

RULES AND REGULATIONS OF THE STANISLAUS COUNTY  
AIR POLLUTION CONTROL DISTRICT

RULE I - Introduction:

The Air Pollution Control Board of the Stanislaus County Air Pollution Control District has promulgated these rules and regulations as necessary and proper to accomplish the purposes of Division 20, Chapter 2, of the California Health and Safety Code for the administration of the district (H & S 24260) and for the reduction of the amount of air contaminants released within the district (H & S 24262).

~~RULE II - Definitions:~~

~~The following words have in these rules and regulations the signification attached to them in this rule, unless otherwise apparent from the context:~~

- ~~a. Air Contaminant means smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.~~
- ~~b. Atmosphere means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.~~
- ~~c. Combustion Contaminants means particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.~~

7/25/80

7.25-80

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.

Official information furnished to the Air Pollution Control District by a state or federal agency which has determined that such information is confidential and not available to the public, shall be confidential information of this District.

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 of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

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~~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" designation) submitted to the Air Pollution Control Officer shall, within ten (10) working days, by the applicant of his ruling. In the event of rejection, the Air Pollution Control Officer shall promptly notify the person requesting confidentiality, and the records in question shall, within ten (10) working days, be made available to the person requesting confidentiality.~~

**RULE 103.1 Inspection of Public Records** The Air Pollution Control Officer shall within ten working days make available records requested. If, for good cause, the information cannot be made available within the ten working days, the Air Pollution Control Officer shall notify the requesting person the reasons for the delay and where 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.

~~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.~~

**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.

~~**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 Penalty** Every person who violates any provision of these rules is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.~~

11/8/82

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RULE 110 Equipment Breakdown

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 and phase II gasoline vapor recovery processing units, (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 no enforcement action may be taken provided that the owner or operator demonstrates to the Control Officer that a breakdown condition exists and the following requirements are met:
1. The owner or operator submits the notification required by subparagraph D.1.
  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 and phase II gasoline vapor recovery processing units, (except for continuous monitoring equipment, for which the period shall be ninety-six hours), unless the owner or operator has obtained an emergency variance.

If the breakdown condition will either require more than twenty-four hours to correct or persist longer than the end of the production run (except for continuous monitoring equipment, and phase II gasoline vapor recovery processing units, for which the period shall be ninety-six 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 of the occurrence and shall be given as soon as reasonably possible but no later than one hour after its detection, unless the owner or operator demonstrates to the Control Officer's 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, and abatement order or an injunction against further operation.

E. Reporting Requirements

Within ten 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 or causes from the occurrence sufficient to enable the Control Officer to determine whether the occurrence was a breakdown condition;

8/30/83

8.30.83

RULE 213 - Violation of Permit Prohibited -

- A) Construction or operation of any source in violation of the terms and conditions of a permit issued pursuant to these rules is prohibited.
- B) Any violation of the terms or conditions of an authority to construct permit or permit to operate issued pursuant to district rules shall constitute a violation of these rules. A person violating these rules is subject to application of the criminal and civil enforcement provisions of the California Health and Safety Code."

6/30/72

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>).

~~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>).~~

~~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 the mass rate of air contaminant emissions.~~



8/2/76

PROPOSED RULES

Additions and Changes

Additions

~~Rule 114. Applicability of Emission Limits. Whenever more than one rule of these Rules and Regulations applies to any article, machine or equipment or other contrivance, the rule or combination of rules resulting in the smallest rate or smallest concentration of air contaminants released to the atmosphere shall apply unless otherwise specifically exempted or designated.~~

~~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 Stanislaus County Air Pollution Control District New Source Performance Standards (adopted MAY 4 - 1976).~~

~~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 Stanislaus County Air Pollution Control District Emission Standards for Hazardous Air Pollutants (adopted MAY 4 - 1976).~~

Changes

Rule 407.1. Disposal of Solid and Liquid Wastes

a. 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 0.10 grains per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO<sub>2</sub>) at standard conditions or 0.10 pounds per 100 pounds of combustible refuse charged.

Exception: Incinerators or other equipment used to dispose of 100 pounds per hour or less of combustible refuse shall not exceed 0.30 grains of particulate emissions per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO<sub>2</sub>) at standard conditions or 0.10 pounds per 100 pounds of combustible refuse charged.

b. A person shall not discharge into the atmosphere from any equipment whatsoever used to process combustible refuse, particulate matter in excess of 0.30 grains per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO<sub>2</sub>) at standard conditions or 0.10 pounds per 100 pounds of combustible refuse charged.

c. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO<sub>2</sub>).

~~Rule 416. Exceptions. Establishes exceptions to Rule 415, which prohibits the burning of any refuse or other materials in an outdoor fire.~~

~~h. Burning of Russian Thistle (tumbleweeds) when authorized by a chief of a fire department or fire protection agency, the County Agricultural Commissioner, or the County Air Pollution Control Officer. This exception shall be subject to all provisions of Rule 416.1.~~

~~i. Burning of agricultural waste as provided for in Rule 416.1.~~