

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 Rule 4:2 a.~~

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. Agricultural operations in the growing of crops or raising of fowls or animals.~~
- ~~c. 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.~~
- ~~d. The use of other equipment in agricultural operations in the growing of crops, or the raising of fowls or animals.~~
- ~~e. Emission which results from equipment breakdown. The person responsible for such emission shall, with all practicable speed, initiate and complete appropriate action to correct the condition causing such emission and reduce the frequency of occurrence of such condition.~~

~~He shall report such breakdown to the Control Officer within 24 hours of such occurrence.~~

- ~~f. Smoke or fumes which result from acts of God.~~

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- ~~bb. Section "Section" means section of the Health and Safety Code of the State of California as effective on January 1, 1976 unless some other statute is specifically mentioned.~~
- ~~cc. Source Operation "Source Operation" means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels; and (b) is not an air pollution abatement operation.~~
- ~~dd. Standard Conditions As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.~~

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 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 defined in the above paragraph, are public records. Data used to calculate emission data are not emission data for the purpose 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 submitting the application, in writing that the records in question shall, within twenty-one (21) days be subject to public inspection unless adequate justification is received and approved.

~~RULE 103.1 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 individual 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 justified.

RULE 104 Enforcement These rules and regulations shall be enforced by the Air Pollution Control Officer under authority of Section 40001, 40702, 40752 and 40753 and all officers empowered by Section 40120.

RULE 105 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, an order for abatement whenever the district finds that any person is in violation of Section 41700 or 41701 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred 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 any type of air pollution control district pursuant to Sections 42450 and 42451 or by the State Air Resources Board, shall be liable for a civil penalty not to exceed six thousand (\$6,000) for each day in which such violation occurs.

RULE 106 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 Control 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.

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~~orders for abatement shall have all powers and duties conferred upon it by Division 20, Chapter 2, of the Health and Safety Code of the State of California. Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5 or by the State Air Resources Board, shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.~~

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~~RULE 107 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 record-keeping and to make inspections and conduct tests of air pollution sources.~~

RULE 108 Source Monitoring Upon the request of the Air Pollution Control Officer and as directed by him, the owner of any source operation which emits or may emit air contaminants, for which emissions limits have been established, shall provide the following:

- a. Sampling ports
- b. Safe sampling platforms
- c. Safe access to sampling platforms
- d. Utilities for sampling equipment
- e. Information and records which will enable the Air Pollution Control Officer to determine when a representative sample can be taken.

In addition, when requested by the Air Pollution Control Officer, the owner shall provide, install, and operate continuous monitoring equipment on such operations as directed. The equipment shall be capable of monitoring emission levels within  $\pm 20$  percent with confidence levels of 95 percent. The owner shall maintain, calibrate, and repair the equipment and shall keep the equipment operating at design capabilities.

Records from the monitoring equipment shall be kept by the owner for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he directs.

In the event of a breakdown of monitoring equipment, the owner shall notify the Air Pollution Control Officer immediately 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.

RULE 109 Equipment Breakdown

10-15-79

109(A)(B), and (D)-(J)  
109(C)

10/15/79

Definitions

- A. For the purpose of this Rule, a breakdown condition means 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 instack continuous monitoring equipment, where such failure or malfunction
1. is not the result of neglect or disregard of any air pollution control law or rule or regulation;
  2. is not intentional or the result of negligence;
  3. is not the result of improper maintenance;
  4. does not constitute a nuisance;
  5. is not a recurrent breakdown of the same equipment.
- B. An occurrence which constitutes a breakdown condition, and which persists only until the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, ...the Air Pollution Control Officer may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
1. The owner or operator submits the notification required by subparagraph D.1.; and
  2. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance.
  3. The Control Officer determines that the attainment or maintenance of national ambient air quality standards will not be endangered.
- C. An occurrence which constitutes a breakdown condition shall not persist longer than the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), unless the owner or operator has obtained an emergency variance.

If the breakdown condition will either require more than twenty-four (24) hours to correct or persist longer than the end of the production run (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), the owner or operator may, in lieu of shutdown, request the Control Officer to commence the emergency variance procedure set forth in Rule 519.

**D. Breakdown Procedures**

1. The owner or operator shall notify the Control Officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than one (1) hour after its detection, unless the owner or operator demonstrates to the Control Officer satisfaction that a longer period was necessary.
2. The Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
3. Upon receipt of notification pursuant to subparagraph D.1., the Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Control Officer determines that the occurrence does not constitute a breakdown condition, the Control Officer may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

**E. Reporting Requirements**

Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Control Officer which includes:

1. A statement that the occurrence has been corrected, together with the date of correction and proof of compliance;
2. A specific statement of the reason(s) or cause(s) from the occurrence sufficient to enable the Control Officer to determine whether the occurrence was a breakdown condition;

3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future (the Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subparagraph);
4. An estimate of the emissions caused by the occurrence; and
5. Pictures of the equipment or controls which failed, if available.

F. Burden of Proof

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

G. Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs D.1. and E.1. through E.5. of this Rule shall constitute a separate violation of this Rule.

H. False Claiming of Breakdown Occurrence

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

I. Hearing Board Standards and Guidelines

The Hearing Board shall adopt standards and guidelines consistent with this Rule to assist the Chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny any emergency variance, and to assist the Control Officer in the enforcement of this Rule.



7/19/83

Rule 407 - Sulfur Compounds - Amend as underlined.

Rule 407 Sulfur Compounds - 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 ( $SO_2$ ), on a dry basis averaged over 15 consecutive minutes.

~~Rule 409.1 - Architectural Coating Rule - Amend as underlined.~~

~~A. Definitions~~

- ~~1. Architectural Coatings - For the purpose of this rule, an architectural coating is defined as any coating applied to stationary structures and their appurtenances, to mobile homes, to pavements or to curbs.~~
- ~~2. Bituminous Coatings Materials - Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or residues from the distillation of crude petroleum oils, or of low grades of coal.~~
- ~~3. Dry Fog Coating - "Dry fog coating" means coating which are formulated to be sprayed, and formulated such that overspray droplets dry before subsequent contact with other surfaces.~~
- ~~4. Fire Retardant Coatings - Architectural coatings which are designed to retard fires and which will significantly: (a) reduce the rate of flame spread on the surface of a material to which such a coating has been applied; or (b) resist ignition when exposed to high temperatures; or (c) insulate a substrate to which such a coating has been applied and prolong the time required to reach ignition temperature.~~
- ~~5. Graphic Arts Coatings - Coatings which are marketed solely for application to indoor and outdoor signs and include lettering enamels, poster colors and bulletin colors.~~
- ~~6. Industrial Maintenance Finishes - High performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical corrosion, temperature, electrical or solvent resistance.~~
- ~~7. Mastic Coating - means a weather proofing coating which is formulated to cover holes, minor cracks and conceal surface irregularities, and which is applied in thicknesses of at least 15 mils.~~
- ~~8. Metallic Pigmented Paints - Nonbituminous coatings which are formulated with metallic pigment.~~
- ~~9. Multi-Colored Coating - is a coating which exhibits more than one color when applied and which is packaged in a single container and applied in a single coat.~~

~~RULE 407 Sulfur Compounds 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 (SO<sub>2</sub>).~~ 12

*See Fuel Burning*

RULE 407.1 Disposal of Solid or Liquid Waste A person shall not 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 (CO<sub>2</sub>) at standard conditions. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO<sub>2</sub>).

~~RULE 407.2 Fuel Burning Equipment - Combustion Contaminants A person shall not discharge into the atmosphere 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 (CO<sub>2</sub>),~~

*at std. conditions. 6/7*

RULE 408 Fuel Burning Equipment A person shall not build, erect, install or expand any nonmobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants 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 (SO<sub>2</sub>);
- b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>);
- c. 10 pounds per hour of combustion contaminants as defined in Rule 102(h) and derived from the fuel.

For the purpose of this rule, "Fuel Burning Equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

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

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

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RULE 408.1 Fuel Burning Equipment - Oxides of Nitrogen A person shall not discharge into the atmosphere from any nonmobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1,775 million British Thermal Units (BTU) per hour (gross) flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>) 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, effective January 1, 1975.

~~RULE 408.2 Fuel Burning Equipment - Combustion Contaminants A person shall not discharge into the atmosphere combustion contaminants exceeding in concentration at the point of discharge: 0.1 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions.~~

RULE 409 Organic Solvents

- a. No person shall discharge into the atmosphere more than 15 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.
- b. A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance used under conditions other than those described in paragraph (a) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated-drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (a) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

- ~~e. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning; they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.~~
- ~~f. It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or other substance containing rubber, or to burn oil or other combustible substances in drums, pails, or other containers except orchard heaters.~~

RULE 421 Burning Reports The Air Pollution Control Officer shall submit to the Air Pollution Control Board within twenty (20) days following the end of each quarter of the calendar year:

- a. A report of the date of each burn, type of waste burned, and estimated tonage or acreage of agricultural waste burned.
- ~~b. A report of the number of permit exemptions issued authorizing the burning of a No-Burn day when the denial of such permit would threaten imminent and substantial economic loss, date of issue, individual to whom issued, estimated amount of waste burned and justification for issuing the exception permit.~~

~~RULE 422 New Source Performance Standards All new sources of air pollution and modifications of existing sources of air pollution shall to the extent required therein, comply with the standards, criteria and requirements set forth in the Merced County Air Pollution Control District New Source Performance Standards.~~

~~RULE 423 Emission Standards for Hazardous Air Pollutants All sources of hazardous air pollutants shall, to the extent required therein, comply with the standards, criteria and requirements set forth in the Merced County Air Pollution Control District Emission Standards for Hazardous Air Pollutants.~~