

~~f. Agricultural equipment used for tilling the soil, planting, leveling land or other similar operations, and orchard heaters.~~

~~g. Construction equipment used in grading, leveling, paving or other similar operations.~~

~~SECTION 202. NOTICES: All notices, including notices of hearing before the Hearing Board, shall be sent to the address set forth in the registration on file with the Control Officer.~~

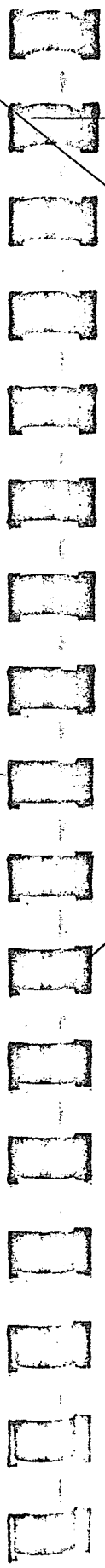
SECTION 203. REFERRALS BY PLANNING DEPARTMENT: The Tulare County Planning Department shall refer to the Control Officer information on pending permits, variances and other matters coming within their jurisdiction which involve activities that are subject to registration under this Part. The Control Officer may make appropriate recommendations to the Planning Department and Planning Commission with regard to dispositions of such permits, variances and other matters.

~~PART III - PROHIBITIONS~~

~~SECTION 300. RINGELMANN CHART: As provided in section 24242 of the Health and Safety Code of the State of California, a person shall not discharge into the atmosphere from any single source of 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~~



~~b. Empty pesticide containers may be burned only with the permission of the Control Officer.~~

~~SECTION 304. NUISANCE: As provided in section 24243 of the Health and Safety Code of the State of California, a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. However, as provided in section 24251.1 of said Health and Safety Code, the foregoing prohibition does not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.~~

~~SECTION 305. PARTICULATE MATTER: Except as otherwise provided for in section 301 above, a person shall not 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 at standard conditions.~~

SECTION 306. SULPHUR AND FLUORINE COMPOUNDS: A person shall not discharge into the atmosphere from any single source of emission, any of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge the following amounts:

~~a. Sulphur compounds, calculated as sulphur dioxide (SO₂), in excess of 0.2 per cent, by volume.~~

- b. Fluorine compounds: Emissions shall be controlled to the maximum degree technically feasible in respect to the process or operation causing such emission; but no emission shall be permissible which may cause injury to the property of others.

~~SECTION 307. PHOTOCHEMICALLY REACTIVE 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 below, 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.~~

~~For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 per cent of its total volume composed of the chemical compounds listed below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:~~

- ~~a. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: no more than 5 per cent.~~
- ~~b. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene.~~
- ~~c. A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene.~~

~~Whenever any organic solvent or any constituent of any organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable per cent of the total volume of solvents.~~

SECTION 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 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 question shall, within twenty-one (21) days be subject to public inspection unless a justification is received and accepted. (Added 8/31/76)

10/10/76

SECTION 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 person the reasons for the delay and when the information will be available. (Added 8/31/76)

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. (Added 8/31/76)

~~SECTION 104. ENFORCEMENT: These rules and regulations shall be enforced by the Control Officer under authority of Sections 40752, 40753, 40702, and 40001; and all officers empowered by Section 40120.~~

SECTION 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, of 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, Health and Safety Code, 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, Health and Safety Code, 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 pursuant to this part shall be liable for a civil penalty, not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

SECTION 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.

SECTION 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.

SECTION 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.

~~SECTION 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 recordkeeping and to make inspections and conduct tests of air pollution sources.~~

SECTION 108. SOURCE MONITORING: Upon the request of the control officer and as directed by him, the owner of any source operation which emits or any 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 control officer to determine when a representative sample can be taken.

In addition, when requested by the 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 $\pm 20\%$ with confidence levels of 95%. The owner shall maintain, calibrate, and repair the equipment and shall keep the equipment operating at design capabilities.

SECTION 406 ~~7~~. PROCESS WEIGHT - PORTLAND CEMENT KILNS: Cement kilns, the construction or modification of which is commenced after August 17, 1971 shall not discharge into the atmosphere particulate matter in excess to the Environmental Protection Agency Standards of Performance.

~~SECTION 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 (SO₂).~~

~~SECTION 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 (CO₂) at standard conditions. Any 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).~~

~~SECTION 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 (CO₂) at standard conditions.~~

⇒ SECTION 407.3 Scavenger Plants Where a separate source of air pollution is a scavenger plant or sulfur recovery unit, recovering pollutants which would otherwise be emitted into 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 407. 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 therefor.

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~~SECTION 405.1. PROCESS WEIGHT PORTLAND CEMENT KILNS: Cement kilns, the construction or modification of which is commenced after August 17, 1971 shall not discharge into the atmosphere particulate matter in excess to the Environmental Protection Agency Standards of Performance.~~

SECTION 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 (SO₂).

~~SECTION 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 (CO₂) at standard conditions. Any 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).~~

~~SECTION 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 (CO₂) at standard conditions.~~

~~SECTION 408. FUEL BURNING EQUIPMENT: A person shall not build, erect, install or expand any non-mobile 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:~~

- ~~1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);~~
- ~~2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);~~

~~SECTION 406. PROCESS WEIGHT PORTLAND CEMENT KILNS: Cement kilns, the construction or modification of which is commenced after August 17, 1971, shall not discharge into the atmosphere particulate matter in excess to the Environmental Protection Agency Standards of Performance.~~

~~SECTION 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 (SO₂).~~

SECTION 407.1. DISPOSAL OF SOLID OR LIQUID WASTE: (Rev. 8/31/76)

a. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, except as provided in paragraphs (b), (c), or (d) of this section, particulate matter in excess of 0.10 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions.

*new
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~~b. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having burning rates of 100 pounds per hour or less, except as provided in paragraph (d) of this section, particulate matter in excess of 0.30 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the atmosphere.~~

*new
more stringent*

c. A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in paragraph (d) of this section, particulate matter in excess of 0.30 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions.

*new
more stringent*

d. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse, except as provided in paragraphs (a), (b), or (c) of this section, particulate matter in excess of 0.10 pounds per 100 pounds of combustible refuse charged.

Any 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).

The provisions of this rule shall not apply to incinerators, approved by the governing fire control agency, used to dispose of residential rubbish by open burning as permitted by Section 417 of these Rules and Regulations.

~~SECTION 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 (CO₂) at standard conditions.~~

~~SECTION 407.3. SCAVENGER PLANTS: Where a separate source of air pollution is a scavenger plant or sulfur recovery unit, recovering pollutants which would otherwise be emitted into 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 Section 407 of these Rules and Regulations. 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.~~

~~SECTION 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:~~

- ~~1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);~~
- ~~2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);~~
- ~~3. 10 pounds per hour of combustion contaminants as defined in Section 102(f) of these Rules and Regulations and derived from the fuel.~~

~~For the purpose of this section, "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 section.~~

~~Nothing in this section 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.~~

SECTION 409. FUEL BURNING EQUIPMENT - OXIDES OF NITROGEN: A person shall not discharge into the atmosphere from any non-mobile 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 (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, effective December 31, 1974. (Revised 8/31/76)