

NORTH COAST AIR BASIN/MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 100 - TITLE

These Rules and Regulations are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and shall be known as the Rules and Regulations of the California North Coast Air Basin.

The North Coast Air Basin is comprised of the Counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District. The boundaries of each Air Pollution Control District or Air Quality Management District shall be coterminous with existing county boundaries, except for the southern boundary in Sonoma County which shall lie along a line described as follows:

Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its inter-section with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its inter-section with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its inter-section with the Township line common to Townships 8 and 9 North, M.D.M.; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.

The Counties of Del Norte, Humboldt and Trinity operate as a single unified special district agency entitled the North Coast Unified Air Quality Management District.

RULE 110 - PURPOSE

These rules and regulations are set forth to achieve and maintain such levels of air quality as will protect human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience and enjoyment of the natural attractions of the California North Coast Air Basin.

It is the intent of all air pollution control districts and air quality management districts in the California North Coast Air Basin to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain state and federal ambient air quality standards for the area under their jurisdiction and to enforce all applicable provisions of State law.

RULE 120 - ADMINISTRATION

The procedures and restrictions set forth in these rules and regulations shall be administered by each individual air pollution control district or air quality management district within its area of jurisdiction as authorized by Section 40002 of the Health and Safety Code; Chapter 3, Part 3, Division 26 of said code; or by contractual agreements between districts in accordance with the provisions of Section 40701 of said code, and further described in Section 90120 of Title 17 of the California Administrative Code.

RULE 1-130 - DEFINITIONS

Except as otherwise specifically provided in these rules and regulations, words used in these rules and regulations are used in exactly the same sense as the same words are used in the federal Clean Air Act Amendments of 1990 and as amended at the time of application, Title 40 of the Code of Federal Regulations, Part 52.21, and Division 26 of the State of California Health and Safety Code. Where Title 40 of the Code of Federal Regulations, Part 52.21 refers to the responsibilities of the Administrator of the U.S. Environmental Protection Agency, the term Administrator shall be construed to mean Air Pollution Control Officer.

[Amended 5/6/03, Amended 12/5/06, Amended 2/15/11]

(b2) Best Available Control Technology (BACT):

An emissions limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the federal Clean Air Act Amendments of 1990 and as amended at the time of application emitted from or that results from any stationary or portable source or modification, which the Air Pollution Control Officer, on a case by case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source through application of production processes and available methods, systems, and techniques for control of such air contaminants. Said BACT determinations may include a design standard, operational equipment specifications, fuel restrictions, work practice or combination thereof. In no event shall application of BACT result in emissions of any pollutants that will exceed the emissions allowed under Rules 1-490 and 1-492 of this regulation. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirements for the application of BACT (40 CFR 52.21(b)(12)).

The BACT process shall be applied to any air contaminants that have been identified as toxic air contaminants (TAC) by the U.S. Environmental Protection Agency, the California Air Resources Board or the Mendocino County Air Quality Management District Board.

[(b2) Paragraph 2 is not included as part of the SIP]

(g2) Greenhouse Gases (GHGs):

A gas that has the capacity to create a warming effect in the earth's atmosphere; for the purposes of this rule: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

[Added 2/15/11]

(p1) Particulate Matter:

Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions. Specific size fractions of particulate matter are defined as follows:

1. PM_{2.5} means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal two and one half (2.5) micrometers.
2. PM₁₀ means particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers.
[Amended 2/15/11]

(p7) Precursor:

A substance that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of another or secondary air pollutant for which a national ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more national ambient air quality standards. Presently identified precursors and secondary pollutants are:

Precursors

Secondary Pollutants

Volatile Organic Compounds

a) Photochemical oxidants (ozone O₃)

b) Organic fraction of PM₁₀

Nitrogen Oxides (NO_x)

a) Photochemical oxidants (Ozone)

b) Nitrogen dioxide (NO₂)

c) Nitrates NO₃

d) Nitrate fraction of PM₁₀

e) Nitrate fraction of PM_{2.5}

Sulfur oxides (SO_x)

a) Sulfur dioxide (SO₂)

b) Sulfates (SO₄)

c) Sulfate fraction of PM₁₀

d) Sulfate fraction of PM_{2.5}

[Amended 2/15/11]

(p7) Prevention of Significant Deterioration (PSD) Increment:

The maximum allowable increase of ambient air quality above baseline concentration in the three classified areas.

**Allowable PSD Increments
micrograms per cubic meter**

	<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Sulfur Dioxide			
Annual Arithmetic Mean	2	20	40
24-hour maximum*	5	91	182
3-hour maximum	25	512	700
Particulate Matter (PM 2.5)			
Annual Arithmetic Mean	1	4	8
24-hour maximum*	2	9	18
Particulate Matter PM-10			
Annual Arithmetic Mean	4	17	34
24-hour maximum*	8	30	60
Nitrogen Dioxide			
Annual Arithmetic Mean	2.5	25	50

* Not to be exceeded more than once a year.

(s2) Significant:

The potential of a new or modified source to emit air contaminants that would equal or exceed any of the following rates, calculated on the basis of 24-hour emissions profiles, except as noted otherwise:

<u>Air Contaminant</u>	<u>Significant Emissions Rate</u>
Carbon monoxide	550 lbs. per day
Nitrogen oxides	220 lbs. per day
Sulfur dioxide	220 lbs. per day
Particulate matter	135 lbs. per day
PM-10	80 lbs. per day
PM2.5	54 lbs. per day of direct PM2.5 emissions; 220 lbs. per day of sulfur dioxide emissions; 220 lbs. per day of nitrogen oxide emissions.
Ozone	220 lbs. per day of VOCs * or nitrogen
oxides	
Lead	3 lbs. per day
Asbestos	.038 lbs. per day
Beryllium	.002 lbs. per day
Mercury	0.5 lbs. per day
Vinyl chloride	5.4 lbs. per day
Fluorides	16 lbs. per day
Sulfuric acid mist	38 lbs. per day

Hydrogen sulfide (H ₂ S)	54 lbs. per day
Total reduced sulfur (including H ₂ S)	54 lbs. per day
Reduced sulfur compounds (including H ₂ S):	.027 lbs. per day
Municipal waste combustors:	
Organic emissions:	3.2 × 10 ⁻⁶ megagrams per year (3.5 × 10 ⁻⁶ tons per year) (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)
Metals emissions:	14 megagrams per year (15 tons per year) (measured as particulate matter)
Acid gas emissions:	36 megagrams per year (40 tons per year) (measured as sulfur dioxide and hydrogen chloride)
Municipal solid waste landfills:	
Nonmethane organic compounds:	45 megagrams per year (50 tons per year)
Greenhouse Gases:	
For the purpose of Rule 1-220 only:	as specified in Rule 1-221.4 (a) or 1-221.4 (c)
For the purpose of Regulation 5 only:	as specified in Rule 1-221.4 (b)
Other pollutants regulated under the Clean Air Act:	any emissions rate whatsoever (52.21(b)(23)(ii)).

Hazardous Air Pollutant (HAP)
listed pursuant to Section 112(g)
of the federal Clean Air Act
Amendments of 1990 and as
amended at the time of application

10 tons per year of any one HAP
25 tons per year for two or more HAPs

* Volatile Organic Compounds except for ethanol sources below the EPA yearly threshold (40 tons per year).

Notwithstanding the above significant emissions rates for various air contaminants, significant also means any net emissions increase from any new or modified stationary source that would be constructed within 10 kilometers of a Class I area and have an air quality impact on such area equal to or greater than 1 microgram per cubic meter (24 hour average). (40 CFR 52.21(b)(23)(iii)) The above Significant Emissions Rates are not to be used for CEQA determination.

RULE 150 - PUBLIC RECORDS

In accordance with the provisions of Government Code Section 6254.7, all air pollution monitoring and emission data in the possession of the District are public records. All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which are in possession of the District, are public records, with the exception of certified "trade secrets". Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the Control Officer. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the Control Officer shall:

- a. Concur in the certification of said trade secrets and notify the owner that the documents will be placed in a locked file to be made accessible only to the staff of the District or to the public following a court order.
- b. Return to the owner all documents which have been designated as trade secrets, following a determination by the Control Officer that they are not necessary in conducting the activities of the District.
- c. Notify the owner that said trade secrets do not meet the criteria established and place the documents in a locked file. All such documents will be considered as public records and will be so designated at the end of a 30 day period, unless the owner files an appeal with the Air Pollution Control Board.

Upon request, any specific public records in the possession of the District will be made available to the public within 10 days. Such requests shall be in writing and a reasonable fee may be charged, not to exceed the actual cost of providing the requested information.

RULE 160 - AMBIENT AIR QUALITY STANDARDS

7-19-84

(a) Notwithstanding the provisions of the Ambient Air Quality Standards in this Rule, the Standard for Formaldehyde (HCHO), shall not exceed 0.1 ppm at any time in the North Coast Air Basin.

AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	Californian Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ⁵	Secondary ⁶	Method ⁷
Oxidant ¹⁰	1 hour	0.10 ppm (200 ug/m ³)	Ultraviolet Photometry	—	—	—
Ozone	1 hour	—	—	0.12 ppm (235 ug/m ³)	Same as Primary Standard	Ethylene Chemiluminescence
Carbon Monoxide	8 hour	9.0 ppm (10 mg/m ³)	Non-Dispersive Infrared Spectroscopy (NDIR)	10 mg/m ³ (9 ppm)	Same as Primary Standards	Non-Dispersive Infrared Spectroscopy (NDIR)
	1 hour	20 ppm (23 mg/m ³)		40 mg/m ³ (35 ppm)		
Nitrogen Dioxide	Annual Average	—	Gas Phase Chemilumi- nescence	100 ug/m ³ (0.05 ppm)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 hour	0.25 ppm (470 ug/m ³)		—		
Sulfur Dioxide	Annual Average	—	Ultraviolet Fluorescence	80 ug/m ³ (0.03 ppm)	—	Pararosaniline
	24 hour	0.05 ppm (131 ug/m ³) ⁸		365 ug/m ³ (0.14 ppm)	—	
	3 hour	—		—	1300 ug/m ³ (0.5 ppm)	
	1 hour	0.5 ppm (1310 ug/m ³)		—	—	
Suspended Particulate Matter	Annual Geometric Mean	60 ug/m ³	High Volume Sampling	75 ug/m ³	60 ug/m ³	High Volume Sampling
	24 hour	100 ug/m ³		260 ug/m ³	150 ug/m ³	
Sulfates	24 hour	25 ug/m ³	Turbidimetric Barium Sulfate	—	—	—
Lead	30 day Average	1.5 ug/m ³	Atomic Absorption	—	—	—
	Calendar Quarter	—	—	1.5 ug/m ³	Same as Pri- mary Standard	Atomic Absorption
Hydrogen Sulfide	1 hour	0.03 ppm (42 ug/m ³)	Cadmium Hydrox- ide STRactan	—	—	—
Vinyl Chloride (Chloroethene)	24 hour	0.010 ppm (26 ug/m ³)	Tedlar Bag Collection, Gas Chromatography	—	—	—
Visibility Reducing Particles	1 observation	In sufficient amount to reduce the prevailing visibility ⁹ to less than 10 miles when the relative humidity is less than 70%		—	—	—

APPLICABLE ONLY IN THE LAKE TAHOE AIR BASIN:

Carbon Monoxide	8 hour	6 ppm (7 mg/m ³)	NDIR	—	—	—
Visibility Reducing Particles	1 observation	In sufficient amount to reduce the prevailing visibility ⁹ to less than 30 miles when the relative humidity is less than 70%		—	—	—

4.19.84

NOTES:

1. California standards, other than carbon monoxide, are values that are not to be equaled or exceeded. The carbon monoxide standards are not to be exceeded.
2. National standards, other than ozone and those based on annual averages or annual geometric means, are not to be exceeded more than once a year. The ozone standard is attained when the expected number of days a calendar year with a maximum hourly average-concentration above the standard is equal to or less than one.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury. All measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of Hg (1,013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent procedure which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health. Each state must attain the primary standards no later than three years after that state's implementation plan is approved by the Environmental Protection Agency (EPA).
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Each state must attain the secondary standards within a "reasonable time" after the implementation plan is approved by the EPA.
7. Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.
8. Prevailing visibility is defined as the greatest visibility which is attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors.
9. At locations where the state standards for oxidant and/or suspended particulate matter are violated, National standards apply elsewhere.
10. Measured as ozone.

RULE 190 - 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 liberally construed for the protection of the health, safety and welfare of the people of the California North Coast Air Basin.

11.21.84

RULE 200 - PERMIT REQUIREMENTS

(a) Authority to Construct or Modify

A written authorization shall be obtained from the District prior to starting construction, modification, operation or use of any stationary or indirect source which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants. A single authorization may be issued for all components of an integrated system or process. An Authority to Construct shall remain in effect for one (1) year or until a Permit to Operate is issued or denied, or the application is cancelled at the request of the Applicant, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the Authorization may be extended by the Applicant submitting an annual renewal fee per Rule 300(f). Construction not in accordance with this Authority to Construct shall be sufficient reason to deny a Permit to Operate.

(b) Applications

All applications for an Authority to Construct, Erect, Modify, Replace, Operate or Use any equipment or indirect source which may cause, potentially cause, reduce, control, or eliminate the emission of air contaminants, shall be filed at the office of the District or its designated agent for accepting applications, except as provided in Rule 220(c) for new power plants. Such application shall contain all information requested by the District from the list adopted pursuant to "AB 884" (1977). Upon request of the Control Officer, any existent stationary source of air contaminant emissions, actual or potential, shall apply for a Permit to Operate from the District. The applicant for an Authority to Construct or Permit to Operate shall pay the fees as specified in Chapter III - Fees.

(c) Preliminary Determinations

In acting upon an application for an Authority to Construct, the Control Officer shall make the following determinations:

(1) Whether the project application is subject to the requirements of Regulation 1 of the California North Coast Air Basin.

(2) Whether the project application is ministerial, categorically exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality Act of 1970.

(3) Whether the project application is subject to the new source review procedures specified in Rule 220(b).

(4) Whether the project is subject to the new power plant review procedures specified in Rule 220(c).

(5) Whether the project application is subject to the requirements of federal new source performance standards (Rule 490), or subject to national emission standards for hazardous air pollutants (Rule 492).

(d) General Exemptions

An Authority to Construct and Permit to Operate shall be required for all new or modified plants, equipment, process operations or complex sources which may emit air contaminants with the following exceptions:

(1) Any vehicle as defined in the Vehicle Code

(2) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

(3) Barbecue equipment which is not used for commercial purposes.

(4) Orchard, vineyard or citrus grove heaters.

(5) Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals.

(6) Mixing, blending, conveying, or other mechanical systems which do not, directly or indirectly, emit air contaminants.

(7) Gasoline and organic liquid storage tanks having a capacity of less than 250 gallons.

(8) Any article, machine, equipment or other contrivance which the Control Officer finds emits air contaminants below the significance level and he determines should be exempted.

NEW SOURCE REVIEW PROCEDURE

NSR/PSD

RULE 200

APPLICATION FOR
NEW OR
MODIFIED SOURCE

220 a&b

PRELIMINARY
REVIEW

NO SIGN'F
POLLUTANTS

POWER PLANT
W/SIGN'F
POLLUTANTS

220 c

POWER
PLANT
REVIEW

SIGNIFICANT
POLLUTANTS
NSR/PSD
REVIEW

220 b1

DETERMINE
BACT FOR
SIGN'F POLL.

ENERGY
COMMISSION
PROCESSING

230 a or c

APPROVE OR
DENY A/C

27 b4

PUBLIC NOTICE
AND DETERMINE
EMISSION LIMITS

MINOR
SOURCE

220 b2

PERFORM A.Q.
ANALYSIS FOR
SIGN'F POLL.

MAJOR SOURCE
PER CFR 52.21

220 b3

DETERMINE PSD
INCREMENT
CONSUMPTION

INCREMENT
EXCEEDED

230 c

DENY A/C

ACCUMULATED PSD
INCREMENTS

REVISED
APPLICATION
OR OFFSETS

220 b2

DETERMINE
MONITORING
REQUIREMENTS

220 b4

PUBLIC NOTICE
AND CEQA
REVIEW

230 b

ISSUE
A/C

RULE 210 - ENVIRONMENTAL ASSESSMENT

If the Control Officer determines that the application is for a project or a portion of a project for which another public agency has already acted as the lead agency in compliance with the California Environmental Quality Act of 1970 (CEQA), no further processing of environmental documents shall be required. The Control Officer shall then follow the procedure set forth in Article XII of Appendix A to this regulation.

If the Control Officer determines that the application is for a project which does not fall within the above paragraph, and the Control Officer determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, it shall be exempt from the requirements of CEQA. If the Control Officer determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for Environmental Impact Review as found in Appendix A to this regulation, shall be followed. Other project reviews performed by the District may proceed concurrently with a detailed environmental assessment, but no Authority to Construct may be issued by the Control Officer until completion and filing of the Notice of Determination.

MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT

RULE 220 - NEW SOURCE REVIEW STANDARDS (INCLUDING PSD EVALUATIONS)

(a) EMISSION ANALYSIS

In reviewing an Authority to Construct for any new or modified stationary source subject to the requirements of this chapter, the Control Officer shall require the applicant to submit information sufficient to describe the nature and amounts of emissions; the location, design, construction, and operation of the source; and to submit any additional information requested by the Control Officer to make the approval determinations required by the provisions of Rule 230.

For the purposes of emission considerations:

1. Emissions from a proposed new or modified stationary source shall be based on the source's potential to emit any air contaminant subject to regulation under the Clean Air Act Amendments of 1977. (52.21(b)(4)).
2. Emissions from a proposed modified stationary source shall be based upon the cumulative net emission increases or reductions that may occur as a result of the modifications and both Authority to Construct and Permit to Operate conditions, excluding any emission reductions required to comply with federal, state, or district laws, rules, or regulations, (52.21(b)(2&3)).
3. Emissions from an existing stationary or previously permitted source shall be based on the actual rate of air contaminant emissions during the two-year period of operation prior to the date of application. A different averaging period may be used if the applicant demonstrates to the satisfaction of the Control Officer that it would be more representative of normal source operation, (52.21(b)(3&21)).

(b) NEW SOURCE REVIEW PROCEDURE

In reviewing an Authority to Construct for any new or modified stationary source which is subject to Rules 490 or 492; or for any new or modified stationary source which the Control Officer estimates will result in a significant net increase in emissions of any air contaminant regulated under the Clean Air Act Amendments of 1990, and precursors of such contaminants, the Control Officer shall: (Significant levels are defined in Rule 130(s2))

1. Determine best available control technology (BACT) for each air contaminant for which the significance level is exceeded and so inform the applicant, (52.21(b)(12)).
2. Analyze the effect of the new or modified stationary source on air quality for each air contaminant for which the significance level is exceeded and require that the applicant comply with the pre-construction monitoring requirements of Section 52.21 of the Code of Federal Regulations, (52.21(m)).
3. Apply approved stack height good engineering practice and prepare, or cause to be prepared, an analysis of the effect of increased emissions of air contaminants on the PSD increments and the expected net increase above baseline concentration for any proposed new major stationary source or major modification as defined in [52.21(b)], including any associated vessel emissions.
4. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required by this Rule. The notice shall include the preliminary determination; present additional and cumulative increment consumption; provide opportunity for a public hearing; and allow 30 days beginning on the date of publication, for the public to submit written comments on the

application.

5. Make available for public inspection at the District office, the information submitted by the applicant, the analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the Authority to Construct.
6. On the date of publication, forward copies of the notice required in 220(b)(4) above to the U.S. Environmental Protection Agency, the California Air Resources Board, all APCD's in the air basin, and all adjoining APCD's in other air basins, and any federal land managers of a Class I area which may experience a significant air quality impact or is within 100 kilometers.
7. Hold a public hearing on the project in the event of an air quality controversy and consider all public comments submitted prior to the granting or denial of the Authority to Construct.
8. Transmit copies of the application and notice of each action affecting the application to EPA and the managers of any affected Class I areas.
9. All comments and the final determination on the application shall be available for public inspection.

(c) POWER PLANT REVIEW PROCEDURES

This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission. The Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, which may include lost fees, incurred in order to comply with the provisions of this section.

1. Within fourteen days of receipt of an NOI, the Control Officer shall notify the ARB and the Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Control Officer shall prepare and submit a report to the ARB and the Commission prior to the conclusion of the nonadjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum: (a) a preliminary determination of the need for and a specific definition of best available control technology (BACT) for the proposed facility, (b) a preliminary discussion of whether there is substantial likelihood that the requirements of Rule 230(a) and all other District regulations can be satisfied by the proposed facility, (c) a preliminary list of conditions which the proposed facility must meet in order to comply with Rule 230(a) or any other applicable district regulation. The preliminary determination contained in the report shall be specific as possible within the constraints of the information contained in the NOI.
2. Upon receipt of an Application for Certification (AFC) for a power plant, the Control Officer shall conduct a Determination of Compliance review in accordance with the procedures of Rule 220. If the information contained in the AFC does not meet the requirements of Rule 200(b), the Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal.
3. The Control Officer shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review.
4. The Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Control Officer is unable to obtain the information, he may petition the presiding Commissioner for an order directing the applicant to supply such information.
5. Within 180 days of accepting an AFC as complete, the Control Officer shall make a preliminary decision on: (a) whether the proposed power plant meets the requirements of Rule 230(a) and all other applicable district regulations; and (b) in the event of compliance, what permit conditions will be required including specific BACT

requirements and a description of required mitigation measures; and (c) complete the new source review requirements of Rule 230.

6. Within 240 days of the filing date, the Control Officer shall submit to the Commission a Determination of Compliance, or if such a determination cannot be issued, shall so inform the Commission as to the reason for noncompliance.
7. Any applicant receiving a certificate from the Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to operate by the Control Officer.

g. 682

RULE 230 - ACTION ON APPLICATIONS

The Control Officer shall act promptly on an application for an Authority to Construct, Modify, Replace, Operate or Use, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

In acting upon any application for an Authority to Construct involving indirect sources or new or modified stationary sources of air contaminants subject to the requirements of Rule 220(b), the Control Officer shall provide for public notice in accordance with the provisions of said rule.

8.6.82

(a) General Approval

The Control Officer shall grant an Authority to Construct only after he has determined that the new or modified stationary source of air contaminants:

- (1) Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable rules and regulations pertaining to the emission of air contaminants, and
- (2) Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any state or national ambient air quality standard nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan, and
- (3) Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments, and
- (4) Will not result in air contaminant emissions in excess of the allowable standards established by the Environmental Protection Agency for new stationary sources of the category types listed in Rule 490 and 492 of the District, or employ best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition, and
- (5) Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Control Officer.

NOTE: The variance provisions of the California Health and Safety Code do not apply to sources or emissions subject to the requirements of Rules 490 & 492.

8.6.82

(b) New Source Approval

- (1) Immediately upon filing the public notice for a new or modified stationary source subject to the provisions of Rule 220, the Control Officer shall forward to the California Air Resources Board and Environmental Protection Agency an analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct.
- (2) An Authority to Construct for any stationary source subject to the provisions of Rule 220, may not be granted or denied by the Control Officer until at least 30 days after the date of public notice.

(c) Denial of Application

The Control Officer shall deny an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of the Authority to Construct.

(d) Conditional Approval

The Control Officer may issue an Authority to Construct, subject to conditions which will assure the operation of any equipment or stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing work under such an Authority to Construct shall be deemed acceptance of all the conditions so specified.

No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 230(a) "

The Control Officer may issue an Authority to Construct with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment or stationary source can operate within the standards of these regulations under the revised conditions.

RULE 240 - PERMIT TO OPERATE

(a) PERMIT TO OPERATE REQUIRED

A person shall not operate or use any stationary source, the use of which may cause the issuance of air contaminants or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit from the Control Officer or except as provided in Rule 240(b).

(b) TEMPORARY PERMIT TO OPERATE

Upon completion of construction or modification of and before operating or using of any new or modified stationary source of air contaminants for which an Authority to Construct had been issued pursuant to the provisions of this Chapter, the applicant shall notify the Control Officer in writing. Upon such notification, the Authority to Construct or modify shall serve as a Temporary Permit for Operation of the equipment until the Permit to Operate is granted or denied.

(c) PERMIT TO OPERATE

The Control Officer shall take final action to grant, grant with conditions, or deny a Permit to Operate for any stationary source within 180 calendar days after notification per section 240(b) or for a pre-existing source (i.e. a source without an Authority to Construct) within 90 calendar days after receipt of application for Permit to Operate. The Control Officer shall grant a Permit to Operate for any stationary source only after he has determined that, in his judgment, all source construction and modifications were completed in accordance with the Authority to Construct granted pursuant to this Chapter. Failure to act within the specified time period can be deemed by the Applicant to be a denial of the Permit to Operate for appellate purposes. No Permit to Operate shall be granted for any stationary source constructed without authorization as specified in Rule 200(a) until the information required is presented to the Control Officer, an emission analysis is performed, and the source is altered, if necessary, and made to conform with the standards set forth in Rule 230 and elsewhere in this regulation.

(d) CONDITIONAL PERMIT

The Control Officer may issue a Permit to Operate or Use, subject to conditions which will assure the operation of any stationary source within the applicable standards set forth in these regulations, in which case, the conditions shall be specified in writing. Commencing operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified.

1. The Control Officer shall impose conditions on a Permit to Operate such as he deems necessary to ensure that the stationary source will be operated in the manner specified in conducting the emission analysis of Rule 220 and in granting the approval required by Rule 230.
2. The Control Officer may condition a Permit to Operate so as to prohibit a new stationary source which is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.
3. The Control Officer may at any time issue a Permit to Operate with revised conditions if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

(e) COMPLIANCE VERIFICATION

As a condition of a Permit to Operate, the Control Officer may require that the owner provide, install, calibrate, maintain, and operate continuous recording instruments to measure emission rates to the atmosphere and/or to measure air contaminant concentrations at specific emission points or at locations adjacent to the plant property line. The Control Officer shall forego the requirements of this subsection 240(e) if the applicant demonstrates to the satisfaction of the Control Officer that there is no practical or reasonable achievable technology available to accomplish the monitoring requirements.

1. Said permit conditions may, in addition, require:
 - A. That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency as specified by the Control Officer.
 - B. That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.
2. The information recorded shall be summarized and reported to the District in the manner and form as prescribed by the Control Officer.
3. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Office, or submitted to EPA or ARB, upon request.
4. Monitoring records shall be retained by the owner for a period of not less than two years.
5. District personnel are to inspect and confirm calibration of measuring instruments, as necessary.
6. Any violation of an emission standard, ambient air quality standard, or breakdown of emission measuring instruments, is to be reported to the District in accordance with the provisions of Rule 540, Equipment Breakdown.

(f) MANDATORY MONITORING REQUIREMENTS

Monitoring instruments shall be provided, installed, calibrated, maintained and continuously operated by the owner of the following stationary source categories to measure air contaminant emissions or opacity from sources for which there is an applicable federal, state, or local emission standard.

1. Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a use factor of at least 30% per year.
 - A. Oxides of nitrogen.
 - B. Carbon dioxide or oxygen.
 - C. Opacity except: where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel burned and the source is able to comply with the applicable particulate matter and opacity regulations without collection equipment, and where the source has not been found since December 31, 1970, through administrative or judicial proceedings, to be in violation of Regulation 1 of the North Coast Air Basin.
 - D. Sulfur dioxide, if control equipment is used.
2. All sulfur recovery plants and sulfuric acid plants, sulfur dioxide.
3. Nitric Acid Plants.
 - A. All new nitric acid plants, oxides of nitrogen.
 - B. All existing nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, oxides of nitrogen.
4. CO boilers of regenerators of fluid catalytic cracking units; CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,500,000 liters) per day.
 - A. Sulfur dioxide.
 - B. Opacity.
5. Kraft Pulp Mills, total reduced sulfur (TRS) from Kraft recovery furnaces and lime kilns.

All monitoring calibrations, reporting requirements and specifications shall be in accordance with the requirements of Appendix B of this Regulation 1 of the California North Coast Air Basin.

(g) PERMIT DENIAL

The Control Officer shall deny a Permit to Operate for any new or modified stationary source of air contaminants which does not meet the approval requirements specified in Rule 230. In the event of such denial, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Control Officer shall not grant a Permit to Operate until the applicant has satisfied the requirements which were the basis for the denial.

(h) REVIEW OF PERMITS

The Control Officer may at any time require from an applicant for, or holder of, any Permit to Operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere. If the holder of said permit within 30 days willfully fails and refuses to furnish to the Control Officer information, analyses, plans, specifications, or test data requested, the Control Officer may suspend the Permit to Operate. The Control Officer shall serve notice in writing of such suspension and the reasons therefore on the permittee.

(i) POSTING OF PERMIT TO OPERATE

A person who has been granted a Permit to Operate any stationary source, shall display such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number in such a manner as to be clearly visible and accessible at a location near the source. In the event that the Permit to Operate cannot be so placed, the Permit to Operate shall be maintained readily available at all times on the operating premises.

(j) TRANSFER

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, or from one person to another, unless such transfer is specified as a condition of permit issuance.

1-28-81

RULE 240 - BURNING PERMITS AND REPORTS

- (f) Range improvement or forest management burning may be conducted by permit from a designated agency on no-burn days during the period between January 1 and May 31, providing that more than 50% of the land has been brush treated. The Air Resources Board may prohibit burning during this period if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.

If the burn is to be done primarily for the improvement of land for wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.

- (h) A report of agricultural burning permits issued and agricultural burning conducted shall be submitted by each designated agency to the District as required by the District.
- (i) A quarterly report of agricultural burning shall be submitted by the District to the California Air Resources Board within 20 days after the end of the quarter. This report shall be of two parts; permissive burn day data and no-burn day data, and shall include the date of each burn, the type of waste burned, the estimated tonnage or acreage of waste burned and an indication of the allowance for burning on no-burn days. When such allowance is pursuant to paragraph (g) above, a listing of the number of permits, the date of issuance of each permit, the person or persons to whom the permit was issued and a summary of economic considerations leading to issuance of each permit shall be included.
- (j) The District shall provide, at no cost to fire control agencies within the District, information on State laws, District Rules and Regulations, and other information as appropriate.

4.19.84

RULE 260 - EXCLUSIONS

(a) New source review procedures in accordance with Rule 220(b) shall not be required for temporary stationary sources which will be in operation for less than 90 days duration providing best available control technology is applied and such operations will not interfere with the control strategy of the SIP.

(b) New source review procedure in accordance with Rule 220(b), Rule 230(a)(4) and Rule 230(a)(2) shall not be required for geothermal power plants or steam transmission lines which will not, under all normal operating conditions, emit greater than 5 lbs. H₂S/1,000,000 lbs. steam (but in no event greater than 250 lbs. H₂S/day) provided it is not considered a major source or a major modification as defined in 40 CFR 52.21 (August 7, 1980).

4-19-84

2-300

PROCEDURES

2-301 Open Burning - Agricultural

With respect to the limitations of 2-400, open outdoor fires may be allowed for the disposal of approved combustibles only on permissive burn days in the following agricultural operations:

- 301.1 Agricultural in the growing of crops or raising of fowl or animals.
- 301.2 Range Improvement to remove unwanted vegetation or establish an agricultural practice. Smoke management procedures may be used in this practice.
- 301.3 Forest Management to remove forest debris.
- 301.4 Wildlife Management to enhance wildlife or game habitat. Smoke management procedures may be used in this practice

2-302 Open Burning - Non-Agricultural

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations.

- 302.1 Single or two-family dwellings: open burning of approved combustibles is not restricted to permissive burn days, except in the following areas:
 - The Humboldt Bay Air Basin (Appendix A)
 - The Ukiah-Little Lake Air Basin (Appendix B)
- 302.2 Property Development for the disposal of wood waste from trees, vines, or brush on the property where grown and which is being developed for commercial or residential purposes. (41802 H & S)
- 302.3, Fire Hazard Reduction for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown. (41802 H & S)
- 302.4 Right-of-Way Clearing by a public entity or a utility.
- 302.5 Levee, Reservoir and Ditch maintenance.

4-19-84

2-303

Forecasts

303.1 Information as to whether a day is a permissive burn day or a no-burn day will be available from the designated agencies listed under 2-305 of this regulation, and will be transmitted to the general public by announcement over local radio and television stations. 24-hour burn conditions may be obtained by phoning:

North Coast Unified	(707) 443-3091
Mendocino County	(707) 468-4391
Northern Sonoma County	(707) 544-BURN

303.2 Burning forecasts will be made covering the entire California North Coast Air Basin; however, more restrictive conditions may be specified for localized problem areas.

303.3 Upon requests from a permittee through a designated agency, seven days in advance of a specific range improvement or forest management, or an approved smoke management program burn at any elevation below 6,000 feet (msl), a permissive-burn or no-burn notice will be issued by the ARB 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.

303.4 A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in 303.3.

303.5 The ARB 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.

2-304

Burning Permits

304.1 Permits are required as follows:

304.1.01 Agricultural Burning - permits are required and issued by the appropriate designated agency listed in 2-305.

304.1.02 Single and two-family dwellings - permit requirements of the fire control agency having jurisdiction in the area of the burn are required for the burning of approved combustibles on the property.

4-19-84

304.1.03 Property Development - permits are required from the District for the disposal of brush clearance when done on the property where grown. Fire control agency permit requirements must be met.

304.1.04 Fire Hazard Reduction - permits are required from the district for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown. Fire Control Agency permit requirements must be met.(41802 H & S)

NOTE: District permits are preempted from the requirements of this regulation for the abatement of an imminent fire hazard as defined in 207.1 and pursuant to State Law 13055 H & S Code.

304.1.05 Right-of-Way Clearing, Ditch, Levee and Reservoir Maintenance - a permit may be required from the District (check with the appropriate District). Permit requirements of the fire control agency having jurisdiction in the area of the burn must also be met.

304.2 Each applicant for an agricultural burning permit in accordance with Section 2-301 of this regulation shall supply such additional information as is required by the California Air Resources Board (ARB) or the District.

304.3 Permits issued for agricultural burning shall bear a statement of warning containing the following words or words of similar import:

"This permit is valid only on those days during which agricultural burning is not prohibited by the California Air Resources Board or the district pursuant to Section 41855 of the Health and Safety Code."

304.4 Special permits for agricultural burning on no-burn days may be issued by the District if denial of such permit would threaten imminent and substantial economic loss.

11.10.76

CHAPTER IV - PROHIBITIONS

RULE 400 - GENERAL LIMITATIONS

2.21.72

PART V IN PLACE OF 400 (a) AND (c).

4. Other Emissions or Contaminants

- A. General: No person shall discharge from any nonvehicular 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 the 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 or damage to business or property (H and S Code, Sections 24243 and 39077). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals (H and S Code, Section 24251.1).

RULE 400 11-10-76

(b) Circumvention

A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these rules and regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.

LIMITATIONS

2-401 Burning Preparation and Restrictions

The following limitations, in addition to Section 2-101.1, apply to all burning allowed by Sections 2-102.3 and 2-300.

- 401.1 The waste to be burned shall be reasonably free of dirt, soil and excess moisture and whenever possible, shall be piled or windrowed in such a manner as to burn with maximum possible heat intensity and minimum smoke.
- 401.2 All open burning operations falling within the scope of these procedures must provide for ignition of the fuel pile by fuel blivets, drip torches, diesel sprayers, or other approved ignition devices.
- 401.3 The waste to be burned must be ignited as rapidly as practicable within applicable fire control regulations.
- 401.4 The waste shall be free of tires, tarpaper, garbage, or other types of rubbish likely to cause excessive smoke or odor.
- 401.5 The waste shall be allowed to dry for the following minimum time periods before burning:
- 401.5.01 Trees and branches over 6 inches in diameter: 30 days
 - 401.5.02 Brush, vines, bushes, prunings and small branches: 15 days.
 - 401.5.03 Field crops and weeds: 7 days.
 - 401.5.04 Other materials: drying times will be determined by the District.
- 401.6 Minimum drying periods may be waived by the District only on submittal of acceptable evidence that the material to be burned contains less than 25 percent moisture.
- 401.7 Burning of waste after shorter drying times may be allowed by permit from the District only on submittal of acceptable proof that the denial of such permit would threaten imminent and substantial economic loss.
- 401.8 With respect to range improvement burning, brush shall be treated at least 6 months prior to burning along with the

felling of any unwanted trees over six inches in diameter, unless acceptable proof can be submitted that such treatment is technically and economically unfeasible.

401.9 All persons desiring to burn under the provisions of Section 301.4 shall provide the District with written certification from the Department of Fish and Game stating that the burning is desirable and proper.

401.10 NON-AGRICULTURAL burning conducted under the provisions of Section 2-302 shall provide for:

401.10.01 All wood waste to be free of material not grown at the site.

401.10.02 Brush to be treated at least 60 days prior to the burn if economically and technically feasible.

401.10.03 Trees over 6 inches in diameter to be felled and dried prior to the burn.

401.10.04 Burning may be prohibited by the District on permissive burn days if smoke would be transported to a nearby populated area.

5.7.79

LE 410 - VISIBLE EMISSIONS

a) A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is 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 of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 2 or forty (40) percent opacity. (H&S 41701)

(b) Applicable in Mendocino County District only:

A person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is 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 of such opacity as to obscure an observer's view to a degree equal to or greater than Ringelmann 1 or twenty (20) percent opacity.

(c) The provisions of Rule 410(a) & (b) do not apply to excessive visible emissions caused by:

(1) Failure of the emission to meet the requirements solely because of the presence of uncombined water.

2.21.72

PART V-1

C

Exclusions - the provisions of Part V - 1, "Visible Emissions", do not apply to emissions:

- (1) 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:
 - (a) for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 - (b) for the instruction of public employees in the methods of fighting fire.
- (2) from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (H and S 24245).
- (7) from fires set pursuant to an open burning permit issued by the Control Officer (H and S 39077.4).

5-7-79

RULE 410

- (3) Smoke from fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed range or pasture. (H&S 41704c) IV-1
- (4) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals. (H&S 41704d)
- (5) Open outdoor fires used only for cooking of food for human beings or for recreational purposes. (H&S 41704e)
- (6) The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41704f and 41860)

PART V 2-21-72

- 2. Visible Emission Prohibition: Every person who violates any provisions of these regulations which are set forth under authority of Division 20, Chapter 2, H and S Code, is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense (H and S 24253).

RULE 420 - PARTICULATE MATTER

(a) GENERAL COMBUSTION SOURCES

A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations of NSPS Rule 490, as applicable.

(b) STEAM GENERATING UNITS

A person shall not discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations of NSPS Rule 490.

(c) KRAFT RECOVERY FURNACES

A person shall not discharge particulate matter into the atmosphere from any kraft recovery furnace in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide.

(d) NON-COMBUSTION SOURCES

A person shall not discharge particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.

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

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
<i>Lbr/Hr</i>	<i>Kg/Hr</i>	<i>Lb/Hr</i>	<i>Lb/Hr</i>	<i>Kg/Hr</i>	<i>Lb/Hr</i>
100	45	0.55	6000	2720	8.6
200	92	0.88	7000	3380	9.5
400	183	1.40	8000	3680	104
600	275	1.83	9000	4134	11.2
800	377	2.22	10,000	4540	12.0
1000	454	2.58	12,000	5460	13.6
1500	68`	3.38	16,000	7260	16.5
2000	920	4.10	18,000	8220	17.9
2500	1147	4.76	20,000	9070	19.2
3000	1362	5.38	30,000	13,600	25.2
3500	1690	5.96	40,000	18,100	30.5
4000	1840	6.52	50,000	22,700	35.4
5000	2300	7.58	60,000	27,200	40.0
			or more		

Where the process weight per hour is between two listed figures, such process weight and maximum allowable

particulate emission per hour shall be interpolated linearly. The total process weight of all similar process operations located at a single plant or of similar multiple plants located on a single premise, shall be used for determining the maximum allowable particulate emission from the combination of such operations.

(e) GEOTHERMAL WELL DRILLING

Notwithstanding the provisions of Rule 420(d), a person shall not discharge particulate into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:

$$y = .00069X + 1.4$$

where y is the particulate emission rate limitation in kilograms per hour (averaged over one hour) and X is the steam rate in kilograms per hour passing through a geothermal well drilling operation or any geothermal well being vented for clean out.

RULE 430 - FUGITIVE DUST EMISSIONS

- a. The handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne, shall not be permitted.
- b. Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
 1. Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
 2. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.
 3. Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.
 4. The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
 5. The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
 6. The paving of roadways and their maintenance in a clean condition.
 7. The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

RULE 440 - SULFUR OXIDE EMISSIONS

A person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm; or in excess of the specific source emission limitations of NSPS Rule 490 of the North Coast Air Basin, as applicable.

2.21.72

PART V — IN PLACE OF RULE 450

3. Total Reduced Sulfides (TRS), expressed as hydrogen sulfide, discharged into the atmosphere, shall not exceed:

- A. Three-hundredths (0.03) PPM for an aggregate period of sixty (60) minutes during any twenty-four (24) consecutive hours at ground level, or
- B. Seventeen (17) PPM from any point source at any time, or
- C. One-half ($\frac{1}{2}$) pound per ton of dry wood processed per month for any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper or other products. Wood materials used exclusively for fuel are not to be considered as part of the conversion process.

11.4.77

RULE 455 - GEOTHERMAL EMISSION STANDARDS

(a) A person shall not discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO₂) in excess of 1,000 ppm.

(d) Compliance Verification

A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Control Officer.

Any person who owns or operates a source or sources of air contaminants whose emissions may cause a standard set forth in this rule that is effective at a future date to be exceeded shall submit to the hearing board within 30 days of the adoption of this rule a schedule of increments of progress by which the source emissions will be brought into compliance by the time said standard takes effect. The hearing board shall consider the schedule of increments of progress at a noticed hearing pursuant to Rule 620(b).

RULE 470 - REDUCTION OF ANIMAL MATTER

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors and gas-entrained effluents 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 second; or
- b. Processed in such a manner determined by the 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, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the Control Officer, for indicating temperature, pressure or other operating conditions.

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

RULE 480 - ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS

- a. No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (Health and Safety Code 41860)
- b. No person shall use any orchard, vineyard or citrus grove heater unless of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (Health and Safety Code 41860)

11.10.76

RULE 482 - PETROLEUM LOADING AND STORAGE

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of NSPS Rule 9.
- (b) No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe. (H&S 41950)
 - (1) For the purpose of Rule 482(b) "gasoline", means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 - (2) For the purpose of Rule 482(b) "submerged fill pipe", means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe," when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
- (c) The requirements of Rule 482 (b) shall not apply:
 - (1) To any stationary tanks installed prior to December 31, 1970.
 - (2) To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.
 - (3) To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 - (4) To any tank equipped with a "vapor recovery system" consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

- (d) To any tank equipped with a "floating roof" which consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. A floating roof tank shall not be used if the gasoline or petroleum distillate has a vapor pressure of 570 millimeters of mercury absolute (11.0 pounds per square inch absolute) or greater, under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

RULE 540 - EQUIPMENT BREAKDOWN

(a) BREAKDOWN CONDITIONS

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or similar failure of any required in-stack continuous monitoring equipment where such failure or malfunction:

1. is not the result of neglect or disregard of any air pollution control law or rule or regulation;
2. is not intentional or the result of negligence;
3. is not the result of improper maintenance;
4. does not constitute a nuisance;
5. is not an abnormally recurrent breakdown of the same equipment.

(b) BREAKDOWN PROCEDURES

1. Any breakdown condition meeting the qualifications of Rule 540(a) shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, the Control Officer may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - A. The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (8:30 a.m. to 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.
 - B. The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.
 - C. The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.
2. The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.
3. Upon receipt of notification of a breakdown condition, the Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

(c) REPORTING REQUIREMENTS

Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Control Officer including, but not limited to, the following details:

1. Duration of excessive emissions.
2. Estimate of quantity of emissions.
3. Statement of the cause of the occurrence.
4. Corrective measures to be taken to prevent recurrences.

Documentation of the breakdown condition may be required by the Control Officer.

(d) BURDEN OF PROOF

The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Control Officer shall undertake appropriate enforcement action.

(e) FAILURE TO COMPLY WITH REPORTING REQUIREMENTS

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (b)(1)(A) and (c)(1) through (c)(4) of this rule shall constitute a separate violation of this rule.

(f) FALSE CLAIMING OF BREAKDOWN OCCURRENCE

It shall constitute a separate violation of this rule for any person to file with the Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

(g) EXTENDED BREAKDOWN PROVISIONS

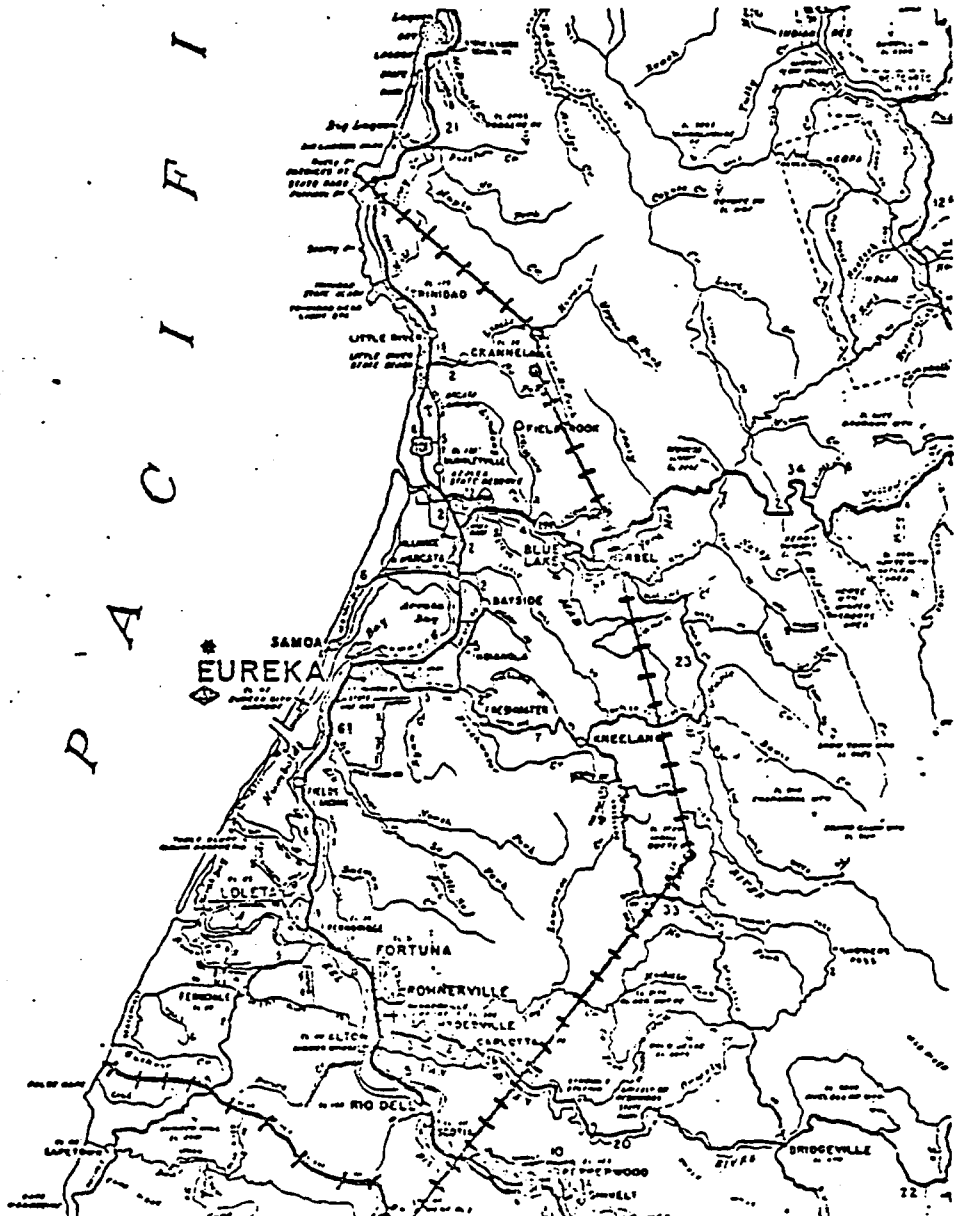
For any occurrence which causes a breakdown condition meeting the requirements of Rule 540(a) and which may persist for longer than twenty-four (24) hours (ninety-six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, obtain an emergency variance as provided in Rule 615.

1-28-81

APPENDIX A

HUMBOLDT BAY AIR BASIN

For use in these Rules and Regulations the Humboldt Bay Air Basin shall be defined as all those portions of Humboldt County: bounded on the west by the Pacific Ocean; bounded on the north and east by a line extending from Rocky Point, six miles north of Trinidad, to the junction of Little River and the Lower South Fork of Little River; thence due south to Tip Top Ridge; thence southeasterly along Tip Top Ridge to the southernmost summit of Tip Top Ridge north of Korbel, thence southeasterly along a line extending from the southernmost point of Tip Top Ridge to the lookout station at Iaqua Buttes; bounded on the south and east by a straight line extending from the lookout station at Iaqua Buttes to the Mt. Pierce lookout station south of Scotia; bounded on the south by a line following along the crest of Bear River Ridge from the Mt. Pierce lookout station to the Pacific Ocean. All the landmarks and points of reference referred to above are as shown on maps published by the State of California, Department of Natural Resources, Division of Forestry, dated 1949.



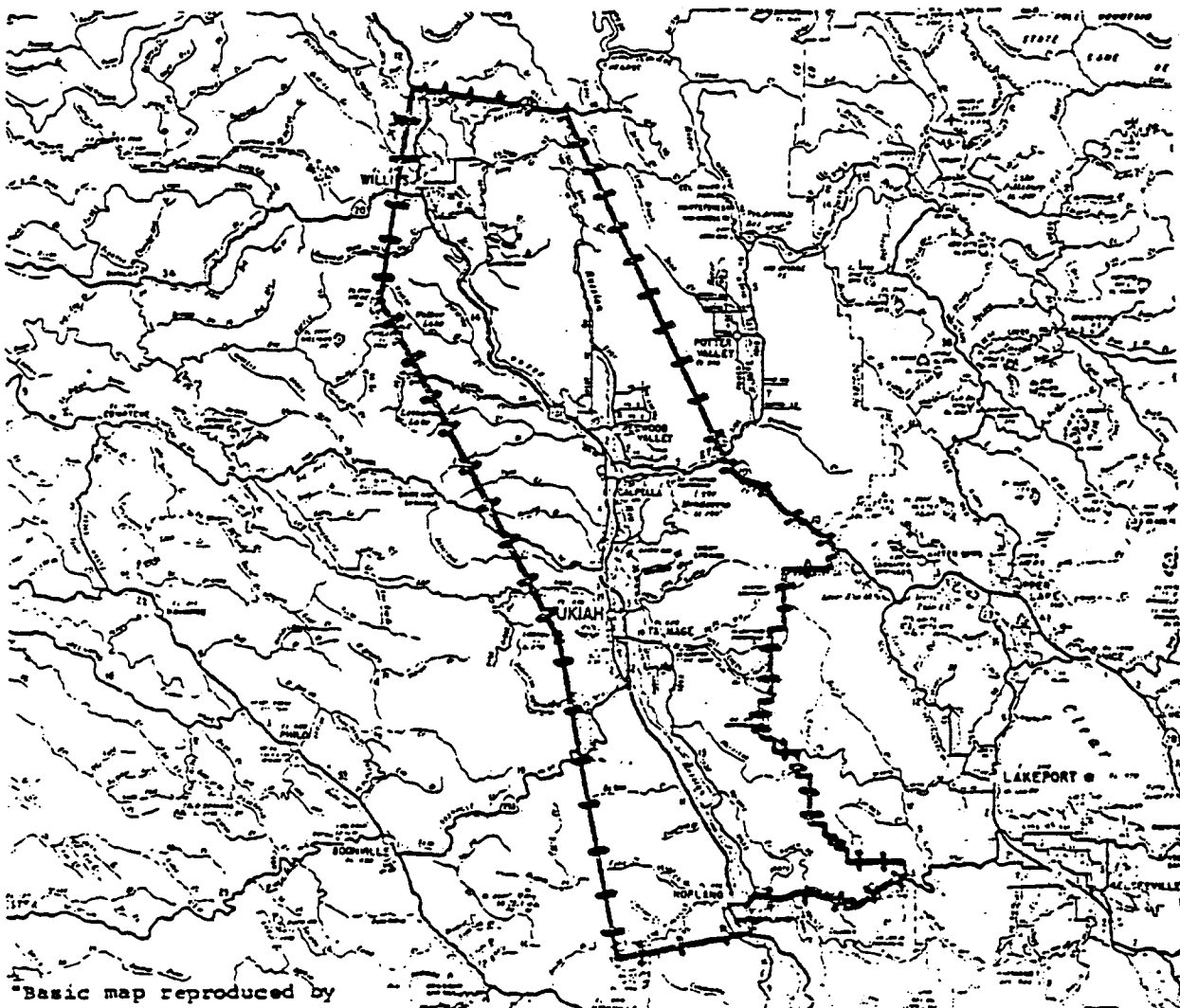
Basic map reproduced by permission of the California

1-28-81

APPENDIX B

UKIAH - LITTLE LAKE AIR BASIN

For use in this Rule, the Ukiah-Little Lake Air Basin shall be defined as all those portions of Mendocino County: bounded on the north and east by a straight line extending from the summit of Oil Well Hill on Highway 101, southeasterly to the junction of Hearst Willits Road and Tomki Road, thence southeasterly to the junction of Highway 20 and Potter Valley Road, thence southeasterly, along Highway 20 to the Lake County boundary line, thence continuing mostly southerly and easterly along the Mendocino - Lake County boundary line to the junction of Highway 175, thence westerly along Highway 175 to the junction of Highway 175 and County Road 201, thence southerly along County Road 201 to its termination with State Highway 101, thence westerly bounded on the south by a straight line extending to Snow Mountain Peak, thence northerly bounded on the west by a straight line extending to Lookout Peak, thence northwesterly bounded on the south and west by a straight line to Irene Peak, thence northerly bounded on the west by a straight line extended from Irene Peak to the point of beginning at the summit of Oil Well Hill on Highway 101.



*Basic map reproduced by

1-2881

APPENDIX C

65a

EEL RIVER
WATERSHED
DISTRICT
(95%)
1,026,263 ACES

COASTAL
DISTRICT
WATERSHED
(34.3%)
890,640 ACES

RUSSIAN
RIVER
DISTRICT
WATERSHED
(15.4%)
348,697 ACES

DISTRICTS
BY
WATERSHEDS
2,265,600
OFFICIAL
ACES

H.C. PARM. ADVISOR -
18-SEPT-72

MENDOCINO
COUNTY
CALIFORNIA



Scale:
1 inch = 10 miles

RULE 2-101 Restrictions and Descriptions

This regulation prohibits the use of open outdoor fires within the North Coast Air Basin with certain exceptions as outlined in 2-102.

101.1 Restrictions

No person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fire for the disposal of rubber, petroleum or plastic wastes, demolition debris, tires, tarpaper, wood waste, asphalt shingles, linoleum cloth, household garbage or other combustible refuse; or for metal salvage or burning of motor vehicle bodies.

RULE 2-102 EXEMPTIONS

102.1

Fires used only for the cooking of food for human consumption or fires used for recreational purposes.

102.2

Fires set or permitted by any public officer when such fire is necessary for any of the following purposes: (Health & Safety Code Section 41801)

102.2.01 - The prevention of an imminent fire hazard, as defined in 2-207.

102.2.02 - The instruction of public employees in the methods of fighting fires.

102.2.03 - The instruction of employees in methods of fighting fire, when such fire is set pursuant to permit, on property used for industrial purposes.

102.2.04 - The setting of backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resources Code.

102.2.05 - The abatement of fire hazards pursuant to 13055 Health & Safety Code Section. (Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service, may use fire to abate a fire hazard.)

102.2.06 - Disease or pest prevention, where there is an immediate need for, and no reasonable alternative to burning.

102.3

Fires used for the disposal of non-industrial wood waste from trees, vines, and brush at any approved disposal site in the North Coast Air Basin subject to the restrictions and limitations of 2.101.1 and 2-400 Health and Safety Code Section 41804.5.

102.4

Fires set in accordance with Sections 2-300 of this regulation, and subject to the restrictions and limitations of 2-101.1 and 2-400 (Health & Safety Code Section 41804.5)

102.5

Fires conducted in a mechanized burner subject to permit conditions specified by the District 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:

102.5.01 - 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

102.5.02 - Of such opacity as to obscure an observer's view to a degree equal to 102.5.01.

RULE 2-302 OPEN BURNING - NON-AGRICULTURAL

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations.

302.1 *Single Or Two Family Dwellings* for the disposal of approved combustibles burned on the property where generated is not restricted to permissive burn days except in the following areas:

The Humboldt Bay Air Basin (Appendix A)
The Ukiah-Little Lake Air Basin (Appendix B)

302.2 *Property Development* for the disposal of wood waste from trees, vines, or brush on the property where grown and which is being developed for commercial or residential purposes (Health & Safety Code Section 41802).

302.3 *Fire Hazard Reduction* for the disposal of brush cuttings resulting from brush clearance done in compliance with local ordinances to reduce fire hazard on the property where grown (Health & Safety Code Section 41802).

302.4 *Right-of-Way Clearing* by a public entity or a utility.

302.5 *Levee, Reservoir and Ditch* maintenance.

Rule 2-303 Burn Day Determination

303.1

Information as to whether a day is a permissive burn day or a no-burn day will be available from the designated agencies listed under 2-305 of this regulation, and will be transmitted to the general public by announcement over local radio and television stations. 24-hour burn conditions may be obtained by phoning:

North Coast Unified AQMD (707) 443-3091
Mendocino County AQMD (707) 463-4391
Northern Sonoma County APCD (707) 544-BURN

303.2

Burning decisions will be made covering the entire California North Coast Air Basin; however, more restrictive conditions may be imposed for localized problem areas.

303.3

Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement, forest management or wildland vegetation management burn at any elevation below 6000 feet (MSL), a permissive-burn or no-burn notice will be issued by the ARB 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.

303.4


A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in 303.3.

303.5

The ARB or the District 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.

RULE 2-305 Designated Agencies

Agricultural burning permits are issued ONLY by the following designated agencies within their areas of jurisdiction:



Arcata Fire Department
Brooktrails Fire Department
California Department of Forestry
Cloverdale Fire Department
Eureka Fire Department
Forestville Fire Protection District
Fort Bragg Fire Department
Guerneville Fire Protection District
Healdsburg Fire Department
Humboldt Fire District No. 1
Little Lake Fire Protection District (Willits)
Mendocino County Air Quality Management District
North Coast Unified Air Quality Management District
Northern Sonoma County Air Pollution Control District
Potter Valley Fire Department
Redwood Valley-Calpella Fire District
Ukiah Valley Fire Protection District
United States Bureau of Indian Affairs
United States Forest Service

RULE 2-501 Prohibitions

501.1

No person shall set, or allow to be set, any open outdoor fires on days when prohibited by the ARB, or by the District, unless, specifically exempted by the provisions as outlined in 2-102 of this regulation.

501.2

No person shall set, or allow to be set, any open outdoor fires as may be allowed by 2-301 and 2-302, or this regulation, unless he has a valid permit from a designated Fire Control Agency and/or the District as required in 2-304 of this regulation.

V-5

2.21.72

D. Other Ambient Air Standards as set forth by the Air Resources Board of the State of California, shall be considered minimum standard for the Mendocino County Air Pollution Control District. These may be reviewed from time to time at the discretion of the Board and made more stringent if conditions so warrant.