

## LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 1:1 - Title. These rules and regulations shall be known as the Rules and Regulations of the Lassen County Air Pollution Control District.

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RULE 1:2 - Definitions. Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in the Health and Safety Code.

a. Agriculture Burning. "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management or range improvement.

b. Air Contaminant. "Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, aerosols, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

c. Atmosphere. "Atmosphere" means the air that envelopes or surrounds the earth.

d. Board. "Board" means the Air Pollution Control Board of the Lassen County Air Pollution Control District, which is the Board of Supervisors.

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- e. Combustible Waste. "Combustible Waste" is any solid or liquid combustible waste material containing carbon in a free or combined state.
- f. Combustion Contaminants. "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- g. Control Officer. "Control Officer" means the Air Pollution Control Officer of the Lassen County Air Pollution Control District.
- h. District. "District" is the Lassen County Air Pollution Control District.
- i. Hearing Board. "Hearing Board" means the Hearing Board of the Lassen County Air Pollution Control District.
- j. Incinerator. "Incinerator" means any furnace or similar enclosed fire chamber, with or without draft control, used for burning refuse or other waste material.
- k. Institutional Facility. "Institutional Facility" means any hospital, boarding home, school, corporation yard, or like facility.

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l. Multiple Chamber Incinerator. "Multiple Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a pyrometric cone equivalent of a least 17, tested according to the method described in the American Society for Testing Materials, method C-24.

m. Open Outdoor Fire. "Open Outdoor Fire" as used in this regulation means complete or partial burning or smoldering of any combustible refuse or other material of any type directly exposed to the atmosphere, whether or not enclosed in a fire proof container, where the products of combustion are not channeled through a flue.

n. Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

o. Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

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p. Process Weight Rate. "Process weight rate" is the total weight, including contained moisture, of all materials introduced into any specific process which may cause the emission of any pollutants into the atmosphere. Solid fuels will be considered to be part of the process weight, but liquid and gaseous fuels and combustion air will not. The process weight rate 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.

q. Regulation. "Regulation" means one of the major sub-divisions of Rules of the Lassen County Air Pollution Control District.

r. Residential Rubbish. "Residential Rubbish" means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

s. Rule. "Rule" means a rule of the Lassen County Air Pollution Control District.

t. Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

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

v. Variance. "Variance" means an authorization by the Hearing Board to permit some act contrary to the requirements specified by these rules and regulations.

w. Shall and May. When used in these Rules and Regulations, "Shall" is mandatory, "May" is permissive.

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RULE 1:3 - Air Pollution Data

a. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants which any article, machine, equipment, or other contrivance will produce, which any air pollution control district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

b. All air monitoring data, including data compiled from stationary sources, are public record.

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**Rule 1:6 - General Provisions.** These Rules and Regulations shall become effective October 1, 1971. Future amendments to these Rules and Regulations shall take effect on the dates specified therein or as specified in the order by which they are adopted.



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RULE 2:0 - Permits Required

a. Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

b. Permit to Operate. Before any article, machine, equipment or other contrivance described in Rule 2:0 (a) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any in Rule 2:0 (a), constructed or installed with authorization as required by Rule 2:0 (a), until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 2:8 and elsewhere in these Rules and Regulations.

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c. Posting of Permit to Operate. A person who has been granted under Rule 2:0 a Permit to Operate any article, machine, equipment, or other contrivance described in Rule 2:0 (b), shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 2½ feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

d. Alternation of Permit. A person shall not wilfully deface, alter, forge, counterfeit, or falsify a Permit to Operate posted on any article, machine, equipment, or other contrivance. Violation of Rule 2:0 (e) is a misdemeanor pursuant to the provisions of Section 24281 of the Health and Safety Code of the State of California.

e. A Permit to Operate shall be obtained by existing industries within ninety (90) days of adoption of these Rules and Regulations.

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**RULE 2:1 - Sources Not Requiring Permits.** An Authority to Construct or a Permit to Operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable District Rules and Regulations.

- a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.
- b. Vehicles used to transport passengers or freight.
- c. Equipment utilized, exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four (4) families.
- d. The following equipment:
  1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
  2. Refrigeration units except those used as, or in conjunction with air pollution control equipment.
  3. Piston type internal combustion engines, except those used to power stationary emission sources or air pollution control equipment.
  4. Equipment used exclusively for steam cleaning.
  5. Presses used exclusively for extruding metals, minerals, plastics, or wood.
  6. Equipment used exclusively for space heating other than boilers.
  7. All sheet-fed printing presses and all other printing presses without dryers.
  8. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold the softening or annealing of plastics.
  9. Batch mixers of five cubic feet rated working capacity or less.
  10. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.
  11. Brazing, soldering or welding equipment.
  12. Laundry and dry cleaning equipment used for cleaning fabrics.
  13. Ovens used exclusively for curing potting materials or castings made with epoxy resins.
  14. Equipment used for compression molding and injection molding of plastics.

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RULE 2:3 - Transfer. An Authority to Construct or a 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.

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### **Rule 2:5 - Cancellation of Application.**

- a. An Authority to Construct shall expire and the application shall be canceled two (2) years from the date of issuance of the Authority to Construct.
- b. An application for Permit to Operate existing equipment shall be canceled two (2) years from the date of filing of the application.

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**Rule 2:7 - Provisions of Sampling and Testing Facilities.** A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the Authority to Construct or Permit to Operate.

RULE 2:8 - Standards for Granting Applications.

a. The Air Pollution Control Officer shall deny an Authority to Construct, or Permit to Operate except as provided in Rule 2:9, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Section 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

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b. Before an Authority to Construct or a Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes;

the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Order of the State of California.

c. In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the articles, machine, equipment or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.



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d. The granting of a permit does not exempt the holder from present and future regulations of the Air Pollution Control District.

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JLE 2:9 - Conditional Approval.

a. The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 2:8 in which case the conditions

so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 2:8 under the revised conditions.

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RULE 3:2 - Permit Fees.

a. Filing Fee. Every applicant, except any state or local governmental agency or public district, for an Authority to Construct or a Permit to Operate any article, machine, equipment or other contrivance, for which an Authority to Construct or a Permit to Operate is required by (the State law or) the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of \$20.00. Where an application is filed for a Permit to Operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a Permit to Operate had previously been granted under Rule 2:0 and no alteration, addition or transfer of location has been made, the applicant shall pay only a \$10.00 filing fee.

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b. Permit Fee. Every applicant, except any state or local governmental agency or public district, for a Permit to Operate, who files application with the Air Pollution Control Officer, shall in addition to the filing fee prescribed herein, pay the fee for the issuance of a Permit to Operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the Permit to Operate.

c. Cancellation or Denial. If an application for an Authority to Construct or a Permit to Operate is cancelled, or if an Authority to Construct or a Permit to Operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

d. Transfer of Location or Owner. Where an application is filed for a Permit to Operate any article, machine, equipment or other contrivance by reason of transfer of location or transfer from one person to another, or both, and where a Permit to Operate had previously been granted for such equipment under Rule 2:0 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity

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resulting from such alterations or additions, as described in the fee schedules contained herein. Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only the amount of the filing fee required herein. The annual renewal fee at the new location shall be the same as if there had been no change in location and the anniversary date for payment of the renewal fee will remain unchanged.

e. Alteration of Equipment. Where an application is filed for an Authority to Construct or a Permit to Operate exclusively involving revisions to the conditions of an existing Permit to Operate or involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 2:0 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein.

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f. Permit Fee Penalty. When the permit is issued, it shall be accompanied by a statement of the fee to be paid therefore. If the fee is not paid within thirty (30) days after the permit is issued, the fee shall be increased by one-half the amount thereof and the Air Pollution Control Officer shall thereupon promptly notify the applicant of the increased fee by mail. Nonpayment of the increased fee within sixty (60) days after the permit is issued shall result in the automatic cancellation of the application and the permit shall be void.

g. Permit Granted by Hearing Board. In the event that a Permit to Operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within thirty (30) days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application.

h. Multiple Locations. When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.

i. Annual Renewal Fee. Annually on the anniversary of the issuance of a Permit to Operate granted under Rule 2:0, the permittee shall

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pay a renewal fee amounting to one-fourth of the initial permit fee under current fee schedules. The holder of permits with more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within thirty (30) days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within thirty (30) days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall so notify the permittee by mail.

j. Duplicate Permit. A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within ten (10) days after the destruction, loss or defacement of a Permit to Operate and shall contain the reason a duplicate permit is being requested. A fee of \$5.00 shall be paid except by any state or local governmental agency or public district, for issuing a duplicate Permit to Operate.

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**RULE 3:3 - Permit Fee Schedules.** It is hereby determined that the cost of issuing permits, and of inspections pertaining to such issuance exceeds the fees prescribed herein. In determining the fees to be charged, the applicable equipment within each process that requires a permit will be totaled for each schedule. In the event that more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that which results in the higher fee.

**SCHEDULE I**

**ELECTRIC MOTOR HORSEPOWER SCHEDULE**

Any article, machine, equipment, or other contrivance, where an electric motor is used as the power supply, shall be assessed a permit fee based on the total rated motor horsepower of all such electric motors included in such article, machine, equipment or other contrivance, in accordance with the following schedule:

**HORSEPOWER -----FEE**

Up to and including 5 -----	\$ 5.00
Greater than 5 but less than 15 -----	10.00
15 or greater but less than 30 -----	20.00
30 or greater but less than 45 -----	30.00
45 or greater but less than 65 -----	50.00
65 or greater but less than 125 -----	75.00
125 or greater but less than 200 -----	100.00
200 or greater -----	125.00

**SCHEDULE 2**

**FUEL BURNING EQUIPMENT SCHEDULE**

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

**1000 BRITISH THERMAL UNITS PER HOUR----- FEE**

Up to and including 150 -----	\$ 5.00
Greater than 150 but less than 500 -----	\$ 10.00
500 or greater but less than 1,500 -----	\$ 20.00
1,500 or greater but less than 5,000 -----	\$ 30.00
5,000 or greater but less than 15,000 -----	\$ 50.00



15,000 or greater but less than 50,000 -----	\$ 75.00
50,000 or greater but less than 150,000 -----	\$100.00
150,000 or greater but less than 500,000 -----	\$125.00
500,000 or greater -----	\$150.00

### **SCHEDULE 3**

#### **ELECTRICAL ENERGY SCHEDULE**

Any article, machine, equipment or other contrivance, which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

#### **KILOVOLT AMPERES -----FEE**

Up to and including 45 -----	\$ 5.00
Greater than 45 but less than 145 -----	\$ 10.00
145 or greater but less than 450 -----	\$ 20.00
450 or greater but less than 1, 450 -----	\$ 30.00
1,450 or greater but less than 4,500 -----	\$ 50.00
4,500 or greater but less than 14,500 -----	\$ 75.00
14,500 or greater but less than 45,000 -----	\$100.00
45,000 or greater but less than 145,000 -----	\$125.00
145,000 or greater -----	\$150.00

### **SCHEDULE 4**

#### **INCINERATOR SCHEDULE**

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber.

#### **AREA, IN SQUARE FEET -----FEE**

Up to and including 3 -----	\$ 5.00
Greater than 3 but less than 6 -----	\$ 10.00
6 or greater but less than 9 -----	\$ 20.00
9 or greater but less than 16 -----	\$ 30.00
16 or greater but less than 27 -----	\$ 50.00

27 or greater but less than 47 -----	\$ 75.00
47 or greater but less than 90 -----	\$100.00
90 or greater but less than 200 -----	\$125.00
200 or greater -----	\$150.00

**SCHEDULE 5**

**STATIONARY CONTAINER SCHEDULE**

Any stationary tank, reservoir, or other container shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent:

<b>GALLONS -----</b>	<b>FEE</b>
Up to and including 4,000 -----	\$ 5.00
Greater than 4,000 but less than 40,000 -----	10.00
40,000 or greater but less than 400,000 -----	20.00
400,000 or greater but less than 4,000,000 -----	30.00
4,000,000 or greater -----	50.00

**SCHEDULE 6**

**ELECTRIC GENERATING FACILITIES**

(INCLUDING CO-GENERATION)

Operating permit fees shall be determined at the following rate:

Per megawatt or fraction thereof -----	\$200.00
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**SCHEDULE 7**

**MISCELLANEOUS SCHEDULE**

Any article, machine, equipment or other contrivance which is not included in the preceding schedules shall be assessed a permit fee of \$20.00

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RULE 3:4 - Analysis Fees. Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analysis, and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

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**RULE 3:5 - Technical Reports, Charges For:** Information circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

**REGULATION IV - PROHIBITIONS**

**RULE 4:0 - Ringelmann Chart.** A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one 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 State 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 subsection (a) of this Rule (Section 41701)

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**RULE 4:1 - Wet Plumes.** When the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of Rule 4:0, that rule shall not apply. The burden of proof which establishes the application of this Rule 4:1 shall be upon the person seeking to come within its provision.

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**RULE 4:2 - Nuisance.** A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury to damage to business or property. (Section 41700)

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RULE 4:3 - Particulate Matter. A person shall not discharge from any single source whatsoever particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions over a period of one hour.



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**RULE 4:4 - Specific Air Contaminants.** No person shall discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration at the point of discharge:

- a. Sulfur Compounds calculated as sulphur dioxide: 0.2 percent by volume.
- b. Combustion contaminants: 0.3 grain per cubic foot of gas calculated to 12 percent of carbon dioxide at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide.

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RULE 4:5 - Exceptions. Rules 4:0 and 4:2, do not apply to:

a. Fire set by or permitted by a 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) The instruction of public employees in the methods of fighting fire.

b. Fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

c. Agricultural operations in the growing of crops or raising of fowls or animals, or

d. The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, or animals.

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**Rule 4:6 - Additional Exceptions.** The provisions of Rule 4:2, relating to odors, do not apply to odors emanating from agricultural operations in growing of crops or raising of fowls or animals. (Section 41705)

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**Rule 4:7 - Open Burning.** No person, firm, corporation, association or public agency shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the District, except as provided in this Regulation.

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RULE 4:2 - Exentions. The following fires are excepted from the provisions of Rule 4:7.

- a. Fires used only for cooking of food for human beings or for recreational purposes.
- b. Fires for disposal of household rubbish originating at one and two family dwellings which fires are maintained by the occupant of the dwelling at the dwelling.

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- c. Any fire set or permitted by any public officer, in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials where there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.
- d. Fires set for the purpose of instruction of industrial employees in the methods of fighting fire, provided prior permission has been granted by a public officer in the performance of official duty and by the Air Pollution Control Officer.
- e. An agricultural fire set by or permitted by the County Agricultural Commissioner of the County, if such fire is set or permission given in the performance of the official duty of such County Agricultural Commissioner for the purpose of disease and pest prevention.
- f. Safety flares for the combustion of waste gases.
- g. Fires set for the purpose of disposal of waste materials created as an incidence to the clearance and development of land for road or right of way purposes, by a public entity or utility company; provided that such fires shall be burned only after approval by a fire official having jurisdiction in the performance of official duty and the Air Pollution Control Officer.

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h. Except in case of emergency, permits for a setting of any fire or fires permitted by paragraphs (c), (d), (e), (g) of this Rule shall be granted by the public official having jurisdiction, and only after consultation with the Air Pollution Control Officer.

i. Any fire, if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide, or water vapor is emitted under all operating conditions.

j. Open outdoor fires maintained by City's or County's for the purpose of disposing of solid waste in accordance with variance extensions granted by the California Air Resources Board.

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RULE 4:9 - Nothing in this Regulation is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.



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**RULE 4:10 - Sulfur Contents of Fuels.** No person shall burn within the District any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight. The provisions of this rule shall not apply to:

- a. The incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of the amount specified in this rule.
- b. The use of solid fuels in any metallurgical process.
- c. The use of fuels where the gaseous products of combustion are used as raw materials for other processes.
- d. The use of liquid, of solid fuel, to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.
- e. The use of liquid fuel whenever the supply of gaseous fuel, the burning of which is permitted by this rule, is not physically available to the user due to accident, act of God, act of war, act of the public enemy, or failure of the supplier.
- f. The use of liquid fuel during a period for which the supplier of gaseous fuel, the burning of which is not prohibited by this Rule, interrupts the delivery of gaseous fuel to the user.

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**RULE 4:11 - Solid Particulate Matter - Weight.** A person shall not discharge into the atmosphere from any source, solid particulate matter at a rate in excess of that shown for the process weight rate for the source in Table I.

Where the process weight rate falls between figures listed in the table, the exact rate of permitted discharge shall be determined by linear interpolation. For the purposes of this rule solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

**TABLE I**  
**MAXIMUM ALLOWABLE EMISSION RATE**  
**BASED ON PROCESS WEIGHT RATE**

<b>Process Weight Rate</b>	<b>PROCESS WEIGHT TABLE</b>	<b>Emission Rate</b>
<b>tons/hour</b>	<b>lbs/hr</b>	<b>#/hr</b>
.025	50	.34
.05	100	.55
.25	500	1.62
.50	1000	2.58
.2.5	5000	7.58
5.0	10,000	12.05
10	20,000	19.18
30	60,000	40.04
40	80,000	42.05
60	120,000	46.03
80	160,000	49.00
100	200,000	51.02
200	400,000	58.05
500	1,000,000	69.00

## LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 4:12 - Separation of Emissions.** If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminant, limited in this Regulation, cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the exhaust gas volume through all emission points, unless the person responsible for the source operation established the correct total emitted quantity.

## LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

### **RULE 4:13 - Combination of Emissions.**

- a. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each source operation, this Regulation shall apply to each such source operation separately.
- b. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Rule 4:13 (a), this Regulation shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by this Regulation on any of the source operations whose air contaminants are so combined.

7-25-73

RULE 4:14 - Orchard and Citrus Heaters. The following section of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39298.7, Article 4, Chapter 10, Part 1, Division 26.

7-25-73

RULE 4:15 - Gasoline Storage: The following sections of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39068.2 et seq., Article 2, Chapter 3, Part 1, Division 26.

## LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 4:16 - Circumvention.** A person shall not install or use any equipment, the use which without resulting in a reduction of air contaminants released to the atmosphere, dilutes, alters, or conceals an emission which would otherwise constitute a violation. This rule shall not apply to cases in which the nature of the violation involved is that of a nuisance.

7-25-73

RULE 4:17 - Reduction of Odorous Matter. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, agricultural material, etc., unless all gases, vapors, and gas-entrained effluents which contain odorous material are:

- a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or
- b. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions. For the purpose of this Rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

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

This rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.



# LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

## APPENDIX B

### IMPLEMENTATION PLAN

#### INTRODUCTION

Burning has been a tool used in agriculture for many years. It has been used to control weeds, pests and dispose of waste materials. Alternatives have been developed in some instances but additional research is needed to develop techniques that may completely eliminate the need for open burning.

This plan was developed with the understanding that alternatives to open burning will be used in all possible cases, and that burning will be used only as a last resort. Without the development and utilization of alternatives, this plan will not reduce the quantity of air contaminants discharged into the atmosphere, but will only aid in the dispersion and dilution of them.

#### GENERAL PROVISIONS

In accordance with Section 41863 of the California Health and Safety Code, each District in the State shall adopt an implementation plan consistent with the Agricultural Burning Guidelines. Local authorities, within each basin, may jointly adopt an implementation plan for their combined areas.

The air pollution control district shall enforce these rules and regulations.

#### ARTICLE I - Definitions

- A. "Board" means the State Air Resources Board, or any person authorized to act on its behalf.
- B. "District" means the Lassen County Air Pollution Control District.
- C. "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service, the California Department of Forestry, the U.S. Bureau of Land Management, and the National Park Service are so designated within their respective areas of jurisdiction.
- D. "Permit" means an agricultural burning permit issued pursuant to the Lassen County Air Pollution Control District's Rules and Regulations.
- E. "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, range improvement, wildlife vegetation management, in improvement of land for wildland and game habitat, disease or pest prevention, or the maintenance of a system for delivery of water used in agricultural operations (Health and Safety Code Sec. 39011).
- F. "Open Burning in agricultural operations in the growing of crops or raising of fowl or animals" means:
  - 1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, or instruction by an institution; and purpose of educational institution; and
  - 2. In connection with operations qualifying under subdivision 1:
    - a. the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and
    - b. the burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.
- G. "Range improvement burning" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- H. "Forest management burning" means the use of open fires as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection

practices.

- I. "Wildland vegetation management burning" means 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 (as defined in Title 14, California Administrative Code, Section 1561.11), trees, grass, or standing brush and includes fire hazard reduction burning.
- J. "Prescribed Burning" means the planned or unplanned application of fire to vegetation or lands selected in advance of such application, where any other of the purposes of the burning are specified in the definition of agricultural burning as set forth in Health and Safety Code Section 39011.
- K. "Timber operations" means cutting or removal, or both, of timber or other forest vegetation.
- L. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has desiccated with herbicides, or is dead.
- M. "SILVICULTURAL" means the establishment, development, care and reproduction of stands of timber.
- N. A "PERMISSIVE-BURN" day means any day on which agricultural burning is not prohibited by the Board.
- O. A "NO-BURN" day means any day on which agricultural burning is prohibited by the Board or the local district.
- P. "APPROVED IGNITION DEVICE" includes those instruments or materials that will ignite agricultural waste without the production of black smoke which exceeds the local or state air quality standards. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flares, and petroleum fuel boosters but does not include the use of tires, tar paper, oil or other similar materials.

## **ARTICLE II- NOTIFICATION OF BURNING CONDITIONS**

- A. A notice as to whether the following day is a permissive-burn day, or a no-burn day, or whether the decision will be announced the following day, shall be provided by the California Air Resources Board at 1500 (3:00 pm) daily. If the decision is made the following day, it shall be based on meteorological criteria for regulating agricultural burning. These notices will be transmitted to the general public by announcement over local radio stations.
- B. Agricultural burning is prohibited on no-burn days, except as specified in Article III, and in Article V, 5.2A.
- C. Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement burn, forest management burn, or wildland vegetation management burn, at any elevation below 6,000 feet (msl), a permissive burn or no-burn notice will be issued by the State Board up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.
- D. Notwithstanding subdivision (C) of this section, the State Board may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.
- E. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burn specified in subdivision (C) of this section.

## **ARTICLE III- EXCEPTIONS**

- A. Open burning in agricultural operations in the growing of crops or raising of fowl or animals or disease and pest prevention at altitudes above 3,000 feet mean sea level (msl) is exempt from the Agricultural Burning Implementation Plan.
- B. Agricultural burning in areas at altitudes above 6,000 feet (msl) is exempt from the Agricultural Burning Implementation Plan.
- C. Burning of agricultural related items such as empty pesticide containers and toxic fertilizer bags, may be permitted, by the Air Pollution Control Officer, on no-burn days. Burning will be done in accordance with stated burning preparations and considerations for fire danger.
- D. The Air Pollution Control Officer may allow, by special permit, agricultural burning on a no-burn day, if denial of such permit would threaten imminent and substantial economic loss or cause hazard to life and/or property. This exception may include fires from an unplanned ignition. The applicant shall submit in writing, on form provided, his reasons for the exception. The Air Pollution Control Officer shall limit the amount of acreage to be burned by special permit on no-burn days and only authorize burning when downwind metropolitan areas are forecasted by the Board to achieve the ambient air quality standards.

## ARTICLE IV- ENFORCEMENT

- A. No person shall knowingly set or permit any open burning operation on days within a period prohibited by the California Air Resources Board or the District.
- B. Penalty- Any violation of the agricultural burning requirements stated in these procedures is a misdemeanor, under Section 42400 of the California Health and Safety Code, punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars or both, and the cost of putting out the fire. Every day, during any portion of which such violation occurs, constitutes a separate offense.
- C. Procedures
  - 1. Open burning
    - a. complaint received or burning observed.
  - 2. If violation exists
    - a. action taken
      - 1. obtain all pertinent information for report: name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.
      - 2. issue citation to appear (Section Penal Code 836.5) or notice of violation, at the discretion of the enforcement officer.

## ARTICLE V- PROHIBITIONS- 5.1 GENERAL

- A. No person shall knowingly set or permit agricultural burning unless he has a valid permit from the designated agency in the area where the burn will take place.
- B. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.
- C. A permit shall not be issued to an applicant unless information is provided as required by the District.
- D. All material to be burned shall be reasonably free of dirt, soil, and excess moisture.
- E. Wherever possible, wastes shall be piled or windrowed in such a manner as to burn with maximum possible heat density and minimum smoke.
- F. All burning shall be ignited as rapidly as practicable within applicable fire control restrictions.
- G. All wastes shall be free of tires, tar paper, construction debris, or other types of rubbish likely to cause excessive smoke or obnoxious odors.
- H. Special consideration shall be given to burning operations confined to narrow inland river valleys where smoke containment may be restricted within the river basin and greatly decrease the prevailing visibility.
- I. All materials to be burned shall be ignited with an approved ignition device.
- J. A permit shall not be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purpose of fire control or prevention.
- K. A permit shall be valid for only those days which agricultural burning is not prohibited by the Board or the District.
- L. Open outdoor fires must be controlled to such an extent as is technically and economically feasible to meet all Federal and State air quality standards pertaining to air pollutants created by open burning operations.
- M. Material shall not be burned unless it has been allowed to dry for the following minimum time periods:
  - 1. Open burning in agricultural operations
    - a. Dry cereal: 0 days
    - b. Prunings and small branches: 3 weeks
    - c. Large branches (6 inches and larger) and trees: 8 weeks
  - 2. Range improvement burning
    - a. Treated brush: at least 6 months prior to the burn if economically and technically feasible.
    - b. Unwanted trees: 3 months
    - c. All unwanted trees over six inches in diameter shall be felled and dried prior to the burn.
  - 3. Forest management burning
    - a. As required by designating agency issuing the permit.
  - 4. Wildland vegetation management burning

- a. As required by designating agency issuing the permit.
- N. The Air Pollution Control Officer may restrict burning to selected permittees on designated burn days if total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause state ambient air quality standards to be exceeded.
- O. Maximum care must be taken to keep smoke from drifting into populated areas.
- P. Permittee should not burn when winds exceed 20 miles per hour or when weather conditions are unsafe to burn.
- Q. All fires in any agricultural burning operation shall be started only on burn days, except as permitted under Articles III and V.

## **ARTICLE V- PROHIBITIONS- 5.2 RANGE IMPROVEMENT BURNING**

- A. Between January 1 and May 31, range improvement burning may be conducted by permit on a NO-BURN DAY, provided that more than 50% of the land has been brush treated or that live moisture content is as comparatively low. If the burn is to be done primarily for improvement of wildlife or game habitat, the Department of Fish and Game may recommend the amount of brush treatment required. Notwithstanding the provisions in Subdivision A of this section, the Board may prohibit range improvement burning during the period designated by the District, if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.
- B. If the burning is to be done primarily on private land for improvement of land for wildlife and game habitat, no permit shall be issued unless the applicant has filed with the District a statement from the Department of Fish and Game, certifying that the burn is desirable and proper.
- C. The brush shall be treated at least six months prior to the burn if economically and technically feasible.

## **ARTICLE VI- BURNING PERMITS**

- A. The public has been accustomed to obtaining burning permits from the various fire protection agencies. There are stations strategically located in most areas, and it would be logical to designate these agencies as the person to issue the permits for agricultural burning. These agencies would also be in the position to coordinate air quality control criteria as well as fire protection criteria that would relate to the agricultural burning.

The burning permit shall be prepared in sufficient copies to provide information to the various agencies of concern. The permittee shall have his copy available for inspection at the burn site. This procedure will minimize any charges of burning without a permit.

- B. In order to provide for proper control of the agricultural burning, a separate permit shall be obtained for each burning operation as well as for each different burn site. A burning operation may extend over several days, but it must be the same type of material and on the same burn site.
- C. The permit shall be issued for the length of time necessary to complete the burning operation. The permittee shall contact the local fire protection agency prior to each day's burn to determine if it is an authorized burn day, as well as informing them that a burn is about to take place.
- D. The application for a burning permit shall be reviewed by the issuing agency. If the burn is likely to cause a nuisance, or the request is not consistent with agricultural burning, the permit shall not be issued until approval is obtained from the Air Pollution Control District. A nuisance might be caused if the location of the burn site and the direction of the prevailing winds will direct the air contaminants toward an adjacent residential area.
- E. Each permit issued pursuant to these proceedings shall bear a statement of warning containing the following word or words of like or similar import:

**"THIS PERMIT IS VALID ONLY ON THOSE DAYS WHICH AGRICULTURAL BURNING IS NOT PROHIBITED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT TO SECTION 41855 OR THE LOCAL AIR POLLUTION CONTROL DISTRICT."**

- F. Burning permits will be issued by the designated fire control agency having jurisdiction in the area of the

proposed burn and shall state thereon the location and specific objective of the burn project, the acreage or tonnage, type and arrangement of the vegetation to be burned, directions and distances to nearby receptor areas, fuel condition, combustion and meteorological prescription elements developed for the project, projected schedule and duration of project ignition, combustion and burndown, specifications for monitoring and verifying critical project parameters, and specifications for disseminating project information Agricultural burning permits may only be issued by the following designated agencies:

***U. S. FOREST SERVICE***

***U. S. BUREAU OF LAND MANAGEMENT***

***U. S. PARK SERVICE***

***CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION***

***LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT***

## **ARTICLE VII- AGRICULTURAL BURNING REPORTS**

A. Either of the following methods may be used for the report

1. The permittee shall be required to call the designating agency issuing the permit prior to each burn. The designated agency shall log the information required on the form provided by the Air Pollution Control District. The log shall be forwarded to the Air Pollution Control District at the end of each calendar quarter.
2. Reporting cards shall be provided by the Air Pollution Control District to the designating agency for distribution. The permittee shall complete a reporting card for the material burned each day and mail the card within 48 hours.