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REGULATION I.

GENERAL PROVISIONS

Rule 1.0 TITLE: Rules and Regulations Governing Air Pollution Control in Sutter County

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Rule 1.1 DEFINITIONS: Unless the context requires otherwise, a definition set forth in this regulation shall govern the construction of these rules and regulations, unless and until rules and regulations are adopted by the District Air Pollution Control Board which revises such definition.

- a. Agricultural Burning: "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops; raising of fowls, animals, or bees; forest management burning; range improvement burning; or the improvement of land for wildlife habitat, or disease or pest prevention.
- b. Agricultural Wastes: "Agricultural Wastes" are defined as unwanted or unsaleable material produced wholly from agricultural operations which are directly related to growing of crops, fowls, animals or bees for the primary purpose of making a profit or a livelihood. This would also include grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, and materials not produced wholly from such operations but which are intimately related to the growing or harvesting of crops, and which are used in the field. Example: empty fertilizer and pesticide sacks, bags or cartons.
- c. Agricultural Operations: The growing and harvesting of crops, including timber, or the raising of fowls, animals or bees, for the primary purpose of earning a living, or making a profit.
- d. Air Pollution Control Officer: The air pollution control officer of the Sutter County Air Pollution Control District, and his duly authorized representatives.
- e. Air Contaminant: Includes smoke, dust, charred paper, soot, grime, carbon, acids, fumes, gases, odors, or particulate matter, or any combination thereof.
- f. Approved Ignition Devices: "Approved Ignition Devices" includes those instruments or materials that will ignite open fires for agricultural burning without the production of black smoke by the ignition device.
- g. Alteration or Modification: 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.
- h. 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 emission into the building shall be considered to be an emission into the atmosphere.
- i. Board: "Board" means the Air Pollution Control Board of the Sutter County Air Pollution Control District.

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- j. Brush Treated: "Brush Treated" means that the material to be burned has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicide or is dead.
- k. Burn Day: A day as designated by the California Air Resources Board as permissible to allow open burning within designated districts or areas.
- l. Combustible or Flammable Waste: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass or dead animals, or any other combustible or flammable refuse matter which is in solid or liquid form.
- m. Combustion Contaminant: Particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- n. Condensed Fumes: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state.
- o. Designated Agency: "Designated Agency" means the public fire protection or other equivalent agency designated by the California Air Resources Board to issue permits for agricultural burning.
- p. District: "District" means Sutter County Air Pollution Control District.
- 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, etc.
- r. Emission: The passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant.
- s. Emission Point: The place at which an emission enters the atmosphere.
- t. Flue: Means any duct or passage for air, gases, or the like, such as a stack or chimney.
- u. Forest Management Burning: "Forest Management" burning means the use of open fires as part of a forest management practice to remove forest debris, and includes:
  - 1) Forest management practices, including hazard reduction;
  - 2) Timber operations; and,
  - 3) Silviculture and forest protection practices.
- v. Health and Safety Code: Health and Safety Code (H & S Code) means the Health and Safety Code of the State of California.
- w. Hearing Board: The appellate review board of the Sutter County Air Pollution Control District.
- x. Hearing Board Clerk: The Clerk of the Board of Supervisors of Sutter County is the ex-officio clerk of the hearing board.

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- 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. Installation: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- aa. 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, inter-connected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.
- bb. "No-Burn" Day: A "No-Burn" day means any day on which the California Air Resources Board or the District prohibits agricultural burning.
- cc. Open Fires, i.e.. Open Burning: Any combustion of solid waste outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.
- dd. Operation: Any physical action resulting in a change in the location or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.
- ee. Orchard or Citrus Heater: 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.
- ff. Owner: Includes but is not limited to, any person who leases, supervises or operates equipment in addition to the normal meaning of ownership.
- gg. Particulate Matter: Discrete atmospheric particles of solids or liquids, other than uncombined water, as distinguished from gases or vapors.
- hh. Person or Persons: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the State or any municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.
- ii. PPM: Parts per million by volume.

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- jj. Process Weight Per Hour: The total weight excluding water added for processing or air used in processing 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.
- kk. Range Improvement Burning: "Range Improvement" burning means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- ll. Representative Rice Straw Testing Sample: A composite sample of rice straw from under the mat and from the center of the mat. The samples are to be taken from various parts of the field.
- mm. Rice Straw Dryness Test Procedure: A representative rice straw sample is bent sharply at a minimum of a 90-degree angle. If the straw sample makes an audible cracking sound, it is considered dry enough for burning.
- nn. Rowed Rice Straw: Rice straw passing directly through the harvester discharge without being spread.
- oo. Section: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.
- pp. Solid Waste Dump: Any accumulation for the purpose of disposal of any solid waste.
- qq. Spread Rice Straw: Rice straw spread by means of a mechanical straw spreader attached to the discharge of the harvester that will insure even distribution of straw.
- rr. Source: A source is a point or source of emissions in a plant where an individual operation of one source would not affect the rest of the operation.

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ss. Source Operation: Means the last operation preceding the emission of an air contaminant which operation:

- 1) Results in the separation of the air contaminant from the process material, or in the conversion of the process material into air contaminants as in the case of combustion of fuel, and,
- 2) Is not an air pollution abatement operation,

tt. Standard Conditions: As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

uu. Standard Dry 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.

vv. Regulation. "Regulation" means one of the major subdivisions of the Rules and Regulations of the Sutter County Air Pollution Control District.

ww. Rule. "Rule" means a rule of the Sutter County Air Pollution Control District.

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Rule 1.2 VALIDITY: If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations, if for any reason is found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses or phrases be declared unconstitutional or invalid.

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Rule 1.3 EFFECTIVE DATE: These Rules and Regulations shall take effect on  
December 16, 1980 and supercede all previous Rules and Regulations  
governing air pollution control in Sutter County.



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- Rule 2.1 Exceptions to Rule 2.0: In accordance with Section 41801 of the California Health and Safety Code the provision of Rule 2.0, Open Fires does not apply to the following providing there are no prohibited materials burned as defined by Rule 2.9, Prohibited Burning, of these rules and regulations.
- a. Fires set by or authorized by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire, in the opinion of such officer is necessary
    - 1) For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means; or,
    - 2) For the instruction of public employees in the methods of fighting fires.
  - b. Open fires set pursuant to an open burning permit issued by the Air Pollution Control Officer as follows:
    - 1) On property used for industrial purposes for the purpose of instructing employees in methods of fighting fires.
    - 2) Agricultural operations in the growing of crops, or raising of fowls, animals and bees, including range, pasture and watershed improvement.
  - 3) Burning for disease or pest prevention where there is an immediate need for and no reasonable alternative to burning, as determined by the Sutter Yuba Health Dept. or the Sutter County Agricultural Commissioner.
    - a) Said determination to be in writing.
  - c. The burning of agricultural waste using equipment if the burning is performed with L.P. gas or natural gas fired burners designed and used to kill grasses and weeds in orchard and field crops.
    - 1) Providing the growth is such that combustion will not continue without the burner.
  - d. For the training and development of fire fighting skills of public fire fighting agency personnel.
  - e. As provided in Section 41806 of the California Health and Safety Code, nothing in these Rules and Regulations shall be construed to prohibit burning for the disposal of combustible or flammable solid waste developed from a single or two family dwelling and premises in accordance with the following:
    - 1) Burning is to be performed on the premises:
      - a) The premises for a single or two family dwelling shall not be considered occupying more than a two (2) acre area.

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- 2) Petroleum waste, demolition debris, tires, tar, metal salvage, wet garbage, dead animals, parts of animals or materials that produce offensive odors shall not be burned.
- f. As provided by Section 41807 of the California Health and Safety Code, nothing in these Rules and Regulations shall be construed to prohibit burning for right-of-way clearing by a public entity, utility or for levee and ditch maintenance.
- g. To abate fires pursuant to Section 41801 (e) of the California Health and Safety Code.
- h. For the production of smoke column as required by Section 2453 (a) of the California Administrative Code when applying specified types of restricted herbicides:
  - 1) Tires may be used for this purpose.
- i. Open outdoor fires for the purpose of cooking meals for human beings and recreational purposes as provided by Section 41704 (e) of the California Health and Safety Code, and open fires necessary to provide physical comfort
- j. Fires used in heating branding irons and as necessary in animal husbandry practices.

## FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

### RULE 2.2 APCO MAY ISSUE BURN PERMIT (Adopted 1/89)

The Air Pollution Control Officer is empowered to issue permits for open burning and burning on "No-Burn" days in accordance with these regulations.

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Rule 2.3 Burning on 'No-Burn' Days: In accordance with Section 41503 and 41854 of the California Health and Safety Code, it shall be unlawful for anyone to use open burning on a day designated as a 'no-burn' day as declared by the California Air Resources Board or the Sutter County District's Air Pollution Control Officer except as provided by Rule 2.2 and 2.4.

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- Rule 2.4 Exception to Rule 2.3: The provisions of Rule 2.3 do not apply to:
- a. Open burning authorized under permit of the Sutter County District Air Pollution Control Officer when the burning is necessary to:
    - 1) Prevent imminent and substantial economic loss in farming operations as provided by Section 41862 of the California Health and Safety Code.
      - a) The Air Pollution Control Officer shall comply with the provisions of the Sacramento Valley Air Basin Implementation Plan relative to open burning on a no-burn day.
  - b. Open burning for the purpose of cooking meals for human beings and recreational purposes as provided by Section 41704 (e) of the California Health and Safety Code, and open fires necessary to provide physical comfort
  - c. For the training and developing of fire fighting skills.
    - 1) The Air Pollution Control Officer shall be notified of the time and location of any such fire prior to igniting the fire.
  - d. Back-fires that are set as necessary to save lives or valuable property pursuant to Section 4426 of the Public Resources Code.
  - e. Fires necessary to abate hazards pursuant to Section 41801 (e) of the California Health and Safety Code.
  - f. Accidental fires which occur in areas and/or material declared to be a fire hazard in accordance with Section 41801 (a) of the Health and Safety Code and that the local fire agency allows to continue to burn under control in order to abate said hazard.
  - g. The use of orchard or citrus grove heaters for frost protection providing the heaters are of the type approved by the Air Resources Board.
  - h. Open Burning for disposal of burnable waste developed from a single or two family dwelling when generally authorized, district wide, by the Air Pollution Control Officer.
  - i. Agricultural Burning as authorized by Rule 2.1 (c).
  - j. During the period of January 1, through May 31, of each year, the Air Pollution Control Officer may under permit, authorize range improvement burning provided:
    - 1) More than 50% of the land has been brush treated.
    - 2) If for improvement of wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.
  - k. Fires used in heating branding iron and as necessary in animal husbandry practices.

## FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

### RULE 2.5 PERMIT REGULATIONS (Adopted 1/89)

#### **The following applies to open-burning permits:**

- a. No person shall knowingly set or permit an open fire for the purpose of agricultural burning or the burning of agricultural waste unless such person has a valid permit for open burning issued by the Air Pollution Control Officer or a designated agency.
- b. Open burning requiring an open-burning permit shall comply with the following:
  1. The applicant shall show that the proposed burn will not violate these Rules and Regulations.
  2. Application for open-burning permits shall be on a form approved by the Air Pollution Control Officer and applicable designated agency.
  3. Application must include the type of waste, and estimate of the amount of waste to be burned and the reason why the burn is necessary.
  4. The burning must be done on the day or days designated by the issuing agency providing said day is a burn day and the burning is in compliance with any restrictions or conditions imposed as a condition of the permit.
- c. Open burning permits issued by designated agencies are limited to the following:
  1. Agricultural burning within their service areas on burn days:
  2. Open burning for the purpose of training in fire fighting providing the Air Pollution Control Officer is notified prior to igniting the fire.
- d. Other than as provided in Section "c" above, all open burning permits are to be issued by the Air Pollution Control Officer or his authorized representative.
- e. Prior to doing any Agricultural Burning the permittee shall receive permission to burn from the Air Pollution Control Office.

The following information is to be provided:

  1. Amount of waste to be burned;
  2. Type of waste to be burned;
  3. Location of burn site;
  4. Burning permit number or the name of the person who has a valid burning permit covering the burn.
- f. All open fires requiring a permit for open burning should be ignited by approved ignition devices.
- g. When the reported amount of agricultural waste being burned amounts to the burning allocation to the Air Pollution Control District, the Air Pollution Control Officer may deny any further burning.
- h. When the Air Pollution Control Officer determines that air quality may be adversely affected, the acreage allocation may be limited or the APCO may declare a No-Burn day.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.6 BURNING HOURS (Adopted 1/89)

Burning hours shall be set by the Air Pollution Control Officer with the approval of the Air Pollution Advisory Committee and the Fire Marshall. Fire Districts shall post copies of burning hours where fire permits are issued.

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Rule 2.7 Agricultural Burning Requirement: In addition to complying with other stated burning regulations, no person shall knowingly set or permit an open fire for agricultural burning or burning of agricultural waste that:

- a. Is not free of other wastes such as tires, rubbish, tar paper or construction debris;
- b. Is not reasonably free of dirt, soil and visible soil moisture;
- c. Is not arranged so that it will burn with a minimum of smoke;
- d. Has not been dried for the minimum drying periods as follows:
  - 1) Rice straw:
    - a) No spread rice straw shall be burned prior to a three (3) day drying time after cutting;
    - b) No rowed rice straw shall be burned prior to a ten (10) day drying period after cutting;
    - c) Subsections a) and b) above do not apply if the rice straw meets the rice straw dryness test just prior to burning;
    - d) After a rain exceeding fifteen hundredths (.15) of an inch, the rice straw shall not be burned until it meets the rice straw dryness test just prior to burning.
  - 2) A minimum of thirty (30) days for trees, stumps and large branches greater than six (6) inches in diameter.
  - 3) Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.
  - 4) The Air Pollution Control Officer may by permit, authorize agricultural burning with less drying time, as required by these Rules and Regulations, if the denial of such permit would threaten imminent and substantial economic loss.
- e. Is ignited by a means other than with approved ignition devices.
- f. Does not conform with the following burning technique when burning barley, milo, oats, rice and wheat stubble or crop residue:
  - 1) All such fields shall be ignited in such a manner so that the resulting fire will be burning directly or obliquely into the wind as is commonly referred to as back-firing; or,
  - 2) By igniting strips into the wind; or,
  - 3) By using both back-firing and strip-firing techniques.
- g. If, for any reason, it becomes likely that wastes from more than 10 percent of the total acreage within the district of the largest agricultural crop will be burned on any one day, the Control Officer

shall restrict the acreage of stubble  
or other wastes to be burned under permit to that acreage allocated to  
the agency by the Control Officer.



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- h. During the period of October 1 through November 15, of each year exceeds the daily agricultural burn acreage allotment as determined by the Sacramento Valley Air Basin Control Council in guidelines established prior to September 15 of each year.
  - 1) No field crop acreage which was harvested prior to September 10th shall be burned during the period of October 1 Through November 15th of the harvest year, unless written authority is given by the Air Pollution Control Officer. In granting such written authority, the Air Pollution Control Officer shall do so only in accordance with the applicable provisions of the Sacramento Valley Air Basin Implementation Plan.
- i. Exceeds burning limitation placed on each permittee by the Air Pollution Control Officer in order to comply with Section "g" and "h" above.
  - 1) The Air Pollution Control Officer shall place acreage limitations on permittees such as to allow as many permittees as is practical to burn on that day without exceeding the burning limitations.
  - 2) Allocation of burning will be based on procedures established by the Air Pollution Control Officer.

## FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

### RULE 2.8 RANGE IMPROVEMENT AND PROPERTY BEING DEVELOPED FOR COMMERCIAL OR RESIDENTIAL PURPOSES (Adopted 1/89)

When burning for the purpose of range improvement and disposing of wood waste from property being developed for commercial or residential purposes, the following applies:

- a. All burning to be done on days which the air movement is away from the populated areas unless a variance is first obtained from the District Air Pollution Control Officer.
  1. Burning shall be done as rapidly as practical within applicable fire control restrictions.
- b. If the burn is to be done primarily for improvement of land for wildlife and game habitat, it is required that a statement from the Department of Fish and Game, certifying that the burn is desirable and proper, be filed with the District in accordance with Section 41861, of the California Health and Safety Code.
- c. In accordance with Section 41802, 41804, and 41805 of the California Health and Safety Code, wood waste shall be burned on the property where grown and shall be free of material that was not grown on the property.
- d. When burning wood waste from property being developed for commercial or residential purposes, the developer has the burden of proving that there is no other feasible and reasonable means of disposal.
  1. Permits for this type of burning must be obtained from the Air Pollution Control Officer.
  2. Under no circumstances can this type of burning be allowed on a "No-Burn" day.
- e. Range improvement burning and burning of waste developed from property being developed for commercial or residential purposes must be "brush treated" prior to burning.
  1. For a period of six (6) months when by herbicide desiccation and left standing.
  2. For a period of thirty (30) days when felled, crushed or up rooted with mechanical equipment.

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Rule 2.9 Prohibited Burning: Nothing in these Rules and Regulations shall be construed to permit the burning of tires, petroleum waste, tar or tar paper or other waste that contains these prohibited materials except as allowed under Rule 2.1, subsection "h".

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### RULE 2.10 EXCEPTIONS (Adopted 1/89)

It is permissible to burn empty sacks, bags, or cartons which contained fertilizer, pesticides or other toxic materials on a "No-Burn" day providing the sacks, bags or cartons are within the definition of open, outdoor fires used in agricultural operations in the growing of crops or raising of fowls, animals or bees.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.11 FIRE PREVENTION (Adopted 1/89)

Nothing in these Rules and Regulations is intended to permit open burning on days when such burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

## FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

### RULE 2.12 DESIGNATED AGENCIES (Adopted 1/89)

The following Sutter County Fire Prevention Agencies or Officials are designated to grant permits for burning of agricultural wastes within the boundaries of their respective District:

1. *Walton Fire District*
2. *Yuba City Fire Dept.*
3. *Live Oak Fire Dept.*
4. *Meridian Fire Dept.*
5. *Sutter Fire Department*
6. *Pleasant Grove Fire Dept.*
7. *Oswald Tudor Fire Dept.*
8. *East Nicolaus Fire Dept.*
9. *Robbins Fire Dept.*

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Rule 2.14 Reduction of Odorous Matter.

(a) A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of or the processing of animal matter, agricultural material, etc., unless all gases, vapor and gas entrained effluents which contain odorous material are: (1) incinerated with adequate retention times at high temperatures to insure effective air pollution control; (2) 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 (1) above.

(b) 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 permit to construct or to operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

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

(d) 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 2.15 ORCHARD AND CITRUS HEATERS (Adopted 1/89)

In accordance with Section 41860 of the California Health and Safety Code, no orchard or citrus heater shall be used for frost protection unless it has been approved by the Air Resource Board or does not produce more than one gram per minute of solid carbonaceous material.



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Rule 2.16 Cost of Putting out a Fire: As provided by Section 41852 of the California Health and Safety Code, any agricultural burning that is in violation of the Rules and Regulations is subject to being put out by any fire control agency when so ordered by the Air Pollution Control Officer. The cost of putting out the fire may be charged to the person or persons responsible for the fire.

a. This provision is in addition to any other penalties that are authorized by Section 42400 through 42401 of the California Health and Safety Code and provisions of these Rules and Regulations.

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**Rule 2.82 Open Burning of Waste Wood on Property Where Grown.** Notwithstanding the provisions of Rule 2.8 of these Rules, open outdoor fires for the purpose of disposal of unusable wood waste upon the property where it was grown may be authorized by the Air Pollution Control Officer under the following conditions:

(a) That such burning shall comply in every respect to the requirements of Sections 41802 and 41804 of the California Health and Safety Code.

(b) That such burning shall comply in every respect to the applicable requirement of Title 17, California Administrative Code, pertaining to Agricultural, Range Improvement, and Forest Management Burning. (except that wood waste created during commercial or residential land clearing may also be burned on the property where it was grown.)

(c) That a permit for such burning shall have been issued by the Air Pollution Control Officer in advance.

(1) No such permit shall be issued unless the following conditions have been satisfied by the the applicant:

(a) Satisfactory evidence has been submitted by the applicant to prove the following:

(1) That the proposed burn shall not create a nuisance.

(2) That the proposed burn shall not significantly degrade the ambient air quality.

(3) That the proposed burn shall not result in the risk of fire damage to nearby lands or structures, and shall be approved by the Fire Agency having jurisdiction.

(4) That only approved ignition devices will be used.

(b) The moisture content of the wood waste shall be low enough to insure clean burning.

(c)

(1) The wood waste shall be free of dirt, mud and soil.

(2) The wood waste shall be free of foreign materials such as tires, tar, plastics, demolition debris, etc.

(3) The wood waste shall be stacked or piled so as to insure quick ignition and clean, efficient burning.

(4) Unwanted trees, six inches or larger, shall be felled and dried before burning.

(d) When the wood waste to be burned is located near a populated area the wind direction shall be away from the populated area before burning the wood waste.

(e) Brush should be treated at least six months prior to burning when economical and technically feasible.

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(f) That the burning is done only on permissive burn days as established by the Air Resources Board.

(g) That the burn be ignited as rapidly as practicable within applicable fire control regulations.

(2) The application for a permit to open burn wood waste shall include the following information:

(a) The site where the burning is to occur.

(b) The amount of material and duration of the burning operation.

(c) The name, address, and phone number of the person directly responsible for the preparation and actual burning of the wood waste.

(d) The name, address, and phone number of persons owning or controlling the property where the wood waste is to be burned. (if different from that in (c) above.)

(d) Should it be deemed necessary, for the preservation of acceptable air quality at the Air Resources Board or the Air Pollution Control Officer, quotas for the amount of wood waste that may be burned on any given day may be imposed. The following shall apply in this regard.

(1) The permittee shall, prior to burning, establish from the Air Pollution Control District that the day's quota will allow the open burning of his proposed amount of wood waste, and shall receive verbal authorization from the Air Pollution Control District for his proposed burn.

(2) Authorization for burning on quota days shall be given on a first-come first-served basis.

(3) Any permit issued pursuant to these criteria shall be void on any quota day, unless approval for the proposed burn is given to the permittee by the Air Pollution Control District on that said quota day.

(e) Permits for the openburning of wood waste issued pursuant to the provisions of these criteria shall, in addition to any other required wording, include the following statements or other suitable, similar verbage:

"This Permit is valid only on permissive burn days as established by the State Air Resources Board."

In the event that burning quota are enforced, the following wording on similar verbage shall also be included on the Burn Permit:

"This Permit is valid only on those days authorized by the Air Pollution Control District under open burning quota limitations."

(f) Violation of any of the provisions of these criteria shall void any permit issued pursuant to these criteria.

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- Rule 3.1 Exceptions to Rule 3.0: In accordance with Section 41704 of the California Health and Safety Code, nothing in Rule 3.0 shall be construed to prohibit:
- a. Open burning as authorized under Rule 2.1;
  - b. The use of orchard and citrus grove heaters which are in compliance with Rule 2.15;
  - c. Emissions resulting from food preparation, heating or comfort fires in single or two-family dwellings, providing prohibited materials as outlined in Rule 2.9 of these Rules and Regulations, are not burned.

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Rule 3.3 Dust and Fumes: A person shall not discharge in any one hour from any source whatsoever, except as provided by Rule 3.1, section a and c of these Rules and Regulations, dust or fumes in total quantities in excess of the amounts shown in the following table:

To use the following table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example; if "A" has a process which emits contaminants into the atmosphere and which process takes four (4) hours to complete, he will divide the weight of all materials in the specific process, in this example, 2,400 lbs., by '4', giving a process weight per hour of 600 lbs. The table shows that "A" may not discharge more than 1.83 lbs., in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

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$$E = 4.10 p^{0.67}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = (55.0 p^{0.11}) - 40$$

E = Rate of emission in pounds/hour;

p = Process weight rate in tons/hour.

ALLOWABLE RATE OF EMISSION BASED ON  
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb. Hr.	Tons Hr.	Lb. Hr.	Lb. Hr.	Tons Hr.	Lb. Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.70	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	180,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Table for Rule 3.3

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- Rule 3.6 Sand Blasting: All sand blasting must be in compliance with the following:
- a. Performed under permit issued by the Air Pollution Control Officer.
    - 1) The Air Pollution Control Officer may impose permit conditions necessary to protect the health, safety and welfare, of the citizens of Sutter County.
  - b. All sand blasting shall be in accordance with regulations promulgated by the California Air Resources Board pursuant to Article 4 (Commencing with Section 41900) of Chapter 3 of Part 4 of Division 26 of the California Health and Safety Code.

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Rule 3.9 Incinerator Burning. Except for the burning of residential rubbish, a person shall not burn any combustible refuse within the boundaries of the Sutter County Air Pollution Control District, except in a multiple chamber incinerator or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.



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Rule 3.11 Posting of Permit. A person who has been granted under these Rules and Regulations a permit to operate any article, machine, equipment, or other contrivance, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

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Rule 3.12 Organic Solvents:

- a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge had been reduced by at least 85 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance, with this Section.
- b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Section 'a' of this Rule, for employing, or applying, any photochemically reactive solvent, as defined in Section '1' of this Rule, or material containing such photochemically reactive solvent unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 'a' of this Rule shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance with this Section.

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- c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour from any article, machine, equipment or other contrivance in which any photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal of any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, or heat-polymerizing as described in Section 'a' of this Rule, shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this Section shall be collectively subject to compliance with this Section.
- d. A person shall not sell or offer for sale for use in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- e. A person shall not employ, apply, evaporate or dry any architectural coating purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- f. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Section '1' of this Rule.
- g. For the purpose of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances or industrial buildings.
- h. A person shall not, during any one day dispose of a total of more than  $1\frac{1}{2}$  gallons of any photochemically reactive solvent, as defined in Section '1' of this Rule, or of any material containing more than  $1\frac{1}{2}$  gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.
- i. Emissions of organic materials into the atmosphere from the clean-up with photochemically reactive solvent, as defined in Section '1' of this Rule of any article, machine, equipment or other contrivances described in Sections 'a', 'b' or 'c', of this Rule, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivances for determining compliance with this Rule.
- j. Emissions of organic materials into the atmosphere required to be controlled by Section 'a', 'b' or 'c', of this Rule, shall be reduced by:
  - 1) Incineration, provided that 90 per cent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or,
  - 2) Adsorption; or,
  - 3) Processing in a manner determined to be not less effective than '1', or '2', above.
- k. For the purposes of this Rule, organic solvents include dilutents and thinners and are defined as organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220 degrees Fahrenheit at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees Fahrenheit.

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1. For the purpose of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 per cent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:
  - 1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having a olefinic or cycle-olefinic type of unsaturation: 5 per cent;
  - 2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 per cent;
  - 3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 per cent.

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

- m. For the purpose of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- n. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in an Authorization to Construct or a Permit to Operate, or as specified by an Air Pollution Control Officer for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.
- o. Any person using organic solvents or any materials containing organic solvents shall supply written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.
- p. The provisions of this Rule shall not apply to:
  - 1) The manufacture of organic solvents or the transport or storage of organic solvents or materials containing organic solvents;
  - 2) The spraying or other employment of insecticides, pesticides or herbicides;
  - 3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene;
  - 4) The use of any material in any article, machine, equipment or other contrivance described in Section 'a', 'b', 'c', or 'i', of this Rule, if:
    - a) The volatile content of such material consists only of water and organic solvents; and,
    - b) The organic solvents comprise not more than 20 per cent by volume of said volatile content; and,
    - c) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
    - d) The organic solvent or any material containing organic solvent does not come into contact with flame.
  - 5) The use of any material in any article, machine, equipment or other contrivance described in Sections 'a', 'b', 'c', or 'i', of this Rule, if:
    - a) The organic solvent content of such material does not exceed 20 per cent by volume of said material; and,
    - b) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
    - c) The organic solvent or any material containing organic solvent does not come into contact with flame.

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- 6) The use of equipment for which other requirements are specified by or which are exempt from air pollution control requirements by said Prohibitions.
- 7) In addition to other restrictions contained in these regulations:
  - a) A person shall not use, in any dry-cleaning operation, organic solvents containing 4 per cent or more by volume of any photochemically reactive organic material as defined in Section 'l', of this Rule, unless the emissions of the discharged organics are reduced by 90 per cent or more by use of any of the methods described in Section 'j', of this Rule.
  - b) A person shall not discharge into the atmosphere any organic materials from surface degreasing operations unless they are either reduced by at least 85 per cent, or unless such materials are not photochemically reactive as defined in Section 'l', of this Rule.
  - c) A person shall not manufacture nor use any photochemically reactive solvent as defined in Section 'l' of this Rule for the purpose of thinning or diluting any metal surface coating.

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3.15 Architectural Coatings:

a. Definitions:

- 1) Architectural Coatings: For the purpose of this rule, an architectural coating is defined as any coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- 2) Bituminous Coatings Materials: Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.
- 3) Fire Retardant Coatings: Architectural coatings which are designed to retard fires and which will significantly:
  - a) Reduce the rate of flame spread on the surface of a material to which such a coating has been applied, or,
  - b) Resist ignition when exposed to high temperatures, or,
  - c) Insulate a substrate to which such a coating has been applied and prolong the time required to reach ignition temperature.
- 4) Graphic Arts Coatings: Coatings which are marketed solely for application to indoor and outdoor signs and include lettering enamels, poster colors and bulletin colors.
- 5) Industrial Maintenance Finishes: High performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical corrosion, temperature, electrical or solvent resistance.

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- 6) Metallic Pigmented Paints: Non-bituminous coatings which are formulated with metallic pigment.
  - 7) Opaque Stains: All stains that are not classified as semitransparent stains.
  - 8) Primers: Coatings which are intended to be applied to a surface to provide a firm bond between the substrate and subsequent coats.
  - 9) Sealers: Coatings which are intended for use on porous substrates to protect the substrate, to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.
  - 10) Semitransparent Stains: Coatings which are formulated to change the color of a surface but not conceal the surface.
  - 11) Tile-like Glaze Coatings: Coatings which are formulated to provide a tough, extra-durable coating system, which are applied as a continuous (seamless) high-build film and which cure to a hard-glaze finish.
  - 12) Undercoaters: Coatings which are designed to provide a smooth surface for subsequent coats.
  - 13) Varnishes, Lacquers, and Shellacs: Coatings which contain resins and binders but not opaque pigments and which are specifically formulated to form a transparent or translucent solid protective film.
  - 14) Waterproofing Coating: Coatings which are formulated for the sole purpose of preventing penetration of the substrate by water. These coatings include, but are not limited to, bituminous roof and resilient type coatings.
  - 15) Wood Preservatives: Coatings which are formulated for the purpose of protecting exposed wood from decay and insect attack. These coatings perform their function by penetrating into the wood.
- b. No person shall sell, offer for sale, or apply any architectural coating manufactured after July 26, 1980 which:
- 1) Contains more than 250 grams of volatile organic material per liter of coating as applied, excluding water, except as provided in subsection b of this section.
  - 2) Contains more than 350 grams of volatile organic material per liter of coating as applied, excluding water, and is recommended solely for use on interior surfaces. Interior coatings manufactured after July 26, 1982 may not contain more than 250 grams of volatile organic material per liter of coating as applied, excluding water.
  - 3) Is recommended for use as a bituminous pavement sealer unless it is an emulsion type coating.
- c. The provision of Section b. of this rule shall not apply to architectural coatings sold in this district for shipment outside of this district or for shipment to other manufacturers for repackaging.
- d. The provisions of Section b. of this rule shall not apply to coatings manufactured prior to July 26, 1981 by a Small Business.
- 1) A "Small Business" for the purposes of this rule means any business which in 1976 sold less than 200,000 gallons of paints and coatings.
    - a) A business shall not qualify for this exemption if it would not be considered a Small Business, as defined in Subsection (1) of Section 1896 of Title 2 of the California Administrative Code.
    - b) A business shall not qualify for this exemption if its total annual sales volume of paints and coatings which would otherwise be subject to this rule exceeds by more than 10 per cent the business's total sales volume of such coatings in calendar year 1976.

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- 2) To qualify for a Small Business exemption, a company requesting such exemption shall file a request in writing with the Air Pollution Control Officer. The company shall provide the Air Pollution Control Officer any necessary information including, but not limited to: (i) total volume (in gallons) of paints and coatings sold in 1976; (ii) the number of persons employed by the company; (iii) the gross sales receipts (in dollars) for 1976; and (iv) total annual sales volume of paints and coatings in 1976 and any subsequent year which would otherwise be subject to this rule. Other information necessary to document that the business is not an affiliate of another business concern which would not be considered a Small Business for the purposes of this rule shall also be provided to the Air Pollution Control Officer.

The Air Pollution Control Officer after considering information submitted by the business concern shall determine whether such concern qualifies as a Small Business as defined in Subsection a. of this section and shall inform the business concern of this determination in writing.

- e. The provisions of this rule shall not apply to the following coatings manufactured prior to July 26, 1984:
  - 1) Architectural coatings supplied in containers having capacities of one liter or less;
  - 2) Traffic coatings applied to public streets and highways; however, this exemption shall not extend to traffic coatings applied to other surfaces, including, but not limited to curbs, berms, driveways and parking lots.
  - 3) Architectural coatings recommended by the manufacturer for use solely as a:
    - a) Varnish, lacquer, or shellac
    - b) Semi-transparent stain
    - c) Opaque stain on bare redwood, cedar, mahogany, and douglas fir
    - d) Primer, sealer, or undercoater
    - e) Wood preservative
    - f) Fire retardant coating
    - g) Tile-like glaze coating
    - h) Waterproofing coating, except bituminous pavement sealers
    - i) Industrial maintenance finish
    - j) Metallic pigmented coatings
    - k) Swimming pool coating
    - l) Graphic arts coatings
- f. Identification of Coatings: Containers for all coatings subject to Section b. shall display the date of manufacture of the contents or a code indicating the dates of manufacture. The manufacturers of such coatings shall file with the Air Pollution Control Officer and the Executive Officer of the California Air Resources Board prior to (one year from date of adoption) an explanation of each code.
- g. Labeling of Coating:
  - 1) If anywhere on the coating container, on any sticker or label affixed thereto, or in any sales or advertising literature, any indication is given that the coating may be used or is suitable for use for any purpose other than those specifically provided for in Section e. of this rule, then the exemption provided for in said Section e. shall not apply to that coating.
  - 2) In any instance where more than one of the standards set forth in Section b. of this rule may be applicable, the most restrictive standard shall apply.



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Rule 4.2 Existing Emission Sources: No person shall operate any article, machine equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, without obtaining a permit from the Air Pollution Control Officer, after one year following the effective date of these Rules and Regulations or after such later time as may be fixed for good cause shown by the Hearing Board.

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- 4.3 Exemptions from Permit: (New and existing operations) An Authorization to Construct or Permit to Operate shall not be required for:
- a. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicles that would otherwise require a permit under the provisions of these Rules and Regulations.
  - b. Vehicles used to transport passengers or freight.
  - c. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.
  - d. The following equipment:
    - 1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment;
    - 2) Refrigeration units except those used, as, or in conjunction with air pollution control equipment;
    - 3) Water-cooling towers and water-cooling ponds not used for evaporative cooling or process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers.
    - 4) Equipment used exclusively for steam cleaning;
    - 5) Presses used exclusively for extruding metals, minerals, plastics or waxes;
    - 6) Residential incinerators when used for burning of paper or leaves.
  - e. Space heaters.
  - f. Equipment used in eating establishments for the purpose of preparing food for human consumption.
  - g. Self-propelled mobile construction equipment other than pavement burners.
  - h. Other sources of minor significance specified by the Air Pollution Control Officer.
  - i. Agricultural implements used in agricultural operations.

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e 4.4 Standards for Granting Applications:

- a. Before Authorization to Construct or Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine equipment or other contrivance described in the Authorization to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.
- b. In acting upon an application for 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 Authorization to Construct, he shall deny the Permit to Operate. The air pollution control officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance is in accordance with the Authorization to Construct.
- c. The fact that an Authorization to Construct or modify or a Permit to Operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm, or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

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Rule 4.6 Permits, Daily Limits. Before granting a permit to burn, the designated agency shall contact the Air Pollution Control Officer and determine whether permits have been authorized in excess of the daily limit on burning. If the daily limit is not exceeded thereby, the designated agency shall grant the permit and report the number of acres of stubble or tons of other agricultural wastes for which the permit is granted to the Air Pollution Control Officer.

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- Rule 4.8 Public Information: Before acting on an application for Authorization to Construct or Permit to Operate, the air pollution control officer may require the applicant to furnish full information including any plans or specifications. The air pollution control officer shall, when requested make available to the public for examination all information and data compiled by or submitted to him in accordance with Section 6254.7 of the Government Code.
- a. In accordance with Section III, of the California Business and Professions Code, the information specified by the applicant as trade secrets shall not be considered public information and the Air Pollution Control Officer shall maintain the confidentiality of such information.

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Rule 4.11 Range Improvement Burning

- (a) Burning shall only be those days declared as burn days by the Air Resources Board except if it is otherwise authorized by the Air Pollution Control Officer.
- (b) No person shall knowingly set or permit an open outdoor fire for range improvement burning that is not free from other wastes such as tires, rubbish, tarpaper, plastics or construction debris.
- (c) Fires will be ignited with approved ignition devices only.
- (d) Should it be deemed necessary, for the preservation of acceptable air quality, by the Air Resources Board or the Air Pollution Control Office quotas for the acreage of range that may be burned on any given day may be imposed. The following shall apply in this regard.
  1. The Permittee shall, prior to burning, establish from the Air Pollution Control District that the day's quota will allow the open burning of his proposed acreage of range, and shall receive verbal authorization from the Air Pollution Control District for his proposed burn.
  2. Authorization for burning on quota days shall be given on a first-come first-serve basis.
  3. Any Permit issued pursuant to these criteria shall be void on any quota day, unless approval for the proposed burn is given to the Permittee by the Air Pollution Control District on that said quota day.
- (e) The burn shall be ignited as rapidly as practicable within applicable fire control restriction.
- (f) The wind direction at time of burn must be away from any populated area.
- (g) All brush must be treated at least six months prior to the burn if it is economically and technically feasible.
- (h) All unwanted trees over six inches in diameter must be felled and dried a minimum of 30 days prior to burning.
- (i) If the burn is done primarily for improvement of land for wildlife and game habitat, the applicant must file a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

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Rule 4.12 Implementation Plans: The Air Pollution Control Officer may issue a permit to construct for a new stationary source or modification which is subject to Section . of Rule 4.6 only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with that plan.

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Rule 4.14 Posting of Permit: A person who has been granted under these Rules and Regulations a permit to operate any article, machine, equipment or other contrivance, shall firmly affix such permit to operate, any approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.



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Rule 4.15 Transfer of Permit: Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one locati to another, from one piece of equipment to another, or from one person to another.