

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 1.1 Title

LAST REVISED 01/15/89

These rules and regulations shall be known as the Rules and Regulations of the Modoc County Air Pollution Control District.

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 1.2 Definitions

LAST REVISED 01/15/89

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.

A1 Agricultural Burning

Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, range improvement, wildland vegetative management, the improvement of land for wildlife and game habitat, disease or pest prevention or the maintenance of a system for delivery of water used in agricultural operations.

A2 Air Contaminant or Air Pollutant

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

A3 Approved Combustibles

Paper, cardboard, wood, dry vegetative matter or other materials as approved by the Control Officer.

A4 Atmosphere

The air that envelopes or surrounds the earth.

A5 ARB

The California Air Resources Board.

B1 Baseline Air Quality; Date

The ambient concentration level reflecting actual air quality as monitored or modeled as of June 18, 1979.

B2 Board

Air Pollution Control Board of the Modoc County Air Pollution Control District which is the Board of Supervisors.

B3 Bulk Plant

Any facility where petroleum products are received by tank car or tank vehicle and are stored or blended in bulk for the purpose of distribution in tank car or tank vehicle.

May 1, 1989

C1 Class I Area

Any area which has been or may be designated Class I by a Federal or State authority empowered to make such designation.

C2 Combustible Waste

Any solid or liquid combustible waste material containing carbon in a free or combined state.

C3 Combustion Contaminants

Particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

C4 Complete Application

Completeness of an application for an authority to construct a new or modified stationary source shall be evaluated on the basis of a list of required information shown in Appendix A of these Regulations.

C5 Condensed Fumes

Minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillations, calcination, or chemical reaction, when these processes create air-borne particles.

C6 Control Officer

An Air Pollution Control Officer of the Modoc County Air Pollution Control District.

D1 District

The Modoc County Air Pollution Control District.

D2 Dusts

Minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

E1 EPA

The United States Environmental Protection Agency, as established by Title 40 of the Code of Federal Regulations.

F1 Fugitive Emissions

Emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

H1 Hearing Board

The Hearing Board of the Modoc County Air Pollution Control District.

I1 Implement of Husbandry

A vehicle which is used exclusively in the conduct of agricultural operations, and which is not designed primarily for the transportation of persons or property on a highway.

I2 Incinerator

Any furnace or similar enclosed fire-chamber, with or without a draft control, used for burning refuse or other waste material.

M1 Multi-Component System

A collection, or combination, of mutually dependent articles, structures, or devices customarily or necessarily started, operated and taken out of service as a unit.

M2 Multiple-Chamber Incinerator

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.

N1 Net Emissions Increase

The sum of all increases in emissions of any given pollutant from a new or modified stationary source occurring after the baseline date, minus any reduction in emissions of that pollutant at the stationary source occurring five years prior to the baseline date. Reductions in emissions shall be valid for determining net emissions increases only if they are established pursuant to Authorities to Construct and Permits to Operate.

O1 Open Outdoor Fire

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.

P1 Particulate Matter

Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

P2 Permit

A Certificate of Compliance, Authority to Construct, Temporary Permit to Operate, or Permit to Operate, whichever is legally in effect.

P3 Person

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.

P4 PM10

Particulate matter that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

P5 Portable Source

A source which has been permitted and is relocated from time to time.

P6 Process

Separate items of equipment shall be considered as part of the same process if they are located on contiguous property, the operation of each item of equipment is dependent upon or affect the operation of the others and the operation of all such equipment involves a common raw material or product.

P7 Process Weight

The total weight of all materials introduced into any specific process which may cause discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The weight of wood products shall be calculated at 12% moisture on a dry basis.

P8 Process Weight Rate

Total process weight divided by the number of hours in one complete operation, from the beginning to completion of any given process, excluding any time during which the equipment is idle.

P9 PSD Permit

A Permit to Operate issued pursuant to Section 105 of the Federal Clean Air Act.

R1 Regulation

One of the major subdivision of Rules of the Modoc County Air Pollution Control District.

R2 Residential Rubbish

Refuse originating from residential uses including wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

R3 Rule

A rule of the Modoc County Air Pollution Control District.

S1 Section

A section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

S2 Shall and May

"Shall" is mandatory; "May" is permissive.

S3 Significance Level

The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates:

POLLUTANT

Halogenated Hydrocarbons

TONS/YEAR

40

Reactive Organic Compounds	40
Nitrogen Oxides	40
Sulfur Oxides	40
Particulate Matter	25
Carbon Monoxide	100
Lead	0.6
Asbestos	0.007
Beryllium	0.0004
Mercury	0.1
Vinyl Chloride	1
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide	10
Total Reduced Sulfur Compounds	10
Reduced Sulfur Compounds	10
PM10	15

Furthermore, significance level also means any net emission increase from any new or modified stationary source which would be constructed within 10 kilometers of a Class I area and have an air quality impact on such an area equal to or greater than 1 microgram per cubic meter (24-hour average).

S4 Source Operation

The last operation preceding the emission of an air contaminant which operation:

- a. results in the separation of air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels.
- b. is not an air pollution abatement operation.

S5 Standard Conditions

Dry gas temperature of 68 degrees Fahrenheit and dry 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.

T1 Total Reduced Sulfur (TRS)

Reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

T2 Trade Secrets

May include but not limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

V1 Variance

An authorization by the Hearing Board to permit some act contrary to the requirements specified by these Rules and Regulations.

7/25/73

REGULATION I - 6

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 emissions data from stationary sources, are public records.

7/25/73

RULE 1:4 - Enforcement. These rules and regulations shall be enforced by the Control Officer pursuant to all applicable law. The pursuit of any one such remedy shall not be deemed an election of remedies. All available remedies may be pursued individually, collectively concurrently, or consecutively, at the option of the Control Officer.

7/25/13

RULE 1:6 - General Provisions: These Rules and Regulations shall become effective on January 17, 1972, 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.

RULE 2:0 - Permits Required

6-30-72

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.

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 25 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.

6-30-72

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.

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 or for 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.

REGULATION II - PERMIT SYSTEM

RULE 2.3 Transfers

An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise ~~either~~ from one location to another, from one person to another, or from one piece of equipment to another, except on written approval of the Control Officer.

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REGULATION II - PERMIT SYSTEM

RULE 2.5 Expiration of Applications

- A. An Authority to Construct or an application for Permit to Operate shall remain in effect for one year or until the Permit to Operate is granted or denied, or the application is canceled, whichever occurs first.
- B. An Authority to Construct or the application for Permit to Operate may be extended on an annual basis, at the request of the applicant. However, the District shall not grant more than two such requests for extension for any specific source.

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REGULATION II - PERMIT SYSTEM

RULE 2.7 Conditional Approval

- A. The Control Officer may issue an Authority to Construct or Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of these regulations, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct or operation under such a Permit Operate shall be deemed acceptance of all the conditions so specified. The Control Officer shall issue an Authority to Construct or 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 these regulations.
- B. A person shall not operate equipment contrary to permit conditions specified on permits issued in accordance with the provisions of this Rule.

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6-30-72

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.
- 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;

12.17.79

RULE 2:8-e STANDARDS FOR PERMITS TO CONSTRUCT

A. General

1. The Air Pollution Officer shall deny a permit to construct for any new stationary source or modification or any portion thereof, unless the applicant certifies that all other stationary sources in the State which are owned or operated by the applicant are in compliance or are on approved schedule for com-

pliance, with all applicable emission limitations and standards under the Clean Air Act (42 USC 7401 et. seq.) and all applicable emission limitations and standards which are part of the State Implementation Plan approved by the Environmental Protection Agency.

2. The Air Pollution Control Officer shall deny a permit to construct for a new stationary source or modification with a net increase in emissions as specified in Section B 1 unless all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with that plan.

B. Applicability and Exemptions

1. Sections B, C, D, E, F, G, H, & I shall apply to new stationary sources and modifications which result in either:

- a. A net increase in emissions of 250 or more pounds during any day of any pollutant for which there is a national ambient air quality standard (excluding carbon monoxide), or any precursor of such a pollutant; or
- b. A net increase in emissions of 2500 or more pounds during any day of carbon monoxide.

2. New sources and modifications shall be exempt from the requirement for offsets (Section E), although BACT is still required providing the source:

a. Will be used exclusively for providing essential public services, such as schools, hospitals, or police and fire fighting facilities, but specifically excluding sources of electrical power generation other than for emergency standby use at essential public service facilities.

b. Is exclusively a modification to convert from use of a gaseous fuel to a liquid fuel because of a demonstrable shortage of gaseous fuels, provided the applicant establishes to the satisfaction of the Air Pollution Control Officer that it has made its best efforts to obtain sufficient emissions offsets pursuant to Section E

(E)

of this rule, that such efforts had been unsuccessful as of the date the application was filed, and the applicant agrees to continue to seek the necessary emissions offsets until construction on the new stationary source or modification begins. This exemption shall only apply if, at the time the permit to operate was issued for the gas burning equipment, such equipment could have burned the liquid fuel without additional controls and been in compliance with all applicable District regulations.

- c. Is portable sandblasting equipment used on a temporary basis within the District.
- d. Is a cogeneration project, a project using refuse-derived or biomass-derived fuels for energy generation, or a resource recovery project using municipal wastes, provided: the applicant establishes by modeling that the new source or modification will not cause a violation or exacerbate an existing violation of any national ambient air quality standard at the point of maximum ground level impact and allowing for the subtraction of any natural background levels of particulate matter (nonrespirable size).

C. Calculation of Emissions

1. In determining the emissions from a proposed new or modified stationary source estimates shall be based on maximum design capacity, permit limitations on the operation of the new source or modification, or source test data from identical equipment or estimates based upon a combination of these methods.
2. In determining emissions from an existing stationary source emissions shall be based on specific limiting permit conditions or source test data based upon normal operating conditions or a combination of these methods.
3. The net increase in emissions from new stationary sources and modifications which are not seasonal sources shall be determined using yearly emissions profiles. Yearly emissions profiles for an existing or proposed stationary source or modification shall be constructed by plotting the daily emissions from such source. A separate profile shall be constructed for each pollutant emitted.
4. The net increase in emissions from new stationary sources and modifications which are seasonal sources shall be determined using yearly and quarterly emissions profiles. A separate profile shall be constructed for each pollutant emitted.

5. When computing the net increase in emissions for modifications, the Air Pollution Control Officer shall take into account the cumulative net emissions changes (increases and reductions) which are represented by permits to construct associated with the existing stationary source and issued pursuant to this rule, excluding any emissions reductions required to comply with federal, state, or district laws, rules or regulations.

D. BEST AVAILABLE CONTROL TECHNOLOGY

New stationary sources and modifications excluding cargo carriers, shall be constructed using best available control technology.

E. MITIGATION (OFFSETS)

1. For new stationary sources and modifications mitigation shall be required for net emissions increases (i.e. increases after the application of best available control technology):

- a. of each pollutant for which a national ambient air quality standard was exceeded three discontinuous times (or, for annual standards one time) within the District within the three years immediately preceding the date when the application for the permit to construct was filed, and for all precursors of such pollutants; provided, however,

that mitigation of net emission increases of sulfur oxides, total suspended particulates or carbon monoxide shall not be required if the applicant demonstrates through modeling that emissions from the new source or modification will not cause a new violation of any national ambient air quality standard for such pollutants, or make any existing violation of any such standard worse, at the point of maximum ground level impact.

b. Net emissions increases subject to this section shall be mitigated (offset) by reduced emissions from existing stationary or nonstationary sources. Emissions reductions shall be sufficient to offset any net emissions increase and shall take effect at the time, or before initial operation, of the new source, or within 90 days after initial operation of a modification and shall continue as long as the new or modified source is operating.

c. Emissions offset profiles may be used to determine whether proposed offsets mitigate the net emissions increases from proposed new sources or modifications. For all offset sources, a yearly emissions offset profile shall be constructed in a manner similar

to that used to construct the yearly emissions profile for the proposed new or modified source. A separate profile shall be constructed for each pollutant emitted. Seasonal offsets shall not be used to mitigate the emissions from nonseasonal sources.

- d. A ratio of emissions offsets to emissions from the new source or modification (offset ratio) of 1.2:1 shall be required for emissions offsets located within a 15 mile radius of the proposed new source or modification and based upon emissions profiles.
- e. For proposed emission offsets in which the offset ratio is from 1:1 to 1.2:1 the applicant shall conduct modeling to verify a net air quality benefit in the area affected by emissions from the new source or modification.
- f. If an applicant certifies that the proposed new source or modification is a replacement for the applicant's preexisting source which was shut down or curtailed after February 16, 1979, emissions reductions associated with such shutdown or curtailment may be used as offsets for the proposed source, subject to the offset provision of this section.

g. Emissions reductions resulting from measures required by adopted federal, state, or district laws, rules or regulations shall not be allowed as emissions offsets unless a complete application incorporating such offsets was filed with the District prior to the date of adoption of the laws, rules, or regulations.

h. The Air Pollution Control Officer may allow emissions reductions which exceed those required by this rule for a new source or modification to be banked for use in the future by the applicant. Such reductions shall be used only to offset emissions increases from proposed new sources or modifications owned or operated by the applicant within 15 miles of the site where the reductions occurred.

i. Emissions reductions of one precursor (or primary pollutant) may be used to offset emission increases of another precursor of the same pollutant. The ratio of emission reductions for interpollutant offsets shall be determined by the APCO based on existing air quality data and subject to approval of the ARB.

F. PERMIT CONDITION REQUIREMENTS

The APCO shall place written conditions on the permits of the new stationary source or modification

and the source(s) used to provide offsets to ensure that all sources are operated in the manner assumed in making the analysis required to determine compliance with this rule. The permit shall include an emission limitation which corresponds with the application of BACT. In no event shall the emission rate reflected by the control technique or limitation exceed the amount allowable under applicable new source performance standards. If offsets are obtained from a source for which there is no permit to operate, a written contract shall be required between the applicant and the owner or operator of such source which contract, by its terms, shall be enforceable by the APCO.

G. ANALYSIS, NOTICE, AND REPORTING

Following acceptance of an application as complete, the Air Pollution Control Officer shall:

1. Perform the evaluations required to determine compliance with this rule and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis.
2. Within 10 calendar days following such decision, publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating the preliminary decision of the Air Pollution Control Officer and where the public may inspect the required information. The notice shall provide 30 days from the date of publication

for the public to submit written comments on the preliminary decision.

3. At the time notice of the preliminary decision is published, make available for public inspection at the Air Pollution Control District's office the information submitted by the applicant, the Air Pollution Control Officer's supporting analysis for the preliminary decision, and the preliminary decision to grant or deny the permit to construct, including any proposed permit conditions, and the reasons therefor.
4. No later than the date of publication of the notice, forward the analysis, the preliminary decision, and copies of the notice to the Air Resources Board (attn: Chief, Stationary Source Control Division) and the Regional Office of the U.S. Environmental Protection Agency.
5. Consider all written comments submitted during the 30 day public comment period.
6. Within 180 days after acceptance of the application as complete, take final action on the application after considering all written comments. The Air Pollution Control Officer shall provide written notice of the final action to the applicant, the Environmental Protection Agency, and the California

Air Resources Board, shall publish such notice in a newspaper of general circulation, and shall make the notice and all supporting documents available for public inspection at the Air Pollution Control District's office.

H. POWER PLANTS

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 shall be evaluated in accordance with the ARB/CEC agreement adopted on January 23, 1979. The Air Pollution Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, including lost fees, incurred in order to comply with the provisions of this section.

I. DEFINITIONS

1. "Best Available Control Technology (BACT)" means for any source the more stringent of:
 - a. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or
 - b. Any other emissions control technique found, after public hearing, by the Air Pollution Control Officer

and the Air Resources Board to be technologically feasible and cost/effective for such class or category of sources or for a specific source; or

- c. For those pollutants for which the national ambient air quality standards are violated in the District, the most effective emission limitation which the EPA certifies is contained in the implementation plan of any State approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable.

2. "Modification" means any physical change in, change in method of operation of, or addition to an existing stationary source, except that routine maintenance or repair shall not be considered to be a physical change. A change in the method of operation, unless previously limited by an enforceable permit condition, shall not include:

- a. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.
- b. An increase in the hours of operation.
- c. Change in ownership of a source.

3. "Stationary Source" includes any structure, building, facility, equipment, installation or operation (or aggregation thereof) which is located on one or more bordering properties within the District and which is owned, operated, or under shared entitlement to use by the same person. Items of air-contaminant-emitting equipment shall be considered aggregated into the same stationary source, and items of nonair-contaminant-emitting equipment shall be considered associated with air-contaminant-emitting equipment only if:

- a. The operation of each item of equipment is dependent upon, or affects the process of, the others; and
- b. The operation of all such items of equipment involves a common raw material or product.

Emissions from all such aggregated items of air-contaminant-emitting equipment and all such associated items of nonair-contaminant-emitting equipment of a stationary source shall be considered emissions of the same stationary source. The emissions from all cargo carriers (excluding motor vehicles) while operating within the District shall be considered as emissions from the stationary source.

4. "Precursor" means a directly emitted pollutant that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards.

<u>Precursors</u>	<u>Secondary Pollutants</u>
Hydrocarbons and substituted hydrocarbons (reactive organic gases)	a) Photochemical oxidant (ozone) b) the organic fraction of suspended particulate matter.
Nitrogen oxides (NO _x)	a) Nitrogen dioxide (NO ₂) b) the nitrate fraction of suspended particulate matter.
Sulfur oxides (SO _x)	a) sulfur dioxide (SO ₂) b) sulfates (SO ₄) c) the sulfate fraction of suspended particulate matter.

5. Seasonal source means any source with more than 75 percent of its annual operating hours within a consecutive 90 day period.

6. "Modeling" means using an air quality simulation model, based on specified assumptions and data, which has been approved in writing by the Executive Officer of the Air Resources Board.

J. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

RULE II. STANDARDS FOR PERMITS TO OPERATE

A. GENERAL

The Air Pollution Control Officer shall deny a permit to operate for any new or modified stationary source or any portion thereof to which Rule I applies unless:

1. The owner or operator of the source has obtained a permit to construct granted pursuant to Rule I:
and
2. The Air Pollution Control Officer has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective permits.
3. Conditions imposed on the permit to construct are also included on the permit to operate to ensure compliance

with these rules.

B. EXEMPTIONS

The Air Pollution Control Officer shall exempt from the provisions of this Rule any stationary source which is a continuing operation, without modification or change in operating conditions, when a permit to operate is required solely because of permit renewal or change of ownership.

C. DEFINITIONS

The definitions contained in Rule I shall be applicable to this rule.

D. SEVERABILITY

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.

REGULATION II - PERMIT SYSTEM

RULE 2:10 Further Information

In order to determine the nature, extent, quantity or degree of air contaminants which are or may be, discharged by a stationary source, the Control Officer may at any time require from any person subject to these regulations all of the following:

- A. analysis, plans, specifications and data on the process and production rate, equipment descriptions and any other information needed.
- B. facilities for sampling and testing purposes. The Control Officer shall identify in writing the size and location of the sampling platform. All facilities shall be constructed in accordance with the General Industry Safety Orders of the State of California.
- C. testing to determine the emissions of air contaminants.
- D. continuous monitoring equipment to measure and record the source operating condition and/or contaminant emissions.

The Control officer may require that the disclosures required by this rule be certified by a professional engineer registered by the State of California. The cost of providing such information shall be paid by the applicant or permit holder.

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5.7.79

Rule 2:11 List And Criteria

The Air Pollution Control District has adopted this "List and Criteria" for determining whether applications for future development projects are complete. This "List and Criteria" identifies information required of applicants seeking permits to construct air pollution sources and requires submission of such information before an application can be determined to be complete.

Within 30 days after receiving an application, the air pollution control officer will advise the applicant in writing whether the application is complete. If an application is deemed incomplete, the air pollution control officer will notify the applicant of what additional information needs to be provided. Upon resubmission of an application, a new 30-day review period shall begin.

All applicants are subject to the requirements of this "List and Criteria" regardless of whether all information listed is necessary for an application to be deemed complete. While an application is being processed, the air pollution control officer may request the applicant to clarify, amplify, or supplement the information required by this "List and Criteria."

The information required of the applicant is divided into two parts: Part A, which identifies the information required of all applicants seeking permits for new facilities and for the modified portions of existing facilities, and

Part 3, which identifies additional information that is required from those applicants seeking permits for sources which are subject to the district's new source review (NSR) rules. Where a source is subject to NSR rules, some of the information required in Part A may also be required for the existing portion of the facility.

If an applicant determines that a project is not subject to the district's NSR rules, the applicant may choose not to complete Part 3 of the list. If during the processing of an application the air pollution control officer determines that a project is subject to the NSR rules, the air pollution control officer must do one of the following:

- (a) If the air pollution control officer makes the determination (that the application is subject to the NSR rules) during the 30-day review period, the air pollution control officer will ask the applicant to submit the information identified in Part 3 of the list (pertaining to NSR). If the applicant fails to submit such requested information within the 30-day period the air pollution control officer will deem the application incomplete.
- (b) If the air pollution control officer makes the determination (that the application is subject to the NSR rules) after the application is deemed complete, the air pollution control officer must notify the applicant of such determination and, if sufficient time remains, may establish a time limit for the applicant to submit the required information. If the air pollution control officer determines that inadequate time remains, or if the applicant fails to submit the information within the established time limit, the air pollution control officer will deny the permit.

The district urges all applicants to discuss their projects with our staff prior to the filing of applications. For some projects, it may not be necessary to submit all the information required by the "List and Criteria."

in order to have an application deemed complete. Consultation with the district staff will expedite the process by identifying the specific information that will be required of an applicant.

An applicant seeking an exemption provided for in any rule or regulation of the district must supply the air pollution control officer with all information necessary for the air pollution control officer to determine whether such an exemption should be granted.

Information regarding the district's general permit requirements, such as filing deadlines, fee schedules, and appeal process, can be found in the rules and regulations of the district.

Prior to filing an application with the district, all applicants are urged to participate fully in the early stages of the EIR process being undertaken by the lead agency for the applicant's project in order: 1) to be apprised of the applicable air quality and other environmental constraints, and 2) to make such project modifications as may be necessary to satisfy those constraints.

Information Required for Applications

PART A

All applications for permits (authorities) to construct new or modified air sources are subject to the requirements of this portion of the list.

I. Name

- A. Business license name
- B. Nature of business
- C. Name, address, and phone number of person to contact regarding this application
- D. Type of use entitlement (own, rent, lease)
- E. Estimated construction dates and estimated completion dates
- F. Verification Development Project is consistent with the applicable general plan required by Government Code Sections 65300, et seq.

II. Type of Application

- A.
 1. Original application
 2. Revised application
- B.
 1. New facility
 2. Modification
 3. Existing facility not previously permitted
- C. Authority to Construct

III. Description of Facility

- A. Location
 1. Street address of facility (or location as described by section, township, and range)
 2. Scaled and dimensioned plot plan of facility which shows and identifies the locations of:
 - a) Public and private streets
 - b) Property lines
 - c) Existing and proposed buildings (indicate their heights,

- d) Adjacent property owners and uses
 - e) Storage areas for fuel, materials and products
 - f) Basic, control, and air monitoring equipment
 - g) Piping and ducts for carrying fuels, products, and possible sources of air pollutants
 - h) Identify points of emissions
3. Describe the general purpose of this facility

IV. Description of Process -

- A. General description of each process line
- B. For facilities with more than one process line:
 - 1. Submit a block flow diagram which shows the interaction between each process line (include a material balance and a description of the material processed as it changes in terms of maximum design rates)
 - 2. Submit a drawing which shows the transfer of materials, products, and possible sources of air pollutants between process lines, buildings, and storage areas
- C. Basic and control equipment descriptions (e.g., make, function, model, size, type, maximum capacity, Hp)
- D. Operating schedule (No. of hours/day, days/week, weeks/year)
- E. Maximum monthly, hourly, and daily production rates and raw material usage rates
- F. Total average annual production rates and raw material usage rates (such as tons/year)

- g. Provide the following information associated with each piece of basic (existing, modified, and proposed) equipment:
 1. Equipment identification number
 2. Inlet and outlet temperatures
 3. Identify the emission points and state to where the equipment is to be vented
 4. The material entering and leaving the equipment
 5. The energy consumption, (e.g., Btu/hr, kWh/hr)
 6. State whether the operation is continuous or intermittent
- h. Describe control equipment and attach calculations and detail drawings. Provide the following information associated with each piece of control equipment (existing and proposed):
 1. Schematic and description of overall control equipment
 2. Control equipment identification number
 3. Inlet and outlet concentrations
 4. Control efficiency; verify source of data (e.g. calculations, manufacturer's specifications, source test)
 5. Identify the points of emission associated with each piece of equipment
 6. For particulate matter, include data on the size distribution and chemical nature of emissions
 7. Energy consumption (e.g., Btu/hr, kWh/hr)

3. Describe locations and amounts of emissions (in terms of maximum design rates)
1. Identify points of emission
 2. Height of the outlet above ground level
 3. Size and shape of the outlet, (e.g. 9" round)
 4. Flow rate of exhaust gases
 5. Outlet temperature
 6. Estimate the quantity of each pollutant emitted:
total suspended particulates, carbon monoxide, organic gases,
nitrogen oxides, and sulfur oxides, as examples
- J. Describe emissions of a fugitive nature, i.e., not included in "I" above
- K. Attach copies of all calculations used in answering the previous questions
(also cite references and tolerance of data)

V. Fuel Burning Equipment and Fuel

A. Describe burners

1. Equipment identification number, manufacturer's name and model,
size, number of burners, minimum and maximum ratings per burner,
and burner type.
2. The burner mode of control, (e.g. manual, automatic on-off,
high-low) if applicable.
3. Air compressor data (if air atomization is used): manufacturer's
name and model, drive motor horsepower, compressor rating (pressure and
capacity), and operating pressure.
4. Firing type, (e.g. tangential, opposed, front).
5. Type of fuels and the percentage of combustion air.

B. Describe all fuels used; indicate the types, grades, consumption rates; pretreatment of the fuel if any (method and temperature); heating value (e.g., BTU/cu.ft., BTU/gal., BTU/lb.); and ash, sulfur, moisture, H_2S , and nitrogen contents, where applicable.

1. For oil preheaters, indicate the type and the temperature to which the oil is expected to be preheated
2. State whether unit is to be used to incinerate waste gas or liquid stream. Submit a drawing of the method of waste stream introduction with respect to gas/fuel oil burners
3. a) Indicate the amount of each fuel used per year (gal/yr. for liquid, million cu.ft./hr. for gaseous and tons/yr. for solid; also indicate fuels used as standby fuel.
b) Indicate the maximum consumption rate of fuel in any one hour and any 24 hour period.

C. For combustion facilities, specify the heat input rate or the thermal efficiency in BTU/unit.

VI. Describe storage facilities

- A. Size, model, type, and make of storage facilities
- B. Properties or characteristics of materials and products being stored.
- C. Control procedures and equipment utilized on storage facilities
- D. Conditions under which storage exists, e.g., temperatures, pressure, windspeed

PART B

When a source is subject to new source review, an applicant supply the following in addition to the information required by Part A.

I. Information required for air quality impact analysis

A. Any monitoring stations that may be installed by applicant

B. Sufficient data to perform an impact analysis from all emission points and fugitive emissions:

1. Meteorological data
2. Topographical data
3. Air quality data
4. Computer modeling data, including assumptions that should be made

II. Identify all facilities within the air basin that are owned or operated by the applicant and the compliance status of each.

III. Power Consumption of facility

A. Total amount of electrical power to be consumed by the new facility or the increase in the amount of electrical power to be consumed due to the modification.

B. Percentage of electrical power provided by off-site generating facilities; identify the source of power.

IV. Cargo Carriers

List the frequency of visits; describe types and sizes of all cargo carriers (other than motor vehicles); identify nature of cargo, and conditions under which the cargo is transferred.

V. If applicant is applying for trade-offs from other existing sources:

A. Provide sufficient information to determine whether adequate emission

reductions will be achieved to offset the air quality impacts of the applicant's source (e.g., name and location of trade-off sources and of how the emission trade-offs will be affected).

VI. List proposed mitigating measures:

- A. Air pollution control equipment proposed
- B. Process changes or operations utilized to reduce emissions
- C. Other

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REGULATIONS III- PROHIBITIONS

RULE 3:0 - 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 States Bureau of Mines, or

b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this Rule. (Section 24242)

RULE 3:1 - Wet Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of Rule 3:0, that rule shall not apply. The burden of proof which establishes the application of this Rule 3:1 shall be upon the person seeking to come within its provisions.

RULE 3:2 - 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 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. (Section 24243)

6.5.7.79

RULE 3:3 - Particulate Matter. A person shall not discharge from any single source whatsoever particulate matter in excess of 0.30 grain per cubic foot of dry gas at standard conditions..

(this revision changes 0.3 to 0.30, and adds the word dry in front of gas and removes "over a period of one hour."

5.7.79

RULE 3:4 - 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. Sulphur Compounds calculated as sulphur dioxide: 0.2 per cent by volume.

b. Combustion contaminants: 0.30 grain per cubic foot of dry gas calculated to 12 per cent 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 per cent of carbon dioxide.

(this revision changes 0.3 to 0.30 and adds dry in front of gas.)

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Rule 3:4A - 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.

RULE 3:6 - Additional Exception. The provisions of Rule 3:2, relating to

odors, do not apply to odors emanating from agricultural operations
in the growing of crops or raising of fowls or animals.

(Section 24251.1)

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REGULATION III- 4

RULE 3:7 - 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 3:8 - Exceptions. The following fires are excepted from the provisions of Rule 3:7.

- 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.
- 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

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REGULATION III - 5

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. Agricultural fires necessary to maintain and continue an agricultural operation set or permitted by a fire official having jurisdiction in the performance of official duty for the purposes of:

- (1) Control and disposal of agricultural wastes.
- (2) Stubble and brush control.
- (3) The improvement and control of water sheds.

h. 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, 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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REGULATION III- 6

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

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

operating conditions.

k. Open fires are permitted in City and County Dumps for the purpose of disposing of solid waste, upon approval by the California Air Resources Board

RULE 3:9 - 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 3:10 - Sulfur Contents of Fuels. No person shall burn within the District any gaseous fuel containing sulfur compound 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 per cent 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, or 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 temporarily 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

10-10-80

RULE: 3:12 - 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 purpose of this rule solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

To use the following table, take the process weight per hour as such is defined in Rule 1:2(r). Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in the example, 1,500 lbs., by 3 giving a process weight per hour of 500 lbs. The table shows that "A" may not discharge more than 1.77 lbs., in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

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RULE 3:16 - Gasoline Storage. (Section 39068.2 - It is a misdemeanor to install any stationary storage tank having a capacity of 250 gallons or more for the storage of any petroleum distillate having a high vapor pressure of four psi or greater, unless the tank is equipped with one of the following emission control systems:

- 1) a permanent submerged fill pipe (Section 39068.2 (e);
- 2) a vapor recovery system (Section 39068.4);
- 3) a floating roof (not acceptable if the vapor pressure of the contents exceeds 11 psi) (Section 39068.3); or
- 5) control equipment of efficiency equal to that specified above, which has been approved by the air pollution control officer;

It is also a misdemeanor to load from any tank truck or trailer, any tank installed after December 31, 1970 which is not in conformance with the foregoing.

These requirements are not applicable to stationary storage tanks which are used primarily for the fueling of implements of husbandry (Section 39068.2f).

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4.1 Visible Emissions

Revised: January 15, 1989

Except as provided in these regulations, 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 States Bureau of Mines.
- 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.
- C. The provisions of Rule 4.1.A. and Rule 4.1.B. shall not apply to:
 - 1. Fires set pursuant to Rule 4.3.
 - 2. Agricultural burning for which a permit has been granted pursuant to Regulation VII.
 - 3. Use of any aircraft to distribute seed, fertilizer, insecticide, or other agricultural aids overlands devoted to the growing of crops or raising of fowl or animals.
 - 4. The use of orchard and citrus grove heaters which are in compliance with the requirements set forth in Rule 4.11.
 - 5. Fires set or permitted by any public officer in the performance of his/her official duty for the improvement of watershed, range, or pasture.
 - 6. Agricultural operations necessary for the growing of crops or raising of fowl or animals.
 - 7. The use of other equipment in agricultural operations necessary for the growing of crops or raising of fowl or animals.
 - 8. The use of visible emission generating equipment in training sessions conducted by governmental agencies necessary for certifying persons to evaluate visible emissions.
 - 9. Smoke emissions from teepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues or forestry and agricultural residues with supplementary fossil fuels when such emissions result from the startup or shutdown of the combustion process or from the malfunction of emission control equipment. This exception shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This exception shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.
 - 10. Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when such emissions result from startup or shutdown of the combustion process or from the malfunction of emission control equipment. This exception shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.
 - 11. Emissions from methanol fuel manufacturing plants which manufacture not more than 2,000,000 gallons of methanol fuel per day from wood agricultural waste, natural gas, or coke (exclusive of petroleum coke). As used in this rule, "manufacturing plant" shall include all necessary support systems, including field operations equipment that provide feed stock. However, this exception shall apply to not more than one such methanol fuel manufacturing plant in the Northeast Plateau Air Basin and each such plant shall be located in an area designated as an "attainment area" pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and shall meet all applicable standards required by the district board. This exception shall remain in effect with respect to such a plant until five years after construction of the plant and shall have no force and effect with respect to such a plant on and after such date.
- D. When the presence of uncombined water is the only reason for the failure of an emission to meet the visible emissions limitation (Rule 4.1), that rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.

REGULATION H- IV - PROHIBITIONS

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RULE 9.1---~~Wet-Plumes~~. 4.1-2 Uncombined Water

When the presence of uncombined water is the only reason for the failure of an emission to meet the visible emissions limitation (Rule 4.1), that rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.

* * * * *

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4.6 Circumvention

Revised: January 15, 1989

- A. No person shall install or use any equipment which, without resulting in a reduction in the total release of air contaminant to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation of these rules.
- B. Violations of Rule 4.2 (Nuisance) are excepted from Rule 4.6.A.

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4.8 Combination of Emissions

Revised: January 15, 1989

- 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 such 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 4.8.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.

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4.9 Separation of Emissions

Revised: January 15, 1989

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any 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 combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity.

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 4.11 Orchard and Citrus Heaters

Revised: January 15, 1989

No new orchard or citrus heater shall be sold for use against frost damage unless it has been approved by the Air Resources Board. No person shall use any orchard or citrus heater unless it has been approved by the Air Resources Board, or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

REGULATION V - AGRICULTURAL BURNING

RULE 5:1 ENFORCEMENT

7.25-B
In accordance with Section 39298.8 of the California Health and Safety Code, the Modoc Air Pollution Control District does hereby adopt this plan consistent with the Agricultural Burning Guidelines.

Any violation of the provisions of this plan is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding five-hundred dollars (\$500.), or both, and the cost of extinguishing the fire. Every day during any portion of which such offense occurs constitutes a separate offense.

The air pollution control district shall enforce these Rules and Regulations.

RULE 5:2 BURNING PERMITS

7.2573 All burning permits required by these regulations will be issued by the Modoc Air Pollution Control Officer at the office in Alturas or Tulelake.

RULE 5.4 NOTIFICATION OF BURNING CONDITIONS

7.25-73

A. Commencing December 20, 1972, a notice as to whether a day is permissive-burn day or a no-burn day will be provided to the local District by the California Air Resources Board each morning by 0745. This notice will be incorporated in a normal weather report and will be transmitted to the general public by announcement over local radio stations, television stations and the weather service VHF network

B. An advisory forecast as to whether the following day will be a permissive-burn or a no-burn day will be provided to the local District by the California Air Resources Board each afternoon at 1300. This notice will also be incorporated in weather reports to local news media.

Upon requests from a permittee through a designated agency, seven days in advance of a specific range improvement burn or of a specific forest management burn above 3,000 feet a permissive-burn or no-burn notice will be issued by the 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. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in the proceeding Section C.

E. The Board may cancel permissive-burn notices that had been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.

F. Burning forecast will be made covering the entire California Northeast Plateau Air Basin, however, more restrictive conditions may be specified for the local District.

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RULE 5:5 EXCEPTIONS

- A. Open burning in agricultural operations in the growing of crops or raising of fowl or animals 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 consideration 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. The applicant shall submit in writing, on a form provided, his reasons for the exception.

7.25.73

RULE 5:6 ENFORCEMENT

- A. No person shall knowingly set or permit any open burning operation on days within a period prohibited by the California Air Resource Board or the District.
- B. Penalty - Any violation of the agricultural burning requirements stated in these procedures is a misdemeanor, under Section 39299 of the California Health and Safety Code, punishable by imprisonment in the County jail not exceeding six (6) months, or by fine not exceeding five hundred dollars (\$500.) 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.
 - b. Investigation (fire protection agency or air pollution control district)
 - (1) Determine responsible person.
 - (2) Determine who ordered fire.
 - (3) Ask for permit.
 - (4) Determine section of regulations prohibiting such acts.
 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)
- (3) If citation can not be issued because of complexities of the violation or the magnitude of the violations, the following may be pursued:
 - (a) Investigation: same as above.
 - (b) Review file with Air Pollution Control Officer.
 - (c) Ask District Attorney for complaint or injunctive action.
- (4) May issue official notice to cease and desist - subject to judgment of officer.

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RULE 5:7 PROHIBITIONS - 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 Air Pollution Control 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 purposes 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 local 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 agriculture operations
 - a. Dry cereals: 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 and unwanted trees: 6 months
 - b. All unwanted trees over six (6) inches in diameter shall be felled.
 3. Forest 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.

I. Range Improvement Burning

- A. Between January 1 and May 31, range improvement burning may be conducted by permit on a No-Burn-Day, providing that more than 50% of the land has been brush treated.

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 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.

7.25.73

II. Forest Management Burning

- A. Unless good silvicultural practice dictates otherwise, material shall not be burned until it has been windrowed or piled where possible.

MODOC COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 7.1 Definitions

REVISED: May 1, 1989

A. Agricultural Burning

Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, range improvement, wildland vegetative management, improvement of land for wildlife and game habitat, disease or pest prevention, or the maintenance of a system for delivery of water used in agricultural operations.

B. Open Burning in Agricultural Operations

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 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 materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizer and empty pesticide sacks or containers, where the sacks or containers are emptied in the field.

C. Range Improvement Burning

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.

D. Forest Management Burning

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.

E. Brush Treated

Material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, or is dead.

F. Timber Operations

Cutting or removal of timber or other forest vegetation.

G. Silviculture

Establishment, development, care and reproduction of stands of timber.

H. Board

State Air Resources Board, or any person authorized to act on its behalf.

I. Designated Agency

Any agency designated by the District as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry and Fire Protection and the Bureau of Land Management are so designated within their respective areas of jurisdiction.

J. No-burn Day

Any day on which agricultural burning is prohibited by the Board or the District.

K. Permissive-burn Day

Any day on which agricultural burning is not prohibited by the Board.

L. District

Modoc County Air Pollution Control District.

M. Approved Ignition Device

Those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flares, drip torches, heli-torches, terra-torches, Alumigel, and petroleum fuel boosters (blivets), but does not include the use of tires, tar paper, oil, and other similar materials.

N. Permit

Agricultural burning permit issued pursuant to the Modoc County Air Pollution Control District's Rules and Regulations.

O. Agricultural Burning Guidelines

Provisions of Subchapter 2, Chapter 1, Part III, Title 17, California Code of Regulations.

P. Wildland Vegetation Management Burning

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 Code of Regulations, Section 1561.1), trees, grass or standing brush.

Q. Prescribed Burning

Planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Health and Safety Code Section 39011.

1. The planned application of fire may also include allowing naturally or accidentally ignited fires to continue to burn pursuant to a burn plan.

R. Sensitive Receptor Area

Includes, but is not limited to, any city or nearby populated area or any Class I area.

S. Burning Permit

Permit issued by a designated fire protection agency.