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~~RULE 12. 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 contaminations which are or may be discharging into the atmosphere.~~

~~RULE 13. POSTING OF PERMIT TO OPERATE. ✓~~

~~A person who has been granted a Permit to Operate any article, machine, equipment or other contrivance (under 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 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 twenty-five (25) feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.~~

~~RULE 14. ALTERATION OF PERMIT~~

~~A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.~~

~~RULE 15. APPLICATION.~~

~~Every application for an Authority to Construct or Permit to Operate required under RULE 10, shall be filed in the manner and form prescribed by the Air Pollution Control Officer and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by RULE 10 thereof.~~

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- ~~(e) In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.~~

RULE 20. APPROVAL.

A Permit, Conditional Permit or Notice of Approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board and the Health and Safety Code.

~~RULE 21. CONDITIONAL APPROVAL.~~

- ~~(a) The Air Pollution Control Officer may issue an authority to construct or Permit to Operate or Use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of RULE 19, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such Permit to Operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of RULE 19 under the revised conditions.~~
- ~~(b) The Air Pollution Control Officer may issue a Permit to Sell or Rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of RULE 19, in which case the conditions shall be specified in writing. Selling or renting under such a Permit to Sell or Rent shall be deemed acceptance of all the conditions as specified. The Air Pollution Control Officer shall issue a Permit to Sell or Rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of RULE 19 under the revised conditions.~~

RULE 22. DENIAL OF APPLICATIONS

In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, addressed to the applicant at the address

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~~forth on the application, and such service may be proved by the written
knowledge of the persons served or affidavit of the person making the
service. The Air Pollution Control Officer shall not accept a further appli-
cation unless the applicant has complied with the objections specified by the
Air Pollution Control Officer as his reasons for denial of the Authority to
Construct, the Permit to Operate, or the Permit to sell or rent.~~

~~RULE 23. FURTHER INFORMATION.~~

~~Before acting on an Application for Authority to Construct, Permit
to Operate or Permit to Sell or Rent, the Air Pollution Control Officer may
require the applicant to furnish further information or further plans or spe-
cifications.~~

~~RULE 24. APPLICATIONS DEEMED DENIED.~~

~~The applicant may at his option deem the Authority to Construct,
Permit to Operate or Permit to Sell or Rent denied if the Air Pollution
Control Officer fails to act on the application within sixty (60) days after
filing, or within thirty (30) days after applicant furnishes the further infor-
mation, plans and specifications requested by the Air Pollution Control
Officer, whichever is later.~~

~~RULE 25. APPEALS.~~

~~Within ten (10) days after notice by the Air Pollution Control
Officer of denial or conditional Approval of an Authority to construct, Permit to
Operate or Use, or Permit to Sell or Rent, or within ten (10) days after
the application is deemed denied pursuant to RULE 24, the applicant may petition
the Hearing Board, in writing, for a public hearing. The Hearing Board
after notice and a public hearing held within thirty (30) days after filing the
petition may sustain, reverse or modify the action of the Air Pollution
Control Officer; such order may be made subject to specified conditions.~~

~~RULE 26. ACTION ON APPLICATIONS.~~

~~The Control Officer shall act promptly on an application for Authority
to Construct, Alter, Replace, Sell or Rent, or Permit to Operate and shall~~

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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 proposed 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 proposed 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~~

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 precessing 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.

(f) 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.