

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

**REGULATION II - PROHIBITIONS - OPENING BURNING
YUBA COUNTY**

RULE 2.0 OPEN FIRES (Adopted 1/89)

In accordance with sections 41700 and 41800 of the California Health and Safety Code no person shall set or authorize the setting of open fires except as authorized by these Rules and Regulations.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.2 AIR POLLUTION CONTROL OFFICER 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.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.3 BURNING ON 'NO BURN' DAYS (Adopted 1/89)

In accordance with Sections 41508 and 41584 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 Yuba County Districts's Air Pollution Control Officer except as provided by Rules 2.1e, 2.2, 2.4 and 2.10.

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 Fire Service 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 or open-burning permits shall be on a form approved by the Air Pollution Control Officer and applicable Forest Service 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 Fire Control agencies for air pollution control purposes are limited to the following:
 - a. Agricultural burning within their service areas on burn days;
 - b. 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 must first call the Air Pollution Control Office and obtain an Agricultural Burning Allocation. If no allocations are available it is a no-burn day for that permittee.
 1. On weekend and holidays call the Burn-Day Information recording. If it states that it is an agricultural burn day then proceed with desired burn. Then on the first work day of the Air Pollution Control Office, call and report to same what burning took place.
 2. If recording states its a no-burn day for agriculture then no agricultural burning is allowed.
 3. When requesting a burning allocation or reporting acreage burned provide the following information:
 - a. Amount of waste or acreage.
 - b. Type of crop to be burned.
 - c. Location of burn site.
 - d. Burning permit number or name of permittee.
- 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 quota as provided by Rule 2.7 (g), the Air Pollution Control Officer may deny any further burning.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.6 BURNING HOURS (Adopted 1/89)

Burning hours for the Yuba County Air Pollution Control District are as follows:

- a. Agricultural Burning:
 1. From September 15th to November 30th, 10:00 a.m. to 3:00 p.m.
 2. All other times of the year from 10:00 a.m. to 5:00 p.m.
- b. All other open burning from 9:00 a.m. to 3:00 p.m.
- c. The following conditions and exceptions apply to all open burning except as otherwise authorized elsewhere in these Rules and Regulations:
 1. No open fire shall be ignited before or after applicable burning hours.
 2. Unless otherwise restricted by these Rules and Regulations existing fires with existing fuel may be allowed to continue after burning hours unless:
 - a. Creates a public nuisance as determined by the Air Pollution Control Officer.
 - b. Threatens the public health, safety and welfare as determined by the Air Pollution Control Officer, public fire agency, or Yuba County Health Officer.
 3. When within the areas of the District that are under the jurisdiction of the California State Division of Forestry or the United States Forest Service the following applies:
 - a. open burning shall be done in accordance with the regulations or orders of said agencies relative to burning hours and other fire control requirements.
 - b. During the period of time that said agencies do not impose burn-hour regulations, all burning is to be in compliance with Yuba County Air Pollution Control District Rules and Regulations.
 - c. Within Forest service areas that are primarily agricultural and contiguous with farming operations in the valley floor, agricultural burning shall be in compliance with Yuba County Air Pollution Control District Rules and Regulations.
 4. In the burning of orchard removals and orchard prunings, once a good base fire has been established in accordance with these rules and regulations, additional fuel may continue to be added until the burning operation is complete or until 10:00 p.m. which ever occurs first.
 - a. The existing burning fuel may then be allowed to continue burning to its completion.
 5. Open fires authorized and under permit of the Air Pollution Control Officer when said Officer determines that it is necessary for the protection of the public health, safety and welfare to allow burning at other times.
 - a. Must have statement from the Yuba County Health Officer or the Yuba County Fire Agency having geographic jurisdiction attesting to the need for such burning.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.7 AGRICULTURAL BURNING REQUIREMENT (Adopted 1/89)

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. Items 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 device.
- 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. At anytime causes the aggregate of the acreage of all crops burned in the district on any single day to exceed the daily Agricultural Burning Allotment. Agricultural Burning Allotment is determined by the Sacramento Valley Air Basin Control Council according to guidelines they establish on a yearly basis.
 1. Agricultural Burning Allotments will be awarded on a first come basis except during the Fall Agricultural Burning Program when that program shall be followed.
 2. Agricultural Burning Allotments are valid only on the day issued.
- h. Is in conflict with or in violation of written procedures for issuance of Agricultural Burning Allotments during the Fall Agricultural Burning Program, as developed by the District Air Pollution Control Officer and adopted by the District Air Pollution Control Board.
 1. Issuance of daily agricultural burning allotments shall be covered by these procedures.
 2. Copies of these procedures shall be made available, upon request, to holders of agricultural burning permits.
- i. Exceeds agricultural burning allotments given to each permittee by the Air Pollution Control Officer, in order to comply with sections "g" and "h" above.
- j. Has not been issued an agricultural burning allotment except as authorized by Rule 2.5(e).
 1. No field crop acreage which was harvested prior to September 10th shall be burned during the Fall Agricultural Burning Program except as authorized by said program.
 2. No non-agricultural burning will be authorized during the Fall Agricultural Burning Program unless all burning allocations for the day have not been used.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

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 Resources Board or does not produce more than one gram per minute of solid carbonaceous material.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

RULE 2.16 COST OF PUTTING OUT A FIRE (Adopted 1/89)

As provided by Section 41852 of the California Health and Safety Code, any agricultural burning that is in violation of these 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, persons, business, firm or corporation responsible for the fire.

- a. This provision is in addition to any other penalties that are authorized by Section 42400 through 42404 of the California Health and Safety Code and provisions of these Rules and Regulations.

REGULATION I.

10/15/79

GENERAL PROVISIONS

Rule 1. TITLE: Rules and Regulations Governing Air Pollution Control in Yuba County.

10/16/85

- 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 Office: The air pollution control officer of the Yuba 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.

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- 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 Yuba County Air Pollution Control District.
- 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.
- k. Burn Day: A day 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 state.
- 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 Yuba County Air Pollution Control District.
- q. Dust: Minute solid particles released in 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. Fall Agricultural Burning Program: Regulations and procedures developed by the District Air Pollution Control Officer and adopted by the District Air Pollution Board, governing agricultural burning from September 15th through November 30th of each year.

10/16/85

- v. 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.
- w. Health and Safety Code: Health and Safety Code (H & S Code) means the Health and Safety Code of the State of California.
- x. Hearing Board: The appellate review board of the Yuba County Air Pollution Control district.
- y. Hearing Board Clerk: The Clerk of the Board of Supervisors of Yuba County is the ex-officio clerk of the hearing board.
- z. 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.
- aa. 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.
- bb. Inversion layer: That point in the atmosphere at which there is no, or very little vertical mixing or movement of air between the area above and below said point.
- 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, inter-connected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.
- dd. "No-Burn" Day: A "No-Burn" day means any day on which the California Air Resources Board prohibits agricultural burning or the District prohibits open burning.
- ee. Open Fires, i.e., Open Burning: Any combustion of solid waste outdoors, in the open, not in an enclosure, where the products of combustion are not directed through a flue.
- ff. 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.
- gg. 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.

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- hh. Owner: Includes but is not limited to, any person who leases, supervises or operates equipment in addition to the normal meaning of ownership.
- ii. Particulate Matter: Discrete atmospheric particles of solids or liquids, other than uncombined water, as distinguished from gases or vapors.
- jj. 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.
- kk. PPM Parts per million by volume on a dry gas basis.
- ll. 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 and 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.
- mm. 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.
- nn. 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.
- oo. 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.
- pp. Rowed Rice Straw: Rice straw passing directly through the harvester discharge without being spread.
- qq. Section: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.
- rr. Solid Waste Dump: Any accumulation for the purpose of disposal of any solid waste.
- ss. 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.

10/16/85

- tt. 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.
- uu. 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.
- vv. 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.
- ww. 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.

06/30/72

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.

03/30/81

Rule 1.3 EFFECTIVE DATE: These Rules and Regulations shall take effect on
July 24, 1980. and supercede all previous Rules and Regulations
governing air pollution control in Yuba County.

10/16/85

- Rule 2.1 Exceptions to Rule 2.0: In accordance with sections 41801 and 41851 of the California Health and Safety Code the provisions 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 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) Wood waste free of prohibited materials and in accordance with permit conditions.
 - 4) Burning for disease or pest prevention where there is an immediate need for and no reasonable alternative to burning, as determined by the Yuba County Health Department or the Yuba 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.

10/16/85

- 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.
 - 2) Waste to be burned shall not contain petroleum products, demolition debris, tires, tar, metal salvage, wet garbage, dead animals, parts of animals, materials containing prohibited materials or materials that produce offensive odors when burned.
 - 3) Burning to be on "burn-days" and during burning hours as determined by the Air Pollution Control Officer.
- 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.

10/15/79

le 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 Yuba County District Air Pollution Control Officer when the burning is necessary to:
 - 1) Present imminent and substantial economic loss in farming operations as provided by Section 41862 of the Calif. Health and Safety Code.

- b) Open burning for the purpose of cooking meals for human beings, recreational purposes and/or providing physical comfort as provided by Section 41701(e) of the California Health and Safety Code.
- c) For training and developing fire-fighting skills.
- 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 that, in the opinion of and under the control of a fire agency, it is more expedient and beneficial to allow the fire to continue under control rather than extinguish it.
- g) The use of orchard or citrus grove heaters for frost protection.
- h) All burning above the inversion layer elevation providing the burning is otherwise in compliance with these Rules and Regulations.

10/15/79

Rule 2.8 Forest Management, Range Improvement and Property Being Developed for Commercial or Residential Purposes: When burning for the purpose of Forest Management, 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 in days which the air movement is away from populated areas unless a variance is first obtained from the district air pollution control office.
 - 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. When burning for the purpose of Forest Management, the waste to be burned must be wind-rowed or piled where feasible unless good silviculture practices dictate otherwise.
- d. In accordance with Sections 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.
- e. 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.
 - 3) The authority to issue permits for this purpose expires on January 1, 1980.

10/16/85

Rule 2.9 Prohibited Burning: In accordance with Section 41600 of the California Health and Safety Code, 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, sub-section "h".

10/15/79

Rule 2.10 Exceptions:

- a. The burning of agricultural waste is exempt from the provisions of Rule 2.5 "Permit Regulations" if the burning is performed with L.P. gas or natural gas-fired burners designed and used to kill seedling grasses and weeds in orchards and field crops.
 - 1) Providing the growth is such that combustion will not continue without the burner.
- b. Agricultural waste which is located and produced above 3,000 feet mean sea level is exempt from these Rules and Regulations;
- c. Agricultural burning which is located and produced above 6,000 feet mean sea level is exempt from these Rules and Regulations;
- d. 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.

10/16/85

Rule 2.11 Fire Prevention: The Air Pollution Control Officer may designate any day a 'no-burn' day for the purpose of fire control or fire prevention when such request to do so comes from a public fire protection agency. However such request does not mandate the Air Pollution Control Officer to do so.

- a. This rule shall not be construed to override the authority of a fire control agency to prohibit open burning within the area of their jurisdiction whenever they deem it necessary.

10/15/79

Rule 2.12 Designated Agencies: In addition to the Air Pollution Control Officer the following agencies have been designated and authorized to grant permits for open burning in accordance with these Rules and Regulations and Section 41653 of the California Health and Safety Code pursuant to their areas of jurisdiction.

- a. Marysville Fire Department;*
- b. Linda Fire Department;*
- c. Olivehurst Fire Department;*
- d. Plumas-Brophy Fire Department;*
- e. California State Division of Forestry.*

06/30/72

Rule 2.14 A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

03/30/81

- 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.

03/30/81

- 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 Yuba 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.

03/30/81

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, film, 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 20 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 used under conditions other than described in Section 'a' of this Rule, for any day.

03/30/81

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 '3' 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.

- 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 non-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 diluents and thinners and are defined as organic materials which are liquid at standard conditions and which are used as solvents, viscosity reducers or clearing 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.
- l. 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.

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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.
- 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 '1', of this Rule, unless the emissions of the discharged organics are reduced by 50 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 '1', of this Rule.
 - c) A person shall not manufacture nor use any photochemically reactive solvent as defined in Section '1' of this Rule for the purpose of thinning or diluting any metal surface coating.

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Rule 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.
- 6) **Metallic Finishes:** Non-bituminous coatings which are formulated with metallic pigments.
- 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 Coatings:** 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.

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- 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.
 - 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 Coatings:

- 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 4.1 Permits Required:

- a. **Authorization to Construct:** Any person building, erecting, altering or replacing 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, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An Authorization to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.
- b. **Permit to Operate:** Before any article, machine, equipment or other contrivance, for which an Authorization to Construct has been issued, may be operated or used, a Permit to Operate shall first be obtained from the air pollution control officer for any article, machine, equipment or contrivance described in Section 'a' of this Rule until the information required pursuant to the Rules and Regulations is presented to the air pollution control officer and such article, machine, equipment or contrivance is altered, if necessary and made to conform to the standards set forth in these Rules and Regulations.

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Rule 4.2 Existing Emission Sources: It is required that all owners or operators of existing equipment, machinery, contrivance or places of business that send emissions into the atmosphere, be registered with the air pollution control officer. Such registration shall be on a form provided by the air pollution control district.

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Rule 4.3 Exemptions from Permit and Registration: (New and existing operations). An Authorization to Construct or Permit to Operate registration 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 vehicle 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 wood;
 - 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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Rule 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, 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.