

REGULATION IV - PROHIBITIONS

RULE 4.1 Prohibitions under State Law. The provisions of Article 3, Chapter 2, Division 20 of the State of California Health and Safety Code entitled Prohibitions.

~~RULE 4.2 Ringelmann Chart. A person shall not discharge into the atmosphere from any single source of any emission whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:~~

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

RULE 4.3 Exceptions. The provisions of Rule 4.2 do not apply to:

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

 - ~~1. For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or~~
 - ~~2. The instruction of public employees in the methods of fighting fire.~~~~
- ~~b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.~~
- ~~c. Smoke from open burning for which a permit has been issued by the Air Pollution Control Officer.~~
- ~~d. Agricultural operations in the growing of crops or raising of fowls or animals.~~
- ~~e. 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.~~

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RULE 103 CONFIDENTIAL INFORMATION

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 any air pollution control district or any other State or local agency or district requires an 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 and shall be confidential. 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 are public records unless the Control Officer, for good cause, shall determine that certain air pollution emission data shall be designated "trade secrets" rather than public records. Data used to calculate emission data are not emission data for the purpose of this rule. Data which constitute trade secrets and which are used to calculate emission data are not public records.

Any person furnishing any records may label and claim as "trade secret" any part of those records which he believes are entitled to be held confidential. 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. Additional information may be submitted to support the justification. Such information, upon request, shall be kept confidential in the same manner as the trade secret.

Upon the receipt of an application for "trade secret" designation of source data, the Control Officer shall within ten working days notify the applicant of his ruling. In case of rejection of an application the Control Officer, in writing, shall so notify the applicant, and shall state that the records in question shall be subject within twenty-one days to public inspection unless a justification is received which causes the Control Officer to reverse his ruling.

Trade secret data may be released 1) to the Air Resources Board which protects trade secrets as provided in Section 62547 of the Government Code and Sections 91000 to 91022 of California Administrative Code, Title 17; or 2) to the federal Environmental Protection Agency which protects trade secrets as provided in Section 114C of the Clean Air Act and in 40 Code of Federal Regulations, Chapter 1, Part 2.

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RULE 104 INSPECTION OF PUBLIC RECORDS

The Control Officer shall make available, within ten working days, the records requested. If, for good cause, the information cannot be made available within ten working days, the Control Officer shall notify the requesting person the reasons for the delay and when the information will be available. The Control Officer may require that requests for public records be specific and in sufficient detail so that the information may be identified readily.

~~RULE 105 ENFORCEMENT~~~~These rules and regulations shall be enforced by the Control Officer under authority of Sections 40001, 40702, and 40752 and by all officers and employees empowered by Sections 40120 and 41510 of Division 26 of the Health and Safety Code of the State of California.~~~~RULE 106 ORDER OF ABATEMENT~~~~The Air Pollution Control Board may, after notice and a hearing, issue or provide for the issuance by the Hearing Board, after notice and a hearing, of an order for abatement whenever the district finds that any person is in violation of Section 41700 or 41701, or of any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The Control Board, in holding hearings on the issuance of orders for abatement, shall have all powers and duties conferred upon the Hearing Board by Division 26 of the Health and Safety Code of the State of California. The Hearing Board, in holding hearings on the issuance of orders for abatement, shall have all powers and duties conferred upon it by Division 26 of the Health and Safety Code of the State of California. Any person who intentionally or negligently violates any order of abatement issued by the Control Board or by the Hearing Board pursuant to this rule shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000.) for each day in which such violation occurs.~~~~RULE 107 LAND USE~~~~As part of his responsibility to protect the public and property from the damaging effects of air pollution, it shall be the duty of the Control Officer to review and advise the appropriate planning authorities within the District on all new construction or changes in land use which the Control Officer believes could become a source of an air pollution problem.~~

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RULE 104 INSPECTION OF PUBLIC RECORDS

The Control Officer shall make available, within ten working days, the records requested. If, for good cause, the information cannot be made available within ten working days, the Control Officer shall notify the requesting person the reasons for the delay and when the information will be available. The Control Officer may require that requests for public records be specific and in sufficient detail so that the information may be identified readily.

RULE 105 ENFORCEMENT

These rules and regulations shall be enforced by the Control Officer under authority of Sections 40001, 40702, and 40752 and by all officers and employees empowered by Sections 40120 and 41510 of Division 26 of the Health and Safety Code of the State of California.

RULE 106 ORDER OF ABATEMENT

The Air Pollution Control Board may, after notice and a hearing, issue or provide for the issuance by the Hearing Board, after notice and a hearing, of an order for abatement whenever the district finds that any person is in violation of Section 41700 or 41701, or of any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The Control Board, in holding hearings on the issuance of orders for abatement, shall have all powers and duties conferred upon the Hearing Board by Division 26 of the Health and Safety Code of the State of California. The Hearing Board, in holding hearings on the issuance of orders for abatement, shall have all powers and duties conferred upon it by Division 26 of the Health and Safety Code of the State of California. Any person who intentionally or negligently violates any order of abatement issued by the Control Board or by the Hearing Board pursuant to this rule shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000.) for each day in which such violation occurs.

RULE 107 LAND USE

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

RULE 403 PARTICULATE MATTER EMISSIONS FROM THE INCINERATION OF COMBUSTIBLE REFUSE

A. Prohibition:

No person shall discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide at standard conditions. Any carbon dioxide produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide.

B. Exemption:

The provisions of this rule shall not apply to the burning of residential rubbish permitted under the provisions of section B.4. of Rule 422.

~~RULE 404 SULFUR COMPOUND EMISSIONS (GENERAL)~~

~~No person shall discharge into the atmosphere sulfur compounds which would exist as a liquid or gas at standard conditions, exceeding in concentration at the point of discharge 0.2 percent by volume calculated as sulfur dioxide, on a dry basis averaged over 15 consecutive minutes. Air Resources Board Method 1-100 (Continuous Emission Stack Sampling) or another method deemed by the Control Officer to be equivalent shall be used to determine such emissions.~~

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RULE 404 SULFUR COMPOUND EMISSIONS (GENERAL)

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A person shall not discharge into the atmosphere sulfur compounds which would exist as a liquid or gas at standard conditions exceeding in concentration at the point of discharge 0.2 percent by volume calculated as sulfur dioxide (SO₂), on a dry basis averaged over 15 consecutive minutes. Air Resources Board Method 1-100 (Continuous Emission Stack Sampling), or another method deemed by the Control Officer to be equivalent, shall be used to determine such emissions.

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RULE 405 FUEL BURNING EQUIPMENT EMISSIONS

A. Definition: For the purposes of this rule;

1. Fuel Burning Equipment is any furnace, boiler, apparatus, or stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment units, the simultaneous operations of which are required for the production of useful heat or power.

B. Prohibitions:

1. A person shall not build, erect, install, or expand any nonmobile fuel burning equipment unit unless the discharge of contaminants into the atmosphere will not and does not exceed any one or more of the following rates:
 - a. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);
 - b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);
 - c. 10 pounds per hour of combustion contaminants derived from the fuel.
2. A person shall not discharge into the atmosphere from any nonmobile fuel burning equipment unit having a maximum heat input rate of more than 1,775 million British Thermal Units BTU per hour (gross) flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO₂) at 3 percent oxygen exceeding 125 parts per million when burning a gas fuel or exceeding 225 parts per million when burning a liquid or solid fuel.
3. A person shall not discharge into the atmosphere from any nonmobile fuel burning equipment unit combustion contaminants exceeding in concentration at the point of discharge 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions.

C. Exemptions:

1. Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.
2. Nothing in this rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.