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Appendix A Humboldt Bay Air Basin

RULES AND REGULATIONS OF THE HUMBOLDT COUNTY AIR POLLUTION CONTROL DISTRICT

Regulation I — General Provisions

~~RULE 1 — TITLE~~

~~Pursuant to the provisions of Chapter 2, Division 20, of the Health and Safety Code of the State of California, the Air Pollution Control Board of the Humboldt County Air Pollution Control District does hereby enact the following rules and regulations to be known as the Rules and Regulations of the Humboldt County Air Pollution Control District.~~

RULE 2 — DEFINITIONS

Except as otherwise specifically provided in these Rules and Regulations, and except where the context indicates otherwise, words used in these Rules and Regulations are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

~~(a) AGRICULTURAL OPERATION. "Agricultural operation" means the growing and harvesting of crops, including timber, or the raising of fowls, animals or bees as a gainful occupation.~~

~~(b) AIR CONTAMINANT. "Air contaminant" includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.~~

~~(c) AIR POLLUTION. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, characteristics, or duration such that they are or tend to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life or property.~~

~~(d) AIR POLLUTION ABATEMENT OPERATION. "Air pollution abatement operation" means any operation which has as its essential purpose a significant reduction in (a) the emission of air contaminants or (b) the effect of such emission.~~

~~(e) ALTERATION. "Alteration" means any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or adversely affect the kind or amount of air contaminant emitted.~~

~~(f) ATMOSPHERE. "Atmosphere" means the air that envelopes or surrounds the earth.~~

~~(g) BOARD. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Humboldt County.~~

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~~(h) COMBUSTIBLE REFUSE. "Combustible refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.~~

~~(i) COMBUSTION CONTAMINANTS. "Combustion contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.~~

~~(j) CONTROL OFFICER. "Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of Humboldt County.~~

~~(k) DUSTS. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.~~

~~(l) EMISSION. "Emission" means the act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.~~

~~(m) EMISSION POINT. "Emission point" means the place, located at a horizontal plane and vertical elevation, at which an emission enters the atmosphere.~~

~~(n) EXCESS AIR. "Excess air" means the quantity of air required for complete combustion.~~

~~(o) HEARING BOARD. "Hearing Board" means the Hearing Board of the Air Pollution Control District of Humboldt County.~~

~~(p) INCINERATION. "Incineration" means an operation in which combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.~~

~~(q) INSTALLATION. "Installation" means the placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.~~

~~(r) MULTIPLE CHAMBER INCINERATOR. "Multiple chamber incinerator" means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.~~

~~(s) OPEN OUTDOOR FIRE. "Open outdoor fire" means the burning of materials of any type outdoors in the open where the products of combustion are not directed through an acceptable duct or passage for air, gases or the like, such as a stack or chimney.~~

~~(t) OPERATION. "Operation" means any physical action resulting in change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.~~

~~(u) OVERFIRE AIR. "Overfire air" means air introduced into a tepee burner or other type incineration device after the primary combustion has occurred.~~

~~(v) OWNER. "Owner" includes but is not limited to any person who leases, supervises or operates equipment.~~

~~(w) PARTICULATE MATTER. "Particulate matter" means discrete particles of liquid, other than water, or a solid, as distinguished from a gas or vapor.~~

~~(x) PERSON OR PERSONS. "Person or persons" means an individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.~~

~~(y) PROCESS WEIGHT PER HOUR. "Process weight" is the total weight, including contained moisture, 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.~~

~~(z) PPM. "ppm" means parts per million by volume (v/v) expressed on a dry gas basis.~~

~~(aa) REGULATION. "Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Humboldt County.~~

~~(bb) RULE. "Rule" means a rule of the Air Pollution Control District of Humboldt County.~~

~~(cc) SECTION. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.~~

~~(dd) STANDARD CONDITION. "Standard condition," as used in these regulations, refers to 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.~~

~~(ee) STANDARD CUBIC FOOT OF GAS. "Standard cubic foot of gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees F.~~

~~(ff) TEPEE BURNER. "Tepee burner" means a burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone, and generally used in conjunction with sawmills, lumber mills and similar activities.~~

~~(gg) TOTAL REDUCED SULFUR (TRS). "TRS" means total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfide dioxide, sulfur trioxide, or sulfuric acid mist are not to be included in the determination of TRS.~~

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~~(b) UNDERFIRE AIR. "Underfire air" means air introduced into a space burner or other type incineration device beneath the fuel pile or into the primary combustion chamber.~~

~~(ii) CONDENSED FUMES. "Condensed fumes" are particulate matter generated by the condensation of vapors evolved after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.~~

~~(jj) NON-CONDENSIBLES. "Non-Condensibles" means the TRS portion of any gases and vapors released in a kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks and multiple effect evaporator condensers.~~

~~RULE 3 — PENALTIES FOR VIOLATIONS~~

~~Penalty actions for non-compliance with, or violation of, any rule of these rules and regulations will be instituted pursuant to the following provisions and further pursuant to the provisions of Chapter 2, Division 20 of the Health and Safety Code of the State of California.~~

~~(a) Every person is guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans or specifications submitted either in conjunction therewith, or at the request of the Air Pollution Control Officer. (Section 24277).~~

~~(b) Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the Air Pollution Control District when his permit so to do has been either suspended or revoked. (Section 24278).~~

~~(c) Every person required by the regulations of the Air Pollution Control Board to obtain a permit so to do who, without first obtaining such permit builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor. (Section 24279).~~

~~(d) Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under these rules and regulations. (Section 24280).~~

~~(e) Every person violating any order, rule, or regulation of the Humboldt County Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense. (Section 24281).~~

~~RULE 4 — CIVIL PENALTIES~~

~~(a) Pursuant to Section 24252 of the Health and Safety Code of the State of California, any violation of any order, rule or regulation of the Humboldt County Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California.~~

~~(b) Section 39260 Health and Safety Code. Violation of abatement order; civil penalty.~~

~~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 pursuant to this part, shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each day which such violation occurs.~~

~~An order of abatement may be issued under the following circumstances:~~

~~Section 24260.5 Health and Safety Code. Authority to issue order for abatement; grounds; hearing.~~

~~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 24242 or 24243 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 this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.~~

~~(c) Section 39261 Health and Safety Code. Violation of Sections 24242, 24243, or rule or regulation; civil penalty.~~

~~Any person who intentionally or negligently violates Section 24242, 24243, or any rule or regulation of a county air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars (\$500.00) for each day in which such violation occurs.~~

~~Such violations follow:~~

~~Section 24242 Health and Safety Code. Discharge of air contaminant; prohibition.~~

~~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 three 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 this section.~~

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Regulation II — Permits

RULE 10 — PERMITS REQUIRED

~~(a) AUTHORITY TO CONSTRUCT. Before any person builds, erects, alters, replaces, operates, sells, rents or uses any article, machine, equipment or other contrivance which may cause the issuance of air contaminants of the use of which may eliminate or reduce or control the issuance of air contaminants, such person shall obtain a written authority to construct from the Air Pollution Control Officer. A single authority to construct may be issued for all components of an integrated system or process. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.~~

~~(b) PERMIT TO OPERATE. Before any article, machine, equipment or other contrivance described in Rule 10(a) (Authority to Construct) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a) (Authority to Construct), constructed or installed without authorization as required by Rule 10(a) (Authority to Construct) until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these Rules and Regulations.~~

~~(c) REVIEW OF PERMITS. The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any authority to construct or permit to operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.~~

~~(d) POSTING OF PERMIT TO OPERATE. A person who has been granted under Rule 10(b) a permit to operate any article, machine, equipment, or other contrivance described in Rule 10(b), shall firmly affix such permit to operate, 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) ALTERATION OF PERMIT. A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.~~

~~(f) CONTROL EQUIPMENT. Nothing in this rule shall be construed to authorize the Control Officer to require the use of machinery, devices, or equipment of a particular type or design if the required emission standard may be met by machinery, device, equipment, product, or process change otherwise available.~~

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hours complete, he will divide the weight of all materials in the specific process (in this example, 1,500 pounds) by three, giving a process weight per hour of 500 pounds. The table shows that A may not discharge more than 1.8 pounds in any one hour during the process, where the process weight per hour falls between figures in the left-hand column, the exact weight of permitted discharge may be interpolated.

RULE 53 — OPEN FIRES

(a) No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the purpose of disposal of petroleum or plastic wastes, demolition debris, tires, tar, trees, wood waste or other combustible refuse; or for metal salvage or burning of automobile bodies; except the following:

(1) Fires used only for the cooking of food for human beings or for recreational purposes.

(2) Fires coming within the provisions of Section 24245 of the Health and Safety Code of the State of California as it now is or as it may be amended hereafter.

(3) Fires used in agricultural operations as authorized pursuant to Chapter 10, Article 4 of the California Health and Safety Code.

(4) Fires used for the disposal of combustible or flammable solid waste of a single, or two-family dwelling on its premises.

(5) Fires for which a permit has been granted by the Air Pollution Control Officer pursuant to Rule 10 of these regulations.

(b) Nothing in this regulation shall be construed as permitting any fires otherwise prohibited by law, and nothing in this regulation shall be construed as prohibiting any fire otherwise required by law.

RULE 54 — INCINERATOR BURNING

No person shall ignite, or cause to be ignited, permit to be ignited or suffer, allow or maintain any ignited combustible refuse in any incinerator unless such operation meets the requirements specified in these Rules and Regulations.

RULE 55 — EXCEPTIONS

The provisions of Rules 50 and 52 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.

(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 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, animals, or bees.

(e) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, animals or bees.

RULE 56 — SULFUR OXIDE EMISSIONS

(a) A person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO_2), in excess of 1,000 ppm.

(b) It shall be unlawful for any person to cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and time durations at ground level that exceed those shown in the following table:

TABLE II
MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL CONCENTRATIONS

*Concentration	Time Duration
0.5 ppm	1 hour
0.04 ppm	24 hours

*Parts per million by volume.

(c) Any person demonstrated by the Control Officer to be emitting sulfur oxides resulting in ground-level concentrations and durations in excess of Table II above shall be required to install and continuously operate recording instruments in at least three locations surrounding the emission point. Such locations are to be approved by the Control Officer.

(d) Such person shall provide to the Control Officer a summary of the data obtained from such instruments during each calendar month. The form of presentation of the data will be specified by the Control Officer.

RULE 57 — SULFIDE EMISSION STANDARD

(a) A person shall not discharge total reduced sulfur, (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_5)^2$$

where H_5 is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000 yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

Effective January 1, 1972, a person shall not discharge total reduced sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point at a concentration exceeding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_5)^2$$

whichever is the more restrictive condition, where H_5 is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

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RULE 57 — SULFIDE EMISSION STANDARD

(a) ~~A person shall not discharge total reduced sulfur, (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point in excess of the total daily weight calculated by the formula:~~

$$\text{TRS (pounds per day)} = 0.012 (H_5)^2$$

~~where H_5 is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000 yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.~~

(d) ~~Effective January 1, 1972,~~ A person shall not discharge total reduced sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point at a concentration exceeding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:

$$\text{TRS (pounds per day)} = 0.012 (H_5)^2$$

whichever is the more restrictive condition, where H_5 is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.

(b) In any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper, ~~the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed one pound of TRS per ton of dry wood charged into the conversion process.~~ Wood materials used exclusively for fuel are not to be considered as charge to the conversion process.

~~Effective January 1, 1972,~~ the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed 0.8 pounds of TRS per ton of dry wood charged into the conversion process.

(c) It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.

(d) A person complying with the requirements of Rule 57 (a) and releasing in excess of 100 pounds per day of TRS from a single emission point shall be required to provide, install, maintain and continuously operate a recording instrument at such emission point which will record the concentrations of TRS emissions. At least one such recording instrument shall be installed in the exhaust stacks; from kraft recovery furnace flue gas systems at the point of emission to the atmosphere and from kraft pulp mill lime kilns. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

(e) Where the Control Officer demonstrates by standardized analytical chemistry procedures that the requirements of Rule 57(c) have been violated on at least three separate occasions within a one-month period, the person causing said violation shall provide, install, maintain and operate a recording instrument, located at ground level, which will monitor the TRS concentration at the property limits. Location of said monitoring instrument is to be approved by the Control Officer.

(f) Emissions exceeding the limits established by Rule 57(c) shall not constitute a violation provided such emissions, from the emission point to the point of such concentration, are on the property controlled by the person responsible for such emissions.

(g) A summary of the data obtained under the provisions of Rule 57(b), Rule 57(d), and Rule 57(e), if applicable, shall be submitted to the Control Officer once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the Air Pollution Control Officer.

(h) ~~Effective January 1, 1972,~~ A person shall not discharge non-condensibles as defined in Rule 2 (jj), into the atmosphere from any emission point, until said non-condensibles have been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensibles from any such air pollution abatement operation shall not exceed a TRS concentration of 60 parts per million by volume for a period or periods aggregating more than 30 minutes in any 24 hour period, or in excess of a total daily weight of 100 pounds of TRS, whichever is the more restrictive condition.

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~~(9) Any article, machine, equipment or other contrivance which the Control Officer finds emits insignificant amounts of air contaminants.~~

~~No exemption from the requirements listed herein under Rule 200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review in accordance with Rule 220(b).~~

RULE 210 - ENVIRONMENTAL ASSESSMENT

If the Control Officer determines that the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with the California Environmental Quality Act of 1970 (CEQA), no further processing of environmental documents shall be required. The Control Officer shall then follow the procedure set forth in Article XII of Appendix C to this regulation.

If the Control Officer determines that the application is for a project which does not fall within the above paragraph, and the Control Officer determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, it shall be exempt from the requirements of CEQA. If the Control Officer determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for Environmental Impact Review as found in Appendix C to this regulation, shall be followed. Other project reviews performed by the District may proceed concurrently with a detailed environmental assessment, but no authority to construct may be issued by the Control Officer until completion and filing of the Notice of Determination.

~~RULE 220 - NEW SOURCE REVIEW STANDARDS~~

~~(a) Emission Analysis~~

~~In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Control Officer to make the emission determinations required by the provisions of Rule 230.~~

- ~~(1) Emissions from a proposed new or modified stationary source shall be based on maximum design capacity, permit limitations on the operation of the new or modified source, or source test data from similar equipment.~~

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RULE 230 - ACTION ON APPLICATIONS

The Control Officer shall act promptly on an application for an Authority to Construct, Modify, Replace, Operate or Use, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 220(b), the Control Officer shall provide for public notice in accordance with the provisions of said rule.

(a) General Approval

The Control Officer shall grant an Authority to Construct only after he has determined that the new or modified stationary source of air contaminants:

- (1) Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants, and
- (2) Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan, and
- (3) ~~Will not cause significant deterioration of existing air quality in excess of the guidelines established by the Environmental Protection Agency, California Air Resources Board, or the District, and~~
- (3) Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments, and
- (4) Will not result in air contaminant emissions in excess of the allowable standards established by the Environmental Protection Agency for new stationary sources of the category types listed in Rule 490 and 492 of the District, or employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition, and

~~(5) Will operate within all emission standards established by the Environmental Protection Agency for hazardous air contaminants of the category types listed in Rule 492 for the District.~~

(5) Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 490 & 492.

(b) New Source Approval

- (1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 220, the Control Officer shall forward to the California Air Resources Board and Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.
- (2) An Authority to Construct for any stationary source subject to the provisions of Rule 220, may not be granted or denied by the Control Officer until at least 30 days after the date of public notice.

(c) Denial of Application

The Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct

shall be deemed acceptance of all the conditions so specified.
~~Such conditional approval for any purposed stationary source that would violate the general approval requirements of Rule 230(a)(2) may be granted only if all the following conditions are met:~~

~~(1) -- The new source is required to employ "Best Available Control Technology"~~

No conditional approval may be granted for any purposed stationary source that would violate the general approval requirements of Rule 230(a) unless all the requirements of Section 173 of the Clean Air Act and Section 52.21 of the Code of Federal Regulations are satisfied.

~~(2) -- Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements.~~

~~(3) -- The emission reductions stated above will provide a positive net air quality benefit in the affected area.~~

~~(4) -- The applicant certified that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.~~

~~(5) -- The Control Officer may issue an Authority to Construct for a new or modified stationary source only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out.~~

The Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

RULE 400 - GENERAL LIMITATIONS

~~(a) Public Nuisance~~

~~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. (H&S 41700)~~

(b) Circumvention

A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these rules and regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.

~~(c) The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (H&S 41705)~~

RULE 410 - VISIBLE EMISSIONS

~~) A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is 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 of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 2 or forty (40) percent opacity. (H&S 41701)~~

~~(b) Applicable in Mendocino County District only:~~

~~A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 1 or twenty (20) percent opacity.~~

~~c) The provisions of Rule 410(a) & (b) do not apply to excessive visible emissions caused by:~~

~~(1) Failure of the emission to meet the requirements solely because of the presence of uncombined water.~~

~~(2) Smoke from fires set pursuant to Regulation 2 of the North Coast Air Basin.~~

~~(3) Smoke from fires set or permitted by any public officer in the~~

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RULE 440 - SULFUR OXIDE EMISSIONS

person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm; or in excess of the specific source emission limitations of NSPS Regulation 3 of the North Coast Air Basin, as applicable.

~~RULE 450 - SULFIDE EMISSION STANDARDS~~

(a) Kraft Recovery Furnace

The emission of total reduced sulfur, TRS, from any kraft recovery furnace shall not exceed:

- (1) 10 ppm of TRS or 0.30 pound of TRS per ton of kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.
- (2) 15 ppm of TRS as a daily arithmetic average.
- (3) 40 ppm of TRS for more than 60 cumulative minutes in any one day.

(b) Lime Kiln

The emission of total reduced sulfur, TRS, from any lime kiln shall not exceed 40 ppm of TRS or 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.

(c) Other Kraft Mill Sources

The emission of total reduced sulfur, TRS, from other kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.

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RULE 455 - GEOTHERMAL EMISSION STANDARDS

(a) A person shall not discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO_2) in excess of 1,000 ppm.

~~(b) Geothermal Operations - Power Plant Emissions~~

~~(1) The total emissions of hydrogen sulfide from all present and future power plant units built within the special geothermal Zone I, as described in Appendix B, shall not exceed the following:~~

Maximum 6 mo. average (lbs $\text{H}_2\text{S/hr}$)	Maximum 24 hr. average (lbs $\text{H}_2\text{S/hr}$)	Effective Date
1390	1550	Sept. 30, 1976
850	975	Dec. 31, 1977
*	*	Dec. 31, 1979
*	*	Dec. 31, 1980

~~* The emission limits effective as of December 31, 1979, and December 31, 1980, will be promulgated by the District on or before December 31, 1978, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.~~

~~(2) A geothermal power plant unit built outside special geothermal Zone I after the effective date of this rule, shall:~~

- ~~(1) limit emission to no more than 10% of the H_2S produced by the geothermal power plant unit's steam wells, or~~
- ~~(2) emit no more than 0.4 lbs. H_2S per hour per megawatt to the atmosphere (averaged over 24 hours).~~

~~but in no event to exceed 50 lbs. $\text{H}_2\text{S/hr}$.~~

~~(3) In the event of a dispute between the Control Officer and an applicant for an Authority to Construct a power plant unit as to whether the proposed plant lies within Zone I, the applicant may appeal the decision of the Control Officer to the hearing board in accordance with Rule 250.~~

~~(4) Abated power plant units shall not initiate scheduled outages which will result in bypassing to the atmosphere of over 40% of the H_2S associated with that unit during hydrogen sulfide episode alerts. The effective date of the subsection shall be February 28, 1978.~~

(c) Geothermal Operations - Pre-Power Emissions

(1) The total pre-power plant emissions of H_2S associated with all present geothermal power plant units built before the effective date of this rule shall not exceed the following emission limitations:

Annual Average
(lbs H_2S /hr)

180

150

*

Effective Date

December 31, 1976

December 31, 1978

December 31, 1980

* The emission limit effective as of December 31, 1980, will be promulgated by the District on or before December 31, 1979, based upon a review of available technology, air quality, emissions and meteorological data obtained both within and without the District.

(2) Hydrogen sulfide in steam bypassing any abated power plant unit for any reason whatsoever during any episode alert for hydrogen sulfide issued by the District must be abated by at least 40% and within a time period consistent with achievement of the H_2S ambient air quality standard and with all practical speed commensurate with personnel safety and protection of equipment and wells. In the event continued bypassing of steam at this reduced level causes a violation of the hydrogen sulfide ambient air quality standard, the supplier shall further abate total emissions, until the termination of the episode alert. The effective date of this subsection shall be February 28, 1978.

(d) Compliance Verification

A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Control Officer.

Any person who owns or operates a source or sources of air contaminants whose emissions may cause a standard set forth in this rule that is effective at a future date to be exceeded shall submit to the hearing board within 30 days of the adoption of this rule a schedule of increments of progress by which the source emissions will be brought into compliance by the time said standard takes effect. The hearing board shall consider the schedule of increments of progress at a noticed hearing pursuant to Rule 620(b).

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~~RULE 460 - ORGANIC GAS EMISSIONS~~

~~(a) Within the Mendocino County Air Pollution Control District: No person shall discharge into the atmosphere sufficient concentrations of organic gases which exceed the THRESHOLD LIMIT VALUES for such substances as described in the latest edition of "DOCUMENTATION OF THRESHOLD LIMIT VALUES" published by the American Conference of Governmental Industrial Hygienists, beyond the property line of the person responsible for the emissions, nor shall these limits, exempt any person from meeting the requirements to maximum allowable concentrations permitted in work area atmospheres.~~

~~(b) The requirements of Rule 460(a) shall not apply:~~

~~(1) To emissions of methane or other low reactivity hydrocarbons as approved by the Control Officer.~~

~~(2) To emissions of hydrocarbons from permitted open burning or from approved combustion processes.~~

RULE 470 - 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 which contain odorous material 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 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, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this prohibition, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

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RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS

- a) No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (H&S 41860).
- (b) No person shall use any orchard, vineyard or citrus grove heater unless of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41860)

~~RULE 482 - PETROLEUM LOADING AND STORAGE~~

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of NSPS Rule 9.
- (b) No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe. (H&S 41950)
 - (1) For the purpose of Rule 482(b) "gasoline", means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 - (2) For the purpose of Rule 482(b) "submerged fill pipe", means any 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.
- (c) The requirements of Rule 482 (b) shall not apply:
 - (1) To any stationary tanks installed prior to December 31, 1970.
 - (2) To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
 - (3) To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 - (4) To any tank equipped with a "vapor recovery system" consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors.

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~~(c) The civil penalties prescribed in Rule 520(a) & (b) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for the district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.~~

RULE 540 - EQUIPMENT BREAKDOWN

(a) Breakdown Conditions

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of 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 similar failure of any required in-stack 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 an abnormally recurrent breakdown of the same equipment

(b) Breakdown Procedures

- (1) Any breakdown condition meeting the qualification of Rule 540(a) 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:
 - (A) The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (8:30 a.m. - 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.

(B) The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.

(C) The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.

(2) The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.

(3) Upon receipt of notification of a breakdown condition, the control officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

(c) 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 including, but not limited to, the following details:

(1) Duration of excessive emissions.

(2) Estimate of quantity of emissions.

(3) Statement of the cause of the occurrence.

(4) Corrective measures to be taken to prevent a reoccurrence.

Documentation of the breakdown condition may be required by the control officer.

(d) 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 air pollution control officer shall undertake appropriate enforcement action;

(e) Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (b)(1)(a) and (c)(1) through (c)(5) of this rule shall constitute a separate violation of this rule.

16) False Claiming of Breakdown Occurrence

It shall constitute a separate violation of this rule for any person to file with the air pollution control officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

(g) Extended Breakdown Provisions

For any occurrence which causes a breakdown condition meeting the requirements of Rule 540(a) and which may persist for longer than twenty-four (24) hours (ninety-six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, obtain an emergency variance as provided in Rule 615.