

Regulation I - Definitions

MOUNTAIN COUNTY PORTION

10/27/83

Rule 102. Definitions. Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

- A. Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of El Dorado County.
- B. Agricultural Burning. (a) Any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in forest management or range improvement; or used in the improvement of land for wildlife and game habitat, or disease or pest prevention. (b) Any open outdoor fire used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (a) of this definition. Rule 302 D shall not apply to such burning.
- C. Agricultural Operation. The growing and harvesting of crops, or raising of fowls or animals for the primary purpose of making a profit, or providing a livelihood, or the conduction of agricultural research or instruction by an educational institution.
- D. Agricultural Wastes. Are (a), unwanted or unsellable materials produced wholly from agricultural operations and, (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.
- E. Air Contaminant or Pollutant. Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

4/17/80
AAA.

Allowable Emissions. The emission rate calculated using the maximum design capacity of the source, unless the source is subject to Permit to Operate conditions which limit the operating rate or hours of operation, or both, which is the most stringent of applicable emission limitations contained in these Rules and Regulations or the emission rate, if any, specified as a Permit to Operate condition.

11/4/77

F. Alteration. Any addition to, enlargement of, 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 affect the kind or amount of air contaminants emitted.

G. Approved Ignition Devices. Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum (L.P.G.), butane, propane, or diesel oil burners; or flares, or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.

H. A.R.B. The State Air Resources Board, or any person authorized to act on it's behalf.

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Asphalt. Dark brown to black cementitious material (solid, semi-solid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

11/4/77

I. Atmosphere. The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.

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BBB.. Attainment Pollutant. A criteria pollutant in an Air Pollution Control District or sub-District zone designated by the Environmental Protection Agency as an attainment area or unclassified area for such pollutant.

CCC. Baseline Concentration. The ambient concentration level reflecting actual air quality as monitored or modeled as of (1) August 7, 1977, minus any contribution from major stationary facilities and major modifications on which construction commenced on or after January 6, 1975 for attainment pollutants; and (2) the date an application for Authority to Construct is deemed complete by the Air Pollution Control Officer for nonattainment pollutants.

DDD. Best Available Control Technology. An emission limitation, based on the maximum degree of reduction for a criteria pollutant or precursor which would be emitted from any source or modification which the Air Pollution Control Officer, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such source or modification through application of

production processes or available control methods, systems and techniques, for such pollutant. In no case shall application of best available control technology result in emissions of any pollutant or precursor which would exceed the emissions allowed by 40 CFR Part 60 and 61. If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement technology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design equipment, work practice or operations standard, or combination thereof. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

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Board. The El Dorado County Air Pollution Control Board.

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666. Breakdown Condition. An unforeseeable failure or malfunction of (1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by state law, or (2) any in-stack continuous monitoring equipment, where such failure or malfunction:

- A. Is not the result of neglect or disregard of any air pollution control law, rule or regulation; and
- B. Is not intentional or the result of negligence; and
- C. Is not the result of improper maintenance; and
- D. Does not constitute a nuisance; and
- E. Is not a recurrent breakdown of the same equipment.

11/4/77

Brush Treated. The material has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicides.

Combustible or Flammable Waste. Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

Combustion Contaminant. Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.

Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

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fff. Criteria Pollutant. An air pollutant regulated by a national ambient air quality standard contained within 40 CFR Part 50.

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Cutback asphalt. Paving grade asphalts liquefied with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid cure type: ASTM D2028-76

Medium cure type: ASTM D2027-76

11/4/77

- O. Designated Agency. Any agency designated by the ARB and El Dorado County Air Pollution Control District as having authority to issue Agricultural Burn Permits.
- P. District. Is the Air Pollution Control District of El Dorado County.
- Q. Dust. 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, or other similar processes.

10/27/83

Dust palliative. Any light application of liquefied asphalt (cutback or emulsified asphalt) for the express purpose of controlling loose dust.

11/4/77

- R. Emission. The act of releasing or discharging air contaminants into the ambient air from any source.
- S. Emission Data. Are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Production data used to calculate emission data are not emission data.
- T. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

10/27/83

Emulsified asphalt. Any asphalt liquefied with water containing an emulsifier, either anionic or cationic.

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666. Facility. Any structure, building, equipment, installation or operation, or aggregation thereof, which is located on one or more contiguous or adjacent properties within the District and which is owned, operated, or under shared entitlement to be used by the same person. Items of air contaminant emitting equipment shall be considered aggregated into the same facility and items of non-air contaminant emitting equipment shall be considered associated with air contaminant emitting equipment only if:

1. The operation of each item of equipment is dependent upon, or affects the process of, the others; and
2. The operation of all such items of equipment involves a common raw material or product.

HMH. Federal Land Manager. The Secretary of the United States department with authority over applicable federal lands, his authorized representative, or the President of the United States.

11/4/77

- U. Flue. Any duct or passage for air, gases or the like, such as a stack or chimney.
- V. Forest Management Burning. Means the use of open fires, as part of a forest management practice, to remove forest debris. Forest Management practices or forest protection practices.
- W. Fossil Fuel-fired Steam Generator. Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

4/17/80

III. Fugitive Dust. Solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, as a direct result of operation of a facility.

11/4/77

- X. Hearing Board. The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.
- Y. Incineration. 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.
- Z. Incinerator. Means any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.
- AA. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
- BB. Institutional Facility. Means any hospital, boarding home, school or like facility.

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5.35.

Lowest Achievable Emission Rate. For any source, the most stringent of:

1. The most effective emission limitation which the Environmental Protection Agency certifies is contained in the implementation plan of any state approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation is not achievable; or
2. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or
3. Any other emissions control technique found, after public hearing, by the Air Pollution Control Officer to be technologically feasible and cost effective for such class or category of sources or for a specific source.

In no event shall the application of lowest achievable emission rate allow for emissions in excess of those allowable under 40 CFR Part 60.

KKK.

Major Facility.

1. For attainment pollutants, any facility which actually emits or has the potential to emit, when operating at maximum design capacity, 100 tons per year or 1000 pounds per day or more of a criteria pollutant or precursor.
2. For nonattainment pollutants, any facility which actually emits or has the potential to emit, when operating at maximum design capacity, 100 tons per year or 1000 pounds per day of a criteria pollutant or precursor, with the exception of ozone, for which the following seasonal values shall apply:

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A. May 1 through September 30: 50 tons per season or 1000 pounds per day or more;

B. October 1 through April 30: 100 tons per season or 2000 pounds per day or more.

LL.

Major Modification. Any modification of a facility which increases the actual emission or potential to emit a criteria pollutant or precursor by 100 tons per year or 1000 pounds per day or more, with the exception of ozone, for the following seasonal values in nonattainment areas shall apply:

1. May 1 through September 30: 50 tons per season or 1000 pounds per day or more;

2. October 1 through April 30: 100 tons per season or 2000 pounds per day or more.

Emission increases shall include all accumulated increases in actual emissions or potential to emit at the facility since August 7, 1977, or since the date of the issuance of the most recent Authority to Construct for initial construction or major modification of the facility.

MMM.

Modification. Any physical change in, change in method of operation of, or addition to an existing stationary source, except that routine maintenance or repair shall not be considered to be a physical change. A change in the method of operation, unless previously limited by a Permit to Operate condition, shall not include:

1. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.

2. An increase in the hours of operation.

3. A change in ownership of a source.

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- CC. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.
- DD. No-Burn Day. Means any day on which agricultural burning is prohibited by the A.R.B.

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- PNN. Nonattainment Pollutant. A criteria pollutant in an Air Pollution Control District or sub-District zone designated by the Environmental Protection Agency as a nonattainment area for that pollutant.

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- EE. Open Out-Door Fire. As used in this regulation means; combustion of any combustible material of any type, out-doors in the open air, where the product of combustion is not directed through a flue.

Operation. Any physical action resulting in a 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 properties of a material.

Orchard or Citrus Heaters. Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

Owner or Operator. Means any person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.

11/4/77

Particulate Matter. Is any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.

Permissive Burn Day. Means any day on which agricultural burning is not prohibited by the A.R.B.

Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.

PPM. Parts per million by volume expressed on a dried gas basis.

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000. Potential to Emit. The quantity of emissions that a source is capable of emitting at maximum design capacity calculated on the assumption that air pollution control equipment incorporated into the design of the source will function in the manner reasonably anticipated when the calculation is made.

PPP. Precursor. A directly emitted pollutant that, when released into the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant which is a criteria pollutant. The following precursor-pollutant transformations shall be included in the determination of secondary pollutant concentrations: non-methane hydrocarbons - ozone; nitrogen oxides - nitrogen dioxide; sulfur oxides - sulfur dioxide.

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- MM. Process Weight Per Hour. 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.)
- NN. Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in Rule 409 C, Regulation IV.
- OO. Range Improvement Burning. Means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- PP. Record. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.
- QQ. Residential Rubbish. Rubbish originating from a single or two family dwelling on it's premises, limited to the following material: wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.

4/17/80

- PPQ. Resource Recovery Facility. Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Energy conversion facilities must utilize solid waste to provide more than 80% of the heat input to be considered a resource recovery facility.

4/17/80

RRR.

Secondary Emissions. Emissions within the District from (1) all cargo carriers, excluding motor vehicles as defined in the Vehicle Code, which load or unload at a facility, and (2) all off-site support facilities which would be constructed as a result of construction or modification of a facility.

SSS.

Source. Any machine, equipment, apparatus, device, process, or combination thereof, which may cause, increase, eliminate, reduce or control the issuance of air contaminants through a common duct or vent to a single emission point.

11/4/77

RR. Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not an air pollution abatement operation.

SS. Section. As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the Health and Safety Code as such code reads on January 1, 1976.

TT. Silvicultural Practices. Means the establishment, development, care and reproduction of stands of timber.

UU. Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.

VV. Standard Conditions. As used in these regulations, "standard conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analysis and tests shall be calculated and reported at this gas temperature and pressure.

WW. Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

XX. Tahoe Basin. Means that area, within the State of California, as defined by the California-Nevada Interstate Compact, Article II, Paragraph C, as contained in Section 5976 of the State Water Code.

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TTT.. Temporary Source. Any source or activity causing emissions which operates within a single Air Pollution Control District for less than two (2) years in any ten (10) year period, including, but not limited to, pilot plants, portable facilities and construction activity.

11/4/77

YY. Timber Operations. Means cutting or removal of timber or other forest vegetation

ZZ. Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

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Tack coat. Ant application of asphalt applied to an existing surface to provide a bond between new surfacing and existing surface and to eliminate slippage planes where the new and existing surfaces meet.

Penetrating prime coat. Any application of asphalt to an absorptive surface to penetrate and bind the aggregate surface and/or to promote adhesion between it and the new superimposed construction. Dust palliatives or tack coats are nit included.

Road oils. Shall be synomous with slow cure asphalts.

Cold cleaner. Any batch loaded, non-boiling solvent degreaser.

Open top vapor degreaser. any batch loaded, boiling solvent degreaser

Conveyorized degreaser. any continuously loaded, conveyorized solvent degreaser, either boiling or non-boiling.

Freeboard height.

- a. For cold cleaning tanks, freeboard height means the distance from the top of the solvent or solvent drain to the top of the tank.
- b. For vapor degreasing tanks, freeboard height means the distance from the solvent vapor-air interface to the top of the basic degreaser tank.

Freeboard ratio. The freeboard height divided by the width of the degreaser.

Wipe cleaning. That method of cleaning which utilizes a material such as a rag wetted with a solvent, coupled with a physical rubbing process to remove contaminants from metal surfaces.

Organic solvents. Any organic materials used for metal cleaning which are liquids at standard conditions.

REGULATION II

4/11/83

Rule 203 Exceptions. The provisions of Rule 202 do not apply to:

- A. Smoke from fires set or permitted by any public fire officer, if such fire is set by 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. (or health hazard as determined by the Health Officer) which cannot be abated by any other means, or
 2. the instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- 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 fires.
- C. Open outdoor fires used for recreational purposes or for cooking of food for human consumption.
- D. The use of an experimental device, system, or method to study or research open burning authorized by Section 41707 and 41805 (b) of the Health and Safety Code and these Rules and Regulations.
- E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.
- F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.

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(203
Continued)

- G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.
- H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.
- I. The governing board of the district may by Rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of Rule 202 do not apply to smoke from fires set pursuant to such permit.
- J. Smoke emissions from teepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues with supplemental fossil fuels, and burners used to produce energy and fired with such fuels, when such emissions result from startup or shutdown of the combustion process or from the malfunction of emissions control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

4/11/83

Rule 206

Incinerator Burning. Except for the burning of residential rubbish, as defined in Rule 102, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the El Dorado County Air Pollution Control District except in a multiple-chamber incinerator as defined in Rule 102 or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

Pathological Incineration. A person shall not burn any pathological waste in any incinerator within the boundaries of the El Dorado County Air Pollution Control District unless all gases, vapors, and gas-entrained effluents from such an incinerator are:

- A. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, 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.

4/11/83

Rule 207

Particulate Matter. A person shall not release or discharge into the atmosphere from any source or single processing unit, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

4/1/83

Rule 209

Fossil Fuel-Steam Generator Facility. A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

- A. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);
- B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);
- C. 10 pounds per hour of combustion contaminants as defined in Rule 102, and derived from the fuel.

4/11/83

Rule 210 Specific Contaminants

- A. Sulfur Compounds. A person shall not release or discharge into the atmosphere from any source of emission whatsoever, sulfur compounds, calculated as sulfur dioxide (SO_2), in excess of 2000 parts per million by volume (0.2%) of exhaust gas.

- B. Combustion Contaminants. A person shall not release or discharge into the atmosphere from the following sources or units thereof, combustion contaminants calculated at 12 percent carbon dioxide (CO_2) in excess of:
 - 1. Wood Fired Boilers and Incinerators: 0.2 grains per cubic foot of dry exhaust gas at standard condition.
 - 2. All Other Sources: 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

- C. Particulate matter emitted from a source or combination of sources in which exhaust gases from a combustion unit or process are used to dry, calcine, pyrolyze, sinter or otherwise thermally condition, exclusive of combusting any process material, shall be excluded from calculation as combustion contaminants.

4/11/83

Rule 211

Process Weight Per Hour. A person shall not release or discharge into the atmosphere from any source operation solid particulate matter in excess of that allowed in the table in Rule 212.

- A. The provisions of this Rule shall not apply to:
1. Portland cement kilns, except that no owner or operator shall release or discharge into the atmosphere from any portland cement kiln particulate matter at a rate in excess of 0.30 pounds per ton of dry kiln feed, exclusive of fuel charged.
 2. Portland cement clinker coolers, except that no owner or operator shall release or discharge into the atmosphere from any portland cement clinker cooler particulate matter at a rate in excess of 0.10 pounds per ton of dry kiln feed, exclusive of fuel charged.
 3. Sewage sludge incinerators, except that no owner or operator shall release or discharge into the atmosphere from any sewage sludge incinerator particulate matter at a rate in excess of 1.30 pounds per ton of dry sludge input as determined in CFR 40, Part. 60.154.
 4. Rotary lime kilns, except that no owner or operator of such source constructed or modified after May 3, 1977, shall release or discharge into the atmosphere from such rotary lime kiln particulate matter at a rate in excess of 0.30 pounds per ton of limestone feed, exclusive of fuel charged.
 5. Lime hydrators, except that no owner or operator of such source constructed or modified after May 3, 1977, shall release or discharge into the atmosphere from such lime hydrator particulate matter in excess of 0.15 pounds per ton of lime feed.
 6. Combustion equipment which derives at least 80% of its fuel input heat content from wood or wood associated waste, except that such equipment shall comply with all other Rules in this Regulation.
 7. Processing equipment used in conjunction with combustion sources, other than those types provided for in other subsections of this Rule, used to dry, calcine, pyrolyze, sinter or otherwise thermally condition any process material, except that such equipment shall comply with all other Rules in this Regulation.
- B. Performance tests undertaken to determine compliance of sources with Part A., Sections 1. through 5., of this Rule shall comply with the provisions of CFR 40, Part 60, Appendix A only.

4/17/83

Rule 212 Process Weight Table.

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

| Process Weight Rate Lbs/Hr. | Emission Rate Lbs/Hr. |
|--------------------------------|--------------------------|
| 50 | .4 |
| 100 | .6 |
| 500 | 1.5 |
| 1,000 | 2.3 |
| 5,000 | 6.3 |
| 10,000 | 9.7 |
| 20,000 | 15.0 |
| 60,000 | 29.6 |
| 80,000 | 31.2 |
| 120,000 | 33.3 |
| 160,000 | 34.9 |
| 200,000 | 36.2 |
| 400,000 | 40.4 |
| 1,000,000 | 46.8 |

Interpolation of the data for the process weight rates up to 60,000 lbs/hr. shall be accomplished by the use of equation:

$$E = 3.59 P^{0.62}$$

P is less than or equal to 30 tons/hr.

and interpolation or extrapolation of the data for process weight rates in excess of 60,000 lbs/hr. shall be accomplished by use of the equation:

$$E = 17.31 P^{0.16}$$

P is greater than 30 tons/hr.

Where: E=Emission in pounds per hour.

P=Process weight rate in tons per hour.

MCAB 3/81

An adsorber cannot be accompanied because of inadequate space.

Excess steam capacity in the plant is insufficient to regenerate a carbon adsorption system.

7/10/84

216 Organic Compounds (adopted 3/12/84)

RULE
216.1 General Requirements

- A. Regulated Organic Compounds. For the purpose of this Rule, an "organic compound" is any chemical compound of carbon which is either a gas or a liquid with a vapor pressure greater than 1.5 psia under actual conditions of storage or use, except:

carbon monoxide
carbon dioxide
carbonic acid
metallic carbides and carbonates
ammonium carbonate
methane
halogenated hydrocarbons

- B. Emission Calculation. Mass emission rates for organic compounds shall be calculated as total carbon:

1. Total carbon for an individual organic compound shall be calculated as that portion of the mass of said compound which is attributable to its carbon atoms, as determined from the molecular structure of said compound.
2. For an emission stream whose mass flow rate of an organic compound can be observed or calculated from measured or monitored process parameters of source operation, the total carbon emission for said compound shall be the product of the mass emission rate of said organic compound multiplied by the total carbon proportion as determined in 216.1 B.1.
3. For an emission stream for which the individual mass flow rates of all the entrained organic compounds cannot be determined as in 216.1 B.1 and 2, total carbon shall be either measured per Method 25 as described in 40 CFR part 60 Appendix A, or calculated from volumetric measurement by the formula:

$$T = \frac{12 \times M \times C \times P}{22.8(1-P) + 12 \times C \times P}$$

where: T is total carbon, (lb/hr)

M is the effluent stream mass flow rate (lb/hr), either known from engineering data or calculated from measurements of the discharge volume, pressure and absolute temperature taken at the same time and location as the hydrocarbon sample,

C is the number of carbon atoms in the most carbon-rich compound in the effluent,

P is the actual proportion of organic compounds in the effluent stream (ppm $\times 10^{-6}$).

7/10/84

RULE
216

Emission Standards for Organic Compounds

- A. Applicability. This rule shall apply to all facilities, uses, handling, and storage of organic compounds not in existence before March 1, 1984, and not specifically regulated or exempted elsewhere in these Rules and Regulations.
- B. Standards. No person shall operate any machinery, process, or operation which has the potential to emit organic compounds unless:
1. For any machinery process or operation in which organic compounds are heated, baked, heat cured, heat polymerized, or exposed to flame, emissions of organic compounds shall not exceed 15 pounds per day or 3 pounds in any one hour, unless said emissions are reduced by at least 85 percent.
 2. For any machinery process or operation conducted at or below ambient temperatures, emissions of organic compounds shall not exceed 40 pounds per day or 8 pounds in any one hour, unless said emissions are reduced by at least 85 percent.
 3. The owner or operator has demonstrated to the satisfaction of the Air Pollution Control Officer that said machinery, process, or operation cannot be controlled to the degree required in 216.2-B.1 or 2, in which case said machinery process or operation shall be equipped with Best Available Control Technology as specified by the Air Pollution Control Officer
- C. No person shall dispose or allow the release of organic compounds from storage or transfer operations in excess of 1.5 gallons of liquid or an equivalent amount of vapor per day, if such disposal or release permits the evaporation or mixing of said organic compounds in the atmosphere.
- D. The owner or operator of any source subject to this rule shall supply to the Air Pollution Control Officer, at the time of application for any Authority to Construct, or Permit to Operate, a complete accounting of all organic compounds used, stored, processed, or produced by the operation of said source.
- E. If, in the opinion of the Air Pollution Control Officer, any source, equipment, process, or activity subject to this rule has the potential to create fugitive organic compound emissions, no Permit to Operate shall be granted until the applicant has prepared, and the Air Pollution Control Officer approved, a fugitive emission control plan.
- F. All equipment, processes, operations, and emission control devices subject to this rule shall be equipped with such gauges, sensors, instruments, and recorders as the Air Pollution Control Officer determines to be

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necessary to verify that said air pollution control devices are functioning in compliance with these Rules and any applicable conditions on a Permit to Operate.

RULE
216.3

Exemptions. The following equipment, operations, and exhaust and ventilation systems which serve them are exempt from the requirements of this Rule.

1. Non-commercial activities or facilities located on premises which are solely used as a residence for not more than two families or households.
2. Stationary storage containers of less than 250 gallons capacity.
3. Internal combustion engines and their accessories.
4. Agricultural, horticultural, or public health spraying or other application of insecticides, herbicides, and pesticides.
5. Preparation of foods for human consumption.
6. Manufacture or repair of "fiberglass" or polyester-resin reinforced plastic structures, provided that said resins are not oven-cured.
7. Storage or transfer of compressed or liquified fuel gasses.
8. Kilns used for firing of ceramics, if heated by "gasseous fuels or electricity.
9. Laboratory equipment which the Air Pollution Control Officer determines is being used for research or bench-scale operations, and is not part of any commercial production process or operation.
10. Fuels, lubricants, and hydraulic fluids necessary to the operation of machinery, and not used as feed stocks, reagents, or otherwise involved in or consumed by any process or operation.
11. Space heating and heat transfer operations.
12. Presses used for curing rubber or plastics.
13. Equipment used exclusively for steam cleaning.
14. Any single use or operation which annually consumes a total volume of organic compounds which is less than the total emissions permitted by this rule, unless said use or operation is part of a larger process or operation which would otherwise be subject to these Rules and Regulations.
15. Printing and graphic arts operations.

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- A. No person shall discharge into the atmosphere, from any non-combustion source, not in existence before March 12, 1984, a quantity of acid fumes which, when diluted or concentrated in liquid form to pH 2.0 exceeds 4 pounds per hour, unless said discharge has been reduced by at least 95 percent by weight of acid.
- B. An application for an Authority to Construct for a source subject to this rule shall include a showing satisfactory to the Air Pollution Control Officer that the claimed emission rate is verifiable by engineering analysis process monitoring or emission testing.
- C. Any source in existence before March 12, 1984 shall be exempt from this rule.

4/11/83

RULE 218

Perchloroethylene Dry Cleaning Operations

Effective November 10, 1980 a person shall not operate any dry cleaning equipment which uses perchloroethylene unless all of the following requirements are satisfied:

- A. Any solvent liquid or solvent vapor leaks shall be repaired immediately.
- B. The residue from a solvent still shall not contain more than 0.6 kg. of solvent per kg. of wet waste.
- C. The used filtration cartridges shall be put in the filter housing and drained there for at least 24 hours provided that they are dried in a closed container which is vented to a control device approved by the APCO.
- D. The used diatomaceous earth filters shall be cooked or treated so that the residue contains no more than 0.25kg. of solvent per kg. of wet waste.
- E. Any other filtration or distillation system can be used if it can be demonstrated to the satisfaction of the APCO that it reduced waste losses below 0.01 kg. per kg. of clothes.
- F. The waste containing perchloroethylene shall be stored in sealed containers.

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RULE 219

Emission Control Requirements: A person shall not operate any dry cleaning equipment which uses perchloroethylene unless one of the following requirement is satisfied:

- A. All exhaust gases from drying tumblers and cabinets are vented through a carbon adsorber or other control device which reduces the total emissions of organic compounds to the atmosphere during the entire drying cycle of 100 ppm before dilution.

The effective date for these rules shall be as follows:

- November 10, 1981 - for any plant which consumes more than 4000 liters (1060 gallons) or perchloroethylene per year.
- November 10, 1981 - for any plant which consumes more than 2000 liters (530 gallons) of perchloroethylene per year.

4/11/83

RULE 220

Exemptions to Rule 218 and Rule 219

- A. Coin operated facilities: The provisions of Section II shall not apply to coin operated cleaning plants.
- B. Other solvents: The Rule does not apply to dry cleaning plants which do not use perchloroethylene.
- C. Small users: The provisions of Section II shall not apply to dry cleaning plants which consume less than 2000 liters (530 gallons) of perchloroethylene per year.
- D. Space and steam limitations: The provisions of Section II shall not apply to dry cleaners which satisfy one of the following conditions.

An adsorber cannot be accompanied because of inadequate space.

Excess steam capacity in the plant is insufficient to regenerate a carbon adsorption system.

4/11/83

Rule 221

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 from such an article, machine, equipment or other contrivance are:

- A. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, 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, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure, or other operating conditions.

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

The provisions of this Rule shall not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

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Rule 222 Abrasive Blasting. By reference Title 17, Subchapter 6, of the California Administrative Code shall apply.

4/11/83

Rule 223

Fugitive Dust

A. No person may cause, suffer, allow, or permit any fine material to be handled, transported, or stored without taking precautions determined by the Air Pollution Control Officer to be necessary. Such precautions may include, but are not limited to:

1. Application of water or suitable chemicals or other specified covering on materials stockpiles, wrecking activity, excavation, grading, sweeping, clearing of land, solid waste disposal operations, or construction or demolition of buildings or structures;
2. Installation and use of hoods, fans and filters to enclose, collect, and clean the emissions of dusty materials;
3. Covering or wetting at all times when in motion of open-bodies trucks, trailer or other vehicles transporting materials which create a nuisance by generating particulate matter in areas where the general public has access.

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- B. No person responsible for the ownership or maintenance of a road or thoroughfare may cause, suffer, allow, or permit a nuisance to develop as a result of any use, construction, alteration or repair of that road or thoroughfare. The responsible person shall take precautions determined by the Air Pollution Control Officer to be necessary to prevent a nuisance. Such precautions may include, but are not limited to:
1. Application of asphalt, oil, water or suitable chemicals on dirt roads;
 2. Paving of public or commercial parking surfaces;
 3. Removal from paved streets and parking surfaces of earth or other material which has a tendency to become airborne;
 4. Alternate means of control as approved by the Air Pollution Control Officer.
- C. This rule shall not apply to fugitive dust from unpaved roads where no nuisance or health hazard is created by its usage or where it is demonstrated to the Air Pollution Control Officer that no means are available to finance the necessary road improvements immediately.
- D. This rule shall not apply to the use of agricultural equipment necessary for the growing or harvesting of crops, including timber, or raising fowl or animals.

10/23/81

REGULATION
III
OPEN BURNING

Rule 301

Prohibition From Burning. No person shall use open outdoor fires for the purpose of disposal, processing or burning of any combustible or flammable material.

10/23/81

Rule 302

Exceptions to Rule 301. Except as otherwise provided in this Regulation, nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for the following purposes:

- A. Agricultural Burning, pursuant to Rule 303.
- B. Range Improvement Burning, pursuant to Rule 304.
- C. Forest Management Burning, pursuant to Rule 305.
- D. Land Development Clearing, pursuant to Rule 306.
- E. Ditch and Road Maintenance, pursuant to Rule 307.
- F. Public Disposal Facility, pursuant to Section 41804.5 of the Health and Safety Code.
- G. Hazard Reduction, pursuant to Rule 308.
- H. Fire Suppression and Training, pursuant to Rule 309.
- I. Residential Maintenance, pursuant to Rule 310.
- J. Recreational Activity, pursuant to Rule 311.

10/23/81

Rule 303

Agricultural Burning. Agricultural burning, as defined in Rule 102, shall be allowed under the following conditions:

- A. A valid permit shall be secured pursuant to Rule 312.
- B. Burning, except that related to the disposal of empty pesticide or toxic substance containers used in agricultural operations, shall occur on those days approved pursuant to Rule 313.
- C. Information regarding the burn shall be provided pursuant to Rule 314.
- D. Material to be burned shall be dried pursuant to Rule 315 and shall be free of materials not produced in an agricultural operation.
- E. Burning shall be managed pursuant to Rule 316.
- F. Open burning of agricultural waste above 3,000 feet and agricultural burning above 6,000 feet shall be exempt from Sections A through E of this Rule.

10/23/81

Rule 304

Range Improvement Burning. Range improvement burning, as defined in Rule 102, shall be allowed under the following conditions:

- A. A valid permit shall be secured pursuant to Rule 312.
- B. Burning shall occur only on those days approved pursuant to Rule 313.
- C. Information regarding the burn shall be provided pursuant to Rule 314.
- D. Material to be burned shall be dried pursuant to Rule 315.
- E. Burning shall be managed pursuant to Rule 316.
- F. Brush shall be treated pursuant to Rule 102 at least six (6) months prior to the burn and windrowed or piled if economically and technically feasible. Unwanted trees over six (6) inches in diameter shall be felled and dried pursuant to the direction of the Air Pollution Control Officer prior to the burn.
- G. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the Air Pollution Control Officer. As to burning conducted by the Department of Fish and Game, the department shall, on its own behalf, issue and file such statements.
- H. Open burning of agricultural waste above 3,000 feet or agricultural burning above 6,000 feet shall be exempt from Sections A through G of this Rule.

10/23/81

Rule 305

Forest Management Burning. Forest management burning, as defined in Rule 102, shall be allowed under the following conditions:

- A. A valid permit shall be secured pursuant to Rule 312.
- B. Burning shall occur only on those days approved pursuant to Rule 313.
- C. Information regarding the burn shall be provided pursuant to Rule 314.
- D. Drying time shall be specified by the designated agency.
- E. Waste material shall be windrowed or piled where possible, unless good silviculture practice as defined in Rule 102 dictates otherwise.
- F. Burning shall be managed pursuant to Rule 316 B and C.
- G. Open burning of agricultural waste above 3,000 feet or agricultural burning above 6,000 feet shall be exempt from Sections A through F of this Rule.

10/23/81

Rule 306

Land Development Clearing. The District Air Pollution Control Board finds it more economically desirable to dispose of wood waste from trees, vines, and bushes on property being developed for commercial or residential purposes by burning instead of burial at a sanitary landfill. This material shall be allowed for disposal by burning under the following conditions:

- A. A valid permit shall be secured pursuant to Rule 312.
- B. Burning shall occur only on those days approved pursuant to Rule 313 and on property where waste was grown.
- C. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn. Wood waste shall be windrowed if economically and technically feasible.

10/23/81

Rule 307

Ditch and Road Maintenance. The use of open outdoor fires for right-of-way clearing by a public entity, or utility, or for levee, ditch, or reservoir maintenance shall be allowed under the following conditions:

- A. Burning shall occur only on those days approved pursuant to Rule 313.
- B. Material to be burned shall be dried pursuant to Rule 315, and stacked or otherwise arranged to promote combustion as specified by the Air Pollution Control Officer.

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Rule 308

Hazard Reduction.

- A. Wood waste from trees, vines, and bushes produced by vegetative clearance done in compliance with state and local law or ordinance to reduce a fire hazard shall be allowed for disposal by burning pursuant to the conditions of Rule 305.
- B. If a fire officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life, or property, or where other authorized officials determine that a health hazard exists or that there is an immediate need for disease or pest prevention, and that there is no alternative to burning, all other provisions of this Regulation shall be waived.

10/23/81

Rule 309

Fire Suppression and Training. Nothing in these Rules and Regulations shall be construed as limiting the authority of any public fire official granted under provisions of law to:

- A. Set or permit a fire when such fire is, in his opinion, necessary for the instruction of public employees, and/or volunteer firemen, or on property used for industrial purposes, employees in the methods of fighting fires.
- B. Set or cause to be set backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resources Code.

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Rule 310 Residential Maintenance. Nothing in these Rule and Regulations shall be construed as limiting the use of open outdoor fires for the burning of Residential Rubbish as defined in Rule 102.

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Rule 311 Recreational Activity. Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for recreational purposes, such as the cooking of food for human consumption.

10/23/81

Rule 312

Required Permit.

- A. No person required to comply with the provisions of this Rule shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the Air Pollution Control Officer or a designated agency.
- B. A permit shall not be issued to an applicant unless information is provided as required by the Air Pollution Control Officer, including:
 1. Name and address of applicant.
 2. Location of proposed burn.
 3. Acreage or estimated tonnage, and type of material to be burned.
 4. Any other information the District may deem pertinent.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import:
"THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- D. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.

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Rule 313

No Burn Day.

- A. No person required to comply with the provisions of this Rule shall knowingly set, or permit open outdoor fires on days when such burning is prohibited by the Air Resources Board, the Air Pollution Control Officer, or the fire agency with appropriate jurisdiction.
- B. The Air Pollution Control Officer may, by special permit, authorize the use of open outdoor fires on days designated by the Air Resources Board (of the Air Pollution Control Officer as "no burn days" if the denial of such permit would threaten imminent and substantial economic loss, and when downwind metropolitan areas are forecasted by the Air Resources Board to achieve the ambient air quality standards. The granting of such a special permit does not exempt the applicant from any other District, or fire control regulation.

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Rule 314

Burning Permits.

- A. The name, location, type, date, and amount of the material being burned shall be reported to the designated agency within 15 days following completion of the burn.
- B. The designated agency shall forward the above information to the Air Pollution Control Officer quarterly.

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Rule 315

Minimum Drying Times.

- A. To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:
 - 1. A minimum of three (3) days for green straw and stubble.
 - 2. Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
 - 3. A minimum of six (6) weeks for trees, stumps, and large branches greater than six (6) inches in diameter.
- B. The Air Pollution Control Officer may, by permit, authorize shorter drying times if the denial of such permit would threaten imminent and substantial economic loss.

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Rule 316

Burning Management.

- A. Material to be burned shall be arranged so that it will burn with a minimum of smoke and, except for large trees, only that amount that can reasonably be expected to completely burn within the following twenty-four (24) hours shall be ignited in any one day.
- B. All open outdoor fires shall be ignited only with approved ignition devices as defined in Rule 102, and the material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
- C. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.
- D. No material shall be burned unless it is free of tires, rubbish, tar paper, and construction debris; reasonably free of dirt, soil, and moisture; and loosely stacked in such a manner as to promote drying and insure combustion with a minimum of smoke.

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Rule 317

Mechanized Burners. The Air Pollution Control Officer may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- A. As dark or darker in shade as that designated No. 1 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 or greater than does smoke described in subsection A of this Rule.

In authorizing the operation of a mechanized burner, the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Rule.

4/17/80

Rule 514 Public Records and Trade Secrets

should read as
"specification"

- A. All information, analysis, plans or specifications that disclose the nature, extent, quantity or degree of air contaminants or other pollution which will be produced by any source which the District requires any applicant to provide before such applicant builds, alters, replaces, operates, sells, rents, or uses such source, are public records.
- B. All air quality or other pollution monitoring data, including data compiled from stationary sources, are public records. ^{should read as} "compiled"
- C. Except as otherwise provided in Section D. below, trade secrets are not public records under this Rule. Trade secrets, as used in this Rule, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production rate 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. The owner or operator shall state in writing his justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the Air Pollution Control Officer to readily identify the information requested.
- D. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Section C. above, are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

4/17/80

Rule 516 Upset and Breakdown Conditions.

A. Breakdown Procedure

1. The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition. Such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than two (2) hours after its detection during normal District business hours.
2. The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement followup, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
3. Upon receipt of notification pursuant to subsection B.1. above, the Air Pollution Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Air Pollution Control Officer determines that the occurrence does not constitute a breakdown condition, the Air Pollution Control Officer may take appropriate enforcement action, including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

B. Disposition of Short-Term Breakdown Conditions

1. An occurrence which constitutes a breakdown condition, and which persists longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and

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the following requirements are met:

- a. The owner or operator submits the notification required by subsection B.1. above; and
 - b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures within 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours. If the owner or operator elects to shut down rather than come into immediate compliance, he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 48 hour period; and
 - c. The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standard.
2. An occurrence which constitutes a breakdown condition shall not persist longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, unless the owner or operator has obtained an emergency variance.

C. Emergency Variance Procedures.

1. If the breakdown condition will require more than 48 hours to correct, except for continuous monitoring equipment for which the period shall be 96 hours, the owner or operator may, in lieu of shutdown, request the Air Pollution Control Officer to commence the emergency variance procedure set forth in subsection D.2. below.
2. Upon receipt of a request for an emergency variance, the Air Pollution Control Officer shall contact the chairperson of the Hearing Board, or their designated member(s) of the Hearing Board, who shall conduct deliberations for consideration of the request. The Air Pollution Control Officer shall inform the owner or operator of the source of such deliberation. During consideration of the emergency variance, the Air Pollution Control Officer shall recommend whether any emergency variance should be granted, and the owner or operator of the source shall be entitled to present relevant information or data applicable to the breakdown. The burden shall be on the owner or operator to establish that a breakdown condition exists. Thereafter, the chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. The chairperson or other designated member(s) shall,

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within five(5) working days, issue a written order confirming the decision, with appropriate findings.

3. No emergency variance shall be granted unless the chairperson or other designated member(s) determines that:
 - a. The occurrence constitutes a breakdown condition; and
 - b. Continued operation is not likely to create a nuisance, an immediate threat or hazard to public health or safety; and
 - c. The requirements for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met; and
 - d. The continued operation in a breakdown condition will no interfere with the attainment of maintenance of the national ambient air quality standards.
4. At any time after an emergency variance has been granted the Air Pollution Control Officer may request that the chairperson or designated member(s) reconsider and revoke, modify or further condition the variance if the Air Pollution Control Officer has good cause to believe that:
 - a. Continued operation is likely to create a nuisance, an immediate threat or hazard to public health or safety; or
 - b. The owner or operator is not complying with all applicable conditions of the variance; or
 - c. A breakdown condition no longer exists; or
 - d. Final compliance is not being accomplished as expeditiously as practicable.

The procedures set forth in Subsection D.2. above shall govern any proceedings conducted under this subsection.

5. An emergency variance shall remain in effect only for as long as necessary to repair or remedy the breakdown condition, but in no event after a regularly noticed hearing to consider an interim or 90 day variance has been held, or fifteen (15) days from the date of the subject occurrence, whichever is sooner.

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- D. Reporting Requirements. Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control Officer which includes:
1. A statement that the occurrence has been corrected together with the date of correction and proof of compliance; and
 2. A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control Officer to determine whether the occurrence was breakdown condition; and
 3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Air Pollution Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subsection; and
 4. An estimate of the quantity of or detailed description of emissions caused by the occurrence; and
 5. Pictures of the equipment or control which failed, if available.
- E. 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.
- F. Failure to Comply with Reporting Requirements. Any failure to comply, or comply in a timely manner, with the reporting requirement established in Subsection B.1. and E.1. through E.5. of this Rule shall constitute a separate violation of this Rule.
- G. 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.
- H. Hearing Board Standards and Guidelines. The Hearing Board shall adopt standards and guidelines consistent with this Rule to assist the chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny an emergency variance, and to assist the Air Pollution Control Officer in the enforcement of this Rule.