PART II: AUTHORIZATION AND DISCLOSURE:

A. These regulations are pursuant to the authority granted the County of Lake by the Health and Safety Code of the State of California. The Air Pollution Control Board of the Lake County Air Pollution Control District does hereby enact the following regulations. These shall be known as the regulations of the Lake County Air Pollution Control District and of the Lake County Air Basin.

B. The Board of Directors of the Lake County Air Pollution Control District recognize and acknowledge the fact that pursuant to the provisions of Section 6254.7 of the Government Code of the State of California air pollution emmision data and all monitoring data are matters of public record, with the exceptions noted in that code section.

C. Disclosure Policy: It is the policy of the District that all records not exempted from disclosure by State law shall be open for public inspection with the least possible delay and expense to the requesting party.

D. Disclosure Procedure:

1) A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District may require that a request to inspect be in writing.

2) The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by state law and those records labelled pursuant to state law as "trade secret", which are not emission data, within ten (10) working days of the date of receipt of the request therefor. If, for good cause, the information cannot be made available within ten (10) working days, the board will notify the requesting person the reasons for the delay and when the information will be available. Those records labelled as "trade secret" shall be governed by the procedure set forth in state law.

3) Within five (5) working days of receipt of a request to inspect public records, the district shall advise the requesting person of the following facts when appropriate:

a) The location at which the public records in question may be inspected, and the date and office hours during which they may be inspected.

b) If copies of the public records are requested, the cost of providing such copies, if any.

c) Which of the records requested, if any, have been labelled pursuant to state law as "trade secret" and are not public records.

d) The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to, the following the records are exempt from disclosure by state law; the records cannot be identified from the information contained in the request; the records do not exist; the district has determined pursuant to Section 6255 of the Government Code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the district. In the latter situation the district shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

2-10-77

CHAPTER I

GENERAL PROVISIONS

Article I Purpose

Section 100 These Rules and Regulations are enacted to achieve and maintain local, state and federal ambient air quality standards within Lake County.

3.30 81

CHAPTER I, ARTICLE I

Section 101 Validity

A. If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.

B. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

C. These regulations shall be construed for the protection of the health, safety and welfare of the people of the Lake County Air Basin.

102374

PART II: AUTHORIZATION AND DISCLOSURE:

A. These regulations are pursuant to the authority granted the County of Lake by the Health and Safety Code of the State of California. The Air Pollution Control Board of the Lake County Air Pollution Control District does hereby enact the following regulations. These shall be known as the regulations of the Lake County Air Pollution Control District and of the Lake County Air Basin.

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2-10-71

Article II Definitions

Section 200 Whenever any words or phrases as used in these Rules and Regulations are not defined herein but are defined in Division 25 of the Health & Safety Code as last amended, such definitions are incorporated herein and shall be deemed to apply as if set forth in these Rules and Regulations.

Section 201 Unless the context requires otherwise, the definitions set forth in the Chapter shall govern the construction of these Rules and Regulations.

Section 202 Agricultural Operations: The growing and harvesting of crops, including timber or the raising of animals, as a gainful occupation.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 203 Agricultural Burning:

(1) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

(2) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in paragraph (1).

(3) "Agricultural burning" also means open outdoor fires used in wildland vegetation management burning, prescribed burning, or forest improvement burning.

Section 204.5 Air Quality: means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.

2-10-71

Section 204 Air Contaminant or Air Pollution: Any discharge, release, or other propagation into the atmosphere which includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.

2.10.77

Section 205.1 Air Pollution Control Director shall have all the powers and duties of the Air Pollution Control Officer as specified in Chapter 7, Part III, Division 26 of the Health & Safety Code.

10.23.74

6. Alteration: Any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or effect the kind or amount of air contaminant emitted.

2-10-77

Section 205 Air Pollution Abatement Operations: Any operation which has as its essential purpose a significant reduction in (a) the emissions of air contaminants or pollution, or (b) the effect of such emissions or pollution.

2.10.77

Section 207 Ambient Air Quality Standards: Specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects established by the State Board, or, where applicable, by the Federal Government.

Section 208.3 Burn Plan, or Smoke Management Plan: means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management components), and a description of the personnel, organization, and equipment.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 208.8 Burn Day or Permissive Burn Day: means a day on which burning is allowed and is not prohibited pursuant to these rules and regulations, the California Health and Safety code, or by other agencies having jurisdiction. Hours of burning are limited to 9 AM to 3 PM unless the day is designated an extended burn day. On extended burn days open burning is allowed during the period of the day from sunrise to sunset.

2.1077

Section 209 Atmosphere: The air that envelopes or surrounds the earth.

2.10.77

Section 209 Carbon Monoxide: A colorless gas, odorless under atmospheric conditions, having the molecular formula CO.

2-10-77

Section 210 Collection Efficiency: The overall performance of an air cleaning device in terms of the ratio of material collected to the total input to the collector unless specific size fractions of the contaminant are stated or required.

2-1077

Section 211 Combustible or Flammable Solid Waste: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in a solid form.

2.10.77

Section 212 Combustible Refuse: Any solid or liquid combustible waste material containing carbon in a free or combined state.

2-10-71

Section 213 Combustion Contaminants: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

2.10.77

Section 214 Condensed Fumes: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

2.1077

Section 215 Continuous Flow Conveying Methods: Transporting of materials at uniform rates of flow or at the rates generated by the production process.

5-28-81

Section 216.1 Determination of Compliance: A document which is required to be issued during the California Energy Resources Conservation and Development Commission's thermal power plant certification process in place of an Authority to Construct. For the purpose of these rules and regulations, a Determination of Compliance shall be considered equivalent to and subject to all rules and regulations of an Authority to Construct.

2.10.77

Section 216 Control Strategy: A combination of measures designed to reduce air contaminant emission or to prevent or interfere with same.

2.10.77

Section 217 District: The Lake County Air Pollution Control District.

2-10-77

Section 218 District Board: The Board of Supervisors of the County of Lake sitting as the Board of Directors of the Lake County Air Pollution Control District.

2-10-77

Section 219 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.

2.10-77

Section 220 Emission: The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant.

2-10-77

Section 221 Emission Data: Are measured or calculated concentrations, mass, or volumes of air contaminants emitted into the atmosphere. Data used to calculate emission data are not emission data.

2.10.77

Section 222 Emission Point: The point located in the horizontal place and vertical elevation at which an emission enters the atmosphere.

2.10.77

Section 223 Equipment: Any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or which may be designed for or used to control air contaminants.

10-23 74

324.1

24. Equivalent Method: Any procedure for measuring the concentration of a contaminant, other than that specified in the air quality standard for the contaminant, which can be shown to the satisfaction of the Air Resources Board or the Air Pollution Control District Board to give equivalent results at or near the level of the air quality standards.

2.10.77

Section 225 Excess Air: An amount of air that exceeds the theoretical quantity of air required for complete combustion.

Section 226.4 Fire Protection Agency: means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 226.5
Title: Fire Season Burn Ban
Adopted 10/1/2002 (new definition)

Final Rule

Section 226.5: **Fire Season Burn Ban** means that period of each year from May 1 to the end of fire season, as proclaimed by the Director of the California Department of Forestry and Fire Protection or, in the event that fire and meteorological conditions in the Air Basin differ from those prevailing elsewhere within the California Department of Forestry, Region 1, as proclaimed by the Lake County Board of Supervisors (see applicable Lake County Ordinances for proclamation procedure).

2.10.77

Section 226 Existing Source or Equipment: Any air contamination source or equipment in use or existent at the use site at the time of adoption of these regulations.

5.23.79

Sec. 227.1

Gross Megawatt Hour: The amount of electrical energy which could be realized per hour from the expected potential energy of the steam prior to any internal plant electrical requirements, as guaranteed by the turbine generator manufacturer.

3.3081

Section 227.4 "Geothermal Exploratory Well: Any well for which the original purpose is the discovery or evaluation of a geothermal resource.

2.10.77

Section 227 Flue: Any duct or passage for air, gases, or the like, such as a stack or chimney.

2.10.77

Section 228 Hearing Board: The Hearing Board of the Air Pollution Control District of Lake County.

2-10-77

Section 229 Hot Mix Asphalt Plant: A plant conveying proportion quantities or batch loading of cold aggregate to a dryer, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use.

2.10.11

Section 230 Household Rubbish: Papers, leaves, prunings, grass, not to include rubber products, plastic, roofing materials, petroleum oils, garbage or other materials which create offensive odors.

2-10-77

Section 231 Hydrogen Sulfide: A colorless, noxious gas having the molecular formula H_2S.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 232.1
Title: Incinerator
Adopted 10/1/2002 (new definition)

Final Rule

Section 232.1: **Incinerator** means any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.

2-10-77

Section 232 Incineration: An operation in which the 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.

2-10-77

Section 234 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.

2-10-11

Section 236 Micrograms Per Cubic Meter ($\mu g/m^3$): A unit of concentration which is numerically equal to the mass of a contaminant (in micrograms) present in one cubic meter sample of air measured at standard conditions.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 238.5
Title: Natural Vegetation
Adopted 10/1/2002 (new definition)

Final Rule

Section 238.5: **Natural Vegetation** means all plants, including but not limited to grasses, forbs, trees, shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated lumber, wood products or paper products.

2-10-77

Section 238 Most Relevant Effects: Effects which ambient air quality standards are intended to prevent or abate.

2-10-77

Section 239 New Sources or Equipment: Any air pollution source or any equipment constructed or installed after the effective date of these regulations. Any air pollution source or equipment replaced, altered or processes changed as to have any substantial effect on the production or control of air contaminants. Any air pollution source or equipment moved to another premise involving a change of address. Any equipment purchased and to be operated after effective date of these regulations by a new owner or when a new lessee desires to operate such equipment. Any equipment that is or has been shut down, put out of service or otherwise made inoperative for 180 days and which is to be put back into service.

Section 240.8 No Burn Day means any day so designated pursuant to District rule, or by the state Air Resources Board, or any fire agency(s) or emergency declaration by an official having lawful jurisdiction in which burning is prohibited.

2.10.11

Section 240 Nitrogen Dioxide: A red-brown gas, odorless under atmospheric conditions and having the molecular formula NO_2.

2.10.77

Section 241 Open Outdoor Fire: Any combustion of combustible material of any type outdoors in the open, not in any enclosure where the products of combustion are not directed through a flue.

2-10-77

Section 242 Operation: Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

2-10-71

Section 243 Operator: Any person constructing, drilling, maintaining or operating facilities or equipment emitting air contaminates. "Operator" includes "Owner" when any source of air pollutant is, has been or is about to be operated by or under the direction of the owner.

2-10-77

Section 244 Owner: Any person having a legal or equitable interest in property or equipment subject to these rules or his legal representative.

2-10-71

Section 245 Oxidant: A substance that oxidizes a selected reagent that is not oxidizable by oxygen under ambient conditions. It includes ozone, organic peroxides, and peroxyacetyl nitrates but not nitrogen dioxides for purposes of these regulations.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 246 Particulate Matter: means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog)."PM2.5" means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers. "PM10" means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM2.5).

2-10-77

Section 247.1 Permissive Burn Day: A day during which the Air Resources Board declares that certain specified outdoor burning is allowed for each air basin.

2-10-77

Section 247 Parts per Million (PPM): (V/V) a volumetric unit of gas concentration which is numerically equal to the volume of gaseous contaminant present in one million volumes of air or steam.

Section 248.3 Pre-fire Fuel Treatment: means techniques which can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 248.5 Prescribed Burning: The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of burning are specified in the definition of agricultural burning as set forth in the California Code of Regulation – Title 17.

2.10.77

Section 248 Person: Any person, firm, association, organization, partnership, business trust, corporation or company. Any State or local governmental agency or public district, or any officer or employee thereof. The United States or its agencies, to the extent authorized by local law.

249.1 10-23-74

30. Process Weight Per Hour: The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion 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. For continuous processes, the total weight of materials per twenty-four (24) hours period will be used in calculations.

2492

10-23-74

49a. Public Record: 'Public Record' means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by the Board, except "trade secrets". (Based on Section 6252(d) of the Government Code).

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 249.3
Title: Processed or Treated Wood and Wood Products
Adopted 10/1/2002 (new definition)

Final Rule

Section 249.3: **Processed or treated wood and wood products** means wood that has been chemically treated to retard rot or decay or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, is not considered processed or treated wood.

249.3

10-23-74

49b. Record: 'Record' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents. (Based on Section 6252(e) of the Government Code).

Section 249.5 Range Improvement Burning: means the use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

2-10-77

Section 249 Prevailing Visibility: The greatest visibility which is attained or surpassed around at least half of the horizon circle but not necessarily in continuous sectors, as determined by the procedure given in "Manuals of Surface Observation", U.S. Weather Bureau.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 250.5
Title: Residential Waste Burning
Adopted 10/1/2002 (new definition)

Final Rule

Section 250.5: **Residential waste burning** means the disposal of the combustible or flammable waste from a single- or two-family dwelling unit or residence by burning. Residential waste burning is not agricultural, or prescribed, burning.

2.10.77

Section 250 Refuse: Anything thrown away or rejected or worthless or useless; waste, rubbish; including but not restricted to domestic garbage, lawn and shrubbery trimmings; commercial wastes such as garbage, cardboard, paper; industrial wastes.

Section 251.7 Smoke Sensitive Areas: are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns, villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

2.10.77

Section 251 Residential-Commercial Area: Any area used for single or multiple family dwelling purposes, including all accessory uses and facilities; any retail sales facility, professional offices, facilities for institutional and recreational uses and facilities and highway service activities not to include industrial areas as defined in Section 233.

2.10.77

Section 252 Standard Conditions: As used in these regulations refers to a gas temperature of 0°C and a gas pressure of 760 Torr.

2-10-77

Section 253 Standard Cubic Foot of Gas: The amount of gas that would occupy a volume of one (1) cubic foot if free of combined water at standard conditions. When applied to gaseous combustion products, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of twelve percent (12%) carbon dioxide or fifty percent (50%) excess air.

5-23-79

Sec. 254.1

Steam Transmission Lines: The pipelines through which steam is transmitted from well(s) to a muffler or power plant.

2.10.71

Section 254 Stationary Source: A unit or aggregation of units of air contaminant emitting articles, machines, equipment, or other contrivances, all of which are located on adjoining properties having one ownership, all of which are determined by the Air Pollution Control Officer to be related to one another through a similar product raw material or function.

2-10-77

Section 255 Sulfur Dioxide: A colorless, irritating gas under atmospheric conditions and having a molecular formula SO_2.

2-10-77

Section 256 Tepee or Wigwam Burner: A burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone and generally used in conjunction with sawmills, lumber mills and similar activities.

2.10.77

Section 237 Total Reduced Sulfides (TRS): Reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, diethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mist are not to be included in the determination of TRS.

2-10-77

Section 258 Tons: Tons are mass units equal to 2000 pounds, avoirdupois standard or 907.18 kilograms (metric).

2.10.77

Section 259 Underfire Air: Air introduced into a tepee or wigwam burner or other type of incineration device beneath the fuel pile or into the primary combustion chamber.

2.10.77

Section 260 Visibility Reducing Particles: Atmospheric particles resulting in the scattering of light in the visible spectrum.

Section 270 Wildland Vegetation Management Burning: is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush (California Code of Regulation – Title 17).

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

Chapter II Prohibitions and Standards

Article I Visible Emissions

Adopted November 22, 1976

Section 400: No person shall discharge into the atmosphere from any source of emissions whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

A. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
B. Of such opacity as to obscure an observer's view to a degree equal to or greater than smoke described in paragraph A of this Section.

Section 401: This Article shall not apply to any aircraft being used to distribute seed, fertilizer, insecticides or other agriculture aids over lands devoted to the growing of crops or raising of animals (Health and Safety Code Section 41704(d)).

Section 402, Exclusions: *The provisions of this Article, "Visible Emissions", do not apply to emissions:*

A. From fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
    1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
    2. For the instruction of public employees in the methods of fighting fire;
B. From fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (Health and Safety Code Section 41704);
C. Of agricultural operation necessary for the growing of crops or raising of animals (Health and Safety Code Section 41704);
D. From fires set for improvement of watershed, range, or pasture (Health and Safety Code Section 41704);
E. Of orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute (Health and Safety Code Section 41704);
F. From the use of other equipment in agricultural operations necessary for the growing of crops or raising animals (Health and Safety Code Section 41704);
G. From fires set pursuant to an open burning permit issued by the Air Pollution Control Officer (Health and Safety Code Section 41704).

2.10.71

Article II Particulate Matter Emissions

Section 410 Combustion contaminants discharged into the atmosphere from any source shall not exceed:

A. two-tenths (0.2) grain per standard cubic foot of gas calculated to 12 % carbon dioxide for equipment in use prior to December 20, 1971, or

B. one-tenth (0.1) grain per standard cubic foot of gas calculated to 12% carbon dioxide for equipment beginning operation after December 20, 1971.

2.10.77

411.1

TABLE IV

Lake County Air Pollution Control District

Particulate Matter Emissions Standard for Process Units and Process Equipment

Process Lbs/hr	Emission Lbs/hr	Process Lbs/hr	Emission Lbs/hr	Process Lbs/hr	Emission Lbs/hr
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10,000	10.00
350	1.35	2900	5.02	11,000	10.63
400	1.50	3000	5.10	12,000	11.23
450	1.63	3100	5.18	13,000	11.89
500	1.77	3200	5.27	14,000	12.50
550	1.89	3300	5.36	15,000	13.13
600	2.01	3400	5.44	16,000	13.74
650	2.12	3500	5.52	17,000	14.36
700	2.24	3600	5.61	18,000	14.97
750	2.34	3700	5.69	19,000	15.58
800	2.43	3800	5.77	20,000	16.19
850	2.53	3900	5.85	30,000	22.22
900	2.62	4000	5.93	40,000	28.30
950	2.72	4100	6.01	50,000	34.30
1000	2.80	4200	6.08	60,000	40.00
1100	2.97	4300	6.15		
1200	3.12	4400	6.22	or more	
1300	3.26	4500	6.30		
1400	3.40	4600	6.37		
1500	3.54	4700	6.45		
1600	3.66	4800	6.52		
1700	3.79	4900	6.60		
1800	3.91	5000	6.67		
1900	4.03	5500	7.03		
2000	4.14	6000	7.37		
2100	4.24	6500	7.71		
2200	4.34	7000	8.05		

2-10-77

Section 411 Other Sources: Particulate matter discharged into the atmosphere from other than combustion sources shall not exceed:

A. Two-tenths (0.2) grain per standard cubic foot of gas, or

B. The total process emission from a single premise source for any dust, condensed fume, or other particulate matter, as given in Table IV. The more stringent of A or B shall apply.

2.10.71

Section 412 Sulfur Recovery Units: A person shall not discharge into the atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containg more than:

A. 300 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

C. 100 pounds per hour of sulfur compounds calculated as sulfur dioxide. Any sulfur recovery unit having an effluent process gas discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provisions of Section 412 A.

Part V (3)

F. Sulfur:

A person shall not discharge into the atmosphere from any single source of emission whatsoever emissions in excess of 1,000 ppm sulfur compounds calculated as sulfur dioxide.

2-10-71

Article IV Other Emissions or Contaminants

Section 430 General: No person shall discharge, or permit to be discharged from any source whatever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to cause injury or damage or have natural tendency to cause injury or damage to business or property (Health & Safety Code Section 41700). This does not apply to odors eminating from agricultural operations in the growing of crops or raising of animals (Health & Safety Code 41705). Any discharge of air contaminants which will cause the ambient air quality to exceed those amounts listed in the Table of Standards, applicable statewide, as shown in the California Administrative Code, Title 17, Section 70200, off premises shall be a violation of this section. Section 70200 of the California Administrative Code is hereby adopted and made a part of this regulation as though fully set forth herein.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 431.5
Title: none
Amended 10/1/2002
Last Amended 3/5/2002

Final Rule

Section 431.5: Non-Agricultural Open Burning is prohibited in the Lake County Air Quality Management District: 1) on any day designated pursuant to Section 1010; 2) on no burn days; and 3) during fire season as defined in Section 226.5. Activities conducted pursuant to Sections 432, 432.5 and 436 shall be exempt from the requirements of this section.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 431.7
Title: none
Amended 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 431.7: Non-Agricultural Burning Hours for the Lake County Air Quality Management District are as follows:

A. Fire season, as defined in Section 226.5;
B. Non-Fire Season, 9 AM to 3 PM.

No fire shall be ignited before or after these applicable hours unless such day is designated as an extended burn day by the Lake County Air Quality Management District and the issued permit allows such extended day light burning for lot clearing or hazard reduction burns.

Extended burn days shall be determined after consideration of the following factors: 1) prevailing visibility (observed, measured coefficient of haze and nephlometric back scattering); 2) anticipated frontal movement; 3) existence of inversions and adiabatic lapse rate (if information is available); 4) previous and next burn day's burn status; 5) precipitation; and 6) if air quality at the time of determination has degraded to 50% of any ambient air quality standard.

Existing lawful open fires continuing to burn without fuel addition after hours designated herein are authorized unless it creates a public nuisance or threatens the public health, safety or welfare pursuant to the California State Health and Safety Code or these Rules and Regulations.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 431 Non-agricultural Burning: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 432.5
Title: none
Amended 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 432.5: Exemptions for Preparation of Food and Recreational Purposes: Open outdoor fires which are otherwise lawful and do not contain disallowed combustibles, which are not cause of a public nuisance, and used exclusively for cooking food for human consumption or recreational fires in permitted campgrounds, or for essential purposes as part of public ceremonies are exempt from these rules and regulations.

3.23.88

Section 432 Nothing in this Article shall be construed as limiting the authority granted under other provisions of the law to any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

A. The prevention of a fire hazard which cannot be abated by any other means on designated permissive burn days.
B. The instruction of public employees in the methods of fighting fires.
C. The instruction of employees in the methods of fighting fire when such fire is set pursuant to permit.
D. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
E. The abatement of fire hazards pursuant to Section 13055, Health and Safety Code.
F. Disease or pest prevention where there is an immediate need for and no reasonable alternative to burning.
G. Disposable of agricultural pesticide containers in a manner required by law at the time and place of use when no reasonable alternative to burning exists.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 433.5
Title: none
Adopted 10/1/2002 (New Rule)

Final Rule

Section 433.5: An exemption to the lot size and distance restrictions contained in Section 433 may be granted by written exemption permit, signed by the Fire Chief, or authorized Fire Protection Agency, USFS or CDF employee for the rare occasion when fire hazards exist, or circumstances warrant, and there is no reasonable available alternative to burning. The particular circumstances warranting the exemption shall be stated on the exemption permit. The exemption permit issued pursuant to Section 1002 shall incorporate all reasonable restrictions to avoid smoke nuisance and require compliance with all other open burning regulations. Upon issuance, a copy of the exemption permit shall be immediately filed with the AQMD, by fax or other acceptable record transfer method, by the approving official.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 433
Title: none
Amended 10/1/2002
Last Amended 3/5/2002

Final Rule

Section 433: Nothing in this Article shall be construed as prohibiting residential burning as allowed by a valid burning permit issued to an adult for the disposal of natural vegetation originating solely from a single or two-family dwelling on a parcel of record of 1.0 acre or more in size, or a parcel of any size located where green waste collection is not offered by a franchise hauler. All burns must be conducted on the premises where the vegetation grew and at least 100 feet from the nearest neighboring residence. Fires shall not be located in a public roadway right of way, or in roadway ditches. All burning must be conducted during designated allowed days and hours as established in Sections 431.5 and 431.7. Small amounts of dry untreated, non-glossy cardboard and paper may be burned for ignition purposes only.

Material to be burned must not contain any "disallowed combustibles" as defined below, be properly dried to the point it is not green in color and be free of dirt and visible moisture. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, may be burned. All burning shall be conducted in a manner to promote quick and complete combustion, and that minimizes smoke production. The fire shall be supervised at all times by an adult issued a valid permit and the permit shall be immediately provided upon request of a responsible official during any residential burning. Wet or partially composted leaves continuing to smolder or burn without a visual flame shall be extinguished.

The use of an incinerator-type device including those commonly known as a "burn barrel" is prohibited.

Disallowed combustibles include but is not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural wood waste; processed or

treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

Section 434: Nothing in this Article shall be construed to prohibit burning of vegetation from right-of-way clearing by a public entity or utility or for levee, reservoir and ditch maintenance on designated permissive burn days. No such material may be burned pursuant to this Section unless: (a) agricultural burning is not prohibited on that day, pursuant to Section 41855 of the Health and Safety Code, (b) the material has been prepared by stacking, drying or other methods to promote combustion as specified by the Air Pollution Control Officer; and (c) hours limiting and dates of allowed burning are consistent with agricultural burning limitations of these rules and regulations.

1.2.79

Section 436 The air pollution control officer may authorize by permit open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:

A. as dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or

B. of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision A. In authorizing the operation of a mechanized burner, the air pollution control officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this section.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 436
Title: Wood Waste Disposal By Open Burning
Adopted 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 436**: Wood Waste Disposal By Open Burning** Disposal of non-industrial and non-commercial wood wastes at designated sites by open burning may be authorized by a burning or authority to construct permit issued by the Air Pollution Control Officer and authorization by affected Fire Protection District or Agencies subject to the following conditions:

1. The site of such burning has been approved by the state Air Resources Board, and a new source permit has been granted by the AQMD pursuant to applicable rules.
2. The site is above 1500 feet elevation mean sea level.
3. The site is secured from public access by locked gates, fences or other means during periods of non-operation and manned by a responsible party during all open hours of operation. Only vegetative waste, stumps of trees smaller than twelve (12) inches in width and free of visible dirt, and non industrial and untreated wood wastes are accepted at the site. All other wastes are to be immediately removed from the site if illegally placed at the site.
4. Wood wastes are dried for a minimum period as specified in Section 436.5D and free of dirt, soil and visible surface moisture prior to igniting to promote good combustion.
5. Wood wastes are ignited and burned by the affected Fire Prevention Agency personnel or other specific permit authorized public employees at a time and on a day when air dispersion is believed to be super adiabatic and fire safety assured. The District may delay any planned ignition to assure good air dispersion. Under no circumstances shall such burning occur on a designated no burn day. Such time and date shall be approved by the affected Fire Prevention Agency having jurisdiction in addition to the District, and the District shall be provided opportunity to inspect the site prior to ignition.
6. If a public nuisance as defined by Health and Safety Code Section 41700 occurs, the permit shall be voided and the operation discontinued.

7. If other than untreated wood or vegetative wastes are burned at the site the permit shall be voided and the operation discontinued.
8. Permits shall be voided upon a finding that alternative methods of disposal have been developed which are technologically and economically feasible by the State Air Resources Board or the District Board.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 436.5
Title: Wood Waste Burning
Adopted 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 436.5: **Wood Waste Burning** The following Regulations shall apply to the use of open fires for the disposal of wood waste from property being developed for industrial, commercial or residential purposes where burning disposal alternatives are not feasible:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flame thrower-type torches, jellied petroleum devices, matches, fuse lighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be material that was grown on the property where the waste is to be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Material shall be dried as follows:

1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Vines and brush: thirty(30) days.
3. Prunings and smaller branches: fifteen (15) days.
4. Designated agencies may modify the above drying times as conditions warrant.

E. The District and/or Fire Agency shall be contacted prior to burning when specified to do so on the issued permit. The District or issuing agency may when necessary to preserve air quality or fire safety, elect to delay the burn.

F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. Maximum care must be taken to keep smoke from drifting into residential areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby residential areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days. Tree stumps shall not be burned.

I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.

J. A valid Burning Permit issued by an authorized agency is required and such burning is permitted only on Agricultural "Permissive-Burn" days and hours.

K. No special "no-burn day" economic exemption permits shall be granted.

L. No authorization under this section shall be granted if the Air Resources Board determines that an alternate method is technically and economically feasible.

2.10.77

Section 437 Animal Matter: A person shall not operate or use any article, machine, equipment or other contrivance for the destruction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

A. incinerated at temperatures of not less than one thousand two hundred (1,200) degrees Fahrenheit for a period of not less than three-tenths (0.3) second, or

B. processed in a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than A above.

2.10.71

Section 438 Orchard Heaters: No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. All orchard heaters used shall be of a type which produces unconsumed solid carbonaceous matter at a rate of not more than one (1) gram per minute. Burning permits are not required for orchard heater operations.

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

Chapter II, Article IV Other Emissions or Contaminants

Adopted November 22, 1976

Section 430: **General**: No person shall discharge, or permit to be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to cause injury or damage or have natural tendency to cause injury or damage to business or property (Health and Safety Code Section 41700). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of animals (Health and Safety Code Section 41705). Any discharge of air contaminants which will cause the ambient air quality to exceed those amounts listed in the Table of Standards, applicable state-wide, as shown in the California Administrative Code, Title 17, Section 70200, off premises shall be a violation of this Section. Section 70200 of the California Administrative Code is hereby adopted and made a part of this Regulation as though fully set forth herein.

Section 431: **Non-agricultural Burning**;: Except as otherwise provided in these Rules and Regulations, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof.

Section 431.5: Non-Agricultural Open Burning is prohibited in the Lake County Air Quality Management District:

1. on any day designated pursuant to Section 1010;
2. on no burn days designated by the ARB; and
3. June 1 through the end of fire season, as designated pursuant to Section 226.5. Activities conducted pursuant to Sections 432, 432.5 and 442 shall be exempt from the requirements of this section.

Section 431.7: Non-Agricultural Burning; Hours for the Lake County Air Quality Management District are as follows:

A. Fire season, as defined in Section 226.5, 8 AM to 12 noon;
B. Non-Fire Season, 9 AM to 3 PM. No fire shall be ignited before or after these applicable hours unless such day is designated as an extended burn day by the Lake County Air Quality Management District.

   Extended burn days shall be determined after consideration of the following factors:

   1. prevailing visibility (observed, measured coefficient of haze and nephlometric back scattering);
   2. anticipated frontal movement;
   3. existence of inversions and adiabatic lapse rate (if information is available);
   4. previous and next burn day's burn status;
   5. precipitation; and
   6. if air quality at the time of determination has degraded to 50% of any ambient air quality standard.

Existing lawful open fires continuing to burn without fuel addition after hours designated herein are authorized unless it creates a public nuisance or threatens the public health, safety or welfare pursuant to the California State Health and Safety Code or these Rules and Regulations.

Section 432: Nothing in this Article shall be construed as limiting the authority granted under other provisions of the law to any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

A. The prevention of a fire hazard which cannot be abated by any other means on designated permissive burn days.
B. The instruction of public employees in the methods of fighting fires.
C. The instruction of employees in the methods of fighting fire when such fire is set pursuant to permit.
D. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
E. The abatement of fire hazards pursuant to Section 13055, Health and Safety Code.
F. Disease or pest prevention where there is an immediate need for and no reasonable alternative to burning.
G. Disposal of agricultural pesticide containers in a manner required by law at the time and place of use when no reasonable alternative to burning exists.

Section 432.5: Exemptions for Preparation of Food and Recreational purposes: Open outdoor fires which are otherwise lawful, which are not cause of a public nuisance, and used exclusively for cooking food for human beings, or for recreational purposes are exempt from these rules and regulations.

Section 433: Nothing in this Article shall be construed as prohibiting burning during the hours of 9 AM to 3 PM from the period starting at the end of fire season, as defined in Section 226.5, to June 1 of each year for the disposal of combustible or flammable solid waste originating solely from a single or two-family dwelling and includes paper and cardboard, but does not include garbage, cloth, plastics, petroleum products, metal, material soiled by food or fecal matter, or any similar smoke producing materials on its premises on designated permissive burn days.

Material to be burned must be properly dried and all open burning shall be conducted in a manner to minimize smoke and promote quick and complete combustion. The use of an incinerator-type device including those commonly known as a "burn barrel" is prohibited.

Section 434: Nothing in this Article shall be construed to prohibit right-of-way clearing by a public entity or utility or for levee, reservoir and ditch maintenance on designated permissive burn days for the period of the year starting at the end of fire season, as designated by the Director of the California Department of Forestry and Fire Protection to June 1. No such material may be burned pursuant to this Section unless:

a. agricultural burning is not prohibited on that day, pursuant to Section 41855 of the Health and Safety Code,
b. the material has been prepared by stacking, drying or other methods to promote combustion as specified by the Air Pollution Control Officer having jurisdictions; and
c. hours limiting and dates of allowed burning are consistent with agricultural burning limitations of these rules and regulations.

Section 435: Notwithstanding Sections 41508 and 41800 of the Health and Safety Code, open outdoor fires may be used to dispose of Russian Thistle (Salsola Kali) when authorized by a chief of a fire department of fire protection agency of a city, county or fire protection district, the State Forester or his commissioner, or an Air Pollution Control Officer.

Section 436: The Air Pollution Control Officer may authorize by permit open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the

atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:

A. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision A. In authorizing the operation of a mechanized burner, the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Section.

Section 436.5 Wood Waste Burning: The following Regulations shall apply to the use of open fires for the disposal of wood waste from property being developed for industrial, commercial or residential purposes:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flame thrower-type torches, jellied petroleum devices, matches, fuse lighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.
B. All material to be burned shall be free of material that is not produced in the clearance or grown on the property where the waste is to be burned. Tires, tarpaper and other rubbish shall not be burned.
C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.
D. Material shall be dried as follows:
    1. Trees and branches over six (6) inches in diameter: sixty (60) days.
    2. Vines and brush: thirty (30) days.
    3. Prunings and smaller branches: fifteen (15) days.
    4. Designated agencies may modify the above drying times as conditions warrant.
E. The District shall be contacted prior to burning and the District may when necessary to preserve air quality, elect to delay the burn. In making such a decision to delay, the District shall consider the quantity and type of material to be burned, location of burn site, proximity to receptors and prevailing meteorological and ambient air quality conditions.
F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.
G. Maximum care must be taken to keep smoke from drifting into residential areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby residential areas.
H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days. Tree stumps shall not be burned.
I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.
J. An Agricultural Burning Permit is required and such burning is permitted only on "Permissive-Burn" days.
K. No special "no burn day" economic exemption permits shall be granted.
L. Authorization under this section shall be granted if the Air Resources Board determines that an alternate method is technically and economically feasible.

Section 437: **Animal Matter**: A person shall not operate or use any article, machine, equipment or other contrivance for the destruction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than twelve hundred (1,200) degrees Fahrenheit for a period of not less than three-tenths (0.3) second, or
B. Processed in a manner determined by the Air Pollution Control Officer to be equally or more

effective for the purpose of air pollution control than A above.

Section 438: **Orchard Heaters;**: No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. All orchard heaters used shall be of a type which produces unconsumed carbonaceous matter at a rate of not more than one (1) gram per minute. Burning permits are not required for orchard heater operations.

Section 439: **Gasoline Storage**: No person shall install or maintain a stationary gasoline storage tank in violation of the provisions of Article 5, Chapter 3, Part 4, Division 26 of the Health and Safety Code (commencing with Section 41950).

Section 439.5: All new or modified gasoline retail service stations shall require an authority to construct and permit to operate. All existing gasoline retail service stations having an installed gasoline storage capacity of greater than 2,900 gallons shall also require the aforementioned permits. The following shall apply to gasoline retail service stations.

A. RETAIL GASOLINE TRANSFER AND STORAGE (Phase I) - Except as otherwise provided, no person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary container with a capacity of more than 260 gallons used for the fueling of motor vehicles where a collection of state sales tax is required unless the following conditions are met:
    1. the storage tank is equipped with a permanent submerged fill pipe;
    2. the storage tank and delivery vessel are equipped with an "ARB Certified" Phase I vapor recovery system and all vapor return lines are connected between the delivery vessels and stationary storage containers during fuel transfer; and
    3. the installed equipment is operated and maintained in accordance with the manufacturers specifications and as defined by the applicable ARB Certification and Test Procedure.
B. RETAIL DISPENSING REQUIREMENTS (Phase II) - Except as otherwise provided, no person shall transfer or permit the transfer of gasoline from a stationary storage container into any motor vehicle fuel tank with a capacity in excess of five (5) gallons unless:
    1. The dispensing unit used in the transfer is equipped with an "ARB Certified" Phase II vapor recovery system; and
    2. the system is operated and maintained in accordance with the manufacturers specifications and pursuant to definitions in California Code of Regulation Section 94006, Subchapter 8, Chapter 1, Part III, of Title 17.
C. POSTING REQUIREMENTS - The operator of any gasoline retail service station shall conspicuously post:
    1. on each dispensing pump a sign stating "Air Toxic Risk - Avoid Breathing Fumes - For Your Own Protection DO NOT TOP TANK" or similar noticing decal supplied by the District; and
    2. at Phase II equipped facilities, operating instructions for the dispensing of fuel and an ARB toll free telephone number, or an alternative phone number provided by the District, for complaints from the public.
D. HOLD OPEN LATCHES - The operator of any gasoline retail service station subject to this section shall install and maintain to manufacturers specifications a "hold open latch" device on each dispensing nozzle unless a determination has been made by the local Fire Marshall that such a device constitutes a safety hazard.
E. EXEMPTIONS - The following exemptions from this section shall apply.
    1. Section 439.5, part A shall not apply to the transfer of gasoline from any delivery vessel into any existing stationary storage container at an existing retail service station with an annual throughput of 240,000 gallons or less, unless such is required to comply with Section 430. During any year thereafter, if annual throughput exceeds 240,000 gallons this exemption shall cease to apply.
    2. Section 439.5, part B shall not apply to the transfer of gasoline to motor vehicles from existing retail service stations with an annual throughput of 440,000 gallons or less.

During any year thereafter, if annual throughput exceeds 440,000 gallons this exemption shall cease to apply.

3. Section 439.5, part B shall not apply to any existing modified, or new remotely located retail gasoline service station, open to the public which has past and anticipated future annual throughput of 100,000 gallons or less;. A remotely located service station is one which is located eight 8) miles travel or more from the nearest publicly available permitted or existing retail service station at the time of initial permitting. During any calendar year thereafter if annual throughput exceeds 100,000 gallons this exemption shall cease to apply. The plumbing for Phase II shall be required to be installed to the extent practicable by issued permit to construct or modify.
4. Section 439.5 shall not apply to the transfer or dispensing of gasoline used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.
5. Section 439.5, part A shall not apply to the transfer of gasoline in an amount of 500 gallons or less performed by a delivery truck presently in use for secondary redistribution of gasoline at an existing District permitted bulk plant. This exemption shall cease to apply January 1, 1996.
6. Section 439.5, part D shall not apply to gasoline retail service stations equipped with a Phase II vapor recovery system.
7. Section 439.5, part B and D shall not apply to gasoline sales from equipment used solely for the purpose of fueling aircraft or marine vessels while in the water.
8. Upon written request and providing proof of the necessity of sales of gasoline to enable response to an emergency declared by the Lake County Board of Supervisors, or for routine operations of emergency response vehicles at remotely located sites and stations as defined in 3) above, such sales shall be deducted prior to determining qualification for exemptions contained in 1), 2) and 3) above.

F. COMPLIANCE SCHEDULE

1. The owner of any gasoline retail service station initiating construction after January 15, 1989 and subject to this rule shall comply at the time gasoline is first received or dispensed.
2. The owner of any gasoline retail service station previously exempt shall at the time of a tank replacement, or modifications requiring replacement of more than 50% of the liquid piping be in compliance at the time gasoline is first dispensed after completion of the replacement or modification, or on January 15, 1991, whichever is later.
3. The owner of any other existing gasoline retail service station which has not been required to come into compliance shall achieve compliance in accordance with the following schedule: a) Within three months after adoption of this rule submit an application and fees for a permit to construct and operate, and b) by January 15, 1991 achieve final compliance with all requirements of the issued permit.
4. Any facility previously exempt, shall at the time of exceeding the limitations allowed by an exemption achieve compliance within twelve months of the end of the calendar year for which the limitation was first exceeded.

G. DEFINITIONS - The following definitions shall apply to section 439.5.

Annual Throughput; means the volume of gasoline dispensed at a retail service station as determined from records of actual operation (excluding boat fueling while in the water and the fueling of aircraft) for each calendar year beginning on January 1, 1988 and each year thereafter.

ARB Certified Vapor Recovery System; means a Phase I or II vapor recovery system certified by the ARB pursuant to the California Health & Safety Code.

ARB; means California Air Resources Board.

Gasoline; means any organic liquid (including petroleum distillate and methanol) having a Reid vapor pressure of 4 psi or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.

Hold Open Latch; means a device commonly in use and as supplied by the manufacturer which allows for the hands-off refueling of a vehicle.

Leak Free; means a liquid leak of no more than three drops per minute excluding losses which occur upon disconnection transfer fittings provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

Phase I Vapor Recovery System; means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery vessels into stationary storage containers.

Phase II Vapor Recovery System; means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage containers.

Retail Service Station; means any new or existing motor vehicle fueling station subject to payment of California sales tax on gasoline sales.

Vapor Tight ; means a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

Section 440: **New Source Performance Standards (NSPS)**: All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations (40 CFR 60), as herein last amended which are adopted by reference and made a part of these Rules and Regulations. For the purpose of this Rule, the word "Administrator" as used in these federal new source performance standards shall mean the Air Pollution Control Officer of the District. Category types subject to New Source Performance Standards (NSPS) are as given in Table 4.

TABLE 4

CATEGORY TYPES SUBJECT TO

NEW SOURCE PERFORMANCE STANDARDS (NSPS)

Category - NSPS	40 CFR 60 Subpart	Last Amended
General Provisions	A	07/21/92
Emissions Guidelines and Compliance Times for Existing Municipal Solid Waste Landfills	Cc	03/12/96
Fossil-Fuel Fired Steam Generators	D	09/27/84
Electric Utility Steam Generating Units	Da	05/07/90
Industrial, Commercial, Institutional Steam Generating Units	Db	05/07/90
Small Industrial, Commercial, Institutional Steam Generating Units	Dc	09/12/90
Incinerators	E	02/14/90
Municipal Waste Combustors	Ea	02/11/91
Portland Cement Plants	F	02/14/89
Nitric Acid Plants	G	02/14/89
Sulfuric Acid Plants	H	02/14/89
Asphalt Concrete Plants	I	02/14/89

Petroleum Refineries	J	02/04/91
Petroleum Storage Vessels (Constructed June 11, 1973 to May 19, 1978)	K	04/08/87
Petroleum Storage Vessels (Constructed after May 8, 1978, and Prior to July 23, 1984)	Ka	04/08/87
Petroleum Storage; Vessels Constructed after July 23, 1984	Kb	4/8/87
Secondary Lead Smelters	L	02/14/89
Secondary Brass and Bronze Ingot Production	M	02/14/89
Iron and Steel Plants	N	02/14/89
Basic Oxygen Iron and Steel Plant	Na	02/14/89
Secondary Emissions		
Sewage Treatment Plants	O	02/03/94
Primary Copper Smelters	P	02/14/89
Primary Zinc Smelters	Q	02/14/89
Primary Lead Smelters	R	02/14/89
Primary Aluminum Reduction Plants	S	02/14/89
Wet Process Phosphoric Plants	T	02/14/89
Super Phosphoric Acid Plants	U	02/14/89
Diammonium Phosphate Plants	V	05/17/89
Granular Triple Super Phosphate Storage	X	02/14/89
Coal Preparation Plants	Y	01/27/83
Ferro Alloy Production	Z	02/14/90
Steel Plants - Electric Arc Furnaces	AA	02/14/89
Electric Arc and Argon Oxygen Decarbonization	AAa	02/14/89
Kraft Pulp Mills	BB	02/14/90
Glass Manufacturing	CC	05/17/89
Grain Elevators	DD	02/14/89
Surface Coating of Metal Furniture	EE	12/13/90
Stationary Gas Turbines	GG	06/27/89
Lime Manufacturing	HH	02/14/89
Lead Acid Battery Manufacture	KK	02/14/89
Metallic Mineral Processing Plants	LL	02/14/89
Auto and Light-Duty Truck Surface Coating	MM	12/13/90
Phosphate Rock Plants	NN	05/17/89
Ammonium Sulfate Manufacturing	PP	02/14/89
Graphic Arts: Publication Rotogravure Printing	QQ	11/08/82
Pressure Sensitive Tape and Label Surface Coating	RR	12/13/90
Industrial Surface Coating, Large Appliances	SS	12/13/90
Metal Coil Surface Coating	TT	05/03/91
Asphalt Processing and Asphalt Roofing Manufacture	UU	06/14/89
Synthetic Organic Chemical Manufacturing Industry	VV	06/27/89
Beverage Can Surface Coating Industry	WW	12/13/90
Bulk Gasoline Terminals	XX	02/14/89
New Residential Wood Heaters	AAA	02/13/92
Rubber Tire Manufacturing	BBB	09/19/89
Volatile Organic Compounds from Polymer Manufacturing	DDD	03/22/91
Flexible Vinyl and Urethane Coating and Printing	FFF	08/17/84
Equipment Leaks of VOC in Petroleum Refineries	GGG	05/30/84
Synthetic Fiber Production Facilities	HHH	04/27/84
Synthetic Organic Chemical Manufacturing		
VOC from Air Oxidation Process	III	09/07/90
Petroleum Dry Cleaning	JJJ	11/27/85
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	KKK	01/21/86
Onshore Natural Gas Emissions		
Sulfur Dioxide Emissions	LLL	02/14/89

VOC from Distillation Operations	NNN	06/29/90
Non-Metallic Mineral Processing Plants	OOO	02/14/89
Wool Fiberglass Insulation	PPP	02/14/89
Petroleum Refinery Wastewater VOC Emissions	QQQ	11/23/88
Synthetic Organic Chemical Manufacturing		
VOC from Reactor Process	RRR	08/31/93
Magnetic Tape Coating Facilities	SSS	12/09/88
Business Machine Plastic Part Surface Coating	TTT	01/29/88
Mineral Industry Calciners and Dryers	UUU	07/29/93
Supporting Substrate Polymeric Coating Facilities	VVV	9/11/89
Standards of Performance for Municipal Solid Waste Landfills	WWW	03/12/96
Appendix A- Test Methods		07/10/92
Appendix B- Performance Specifications		02/11/91
Appendix C- Determination of Emission Rate Change		12/16/75
Appendix D- Emission Inventory Information		11/17/75
Appendix F- Quality Assurance Procedures		02/11/91

Section 440: (CONT'D) For the purposes of this Rule, 40 CFR 60, Subpart XX shall be modified as indicated below, to conform with the requirements of California State Law:

A. The following definition is substituted for that of "vapor-tight gasoline tank truck" found at 40 CFR 60.501: "vapor-tight gasoline tank truck;" means a gasoline tank truck which has been found to be in compliance with the California Air Resources Board's (CARB) certification leak-rate criteria. This capability is demonstrated using the pressure test procedure specified in the CARB Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks, and the Test Procedures for Gasoline Vapor Leak Detection Using Combustible Gas Detector.
B. Paragraph (e)(1) of 40 CFR 60.502 is deleted.
C. The following documentation file requirements are substituted for those specified at 40 CFR 60.505(b): The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined under CARB Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks. This documentation shall include the information required by the CARB Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks to be contained in the Application for Certification of individual tank trucks.

Section 441: Performance Standards For Existing Municipal Solid Waste Landfills:

A. Definitions- Unless otherwise defined within this Section, the definitions used for the purposes of this Section shall be those given in 40 CFR Part 60.751.
    1. "Administrator" shall mean the Air Pollution Control Officer of the Lake County Air Quality Management District.
B. General
    1. Purpose - The purpose of this Section is to control emissions from existing Municipal Solid Waste Landfills as required under the provisions of the Federal Clean Air Act, as promulgated by USEPA at 40 CFR Part 60 Subpart Cc.
    2. Applicability - The provisions of this Section shall apply to any Municipal Solid Waste Landfill that has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition, and that has a design capacity greater than 2.5 million mega grams by mass, or 2.5 million cubic meters by volume. The landfill owner may calculate design capacity in either megagrams or cubic meters. Any density measure conversions shall be documented, submitted to the District and subject to the Administrator‘s approval.
    3. Exemptions - Any Municipal Solid Waste Landfill that is subject to the requirements of

the New Source Performance Standard Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills (40 CFR Part 60.750) is exempt from the requirements of this Section.

4. Effective Dates - The requirements of this Section shall become effective on November 20, 1996.
5. References - The requirements of this Section arise from the provisions of the Federal Clean Air Act and its amendments (42 U.S. C Section 7401 et seq.); and USEPA regulations setting forth emission guidelines for Municipal Solid Waste Landfills (Final Rule, 40 CFR Part 60.30c).

C. Requirements- The provisions of Parts 60.751 - 60.759, Chapter 1, Title 40 of the Code of Federal Regulations (40 CFR Parts 60.751 - 60.759), are incorporated herein as the requirements of this Section. Applicable provisions of 40 CFR Parts 60.751 - 60.759 include those incorporated in the current bound CFR volume plus any provisions recently promulgated by USEPA, as noticed in the Federal Register, but not yet incorporated into the bound CFR.

Section 442: **Wood Waste Disposal By Open Burning**: Disposal of non-industrial and non-commercial wood wastes at designated sites by open burning may be authorized by a burning or authority to construct permit issued by the Air Pollution Control Officer and authorization by affected Fire Protection District or Agencies subject to the following conditions:

1. The site of such burning has been approved by the state Air Resources Board, and a new source permit has been granted by the AQMD pursuant to applicable rules.
2. The site is above 1500 feet elevation mean sea level.
3. The site is secured from public access by locked gates, fences or other means during periods of non operation and manned by a responsible party during all open hours of operation. Only vegetative, stumps of trees smaller than twelve (12) inches in width and free of visible dirt, and non industrial and untreated wood wastes are accepted at the site. All other wastes are to be immediately removed from the site if illegally placed at the site.
4. Wood wastes are dried for a minimum period as specified for agricultural burning by these rules and regulations, and free of dirt, soil and visible surface moisture prior to igniting to promote good combustion.
5. Wood wastes are ignited and burned by the affected Fire Prevention Agency personnel or other specific permit authorized public employees at a time and on a day when air dispersion is believed to be super adiabatic and fire safety assured. The District may delay any planned ignition to assure good air dispersion. Under no circumstances shall such burning occur on a designated no burn day. Such time and date shall be approved by the affected Fire Prevention Agency having jurisdiction in addition to the District, and the District shall be provided opportunity to inspect the site prior to ignition.
6. If a public nuisance as defined by Health and Safety Code Section 41700 occurs, the permit shall be voided and the operation discontinued.
7. If other than untreated wood or vegetative wastes are burned at the site the permit shall be voided and the operation discontinued.
8. Permits shall be voided upon a finding that alternative methods of disposal have been developed which are technologically and economically feasible by the State Air Resources Board or the District Board.

Section 450: **National Emissions Standards for Hazardous Air Pollutants (NESHAPS)**: The provisions of Part(s) 61 and 63, Chapter 1, Title 40, Code of Federal Regulations as herein last amended are adopted by reference and made a part of these Rules and Regulations. For the purposes of this Rule, the word "Administrator" as used in these national emission standards for hazardous air pollutants shall mean the Air Pollution Control Officer of the District. Category types subject to NESHAPS are as given in Table 5. EPA approved State ATCM's shall be considered District enforceable in lieu of the applicable NESHAP.

TABLE 5

NATIONAL EMISSIONS STANDARDS

FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Category - NESHAP	40 CFR 61 Subpart	Last Amended
General Provisions	A	07/21/92
Beryllium	C	11/07/85
Beryllium Rocket Motor Firing	D	11/07/85
Mercury	E	09/23/88
Vinyl Chloride	F	12/23/92
National Emissions Standards for Equipment Leaks (Fugitive Emissions Sources) of Benzene	J	06/06/84
Benzene from Coke By-Product Recovery Plants	L	09/19/91
National Emissions Standards for Asbestos	M	01/16/91
Inorganic Arsenic from Glass Manufacturing Plants	N	08/04/86
Inorganic Arsenic from Copper Smelters	O	08/04/86
Inorganic Arsenic from Arsenic Trioxide and Metallic Arsenic Production Facilities	P	08/04/86
National Emissions Standards for Equipment Leaks (Fugitive Emissions Sources)	V	07/10/90
Benzene from Benzene Storage Vessels	Y	12/11/89
Benzene from Benzene Transfer Operations	BB	03/07/90
Emission Standard for Benzene Waste Operations	FF	01/07/93

Category - NESHAP	40 CFR 63 Subpart	Last Amended
General Provisions	A	03/16/94
Major Source Control Technology Determinations	B	05/20/94
Compliance Extensions for Early HAPs Reductions	D	11/29/93
Organic Hazardous Air Pollutants from Organic Chemical Manufacturing	F	04/22/94
Organic Hazardous Air Pollutants from Organic Chemical Manufacturing Process Vents, Storage, Transfer Operations and Wastewater	G	04/22/94
Organic Hazardous Air Pollutants from Equipment Leaks	H	04/22/94
Organic Hazardous Air Pollutant Equipment Leaks Subject to Negotiated Regulation	I	04/22/94
National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities (major sources as defined in the General Provisions)	M	09/22/93
Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	R	12/14/94
Halogenated Solvent Cleaning	T	12/02/94
Magnetic Tape Manufacturing Operations	EE	12/15/94
Benzene Waste Operations	FF	01/07/93
Shipbuilding and Ship Repair	II	12/15/95
Wood Furniture Manufacturing Operations	JJ	12/15/95

Section 460: Chrome Plating and Anodizing Facilities:

A. REQUIREMENTS OF DECORATIVE CHROME PLATING FACILITIES: No person shall operate a decorative chrome plating tank unless an anti-mist additive is continuously maintained in the plating tank or control equipment is installed and used in a manner which has been demonstrated to and approved by the District Air Pollution Control Officer as reducing chromium emissions by 95 percent or more relative to chromium emissions when an anti-mist

additive is not maintained or control equipment is not installed and used.

B. REQUIREMENTS FOR HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES:
    1. The owners or operators of all hard chrome plating and chromic acid anodizing facilities shall maintain a continuous record of current integrated over time (ampere-hours) for all plating tanks for each collection system used in the hard chrome plating or chromic acid anodizing operations and shall within six (6) months after District adoption of regulations enacting this control measure and upon request thereafter submit the information to the District Air Pollution Control Officer.
    2. No person shall operate a plating tank for hard chrome plating or chromic acid anodizing unless the tank has an emissions collection system.
    3. No person shall operate a hard chrome plating or chromic acid anodizing tank unless;
        a. the chromium emissions from the emissions collection system serving the plating tank have been reduced by 95 percent or more of the uncontrolled chromium emissions or
        b. the chromium emissions from the emissions collection system serving the plating tank have been reduced to less than 0.15 milligrams (mg) of chromium per ampere-hour of electrical charge applied to the plating tank.
    4. No person shall operate a hard chrome plating tank or chromic acid anodizing tank at a facility if facilitywide chromium emissions from hard chrome plating or chromic acid anodizing are greater than two (2) pounds per year but less than ten (10) pounds per year unless:
        a. the chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or
        b. the chromium emissions from the emissions collection systems are reduced to less than 0.03 mg of chromium per ampere-hour of electrical charge applied to the tanks.
    5. No person shall operate a hard chrome plating or chromic acid anodizing tank at a facility if facilitywide chromium emissions from hard chrome plating or chromic acid anodizing are ten (10) pounds per year or greater unless:
        a. the chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99.8 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or
        b. the chromium emissions from the emissions collection systems are reduced to less than 0.03mg of chromium per ampere-hour electrical of charge applied to the tanks.

C. COMPLIANCE SCHEDULE - DECORATIVE CHROME PLATING FACILITIES: No later than six (6) months after District adoption of regulations enacting this control measure the owners or operators of existing decorative chrome plating tanks must obtain a District permit and comply with the provisions of (A)(1).

D. COMPLIANCE SCHEDULE - HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES:
    1. No later than six (6) months after District adoption of regulations enacting this control measure the owners or operators of existing hard chrome plating or chromic acid anodizing tanks must obtain a District permit. No later than twelve months after District adoption of regulations enacting this control measure the owner or operator of an existing hard chrome plating or chromic acid anodizing facility subject to sections (B)(3) or (B)(5) shall submit to the District Air Pollution Control Officer an application for an Authority to Construct for the equipment necessary to meet the requirement of (B)(2) and (B)(3) and no later than eighteen months after District adoption of regulations enacting this control measure the facility shall be in compliance with the requirements of (B)(2) and (B)(3).
    2. No later than eighteen months after District adoption of regulations enacting this control

measure the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to (B)(4) shall submit to the District Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of (B)(2) and (B)(4) and no later than twenty four months after District adoption of regulations enacting this control measure the facility shall be in compliance with the requirements of (B)(2) and (B)(4).

3. No later than thirty months after District adoption of regulations enacting this control measure the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to (B)(5) shall submit to the District Air Pollution Control Officer an application for an Authority to Construct for the equipment necessary to meet the requirements of (B)(5) and no later than forty eight months after District adoption of regulations enacting this control measure the facility shall be in compliance with the requirements of (B)(5).

Section 461: **Cooling Tower Requirement:** Any person who owns, operates, plans to build, own, or operate, a cooling tower must:

1. Presently have a permit, or file an application with the District for an authority to construct permit within 90 days of the effective date of this regulation, or prior to the construction of a cooling tower be issued an authority to construct permit. The permit or application shall;
    a. identify the operation and location of the cooling tower,
    b. the owner of the equipment,
    c. whether or not hexavalent chromium is used in the cooling tower circulating water,
    d. if used, when hexavalent chromium use will cease,
    e. identify materials of construction that contain hexavalent chromium, and
    f. identify any treatment of materials of construction initially or planned as part of maintenance operations with hexavalent chromium.
2. Cease addition of hexavalent chromium compounds to the circulating water within 90 days of the effective date of this regulation, and achieve a hexavalent chromium content of the circulating water not to exceed 0.15 milligrams per liter no later than 180 days after the effective date.
3. Test the circulating water for hexavalent chromium concentration using APHA Method 312B or a method approved by the District every six months, report the results to the District, and retain the test results for two years. Testing may be waived if two consecutive test results over a one year period show a hexavalent chromium content of less than 0.15 milligrams per liter, however; the District may require additional testing at any time if there is information that the circulating water may contain hexavalent chromium.

EXCEPTIONS

4. If the cooling tower contains wood components and the concentration of hexavalent chromium exceeds 0.15 milligrams per liter after 180 days from the effective date of this regulation, the District may extend the compliance date for the hexavalent chromium concentration limit up to six months provided:
    a. the owner complies with all other requirements of this regulation;
    b. the District is notified that the cooling tower contains wooden components and the owner requests an extension as provided by this section;
    c. during the six month extension period the level does not exceed 8 mg/l and improvement is demonstrated; and

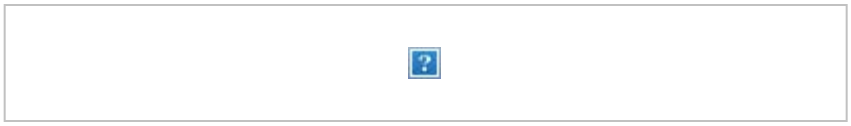
d. testing for hexavalent chromium in circulating water is performed monthly, forwarded to the District and the results retained on site by the operator for two years.

5. If the cooling tower has never used or ceased use of hexavalent chromium for at least one year immediately prior to the compliance date and a written certification, signed by the owner, is filed with the District, the District may waive the testing requirement and requirement for a permit to operate.

Section 465: Ethylene Oxide Airborne Toxic Control Measure Sterilizers and Aerators:

A. **Definitions**. For the purposes of this section, the following definitions shall apply:

1. **"Acute care facility"** means any facility currently licensed by the California Department of Health Services as a general acute care hospital (as defined in Title 22, CCR, Section 70005), or any military hospital.
2. **"Aeration"** is the process during which residual ethylene oxide dissipates, whether under forced air flow, natural or mechanically assisted convection, or other means, from previously sterilized materials after the sterilizer cycle is complete.
3. **"Aeration-only facility"** means a facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.
4. **"Aerator"** means any equipment or space in which materials previously sterilized with ethylene oxide are placed or remain for the purpose of aeration. An aerator is not any equipment or space in which materials that have previously undergone ethylene oxide sterilization and aeration can be handled, stored, and transported in the same manner as similar materials that have not been sterilized with ethylene oxide.
5. **"Aerator exhaust stream"** means all ethylene oxide-contaminated air which is emitted from an aerator.
6. **"Back-draft valve exhaust stream"** is the air stream which results from collection of ethylene oxide - contaminated air which may be removed from the sterilizer through a back-draft valve or rear chamber exhaust system during unloading of the sterilizer materials.
7. **"Control device"** means an article, machine, equipment, or contrivance which reduces the amount of ethylene oxide between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the district.
8. **"Control efficiency"** is the ethylene oxide (EtO) mass or concentration reduction efficiency of a control device, as measured with ARB Test Method 431 (Title 17, CCR, Section 94143) according to the source testing requirements herein, and expressed as a percentage calculated across the control device as follows:



9. **"Date of compliance"** means the time from district adoption of regulations enacting this control measure until a facility must be in compliance with specific requirements of this rule.
10. **"Ethylene oxide (EtO)"** is the substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.
11. **"Facility"** means any entity or entities which: own or operate a sterilizer or aerator, are owned or operated by the same person or persons, are located on the same parcel or

contiguous parcels.

12. **"Facility-wide pounds of ethylene oxide used per year"** is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.
13. **"Leak free"** refers to that state which exists when the concentration of sterilant gas measured 1 cm. away from any portion of the exhaust system of a sterilizer or aerator, during conditions of maximum sterilant gas mass flow, is less than 1 ppm, as determined by a portable flame ionization detector calibrated with methane, or an equivalent method approved by the district.
14. **"Local medical emergency"** means an unexpected occurrence in the area served by the acute care facility resulting in a sudden increase in the amount of medical treatments which require a significant increase in the operation of a sterilizer or aerator.
15. **"Sterilant gas"** means ethylene oxide or any combination of ethylene oxide and (an)other gas(es) used in a sterilizer.
16. **"Sterilizer"** means any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.
17. **"Sterilizer cycle"** means the process which begins when ethylene oxide is introduced into the sterilizer, includes the initial purge or evacuation after sterilization and subsequent air washes, and ends after evacuation of the final air wash.
18. **"Sterilizer door hood exhaust stream"** is the air stream which results from collection of fugitive ethylene oxide emissions, by means of an existing hood over the sterilizer door, during the time that the sterilizer door is open after the sterilizer cycle has been completed.
19. **"Sterilizer exhaust stream"** is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.
20. **"Sterilizer exhaust vacuum pump"** means a device used to evacuate the sterilant gas during the sterilizer cycle, including any associated heat exchanger. A sterilizer exhaust vacuum pump is a device used solely to evacuate a sterilizer prior to the introduction of ethylene oxide.

B. A**pplicability**. Any person who owns or operates a sterilizer or an aerator must comply with this regulation.

C. **Notification**. Any person subject to this regulation must provide the district with the following information, in writing, within 30 days of the date of district adoption:

1. the name(s) of the owner and operator of the facility;
2. the location of the facility;
3. the number of sterilizers and aerators at the facility;
4. an estimate of the total pounds of ethylene oxide and sterilant gas used by the facility, in all sterilizers, during the previous calendar year, as determined by a method approved by the district. The District may exempt a source from this requirement if the district maintains current equivalent information on the source.

D. **Reporting.** Any person who owns or operates a sterilizer shall furnish a written report to the district annually on the date specified by the district, or, at the district's discretion, shall maintain such a report and make it available to the district upon request. This report shall include one of the following, as determined by the district: l) the number of sterilizer cycles and the pounds of ethylene oxide used per cycle for each sterilizer during the reporting period, as determined by a method approved by the district; or 2) the total pounds of sterilant gas and the total pounds of ethylene oxide purchased, used, and returned in the previous calendar year, as determined by a method approved by the district.

E. **Requirements**. No person shall operate a sterilizer or aerator after the applicable date shown in column (d), Table I, unless all of the following requirements are satisfied:

1. there is no discharge of sterilizer exhaust vacuum pump working fluid to wastewater streams; and
2. the exhaust systems including, but not limited to, any piping, ducting, fittings, valves, or flanges, through which ethylene oxide contaminated air is conveyed from the sterilizer

and aerator to the outlet of the control device are leak-free; and

3. all of the control requirements shown in Table I below for the applicable control category are met; and
4. for facilities using more than 400 pounds of ethylene oxide per year, the back-draft valve is ducted to the control device used to control the sterilizer exhaust stream or the aerator exhaust stream; and
5. for facilities using more than 5,000 pounds of ethylene oxide per year, the sterilizer door hood exhaust stream is ducted to the control device used to control the aerator exhaust stream.

TABLE 6

CONTROL AND COMPLIANCE REQUIREMENTS

CONTROL CATEGORY	REQUIREMENTS			
	(a)	(b)	(c)	(d)
Facility-wide Pounds of Ethylene Oxide Used per Year	**Exhaust Streams to be Controlled**	**Exhaust Streams to be Tested**	**Control Efficiency (%)**	**Date of Compliance (months)**
less than or equal to 4	None	None	None	None
more than 4 and less than or equal to 400	Sterilizer	Sterilizer	99.0	24
more than 400 and less than or equal to 5,000	Sterilizer Aerator Back-draft valve	Sterilizer Aerator	99.9 95.0 N/A *	18
more than 5,000	Sterilizer Aerator & Sterilizer Door Hood Back-draft valve	Sterilizer Aerator	99.9 95.0 N/A N/A	12
Aeration-Only Facilities	Aerator	Aerator	95.0	8

* Not Applicable

Section 465: Ethylene Oxide Airborne Toxic Control Measure Sterilizers and Aerators:(CONT'D)

(CONT'D)

F. Exemptions.

1. A person who owns or operates a facility which treats materials in a sterilizer and which uses a total of 4 pounds or less of ethylene oxide per calendar year is exempted from items 1), 2), 3), and 4) in subsection "E", Requirements.
2. The district hearing board may grant an emergency variance from items (a) and (c) in Table I of subsection "E", Requirements, to a person who owns or operates an acute care facility if response to a local medical emergency requires increased operation of a sterilizer or aerator such that the requirements cannot be met. The demonstrated need for such increased operation shall constitute good cause pursuant to Health and Safety Code Section 42359.5. The emergency variance shall be granted in accordance with this section and any applicable district rule regarding the issuance of emergency variances for such occurrences, including the requirement that the emergency variance shall not remain in

effect longer than 30 days; however, the emergency variance shall be granted only for the period of time during which increased operation of a sterilizer or aerator is necessary to respond to the local medical emergency.

Compliance. The facility shall be in compliance with all provisions specified in subsection "E Requirements", no later than the date specified in column (d) of Table I. For the purpose of determining compliance with the control efficiency requirement shown in column (c) of Table I, subsection "E", if a reduction in the amount of ethylene oxide across the control device is demonstrated, but the control efficiency cannot be affirmatively demonstrated because the concentration of ethylene oxide measured in the outlet of the control device is below 0.2 parts per million ethylene oxide, the facility shall be considered to be in compliance with this requirement.

A. **Source Testing**. Source testing shall be conducted according to ARB Test Method 431, or as approved in writing by the ARB Executive Officer or the APCO. Specific requirements for application are given below:
   1. The test on a control device for a sterilizer exhaust stream shall be run with a typical load, as approved by the district, in the sterilizer.
   2. The test on a control device for an aerator exhaust stream shall be run with a typical load, as approved by the district, in the aerator.
   3. The inlet and outlet of the control device shall be sampled simultaneously during testing to measure the control efficiency.
   4. The efficiency of each control device shall be determined under conditions of maximum ethylene oxide mass flow to the device, under normal operating conditions. To measure the control efficiency of the control device on the sterilizer exhaust stream, sampling shall be done during the entire duration of the first sterilizer evacuation after ethylene oxide has been introduced. To measure the control efficiency of the control device on an aerator exhaust stream with a constant air flow, sampling shall be done during a period of at least 60 minutes, starting 15 minutes after aeration begins. To measure the control efficiency of the control device on an aerator exhaust stream with a non-constant air flow, sampling shall be done during the entire duration of the first aerator evacuation after aeration begins.
   5. There shall be no dilution of the air stream between the inlet and outlet test points during testing.

Section 466: Dioxins Airborne Toxic Control Measure For Medical Waste Incinerators;:

A. **Definitions**. For purposes of this section, the following definitions shall apply:
   1. "**ARB Test Method 2**" means the test method specified in Title 17, California Code of Regulations, Section 94102.
   2. "**ARB Test Method 428**" means the test method specified in Title 17, California Code of Regulations, Section 94139.
   3. "**Dioxins**" means dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7, and 8 positions and containing 4,5,6, or 7 chlorine atoms and is expressed as 2,3,7,8 tetrachlorinated dibenzo-para-dioxin equivalents using current California Department of Health Services toxic equivalency factors.
   4. "**Medical waste incinerator**" means all of the furnaces or other closed fire chambers that are located at a facility and used to dispose of waste generated at medical facilities by burning.
   5. "**Uncontrolled emissions**" means the dioxins emissions measured from the incinerator at a location downstream of the last combustion chamber, but prior to the air pollution control equipment.
   6. "**Waste**" means all discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including garbage, trash, refuse, paper, rubbish, food, ashes, plastics, industrial wastes, demolition and construction wastes, equipment, instruments, utensils, appliances, manure, and human or animal solid and semisolid wastes.

B. Requirements for medical waste incinerators that incinerate more than 25 tons of waste per year. The following requirements shall apply only to medical waste incinerators that incinerate more than 25 tons of waste per year:
    1. No person shall operate a medical waste incinerator unless:
        a. The dioxins emissions have been reduced by 99 percent or more of the uncontrolled emissions; or
        b. The dioxins emissions have been reduced to 10 nanograms or less per kilogram of waste burned.
    2. No person shall operate a medical waste incinerator unless the control equipment is installed and used in a manner which has been demonstrated to and approved by the district air pollution control officer (APCO) to meet the following requirements:
        a. The flue gas temperature at the outlet of the control equipment shall not exceed 300 degrees Fahrenheit, unless it has been demonstrated to, and approved in writing by, both the ARB and the APCO that lower emissions are achieved at a higher outlet temperature; and
        b. For a single chamber incinerator, the combustion chamber shall be maintained at no less than 1800 degrees (+/- 200 degrees) Fahrenheit;
        c. For a multiple chamber incinerator, the primary combustion chamber shall be maintained at no less than 1400 degrees Fahrenheit, and the secondary chamber shall be maintained at no less than 1800 degrees (+/- 200 degrees) Fahrenheit; and
        d. The furnace design shall provide a residence time for combustion gas of at least one second. Residence time shall be calculated using the following equation: Residence Time = V/Qc , and where V means the volume, as expressed in cubic feet, from the point in the incinerator where the maximum temperature has been reached until the point where the temperature has dropped to 1600°F. Qc means the combustion gas flow through V, as expressed in actual cubic feet per second, which is determined with ARB Test Method 2.
    3. No person shall operate a medical waste incinerator unless the bottom ash, fly ash and scrubber residuals are handled and stored in a manner that prevents entrainment into ambient air.
    4. (4) The owner or operator of a medical waste incinerator shall maintain the following: (a) A continuous data recording system which provides for each day of operation continuous recording of the primary and secondary combustion chamber temperatures; carbon monoxide emissions; the key operating parameters of the air pollution control equipment, as specified by the APCO; the hourly waste charging rates; and the opacity of stack emissions or other indicator of particulate matter which is approved by the APCO; (b) Maintenance records for the incinerator, control equipment, and monitoring equipment; and calibration records for the monitoring equipment; and (c) Equipment for determining and recording the weight of waste charged to the incinerator.
    5. (5) For purposes of demonstrating compliance with subsection (B)(1) of this rule the owner or operator of a medical waste incinerator shall conduct a minimum of two annual source tests for the dioxins stack emissions using ARB Test Method 428. Annual source tests shall be conducted until at least two consecutive tests demonstrate compliance, at which time the frequency of future source tests is at the discretion of the APCO. For purposes of determining compliance with subsection (B)(1)(a) of this rule, emissions shall be sampled simultaneously from the flue at a location downstream of the last combustion chamber, but prior to the control equipment, and from the stack during source testing. For purposes of determining compliance with subsection (B)(1)(b) of this rule, the source testing shall be conducted at the stack. The information regarding the composition (moisture content, and amount of the total waste that is infectious, pathological, hazardous, or radioactive) and feed rate of the fuel charged during the source test shall be provided with the test results. The APCO can require additional necessary information regarding the composition of the waste. Source testing shall be conducted at the maximum waste firing capacity (+/- 10 percent) allowed by the air

district permit. A copy of all source test results conducted for purposes of demonstrating compliance with this rule shall be provided to the ARB at the same time that it is provided to the Air Quality Management District.

6. Any violation, malfunction, or upset condition on the incinerator, the air pollution control equipment, or the continuous data recording system shall be reported to the district within 1 hour of occurrence or by 9 a.m. the next business day if the malfunction occurs outside normal business hours and the district does not maintain a radio room or an answering machine.
7. No person shall operate a medical waste incinerator unless each individual who operates or maintains the incinerator obtains either a certificate of training in medical waste incineration issued by The American Society of Mechanical Engineers within nine months of the commencement of the training program, or equivalent training as determined by the APCO. Copies of the training certificates for the operators and maintenance engineers shall be submitted to the district and the original certificates shall be available for inspection at the facility with the permit to operate.

C. Requirements for medical waste incinerators that incinerate 25 tons or less of waste per year. The following requirements shall apply to incinerators that incinerate 25 tons or less of waste per year:
   1. No person shall operate a medical waste incinerator that incinerates 25 tons or less of waste per year unless the requirements specified in subsections (B)(3), (B)(4)(c), and (B)(7) are met.
   2. The owner or operator of a medical waste incinerator that incinerates more than 10 but less than 25 tons of waste per year shall conduct one initial source test at the incinerator stack as specified in subsection (B)(5).

D. Compliance Schedule.
   1. No later than 90 days after district adoption of regulations enacting this control measure, the owner or operator of a medical waste incinerator that incinerates more than 25 tons of waste per year shall submit to the APCO an application for an authority to construct the equipment necessary to meet the requirements of sections (B)(1) or (B)(2), and no later than 15 months after district adoption of regulations enacting this control measure, the owner or operator of a medical waste incinerator shall be in compliance with this regulation.
   2. The owner or operator of a medical waste incinerator who intends to permanently shut down operation of the incinerator shall notify the district of the shutdown date within 90 days after district adoption of regulations enacting this control measure. The shutdown date shall be no later than six months after district adoption of regulations enacting this control measure.
   3. The owner or operator of a medical waste incinerator that incinerates 25 tons or less of waste per year who intends to remain in operation shall notify the district within 90 days after district adoption of regulations enacting this control measure. The owner or operator of a medical waste incinerator shall be in compliance with this regulation no later than 15 months after district adoption of regulations enacting this control measure.

E. This control measure shall not apply to those incinerators which are exclusively crematoria of human or animal remains.

F. Existing permitted facililties as of January 1, 1991 which choose an alternative technology for primary use, and will not incinerate more than ten tons per year may join efforts or continue singularly to utilize incineration but are subject to compliance requirements of this Section. Existing permits shall be modified upon request for continued stand-by use in the event of failure of any selected alternative equipment, and for the incineration of sharps if such wastes are refused at available land disposal facilities in Lake County once sterilized using alternative method(s).

Section 467 **<u>Asbestos Emissions Control Measure:</u>**

Part I - General

The purpose of this Rule is to control emissions of asbestos to the atmosphere and provide appropriate waste handling and disposal procedures.

Part II - Definitions

"**Active Waste Disposal Sites**" means any disposal site or portion thereof which accepts asbestos containing waste material.

"**Adequately Wetted**" means sufficiently mixed or penetrated with liquid to prevent the release of particles. If visible emissions are observed coming from asbestos containing material, then that material has not been adequately wetted; however, the absence of visible emissions is not sufficient evidence of being adequately wetted. Material that is removed in units or parts of units shall be wet at all the exposed surfaces. If broken up, the material shall be wetted at all the exposed fracture surfaces.

"**Asbestos Mill**" means any plant engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Indoor and outdoor storage, handling, conveying and loading of asbestos materials is considered a part of such a plant.

"**Asbestos Containing Material**" means any material which contains asbestos in an amount greater than 1% by weight, area, or count as determined by: the method specified in appendix A, subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy; ARB Test Method 435, or other approved method.

"**Asbestos Containing Serpentine Material**" means serpentine material that meets the Regulated Asbestos Containing Material (RACM) criteria of greater than one percent (1%) asbestos content as determined by ARB Test Method 435 or other approved method.

"**Asbestos Containing Waste Material**" means any waste that contains or has been contaminated by commercial asbestos and is generated by a plant or operation subject to the provisions of this Rule, including but not limited to, asbestos mill tailings, control device asbestos waste, RACM demolition and renovation waste material, and bags or containers that previously contained commercial asbestos.

"**Category I Nonfriable Asbestos Containing Material**" means asbestos containing packings, gaskets, resilient floor coverings, and asphalt roofing products.

"**Category II Nonfriable Asbestos Containing Material**" means asbestos containing material, excluding Category I nonfriable asbestos containing material, that, when dry, and in its present form, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"**Commercial Asbestos**" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

"**Completion Date**" means the date on which containment is removed.

"**Containment**" means the isolation of an asbestos removal area from the outside air by use of physical barriers, usually plastic sheeting. Such barriers shall include transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of RACM from outside the barrier.

"**Conversion Operation**" means a process by which asbestos material and/or asbestos containing waste material is converted to non asbestos (asbestos-free) material.

"**Cumulative Renovations**" means a series of small (less than 100 linear, feet, 100 square feet, or 35 cubic feet) renovations or removals of RACM performed during a calendar year at a single plant or facility which, taken together, would add up to a reportable amount under the provisions of this Rule.

"**Control Device Asbestos Waste**" means any asbestos containing waste material that is collected in an air pollution control device.

"**Demolition**" means wrecking, intentional burning or dismantling of any element or all of a building including, but not limited to, any related cutting, disjointing, stripping, removal and handling operations of RACM.

"**Element**" means any boiler, pipe, furnace, duct, tank, reactor, turbine, structural or non structural member.

"**Emergency Demolition**" means a demolition carried out pursuant to an order of a state or local government agency issued because the building is structurally unsound and in danger of imminent collapse.

"**Emergency Renovation**" means a renovation that is not planned but results from a sudden, unexpected event. This includes operations necessitated by equipment failures and unanticipated findings of RACM, or the conversion of previously nonfriable asbestos containing material to friable material during the course of a renovation. Renovations due to fire, water, or earthquake damage, or where an imminent danger to the public health may exist, are included. Renovations in public buildings, schools or owner occupied single family dwellings during or within ten days of the close of escrow may be included at the discretion of the APCO.

"**Fabricating**" means any processing of a manufactured product containing commercial asbestos with the exception of processing at temporary sites for the construction or restoration of buildings, structures, plants or installations.

"**Friable Asbestos Containing Material**" means any material that contains more than one percent (1%) asbestos as determined by the methods specified in Part III, F, (3), when dry, can be crumbled, pulverized or reduced to powder by hand pressure.

"**Glove Bag Technique**" means a method of stripping or removing RACM in which the material is totally isolated inside a plastic bag and then manually removed using gloves which are an integral part of the bag.

"**HEPA Filter**" means a high efficiency particulate air filter capable of filtering 0.3 micron particles with 99.97 percent efficiency as determined by ASTM Method D-2988-71.

"**Inactive Waste Disposal Site**" means any disposal site or portion thereof, where additional asbestos containing waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

"**Leak-Tight**" means any method of containerization that prevents solids, liquids, or particles from escaping or spilling out.

"**Manufacturing**" means the combining or processing of commercial asbestos, or materials containing commercial asbestos into a product.

"**Outside Air**" means the air outside buildings and structures.

"**Owner or Operator of a Demolition or Renovation**" means any person who owns, leases, operates, controls or supervises the stationary structure being demolished or renovated, or any person who owns, leases, operates, controls or supervises demolition or renovation, or both.

"**Particulate Asbestos Material**" means the finely divided particles of asbestos material.

"**Planned Renovation**" means a renovation, or a number of such operations, in which the amount of RACM that will be removed or stripped at an installation within a maximum time of one year can be predicted. Operations that are individually non-scheduled are included, provided a number of such operations can be predicted to occur during a given period of time based on operating experience. The minimum period of time shall be 30 days.

"**Receipt**" means any written acknowledgment that a specified amount of serpentine or asbestos containing material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.

"**Regulated Asbestos Containing Material (RACM)**" means friable asbestos containing material, or, Category I nonfriable asbestos containing material that has or will become friable, or, Category I nonfriable asbestos containing material that will be or has been subjected to sanding, drilling, grinding, cutting, or abrading, or, Category II nonfriable asbestos containing material that may become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition, renovation or use.

"**Removing**" means the taking out of RACM used on any element from any building, structure, plant or installation.

"**Renovation**" means an operation other than demolition in which RACM is removed or stripped from any element of a building, structure, plant or installation.

"**Resilient Floor Covering**" means asbestos containing material comprised of floor tile, including but not limited to asphalt or vinyl floor tile, linoleum, or sheet vinyl floor covering.

"**Serpentine**" means any form of hydrous magnesium silicate minerals including, but not limited to, antigorite, lizardite, and chrysotile.

"**Serpentine material**" is any material that contains at least ten percent (10%) serpentine.

"**Starting Date**" means the date on which actual asbestos removal begins.

"**Stripping**" means taking off RACM used on any pipe, duct, boiler, tank, reactor, turbine, furnace, structural member, or surface.

"**Waste Generator**" means any owner or operator of a source subject to this rule whose act or process produces asbestos containing waste material.

"**Waste Shipment Record**" means the shipping document required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos containing waste material.

Part III - <u>Demolition, Renovation, and Removal</u>

A. ADMINISTRATIVE REQUIREMENTS

1. Reporting Demolition and Renovation: The person responsible for any existing source to which this Rule is applicable shall provide to the APCO a description of the emission control equipment used for each process and the following information:
    a. For every demolition even where no RACM is present, and for each renovation operation where the amount of RACM is greater than or equal to 260 linear feet, 160 square feet or 35 cubic feet, a written plan or notification of intent to demolish or renovate shall be provided to the APCO at least 14 days prior to commencement of demolition or renovation, or as early as possible prior to commencement of emergency demolition or renovation. Such notification shall include the following information:
        1. Indicate whether the notification is the original or a revision.
        2. The name, address and telephone numbers of both the owner(s) of the structure and the operator of the demolition or renovation.
        3. A description of the structure being renovated, including the size, number of floors, age of the oldest portion, and the present and prior use of the structure.
        4. An estimate of the approximate amount of RACM to be removed from the structure or portion thereof, in terms of length of pipe in linear feet, surface area in square feet, or volume in cubic feet if the material is not attached to facility components.
        5. An estimate of the approximate amount of Category I and Category II nonfriable asbestos containing material that will not be removed before demolition.
        6. The procedures used, including the analytical laboratory method employed to locate and identify the presence of RACM and Category I and Category II

nonfriable asbestos containing material.

7. The address and location (including building number or name and floor or room number, as applicable) of each structure where demolition or renovation will occur.
8. Accurate starting and completion dates of demolition or renovation.
9. A description of planned demolition or renovation and method(s) to be employed.
10. A description of work practice and engineering controls to be used including emission control procedures for asbestos removal and waste handling.
11. The name, address and location of the waste disposal site where the asbestos containing waste material will be deposited.
12. A copy of the order to demolish including the name, title, and authority of the state or local governmental representative who has ordered a demolition pursuant to Part III, B,1,(k).
13. Certification that at least one person trained as required by Part III, B, 1, (i), will supervise the asbestos removal described in this plan.
14. Description of the procedures to be followed in the event that unexpected RACM is found or Category I or II nonfriable asbestos containing material becomes friable.
15. Name, address and telephone number of the waste transporter.

The information described in this section shall be typewritten or computer printed in a format similar to that shown in 40 CFR Part 61, Figure 3

a. Schedule Changes and Updates: Any changes to any aspect of a notification submitted in accordance with Part III, A, 1, (a), must be reported to the APCO. These changes shall include, but are not limited to, changes in the notified starting or completion dates, changes of amounts of RACM to be removed, and changes of contractor or waste disposal site. It shall be the responsibility of the person making the initial notification of intent to remove asbestos to ensure that the APCO is notified of any such changes. A job which starts prior to the reported starting date or continues past the scheduled completion date as shown in the notification of intent to remove asbestos, shall constitute a failure to notify.
b. For active waste disposal operations, a brief description of each process that generates asbestos containing waste material; the average weight of asbestos containing waste material disposed of, measured in lbs/day; the emission control methods used in all stages of waste disposal; and the type of disposal site used for ultimate disposal, including the name of the site operator and the name and location of the disposal site.
c. For inactive waste disposal sites, a brief description of the site and the method or methods used to comply with the standard, or alternative procedures to be used.

2. Approval of Conversion Operation: To operate a conversion operation pursuant to Part III, C, 1, a, (3), the owner or operator shall apply for and receive an Authority to Construct permit prior to operation. The owner or operator shall provide the APCO with the following:
   a. Descriptions of waste feed, handling and temporary storage, process operating conditions, handling and temporary storage of the end product and a description of the protocol to be followed when analyzing output materials by Transmission Electron Microscopy (TEM) as described in Part III, F, 4; a demonstration of the conversion process upon request of the APCO, and a protocol for the start-up performance test as described in Part III, E, 4 and F, 6.
   b. A report for each analysis of product composite samples performed during the initial 90 days of operation.
   c. A quarterly report, including the following information concerning activities during each consecutive three (3) month period: results of analyses of monthly product composite samples; a description of any deviation from the operating parameters, including its duration, and any corrective action taken: disposition of any products produced during a period when the operating parameters were outside the range indicative of asbestos-free; and information on waste disposal activities as required in Part III, C.
3. Excavating or Disturbing Asbestos Containing Waste: The owner or operator of a waste

disposal site referenced in Part III, D, shall notify the APCO in writing at least 45 days prior to excavating or otherwise disturbing any asbestos containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one stated in the original notice, notice of the new start date shall be provided to the APCO at least 14 days before excavating begins. In no event shall excavation begin earlier than the date specified in the original notification. The notice shall include: scheduled starting and completion dates; reasons for disturbing the wastes; procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos containing waste material; and location of any temporary storage site and the final disposal site.

4. Asbestos Milling, Manufacturing and Fabrication Facilities: Asbestos milling, manufacturing and fabrication facilities shall submit a written maintenance plan to the APCO. This plan shall include the following information: maintenance schedule; record keeping plan; and maintenance records of the results of visible emissions monitoring and air cleaning device inspections including the following: date and time of each inspection: presence or absence of visible emissions; condition of fabric filters, including presence of tears, holes and abrasions; presence of dust deposits on clean side of filter: brief description of corrective actions taken, including date and time; and daily hours of operation for each air cleaning device. On a quarterly basis, submit a copy of visible emissions monitoring records if visible emissions occurred during the reporting period. Quarterly reports shall be postmarked by the 30th day following the end of the calendar quarter.

B. DEMOLITION, .RENOVATION AND REMOVAL

1. Procedures: To prevent emissions from asbestos containing material, a person responsible for scheduled or emergency demolition, renovation, or removal of any building elements containing any amount of RACM shall use the procedures specified as follows:
    a. Wetting Method: All exposed RACM shall be adequately wetted and kept wet during cutting, stripping, demolition, renovation, removal and handling operations both inside and outside of a building, unless otherwise provided in this Section. Wetting requirements are suspended when the temperature at the point of wetting is below 32°F in which case elements of RACM shall be removed in units or in sections to the maximum extent possible. The air temperature at the point of wetting shall be determined by an appropriate measurement method with an accuracy of +/-2°F and recorded hourly during the period that the operation of the wetting system is suspended.
    b. Exhaust and Collection Method: In lieu of wetting, a local HEPA exhaust, ventilation, and collection system designed and operated to capture the emissions from RACM and prevent any visible emissions to the outside air may be used during 1) stripping of any element that has been removed as a unit or in sections; 2) to prevent emissions of particulate asbestos containing material to the outside air when damage to equipment resulting from wetting would be unavoidable; 3) shot blasting of mastic. Approval for dry removal of RACM must be received from the APCO. Requests for approval of dry removal must be in writing.
    c. Scheduling: Except as otherwise provided in this rule, RACM shall be removed prior to other demolition or removal operations that would either break up or preclude access to the RACM for subsequent removal.
    d. Removal In Units: Elements that have RACM may be removed in units or sections so long as the exposed RACM during cutting or disjointing is adequately wetted or encapsulated to prevent emissions of particulate asbestos material. Such sections if elevated shall be carefully lowered to ground level, where they are to be abated using the wetting method.
    e. Removal By Chute or Container: All RACM not removed in units or sections shall be adequately wetted and kept wet, and transported to the ground in dust tight chutes or containers.
    f. Containment Requirement: Any building, structure, room, facility or installation from

which RACM is being stripped or removed, shall be isolated by physical barriers from the outside air. Such barriers shall include transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of RACM from outside the barrier. The negative air pressure inside the isolated work area shall be maintained at a pressure differential relative to adjacent, non-isolated areas to the extent feasible. The negative air pressure ventilation equipment shall be operated continuously from the establishment of isolation barriers through final clean-up of the work area following stripping or removal of RACM. This section shall not apply to a removal done entirely by the glove bag method, a removal using a mini-enclosure designed and operated according to Appendix G to 29 CFR Section 1926.58, or a removal using any other engineering control technique approved by the APCO. The requirement to maintain negative air pressure shall not apply to outdoor pipe ways at industrial facilities, however these jobs shall be contained by plastic barriers to the extent feasible to prevent visible emissions of RACM.

g. Clean Work Site Requirement: All friable asbestos containing waste material related to a specific demolition, renovation or removal, including pre-existing debris, shall be handled in accordance with the provisions of Parts III and IV.
h. Surveys: Prior to commencement of any demolition or renovation, the owner or operator shall thoroughly survey the affected stationary structure or portion thereof for the presence of asbestos containing material, including Category I and Category II nonfriable asbestos containing material. The survey shall be performed by a person who is certified by the provisions of Occupational Safety and Health Act pursuant to regulations required by subdivision (b) of Section 9021.5 of the Labor Code, and who has taken and passed an EPA approved Building Inspector course and who conforms to the procedures outlined in the course. The survey shall include sampling and laboratory analysis of the asbestos content of all suspected asbestos containing materials.
i. On-Site Representative: No RACM shall be stripped or removed unless at least one on-site representative, such as a foreman or management level person or other authorized representative, certifies that he or she is familiar with the provisions of this rule as it pertains to demolition and renovation and the means of compliance therewith, and is present during all stripping and removing of RACM. The required training shall include: applicability of the regulation, notifications, procedures, material identification, and control procedures for removals, including: adequate wetting, local exhaust ventilation and HEPA filtration, negative pressure enclosures, glove-bag procedures, waste disposal work practices, and reporting and record keeping requirements.
j. RACM Discovered After Demolition: If RACM is not discovered until after demolition begins and as a result of the demolition cannot be safely removed, the asbestos contaminated debris shall be treated as asbestos containing waste material and kept adequately wet at all times until disposed of according to the provisions of Part III, C.
k. Ordered demolition: The owner or operator of any demolition of any building or other stationary structure pursuant to an order of an authorized representative of a state or local governmental agency, issued because that structure is structurally unsound and in danger of imminent collapse, shall comply with the wetting requirements of Part III, B, 1, (a), to the extent feasible during the wrecking operation.
l. Maintenance of Removed RACM - Waste Handling: All RACM that has been removed or stripped shall be kept adequately wetted at all times, stored in transparent leak-tight containers, labeled with the name of the waste generator and the location at which the waste was generated, and stored in a secured and locked area until collected for transport to a waste disposal site.

2. Prohibited Operations: The following operations are prohibited:
   a. The spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration or repair.

C. WASTE DISPOSAL

1. To prevent emissions from asbestos containing material, a person responsible for the collection, processing, packaging, transporting, or disposition of any asbestos containing waste material which is generated by manufacturing, fabricating, scheduled or emergency demolition or renovation, spraying operations or asbestos mills, shall use the following specified procedures:
    a. The person responsible for any demolition, renovation or removal of RACM, or for any source other than an asbestos mill may elect to use either of the following disposal methods or an alternative disposal method which has received prior approval by the APCO.
        1. Treatment of Asbestos Containing Waste Material with Water: Control device asbestos waste shall be adequately wetted and kept wet. There shall be no visible emissions to the outside air from the collection, mixing and wetting operations, except as permitted in Part IV, B, 1. After wetting, and while still wet, all asbestos containing waste material shall be sealed into leaktight containers prior to being removed from containment as specified in Part III, B, 1, (l). Such containers shall remain leaktight and be deposited at waste disposal sites which are operated in accordance with the provisions of Part III, D. The containers shall be labeled with the name of the waste generator and the location (address) from which the waste was generated. Containers shall also include an OSHA Approved asbestos warning label.
        2. Processing of Asbestos Containing Waste Material into Nonfriable Forms: All asbestos containing waste material shall be formed into nonfriable pellets or other shapes and deposited at waste disposal sites which are operated in accordance with this regulation. There shall be no visible emissions to the outside air from this collection and processing of asbestos containing waste material except as permitted in Part IV, B, 1. For the purposes of this section, the term "all asbestos containing waste material" as applied to demolition and renovation operations includes only friable asbestos waste and control device asbestos waste.
        3. Conversion of RACM and Asbestos Containing Waste Material into Non Asbestos (asbestos-free) Material: Each owner or operator of a conversion operation shall comply with Part III, E, 4 and Part III, F, 6.
    b. Rather than meet the requirements of Part III, B, the person responsible for an asbestos mill may elect to meet the following requirements or use an alternative disposal method after receiving prior written approval by the APCO.
        1. There shall be no visible emissions to the outside air from the transfer of control-device asbestos waste to the tailings conveyor, except as permitted in Part IV, B, 1. Such waste shall be subsequently processed in accordance with this regulation .
        2. All asbestos containing waste material shall be adequately mixed with a wetting agent prior to disposition at a waste disposal site. Such wetting agent shall be used as recommended for the particular dust by the manufacturer of the agent. There shall be no visible emissions to the outside air from the wetting operation except as permitted in Part III, B, 1. (a). Wetting may be suspended when the ambient air temperature at the waste disposal site is less than 15°F. The ambient air temperature shall be determined by an appropriate measurement method with an accuracy of +/-2°F and recorded hourly during the period that the operation of the wetting system is suspended.
    c. All asbestos containing waste material shall be deposited at waste disposal sites operated in accordance with this Rule.
    d. For demolition's where the RACM is not removed prior to demolition pursuant to Part III, B, 1, (k), the asbestos containing waste material shall be kept adequately wetted at all times after demolition, during handling and loading and shall be sealed in leak-tight containers for transport to a disposal site.	
    e. All vehicles used to transport asbestos containing waste material shall be placard as specified in 29 CFR 1910.145 and this section during the loading, unloading and

transportation of waste. The signs shall be visible and shall be displayed in such a manner that a person can easily read the legend:

DANGER

ASBESTOS DUST HAZARD

CANCER AND LUNG DISEASE HAZARD

AUTHORIZED PERSONNEL ONLY

f. All asbestos containing waste material transported off the facility site shall meet all of the following requirements:

   1. Maintain a waste shipment record as specified in Part III, E, 2.
   2. Provide a Copy of the waste shipment record specified in Part III, E, 2, to the disposal site owner or operator at the same time the asbestos containing waste material is delivered to the disposal site.
   3. Contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment. If the waste shipment record specified in Part III, E, 2, signed by the owner or operator of the designated disposal site is not received by the waste generator within 35 days of the date the waste was accepted by the initial transporter.
   4. Provide a written report to the APCO if a copy of the waste shipment record referenced in Part III, E, 2, signed by the owner or operator of the disposal site if not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. The following information shall by included: a copy of the waste shipment record specified in Part III, E, 2, for which a confirmation of delivery was not received, and a letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

D. WASTE DISPOSAL SITES

1. There shall be no visible emissions to the outside air from a waste disposal site where asbestos containing waste material is being or has been deposited.
2. Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site, at intervals of 300 feet or less where asbestos containing waste material was deposited. Warning signs and fencing are not required where the requirements of Part III, D, 4, (a) and (b), are met, or where a natural barrier adequately deters access by the general public. Upon request and supply of appropriate information, the APCO will determine whether a fence or a natural barrier adequately deters access to the general public.
3. The perimeter of the site shall be fenced in a manner adequate to deter access by the general public, except as specified in Part III, D, 2.
4. Rather than meet the requirements of Part III, D, 1 and 2, a person may elect to meet the following requirements or may use an alternative control method for emissions from a waste disposal site which has received prior approval by the APCO.
   a. For an inactive site, the asbestos containing waste material shall be covered with at least 6 inches of compacted non asbestos containing material and a cover of vegetation shall be grown and maintained on the area adequate to prevent exposure of the asbestos

containing waste material; or the asbestos containing waste material shall be covered with at least 2 feet of compacted non asbestos containing material and maintained to prevent exposure of the asbestos containing waste.

b. For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion shall be applied and maintained. Such agent shall be used as recommended for the particular asbestos tailings by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the APCO. For purposes of this section waste crankcase oil is not considered a dust suppression agent.

c. For an active waste disposal site, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with at least 6 inches of compacted non asbestos containing material or with a resinous or petroleum based dust suppression agent which effectively binds dust and controls wind erosion. Such dust suppression agent shall be used as recommended for the particular dust by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the APCO. For purposes of this section, waste crankcase oil is not considered a dust suppression agent.

5. For an active waste disposal site the owner or operator shall:
   a. Maintain waste shipment records as specified in Part III, E, for all asbestos containing waste material received;
   b. Send a copy of the signed waste shipment record to the waste generator as soon as possible and in no case longer than 30 days after the receipt of the waste;
   c. Upon discovering a discrepancy between the quantity of asbestos- containing waste material noted in the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the APCO, describe the discrepancy and attempts to resolve it, and include a copy of the waste shipment record.

E. MONITORING AND RECORDS

1. Temperature Records: Records of temperature measurements as required by Part III, B, 1, (a) and Part III, C, 1, (b), (2), shall be retained by the operator for a minimum of two (2) years and made available for inspections by the APCO.
2. Waste Shipment Records: Waste shipment records as required by Part III, C, 1, (f), shall include the following information:
   a. The name, address, and telephone number of the waste generator.
   b. The name and address of the local Air Quality Management District in which the waste was generated.
   c. The approximate amount of waste in cubic yards.
   d. The name and telephone number of the disposal site operator.
   e. The name and physical location of the disposal site.
   f. The name, address, and telephone number of the transporter(s).
   g. A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway. Records shall be retained by the waste generator for a minimum of two (2) years and made available for inspection by the APCO.
3. Active Waste Disposal Site Records:
   a. Waste shipment Records: Waste shipment records as required by Part III, D, 5, shall include the following information:
      1. The name, address and telephone number of the waste generator.

2. The name, address and telephone number of the transporter(s).
3. The quantity of the asbestos containing waste material in cubic yards.
4. The presence of improperly enclosed or uncovered waste, or any asbestos containing waste material not sealed in leak tight containers. If this condition exists, report in writing to the APCO by the following working day. Submit a copy of the waste shipment records along with the report.
5. The date of receipt. Records shall be retained by the waste disposal site operator for a minimum of two (2) years and made available for inspection by the APCO.

b. Asbestos Waste Location Records: Maintain, until closure, records of the location, depth and area, and the quantity in cubic yards of asbestos containing waste material within the disposal site on a map or diagram of the disposal area. Upon closure of the facility, submit a copy of records of asbestos waste disposal locations and quantities to the appropriate Local Enforcement Agency.

4. Conversion Operation: The owner or operator of a conversion operation shall maintain the following records: results of the start-up performance testing and all subsequent performance testing, including operating parameters, feed characteristics and analyses of output materials; results of the composite analyses, continuous monitoring and loss of process operating parameters required in Part III, F, 6; the waste shipment records including the information required in Part III, E, 3 for all asbestos containing waste received; and the name and location of the purchaser or disposal site and the date of sale or deposit for output materials.
5. A person subject to this rule shall maintain records for two (2) years and make the records available for inspection by the APCO upon request.

F. MANUAL OF PROCEDURES

1. Waste Disposal Warning Labels: Warning labels required by Part III, C, 1, (a), (1), must be as specified in the Manual of Procedures or by the Occupational Safety and Health Administration.
2. Warning Signs for Waste Disposal Sites: Warning signs required by Part III, D, 2, must be as specified in the Manual of Procedures.
3. Bulk Sampling Analysis: Asbestos bulk samples shall be analyzed using ARB Test Method 435 or other approved method.
4. Asbestos : When so indicated, asbestos content shall be determined using the National Institute of Standards and Technology (NIST) approved Transmission Electron Microscopy (TEM) method.
5. Fabric Filters: The airflow permeability of fabric filters shall be as specified by ASTM Method pages 737-769.
6. Conversion Facility Performance Test: Prior to start up of an asbestos conversion facility subject to Part III, A, 2 and Part III, E, 4, an owner or operator must conduct a start-up performance test as specified in 40 CFR Part 61.155(b). Operations tests shall be performed as specified in 40 CFR Part 61.155(c) and (d).

G. EXEMPTIONS

1. This rule shall not apply to residential buildings which have four (4) or fewer dwelling units.
2. This rule shall not apply to maintenance or decontamination procedures where no removal takes place.
3. Those operations that primarily install asbestos friction products in motor vehicles are exempt from the requirements of Part III, B.
4. Cold process cutback asphalt roof coatings and exterior and interior coatings and laminating resins containing encapsulated asbestos fibers bound within the finished product from manufacture through application are exempt from the limitations of Part III, B.
5. Maintenance and decontamination operations where no RACM is being removed are exempt from the provisions of Part III, B.

Part IV - Manufacturing

A. PROHIBITED OPERATIONS

Molded insulating materials which are friable, and wet-applied insulating materials which are friable after drying, installed after the effective date of this regulation, shall contain no asbestos.

B. VISIBLE EMISSIONS

1. There shall be no visible emissions to the outside air from any asbestos mill or from any operation involving the manufacture or fabrication of any product containing asbestos.
    a. Rather than meet the no visible emission requirements as specified, a person may elect to use air-cleaning to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air. Each owner or operator must meet the following requirements:
        1. Monitor each potential source of asbestos emissions from any part of the mill, manufacturing, or fabricating facility including air cleaning devices, process equipment and buildings that house equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operation. The monitoring shall be visual observation of at least 15 second duration per source of emissions utilizing EPA Method 9.
        2. Inspect each air cleaning device at least once each week for proper operation and maintenance, including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected weekly, submit a written maintenance plan to the APCO. If the use of fabric filters creates a fire or explosion hazard, the APCO may authorize the use of wet collectors designed to operate with a unit contacting energy of at least 40 inches water gauge pressure. All air cleaning equipment authorized by this rule must be properly permitted, installed, used, operated and maintained. By-pass devices may be used only during emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

Part V - Roadways and Surfacing Standards

A. PROHIBITED OPERATIONS

The surfacing of roadways with asbestos containing materials, asbestos containing wastes or serpentine which contains more than one percent (1%) asbestos is prohibited, except as allowed under Part V, D. The depositing of asbestos containing materials on roadways covered with snow or ice is considered "surfacing".

B. REQUIREMENTS FOR USE OR SALE OF ASBESTOS CONTAINING SERPENTINE MATERIALS

1. All facilities which sell, supplies, or offers for sale serpentine material shall apply for and maintain a District Permit.
2. Any person who sells, supplies, or offers for sale serpentine material within the District, shall provide with each sale or supply a written warning notice containing the following statement: "Serpentine material may have an asbestos content greater than one percent (1%). Asbestos when inhaled is designated a cancer causing agent. It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to one percent (1%) asbestos. All tests for asbestos content must use California Air Resources Board

Test method 435, and a written record documenting the test result(s) must be retained for at least seven years if the material is used for surfacing."

3. No person shall sell, supply, or offer for sale serpentine material for surfacing within the District unless the serpentine material has been tested using ARB Test Method 435 or other approved method, and determined to have an asbestos content of one percent (1%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is one percent (1%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: the amount of serpentine material sold or supplied; the dates that the serpentine material was produced, sampled, tested, and supplied or sold; and the asbestos content of the serpentine material as measured by ARB Test Method 435, or other approved method. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.
4. No person shall use or apply serpentine material for surfacing within the District unless the material has an asbestos content of one percent (1%) or less as determined by ARB Test Method 435 or other approved method. A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine material, and the landowner or their successor of the parcel receiving the application or surfacing, for a period of at least seven (7) years from the date of use or application. The receipt or other record shall be provided to the District upon request.
5. Any person who sells, supplies, or offers for sale serpentine material, shall retain for a period of at least seven (7) years from the date of sale or supply, copies of all receipts and copies of any analytical test results from asbestos testing of the serpentine material. All receipts and test results shall be provided to the District for review upon request.
6. Asbestos Containing Serpentine Material shall be transported and handled in a manner so as not to create visible emissions. All serpentine loads transported more than one (1) mile shall be covered or tarped to minimize fugitive dust unless specific alternatives have been identified in an approved dust abatement plan.
7. If ARB Test Method 435 has been used to perform two or more tests on any one volume of serpentine material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine material.
8. Any unpaved road, parking lot or recreational trail intended for motorized vehicle use which is open to the public shall be evaluated by the responsible agency or property owner and an asbestos-dust-hazard mitigation plan filed if they are: 1) located on serpentine outcrops, serpentine alluvial material, or surfaced with serpentine aggregate which is greater than or equal to 260 linear feet or 160 square feet of the regularly traveled wearing surface and contains more than one percent (1%) asbestos; and 2) located in areas having residential, industrial or commercial zoning, or areas having a dwelling density of greater than two units per acre, or areas which are regularly inhabited by five or more persons within a 200 foot distance of the road, trail or parking lot. Said plan shall be filed with the District within six months of notification by the District or discovery by the owner or responsible agency of such an existing road, parking lot or recreational trail and shall include the following: 1) proposed mitigation to limit public exposure, or reasons no such mitigation is necessary; 2) intended dates of action; 3) provide for posting of warning signs clearly visible to the affected public which advise of the potential exposure to airborne asbestos and steps that can be taken to lessen exposure, at minimum signs shall incorporate the warning of Part III, C, 1, (e); and 4) the name and phone number of a responsible contact person for public inquiry. The responsible party shall implement and retain a copy of the filed plan until such time as the potential exposure is removed. The District shall retain the right to reject the plan and request updates if the plan does not substantially limit public exposure to airborne asbestos. Failure to implement mitigation identified in the plan shall be considered a violation of these rules and regulations.
9. All forest roads, recreational trails, commercial, and industrial operations which are regularly utilized and located on a serpentine outcrop or alluvial material from an outcrop which contains greater than one percent (1%) asbestos, and have serpentine wearing surfaces greater than or

equal to 260 linear feet or 160 square feet, shall upon request of the District, file and implement an approved asbestos-dust-hazard mitigation plan. The plan shall address and include mitigation for: roads, yards, driveways, parking areas, and tracking material onto adjacent roadways. All facility employees shall be informed of the potential health risk of airborne asbestos, and the requirements of the dust abatement plan by the owner of the facility.

10. All construction projects located on a serpentine outcrop or alluvial material from an outcrop which contains greater than one percent (1%) asbestos having the potential to create a wearing surface, shall notify the District of intended operations 30 days prior to construction activity. A representative from each project shall file and receive approval of a asbestos-dust-hazard mitigation plan prior to any construction activity at the site. The plan shall address and include mitigation for: excavation, roads, yards, driveways, parking areas, hauling and tracking of material onto adjacent roadways. All material shall be transported in a manner minimizing dust emissions. In no instance shall the dust from such operations exceed five percent (5%) opacity twenty (20) feet from the traveled surface. Employees working on such projects shall be informed of the potential health risk of airborne asbestos, and the requirements of the asbestos-dust-hazard mitigation plan by the owner of the project.
11. The District shall maintain a list of asbestos-dust-hazard mitigation measures available to the public

C. SCHEDULE OF COMPLIANCE

Provisions of PART V shall become effective in 30 days, except for provisions of Part V, B, 8 through 10 which shall become effective 180 days after the date of rule adoption.

D. EXEMPTIONS

1. The provisions of PART V, B, 1 through 5, shall not apply to sand and gravel operations.
2. The provisions of Part V, B, 4, shall not apply to roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits.
3. The provisions of Part V, B, 4, shall not apply to maintenance operations on existing road surfaces, or to the construction of new roads in serpentine deposits, as long as no additional asbestos containing serpentine material is imported or applied to the road surface.
4. The provisions of Part V, B, 10, shall not apply to projects which have a planning agency use permit incorporating conditions addressing serpentine or asbestos containing serpentine materials, which have been approved by the District.
5. The APCO may issue a temporary exemption from the requirements of Part V, B, 4, to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency. The APCO shall specify the time during which such exemption shall be effective.
6. The provisions of Part V, B shall not apply to serpentine material contained in bituminous concrete, Portland cement /concrete, bituminous surface, or other similar cemented materials.
7. The provisions of Part V, B, 4, shall not apply to single unit residential property, or agricultural land when engaged in customary practices of use, provided that no additional serpentine material is imported to the single unit residential property or agricultural land for the purposes of surfacing parking lots or driveways and no visible dust is generated.

Section 468: Perchloroethylene Air Toxics Control Measure - Dry Cleaning Operations

a. Applicability. Any person who owns or operates perchloroethylene dry cleaning equipment shall comply with Section 468.
b. Permits. The owner/operator of an existing dry cleaning facility shall apply for a District permit in writing:
    1. Within 60 days of rule adoption
    2. Facilities which have applied for or currently have valid District permits, are exempt from (b)(1).

c. Recordkeeping. The owner/operator shall maintain the following records which shall be accessible to the District at the facility at all times.
    1. A log showing the date and the pounds of materials cleaned per load.
    2. Purchase and delivery receipts for perchloroethylene.
    3. The completed leak inspection checklists required by subsection (e)(2) and the operation and maintenance checklists required by subsection (e)(1)(A).
    4. The manufacturer's operating manual for all components of the dry cleaning system.
    5. A copy of the record of completion for each trained operator.
d. Annual Reporting. By October 31st of each year, the owner/operator shall report the following information:
    1. The total of the pounds of materials cleaned and the gallons of perchloroethylene used for all solvent additions in the reporting period.
e. Good Operating Practices. The owner/operator shall not operate dry cleaning equipment after rule adoption, unless all of the following requirements are met:
    1. Operation and maintenance requirements. The trained operator, or his/her designee, shall operate and maintain all components of the dry cleaning system in accordance with the requirements of this section and the conditions specified in the facility's operating permit. For operations not specifically addressed, the components shall be operated and maintained in accordance with the manufacturer's recommendations.
        A. The district shall provide an operation and maintenance checklist to the facility. Each operation and maintenance function and the date performed shall be recorded on the checklist. The operation and maintenance checklist provided by the district shall include the following requirements:
            1. Refrigerated condensers shall be operated to ensure that exhaust gases are recirculated until the air-vapor stream temperature on the outlet side of the refrigerated condenser downstream of any bypass, is less than or equal to 45°F (7.2°C), with at least a 20°F (11.1°C) efficiency.
            2. Vapor adsorbers used as a secondary control system shall be operated to ensure that exhaust gases are recirculated at the temperature specified by the district, based on the manufacturer's recommendations for optimum adsorption. These vapor adsorbers shall be desorbed according to the conditions specified by the district in the facility's operating permit, including a requirement that no perchloroethylene vapors shall be routed to the atmosphere during routine operation or desorption.
            3. Cartridge filters and adsorptive cartridge filters shall be handled using one of the following methods.
                i. Drained in the filter housing, before disposal, for no less than: 24 hours for cartridge filters and 48 hours for adsorptive cartridge filters. If the filters are then transferred to a separate device to further reduce the volume of perchloroethylene, this treatment shall be done in a system that routes any vapor to a primary control system, with no exhaust to the atmosphere or workroom.
                ii. Dried, stripped, sparged, or otherwise treated, within the sealed filter housing, to reduce the volume of perchloroethylene contained in the filter.
            4. Button and lint traps shall be cleaned each working day and the lint placed in a tightly sealed container.
            5. All parts of the dry cleaning system where perchloroethylene may be exposed to the atmosphere or workroom shall be kept closed at all times except when access is required for proper operation and maintenance.
            6. Waste water evaporators shall be operated to ensure that no liquid perchloroethylene or visible emulsion is allowed to vaporize.
    2. Leak check and repair requirements. The trained operator, or her/his designee, shall inspect the dry cleaning system for liquid leaks and vapor leaks. The district shall provide

a leak inspection checklist to the facility. The trained operator, or her/his designee, shall record the status of each component on copies of the checklist.

A. The dry cleaning system shall be inspected at least once per week for liquid leaks and for vapor leaks, using one of the following techniques:
    1. A halogenated-hydrocarbon detector.
    2. A portable gas analyzer or an alternative method approved by the APCO.
B. Any leak that has been detected by the operator shall be noted on the checklist and repaired immediately, and operations ceased if health hazard or nuisance results.
C. Any leak detected by the district shall constitute a violation of this section.

3. Environmental training requirements. The facility shall have at least one trained operator within 180 days of rule adoption.
    A. A trained operator shall be the owner, the operator, or another employee of the facility, who successfully completes the initial course of an environmental training program approved by the APCO, to become a trained operator. Evidence of successful completion of the initial course shall be the original record of completion issued pursuant to 17 CCR, Section 93110. Except for the provisions of subsection (e)(3)(C)2., one person cannot serve as the trained operator for two or more facilities simultaneously.
    B. Each trained operator shall successfully complete the refresher course of an environmental training program approved by the APCO, at least once every three years. Evidence of successful completion of each refresher course shall be the date of the course and the instructor's signature on the original record of completion.
    C. If the facility has only one trained operator and the trained operator leaves the employ of the facility, the facility shall:
        1. Notify the district in writing within 30 days of the departure of the trained operator.
        2. Obtain certification for a replacement trained operator within 3 months, except that a trained operator who owns or manages multiple facilities may serve as the interim trained operator at two of those facilities simultaneously for a maximum period of 4 months, by which time each facility must have its own trained operator.
        3. If the district determines that the initial course of an environmental training program is not reasonably available, the district may extend the certification period for a replacement trained operator until 1 month after the course is reasonably available.

f. Equipment. The owner/operator shall not operate dry cleaning equipment after rule adoption, unless the following requirements are met:
    1. Prohibited Equipment. The owner/operator shall not operate any of the following types of dry cleaning equipment.
        A. A transfer machine, including any reclaimer or other device in which materials that have been previously dry cleaned with perchloroethylene are placed to dry.
        B. A vented machine.
        C. A self-service dry cleaning machine.
    2. Required Equipment. The owner/operator of each new or existing facility shall meet the applicable requirements as follows:
        A. For an existing facility:
            1. A closed loop machine with a primary control system consisting of a refrigerated condenser.
            2. A converted closed loop machine with a primary control system consisting of a refrigerated condenser.
        B. A new facility shall install, operate, and maintain the required equipment as follows:
            1. A closed loop machine with a primary control system consisting of a refrigerated condenser with a secondary control system.

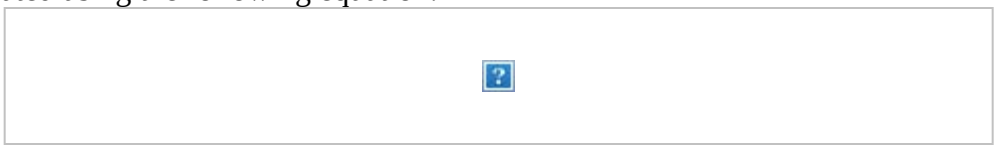
3. Specifications for Required Equipment. Required equipment shall meet the following specifications:
    A. A primary control system shall:
        1. Operate during both the heated and cool-down phases of the drying cycle to reduce the mass of perchloroethylene in the recirculating air stream.
        2. Not exhaust to the atmosphere or workroom.
        3. Not require the addition of any form of water to the primary control system that results in physical contact between the water and perchloroethylene.
        4. Be capable of achieving and maintaining for 3 minutes, an outlet vapor temperature, downstream of any bypass, of less than or equal to 45°F (7.2°C) within 10 minutes of initiation of cool-down, with at least a 20°F (11.1°C) efficiency.
        5. Have a graduated thermometer with a minimum range from 32°F to 120°F (+/-2°F), which measures the temperature of the inlet vapor stream and outlet vapor stream downstream of any bypass of the condenser, and is easily visible to the operator.
    B. A secondary control system shall:
        1. Be designed to function with a primary control system or be designed to function as a combined primary control system and secondary control system that meets all of the applicable requirements of this section.
        2. Not exhaust to the atmosphere or workroom.
        3. Not require the addition of any form of water to the secondary control system that results in physical contact between the water and perchloroethylene.
        4. Use a technology that has been demonstrated to achieve a perchloroethylene concentration in the drum of 300 ppmv or less.
        5. Have a holding capacity equal to or greater than 200 percent of the maximum quantity of perchloroethylene vapor expected in the drum prior to activation of the system

g. Water-repelling and Dip Tank Operations. No person shall perform water-repelling or dip tank operations unless all of the following requirements are met:
    1. All materials to be treated with perchloroethylene water-repelling solutions shall be treated in a closed-loop machine, a converted machine, or a dip tank.
    2. For dip tank operations:
        A. (A) The dip tank shall be fitted with a cover that prevents the escape of perchloroethylene vapors from the tank and shall remain covered at all times, except when materials are placed in and removed from the dip tank or while the basket is moved into position for draining.
        B. (B) After immersion, the materials shall be drained within the covered dip tank until dripping ceases.
        C. (C) All materials removed from a dip tank shall be immediately placed into a closed-loop machine or a converted machine for drying and not removed from the machine until the materials are dry.

h. Compliance. A facility shall comply with all provisions of this section as follows:
    1. Within 30 days of rule adoption.
    2. For compliance with subsection (e)(3) "Environmental Training Requirements", an alternative date of compliance shall apply if the district determines that the initial course of an environmental training program for perchloroethylene dry cleaning operations is not reasonably available.
        A. If the initial course is not reasonably available within 12 months of the effective date of this control measure in the district, the alternative date of compliance for subsection (e)(3) only shall be 6 months from the date the district determines that the initial course is reasonably available.

Section 469: Air Toxics Control Measure for Emissions of Toxic Metals from Non-Ferrous Metal Melting

a. Requirements. No person shall operate a non-ferrous metal melting furnace unless the facility is in compliance with all the requirements specified in subsections (a)(1) through (a)(3).
    1. Emission Collection System
        A. All emission points shall be equipped with an emission collection system designed and operated according to criteria specified in section 240.5 (7). The design criteria and operating parameters shall be specified as conditions of the authority to construct and the permit to operate granted by the district to the source for the equipment.
        B. Good operating practices shall be used by the facility, and demonstrated through a maintenance plan or procedures approved by the district, to maintain air movement and emission collection efficiency by the system consistent with the design criteria for the system. The maintenance plan shall specify at a minimum the following:
            i. Maximum allowable variation from designed values of operating parameters, such as air velocity in the hood and ducts and pressure drop across the control device.
            ii. Areas to be visually inspected, such as the clean side of the baghouse and ducts operating under positive pressure, and the required frequency of such inspections.
            iii. Methods of documenting compliance with these requirements such as a log of such inspections and records of observations and measurements.
    2. Process Emission Control. The gas stream from the emission collection system required by subsection (a)(1) shall be ducted to a particulate matter control device meeting the requirements of this section.
        A. The particulate matter control device shall reduce particulate matter emissions by 99 percent or more.
        B. The temperature of the gas stream entering any particulate matter control device that is part of an emission collection system shall not exceed 360 degrees F. A device to be used for making this measurement shall be maintained at the facility and shall be made available to a district representative upon his or her request.
        C. The owner or operator of the facility shall demonstrate compliance with subsection (a)(2)(A), by conducting an initial source test to verify the 99 percent reduction in particulate matter as determined by means of an emissions test conducted in accordance with ARB Test Method 5. The district Air Pollution Control Officer or Executive Officer may require additional source testing to verify continued compliance, or when the process is changed. Particulate matter reduction shall be calculated using the following equation:



            where:
            Mass in = Mass of particulate matter at the inlet to the control device
            Mass out = Mass of particulate matter at the outlet of the control device
            Mass = Sum of filter catch, probe catch, impinger catch, and solvent extract.
        D. Testing Access. The owner or operator of any facility subject to subsection (a)(2) of this regulation shall provide access and sampling ports sufficient to perform testing in accordance with ARB Test Method 5. Ducts and stacks shall have sampling ports so placed as to satisfy minimum requirements for Method 5 testing with regard to flow disturbances, or acceptable alternative requirements as approved by the APCO.
    3. Fugitive Emission Control
        A. No activity associated with metal melting at a facility including furnace operation,

casting, emission control system operation, and the storage, handling, or transfer of any materials (except new sand), shall discharge into the air any air contaminant, other than uncombined water vapor, for a period aggregating more than three minutes in any hour which is:

i. (i) Half as dark or darker in shade as that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
ii. (ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than smoke as described in subsection (a)(3)(A)(i) or 10% opacity.

B. Dust-forming material including, but not limited to, dross, ash, or feed material shall be stored in an enclosed storage area or stored in a manner which meets the requirements of subsection (a)(3)(A).
C. Material collected by a particulate matter control system shall be discharged into closed containers or an enclosed system that is completely sealed to prevent any dust from getting out.
D. Surfaces that are subject to vehicular or foot traffic shall be vacuumed, wet mopped, or otherwise maintained in accordance with a district-approved maintenance plan. The plan shall specify, at a minimum: the areas to be cleaned, the method to be used, the required frequency of the cleaning activities, and a method of documenting the completion of the required activities. The plan shall be designed and carried out in a way which will meet the requirements of subsection (a)(3)(A).

b. Exemptions

1. Small Quantity Exemptions. Facilities are exempt from subsections (a)(1), (a)(2), and (a)(3) if they meet either of the following conditions:
   A. melt a total of no more than one ton per year of all metals, or
   B. melt no more than the listed quantities of any one of the specific metals listed in Table I.

TABLE I

METAL (tons/year)	EXEMPTION LIMIT
Pure Lead	400
Hard Lead	200
Aluminum Scrap	125
Aluminum Ingot containing more than 0.004 percent cadmium or 0.02 percent arsenic	125
Solder	100
Zinc Scrap	30
Copper or copper-based alloys (except scrap) containing more than 0.004 percent cadmium or 0.002 percent arsenic	30
Type Metal (lead for linotype machines)	25

   i. For facilities melting more than one of the metals listed in Table I, eligibility for exemption shall be determined using the following calculation:

   For each metal listed in table I, divide the quantity melted by the specific exemption limit listed.
   Sum the resulting fractions for all the metals.
   If the sum does not exceed 1.0, the facility qualifies for exemption under subsection (b)(1).

2. Metal or Alloy Purity Exemption. Facilities or furnaces which do not melt scrap, except clean aluminum scrap, and which melt a metal or alloy (other than the metals listed in

Table I) which is shown by the facility operator to have a content of no more than 0.004 percent of cadmium and no more than 0.002 percent of arsenic, are exempt from subsections (a)(1), (a)(2), and (a)(3). A facility granted an exemption under subsection (b)(1)(B) may also be granted exemption for all metals that meet the purity limits in this subsection.

3. Clean Aluminum Scrap Exemption. Furnaces used exclusively to process clean aluminum scrap or a mixture of clean aluminum scrap and aluminum ingot to produce extrusion billet are exempt from subsections (a)(1) and (a)(2).
4. Exemption for Aluminum Furnaces. The combustion chamber in a reverberatory furnace is exempt from the requirements of subsections (a)(1) and (a)(2) if the furnace meets both of the following conditions:
    A. The furnace is used solely to produce aluminum and aluminum-based alloys, and
    B. The furnace is constructed with a charging well or similar device in which feed is added to molten metal in a separate chamber.
5. Aluminum Pouring Exemption. Ladles, launders or other equipment used to convey aluminum from a melting or holding furnace to casting equipment is exempt from the requirements of subsections (a)(1) and (a)(2).

c. Compliance Schedule
    1. Application for exemption from control requirements. Facilities seeking exemption under subsections (b)(1) or (b)(2) or (b)(3) shall apply and submit evidence of eligibility for exemption to the district no later than six months after the district adopts regulations enacting this control measure.
    2. Emission control requirements. Facilities subject to this section shall apply to the district for an authority to construct the emission collection system and the air pollution control equipment necessary to comply with subsection (a) no later than 12 months after the district adopts the regulations enacting this control measure. These facilities shall be in compliance no later than 24 months after the district adopts the regulations enacting this control measure.

d. Recordkeeping
    1. Facilities subject to subsection (a) shall maintain on site for a period of two years, and make available to a district representative upon request, a record of:
        A. The results of any source testing required by the district to demonstrate that the particulate matter control device(s) are operating as required by subsection (a)(2)(A).
    2. Facilities seeking exemption under subsections (b)(1) or (b)(2) or (b)(3) shall maintain for two years a record of the amount and type of metal processed in those furnaces including results of analyses as required to support exemption under subsection (b)(2). These records shall be made available to a representative of the district upon request.

e. Applicable Material Testing Methods. One of the following methods or an alternate method deemed acceptable by the district APCO or by the Executive Officer of the Air Resources Board shall be used. Sampling for these methods shall comply with ASTM E 88-58 (1986), "Standard Practice for Sampling Nonferrous Metals and Alloys in Cast Form for Determination of Chemical Composition".
    1. To determine the composition of alloys defined in section 240.5 (1) and to determine the cadmium content of aluminum alloys to evaluate eligibility for exemption under section (b)(2) one of the following shall be used:
        A. ASTM E 227-67 (1982), "Standard Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Point-to-Plane Technique";
        B. ASTM E 607-90, "Standard Test Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Point-to-Plane Technique, Nitrogen Atmosphere"; or
        C. ASTM E 1251-88, "Standard Test Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Argon Atmosphere, Point-to-Plane, Unipolar Self-Initiating Capacitor Discharge".

2. To determine alloy composition as defined in sections 240.5(13) and 240.5(22), ASTM E 117-64 (1985), "Standard Method for Spectrographic Analysis of Pig Lead by the Point-to-Plane Technique" shall be used.
3. To determine alloy composition as defined in section 240.5(25), ASTM E 46-87, "Test Method for Chemical Analysis of Lead- and Tin-Base Solder" shall be used.
4. To determine cadmium concentration in zinc and zinc alloys to evaluate eligibility for exemption under section (b)(2), ASTM E 536-84 (1988), "Standard Test Method for Chemical Analysis of Zinc and Zinc Alloys" shall be used.
5. To determine cadmium concentration in copper and copper-based alloys to evaluate eligibility for exemption under section (b)(2), ASTM E 53-86a, "Standard Test Methods for Chemical Analysis of Copper" shall be used.
6. To determine arsenic concentration in copper or copper-based alloys to evaluate eligibility for exemption under section (b)(2), ASTM E 62-89, "Standard Test Method for Chemical Analysis of Copper and Copper Alloys" shall be used.
7. To determine arsenic content in aluminum or zinc (or any other alloy in which determination of arsenic by spectrochemical methods is compromised by interference) to evaluate eligibility for exemption under section (b)(2), EPA method 7061 (Revision 1, December, 1987), "Arsenic (Atomic Absorption, Gaseous Hydride)", published in U.S.EPA Test Methods for Evaluating Solid Waste Physical and Chemical Methods. First Update (3rd Edition), January, 1988; EPA/530/SW-846.3-1; PB 89-14876, shall be used in the following manner.
    A. For aluminum alloys, sample digestion shall employ the hydroxide digestion technique given in appendix A to this control measure.

f. Alternative Compliance Option. The APCO may approve an alternative approach to compliance proposed by the facility operator, if the facility operator demonstrates to the satisfaction of the district Executive Officer or APCO that the alternative is enforceable, achieves the same or better reductions in emissions and risk, and achieves these reductions within the same time period as required by this airborne toxic control measure. The alternative approach shall also be consistent with the federal Clean Air Act. The district shall revoke this approval if the facility operator fails to adequately implement the alternative approach or the alternative approach does not reduce emissions as required. The district shall notify the state board whenever it proposes to approve an alternative approach to compliance to this airborne toxic control measure.

NOTE: Authority cited: Sections 39600, 39601, 39650, 39655, and 39666, Health and Safety Code. Reference: Sections 39650 and 39666, Health and Safety Code.

APPENDIX A

Digestion of Metal Aluminum Sample for Determining As

1. **Introduction**: Metal Aluminum cannot react with nitric acid or concentrated sulfuric acid. It can dissolve in dilute sulfuric acid or hydrochloric acid. Active hydrogen, generated during the acid digestion process, will reduce arsenic to AsH3, which will escape from solution, resulting in a low or negative arsenic value. The proposed method sets up a protocol to dissolve metal alumina without loss of arsenic.
2. **Reagent:** 3M NaOH, 10% HgSO4 Solution, 30% H2O2
   1:1 H2SO4, Concentrated HNO3, Tiling Copper
3. **Procedure:**

3.1 Dissolve

3.1.1 Dissolve using NaOH (Method 1)

Weigh 0.5g of metal aluminum sample to a 125ml Erlenmeyer flask, add 15 ml of 3M NaOH solution, allow to react and dissolve about 20 min. Again add 10ml of 3M NaOH, continue reaction until no gas bubbles are present and the sample is dissolved completely.

3.1.2. Dissolve using $HgSO_4$ (Method 2)

Weigh 0.5g of metal Aluminum sample to a 125ml Erlenmeyer flask, add 10ml of 10% $HgSO_4$ solution and 5ml of 30% H_2O_2. After 20 minutes, add appropriate amount of $HgSO_4$. Allow reaction to continue until no gas bubbles are present. Add metal copper strips (large surface area) into the sample solution. After 10 minutes, withdraw the copper strips and add new copper strips. Repeat until the surface of copper strips in sample solution do not change to a silver color. Withdraw all copper strips from sample solution.

3.2. Digestion:

Add 3ml of concentrated HNO_3, 5ml of 1:1H_2SO_4 into the sample solution obtained from 3.1.1 or 3.1.2. Heat slowly and evaporate the sample solution until SO_3 fumes are present for 5 minutes. Cool and dilute the sample to 50.0ml. Determined As by Atomic Absorption method.

2-10-77

Section 439 Gasoline Storage: No person shall install or maintain a stationary gasoline storage tank in violation of the provisions of Article 5, Chapter 3, Part 4, Division 26 of the Health & Safety Code (commencing with Section 41950).

EXHIBIT A

SECTION 470: AIR TOXICS CONTROL MEASURE FOR EMISSIONS OF TOXIC PARTICULATE MATTER FROM IN-USE AGRICULTURAL COMPRESSION IGNITION ENGINES

(A) **PURPOSE:** The purpose of this Rule is to provide an alternative equivalent local administrative program for the permitting and management of toxic air emissions from stationary compression ignition (CI) engines used in agricultural operations within the District, that is more effective and efficient than the ARB statewide Air Toxic Control Measure.

(B) **APPLICABILITY:** Except as provided in District Rule Section 470 (D), this Rule applies to any person who either sells a stationary CI engine, offers a stationary CI engine for sale or lease, purchases a stationary CI engine, or owns or operates a stationary CI engine with a maximum rated horsepower of greater than 50 brake horsepower used in an agricultural operation.

(C) **DEFINITIONS:** Except as defined below, the terms used in this Rule are the same as defined in District Rule Sections 200 through 299:

(1) AGRICULTURAL OPERATION: The growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops, fowl, or animals products.

(2) AGRICULTURAL WIND MACHINE: An engine-powered fan used exclusively in agricultural operations to provide protection to crops during cold weather by mixing warmer atmospheric air with the colder air surrounding a crop.

(3) DATE OF INITIAL INSTALLATION: The date on which an engine is placed into service at a location within the District in order to be operated for the first time since delivery from the manufacturer, distributor, or other source.

(4) ENGINE: An agricultural compression ignition engine.

(5) LOW USE ENGINE: An engine that is operated no more than 200 hours per calendar year as determined by an operational non-resettable hour meter, provided the engine: A) Is not used to generate electrical power that is fed into the electrical utility power grid; B) Is not used to reduce electrical power purchased by the stationary source; and C) Does not cause a significant health risk due to location in close proximity to residents, schools, commercial or public areas.

(6) MAXIMUM RATED HORSEPOWER: The maximum brake horsepower rating of an engine as specified by the engine manufacturer and listed on the nameplate of the engine, or advertised in sales or service literature, regardless of any de-rating.

(7) MOBILE AGRICULTURAL EQUIPMENT: Equipment utilized in an agricultural operation which is towed or mounted on a vehicle and is moved during the operation of the equipment. Mobile Agricultural Equipment includes, but is not limited to sprayers, balers, and harvest equipment.

(8) OWNER OR OPERATOR: Any person subject to the requirements of this Rule, including but not limited to: A) An individual (including an operator of leased equipment), trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including but not limited to, a government corporation; and B) Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

(9) REGISTRATION: For the purposes of this Rule, Registration is equivalent to a Permit and refers to a document authorizing operation of agricultural CI engines issued by the District acknowledging expected compliance with all applicable requirements of law.

(10) REMOTELY LOCATED ENGINE: A stationary diesel-fueled CI engine: A) Used in agriculture that is located in a Federal Ambient Air Quality area that is designated as unclassifiable or attainment for all Particulate Matter and Ozone National Ambient Air Quality Standards; B) Is located more than one-half mile from any residential area, school, or hospital; and C) Is operated less than 1,000 hours per year.

(11) RESIDENTIAL AREA: Three or more permanent residences (i.e., homes) located anywhere outside the facility's property.

(D) EXEMPTIONS: The provisions of this Rule shall not apply to the following:

(1) Engines with a maximum rating of 50 brake horsepower or less.

(2) Engines powering an agricultural wind machine.

(3) Engines used exclusively to power Mobile Agricultural Equipment.

(4) Engines operating with a valid statewide Portable Equipment Registration Program (PERP) certificate, provided the engine meets the same emissions control standard as would be required of the stationary source and is operated for no more than one growing season.

(E) CONTROL TECHNOLOGY EXEMPTIONS REQUIRING A PERMIT:

(1) Emergency engine use substantiated by a public official that is necessary to respond to a fire, flood, or police action.

(2) A low use engine.

(3) Remotely located engine.

(4) Engines used exclusively as emergency backup for electrical line power service at an agricultural operation, operated for testing and maintenance no more than 20 hours

per year and no more than 200 hours per year emergency use (additional hours for emergency use may be authorized by the APCO upon written request.)

(F) REQUIREMENTS:

(1) PERMIT (REGISTRATION): The owner or operator of each engine to which this Rule is applicable shall obtain and maintain a Permit from the District, issued in accordance with this Rule and the compliance schedule contained in CA H&SC Section 93115.8 as adopted or modified by the ARB. Such Permit(s) shall be enforced, and have rights and obligations the same as all District Permit(s).

(2) STANDARDS FOR GRANTING PERMITS: The APCO shall deny an application for a Permit if the applicant does not show that the engine is designed, controlled, equipped, and operated with air pollution control equipment in compliance with District Rules and Regulations, State and Federal statutes and regulations that may be enforceable by the APCO.

(3) ENGINE IDENTIFICATION: An identification device or sign as specified or approved by the District shall be required for each engine permitted by the District. The device/sign shall be permanently affixed to the permitted engine at all times so that it may be easily viewed from a distance.

(4) HOUR METER: A non-resettable hour meter with a minimum display capability of 9,999 hours shall be installed and maintained operational on each engine no later than January 1, 2011, or date as required by Permit for electrical service backup engines.

(5) CONSIDERATION OF ELECTRIC SERVICE: All new applications for Permits and existing in-use engines, that are not low use, and are located within 200 feet of electrical service shall evaluate the use of electric service as an alternative to CI engine use. If service is available within 200 feet, and the engine is not low use, electrical service shall be considered BACT, unless sufficient justification is supplied by the applicant to allow CI engine installation.

(6) HIGH USE REMOTELY LOCATED ENGINES: Remotely located Tier 0 and Tier I engines operated more than 1,000 hours per year shall be replaced with a Tier III or better engine by 2015.

(7) ENGINE MAINTENANCE: Any Tier 0, Tier 1, or Tier II engines that require significant maintenance, shall be replaced by a Tier III engine or better should the estimated repair costs exceed 50% of the replacement cost of the engine. The owner/operator shall report costs upon request or upon exceeding the 50% threshold.

(8) PORTABLE EQUIPMENT REGISTRATION PROGRAM ENGINES: Leased or PERP engines shall be subject to the requirements as though they were a stationary agricultural engine. PERP or leased engines may be allowed for up to 1 growing season upon written request and approval of the APCO, while new permanent engine/installation is under construction, existing engine is undergoing repair or repower, or engine is undergoing upgrade to electrical line power.

(9) VISIBLE EMISSIONS: No air contaminant, other than uncombined water vapor, shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any 1 hour which is as dark or darker than Ringelmann 1 or equivalent 20% opacity.

(10) VIOLATIONS: Failure to comply with any provision of this Rule or any condition of a Permit issued under this Rule shall constitute a violation of this Rule.

(G) ADMINISTRATIVE REQUIREMENTS:

(1) REGISTRATION/PERMIT REQUIREMENT: Requests for a Permit shall be initiated by an owner or operator by filing a complete Permit application, compliant with CA H&SC Section 93115.8(c), for each engine along with the Permit application fee required by District Rule Chapter IV, Article VI and receive a Permit prior to the date of initial installation.

(2) PERMITTING ISSUANCE SCHEDULE: Upon approval of this Rule, the APCO shall issue or deny a Permit application no later than 180 days after receipt of a complete application. The applicant shall be notified in writing of the reasons for denying any application.

(3) CONDITIONAL APPROVAL: The APCO shall include written conditions on all Permits to ensure compliance with all applicable District, State, or Federal requirements.

(4) PERMIT REOPENING: The APCO may reopen and revise a Permit under the following circumstances: A) To correct a material mistake or an inaccurate statement in the application; B) To incorporate any new, revised, or additional applicable requirement(s); or C) To clarify Permit conditions and ensure conditions are enforceable.

(5) TRANSFER OF OWNERSHIP: Permits shall not be transferable except in accordance with Section 630 of District Regulations.

(6) NOTIFICATION REQUIREMENT: The owner or operator of any registered engine shall notify the District in writing no later than 14 days after any change in location, installation or commencement of an emissions control strategy, replacement of the engine with a new engine, or replacement with an electric motor.

(7) PERMIT APPLICATION FEE: A Category II fee in accordance with District Rule Chapter IV, Article VI shall be submitted with each Permit application. Permit fees cannot be refunded or applied to any other Permit or application.

(8) ANNUAL PERMIT RENEWAL FEE: Permit renewals shall be charged annually for each Permit in accordance with District Rule Chapter IV, Article VI. Permit fees cannot be refunded or applied to any other Permit or application.

(9) ANNUAL REPORTING: Engine hours of operation shall be reported to the District annually and upon written request of the APCO.

EXHIBIT A

(H) SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, that portion shall be deemed as a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this Rule.

2.10.71

Chapter III - Maintenance, Malfunction, Evasion & Inspection

Article III Evasion

Section 520 No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

Chapter III, Article IV Inspection

Adopted November 22, 1976

Section 530: Emission Data and Sampling Access: The Air Pollution Control Officer or his authorized representative may, upon reasonable written notice, require the owner or operator of 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, reduce or control the issuance of air contaminants to:

A. Provide the District with descriptions of basic equipment, control equipment and rates of emissions. Where this information does not provide sufficient data to the District to carry out the purposes of Part 4, Division 26 of the Health and Safety Code, or where such information is in question, the Air Pollution Control Officer or his authorized representative may require such other additional information as may be necessary, including process and production data, techniques and flow diagrams.
B. Provide sampling platforms, sampling ports and means of access to sampling locations;
C. Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the Air Pollution Control Officer or his authorized representative has determined that such apparatus is available and should be installed.

Section 531: Credentials for Entry: The Air Pollution Control Officer shall issue identification cards, with the photograph of the holder and signature of the Air Pollution Control Officer, to such employees of the District who need such credentials for entry as authorized by Section 41510 of the Health and Safety Code.

Section 532: Request Procedure: When requesting information for determining the amount of air contaminants from non-vehicular sources pursuant to Section 41511 or other sections of the Health and Safety Code, the District shall identify the information requested with sufficient specificity to enable the person to identify the precise information sought. The Air Pollution Control Officer shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets, which are not emission data, and (2) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act, as amended in 1970 and in Title 40 of the Code of the Federal Regulations, Chapter 1, Part 2.

A. Any person from whom the District obtains any records whether requested by the District or furnished by a person for some other reason, may label as "trade secret" any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code (quoted in Section 91000). Written justification for the trade secret designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, information which will, upon request, be kept confidential in the same manner as the record sought to be protected.
B. After preliminary review, the Air Pollution Control Officer may reject a justification as having no merit, in which case the person making the justification shall be promptly notified in writing that the records in question shall, upon expiration of 21 days from the date of the notice, be subject to public inspection unless a justification is received and accepted.
C. An application for approval, accreditation or certification of a motor vehicle emission control

device or system shall be deemed a trade secret until such time as the approval, accreditation or certification is granted, at which time the application shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be treated as trade secrets for the model year, and then shall become public records. If an application is denied, it shall continue to be treated as a trade secret but shall be subject to the provision of Section 533.

Section 533: Trade Secrets:Except as otherwise provided in State law, only those portions of records in the custody of the District which are not emission data and:

1. were labeled "trade secret" prior to the adoption of this subchapter,
2. are hereafter specifically labeled as "trade secret" pursuant to State law, or
3. are received from a state or local agency, including an Air Pollution Control Board, with a "trade secret" designation, shall be subject to the procedure set forth in this Section. All other portions of such records shall be available for public inspection.

A. When the District receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that:
   1. such record is designated a trade secret under State law, and if such is the case, under law it cannot be made available;
   2. the District has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and
   3. if the requesting party considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.

B. Upon receipt of such advice, the District shall:
   1. promptly review in detail the justification, the challenge to the justification, and the record;
   2. determine if the record is in its entirety a trade secret; and
   3. promptly notify those persons affected of its decision in writing. If the District withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send the notice required by this subdivision by certified mail, return receipt requested, to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the District is restrained from doing so by a court of competent jurisdiction.

C. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

CHAPTER IV

Article III

3.1484

Section 602 New Source Review

The Air Pollution Control Officer shall deny an Authority to Construct for any new stationary source or modification of an existing source specified in subparagraph A of this section unless he determines that the emissions from the new source or modification may not be expected to result in the violation or measurable contribution to the continued violation of any local, state or national ambient air quality standard and provided that the best available control technology as defined, will be used on the contaminant emitting equipment.

A. The Air Pollution Control Officer shall apply the provisions of this section to:

1. Any proposed new stationary source described in the application for the Authority to Construct which he estimates will emit:

a. More than either twenty (20) pounds per hour or one hundred fifty (150) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a local, state or national ambient air quality standard, except carbon monoxide, or

b. More than either 150 pounds per hour or 1500 pounds per day of carbon monoxide, or

c. More than 27 pounds per day of lead.

2. Any proposed modification of an existing stationary source described in the application for the Authority to Construct that he estimates will emit after modification:

a. More than either twenty (20) pounds per hour or one hundred fifty (150) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a local, state or national ambient air quality standard, except carbon monoxide, or

b. More than either one hundred fifty (150) pounds per hour or 1500 pounds per day of carbon monoxide, or

c. More than 27 pounds per day of lead.

8.6.82

Section 630 Permit Transfers

An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. If a new owner can prove compliance with the most recent permit conditions as well as all District rules and regulations applicable to the previous owner, the Air Pollution Control Officer shall issue a new Authority to Construct or Permit to Operate to the new owner.

8.6.82

Section 631 Duplicate Permit

A request for a duplicate Permit to Operate or Authority to Construct shall be made in writing to the District within ten (10) days after the destruction, loss, or defacement of a Permit to Operate or an Authority to Construct and shall contain the reason a duplicate permit is being requested. A fee of $10.00 shall be paid for a duplicate Permit to Operate or Authority to Construct.

3-10-98

Section 640: Permits shall not be required for:
A. Any vehicle as defined in the Vehicle Code.
B. Any structure designed for and used exclusively as a dwelling for not more than four (4) families.
C. Barbecue equipment which is not used for commercial purposes.
D. Orchard or citrus grove heaters described in Section 438 of these Rules and Regulations.
E. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted. /

2-10-86

CHAPTER IV

Article V Source Emission Testing

Section 650 D. The owner or operator of any equipment or operational project which requires a permit or is otherwise under the jurisdiction of the Lake County Air Pollution Control District and which requires specialized equipment to be utilized by, or available to, District personnel or desiginated representatives during inspections, testing or monitoring shall make such specialized equipment available to the District, upon request, at no charge to the District or shall reimburse the District for such required use. If such equipment is provided the District, the maintenance of said equipment shall be the permit holders or owner's responsibility. Alternatively, if the permit holder provides funds to the District for purchase of such equipment, the permit holder will be relieved of any training and maintenance responsibility. For the purpose of this Article equipment shall exclude hard hats, steeltoed shoes, eyeglasses, gloves and hearing protection. Precautions and safety equipment covered herein are those routinely used by operators or required to be used by other regulatory agencies (Cal-OSHA, etc.).

2-10-86

CHAPTER IV

Article V Source Emission Testing and Monitoring

Section 651 Any ambient air quality monitoring, meteorological monitoring or air dispersion testing accomplished in the Lake County Air Basin, or in adjoining Air Basins, which is intended to be utilized by the District in the permit assessment of a project, proposed within the Lake County Air Basin or in the development of District rules, shall be mutually agreed upon by the Lake County Air Pollution Control District and by sponsors of such activities prior to the installation of any equipment intended for such data acquisition. Any data or information so generated, collected or obtained shall be quality audited, as mutually agreed upon, and provided to, the Lake County Air Pollution Control District. (Monitoring accomplished by other Air Pollution Control Districts, the State Air Resources Board or EPA may be excluded from the provisions of this section as allowed by law or with the approval of the LCAPCO.) The APCO may grant approval and agree to accept data for such monitoring and testing program(s) prior to commencement, or may reserve the right to reject data collected without prior approval.

3.1.82 ARTICLE V

RULE 655 Performance Plan

Compliance with the specified emission(s) limitation(s) resulting from these rules and regulations may be established through a protocol or performance plan acceptable to the District. The primary purpose of the performance plan is to facilitate a method of determining compliance, while recognizing that there are variations in process factors (i.e., steam quality) beyond the operator's control which affect emissions, and that continuous source emissions monitoring is not practicable.

The performance plan shall describe the manner in which the abatement system(s) will be operated to meet the specified emission(s) limitation(s) and shall include the following if available:

1. The frequency and method of sampling process parameters and constituents (i.e., steam quality, flow rates, etc.);
2. The frequency and method of determining the amount of abatement achieved by the abatement system(s);
3. The frequency and method of calibration;
4. The frequency and method of emission source testing;
5. Data logging requirements, good scientific practices, detailing actions, changes in calibration, changes in process control, inspections, mishaps, etc.;
6. The locations of all logs and source test records; and
7. A process for notifying and reporting to the District documents which establish compliance with the performance plan.

Each performance plan can be modified by mutual agreement between the District and the operator. Changes to the performance plan shall not take effect until copies of the revised plan(s) are filed at the District office and acknowledged in writing by the District.

Compliance with the approved plan of performance shall constitute compliance with the applicable emissions limitation. Failure to comply with the performance plan shall constitute the basis for enforcement of failure to comply with the applicable emissions limitation.

Any permit holder shall have the right of appeal to the Hearing Board any plan submitted which is either subsequently disapproved or unreasonably modified by the Air Pollution Control Officer.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1000 Agricultural and Prescribed Burning: The following Rules and Regulations are adopted in accordance with Section 41863 of the Health and Safety Code and the Air Resources Board's Smoke Management Guidelines for Agriculture and Prescribed Burning, (California Code of Regulation – Title 17).

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1001: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof. A burning permit shall be required for agricultural burning and shall contain the following statement: "This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board."

Section 1003 Special No-Burn Day Permit: The District may issue a special permit to authorize agricultural burning on days designated by the Air Resources Board or the Air Pollution Control Officer as no-burn days if denial of such permit would threaten imminent and substantial economic loss. Economic exemptions shall be issued pursuant to the California Health and Safety code (Sec 41862) and these rules and regulations. The District may place conditions on any permit to promote prompt burning and ensure good dispersion to minimize smoke impact. In reaching a decision to issue a special permit, the District shall also consider expected meteorology, extent of effort expended to accomplish the burn without an exemption, and likely effects on other persons or the public.

3-26-90

Section 1010: The Air Pollution Control Officer shall designate as a"no-burn day", any day designated a "burn day" by the State Air Resources Board if necessary to protect the ambient air quality from substantial degradation, the public health, and violations of ambient air quality standards. Notice of burn day status shall be provided to the public in the normal manner noting the presence of any emergency condition as appropriate. On any day for which conditions of abnormal high temperatures, low relative humidity or high wind velocities are anticipated, or existing wildfires create an extreme potential for uncontrolled fires which may cause violations of any ambient air quality standard, the APCO, after receipt of a recommendation from the Lake County Fire Chiefs Association Burning Assessment Committee that such extreme fire hazard conditions exist conducive to uncontrolled fire occurrence, should declare such day a no burn day. The Lake County Fire Chiefs Association, Burning Assessment Committee should be designated and the District informed prior to September 1 of each year by the Association. Said Committee shall consist of two Fire Chiefs and one CDF representative. Determination made by the Lake County Fire Chiefs Association Burning Assessment Committee shall be made on a daily basis, and whenever possible the District shall be informed by 3:00 PM of the preceding day. Subsequent to any verbal recommendation or as part of a recommendation by the Committee a brief written report shall be forwarded to the District Board of Directors and APCO setting forth the reason for such recommendation. Economic exemptions shall be issued pursuant to the California Health and Safety code (41862) and Section 1107 of these rules and regulations.

2.10.77

Section 1100 Range Improvement Burning: The following regulations shall apply to all range improvement burning:

A. After obtaining an agricultural burn permit, range improvement burning may be conducted on no-burn days during the period of January 1 to May 31, providing more than fifty (50) percent of the land has been brush treated. The Air Resources Board may prohibit all range improvement burning during the period if, in the opinion of ARB, the prohibition is required for the maintenance of air quality.

B. All burning shall be ignited by approved ignition devices, such as fuses, orchard torches, propane torches, pressurized flame-thrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

C. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table II.

D. Wastes to be burned shall be free of tires, tarpaper or other types of rubbish likely to cause excessive smoke.

E. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

F. Maximum care must be taken to keep smoke from drifting into populated areas. Wind direction, topography and population density, shall be considered to minimize smoke reaching nearby populated areas.

G. Brush is to be treated at least six (6) months prior to burning if economically and technically feasible.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days.

I. If the burn is to be done primarily for the improvement of land for wildlife and game habitat, the applicant must obtain a statement from the Department of Fish and Game certifying that the burn is desirable and proper. Such statements must be filed with the designated agency and Control District.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1105 Burning Hours: Burning hours for agricultural purposes in the Lake County Air Management District are as follows:

A. Fire season, as defined in Section 226.5, 8 AM through 12 noon unless other hours are authorized by the responsible Fire Agency and District; and
B. Non-Fire Season, 9 AM through 3 PM, except for grass, leaf or field crops which shall be 11 AM through 3PM unless other hours are specified in the issued permit.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1107 Agricultural Burning During FireSeason: Agricultural burning may be conditionally permitted during the period of the year defined in Section 226.5 as fire season subject to the following:

1. Reasonable economic need is established by the applicant.
2. By on site inspection, or other means, the responsible fire agency determines that for fire safety the proposed burn is acceptable.
3. The Fire Agency staff directly informs the District of its approval and any condition(s) for the proposed burn, and the responsible person obtains an economic exemption permit from the District.
4. Applicant agrees to notify the fire agency on the day of the burn immediately prior to the burn and to conduct the burn to the extent possible between the hours of 8 AM through 12 noon or at an agreed upon specific time identified in the issued permit.

Exceptions set forth in Section 432 are applicable

Section 1130 Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals - The following regulations shall apply:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be free of material that is not produced in an agricultural operation as defined in these Regulations. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Materials shall be dried as follows:

1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Prunings and smaller branches: fifteen (15) days.
3. Field crops, brush and weeds cut in a green condition: seven (7) days.
4. Other materials: drying time will be determined by the designated agency.
5. Designated agencies may modify the above drying times as conditions warrant.

E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

F. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby populated areas.

G. Burning of empty sacks or containers which contained pesticides or other toxic substances may be permitted on "no-burn" days providing the sacks or containers are within the definition of "Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals" as specified by definition.

Section 1140 Range Improvement Burning: The following regulations shall apply to all range improvement burning for livestock, wildlife or range conversion of uncultivated lands, provided public complaints and smoke impact have not historically occurred, nor are they expected to occur, otherwise such burning shall be performed pursuant to Section 1160 Prescribed Burning.

A. After obtaining an agricultural burn permit, range improvement burning may be conducted on no-burn days only after receiving an exemption pursuant to this Chapter. If more than fifty (50) percent of the land has been brush treated, the burn is remote from populated areas, past burning has not caused smoke impacts or public complaint, and the proposed burn is not expected to cause smoke impacts, the District may give consideration to such factors in any decision to grant an exemption for multiple days or require a smoke management plan. The Air Resources Board may prohibit all range improvement burning if, in the opinion of the Air Resources Board, the prohibition is required for the maintenance of air quality.

B. All burning shall be ignited by approved ignition devices, such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

C. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

D. Wastes to be burned shall be free of tires, tarpaper or other types of rubbish likely to cause excessive smoke.

E. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

F. Maximum care must be taken to keep smoke from drifting into populated areas. Wind direction, topography and population density, shall be considered to minimize smoke reaching nearby populated areas.

G. Brush is to be treated at least six (6) months prior to burning if economically and technically feasible.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days.

I. If the burn is to be done primarily for the improvement of land for wildlife and game habitat, the applicant must obtain a statement from the Department of Fish and Game that the burn is desirable and proper. Such statements must be filed with the designated agency and the Air Quality Management District.

J. All material to be burned shall be free of debris or material that is not grown on the property.

Section 1140 (continued)

TABLE 9
DAILY QUOTA OF AGRICULTURAL MATERIAL THAT MAY BE BURNED BY WATERSHED

Watershed	Acreage (or Tonnage) per Day*
Clear Lake	5,000 acres (150,000 tons)
Putah Creek	2,000 acres (60,000 tons)
Scotts Creek	2,000 acres (60,000 tons)

* Acreage based on average fuel density of thirty (30) tons per acre. Acreage must be adjusted downwardly in the event the average fuel density exceeds thirty (30) tons per acre. Acreage may be adjusted upwardly if fuel density is less than thirty (30) tons per acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table 10 "Guides for Estimating Dry Weights of Several California Fuel Types", the air quality and the fire control conditions.

Daily quota is the maximum permissible material that may be burned. Neither the fire control agency nor the Control District is required to allow the maximum amount permissible on any given burn-day.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1145 Forest Management Burning: The following regulations shall apply to forest management burning, provided public complaints and smoke impact have not historically occurred, nor expected to occur, otherwise such burning shall be performed pursuant to Section 1160 "Prescribed Burning":

A. After obtaining an agricultural burn permit, forest management burning may be conducted on burn days, or on no-burn days after receiving an economic exemption pursuant to this Chapter.

B. All forest management burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

C. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

D. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

E. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby populated areas.

F. Materials to be burned shall be dried for minimum periods as determined by the designated agency.

G. All material to be burned shall be free of debris or material that is not grown on the property.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1150 Burning of Standing Tule: The following shall apply to the use of open fires for the burning of standing tule for agricultural or habitat improvement purposes:

A. An Agricultural Burning Permit is required. Burning shall be permitted by special permit issued by the District if desirable meteorology for the duration of the planned burn is anticipated, consistent with C and D below, and economic considerations warrant.
B. The District shall be contacted for concurrence on the date of the planned burn prior to burning, and the District may, when necessary to preserve air quality, elect to delay the burn. In making such a decision to delay, the District shall consider the quantity and condition of tules to be burned, location of burn site, proximity to receptors and prevailing meteorological and ambient air quality conditions. The fire protection agency shall also be notified by the permit holder prior to the burn on the day of the burn.
C. Maximum care must be taken to keep smoke and ash from drifting into residential areas and the immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered by the responsible adult in charge of the fire in an effort to minimize smoke or ash reaching nearby residential areas in any decision to burn.
D. As part of obtaining a permit the applicant shall provide the District a simple map showing the location of the burn and the nearby residential areas, and a statement that the tules to be burned have not been burned during the prior season.
E. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions using an approved ignition device such as an orchard torch, propane torch, pressurized flame thrower-type torch, jellied petroleum device, matches, fuse lighter, commercial fuse, drip torch, diesel sprayer or other such approved device.
F. All material to be burned shall be free of material that is not grown on the property where the tules are to be burned. Tires, tar paper and other rubbish shall not be burned.

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1160 Prescribed Burning, Habitat Improvement Burning, Wildland Vegetation Burning and Forest Management Burning shall be subject to the following:

A. Any such burning as defined in section 270 shall require an agricultural burning permit unless performed by a fire prevention agency authorized to issue agricultural burning permits and that agency files a plan with the District.

B. Procedures for economic exemption from a designated no burn day shall be as described in Section 1003, but the APCO may additionally consider exisiting and predicted meteorological conditions effecting the specfic planned burning activity and the likelihood of air quality degradation in granting such an economic exemption.

C. All wildland vegetation management burning shall be ignited by a District approved ignition device such as helicopter torches, orchard torches, propane torches, pressurized flamethrower type torches, jellied petroleum devices, commercial grenade devices, matches, commercial fuses, approved fuel blivets, drip torches, diesel sprayers, or other approved devices. Ignition shall be accomplished in a manner to minimize the amount of smoke generation and as rapidly as possible, unless good vegetation management or fire protection practices dictate otherwise.

D. The total amount of all types of agricultural material, inclusive of wildland vegetation management, that may be permitted to be burned on any one day in each designated watershed of the District shall not exceed that set forth in Table 9. The amount of total acreage may be further limited by the District if prevailing meteorology and air quality, or the type of planned burn, threatens serious air quality degradation or violation of Ambient Air Quality Standards.

E. Burning shall be accomplished in a manner to avoid violation of state or federal Ambient Air Quality Standards or the creation of a public nuisance. Maximum care must be taken to keep smoke from drifting into populated areas such as community centers or incorporated areas and their immediate surrounds populace. Wind direction, topography, thermal lapse rate, thermal inversions and population density shall be considered to minimize smoke reaching nearby populated areas, and addressed within a smoke management plans.

F. Materials to be burned shall be in a condition to promote combustion or as specified in the approved smoke management plan (plan).

G. Land on which vegetation is to be burned shall be free of tires, rubbish, tarpaper, construction debris, plastic wastes, or other types of material likely to cause excessive or toxic smoke.

H. Wastes to be burned shall be reasonably free of dirt, soil and visible surface moisture.

I. Planned burns greater in size than 20 acres, or which are likely to have a smoke impact in the District's opinion, or pose a potential danger for escape in the Fire

Section 1160 (Continued)

Agency's opinion, or actually have a history of public complaints, shall submit and implement a smoke management plan (one plan may cover several phases of burning in a given area). Burners must obtain district authorization to burn on each day of the burn. To the extent feasible, plans are to be submitted annually six months in advance of the proposed burn detailing the following:

(1) Location, types, and amounts of material to be burned.
(2) Expected duration of the fires from ignition to burn down.
(3) Identification of a responsible person to include address, telephone number, cellular telephone numbers, or other means of prompt contact.
(4) A map of the wildland to be treated showing the location of land to be treated and identification and recognition of smoke sensitive areas.
(5) Identification of meteorological conditions necessary for the planned burning.
(6) The smoke management criteria the land manager or the designee will use for making burn ignition decisions.
(7) Projections, including a map, of where the smoke from burns is expected to disperse for both day and night.
(8) The land manager or designee conducting a prescribed burn, shall obtain the concurrence of the District and ensure that conditions and requirements contained in the smoke management plan are met and expected to continue to be met for the duration of the planned burn at the time of ignition.
(9) If the planned prescribed burn is greater than 100 acres, or in the District's opinion has a likelihood of causing smoke impacts, items 1-8 above plus the following shall be included in the plan: (a) identification of specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan; (b) daily contact with the District prior to ignition and during each day of burning shall be made by the land manager or designee; (c) a statement that alternatives to burning have been considered and determined not to be feasible; (d) public notification procedures to be utilized; and (e) identification of appropriate monitoring to include visual monitoring, ambient particulate matter monitoring, or other monitoring, as approved, or required by the District.
(10) If the planned prescribed burn is greater than 250 acres or a multi-day fire (it is not expected to burn down overnight) items 1-9 above plus: (a) the District will provide notice to the ARB and consult with the ARB on procedures for ARB review and approval; (b) the ARB shall have the right to disapprove any burn approved by the District prior to ignition; and (c) the land manager or designee shall perform and file in conjunction with the District a post-burn smoke management evaluation within 7 days of the fire.

Section 1160 (Continued)

J. For burns on which a smoke management plan has been reviewed and approved by the ARB, and after request by a designated agency, seven days in advance of any planned burn, the State of California Air Resources Board on a case by case basis, may issue wildland vegetation management no-burn or permissive burn notices 48 hours in advance of such planned burning. Notwithstanding such advanced notice the ARB shall cancel permissive burn notices issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality (i.e. no AAQS violations).

K. For all wildfires, if a land manger chooses to treat a wildfire as a prescribed burn, the land manager or responsible official shall: 1) first submit to the responsible Fire Agency and District a statement that the wildfire is considered safe and manageable as a prescribed burn and that it is desirable to manage the wildfire as a prescribed burn, as allowed by California Code of Regulation – Title 17; 2) immediately request from the state Air Resources Board permission to continue to treat the initial wildfire as a managed prescribed burn; and 3) ensure full compliance with California Code of Regulation – Title 17 throughout the burn including submittal of a smoke management plan as required by Title 17 section 80160(I).

LAKE COUNTY AIR QULAITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001

Section 1170 Wood Waste Burning: The following shall apply to the use of open fires for the disposal of wood waste from property being developed for agricultural use, or tree crop removal burning, purposes:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be free of material that is not produced in the clearance or grown on the property where the waste is to be burned. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Material shall be dried as follows:

1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Vines and brush: thirty (30) days.
3. Prunings and smaller branches: fifteen (15) days.
4. Designated agencies may modify the above drying times as conditions warrant.

E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby populated areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days.

I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.

J. An Agricultural Burning Permit (Land Clearing Permit) is required, and is valid only on burn days.

2.10.77

Section 1200 Forest Management Burning: The following regulations shall apply to all forest management burning:

B. All forest management burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

C. The total amount of material that may be burned in each designated district (Fig. 1) shall not exceed that set forth in Table II.

D. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

E. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography and population density shall be considered to minimize smoke

2.10.77

Section 1300 Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals:

The following regulations shall apply:

A. All burning shall be ignited by approved devices, such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers, or other such approved devices.

B. All material to be burned shall be free of material that is not produced in an agricultural operation as defined in these regulations. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Materials shall be dried as follows:

1) Trees and branches over six (6) inches in diameter: 60 days.

2) Prunings and smaller branches: 15 days.

3) Field crops, brush and weeds cut in a green condition: 7 days.

4) Other materials: drying time will be determined by the designated agency.

5) Designated agencies may modify the above drying times as conditions warrant.

E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table II.

F. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion, and population density shall be considered to minimize smoke reaching nearby populated areas.

G. Burning of empty sacks or containers which contained pesticides or other toxic substances may be permitted on "no-burn" days providing the sacks or containers are within the definition of "Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals" as specified by Definition.

3-10-98

Section 1350. Burning of Standing Tule: The following shall apply to the use of open fires for the burning of standing tule for agricultural or habitat improvement purposes:

A. An Agricultural Burning Permit is required. Burning shall be permitted by special permit issued by the District if desirable meteorology for the duration of the planned burn is anticipated, consistent with C and D below, and economic considerations warrant.
B. The District shall be contacted for concurrence on the date of the planned burn prior to burning, and the District may, when necessary to preserve air quality, elect to delay the burn. In making such a decision to delay, the District shall consider the quantity and condition of tules to be burned, location of burn site, proximity to receptors and prevailing meteorological and ambient air quality conditions. The fire protection agency shall also be notified by the permit holder prior to the burn on the day of the burn.
C. Maximum care must be taken to keep smoke and ash from drifting into residential areas and the immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered by the responsible adult in charge of the fire in an effort to minimize smoke or ash reaching nearby residential areas in any decision to burn.
D. As part of obtaining a permit the applicant shall provide the District a simple map showing the location of the burn and the nearby residential areas, and a statement that the tules to be burned have not been burned during the prior season.
F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions using an approved ignition device such as an orchard torch, propane torch, pressurized flame thrower-type torch, jellied petroleum device, matches, fuse lighter, commercial fuse, drip torch, diesel sprayer or other such approved device.
J. All material to be burned shall be free of material that is not grown on the property where the tules are to be burned. Tires, tar paper and other rubbish shall not be burned.

2.10.77

Section 1400 Wood Waste Burning: The following regulations shall apply to the use of open fires for the disposal of wood waste from property being developed for industrial, commercial, or residential purposes:

A. All burning shall be ignited by approved devices, such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be free of material that is not produced in the clearance or grown on the property where the waste is to be burned. Tires, tarpaper and other rubbish and materials likely to cause excessive smoke shall not be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Material shall be dried as follows:

1) Trees and branches over six (6) inches in diameter: 60 days.

2) Vines and brush: 30 days.

3) Prunings and smaller branches: 15 days.

4) Designated agencies may modify the above drying time as conditions warrant.

E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table II.

F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, thermal inversion, topography and population density shall be considered to minimize smoke reaching nearby populated areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least 60 days.

I. Brush must be crushed, uprooted or desiccated with herbicides at least 6 months prior to burning if economically and technically feasible.

J. An Agricultural Burning Permit is required and is permitted to burn only on "Permissive-Burn" days.

K. No special "no-burn" permits shall be granted.

L. No authorization shall be granted after January 1, 1980, or such earlier date if the Air Resources Board determines that an alternate method is technically and economically feasible.

TABLE 8: AGENCIES DESIGNATED TO ISSUE BURNING PERMITS

1.*California Department of Forestry; Middletown
2.*California Department of Forestry; Kelseyville/Cobb
3. *California Department of Forestry; Clearlake Oaks
4. Clearlake Oaks Fire Protection District
5. Kelseyville Fire Protection District
6. Lakeport Fire Protection District
7. Lake County Fire Protection District; (Clearlake, Lower Lake)
8. South Lake County Fire Protection District
9. Upper Lake Fire Protection District
10. Nice Community Service District (Fire Protection Agency)
11. Lucerne Recreations and Park District (Fire Protection Agency)
12. Northshore Fire Protection Authority
13.United States Forest Service (Upper Lake)

*Supervision and control of these offices are at the Sonoma-Lake-Napa Unit Headquarters, St. Helena.

3) consume standing brush or tules; 4) are located in close proximity to the public for the amount of material to be burned or have a fire hazard potential; or 5) Are at a location, or by a responsible party having a history of violation or public complaint.

Examples: Standing brush or forest management burns requiring a Smoke Management Plan, land clearing requiring the burning of entire trees, orchard or vineyard removal over one acre, burns referred by a designated agency to the AQMD for a smoke management plan, ranches/farms/large landholdings under a single ownership incorporating multiple parcels by request, or burning tules in close proximity to the public require a SMP.

Initial Fee:	$20.00
Annual Renewal Fee:	$20.00

*Table 6.4 fees shall be adjusted annually, starting July 1, 2006, to reflect the change in the California Consumer Price Index, but shall only be adjusted when a cumulative $1.00 increment increase has occurred.

Section 1002: **Agencies Authorized to Issue Burning Permits:** The agencies listed in Table 8 are hereby designated by the District as having authority to issue non-agricultural and agricultural burn permits pursuant to District Rules and Regulations. Designated Agencies issuing burn permits in their respective jurisdictions or spheres of influence are authorized to collect and retain the fee listed in Section 660, Table 6.4 for Category A and B burning permits. Cooperating and delegated agency burning for fire prevention, vegetation management and fuel load reduction and as authorized in section 432 of these rules shall not be subject to permit or smoke management plan fees. Procedural guidelines as agreed to by the APCO and ratified by the Lake County Fire Chiefs Association shall be utilized for delegated permit agency issuance.

EXHIBIT A

Table 6.4
SCHEDULE OF FEES FOR OPEN BURNING PERMITS

Category A - SIMPLE BURNS: Residential and Agricultural Burns that do not have a significant smoke impact potential, do not involve a substantial amount of material and will be completed during permitted burn hours are simple burns. Burns must be manned at all times until material is consumed.
Examples of Simple Burns: Agricultural: Pear or walnut brush, diseased wood, grape vine prunings, grass, thistle and forest slash piles.
Residential: Dried non-green vegetation in piles of less than 8 feet in height and width, and which do not include poison oak or oleander.
Specifically Excluded from Simple Burns: 1) Any burn that has a high potential to cause smoke impact on the public because of location, size, amount or type of emissions released, or fire hazard, or that may produce appreciable smoke overnight; 2) Agricultural: piled or wind-rowed trees or vines containing larger than 6" diameter material from more than one acre; green or live vegetation; standing brush or tule; forest broadcast or understory burns; and multi-day burns; and 3) Residential: green or live vegetation; poison oak; oleander; or other toxic smoke producing vegetation; and, residential or commercial land development clearing as described in Category B below.
Annual Fee: $20.00

Category B – Residential/Commercial Lot Clearing / Land Development; Single purpose Land Development burning pursuant to Non-Agricultural Burn Regulation 436.5 located within 300 feet of a building, or sensitive receptor, or fire hazard, or located in a developed subdivision shall require a Category B permit. Category B burns may include hand or machine piled brush. A delegated agency may, when they determine it necessary, refer any applicant to the AQMD to obtain a smoke management plan as an alternative to a Category B permit.
Fee: $60.00

Category C - Smoke Management Plans (SMP): A Smoke Management Plan is required for any burn that has a high potential to cause smoke impact on the public because of location, size, amount or type of emissions released.
Category C includes, but is not limited to, burns which: 1) require a smoke management plan pursuant to these regulations; 2) require an inspection or meteorological review and specific date and time authorization prior to burning

2-10-71

TABLE II

Daily Quota of Agricultural Material that May Be Burned by Watershed *

Watershed	Acreage (or tonnage) Per Day **
Clear Lake	5,000 acres (150,000 tons)
Putah Creek	2,000 acres (60,000 tons)
Scotts Creek	2,000 acres (60,000 tons)

*Watershed boundaries indicated in Figure I.

** Acreage based on an average fuel density of 30 tons per acre. Acreage must be adjusted downwardly in the event the average fuel density exceeds thirty (30) tons/acre. Acreage may be adjusted upwardly if fuel desnity is less than thirty (30) tons/acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table III, "Guides for Estimating Dry Weights of Several California Fuel Types", air quality, and fire control conditions.

Daily quota is the maximum permissible material that may be burned. Neither the fire control agency nor the Control District is required to allow the maximal amount permissible on any given burn day.

2.10.77

TABLE III

Guides for Estimating Dry Weights of Several California Fuel Types

Code No.	Material (Fuel Types)	Total Dry Weight (Tons/acre)
1	Grass	2
2	Grass and scattered sage	4
3	Mature timber (little chopping)	30
4	Bear Clover	8
5	Open Manzanita	10
6	Timber - medium reproduction and brush	15
7	Light to medium chamise - Southern California	6
8	Brush mixture with sage	12
9	Medium brush - in cut-over or timber burn	20
10	Mixed Douglas Fir - White Fir with brush and rep.	40
11	Medium brush and oak - Southern California	15
12	Heavy pure manzanita, Chamise or buck brush	25
13	Heavy mixed brush	30
14	Heaviest mixed brush	35
15	Second growth - medium poles	20
16	Slash in cut-overs	See items 1-4 below
17	Woodland - little chopping	3
18	Prunings	3
19	Miscellaneous	to be estimated

Dry weights of slash in cut-overs (fuel type 16)		Total Dry Weight
1. Hand Piles	6' x 6' x 6'	1 ton
2. Machine Piles	15' x 15' x 8'	6 tons
3. Log Decks	32' x 15' x 10'	60 tons
4. Patch Cut Areas:		
Light		60 tons/acre
Medium		90 tons/acre
Heavy		150 tons/acre

2-28-94

Exhibit A

Chapter XII

Requirements for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990

CHAPTER XII, Article I; PURPOSE AND GENERAL REQUIREMENTS

Section 12.200 DEFINITIONS

The definitions in this section apply throughout Chapter XII and are derived from related provisions of the U.S. EPA's Title V regulations in Part 70 of the *Code of Federal Regulations*, "State Operating Permit Programs." The terms defined in this section are italicized throughout Chapter XII.

[Reference: 40 CFR 70.2 Affected States]

(a4) Air Pollution Control Officer (APCO)

"Air Pollution Control Officer" refers to the air pollution control officer of the Lake County Air Quality Management District, appointed pursuant to *Health and Safety Code Section* 40750.

(c2) Clean Air Act (Clean Air Act)

"Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).

(d1) *Designated Non-Major Stationary Source*

A source which, by imposition of *federally enforceable permit* conditions, has its *potential to emit* limited to below the threshold levels for a *major source* as defined by Chapter XII, and is not otherwise required to apply for a *major source* review permit under Chapter XII.

(d2) *Designated Non-Major Stationary Source Operating Permit*

A new or modified *District* permit issued pursuant to Chapter XII and Chapter IV which incorporates identified permit conditions imposing source-wide, *federally enforceable*, emission limits according to the procedures contained in Chapter XII, Article VIII to specifically avoid the requirements of Chapter XII *major source* permit review. A *Designated Non-Major Stationary Source Operating Permit* is a *District* permit, subject to all the applicable provisions of existing *District* Rules and Regulations including but not limited to permitting, compliance, public notice, reporting and payment of fees. The permit specifically incorporates and identifies those conditions that result in the designation as a *Designated Non-Major Stationary Source*.

(d3) Direct Emissions

"Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

(e3) Emissions Unit

An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any *regulated air pollutant* or *hazardous air pollutant*.

[Reference: 40 CFR 70.2 Emissions Unit]

(f1) Federally-Enforceable Condition

A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an *applicable federal requirement* or a *voluntary emissions cap*.

(f2) Fugitive Emissions

"Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

[Reference: 40 CFR 70.2 Fugitive Emissions]

(m1) Major Source

A "major source" is a *stationary source* which has the *potential to emit* a *regulated air pollutant* or a *hazardous air pollutant* in quantities equal to or exceeding the lesser of any of the following thresholds:

(1) 100 tons per year (tpy) of any *regulated air pollutant*;

(2) 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;

(3) 70 tpy of PM10 (particulate matter of 10 microns or less) for a federal PM10 nonattainment area classified as serious;

(4) 10 tpy of one *hazardous air pollutant* or 25 tpy of two or more *hazardous air pollutants*; or

(5) Any lesser quantity threshold promulgated by the *U.S. EPA*.

[Reference: 40 CFR 70.2 Major Source]

(o1) Operation

"Operation" means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or physical properties of a material, which results in or may result in the emission of a regulated air pollutant.

(p1) Permit Modification

A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

[Reference: 40 CFR 70.2 Permit Modification and Permit Revisions]

(p2) Potential to Emit

For the purposes of Chapter XII, "potential to emit" as it applies to an *emissions unit* and a *stationary source* is defined below.

(1) ***Emissions Unit***

The "potential to emit" for an *emissions unit* is the maximum capacity of the unit to emit a *regulated air pollutant* or *hazardous air pollutant* considering the unit's physical and operational design. Physical and operational limitations on the emissions shall be treated as part of its design, if the limitations are set forth in permit conditions which address applicable federal requirements. Physical and operational limitations to emit shall include, but are not limited to, the following: limits placed on emissions; and restrictions on hours of operation and type or amount of material combusted, stored, or processed.

(2) ***Stationary Source***

The "potential to emit" for a *stationary source* is the sum of the *potential to emit* from all *emissions units* at the *stationary source*. If two or more *hazardous air pollutants* are emitted at a *stationary source*, the *potential to emit* for each of those *hazardous air pollutants* shall be combined to determine applicability. *Fugitive emissions* shall be considered in determining the *potential to emit* for: 1) sources as specified in 40 *CFR* Part 70.2 Major Source, and 2) sources of *hazardous air pollutant* emissions. Notwithstanding the above, any *hazardous air pollutant* emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a *major source* of *hazardous air pollutants*, whether or not such units are located in contiguous areas or are under common control.

[Reference: 40 CFR 70.2 Potential to Emit and Major Source(2)]

(s3) Stationary Source

For the purposes of Chapter XII, a **"stationary source" is any** building, structure, facility, or installation (or any such grouping) that:

(1) Emits, may emit, or results in the emissions of any *regulated air pollutant* or *hazardous air pollutant*;

(2) Is located on one or more contiguous or adjacent properties;

(3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and

(4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[Reference: 40 CFR 70.2 Stationary Source]

4-28-94

CHAPTER XII, Article VIII; *Designated Non-Major Stationary Source*

Section 12.800 *Designated Non-Major Stationary Source* Requirements:
Any *major source* which proposes to accept and comply with source-wide *federally enforceable permit* conditions such that the source becomes a *Designated Non-Major Stationary Source*, and is not otherwise subject to *major source* review or Chapter XII, may apply for a *Designated Non-Major Stationary Source Operating Permit* consistent with the procedures of Chapter IV and further required in this Chapter XII, Article VIII.

Section 12.810 Application for a *Designated Non-Major Stationary Source Operating Permit*:
A source which proposes to accept *federally enforceable permit* conditions to limit it's *potential to emit* to below any applicable thresholds for a *major source*, and is not otherwise required to obtain or continue a *major source* operating permit under Chapter XII of these Rules and Regulations, may apply for a *Designated Non-Major Stationary Source Operating Permit* in accordance with the procedural requirements of Chapter IV, Articles I-II for an authority to construct and permit to operate, and the noticing and procedural requirements of Chapter IV, Section 605 and as further required in Chapter XII, Article VIII.

An application for a *Designated Non-Major Stationary Source Operating Permit* shall contain the following in addition to any requirement and criteria of Chapter IV: (1) Identification and description of all existing emission units at the source, including sources that are exempt from permits; (2) A calculation of annual and daily maximum emissions of air pollutants from all *emission units* at the *source* for all operating scenarios to be permitted at the source, including all *fugitive emissions*; (3) Proposed *federally enforceable permit* conditions to limit source wide emissions to below the thresholds for a *major source*; and (4) Proposed *federally enforceable permit* conditions imposing record keeping and reporting requirements sufficient to determine compliance.

The APCO shall determine if the application is complete within 30 days, unless a longer time is agreed upon by the applicant. The application shall be considered incomplete unless sufficient information is contained in the application to accurately assess and fulfill the requirements of this Section 12.810 and Section 12.830.

Section 12.820 Timely Application for a *Designated Non-Major Stationary Source Operating Permit*:
An application for a *Designated Non-Major Stationary Source Operating Permit*, or *permit modification*, shall be submitted in a timely manner as described below:

(a) An existing *major source* which elects to apply for a *Designated Non-Major Stationary Source Operating Permit* in order to avoid a requirement to obtain a *major source* permit as specified in Chapter XII, shall apply for and receive a *Designated Non-Major Stationary Source Operating Permit* prior to the date by which it would have to apply for a *major source* permit pursuant to Chapter XII.

(b) For a modification to a *Designated Non-Major Stationary Source Operating Permit* which will not increase the *potential to emit* above those of a *major source*, an application shall be received by the *District* in accordance with the requirements of Chapter IV.

(c) For a physical or *operation* change to a *Designated Non-Major Stationary Source* which would increase the source's *potential to emit* to that of a *major source*, the source must undergo proper pre-construction review and apply for and receive a major source review permit prior to commencing the change to include the applicable requirements of Chapter IV and Chapter XII.

(d) Notwithstanding Section 12.820, (a), for an existing *major source* with actual emissions greater than those described in Section 12.200, (m1), and which seeks to become a *Designated Non-Major Stationary Source*, an application for a *Designated Non-Major Stationary Source Operating Permit* shall be received by the *District* no later than nine months from the date Chapter XII is adopted by the *District Board*.

Section 12.830 Procedure and Content for Issuance or Denial of a Designated *Non-Major Stationary Source Operating Permit*:
The APCO shall take action on the application for a *Designated Non-Major Stationary Source Operating Permit* consistent with Chapter IV and as follows:

(a) Public notice: The APCO shall publish a notice, after the application is determined to be complete, in a major newspaper in the area where the facility is located, providing at least 30 days for public comment, state that permit conditions for the facility will be modified to provide a facility wide emission limit in accordance with Chapter XII, Article VIII, to designate the source a *Designated Non-Major Stationary Source* exempting the source from major source review requirements and shall include information as to how the public may obtain copies of the permit conditions associated with the

2-28-94

limit, any information regarding the modification submitted by the owner or operator of the facility, the APCO's analysis of this information, and of the effect, if any, of the modification on air quality.

(b) The APCO shall provide to EPA a copy of each proposed and final *Designated Non-Major Stationary Source Operating Permit*, and EPA shall be provided a 30 day review period.

(c) The *Designated Non-Major Stationary Source Operating Permit* shall include: (1) *Federally enforceable permit* conditions limiting the source's *potential to emit* to below the thresholds for a *major source*; which are permanent, quantifiable and practically enforceable permit conditions, and to include production or processing limits; (2) *Federally enforceable permit* conditions requiring monitoring, record keeping, and reporting sufficient to determine compliance with the limitations as set forth in the permit which avoid the designation as a *major source*; and (3) A statement in the permit that the source is a *Designated Non-Major Stationary Source* specifically because of limitations contained in the permit.

(d) Final Action: The APCO shall take final action on a *Designated Non-Major Stationary Source Operating Permit* application after considering all comments received in a timely manner, but within 180 days following the acceptance of the application as complete. The APCO shall deny the application for a *Designated Non-Major Stationary Source Operating Permit* if the APCO determines the source is not capable of complying with any requirement contained in Chapter XII, Article VIII.

Section 12.840 Non-compliance, *Designated Non-Major Stationary Source*:
Any source subject to the requirements of the portions of Chapter XII that is not in compliance with any permit condition set forth in a *Designated Non-Major Stationary Source Operating Permit*, is in violation of the *Clean Air Act* and *District* Rules and Regulations and may be subject to enforcement action, permit termination, permit revocation and reissuance, and/or denial of a permit renewal. Any source which files false information with the *District* to obtain such designation is in violation of the *Clean Air Act* and *District* Regulations and is subject to enforcement action.

Section 12.850 Loss of Status as a *Designated Non-Major Stationary Source*:
A source shall not be considered a *Designated Non-Major Stationary Source* under any of the following occurrences:

(a) A *Stationary Source* has actual emissions exceeding any applicable threshold for a *major source* as specified in this Chapter XII;

(b) The *Stationary Source* installs or changes equipment, or institutes a change of operation, resulting in a *potential to emit* exceeding any threshold for a *major source* as specified in this Chapter XII without first obtaining a *permit modification* pursuant to Section 12.820 limiting such emissions below any threshold for a *major source*; and

(c) Fails to establish compliance as required in Section 12.830, (c), (2).

If for any reason the *Stationary Source* plans a physical or *operation* change which would increase its *potential to emit* such that it would exceed any applicable threshold for a *major source*, the *Stationary Source* shall immediately become subject to *major source* review and shall apply for a *major source* review and permit in accordance with the requirements of these rules and regulations to include Chapter XII, and all applicable state and federal laws.