintenance of any standard;

- D.7.a(3) Increase The Frequency Or Severity Of Any Existing Violation Of Any Standard In Any Area; or
- D.7.a(4) Delay timely attainment of any standard or any required interim emission reductions or other Milestones in any area including, where applicable, emission levels specified in the Applicable SIP for purposes of:
- D.7.a(4)(a) A demonstration of reasonable further progress;
- D.7.a(4)(b) A demonstration of attainment; or
- D.7.a(4)(c) A Maintenance Plan; or
- D.7.b The Federal Agency must provide documentation that the Total Of Direct and Indirect Emissions from such future actions would be below the emission rates for a conformity determination that are established in subsection D.2 of this section, based, for example, on similar actions taken over recent years.
- D.8 In addition to meeting the criteria for establishing exemptions set forth in subsections D.7.a or D.7.b of this section, the following procedures must also be complied with to presume that activities will conform:
- D.8.a The Federal Agency must identify through publication in the Federal Register its list of proposed activities that are presumed to conform and the basis for the presumptions;
- D.8.b The Federal Agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, the agency designated under section 174 of the Act and the MPO and provide at least 30 days for the public to comment on the list of proposed activities presumed to conform;
- D.8.c The Federal Agency must document its response to all the comments received and make the comments, response, and final list of activities available to the public upon request; and
- D.8.d The Federal Agency must publish the final list of such activities in the Federal Register.
- D.9 Notwithstanding the other requirements of this Rule, when the Total Of Direct and Indirect Emissions of any pollutant from a Federal Action does not equal or exceed the rates specified in subsection D.2 of this section, but represents 10 percent or more of a nonattainment or Maintenance Area's total emissions of that pollutant, the action is defined as a Regionally Significant Action and the requirements of Sections A and F-K shall apply for the Federal Action.
- D.10 Where an action otherwise presumed to conform under subsection D.6 of this section is a Regionally Significant Action or does not in fact meet one of the criteria in subsection D.7.a of this section, that action shall not be presumed to conform and the requirements of Sections A and F-K shall apply for the Federal Action.
- D.11 The provisions of this Rule shall apply in all nonattainment and Maintenance Areas.
- E. CONFORMITY ANALYSIS
- Any federal department, agency, or instrumentality of the Federal government taking an action subject to this Rule must make its own conformity determination consistent with the requirements of this Rule. In making its conformity determination, a Federal Agency must consider comments from any interested parties. Where multiple Federal agencies have jurisdiction for various aspects of a project, a Federal Agency may choose to adopt the analysis of another Federal Agency or develop its own analysis in order to make its conformity determination.

F. REPORTING REQUIREMENTS

- F.1 A Federal Agency making a conformity determination under section I must provide to the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, Affected Federal Land Managers, the agency designated under section 174 of the Act and the MPO a 30 day notice which describes the proposed action and the Federal Agency's draft conformity determination on the action.
- F.2 A Federal Agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, Affected Federal Land Managers, the agency designated under section 174 of the Clean Air Act and the MPO within 30 days after making a final conformity determination under Section I.

G. PUBLIC PARTICIPATION

- G.1 Upon request by any person regarding a specific Federal Action, a Federal Agency must make available for review its draft conformity determination under section I with supporting materials which describe the analytical methods and conclusions relied upon in making the applicability analysis and draft conformity determination.
- G.2 A Federal Agency must make public its draft conformity determination under section I by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action and by providing 30 days for written public comment prior to taking any formal action on the draft determination. This comment period may be concurrent with any other public involvement, such as occurs in the NEPA process.
- G.3 A Federal Agency must document its response to all the comments received on its draft conformity determination under section I and make the comments and responses available, upon request by any person regarding a specific Federal Action, within 30 days of the final conformity determination.
- G.4 A Federal Agency must make public its final conformity determination under section I for a Federal Action by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action within 30 days of the final conformity determination.

H. FREQUENCY OF CONFORMITY DETERMINATIONS

- H.1 The conformity status of a Federal Action automatically lapses 5 years from the date a final conformity determination is reported under section F, unless the Federal Action has been completed or a continuous program has been commenced to implement that Federal Action within a reasonable time.
- H.2 Ongoing Federal activities at a given site showing continuous progress are not new actions and do not require periodic redetermination so long as such activities are within the scope of the final conformity determination reported under section F.
- H.3 If, after the conformity determination is made, the Federal Action is changed so that there is an increase in the Total Of Direct and Indirect Emissions above the levels in section D.2, a new conformity determination is required.

I. CRITERIA FOR DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS

- I.1 An action required under section D to have a conformity determination for a specific pollutant, will be determined to conform to the Applicable SIP if, for each pollutant that exceeds the rates in subsection D.2 or otherwise requires a conformity determination due to the Total Of Direct and Indirect Emissions from the action, the action meets the requirements of subsection I.3 of this section, and meets any of the following requirements:
 - I.1.a For any Criteria Pollutant, the Total Of Direct and Indirect Emissions from the action are specifically identified and accounted for in the Applicable SIP's attainment or maintenance demonstration;

- I.1.b For ozone or nitrogen dioxide, the total of Direct and Indirect Emissions from the action are fully offset within the same nonattainment or Maintenance Area through a revision to the Applicable SIP or a similarly enforceable measure that effects emission reductions so that there is no net increase in emissions of that pollutant;
- I.1.c For any Criteria Pollutant, except ozone and nitrogen dioxide, the Total Of Direct and Indirect Emissions from the action meet the requirements:
 - I.1.c(1) specified in subsection I.2 of this section, based on Areawide Air Quality Modeling Analysis and Local Air Quality Modeling Analysis, or
 - I.1.c(2) meet the requirements of subsection I.1.e and, for Local Air Quality Modeling Analysis, the requirement of subsection I.2 of this section;
- I.1.d For CO or PM-10,
 - I.1.d(1) Where the State agency primarily responsible for the Applicable SIP determines that an Areawide Air Quality Modeling Analysis is not needed, the Total Of Direct and Indirect Emissions from the action meet the requirements specified in subsection I.2 of this section, based on Local Air Quality Modeling Analysis or
 - I.1.d(2) Where the State agency primarily responsible for the Applicable SIP determines that an areawide air quality modeling analysis is appropriate and that a Local Air Quality Modeling Analysis is not needed, the Total Of Direct and Indirect Emissions from the action meet the requirements specified in subsection I.2 of this section, based on areawide modeling, or meet the requirements of subsection I.1.e of this section; or
- I.1.e For ozone or nitrogen dioxide, and for purposes of subsections I.1.c(2) and I.1.d(2) of this section, each portion of the action or the action as a whole meets any of the following requirements:
 - I.1.e(1) Where EPA has approved a revision to an area's attainment or maintenance demonstration after 1990 and the State makes a determination as provided in subsection I.1.e(1)(a) or where the State makes a commitment as provided in subsection I.1.e(1)(b):
 - I.1.e.1(a) The Total Of Direct and Indirect Emissions from the action (or portion thereof) is determined and documented by the State agency primarily responsible for the Applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment (or maintenance) area, would not exceed the Emissions Budgets specified in the Applicable SIP.
 - I.1.e(1)(b) The Total Of Direct and Indirect Emissions from the action (or portion thereof) is determined by the State agency responsible for the Applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment (or maintenance) area, would exceed an emissions budget specified in the Applicable SIP and the State Governor or the Governor's designee for SIP actions makes a written commitment to EPA which includes the following:
 - I.1.e(1)(b)(i) A specific schedule for adoption and submittal of a revision to the SIP which would achieve the needed emission reductions prior to the time emissions from the Federal Action would occur;

- I.1.e(1)(b)(ii) Identification of specific measures for incorporation into the SIP which would result in a level of emissions which, together with all other emissions in the nonattainment or Maintenance Area, would not exceed any emissions budget specified in the Applicable SIP;
 - I.1.e(1)(b)(iii) A demonstration that all existing Applicable SIP requirements are being implemented in the area for the pollutants affected by the Federal Action, and that local authority to implement additional requirements has been fully pursued;
 - I.1.e(1)(b)(iv) A determination that the responsible Federal Agencies have required all reasonable mitigation measures associated with their action; and
 - I.1.e(1)(b)(v) Written documentation including all air quality analyses supporting the conformity determination.
- I.1.e(1)(c) Where a Federal Agency made a conformity determination based on a State commitment under subsection I.1.e(1)(b) of this subsection, such a State commitment is automatically deemed a call for a SIP revision by EPA under section 110(k)(5) of the Act, effective on the date of the Federal conformity determination and requiring response within 18 months or any shorter time within which the State commits to revise the Applicable SIP;
- I.1.e(2) The action (or portion thereof), as determined by the MPO, is specifically included in a current transportation plan and transportation improvement program which have been found to conform to the Applicable SIP under 40 CFR part 51, subpart T, or 40 CFR part 93, subpart A;
- I.1.e(3) The action (or portion thereof) fully offsets its emissions within the same nonattainment or Maintenance Area through a revision to the Applicable SIP or an equally enforceable measure that effects emission reductions equal to or greater than the Total Of Direct and Indirect Emissions from the action so that there is no net increase in emissions of that pollutant;
- I.1.e(4) Where EPA has not approved a revision to the relevant SIP attainment or maintenance demonstration since 1990, the Total Of Direct and Indirect Emissions from the action for the future years (described in subsection J.4 of section J) do not increase emissions with respect to the baseline emissions;
- I.1.e(4)(a) The baseline emissions reflect the historical activity levels that occurred in the geographic area affected by the proposed Federal Action during:
 - I.1.e(4)(a)(i) Calendar year 1990,
 - I.1.e(4)(a)(ii) The calendar year that is the basis for the classification (or, where the classification is based on multiple years, the most representative year), if a classification is promulgated in 40 CFR part 81, or
 - I.1.e(4)(a)(iii) The year of the baseline inventory in the PM-10 Applicable SIP;
 - I.1.e(4)(b) The baseline emissions are the Total Of Direct and Indirect Emissions calculated for the future years (described in subsection J.4 of section J) using the historic activity levels (described in subsection I.1.e(4)(a) of this subsection) and appropriate emission factors for the future years; or

- 1.1.e(5) Where the action involves Regional Water And/Or Wastewater Projects, such projects are sized to meet only the needs of population projections that are in the Applicable SIP.
- 1.2 The areawide and/or local air quality modeling analyses must:
- 1.2.a Meet the requirements in section J and
- 1.2.b Show that the action does not:
- 1.2.a(1) Cause or contribute to any new violation of any standard in any area; or
- 1.2.a(2) Increase the frequency or severity of any existing violation of any standard in any area.
- 1.3 Notwithstanding any other requirements of this section, an action subject to this Rule may not be determined to conform to the Applicable SIP unless the Total Of Direct and Indirect Emissions from the action is in compliance or consistent with all relevant requirements and Milestones contained in the Applicable SIP, such as elements identified as part of the reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements.
- 1.4 Any analyses required under this section must be completed, and any mitigation requirements necessary for a finding of conformity must be identified before the determination of conformity is made.
- J. PROCEDURES FOR CONFORMITY DETERMINATIONS OF GENERAL FEDERAL ACTIONS
- J.1 The analyses required under this Rule must be based on the latest planning assumptions.
- J.1.a All planning assumptions must be derived from the estimates of population, employment, travel, and congestion most recently approved by the MPO, or other agency authorized to make such estimates, where available.
- J.1.b Any revisions to these estimates used as part of the conformity determination, including projected shifts in geographic location or level of population, employment, travel, and congestion, must be approved by the MPO or other agency authorized to make such estimates for the urban area.
- J.2 The analyses required under this Rule must be based on the latest and most accurate emission estimation techniques available as described below, unless such techniques are inappropriate. If such techniques are inappropriate and written approval of the EPA Regional Administrator is obtained for any modification or substitution, they may be modified or another technique substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal Agency program.
- J.2.a For motor vehicle emissions, the most current version of the motor vehicle emissions model specified by EPA and available for use in the preparation or revision of SIPs in that State must be used for the conformity analysis as specified below:
- J.2.a(1) The EPA must publish in the Federal Register a notice of availability of any new motor vehicle emissions model; and
- J.2.a(2) A grace period of three months shall apply during which the motor vehicle emissions model previously specified by EPA as the most current version may be used. Conformity analyses for which the analysis was begun during the grace period or no more than 3 years before the Federal Register notice of availability of the latest emission model may continue to use the previous version of the model specified by EPA.

- J.2.b For non-motor vehicle sources, including stationary and area source emissions, the latest emission factors specified by EPA in the "Compilation of Air Pollutant Emission Factors (AP-42)" must be used for the conformity analysis unless more accurate emission data are available, such as actual stack test data from stationary sources which are part of the conformity analysis.
- J.3 The air quality modeling analyses required under this Rule must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of the "Guideline on Air Quality Models (Revised)" (1986), including supplements (EPA publication no. 450/2-78-027R), unless:
 - J.3.a The guideline techniques are inappropriate, in which case the model may be modified or another model substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal Agency program; and
 - J.3.b Written approval of the EPA Regional Administrator is obtained for any modification or substitution.
- J.4 The analyses required under this Rule, except section J, subsection J.1.a, must be based on the Total Of Direct and Indirect Emissions from the action and must reflect emission scenarios that are expected to occur under each of the following cases:
 - J.4.a The Act mandated attainment year or, if applicable, the farthest year for which emissions are projected in the Maintenance Plan;
 - J.4.b The year during which the Total Of Direct and Indirect Emissions from the action is expected to be the greatest on an annual basis; and
 - J.4.c any year for which the Applicable SIP specifies an emissions budget.
- K. MITIGATION OF AIR QUALITY IMPACTS
 - K.1 Any measures that are intended to mitigate air quality impacts must be identified and the process for implementation and enforcement of such measures must be described, including an implementation schedule containing explicit timelines for implementation.
 - K.2 Prior to determining that a Federal Action is in conformity, the Federal Agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures which are identified as conditions for making conformity determinations.
 - K.3 Persons or agencies voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.
 - K.4 In instances where the Federal Agency is licensing, permitting or otherwise approving the action of another governmental or private entity, approval by the Federal Agency must be conditioned on the other entity meeting the mitigation measures set forth in the conformity determination.
 - K.5 When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the mitigation measures is subject to the reporting requirements of section F and the public participation requirements of section G.
 - K.6 The implementation plan revision required in section B of this Rule shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination and that such commitments must be fulfilled.
 - K.7 After a State revises its SIP to adopt its general conformity rules and EPA approves that SIP revision, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the Applicable SIP will apply to all persons who agree to mitigate Direct and Indirect Emissions associated with a Federal Action for a conformity determination.