

2-21-72

RULE 51 — PROHIBITED EMISSIONS

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to 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.

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RULE 54 — INCINERATOR BURNING

No person shall ignite, or cause to be ignited, permit to be ignited or suffer, allow or maintain any ignited combustible refuse in any incinerator unless such operation meets the requirements specified in these Rules and Regulations.

6-30-72

RULE 57 - SULFIDE EMISSION STANDARD

~~(a) A person shall not discharge total reduced sulfur (TRS) as defined in Rule 2 (gg) into the atmosphere from any single emission point in excess of the total daily weight calculated by the formula:~~

~~$$TRS \text{ (pounds per day)} = 0.012 H_1^2$$~~

~~where H_1 is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000 yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.~~

~~(A) Effective January 1, 1972, A person shall not discharge total reduced sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single emission point at a concentration exceeding 60 parts per million by volume, or in excess of the total daily weight calculated by the formula:~~

~~$$TRS \text{ (pounds per day)} = 0.012 (H_1)^2$$~~

~~whichever is the more restrictive condition, where H_1 is the height in feet of the emission point above Mean Ground Elevation. Mean Ground Elevation shall be computed as the arithmetic average of the highest and lowest ground-level elevations within a 1,000-yard radius of the emission point. In no case is the lowest ground-level elevation to be less than mean sea level.~~

~~(b) In any integrated manufacturing facility designed for conversion of wood materials into pulp and/or paper, the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed one pound of TRS per ton of dry wood charged into the conversion process. Wood materials used exclusively for fuel are not to be considered as charge to the conversion process.~~

~~Effective January 1, 1972, the total maximum allowable monthly TRS emissions released to the atmosphere must not exceed 0.8 pounds of TRS per ton of dry wood charged into the conversion process.~~

(c) It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.

(d) A person complying with the requirements of Rule 57 (a) and releasing in excess of 100 pounds per day of TRS from a single emission point shall be required to provide, install, maintain and continuously operate a recording instrument at such emission point which will record the concentrations of TRS emissions. At least one such recording instrument shall be installed in the exhaust stacks; from kraft recovery furnace flue gas systems at the point of emission to the atmosphere and from kraft pulp mill lime kilns. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

(e) Where the Control Officer demonstrates by standardized analytical chemistry procedures that the requirements of Rule 57(c) have been violated on at least three separate occasions within a one-month period, the person causing said violation shall provide, install, maintain and operate a recording instrument, located at ground level, which will monitor the TRS concentration at the property limits. Location of said monitoring instrument is to be approved by the Control Officer.

(f) Emissions exceeding the limits established by Rule 57(c) shall not constitute a violation provided such emissions, from the emission point to the point of such concentration, are on the property controlled by the person responsible for such emissions.

(g) A summary of the data obtained under the provisions of Rule 57(b), Rule 57(d), and Rule 57(e), if applicable, shall be submitted to the Control Officer once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the Air Pollution Control Officer.

(h) ~~Effective January 1, 1972,~~ A person shall not discharge non-condensibles as defined in Rule 2 (jj), into the atmosphere from any emission point, until said non-condensibles have been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensibles from any such air pollution abatement operation shall not exceed a TRS concentration of 60 parts per million by volume for a period or periods aggregating more than 30 minutes in any 24 hour period, or in excess of a total daily weight of 100 pounds of TRS, whichever is the more restrictive condition.

6.30.72

RULE 62 - REVIEW OF STANDARDS

The Air Pollution Control Officer may at any time request the Air Pollution Control Board to hold a public hearing for review of current air pollution control technology, to examine the adequacy of the emission limits stated in these Rules and Regulations, or to adopt any new or revised standards that may be necessary. Such hearing shall be held at least once each year on or near the anniversary date of the adoption of these Rules and Regulations through 1972, after which hearings shall be held upon the request of the Air Pollution Control Officer if in his opinion advances in technology warrant such a hearing.

Rule 100 General Provisions

(Adopted November 3, 1982; Revised September 26, 1997, *Proposed for Revision December 16, 2004, Revised May 19, 2005*).

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RULE 100: GENERAL PROVISIONS

- 1.0 TITLE:** 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. 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 Unified Air Quality Management District (herein after referred to as the AQMD).

The AQMD is comprised of the Counties of Del Norte, Trinity, and Humboldt, lies within the North Coast Air Basin. The North Coast Air Basin consists 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.

- 2.0 PURPOSE:** These rules and regulations are set forth to achieve, maintain, and protect health-based State and Federal Ambient Air Quality Standards and prevent deterioration of levels of air quality which may jeopardize 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.
- 3.0 ADMINISTRATION:** The procedures and restrictions set forth in these rules and regulations shall be administered by the AQMD within its area of jurisdiction as authorized by Section 40002 of the Health and Safety Code (HSC) ; Chapter 3, Part 3, Division 26 of the (HSC); or by contractual agreements with or between other public agencies in accordance with the provisions of Section 40701 et seq. of the (HSC), and/or Section 90120 et seq. of Title 17 of the California Administrative Code.
- 4.0 EMERGENCY CONDITIONS:** In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the Air Pollution Control Officer (APCO) shall take immediate action in curtailing those emissions known to be contributing to a possible episode situation.
- 5.0 PUBLIC RECORDS:** In accordance with the provisions of Government Code Section 6254.7, et seq. all air pollution monitoring and emission data in the possession of the AQMD 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 AQMD, are public records, with

the exception of certified "trade secrets" and active investigation files involving potential criminal complaints. Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the APCO. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the APCO shall:

- 5.1** 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 AQMD or to the public following a court order.
- 5.2** Return to the owner all documents which have been designated as trade secrets, following a determination by the APCO that they are not necessary in conducting the activities of the AQMD.
- 5.3** 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 Quality Management District Hearing Board.

Upon request, any specific public records in the possession of the AQMD 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.

6.0 VALIDITY:

- 6.1** 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.
- 6.2** 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 criminal or equitable, which might otherwise be available to any person.
- 6.3** These regulations shall be liberally construed for the protection of the health, safety and welfare of the people of the AQMD.

Rule 101 Definitions

(Adopted November 3, 1982., Revised May 19, 2005, Revised May 15, 2008).

1.0DEFINITIONS: Except as otherwise specifically provided in these rules and regulations, and except where the context indicates otherwise, words used in these rules and regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California, the Clean Air Act of 1977 and as subsequently amended, and the Code of Federal Regulations 40 CAR 52.21. Where the federal regulations of 40 CFR 52.21 refer 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 (APCO). For purposes of Rules and Regulation implementation, the following terms and definitions shall be utilized and are incorporated herein. In the event that two or more definitions within this section should conflict, the term of definition which best protects the health, safety and welfare of the people of the AQMD shall prevail. Where individual regulations, rules, orders, etc. contain a definition section, the terms and definitions contained therein shall supersede the terms and definitions contained in this section.

1.1 Acid Rain Unit: An "acid rain unit" is any fossil-fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the Clean Air Act.

[Reference: 40 CFR 70.2 Affected Unit]

1.2 Acute Care Facility: Any facility currently licensed by the California Department of Health Services as a general acute care hospital (as defined in Title 22, CCR, Section 70005 et seq.), or any military hospital.

1.3 Administrative Permit Amendment: An "administrative permit amendment" is an amendment to a permit to operate which:

- (1) Corrects a typographical error;
- (2) Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit;
- (3) Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
- (4) Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

[Reference: 40 CFR 70.7(d)]

1.4 Adsorptive Cartridge Filter: A replaceable cartridge filter that contains diatomaceous earth or activated clay as the filter medium.

1.5 Aeration Only Facility, Applied to ETO Sterilization: A facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.

1.6 Aeration, Applied to ETO Sterilization: Is the process during which residual ethylene oxide dissipates, whether under forced air flow, natural or mechanically assisted convection, or other means, from previously sterilized materials after the sterilizer cycle is complete.

- 1.7 Aerator Exhaust Stream, Applied to ETO Sterilization:** All ethylene oxide-contaminated air which is emitted from an aerator.
- 1.8 Aerator, Applied to ETO Sterilization:** Any equipment or space in which materials previously sterilized with ethylene oxide are placed or remain for the purpose of aeration. An aerator is not any equipment or space in which materials that have previously undergone ethylene oxide sterilization and aeration can be handled, stored, and transported in the same manner as similar materials that have not been sterilized with ethylene oxide.
- 1.9 Affected State:** An "affected state" is any state that is contiguous with the District and whose air quality may be affected by a permit action, or is within 50 miles of the source for which a permit action is being proposed.
- [Reference: 40 CFR 70.2 Affected States]
- 1.10 Aggregate:** A mixture of mineral fragments, sand, gravel, rocks, or similar minerals.
- 1.11 Agricultural Burning:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.
- 1.12 Agricultural Operation:** The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.
- 1.13 Agricultural Wastes:** The unwanted or unusable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.
- 1.14 Air Contaminant:** Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acid, or any combination thereof.
- 1.15 Air Pollution Abatement Operation:** Any operation which has, as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission reduction.
- 1.16 Air Pollution Control Officer (APCO) Designee to Issue Coordinated Burn Authorization Permits:** A person designated by the APCO to work with the North Coast Unified Air Quality Management District to issue Coordinated Burn Authorization Permits. Such designees shall include authorized representative(s) of the Interagency Smoke Management Council when approved by the California Air Resources Board (CARB).
- 1.17 Air Pollution Control Officer (APCO):** "Air Pollution Control Officer" refers to the Air Pollution Control Officer of the North Coast Unified Air Quality Management District, appointed pursuant to Health and Safety Code Section 40750.
- 1.18 Air Toxic:** Toxic air contaminants as defined in Section 39655(a) of the California Health and Safety Code.
- 1.19 Alluvial Deposit:** Any deposit of sediments laid down by running water including but not limited to streams and rivers.
- 1.20 Alteration:** Any addition to, enlargement or replacement of, or any major modification or

change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or effect the kind or amount of the air contaminant emitted.

- 1.21 Ambient Air Quality Standard (AAQS):** The specific concentrations and durations of air pollutants which reflect the relationship between intensity and composition of pollution to undesirable effects established as health-based standards by the California Air Resources Board and for the United States Environmental Protection Agency. AAQS include:

Ambient Air Quality Standards						
Pollutant	Averaging Time	California Standards ¹		Federal Standards ²		
		Concentration ³	Method ⁴	Primary ^{3,5}	Secondary ^{3,6}	Method ⁷
Ozone (O ³)	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	---	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.07 ppm (137 µg/m ³)		0.075 ppm (147 µg/m ³)		
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		---		
Fine Particulate Matter (PM _{2.5})	24 Hour	No Separate State Standard		35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	15 µg/m ³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m ³)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m ³)		35 ppm (40 mg/m ³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		--		
Nitrogen Dioxide (NO ₂)	Annual Arithmetic Mean	0.03 ppm (56 µg/m ³)	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m ³)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.18 ppm (338 µg/m ³)		--		
Sulfur Dioxide (SO ₂)	Annual Arithmetic Mean	--	Ultraviolet Fluorescence	0.030 ppm (80 µg/m ³)	--	Spectrophotometry (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (365 µg/m ³)	--	
	3 Hour	--		--	0.5 ppm (1300 µg/m ³)	
	1 Hour	0.25 ppm (655 µg/m ³)		--	--	
Lead ⁹	30 Day Average	1.5 ppm µg/m ³	Atomic Absorption	--	--	--
	Calendar Quarter	--		1.5 µg/m ³	Same as Primary Standard	High Volume Sampler and Atomic Absorption
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0...23 per kilometer- visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent.		No Federal		

		Method; Beta Attenuation and Transmittance through Filter Tape.		Requirements
Sulfates	24 Hour	25 $\mu\text{g}/\text{m}^3$	Ion Chromatography	
Hydrogen Sulfide	1 Hour	0.03 ppm (42 $\mu\text{g}/\text{m}^3$)	Ultraviolet Fluorescence	
Vinyl Chloride 9	24 Hour	0.01 ppm (26 $\mu\text{g}/\text{m}^3$)	Gas Chromatography	

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.

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 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; 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 ARB 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.

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.

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. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

- 1.22 Ampere-hours, Applied to plating operations:** The integral of electrical current applied to a plating tank (amperes) over a period of time (hours).
- 1.23 Anti-mist additive, Applied to plating operations:** A chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.
- 1.24 Any Equivalent *Units*:** Concentration expressed first in units in which it was promulgated. Equivalent units are based upon a reference temperature of 25° C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25° C and a reference pressure of 760 torr; ppm refers to ppm by volume, or micromoles of pollutant per mole of gas.
- 1.25 Applicable Federal Requirement:** An "applicable federal requirement" is any requirement which is enforceable by the U.S. EPA and citizens pursuant to section 304 of the Clean Air Act and is set forth in, or authorized by, the Clean Air Act or a U.S. EPA regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:
- (1) Title I requirements of the Clean Air Act, including:
 - (A) New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
 - (B) Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
 - (C) New Source Performance Standards (40 CFR Part 60);
 - (D) National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the Clean Air Act;
 - (E) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
 - (F) Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
 - (G) Risk Management Plans, preparation and registration requirements (section 112(r) of the Clean Air Act);
 - (H) Solid Waste Incineration requirements (sections 111 or 129 of the Clean Air Act);
 - (I) Consumer and Commercial Product requirements (section 183 of the Clean Air Act);
 - (J) Tank Vessel requirements (section 183 of the Clean Air Act);
 - (K) District prohibitory rules that are approved into the state implementation plan;
 - (L) Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
 - (M) Enhanced Monitoring and Compliance Certification requirements (section 114(a) (3) of the Clean Air Act).
 - (2) Title III, section 328 (Outer Continental Shelf) requirements of the Clean Air Act (40 CFR Part 55);
 - (3) Title IV (Acid Deposition Control) requirements of the Clean Air Act (40

- CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the Clean Air Act);
- (4) Title VI (Stratospheric Ozone Protection) requirements of the Clean Air Act (40 CFR Part 82); and
 - (5) Monitoring and Analysis requirements (section 504(b) of the Clean Air Act).
- 1.26 Approved Combustibles:** Dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture, and which is not otherwise prohibited by Regulation II or state law. For the purposes of Regulation II, approved combustibles can be burned when authorized for burning pursuant to a valid Coordinated Burn Authorization Permit and when the burning of approved combustibles occurs in compliance with District Rules and Regulations. For the purposes of Regulation II approved combustibles include untreated hand-split rails burned as part of a valid agricultural burn.
- 1.27 Approved Ignition Devices:** Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used.
- 1.28 ARB Test Method 2:** The test method specified in Title 17 California Code of Regulations, Section 94102.
- 1.29 ARB Test Method 428:** The test method specified in Title 17 California Code of Regulations, Section 94139.
- 1.30 ARB Test Method 435:** The test method specified in Title 17, California Code of Regulations, Section 94147.
- 1.31 ARB:** The State of California Air Resources Board.
- 1.32 ARB-Certified Vapor Recovery System:** A gasoline vapor recovery system which has been certified by the state board pursuant to Section 41954 of the Health and Safety Code.
- 1.33 Asbestos - Containing Serpentine Material:** Serpentine material that has an asbestos content greater than 0.25%, as determined by ARB Test Method 435. The 0.25% value is the calculated value for finding a single asbestos fiber, on the 400-grid CARB method 435 analyses, and then necessarily represents the smallest calculated value for a position sample under CARB Method 435.
- 1.34 Asbestos:** Asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
- 1.35 Atmosphere:** The air that envelopes or surrounds the Earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.
- 1.36 Back Draft Valve Exhaust Stream, Applied to ETO sterilization:** Is the air stream which results from collection of ethylene oxide-contaminated air which may be removed from the sterilizer through a back-draft valve or rear chamber exhaust system during unloading of the sterilized materials.
- 1.37 Baseline Concentration:** That ambient concentration level which exists in all regions of the North Coast Air Basin on January 1, 1988, or in the baseline area at the time of the establishment of the applicable baseline date as determined in accordance with Section 52.21 of the Code of Federal Regulations. (52.21(b) (13))

- 1.38 Baseline/Impact Area:** That area where the concentration of emissions from a proposed new or modified stationary source is predicted to be equal to or greater than 1 ug/m³, using an EPA approved air quality model.
- 1.39 Best Available Control Technology (BACT):** An emission limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act of 1977 emitted from or which results from any stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determined is achievable for such stationary source through application of production processes and available methods, systems, and techniques for control of such air contaminants. 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 emission of any pollutants which will exceed the emissions allowed under Rules 104, of Regulation I. If the APCO 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 unfeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirements for the application of BACT. The BACT process shall be applied to any toxic air contaminants which are referenced in Section 39660 of the Health & Safety Code (52.21(b) (12)).
- 1.40 Breakdown or Malfunction:** Any unforeseeable failure or malfunction of any air pollution control equipment or operating equipment which causes a violation of any emission standard or limitation prescribed by the AQMD, State, or federal rules, regulations, or laws where such failure or malfunction:
- 1.40.1 Is not the result of intent, neglect, or disregard of any air pollution control law, rule, or regulation;
 - 1.40.2 Is not the result of improper maintenance;
 - 1.40.3 Does not constitute a nuisance;
 - 1.40.4 Is not an excessively recurrent breakdown of the same equipment.
- 1.41 Burn Barrel:** A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non-glossy paper, and cardboard) so that they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with non-flammable material with holes no larger than 1/4 inch.
- 1.42 California Air Resources Board (CARB):** The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.
- 1.43 California Ambient Air Quality Standards:** California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide suspended particulate matter-PM₁₀, PM_{2.5}, and visibility reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California Ambient Air Quality Standards are set out in Section 70200 of Title 17 of the California Code of Regulations.
- 1.44 CARB-Certified Vapor Recovery System:** A vapor recovery system which has been certified by the CARB pursuant to HSC Section 41954.
- 1.45 Cartridge Filter:** A replaceable cartridge filter that contains one of the following as the filter medium: paper, activated carbon, or paper and activated carbon. A cartridge filter contains no diatomaceous earth or activated clay. Cartridge filters include, but are not limited to: standard filters, split filters, "jumbo filters", and all carbon polishing filters.
- 1.46 Category I Medical Waste Incinerator:** Any medical waste incinerator which burns 10

tons or less of medical wastes per year.

- 1.47 Category II Medical Waste Incinerator:** Any medical waste incinerator which burns more than 10 tons of medical wastes per year, but less than 25 tons per year.
- 1.48 Category III Medical Waste Incinerator:** Any medical waste incinerator which burns 25 tons or more of medical wastes per year.
- 1.49 Census ZIP Code:** A ZIP code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. For the purposes of this Regulation, census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 1.50 Change of Location:** Any transfer of an existing permitted source from one location to another not on the same property or facility.
- 1.51 Chief Fire Official:** The ranking officer in authority having jurisdiction with the responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District, or his or her designee. The chief fire official may be a federal, state, county or municipal employee, depending on the extent of the fire jurisdiction within the exemption area. In the state or federal responsibility areas for wild land protection, the state or federal official's determination overrides county and municipal authority with regard to issuance by Coordinated Burn Authorization Permits, conditions and designation of fire hazards.
- 1.52 Chrome Plating:** Either hard or decorative plating.
- 1.53 Chrome:** When used in these Rules and Regulations refers to Metallic chrome.
- 1.54 Chromic Acid Anodizing:** The electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.
- 1.55 Chromic Acid:** An aqueous solution of chromium trioxide (CrO_3), or a commercial solution containing chromic acid, dichromic acid (H_2CrO_7), or trichromic acid ($\text{H}_2\text{Cr}_3\text{O}_{10}$).
- 1.56 Chromium Emission Factor:** The mass of chromium emitted during a test conducted in the emissions collection system in accordance with ARB Test Method 425, divided by the ampere-hours consumed by the tanks in the tested emissions collection system, expressed as the mass of chromium emitted per ampere-hour of electrical current consumed.
- 1.57 Chromium Emissions Collection System:** A device or apparatus used to gather chromium emissions from the surface of a chrome plating or chromic acid anodizing tank or tanks.
- 1.58 Chromium:** When used in these Rules and Regulations refers specifically to Hexavalent chromium.
- 1.59 Chronic Violation:** A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source or facility or same piece of equipment.
- 1.60 Class I Area:** Any area having air quality or air quality values requiring special protection, and which has been designated Class I by a federal, State, or local authority empowered to make such a designation. These include all wilderness areas and national parks.

- 1.61 Class II Area:** Class areas include all other areas of the AQMD not otherwise classified as Class I or Class III.
- 1.62 Class III Area:** Class areas include all other areas of the AQMD not otherwise classified as Class I or Class II.
- 1.63 Clean Air Act (CCA):** "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).
- 1.64 Closed – Loop Machine, when applied to dry cleaning operations:** Dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit (also known as dry-to-dry) and which recirculates perchloroethylene-laden vapor through a primary control system with no exhaust to the atmosphere during the drying cycle. A closed-loop machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.
- 1.65 Code of Federal Regulations (CFR):** "Code of Federal Regulations" refers to the United States Code of Federal Regulations.
- 1.66 Co-Located With a Residence:** Sharing a common wall, floor, or ceiling with a residence. For the purposes of this definition, "residence" means any dwelling or housing which is owned, rented, or occupied by the same person for a period of 180 days or more, excluding short-term housing such as a motel or hotel room rented and occupied by the same person for a period of less than 180 days.
- 1.67 Combustible or Flammable Waste:** Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.
- 1.68 Combustible:** Any substance capable of burning or any substance that will readily burn.
- 1.69 Combustion Contaminant:** Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.
- 1.70 Commence Operation:** "Commence operation" means to begin operation (q.v.) of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Health and Safety Code section 42301.1.
- 1.71 Condensed Fumes:** Minute solid particles generated by the condensation of vapors from the solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcinations, or chemical reaction, when these processes create airborne particles.
- 1.72 Construction-Demolition Debris:** Any material associated with the construction or demolition of any building, dwelling, or other man made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation and plywood.
- 1.73 Control Device:** An article, machine, equipment, or contrivance which reduces the amount of air contaminants between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the APCO.
- 1.74 Control Efficiency:** Is the contaminant mass or concentration reduction efficiency of a control device, and expressed as a percentage calculated across the control device as follows:

$$\sim \text{Contaminant in} - \sim \text{Contaminant out} \times 100 = \% \text{ Control Efficiency}$$

- 1.75 Control Equipment:** Any device which reduces emissions from the emissions collection system.
- 1.76 Control Officer:** Air Pollution Control Officer, (APCO) of the District.
- 1.77 Control Strategy:** A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan (SIP) for the California North Coast Air Basin or the North Coast Unified Air Quality Management District.
- 1.78 Controlled Pollutant:** Any air contaminant for which an ambient and/or emission standard exists at the county, state or federal level.
- 1.79 Converted Dry Cleaning Machine:** An existing vented machine that has been modified to be a closed-loop machine by eliminating the aeration step, installing a primary control system, and providing for recirculation of the perchloroethylene-laden vapor with no exhaust to the atmosphere or workroom during the drying cycle. A converted machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.
- 1.80 Cool Down, Applied to Dry Cleaning Operations:** The portion of the drying cycle that begins when the heating mechanism deactivates and the refrigerated condenser continues to reduce the temperature of the air recirculating through the drum to reduce the concentration of perchloroethylene in the drum.
- 1.81 Cooling Tower:** A device which evaporates circulating water to remove heat from a process, a building, or a refrigerator, and puts the heat into the ambient air.
- 1.82 Coordinated Burn Authorization Permit (CBA Permit):** A permit to burn issued pursuant to Regulation II, Rule 201, Section 3, and authorizing specified burning as set forth in the permit, and which includes an updated annual bar-coded validation.
- 1.83 Date of Compliance:** The time from AQMD adoption of regulations enacting a control measure until a facility must be in compliance with specific requirements of a rule or Hearing Board Order.
- 1.84 Decorative Chrome Plating:** The process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer 1 micron (0.04 mil.) thick or less.
- 1.85 Designated Agency, Applied to Open Burning:** Any agency designated by CARB as having authority to issue agricultural burning permits, including prescribed burning permits as The North Coast Unified Air Quality Management District, U.S. Department of Agricultural Forest Service, and California Department of Forestry are so designated within their jurisdiction of the North Coast Unified Air Quality Management District.
- 1.86 Designated Marginal Burn Day:** A day when limited amounts of agricultural burning, including prescribed burning, for individual projects in specific areas for limited times is not prohibited by the state board and burning is authorized by the AQMD.
- 1.87 Designated No-Burn Day:** Any day, or portion thereof on which agricultural burning, including prescribed burning is prohibited by the California Air Resources Board or by the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 1.88 Designated Permissive Burn Day:** Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and Regulations. For the purposes of determining daily burn

status, the Air Pollution Control Officer shall utilize identified designated smoke management areas, shall consider local meteorological and air quality related factors, and shall be guided by CARB's daily determinations.

- 1.89 Designated Smoke Management Areas:** Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:

Zone 1, Coastal Smoke Management Area including all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix A), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean coast and identified by the Air Pollution Control Officer.

Zone 2, Lower Inland Smoke Management Area including all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

Zone 3, Upper Inland Smoke Management Area including all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

- 1.90 De-Adsorption:** Regeneration of an activated carbon bed, or any other type of vapor absorber by removal of the adsorbed solvent using hot air, steam, or other means.
- 1.91 Dioxins:** Dibenzop-dioxins and dibenzofurans chlorinated in the 2, 3, 7 and 8 positions and containing 4, 5, 6 or 7 chlorine atoms. Dioxin is expressed as 2, 3, 7, 8-tetrachloro-dibenzo-p-dioxin equivalents using current California Department of Health Services toxic equivalency factors.
- 1.92 Direct Emissions:** "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- 1.93 District:** "District" refers to the North Coast Unified Air Quality Management District (AQMD).
- 1.94 Drum, when Applied to Dry Cleaning Operations:** The rotating cylinder or wheel of the dry cleaning machine that holds the materials being cleaned.
- 1.95 Dry Cleaned Materials:** Wearing apparel, draperies, linens, fabrics, textiles, rugs, leather, and other goods that are dry cleaned.
- 1.96 Dry Cleaning Equipment:** Any machine, device, or apparatus used to dry clean materials with perchloroethylene or to remove residual perchloroethylene from previously cleaned materials. Dry cleaning equipment may include, but is not limited to, a transfer machine, a vented machine, a converted machine, a closed-loop machine, a reclaimer, or a drying cabinet.
- 1.97 Dry Cleaning System:** All of the following equipment, devices, or apparatus associated with the perchloroethylene dry cleaning process: dry cleaning equipment; filter or purification systems; waste holding, treatment, or disposal systems; perchloroethylene supply systems; dip tanks; pumps; gaskets; piping, ducting, fittings, valves, or flanges that convey perchloroethylene-contaminated air; and control systems.

- 1.98 Dry Cleaning Transfer Machine:** A combination of perchloroethylene dry cleaning equipment in which washing and extraction are performed in one unit and drying is performed in a separate unit.
- 1.99 Drying Cabinet:** A housing in which materials previously cleaned with perchloroethylene are placed to dry and which is used only to dry materials that would otherwise be damaged by the heat and tumbling action of the drying cycle.
- 1.100 Drying Cycle, when Applied to Dry Cleaning Operations:** The process used to actively remove the perchloroethylene remaining in the materials after washing and extraction. For closed-loop machines, the heated portion of the cycle is followed by cool-down and may be extended beyond cool-down by the activation of a control system. The drying cycle begins when heating coils are activated and ends when the machine ceases rotation of the drum.
- 1.101 Dust:** Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, bagging, sweeping, etc.
- 1.102 Economic Hardship:** Possessing an annual income below the poverty level, as defined by the Bureau of Census, U.S. Department of Commerce, or defined in Section 39026.5 of the California Health and Safety Code.
- 1.103 Effective Date of Regulation V:** The "effective date of Regulation V" is the date the U.S. EPA promulgates interim, partial, or final approval of the rule in the Federal Register.
- [Reference: 40 CFR 70.4(g)]
- 1.104 Emergency:** An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the excess of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" does not include noncompliance as a result of improperly designed or installed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
- 1.105 Emission Point:** The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- 1.106 Emission:** The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.
- 1.107 Emissions Unit:** An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or hazardous air pollutant.
- [Reference: 40 CFR 70.2 Emissions Unit]
- 1.108 Environmental Training Program, when applied to dry cleaning operations:** An initial course or a refresher course of the environmental training program for perchloroethylene dry cleaning operations that has been authorized by the California Air Resources Board according to the requirements of 17 CCR, Section 93110.
- 1.109 EPA:** Means the Environmental Protection Agency of the United States.
- 1.110 Episode Alert:** A condition in the air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level which threatens the respective ambient air quality standard depending upon the particular topography and meteorology of the air basin. "Verified" means the pertinent measuring instrument has been checked over the following fifteen-minute period and found to be

operating correctly.

- 1.111 Equivalency:** Any equivalent procedure which can be shown to the satisfaction of CARB or the APCO to give equivalent results at or near the level of respective air quality standard applied in the circumstance at hand.
- 1.112 Ethylene Oxide (ETO):** Is a chemical substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.
- 1.113 Ethylene Oxide Sterilizing Gas:** Ethylene oxide or any combination of ethylene oxide and (an) other gas (es) used in a sterilizer.
- 1.114 Ethylene Oxide Sterilizer Cycle:** The process which begins when ethylene oxide is introduced into the sterilizer includes the initial purge or evacuation after sterilization and subsequent air washes, and ends after evacuation of the final air wash.
- 1.115 Ethylene Oxide Sterilizer Exhaust Stream:** Is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.
- 1.116 Ethylene Oxide Sterilizer Exhaust Vacuum Pump:** A device used to evacuate the sterilizing gas during the sterilizer cycle, including any associated heat exchanger. A sterilizer exhaust vacuum pump is not a device used solely to evacuate a sterilizer prior to the introduction of ethylene oxide.
- 1.117 Ethylene Oxide Sterilizer:** Any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.
- 1.118 Excavation:** Exposure to view by digging.
- 1.119 Exempt Compound:** Compounds exempt from specified respective rules and regulations and identified in the following list. Exempt compounds content of architectural coatings shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996)

Carbon Monoxide
 Carbon Dioxide
 Carbonic Acid
 Metallic Carbides or Carbonates
 Ammonium Carbonate
 Methane
 Ethane
 Methylene Chloride (dichloromethane)
 1,1,1-Trichloroethane (Methyl Chloroform);
 1,1,2-Trichloro-1,2,2-Trifluoroethane (CFC-113);
 Trichlorofluoromethane (CFC-11);
 Dichlorodifluoromethane (CFC-12);
 Chlorodifluoromethane (HCFC-22);
 Trifluoromethane (HFC-23);
 1,2-Dichloro-1,1,2,2-Tetrafluoroethane (CFC-114);
 Chloropentafluoroethane (CFC-115);
 1,1,1-Trifluoro-2,2-Dichloroethane (HCFC-123);
 1,1,1,2-Tetra-Fluoroethane (HFC-134a);
 1,1-Dichloro-1-Fluoroethane (HCFC-141b);
 1-Chloro-1,1-Difluoroethane (HCFC-142b);
 2-Chloro-1,1,1,2-Tetrafluoroethane (HCFC-124);
 Pentafluoroethane (HFC-125);

1,1,2,2-Tetrafluoroethane (HFC-134);
 1,1,1-Trifluoroethane (HFC-143a);
 1,1-Difluoroethane (HFC-152a);
 Parachlorobenzotrifluoride (PCBTF)
 Cyclic, Branched, or Linear, Completely Methylated Siloxanes;
 Acetone
 Perchloroethylene (Tetrachloroethylene)
 3,3-Dichloro-1,1,1,2,2-Pentafluoropropane (HCFC-225ca)
 1,3-Dichloro-1,1,2,2,3-Pentafluoropropane (HCFC 225cb)
 1,1,1,2,3,4,4,5,5,5-Decafluoropropane (HFC 43-10mee)
 Difluorormethane (HFC-32)
 Ethylfluoride (HFC-161)
 1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
 1,1,2,2,3-Pentafluoropropane (HFC-245ca)
 1,1,2,3,3-Pentafluoropropane (HFC-245ea)
 1,1,1,2,3-Pentafluoropropane (HFC-245eb)
 1,1,1,3,3-Pentafluoropropane (HFC-245fa)
 1.1.1.3.3-Hexafluoropropane (HFC-365mfc)
 Chlorofluoromethane (HCFC-31)
 1 Chloro-1 Fluoroethane (HCFC-151a)
 1,2-Dichloro-1,1,2-Trifluoroethane (HCFC-123a)
 1,1,1,2,2,3,3,4,4-Nonafluoro-4-Methoxy-Butane (C4F9OCH3)
 2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-Heptafluoropropane((CF3)2CFCF2OCH3))
 1-Ethoxy-1,1,2,2,3,3,4,4,4-Nonafluorobutane (C4F9OC2H5)
 2-(Ethoxydifluormethyl)-1,1,1,2,3,3,3-Heptafluoropropane ((CF3)2CFCF2OC2H5)
 Methyl Acetate
 Perfluorocarbon compounds which fall into these classes:
 Cyclic, branched, or linear, completely fluorinated alkanes,
 Cyclic, branched or linear, completely fluorinated ethers without unsaturations
 Cyclic, branched or linear, completely fluorinated tertiary amines without unsaturations
 Sulfur containing perfluorocarbons without unsaturations and with sulfur bonds only to carbon and fluorine

- 1.120 Existing Dry Cleaning Facility:** Any facility that operated dry cleaning equipment prior to November 21, 1994 in the AQMD. Facility relocations, within the same AQMD, shall be considered existing facilities for the purposes of this control measure.
- 1.121 Existing Retail Service Station:** Any retail service station operating, constructed, or under construction as of January 16, 1989.
- 1.122 Facility – Wide Pounds Of Ethylene Oxide Used Per Year, Applied to ETO Sterilization Operations:** Is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.
- 1.123 Facility Wide Emissions from Hard Chrome Plating or Chromic Acid Anodizing:** The total emissions from all hard chrome plating or chromic acid anodizing at the facility over a calendar year. Emissions shall be calculated as the sum of emissions from the emissions collection system at the facility. The emissions from an emissions collection system shall be calculated by multiplying the emission factor for that emission collection system by the sum of ampere-hours consumed during that year for all the tanks served by the emissions collection system.
- 1.124 Facility:** Any establishment or installation and the associated equipment.
- 1.125 Federally-Enforceable Condition:** A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an applicable federal requirement or a

voluntary emissions cap.

1.126 Fire Hazard: Either an imminent fire hazard or a potential fire hazard, as follows:

1.127.1 An imminent fire hazard is a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its immanency, cannot immediately be abated by any other means. {H & S 41801 (a)}.

1.127.2 A potential fire hazard is described as one which could in reasonable time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which cannot be abated by other means.

1.127 Floating Roof, Applied to Petroleum Product Storage Operations: 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. The control equipment provided for in Regulation III, Rule 300 of these Rules and Regulations shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be vapor-tight except when gauging or sampling is taking place.

1.128 Flue: Any duct or passage of air, gases or the like, such as tack or chimney.

1.129 Forest Management Burning: The use of open fires, as part of a forest management practice to remove forest debris or for forest management practices which include timber operations, agriculture practices or forest protection practices.

Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a storage area which is not contiguous with the forested area.

Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if operations result in a net reduction in total forest debris to be burned.

1.130 Fossil Fuel-Fired Steam Generator: A furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil Fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

1.131 Fugitive Dust: Solid airborne matter emitted from any non-combustion sources.

1.132 Fugitive Emissions: "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
[Reference: 40 CFR 70.2 Fugitive Emissions]

1.133 Full – Time Dry Cleaning Employee: Any person who is employed at the dry cleaning facility and averages at least 30 hours per week in any 90-day period.

1.134 Gallons of Perchloroethylene Used, Applied in Dry Cleaning Operations: The volume of perchloroethylene, in gallons, introduced into the dry cleaning equipment, and not recovered at the facility for reuse on-site in the dry cleaning equipment, over a specified time period.

1.135 Garbage: Every accumulation of animal, vegetable and other decomposable matter that attends or results from the preparation, consumption, decomposition or storage of meals, fish, fowl, birds, fruits, vegetables or other food products and food containers soiled with

food stuff, and shall include dead animals, fowl, birds, fish and offal.

- 1.136 Gasoline Storage Tank:** Any storage container, reservoir, or tank used for the storage of gasoline that is equipped with no vapor control, or utilizes splash loading, submerged fill pipe loading, or Phase I or II vapor recovery loading systems.
- 1.137 Gasoline Tank:** The organic compounds in the displaced vapors including any entrained liquid gasoline.
- 1.138 Gasoline:** Any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
- 1.139 Geothermal Operations:** Those activities related to the extraction, transmission, and utilization of geothermal steam which may directly, or indirectly, result in air contaminant emissions.
- 1.140 Halogenated - Hydrocarbon Detector, when Applied to Dry Cleaning Operations:** A portable device capable of detecting vapor concentrations of perchloroethylene of 25 ppmv or less and indicating an increasing concentration by emitting an audible signal or visual indicator that varies as the concentration changes.
- 1.141 Hard Chrome Plating:** The process by which chromium is electroplated from a solution containing compounds of chromium onto an object resulting in a chrome layer thicker than 1 micron (0.04 mil).
- 1.142 Hazardous Air Pollutant (HAP):** A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the Federal Clean Air Act.
- 1.143 Health and Safety Code (H&SC):** "Health and Safety Code" refers to the California State Health and Safety Code.
- 1.144 Hearing Board:** The quasi-judicial appellate review board of the AQMD, appointed by the Governing Board Pursuant to Section 40800 of the California Health and Safety Code.
- 1.145 Hexavalent Chromium and Chromate:** Substances identified as toxic air contaminants by the California Air Resources Board.
- 1.146 Hold Open Latch, Applied to Gasoline Storage or Dispensing Operations:** A device which is part of an ARB-certified vapor recovery system and which allows for the hands-off refueling of a vehicle
- 1.147 Ignition Devices:** Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. Approved ignition devices include but are not necessarily limited to: such items as liquid petroleum gas, butane propane torches, drip torches, flares, or other similar materials as approved by the APCO. Approved ignition devices do not include tires, tar, tar paper, oil and other similar materials.
- 1.148 Incineration:** Means an operation in which combustion is carried on for the principal purpose, or with the principle result of oxidizing a waste material to reduce its bulk or facilitate its disposal.
- 1.149 Incinerator:** Any device constructed of non-flammable materials, including metal containers, commonly known as burn barrels, for the purpose of burning dried vegetation, non-glossy paper, and cardboard on residential properties. This does not include AQMD permitted commercial multi-chambered incinerators containing primary and secondary

burners.

- 1.150 Indirect Source:** A facility, building, structure or installation, or combination thereof, which indirectly results in emissions of an air contaminant as a result of traffic greater than 20,000 or more vehicles per day within 10 years of construction; any new or modified facility which provides in excess of 1,000 new parking spaces; or any new or modified airport with more than 50,000 operations per year by regularly scheduled air carriers, or used by 1,600,000 or more passengers per year.
- 1.151 Information, when Applied to AQMD Permit Application or Variances:** Data, records, photographs, maintenance records, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit was issued or applied or which is subject to state or federal requirements, district rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by a district.
- 1.152 Initial Permit when Applied to USEPA Title V Permit Requirements:** An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Regulation V.
- 1.153 Installation:** The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- 1.154 Interagency Smoke Management Council:** A council composed of specified members to include: one representative from each of the interested local, state and federal fire protection agencies within the North Coast Unified Air Quality Management District (including the California Department of Forestry and Fire Protection); one representative each from the Forest Service, the Park Service, and the Bureau of Land Management Service; representatives from industry from the North Coast Fuels Management Cooperative; and staff which may be assigned by the Air Pollution Control Officer for the purpose of assisting in the issuance of Coordinated Burn Authorization Permits, assisting in determining Permissive Burn, and Marginal Burn Day(s) in coordination with CARB and assisting in monitoring burn activity within the North Coast Unified Air Quality Management District.
- 1.155 Kraft Pulp Mill Non-Condensable:** The TRS portion of any gases and vapors released in a Kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks, multiple effect evaporator condensers, and condensate strippers or from the storage, transport or disposal of foul condensates from the above equipment.
- 1.156 Kraft Pulp Mill:** Any industrial operation which uses for cooking liquor an alkaline sulfide solution containing sodium sulfide in its pulping process.
- 1.157 Kraft Recovery Furnace:** The combustion device in which pulping chemicals are converted to a molten smelt and wood solids are incinerated. For these regulations, and where present, this term shall include the direct contact evaporator.
- 1.158 Leak Free, when Applied to ETO Sterilization Operations and Gasoline Vapor Recovery Operations:**
- A. For Ethylene Oxide sources, "leak free" refers to that state which exists when the concentration of sterilizing gas measured 1 cm. away from any portion of the exhaust system of a sterilizer or aerator, during conditions of maximum sterilizing gas mass flow, is less than:

1. 30 ppm for sterilizing gas composed of 12% ethylene oxide/88% chlorofluorocarbon-12 by weight; and
2. 10 ppm for other compositions of sterilizing gas,

As determined by ARB Test Method 21 (Title 17, CCR, Section 94124) using a portable flame ionization detector or a non-dispersive infrared analyzer, calibrated with methane, or an acceptable alternative method or analytical instrument approved by the APCO. A chlorofluorocarbon-12 specific audible detector using a metal oxide semi-conductor sensor shall be considered an acceptable alternative for exhaust systems carrying a sterilizing gas mixture of ethylene oxide and chlorofluorocarbon-12.

B. For gasoline vapor recovery requirements, "leak free" refers to a liquid leak of no more than three drops per minute excluding losses which occur upon disconnecting transfer fittings, provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.

1.159 Lime Kiln: Any production device in which calcium carbonate is thermally converted to calcium oxide.

1.160 Liquid Leak, when Applied to Dry Cleaning Operations: A leak of liquid containing perchloroethylene of more than 1 drop every 3 minutes.

1.161 Local Medical Emergency: An unexpected occurrence in the area served by the acute care facility resulting in a sudden increase in the amount of medical treatments which require a significant increase in the operation of an air pollutant emitting equipment, operation or activity(ies).

1.162 Local Responsibility Area (LRA): That area where the local department is responsible for wild land fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility areas.

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

- (1) 100 tons per year (tpy) of any regulated air pollutant;
- (2) 50 tpy of volatile organic compounds or oxides of nitrogen for a federal non-attainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
- (3) 70 tpy of PM10 (particulate matter of 10 microns or less) for a federal PM10 non-attainment area classified as serious;
- (4) 10 tpy of one hazardous air pollutant or 25 tpy of two or more hazardous air pollutants; or
- (5) Any lesser quantity threshold promulgated by the U.S. EPA.

[Reference: 40 CFR 70.2 Major Source]

1.164 Maximum Achievable Control Technology (MACT): An emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the APCO, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

1.165 May: Means a provision is "permissive"; as opposed to "shall" which is established as a

“mandate”.

- 1.166 Medical Facilities:** Medical, dental and veterinary offices, clinics and hospitals, skilled nursing facilities, research facilities, research laboratories, clinical laboratories, all licensed and unlicensed medical facilities, clinics and hospitals, surgery centers, diagnostic laboratories and other providers of health care.
- 1.167 Medical Waste Incinerator:** Any furnace or other closed fire chamber located at a medical facility and used to dispose of waste generated at medical facilities by burning.
- 1.168 Minimum Fire Safety Requirements:** Fire safety requirements for residential open burning which may minimize escape burn and smoke impacts, including but not limited to: maintenance of a 10-foot clearance area around burn, requirement that all burning to be conducted by persons at least 18 years of age who shall remain within line of eyesight of the burn, prohibition against burning when the wind exceeds 20 mph, presence of adequate extinguishing materials and equipment during burning activities, and maintenance of a controllable size burn to prevent escape.
- 1.169 Minor Permit Modification:** A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which is not a significant permit modification, and is not an administrative permit amendment.
[Reference: 40 CFR 70.7(e)(2)]

1.170 Minor Violation:

- 1.0** The failure of any person to comply with administrative or procedural requirements of applicable state requirements, AQMD Rules and Regulations, administrative or procedural plan or permit conditions, or requests for information or records by the APCO which meets the following criteria:
- 1.1** Does not result in an increase of emissions that exceeds regulatory limits or permit conditions;
- 1.2** Does not endanger the health, safety, or welfare of any person or persons;
- 1.3** Does not endanger the environment;
- 1.4** Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard;
- 1.5** Does not preclude or hinder the APCO's ability to determine compliance with other applicable state or federal requirements, AQMD Rules and Regulations, administrative or procedural plans or permit conditions, or requests for information or records.
- 2.0** Notwithstanding subparagraph (1.172.1) above, no violation of an applicable state or federal requirement, AQMD Rule or Regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:
- 2.1** The violation involves failure to comply with the emission standards in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions; or
- 2.2** The violation is knowing, willful, or intentional; or
- 2.3** The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or

- 2.4 The violation is chronic; or
- 2.5 The violation is committed by a recalcitrant violator; or
- 2.6 The violation results in a public nuisance.

- 1.171 Model:** A procedure for estimating the ambient air concentration of air contaminants based upon emission profiles, dispersion simulations or other techniques approved by the Environmental Protection Agency, California Air Resources Board and the APCO. (52.21(1))
- 1.172 Modification:** Any physical change in an existing facility or change in the method of operation which results or may result in either an increase or decrease in emission of any air pollutants subject to AQMD control, or the emission of any such air pollutant not previously emitted. The following shall not be regarded as physical changes or changes in the method of operation:
- 1.173.1 Routine maintenance, repair or replacement with identical or equivalent equipment
 - 1.173.2 Increased production rate or increased hours of operation where there is no increase in fixed capital cost, unless such production and hours are limited by permit conditions
- 1.173 Modified Retail Service Station:** Replacement of one or more stationary storage tanks at an existing station or excavation when applied to gasoline dispensing and storing operators of 50 percent or more of an existing retail station's total underground liquid piping from the stationary storage tanks to the gasoline dispensers.
- 1.174 Motor Vehicle:** The same meaning as defined in Section 415 of the Vehicle Code.
- 1.175 Muck Cooker:** When applied to dry cleaning operators, a device for heating perchloroethylene-laden waste material to volatilize and recover perchloroethylene.
- 1.176 Multiple-Chamber Incinerators:** "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning. The incinerator must be comprised of three or more refractory-lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing primary and secondary burners designed for the combustion of the maximum amount and type of material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.
- 1.177 Multi-Unit Dwelling:** Apartments, condominiums, and other types of dwellings with more than two (2) living units.
- 1.178 Must:** Means a provision is "mandatory", as opposed to "may" which means a provision is "permissive".
- 1.179 National Primary Standards:** National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- 1.180 Natural Vegetation:** All plants, including but not limited to grasses, trees, shrubs, bushes, canes, leaves, flowers or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated, or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated timber, wood products or paper products.

- 1.181 NET Increase Emissions:** The amount by which the sum of any increase in actual emissions from a particular physical change or change in method of operation at a stationary source, and any other increases and decreases in actual emissions at the source that are creditable in accordance with 40 CFR 52.21(b)(3) and (21), exceeds zero.
- 1.182 New Dry Cleaning Facility:** A facility that did not operate any dry cleaning equipment prior to November 21, 1994 in the AQMD. Facility relocations within the AQMD shall not be considered new facilities for the purposes of this control measure.
- 1.183 New Retail Service Station:** Any retail service station which is not constructed or being modified as of January 16, 1989.
- 1.184 No-Burn Day:** Any day, or portion there-of on which agricultural burning including prescribed burning is prohibited by the California Air Resources Board or the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 1.185 Non-Agricultural Burning,** As regulated under State law, means all open burning:
- 1.185.1** Set or permitted by any public officer when necessary in his or her opinion for the purposes specified in State law which includes:
 - 1.185.1.1** Prevention of a fire hazard;
 - 1.185.1.2** Public employee instruction in fire fighting methods;
 - 1.185.1.3** Industrial site employee instruction in fire fighting methods;
 - 1.185.1.4** For disease or pest prevention where there is immediate need and no reasonable alternative to burning;
 - 1.185.2** To dispose of wood waste from trees, vines, or bushes on the property where it was grown as described in State law:
 - 1.185.2.1** On property being developed for commercial or residential purposes;
 - 1.185.2.2** Cuttings from brush clearance done in compliance with local fire hazard reduction ordinances;
 - 1.185.3** At a solid waste disposal site pursuant to State law;
 - 1.185.4** for residential purposes as described in State law;
 - 1.185.4.1** To dispose of combustible or flammable solid waste of a single or two family dwelling on its premises;
 - 1.185.4.2** Fires used only for cooking food for human beings;
 - 1.185.4.3** Fires for recreational purposes;
 - 1.185.5** By a public entity or utility for purposes described in State law;
 - 1.185.5.1** Right of way clearing;
 - 1.185.5.2** Levee, reservoir, and ditch maintenance;
 - 1.185.6** For disposal of Russian Thistle pursuant to State law;
 - 1.185.7** For disposal of agricultural or wood waste in a mechanized burner as specified in the HSC.
 - 1.185.8** Ceremonial Fires
- 1.186 Non-approved combustibles:** Non-approved combustibles are materials that are illegal to be burned, unless otherwise specifically provided for in this Regulation. Such materials shall include, but are not necessarily limited to: construction and demolition debris, petroleum products, petroleum waste, coated wire, putrescent wastes, tires, tar, tar paper, non-natural wood wastes, processed or treated wood, processed or treated wood products,

metals, motor vehicle bodies and parts, rubber, synthetics; plastics, including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts or wastes (including blood and fecal- and food-contaminated material), asbestos shingles, floor tiles and other similar smoke-producing materials. Unless otherwise specifically authorized by the APCO, prohibited materials shall also include poison oak near any residence. For the purposes of this Regulation, dry, natural vegetation from yard maintenance is not prohibited burn material if reasonably free from dirt, soil and surface moisture.

- 1.187 Nonresidential Waste Burning:** The disposal of natural vegetation from any dwelling unit or residence which is not a single or two family dwelling unit or residence, or burning of natural vegetation by a commercial business or entity for the purpose of fire hazard reduction or land clearing development; and which is not agricultural improvement burning, range improvement management burning, wild land vegetation burning, or cooking, recreational or ceremonial fires. Nonresidential waste burning may include the disposal of prohibited materials only to remove an imminent fire hazard and only with the direction of a fire official and approval of the APCO.
- 1.188 North Coast Air Basin:** That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.
- 1.189 North Coast Fuels Management Cooperative:** A Council including private timberland owners, private timberland managers, and the California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, created by agreement to coordinate weather data gathering and burning activities in order to reduce the potential for adverse affects from smoke within the Humboldt Bay Air Basin and the adjacent areas.
- 1.190 North Coast Unified Air Quality Management District (AQMD):** The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq. referred to in these Rules and regulations as the AQMD, District or designated local air pollution control authority, and the jurisdiction of the AQMD including the entire geographic jurisdiction of Humboldt County, Del Norte County and Trinity County.
- 1.191 Notice to Comply:** A written method of alleging a minor violation that meets the requirements of California Health and Safety Code section 39151.
- 1.192 Offset Fill Pipe:** When applied to gasoline storage operators, a fill pipe on a stationary storage tank which is loaded from the side and has its discharge opening entirely submerged when the liquid is six inches (6") above the bottom of the tank.
- 1.193 Open Outdoor Fire:** Any combustion of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.
- 1.194 Operation:** Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or the chemical or physical properties of a material, which results in or may result in the emission of a regulated air pollutant.
- 1.195 Orchard, Vineyard, or Citrus Grove Heater:** Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants,

used or capable of being used for the purpose of giving protection from frost damage.

- 1.196 Organic Gas:** Any gas containing carbon and hydrogen, or carbon and hydrogen in combination with any other element.
- 1.197 Owner or Operator:** Means any person who owns, operates, controls, or supervises an affected facility, or a stationary source of which an affected facility is a part.
- 1.198 Particulate Matter:** Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- 1.199 Pathological Waste:** Any material including but not limited to human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction.
- 1.200 Perceptible Perchloroethylene Vapor Leak:** When applied to dry cleaning operations, an emission of perchloroethylene vapor from unintended openings in the dry cleaning system, as indicated by the odor of perchloroethylene or the detection of gas flow by passing the fingers over the surface of the system. This definition applies for an interim period of 18 months only, beginning after November 21, 1984 in the AQMD.
- 1.201 Perchloroethylene (PERC):** The substance with the chemical formula "C₂C₁₄" also known by the name "tetrachloroethylene", which has been identified by the Air Resources Board and listed as a toxic air contaminant in 17 CCR, Section 93000.
- 1.202 Perchloroethylene Dry Cleaning or Dry Cleaning:** The process used to remove soil, greases, paints, and other unwanted substances from materials with perchloroethylene.
- 1.203 Perchloroethylene Equivalent Closed - Loop Vapor Recovery System:** When applied to dry cleaning operations, a device or combination of devices that achieves, in practice, a perchloroethylene recovery performance equal to or exceeding that of refrigerated condensers.
- 1.204 Perchloroethylene Facility Mileage:** When applied to dry cleaning operations, the efficiency of perchloroethylene use at a facility, expressed as the pounds of materials cleaned per gallon of perchloroethylene used, and calculated for all dry cleaning machines at the facility over a specified time period.
- 1.205 Perchloroethylene Fugitive Control System:** When applied to dry cleaning operations, a device or apparatus that collects fugitive perchloroethylene vapors from the machine door, button and lint traps, still, or other intentional openings of the dry cleaning system and routes those vapors to a device that reduces the mass of perchloroethylene prior to exhaust of the vapor to the atmosphere.
- 1.206 Perchloroethylene Still:** When applied to dry cleaning operations, a device used to volatilize and recover perchloroethylene from contaminated solvent removed from the cleaned materials.
- 1.207 Perchloroethylene Vapor Leak:** When applied to dry cleaning operations, an emission of perchloroethylene vapor from unintended openings in the dry cleaning system, as indicated by a rapid audible signal or visual signal from a halogenated-hydrocarbon detector or a concentration of perchloroethylene exceeding 50 ppmv as methane as indicated by a portable analyzer. This definition applies beginning 18 months after the effective date of this control measure in the district.
- 1.208 Perchloroethylene Water Evaporator:** When applied to dry cleaning operations, a device that vaporizes perchloroethylene-contaminated waste water through the addition of

thermal or chemical energy, or through physical action.

1.209 Permissive Burn Day: Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and regulations. For the purposes of determining daily burn day status, the Air Pollution Control Officer shall utilize Designated Smoke Management Areas, shall consider local meteorological and air quality related factors, and shall be guided by CARB daily determination.

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

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

1.211 Permit Unit: A permit unit shall include each basic piece of equipment, or each basic independent functioning system capable of independent operation, which has the potential to emit any air pollutant(s), and its respective air pollution control device, air pollution control system, and all equipment and conditions associated with the air pollution control requirements of each respective basic piece of equipment.

For example, under this definition, an air pollution control device may be included in two or more separate permit units where it serves as a control for two or more basic pieces of air pollution emitting pieces of equipment; such as an afterburner serving two furnaces or incinerators.)

1.212 Permit: Refers to either an Authority to Construct, Temporary Permit to Operate or Permit to Operate, whichever is required or is legally in effect. For purposes of prevention of significant deterioration enforceability, the permit to operate may be considered a modified authority to Construct when designated by the Air Pollution Control Officer.

1.213 Person or Persons: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

1.214 Phase I Vapor Recovery System: A CARB-certified gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.

1.215 Phase II Vapor Recovery System: A CARB-certified gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.

1.216 Plating Tank: Any container used to hold a chromium or chromic acid solution for the purposes of chrome plating or chromic acid anodizing.

1.217 Populated Area: The urban areas of Arcata, Eureka, McKinleyville, Crescent City, Weaverville, Ferndale, Fortuna, or any other urban area designated by the APCO.

1.218 Potential to Emit:

Except where otherwise specifically defined in these Rules and Regulations, the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design, after considering physical and operational limitations that are enforceable by conditions imposed by the APCO in both the Authority to Construct and/or Permit to Operate.

(1) **Emissions Unit:** The "potential to emit" for an emissions unit is the

maximum capacity of the unit to emit a regulated air pollutant or hazardous air pollutant considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District. Physical and operational limitations include, but are not limited to the following: limits placed on emissions; and restrictions on operations such as hours of operation and type or amount of material combusted, stored, or processed.

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

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

1.219 Pounds of Materials Cleaned Per Load: When applied to dry cleaning operations, the total dry weight, in pounds, of the materials in each load dry cleaned at the facility, as determined by weighing each load on a scale prior to dry cleaning and recording the value.

1.220 PPM: Parts per million by volume expressed on a dry gas basis.

1.221 Preconstruction Permit: A "preconstruction permit" is a permit issued prior to construction which authorizes construction, including:

- (1) An Authority To Construct issued pursuant to the AQMD's program for the prevention of significant deterioration of air quality required by section 165 of the Clean Air Act or Regulation 1, Rule 102(3) of the AQMD; or
- (2) An Authority To Construct issued pursuant to the AQMD's new source review program required by sections 172 and 173 of the Clean Air Act.
- (3) Regulation V, Procedures for issuing permits for sources subject to Title V of the Federal Clean Air Act Amendments of 1990.
- (4) An authority to construct issued pursuant to Regulation I, Rules 200 (Permit Requirements and Rule 230 (Action on Application).

1.222 Prescribed Burning: The 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.

1.223 Pressure Tank: A tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

1.224 Prevailing Visibility: The federal 8-hour ozone and fine particulate matter standards promulgated by the U.S EPA on July 18, 1997.

1.225 Prevention of Significant Deterioration (PSD) Increment: The maximum allowable increase of ambient air quality above baseline concentration in the three classified areas. Established by the EPA to ensure that new or expanded sources of air pollution do not cause a significant deterioration in air quality in areas which currently meet ambient air quality standards. EPA has created a list of 28 major source categories by which types of facilities are classified for PSD regulations. The threshold for determining whether a facility is a major source, and therefore subject to PSD regulations, is whether a facility which falls within one of the 28 listed categories and emits greater than 200 tons per year of a criteria pollutant. If a source triggers PSD requirements for one pollutant category, other pollutants emitted in significant amounts may also be subject to PSD, even if they are emitted in quantities below PSD trigger levels. These significant volumes are presented in the PSD regulations also set ambient impact “increments” that limit the allowable increase of ambient concentrations of criteria pollutants over a determined baseline concentration.

TABLE
PSD SIGNIFICANT EMISSION RATES
 $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter, ppm = parts per million

Pollutant	PSD Significant Emission Rates (tons/year)	PSD Class I Increments ($\mu\text{g}/\text{m}^3$)	PSD Class II Increments (g/m^3)	PSD Class III Increments (g/m^3)
Total suspended Particulate Matter (TSP)				
Annual Geometric Mean ($\mu\text{g}/\text{m}^3$)	25	N/A	N/A	N/A
24-hour Average ($\mu\text{g}/\text{m}^3$)	N/A			N/A
Inhale able Particulate Matter (PM10)				
Annual Arithmetic Mean ($\mu\text{g}/\text{m}^3$)	15	5	19	37
24-hour Average ($\mu\text{g}/\text{m}^3$)	N/A	10	37	75
Sulfur Dioxide (SO₂)				
Annual Average (ppm)	40	2	20	40
24-hour Average (ppm)	N/A	5	91	182
3-hour Average (ppm)	N/A	25	512	700
1-hour Average (ppm)	N/A	N/A	N/A	N/A
Carbon Monoxide (CO)				
8-hour Average (ppm)	100	N/A	N/A	N/A
1-hour Average (ppm)	N/A	N/A	N/A	N/A
Ozone (O₃)				
1-hour Average (ppm) (B)	40	N/A	N/A	N/A
Nitrogen Dioxide (NO₂)				
Annual Average (ppm)	40	N/A	N/A	50

The most stringent increments apply to "Class I" PSD areas, which include wilderness areas and national parks. The remaining areas in the AQMD are designed as Class II areas. PSD regulations required those facilities which trigger PSD review to provide a detailed analysis of source emissions impacts on Class I areas. The intent of the PSD increments is to prevent air quality areas with concentrations below ambient air quality standards from reaching the standards, i.e., keep pristine and clean areas clean.

- 1.226 Primary Control System:** When applied to gasoline dispensing and storage operators, a refrigerated condenser or an equivalent closed-loop vapor recovery system approved by the district.
- 1.227 Prioritization Score:** A stationary source numerical score for cancer health effects or non cancer health effects, as determined by the AQMD pursuant to HSC Section 44360.
- 1.228 Procedural Requirements:** A provision of a rule, regulation or permit condition that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.
- 1.229 Process Weight Per Hour:** The total weight, including contained moisture of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continuous processes, the average hourly total weight of materials introduced into the process will be used in calculations.

- 1.230 Prohibited Burn Materials:** Non-approved combustibles.
- 1.231 Prohibited Ignition Devices:** Include but are not limited to tires, tar, tar paper, oil and other high smoke-producing material(s) which are not approved ignition devices.
- 1.232 Public Record:** Any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the AQMD, except trade secrets, and investigation files involving active criminal investigations, and confidential personnel records.
- 1.233 Range Improvement Burning:** The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- 1.234 Reasonably Available:** As applied to an initial course for the environmental training program, means that the course is offered within 200 miles of the AQMD boundaries and that all such courses have a capacity, in the aggregate, that is adequate to accommodate at least one person from each facility in the AQMD required to certify a trained operator at that time.
- 1.235 Recalcitrant Violation:** Violations of AQMD Rules and Regulations, State or federal Law by a person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of AQMD Rules and Regulations, permit conditions, or other applicable provisions of state or federal law or regulations.
- 1.236 Receipt:** As applied to asbestos or serpentine containing material, any written acknowledgement that a specified amount of serpentine material was received delivered or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.
- 1.237 Reclaimer:** As applied to dry cleaning operations, a machine, device, or apparatus used only to remove residual perchloroethylene from materials that have been previously cleaned in a separate piece of dry cleaning equipment.
- 1.238 Record:** Handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographed films and prints, magnetic or punched cards, drums, and other documents.
- 1.239 Refrigerated Condenser:** As applied to dry cleaning operations, a closed-loop vapor recovery system into which perchloroethylene vapors are introduced and trapped by cooling below the dew point of the perchloroethylene.
- 1.240 Regulated Air Pollutant:** A "regulated air pollutant" is any pollutant which is emitted into or otherwise enters the ambient air, and for which the AQMD, CARB or the U.S. EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include the following:
- (1) Oxides of nitrogen and volatile organic compounds.
 - (2) Any pollutant for which a National Ambient Air Quality Standard has been promulgated pursuant to section 109 of the Clean Air Act;

- (3) Any pollutant subject to a New Source Performance Standard promulgated pursuant to section 111 of the Clean Air Act;
- (4) Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydro fluorocarbons) substance pursuant to Title VI of the Clean Air Act; and
- (5) Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the Clean Air Act, including:
 - A. Any pollutant listed pursuant to section 112(r) of the Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
 - B. Any hazardous air pollutant subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the AQMD pursuant to 112(g) and (j) of the Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the Clean Air Act.
 - C. Any hazardous air pollutant subject to an AQMD case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the Clean Air Act. In case-by-case emissions limitation determinations, the hazardous air pollutant shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

[Reference: 40 CFR 70.2 Regulated Air Pollutant]

- 1.241 Regulation:** One of the major subdivisions of the Rules of the AQMD.
- 1.242 Residence:** A single- or two-family dwelling and the land and ancillary structures surrounding it.
- 1.243 Residential Waste Burning:** The disposal of the combustible or flammable waste from a single- or two-family dwelling unit or residence by burning outdoors. Residential waste burning is not prescribed burning or other agricultural burning.
- 1.244 Responsible Official:** A "responsible official" is an individual with the authority to certify that a source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources, and possess the authority to bind the source to compliance with permit conditions and contractual obligations.
- (1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to

a permit and either:

- A. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - B. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
- (2) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
 - (4) For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Regulation 5.

[Reference: 40 CFR 70.2 Responsible Official]

- 1.245 Retail Service Station:** Any new or existing motor vehicle fueling service station subject to payment of California sales tax on gasoline sales.
- 1.246 Road Surface:** The traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.
- 1.247 Rule:** A Rule of the Air Quality Management District.
- 1.248 Sand and Gravel Operation:** Any aggregate-producing facility operating in alluvial deposits.
- 1.249 Secondary Control System:** As applied to dry cleaning operations, a device or apparatus that reduces the concentration of perchloroethylene in the re-circulating air at the end of the drying cycle beyond the level achievable with a refrigerated condenser alone. An "integral" secondary control system is designed and offered as an integral part of a production package with a single make and model of dry cleaning machine and primary control system. An "add-on" secondary control system is designed or offered as a separate retrofit system for use on multiple machine makes and models.
- 1.250 Self – Service Dry Cleaning Machine:** A perchloroethylene dry cleaning machine that is loaded, activated, or unloaded by the customer.
- 1.251 Sensitive Receptor:** Any Class I Area and/or any other areas deemed to be sensitive by the APCO including, but not limited to K-12 schools, senior retirement housing and hospitals.
- 1.252 Separator:** Any device used to recover perchloroethylene from a water-perchloroethylene mixture.
- 1.253 Serpentine:** Any form of hydrous magnesium silicate minerals - including, but not limited to, antigorite, lizardite, and chrysotile.
- 1.254 Shall:** A provision is "binding" upon anyone subject to the respective rule.
- 1.255 Shutdown:** The cessation of operation of an affected facility for any purpose.

1.256 Significant Permit Modification: A "significant permit modification" is any modification to either an AQMD or a federally-enforceable condition on a permit to operate which:

- (1) Involves any modification under section 112(g) of Title I of the Clean Air Act or under U.S. EPA regulations promulgated pursuant to Title I of the Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, and 63;
- (2) Significantly changes the operations or monitoring conditions;
- (3) Provides for the relaxation of any reporting or recordkeeping conditions;
- (4) Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the Clean Air Act, or 2) an alternative hazardous air pollutant emission limit pursuant to section 112(i)(5) of the Clean Air Act;
- (5) Involves a case-by-case determination of any emission standard or other requirement; or
- (6) Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

[Reference: 40 CFR 70.7(e)(2) and (4)]

1.257 Significant: The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates in tons per year.

Air Contaminant	Significant Emission Rate
For BACT determinations:	Tons Per Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25

PM-10	16
Ozone	40 as VOC
Lead	0.6
Beryllium	0.0004

Air Contaminant	Significant Emission Rate
For BACT determinations:	Tons Per Year
Mercury	0.1
Vinyl chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
For MACT determinations:	
Hazardous Air Pollutant (HAPS) listed pursuant to section 112(b) of the Clean Air Act 1990:	10 for any one HAP 25 for two or more HAP

Notwithstanding the above significant emission rates for various air contaminants, significant 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 area equal to or greater than 1 microgram per cubic meter (24 hour average).

- 1.258 Single and Two-Family Dwelling:** A permanent or temporary building or structure and the area immediately adjacent to the residence, used as a one- or two-family residence, including pre-fabricated structure(s), mobile home(s) and house trailer(s).
- 1.259 Silviculture:** The establishment, development, care and reproduction of stands of timber.
- 1.260 Smelt Dissolving Tank:** A vessel used for dissolving the molten salts (smelt) recovered from the Kraft recovery furnace.
- 1.261 Solid Particulate Matter:** Any material except uncombined water, which can exist in a finely divided form as solid at standard conditions.
- 1.262 Solid Waste Dump:** Any accumulation for the purpose of disposal of any solid waste.
- 1.263 Solid Waste Incinerator:** A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the Clean Air Act.

The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Regulation V:

- (1) Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
- (2) Any materials recovery facility which primarily recovers metals;
- (3) Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C);
- (4) Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B); or
- (5) Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the U.S. EPA.

1.264 Solvents: Include diluents and thinners and are defined as materials which are liquids at standard conditions and which are used as solvents, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or have an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

1.265 Source: Any operation that produces and/or emits air pollution.

1.266 Stacking: The venting of geothermal steam from associated unit steam supply transmission line into the atmosphere during associated power plant shutdowns (outages), startups or load curtailments.

1.267 Standard Conditions: As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (14.7 pounds per square inch absolute) at 20 degrees Centigrade or 29.92 inches mercury at 68 degrees Fahrenheit. Results of all analysis and tests shall be calculated and reported at this temperature and pressure.

1.268 Standard Cubic Meter of Gas (Standard Cubic Foot of Gas): The amount of gas that would occupy the specified cubic measure, if free of combined water, at standard conditions.

1.269 Startup: The setting in operation of an affected facility for any purpose.

1.270 State Responsibility Area (SRA): That area as defined in Public Resources Code Section 4126 and classified by the Board of Forestry and Fire Protection where the State is responsible for wild land fire protection. This excludes incorporated cities and lands owned or controlled by the federal government or other federal agencies.

1.271 Stationary Source: Any building, structure, facility, or installation (or any such grouping) that:

- (1) Emits, or may emit, or has the potential to result, cause, or create the emissions of any regulated air pollutant or hazardous air pollutant;
- (2) Is located on one or more contiguous or adjacent properties;

- (3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
- (4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[Reference: 40 CFR 70.2 Stationary Source]

- 1.272 Steam Generating Unit:** Any furnace or boiler used in the process of burning fuel for the purpose of producing steam by heat transfer.
- 1.273 Submerged Fill Pipe:** As applied to gasoline storage and dispensing operations, any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches (6") above the bottom of the tank.
- 1.274 Sunset:** The event or time of daily disappearance of the sun below the western horizon.
- 1.275 Surfacing:** The act of covering any surface used for purposes of pedestrian, vehicular, or non-vehicular travel including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas and fairgrounds.
- 1.276 Tank Installation:** As applied to gasoline storage and dispensing operations, the installation of one or more stationary storage tanks at any facility or excavation of fifty percent (50%) or more of an existing facility's total underground liquid piping from stationary storage tanks to the gasoline dispensers.
- 1.277 Throughput:** The volume of gasoline dispensed at a retail service station in any calendar year.
- 1.278 Timber Operations:** Cutting or removal of timber or other forest vegetation.
- 1.279 Topping Off:** As applied to gasoline storage and dispensing operations, an attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.
- 1.280 Total Reduced Sulfur (TRS):** "TRS" means total 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 mists are not to be included in the determination of TRS.
- 1.281 Toxic Air Contaminants:** A toxic air contaminant is defined as any substance with the potential to contaminate the air with or to create, air contaminates which are referenced in 39660 of the Health & Safety Code or determined by the APCO to be toxic.

The CARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

- 1.282 Trade Secrets:** As used in these Rules and Regulations, Trade Secrets include, but are not limited to, any formula, 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 to perform 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.

- 1.283 Trained Operator:** The owner, the operator, or an employee of the facility, who holds a record of completion for the initial course of an environmental training program and maintains her/his status by successfully completing the refresher courses as required.
- 1.284 Treated Brush:** Vegetative material to be burned that has been felled, crushed uprooted or crushed by manual or mechanical equipment or has been desiccated with herbicides or is dead.
- 1.285 Uncontrolled Chromium Emissions From the Hard Chrome Plating or Chromic Acid Anodizing Facility:** The chromium emissions from the emissions collection systems at the facility calculated as if no control equipment is in use. For the purpose of determining compliance, the uncontrolled chromium emissions shall be calculated using an emission factor based on tests conducted in accordance with ARB Test Method 425 or 14 mg/ampere-hour, whichever is less.
- 1.286 Uncontrolled Emissions:** The emission rate of the basic equipment to the control equipment, measured from the flue at a location downstream of the last combustion chamber and before the control equipment.
- 1.287 United States Environmental Protection Agency (U.S. EPA):** "United States Environmental Protection Agency" refers to the Administrator or designated representative of the United States Environmental Protection Agency.
- 1.288 Vapor Adsorber:** As applied to dry cleaning operations, a bed of activated carbon or other adsorbent into which perchloroethylene vapors are introduced and trapped for subsequent desorption.
- 1.289 Vapor Leak:** As applied to gasoline storage and dispensing operations, any source of gasoline vapors which cause a combustible gas detector meter reading of 100 percent of the Lower Explosive Limit (LEL). A marginal vapor leak may be verified by conducting a vacuum leak test. A vapor leak does not include any vapor resulting from liquid spillage or liquid leaks.
- 1.290 Vapor Recovery System:** As applied to gasoline storage and dispensing operations, a vapor gathering system capable of collecting the hydrocarbon vapors and discharged gases and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices vapor-tight except when gauging or sampling is taking place.
- 1.291 Vapor Tight:** As applied to gasoline storage and dispensing operations, a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.
- 1.292 Vented Machine:** As applied to dry cleaning operations, dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit and in which fresh air is introduced into the drum in the last step of the drying cycle and exhausted to the atmosphere, either directly or through a control device.
- 1.293 Volatile Organic Compound (VOC):** Any compound containing at least one (1) atom of

carbon, excluding any Exempt Compound as identified in this Rule 101 Definitions. (For the purposes of implementing the AQMD *New Source Review* the term ROC (Reactive Organic Compound) is assumed to be the same as those compounds defined under the VOC definition.)

- 1.294 Voluntary Emissions Cap:** A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.
- 1.295 Waste:** All discarded putrescent and non-putrescent solid, semisolid and liquid materials, including but not limited to petroleum wastes, construction and demolition debris, coated wire, tires, tar, tarpaper, wood waste, processed or treated wood and wood products, petroleum products, metals, motor vehicle bodies and parts, rubber, synthetics; plastics including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts of wastes (including blood; fecal- and food-contaminated materials), asbestos shingles, floor tiles and other similar smoke-producing materials including felled trees; tree stumps; brush; plant cuttings and pruning; branches; garden waste; weeds; grass clippings, pine needles, leaves and other natural vegetation waste.
- 1.296 Water – Repelling Operations:** As applied to dry cleaning operations, the treatment of materials with a water-repellent solution that contains perchloroethylene.
- 1.297 Wild land Vegetation Management Burning:** The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass or standing brush.
- 1.298 Wood Fired Boiler:** Any boiler used for steam generation from which the products of combustion are directed through a flue or chimney and which derives at least 80 percent of its fuel input heat content from wood, or wood associated waste.
- 1.299 Wood Waste for the Purpose of Open Outdoor Burning:** Combustible waste from trees, vines, bushes or other vegetative material.

Rule 104 Prohibitions

(Adopted November 3, 1982; Revised on January 19, 1989, August 30, 1990, August 29, 1991, March 5, 1992, Proposed for Revision December 16, 2004, Revised May 19, 2005).

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RULE 104**1.0 GENERAL LIMITATIONS:**

- 1.1 PUBLIC NUISANCE:** No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the health, comfort, repose or safety of any such persons or the public or which cause or have an natural tendency to cause injury or damage to business or property.

The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

- 1.2 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.

2.0 VISIBLE EMISSIONS:

- 2.1** No 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 Ringlemann 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 Ringlemann 2 or forty (40) percent opacity.

- 2.2** The provisions of Rule 104(2.1) & (2.2) do not apply to excessive visible emissions caused by:

- 2.2.1** Failure of the emission to meet the requirements solely because of the presence of uncombined water.
- 2.2.2** Smoke from fires set pursuant to Regulation II of the North Coast Unified Air Quality Management District.
- 2.2.3** 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.
- 2.2.4** 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.
- 2.2.5** Open outdoor fires used only for cooking of food for human beings or for recreational purposes.
- 2.2.6** The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material.
- 2.2.7** Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from start-up or shut-down of the combustion process or from the malfunction of emissions control equipment. This exception does 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.

- 2.3** Notwithstanding the limitation established in Section 2.1, no owner or operation subject to Section 2.0 shall cause to be discharged into the atmosphere from any new or modified recovery furnace, gases which exhibit an opacity of 20 percent or greater on a six minute average basis.

- 2.3.1** Section 2.3 shall not apply during periods of start-up or shutdown, or during a breakdown condition. For recovery furnace operations, start-up and shutdown is defined as those periods of time when black liquor is not being fired in the recovery furnace.

3.0 PARTICULATE MATTER:

- 3.1 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 established in NSPS applicable provisions set out in Rule 104(11).

3.2 Steam Generating Units: No person shall 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 established in applicable NSPS provisions set out in Rule 104(11).

3.3 Steam Generating Utility Power Plants: All steam generating power plants which produce electric power for sale to any public utility shall not discharge particulate matter into the atmosphere in excess of 0.10 pounds per million BTU heat input or any other specific applicable permit limitation, which ever is the more restrictive emission condition.

3.4 Kraft Pulp Mills:

3.4.1 Recovery Furnaces:

3.4.1.1 The emissions of particulate matter from any Kraft recovery furnace shall not exceed 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas corrected to 8 percent oxygen or 4.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

3.4.1.2 The emissions of particulate matter from any new or modified Kraft recovery furnace shall not exceed 0.025 grains per standard cubic foot of exhaust gas corrected to 8 percent oxygen.

3.4.2 Lime Kiln:

3.4.2.1 The emissions of particulate matter from any lime kiln shall not exceed 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas corrected to 10 percent oxygen or 1.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

3.4.3 Smelt Dissolvers:

3.4.3.1 The emissions of particulate matter from any smelt dissolving tank shall not exceed 0.5 pounds per ton of Kraft pulp mill production.

3.4.3.2 The emissions of particulate matter from any new or modified smelt dissolving tank shall not exceed 0.20 pounds per ton of black liquor solids on a dry basis.

3.4.4 The requirements of Rule 104 (3.4) shall be applied to all Kraft Pulp Mills, except where more restrictive NSPS, BACT, or permit conditions are required, and in this event the more restrictive standard shall apply.

3.5 Non-Combustion Sources: No person shall discharge or allow the discharge of 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.

3.6 Geothermal Well Drilling: Notwithstanding the provisions of Rule 104(3.4), no person shall discharge or allow the discharge of particulates 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.

TABLE I
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Kg/Hr	Lb/Hr	Lb/Hr	Kg/Hr	Lb/Hr
100	45	0.55	6,000	2,720	8.6
200	92	0.88	7,000	3,380	9.5
400	183	1.40	8,000	3,680	10.4
600	275	1.83	9,000	4,134	11.2
800	377	2.22	10,000	4,540	12.0
1,000	454	2.58	12,000	5,460	13.6
1,500	681	3.38	16,000	7,260	16.5
2,000	920	4.10	18,000	8,220	17.9
2,500	1,147	4.76	20,000	9,070	19.2
3,000	1,362	5.38	30,000	13,600	25.2
3,500	1,690	5.96	40,000	18,100	30.5
4,000	1,840	6.52	50,000	22,700	35.4
5,000	2,300	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.

4.0 FUGITIVE DUST EMISSIONS:

- 4.1** No person shall do or allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.
- 4.2** Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:
- 4.2.1** Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.
- 4.2.2** 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.

- 4.2.3 Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.
- 4.2.4 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.
- 4.2.5 The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.
- 4.2.6 The paving of roadways and their maintenance in a clean condition.
- 4.2.7 The prompt removal of earth or other track out 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.

5.0 SULFUR OXIDE EMISSIONS: No person shall 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 established in applicable NSPS provisions set out in Rule104(11) of these Rules and Regulations.

6.0 SULFIDE EMISSION STANDARDS FOR KRAFT PULP MILLS:

6.1 Kraft Recovery Furnace:

The emission of Total Reduced Sulfur (TRS), from any Kraft recovery furnace shall not exceed:

- 6.1.1 10 ppm of TRS or 0.30 pound of TRS per ton of Kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.
- 6.1.2 15 ppm of TRS as a daily arithmetic average.
- 6.1.3 40 ppm of TRS for more than 60 cumulative minutes in any one day.

The daily and monthly arithmetic averages for TRS shall be based upon the actual hours of operation of burning liquor in the recovery furnace(s) and calculated on a calendar month basis.

Effective February 1, 1989 the emission of TRS from any new or modified Kraft recovery furnace shall not exceed 3 ppm of TRS, measured and reported in accordance with 40 CFR 60.284.

6.2 Lime Kiln: The emission of TRS from any lime kiln shall not exceed 20 ppm of TRS or 0.10 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.

6.3 Other Kraft Mill Sources: The emission of TRS from other Kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.

Notwithstanding these emission limits for other Kraft mill sources, in no event shall the gases from any smelt dissolving tank shall not contain TRS in excess of 0.0084 g/kg black liquor solids (0.0168 lb/ton black liquor solids) calculated on a dry basis. This corresponds approximately to 0.025 lb TRS per ton pulp production.

6.4 Kraft Mill Non-Condensable: No person shall discharge any non-condensable compound into the atmosphere from any emission point, until said non-condensable compound has been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net

emission of non-condensable compounds from any such air pollution abatement operation shall not exceed a TRS concentration of 5 parts per million by volume except during periods when switching from one control system to another; which period or periods shall not aggregate more than 30 minutes in any one day.

6.5 Kraft Mill Monitoring: Recording instruments to measure Total Reduced Sulfur emissions shall be provided, installed, maintained and continuously operated by the owner in the exhaust stack from the Kraft recovery furnace flue gas system, from the Kraft pulp mill lime kiln and from all other emission points releasing in excess of 100 pounds of TRS per day into the atmosphere. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

6.6 Compliance Verification: A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the APCO once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the APCO.

7.0 GEOTHERMAL EMISSION STANDARDS:

7.1 No person shall discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO₂), in excess of 1,000ppm (v).

7.1.1 Notwithstanding Rule 104 (1.2) and Rule 104 (7.1) geothermal wells on standby bleed shall be authorized in writing by the APCO to exceed 1000 ppm(v) (as measured in the bleeding steam) provided all the following conditions, which shall be annually verified, are satisfied:

7.1.1.1 The geothermal well on standby bleed will emit less H₂S in pounds hour than if operated at or below 1000 ppm (v).

7.1.1.2 An air aspirator or other device(s) approved by the APCO is used to lower the emissions level to below 1000 ppm (v) at the point of emissions exit.

7.1.1.3 All applicable emissions limitations in Regulation I are not exceeded.

7.1.1.4 The geothermal well on standby bleed, singularly or when combined with sources on the same well pad site or from adjacent well pad sites (within 33 meters), will not create a public nuisance.

7.1.2 No person shall discharge hydrogen sulfide (H₂S) into the atmosphere at a rate which exceeds those set forth in Table II and Table III as follows:

TABLE II

Effective Date (Note *2)	GEOTHERMAL Initially operated on or before March 31, 1979, (includes PG&E Geysers Units 1-12).	POWER PLANTS Initially operated after March 31, 1979, but initially issued an Authority to Construct or Determination of Compliance by March 31, 1980, (Includes PG&E Geysers Units 14, 15, & 17 and NCPA #2).	(NOTE *1 AND *3) Initially issued an Authority to Construct or Determination of Compliance after March 31, 1989, (includes all others).
	GEOTHERMAL For Units 3,4, 5,6,11, & 12 emit no more than	POWER PLANTS	(NOTE *1 AND *3)

January 1, 1979 10% of the H₂S in the supplied steam at full power plant load or 200 g/hr/GMW ave. using allocation (See Notes *7).

TABLE III

January 1, 1980	100 g/hr/GMW	100 g/hr/GMW
July 15, 1981	10% of the H ₂ S in the supplied steam at full load operation for Units 3,4, & 11 and 200 g/hr/GMW for Units 5, 6, & 12 (Comply as shown or per Note *8). Units 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, & 12:	
June 1, 1985	Each at 200 g/hr GMW (Comply as shown or per Note *8).	50 g/hr/GMW (Note * 8) 50/g/hr/GMW or 1 kg/hr (Note *10)
June 1, 1986	Units 1-12 each at 200 g/hr/GMW (Comply as shown or per Note *8).	

NOTES FOR TABLES II AND III

- NOTE 1** All geothermal emission sources, including new construction, must comply with all applicable future emission rate limits specified in these tables as they become effective.
- NOTE 2** H₂S emissions limitations for each category of emission source will become effective henceforth on the "Effective Date" set out at the left of the Table(s).
- NOTE 3** The term "g/hr/GMW" shall read "grams/hr per Gross Megawatt". The rates of emission may be equaled but not exceeded. Gross Megawatt refers to the source's full load gross generating capacity of the turbine generator as guaranteed by the turbine generator manufacturer. Compliance shall be verified by the source testing or protocol method approved by the APCO for the applicable emission source(s). (See also note *8.)
- NOTE 4** Individual well emissions shall be limited to 2.5 kg/hr/well unless a higher rate was determined by New Source Review or unless applicant provides data which subsequently can justify a re-determination of the emission rate by the APCO.
- NOTE 5** Small sources include continuous well and pipeline bleeds. Allowable emissions are those shown in Table III unless otherwise determined by the APCO.
- NOTE 6** "Reduce H₂S by 50%" shall mean "to emit no more than 50% of the H₂S normally found in the supplied steam at full power load". "Dual Units" shall refer to those "steam transmission lines associated with two power plant units located in the same building", and therefore such associated steam transmission lines shall be considered as one source.

NOTE 7 Allocation method - If an emissions rate less than the required gm/hr/GMW is attained at one power plant unit, the excess reduction (in grams) can be credited to another power plant unit or apportioned to other power plant units. For instance, a 10 Megawatt plant can be allowed to emit 2,000 gm H₂S/hr, but if a credit of 500 gm H₂S were allocated from another unit, it can emit 2,500 gm H₂S/hr or 250 gm/hr/GMW. The allocation should be modified no more than quarterly and only if needed based on new data. (The major purpose of the allocation method is for individual power plant unit compliance verification and credit for greater H₂S reduction than required.)

NOTE 8 Protocol Method - Each geothermal facility may be allowed to establish a protocol to be approved by the APCO which specifies the manner in which the facility will be operated to meet the emissions limitations set forth in Table II and Table III of this rule. Each protocol shall specify if applicable:

1. The frequency and method of sampling the incoming steam quality and flow rates;
2. The frequency and method of adjusting chemical feed rate settings;
3. The frequency and method of instrument and testing equipment calibration;
4. The predicted relationship between incoming steam quality and flow rates, chemical feed rates, and H₂S emissions;
5. The frequency and method of emissions source testing;
6. Data logging requirements;
7. The locations of all logs and source test records; and,
8. The requirement that periodic source tests be performed.

Each operating protocol can be modified upon approval by the APCO. Changes in operating protocol(s) shall not take effect until copies of the revised protocol(s) are filed with the APCO and the facility. Compliance with the operating protocol approved by the APCO shall be deemed compliance with the H₂S emissions limitations of this Rule.

The major purpose of the protocol method is to provide a practical means of compliance with the specified emissions limitations given variations in incoming steam quality, chemical abatement system performance, and emission source test accuracy. A form of transferable emissions credits or allocation (pound for pound) among specified power plants shall be allowed in the protocol(s) as long as the APCO determines that enforceability can be reasonably achieved and ambient air quality would not be substantially degraded.

NOTE 9 Stacking emission standards will be required of any steam transmission line or power plant which is expected to have on the average three (3) or more stacking events per year; the normal enforcement of equipment breakdown and procedures for the applicable stacking facility will be followed.

NOTE 10 The 1.0 kg H₂S/hr limit shall apply only to geothermal power facilities with an electrical generation capacity of 20 Megawatts or less, provided:

1. no more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or
2. The facility can provide a significant net annual H₂S emissions reduction.

NOTE 11 Load Curtailment Emission Requirements - Each steam transmission line has a minimum steam flow rate, defined as "E", which results in the emission levels of Column "A" (Column D for Units 1 and 2). Each power plant unit, after curtailment, operates at a steam transmission line flow rate, defined as "F".

1. If the curtailed steam flow rate, "F", is greater than the minimum flow rate, "E", then the supplier shall eliminate within 30 minutes curtailment emissions from the unit stacking facility.
2. If the curtailed steam flow rate, "F", is less than the minimum flow rate, "E", then the supplier shall be allowed no more curtailment emissions from the unit stacking facility than that H₂S associated with the difference in steam flows, ("F"- "E"). In the event the curtailed power plant unit is part of a dual unit system, and the companion unit is operational at a level of 50% of full steam flow, then the supplier shall eliminate, within 1 hour, curtailment emissions from the unit stacking facility regardless of steam flow to the curtailed unit.

7.3 Any geothermal power plant and associated steam transmission line, for which applications are submitted for Authority to Construct Permit processing after January 1, 1985, shall employ Best Available Control Technology for stacking event avoidance.

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

8.0 REDUCTION OF ANIMAL MATTER: No person shall 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:

8.1 Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or,

8.2 Processed in such a manner determined by the APCO to be equally, or more effective for the purpose of air pollution control than (8.1) above.

8.3 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 APCO, for indicating temperature, pressure or other operating conditions.

8.4 For the purpose of this Section 8.0, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

9.0 ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS:

9.1 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. (H&S 41860)

9.2 No person shall use any orchard, vineyard or citrus grove heater except where the heater is 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. (H&S 41860)

10.0 PETROLEUM LOADING AND STORAGE:

10.1 All petroleum storage tanks in excess of 40,000 gallons capacity shall conform to the NSPS requirements of Rule 104(11).

10.2 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)

10.2.1 For the purpose of Rule 104(10.2) "gasoline", means any petroleum distillate having a Reid Vapor Pressure of four pounds or greater.

10.2.2 For the purpose of Rule 104(10.2) "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.

10.3 The requirements of Rule 104(10.2) shall not apply:

10.3.1 To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.

10.3.2 To any "pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

10.3.3 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 vapors and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gas tight except when gauging or sampling is taking place.

10.3.4 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 gas tight except when gauging or sampling is taking place.

11.0 FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS): All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, which are adopted by reference and incorporated here in as a part of these Rules and Regulations as though set forth in their entirety. For the purpose of this Rule, the word "Administrator" as used in these federal New Source Performance Standards shall mean the APCO of the AQMD except that the APCO shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the AQMD governing Board to suit the needs of the AQMD are noted in the affected Subpart. Whenever any source is subject to more than one Rule, Regulation, provision, or requirement relating to the control of any air contaminant in cases of conflict or duplication, the most stringent rule, regulation provision, or requirement shall apply.

Source Category types subject to NSPS include:

General Provisions	A	June 24, 1985
Adoption and Submittal of State Plans for Designated Facilities	B	
Fossil - Fuel Fired Steam Generators	D	September 27, 1984
Electric Utility Steam Generating Units	Da(1)	September 27, 1984
Industrial-Commercial-Institutional Steam Generating Units	Db(1)	December 16, 1987
Incinerators	E	March 3, 1978
Portland Cement Plants	F	March 3, 1978
Nitric Acid Plants	G	April 23, 1985
Sulfuric Acid Plants	H	October 20, 1983
Asphalt Concrete Plants	I	January 24, 1986
Petroleum Refineries - Fluid Catalytic Cracking Unit Generators	J	August 17, 1989
Petroleum Storage Vessels (constructed June 11, 1973 to May 19, 1978)	K	January 27, 1983
Petroleum Storage Vessels (constructed after May 19, 1978)	Ka	January 27, 1983
Volatile Organic Liquid Storage Vessels	Kb(2)	June 16, 1989
Secondary Lead Smelters	L	March 3, 1978
Secondary Brass and Bronze Ingot Production	M	October 30, 1984
Iron and Steel Plants	N	January 2, 1986
Secondary Emissions from Basic Oxygen Process Steelmaking Facilities	Na	February 14, 1990
Sewage Treatment Plants	O	March 3, 1978
Primary Copper Smelters	P	May 25, 1983
Primary Zinc Smelters	Q	May 25, 1983
Primary Lead Smelters	R	May 25, 1983
Primary Aluminum Reduction Plants	S	May 23, 1983
Wet Process Phosphoric Acid Plants	T	February 17, 1983
Super Phosphoric Acid Plants	U	February 17, 1983
Diammonium Phosphate Plants	V	February 17, 1983
Triple Super Phosphate Plants	W	February 17, 1983
Granular Triple Super Phosphate Storage	X	January 27, 1983
Coal Preparation Plants	Y	January 27, 1983
Ferro Alloy Production	Z	January 27, 1983
Steel Plants - Electric Arc Furnaces	AA	October 31, 1984
Elec. Arc Furnaces & Argon-Oxygen Vessels	AAa	October 31, 1984
Kraft Pulp Mills	BB	May 20, 1986
Glass Manufacturing [except Sec.60292(d & e)]	CC	October 19, 1984
Grain Elevators	DD	August 3, 1978
Surface Coating of Metal Furniture	EE(1)	April 30, 1985
Stationary Gas Turbines	GG	July 31, 1984
Lime Manufacturing	HH	April 26, 1984
Lead - Acid Battery Manufacture	KK	April 16, 1982
Metallic Mineral Processing Plants	LL	February 21, 1984
Auto and Light - Duty Truck Surface Coating	MM(1)	September 9, 1985
Phosphate Rock Plants	NN	April 16, 1982
Ammonium Sulfate Manufacturing	PP	November 12, 1980
Graphic Arts Industry - Rotogravure Printing	QQ(1)	January 10, 1983
Pressure Sensitive Tape & Label Surface Coating	RR(1)	October 18, 1983
Industrial Surface Coating, Large Appliances	SS(1)	October 27, 1982
Metal Coil Surface Coating	TT(1)	January 10, 1983
Asphalt Processing and Asphalt Roofing Manufacture	UU	August 6, 1982

Synthetic Organic Chemical Manufacturing Industry	VV(2)	June 29,1984
Beverage Can Surface Coating Industry	WW(1)	August 25,1983
Bulk Gasoline Terminals	XX(3)	June 24,1986
New Residential Wood Heaters	AAA	April 12,1988
Rubber Tire Manufacturing Industry	BBB	September 19,1989
Flexible Vinyl and Urethane Coating & Printing	FFF(1)	August 17,1984
Equipment Leaks of VOC in Petroleum Refineries	GGG(2)	May 30, 1984
Synthetic Fiber Production Facilities	HHH(1)	April 27, 1984
Petroleum Dry Cleaners	JJJ(2)	September 21, 1984
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	KKK	June 24, 1985
Onshore Natural Gas Processing Plants; SO2	LLL	February 14, 1989
Non-metallic Mineral Processing Plants	OOO	August 1, 1985
Wool Fiberglass Insulation Mfg. Plants	PPP	February 25, 1985
VOC Emissions from Petroleum Wastewater Systems	QQQ	November 23, 1988
Magnetic Tape Coating Facilities Industrial Surface Coating of Plastic	SSS	October 3, 1988
Parts for Business Machines	TTT	January 29, 1988
Polymeric Coating of Supporting Substrates Facilities	VVV	September 11, 1989

NOTES

- NOTE 1** The emissions averaging periods specified in the federal NSPS standards are emissions averaging periods for affected facilities in the AQMD.
- NOTE 2** The observation of a leak in excess of the requirements of the Rule constitutes a violation of the Rule.
- NOTE 3** California Air Resources Board (CARB) Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks shall be followed in lieu of the federal procedure as shown in the CFR. Documentation and record keeping requirements shall record results of CARB Certification Tests.

12.0 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

(NESHAPS): The provisions of Part 61, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, are adopted by reference and made a part of these rules and regulations. For the purpose of this Rule, the word "Administrator" as used in these national emission standards for hazardous air pollutants shall mean the APCO of the AQMD, except that the APCO shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the AQMD Governing Board to suit the needs of the AQMD are noted in the affected Subpart. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication, the most stringent rule, regulation, provision, or requirement shall apply.

Source Category types subject to NESHAPS include:

Category - NESHAPS

40 CFR 61
Subpart

Last
Amended

General Provisions	A	March 7, 1990
Beryllium	C	November 7, 1985
Beryllium Rocket Motor Firing	D	November 7, 1985
Mercury	E	March 14, 1987
Vinyl Chloride	F	July 10, 1990
Equipment Leaks of Benzene (Fugitive Emissions)	J	August 19, 1988
Benzene Emissions from Coke By-Products Recovery Plants	L	September 19, 1991
Asbestos	M(1)	November 20, 1990
Equipment Leaks (Fugitive Emissions)	V	September 30, 1986
Benzene Emissions from Benzene Storage Vessels	Y	September 14, 1989

NOTES

NOTE 1 View ports: Any owner or operator of a demolition or renovation project that is subject to 40 CFR.-61, Subpart M (NESHAPS) and required to construct physical barriers for the purpose of controlling asbestos emissions, shall install transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of regulated asbestos containing material from outside the containment area.

13.0 INCINERATOR BURNING: No person shall burn combustible material in any incinerator within the North Coast Unified Air Pollution Control District, except in a multiple-chamber incinerator as defined in Rule 101, or in equipment found by the APCO to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

Rule 108 Severability of Rules and Regulations
(Proposed for Revision December 16, 2004; Adopted May 19, 2005).

RULE 108

- 1.0 SEVERABILITY OF RULES AND REGULATIONS:** Severability Clause; it is hereby declared to be the intention of the Board of the North Coast Unified Air Quality Management District that the Rules, paragraphs, sentences, clauses and phrases of these Regulations, or entire Regulation, shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Rules of these Regulations.

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.

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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.

5-18-98

RULE 130 - DEFINITIONS

Except as otherwise specifically provided in these rules and regulations, and except where the context indicates otherwise, words used in these rules and regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California, the Clean Air Act of 1977, and the Code of Federal Regulations 40 CFR 52.21 (August 7, 1980). Where the federal regulations of 40 CFR 52.21 refer to the responsibilities of the Administrator of the U.S. Environmental Protection Agency, the term Administrator shall be construed to mean Control Officer.

(a1) **AGRICULTURAL OPERATION:** The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.

(a2) **AIR CONTAMINANT:** Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acid, or any combination thereof.

(a3) **AIR POLLUTION ABATEMENT OPERATION:** Any operation which has as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission.

(a4) **AMBIENT AIR QUALITY STANDARD:** The specific concentrations and durations of air pollutants which reflect the relationship between intensity and composition of pollution to undesirable effects.

(a5) **APPROVED COMBUSTIBLES:** Paper, cardboard, brush, trees, native vegetation or other materials as approved by the Control Officer.

(b1) **BASELINE/IMPACT AREA:** That area where the concentration of emissions from a proposed new or modified stationary source is predicted to be equal to or greater than 1 ug/m³, using an EPA approved air quality model.

(b2) **BASELINE CONCENTRATION:** That ambient concentration level which exists in all regions of the North Coast Air Basin on January 1, 1988, or in the baseline area at the time of the establishment of the applicable baseline date as determined in accordance with Section 52.21 of the Code of Federal Regulations. (52.21(b)(13))

(b2) **BEST AVAILABLE CONTROL TECHNOLOGY (BACT):** An emission limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act of 1977 emitted from or which results from any stationary source or modification, which the 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 emission of any pollutants

which will exceed the emissions allowed under Rules 490 and 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. The BACT process shall be applied to any toxic air contaminants which are referenced in Section 39660 of the Health & Safety Code (52.21(b)(12)).

(c1) **COMBUSTION CONTAMINANTS:** Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

(c2) **CONTROL OFFICER:** The Air Pollution Control Officer of the District

(c3) **CONTROL STRATEGY:** A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan for the California North Coast Air Basin.

(d1) **DISTRICT:** The County Air Pollution Control District as required by Section 40002 of the California Health and Safety Code or a multi-county unified district authorized by Chapter 3, Part 3, Division 26 of said code.

(d2) **DUST:** Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, bagging, sweeping, etc

(e1) **EMISSION:** The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

(e2) **EPISODE ALERT:** A condition in an air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level which threatens the ambient air quality standard as defined in Rule 160 depending upon the particular topography and meteorology of the air basin. "Verified" means the pertinent measuring instrument has been checked over the following fifteen-minute period and found to be operating correctly.

(g1) **GEOTHERMAL OPERATIONS:** Those activities related to the extraction, transmission, and utilization of geothermal steam which may directly, or indirectly, result in air contaminant emissions.

(h1) **HEARING BOARD:** The appellate review board of the District as provided for by Section 40800 of the California Health and Safety Code.

(i1) **INDIRECT SOURCE:** A facility, building, structure or installation, or combination thereof, which indirectly results in emissions of an air contaminant as a result of traffic greater than 20,000 or more vehicles per day within 10 years of construction; any new or modified facility which provides in excess of 1,000 new parking spaces; or any new or modified airport with more than 50,000 operations per year by regularly scheduled air carriers, or used by 1,600,000 or more passengers per year.

- (i2) **INSTALLATION:** The placement, assemblage or construction of equipment control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises
- (k1) **KRAFT PULP MILL:** Any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium sulfide in its pulping process.
- (k2) **KRAFT PULP MILL NON-CONDENSIBLES:** The TRS portion of any gases and vapors released in a kraft pulp mill from the digester flash, steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks, multiple effect evaporator condensers, and condensate strippers.
- (k3) **KRAFT PULP MILL PRODUCTION:** Tons of air-dried unbleached kraft pulp produced by a kraft pulp mill, or equivalent. A value equal to 50 percent of the weight of dry wood charged into the kraft cooking process may be substituted for those mills where a value of air-dried unbleached kraft pulp is not readily obtainable.
- (k4) **KRAFT RECOVERY FURNACE:** The combustion device in which pulping chemicals are converted to a molten smelt and wood solids are incinerated. For these regulations, and where present, this term shall include the direct contact evaporator.
- (l1) **LIME KILN:** Any production device in which calcium carbonate is thermally converted to calcium oxide.
- (m1) **MODELING:** A procedure for estimating the ambient air concentration of air contaminants based upon emission profiles, dispersion simulations or other techniques approved by the Environmental Protection Agency, California Air Resources Board and the Control Officer. (52.21(1))
- (m2) **MODIFICATION:** Any physical change in, or in the method of operation of any stationary source which increases the amount of any air contaminant emitted into the atmosphere by that source.
- (n1) **NET INCREASE IN EMISSIONS:** The amount by which the sum of any increase in actual emissions from a particular physical change or change in method of operation at a stationary source, and any other increases and decreases in actual emissions at the source that are creditable in accordance with 40 CFR 52.21(b)(3) and (21), exceeds zero.
- (o1) **OPERATION:** Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.
- (o2) **ORCHARD, VINEYARD, OR CITRUS GROVE HEATER:** Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- (o3) **ORGANIC GAS:** Any gas containing carbon and hydrogen, or carbon and hydrogen in combination with any other element.

(o4) OTHER KRAFT MILL SOURCES: Sources of TRS emissions in a kraft mill other than recovery furnaces and lime kilns, including but not limited to: vents from knotters, brown stock washers, smelt tanks, black liquor oxidation systems, tall oil recovery operations, and any other vent which contributes over 1 percent of the total kraft mill TRS emissions.

(o5) OWNER: Includes, but is not limited to, any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

(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: Refers to either an authority to construct, temporary permit to operate or permit to operate, whichever is legally in effect. For purposes of prevention of significant deterioration enforceability, the permit to operate will be considered a modified authority to construct.

(p3) PERSON OR PERSONS: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, copartnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

(p4) POTENTIAL TO EMIT: The maximum capacity of a stationary source to emit an air contaminant under its physical and operational design, after considering physical and operational limitations that are enforceable by conditions imposed by the district in both the Authority to Construct and Permit to Operate. (52.21(b)(4))

(p5) PPM: Parts per million by volume expressed on a dry gas basis.

(P6) 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 oxidant (ozone)
- (b) Organic fraction of PM10

Nitrogen Oxides (NOx)

- (a) Nitrogen dioxide (NO2)

Sulfur Oxides (SOx)

- (a) Sulfur dioxide (SO2)
- (b) Sulfates (SO4)

(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
Total Suspended Particulate			
annual geometric mean	5	19	37
24-hour maximum*	10	37	75

* Not to be exceeded more than once a year.

(p8) PROCESS WEIGHT PER HOUR: The total weight, including contained moisture of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continuous processes, the average hourly total weight of materials introduced into the process will be used in calculations.

(s1) SECTION: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(s2) SIGNIFICANT: The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates in pounds per day or tons per year. (52.21(b)(23)(i))

<u>Air Contaminant</u>	<u>Significant Emission Rate</u>	
	tons per year	pounds per day*
Carbon monoxide	: 100	550
Nitrogen oxides	: 40	220
Sulfur dioxide	: 40	220
Particulate matter	: 25	135
<u>PM-10</u>	: 15	<u>80</u>

Air ContaminantSignificant Emission Rate
tons per year pounds per day*

Ozone	:	40 as VOC	220 as VOC
Lead	:	0.6	3
Asbestos	:	0.007	0.038
Beryllium	:	0.0004	0.002
Mercury	:	0.1	0.5
Vinyl chloride	:	1	5.4
Fluorides	:	3	16
Sulfuric acid mist	:	7	38
Hydrogen sulfide (H ₂ S)	:	10	54
Total reduced sulfur (including H ₂ S)	:	10	54
Reduced sulfur compounds (including H ₂ S)	:	10	54
Other pollutants regulated under the Clean Air Act of 1977	:	any emissions rate whatsoever (52.21(b)(23)(ii)).	

Notwithstanding the above significant emission rates for various air contaminants, significant 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 area equal to or greater than 1 microgram per cubic meter (24 hour average). (52.21(b)(23)(iii))

* Only applicable in Mendocino County.

(s3) SMELT DISSOLVING TANK: A vessel used for dissolving the molten salts (smelt) recovered from the kraft recovery furnace.

(s4) STACKING: The venting of geothermal steam from associated unit steam supply transmission line into the atmosphere during associated power plant shutdowns (outages), startups or load curtailments.

(s5) STANDARD CONDITIONS: As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (14.7 pounds per square inch absolute).

(s6) STANDARD CUBIC METER OF GAS (STANDARD CUBIC FOOT OF GAS): The amount of gas that would occupy the specified cubic measure, if free of combined water, at standard conditions.

(s7) STATIONARY SOURCE: All units of air contaminant emitting articles, machines, equipment or other contrivances, which are located on adjacent or contiguous properties under the control of the same person (or persons under common control) and all of which are determined by the Control Officer to be related to one another through a similar product, raw material or function and are included in the same standard industrial classification.

(s8) STEAM GENERATING UNIT: Any furnace or boiler used in the process of burning fuel for the purpose of producing steam by heat transfer.

(t1) TOTAL REDUCED SULFUR (TRS): "TRS" means total 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 mist are not to be included in the determination of TRS.

(t2) TOXIC AIR CONTAMINANTS: A toxic air contaminant is defined as any substance with the potential to contaminate the air with or to create, air contaminants which are referenced in 39660 of the Health & Safety Code.

(t3) TRADE SECRETS: As used in these rules and regulations, Trade Secrets include, but are not limited to, any formula, 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 to perform 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.

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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.

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Approved by EPA except for non-criteria pollutants

AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	California Standards ¹		National Standards ²			
		Concentration ³	Method ⁴	Primary ^{5,6}	Secondary ^{5,6}	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			
Sulfates	24 hour	25 ug/m³	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/m³)	Cadmium Hydrox- ide Spectan	—	—	—	
Vinyl Chloride (Chloroethene)	24 hour	0.010 ppm (26 ug/m³)	Tedlar Bag Collection, Gas Chromatography	—	—	—	
Visibility Reducing Particles	1 observation	In sufficient amount to reduce the prevailing visibility⁹ 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%		—	—	—	

NOTES:

3-14-84

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.

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.

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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.

Rule 200 **Effective Date and Definitions**

(Adopted July 18, 2003, Revised December 16, 2004, Revised May 15, 2008)

- 1.0 EFFECTIVE DATE:** Regulation II, including Rules 200, 201, 202, 203, 204, 205, 206, 207 and 208, shall become effective on January 1, 2004. On or before those dates set forth by law or otherwise required, the District shall prepare and submit those findings and reports as needed to ensure the continued effectiveness of this Regulation.
- 2.0 DEFINITIONS:** The following definitions shall apply to the rules in this Regulation.
- 2.1 Agricultural Burning:** Open outdoor fires used in agricultural operations, in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.
- 2.2 Air Toxic:** Toxic air contaminants as defined in Section 39655(a) of the California Health and Safety Code.
- 2.3 Air Pollution Control Officer (APCO) Designee to Issue Coordinated Burn Authorization Permits:** A person designated by the APCO to work with the North Coast Unified Air Quality Management District to issue Coordinated Burn Authorization Permits. Such designees shall include authorized representative(s) of the Interagency Smoke Management Council when approved by the California Air Resources Board (CARB).
- 2.4 Approved Combustibles:** Dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture, and which is not otherwise prohibited by this Regulation or State Law. For the purposes of this Regulation, approved combustibles can be burned when authorized for burning pursuant to a valid Coordinated Burn Authorization Permit and when the burning of approved combustibles occurs in compliance with District Rules and Regulations. For the purposes of this Regulation, approved combustibles include untreated hand split rails burned as part of a valid agricultural burn.
- 2.5 Approved Ignition Devices:** Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used.
- 2.6 Treated Brush:** Vegetative material to be burned that has been felled, crushed or uprooted with mechanical equipment or has been desiccated with herbicides or is dead.
- 2.7 Burn Barrel:** A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non glossy paper, and cardboard), so that they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with nonflammable material with holes not larger than ¼ inch.
- 2.8 California Air Resources Board (CARB):** The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.

- 2.9 Census ZIP Code:** A ZIP code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. For the purposes of this Regulation, census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 2.10 Chief Fire Official:** The ranking officer in authority, having jurisdiction with the responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District, or his/her designee. The chief fire official may be a federal, state, county or municipal employee, depending on the extent of the fire jurisdiction within the exemption area. In the state or federal responsibility areas for wild land protection, the state or federal official's determination overrides county and municipal authority with regard to issuance of Coordinated Burn Authorization Permits, conditions and designation of fire hazards.
- 2.11 Combustible:** Any substance capable of burning or any substance that will readily burn.
- 2.12 Construction-Demolition Debris** Any material associated with the construction or demolition of any building, dwelling or other manmade structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation and plywood.
- 2.13 Coordinated Burn Authorization Permit (CBA Permit):** A permit to burn issued pursuant to Rule 201, Section 3, and authorizing specified burning as set forth in the permit, and which includes an updated annual bar-coded validation.
- 2.14 Designated Agency:** Any agency designated by the California Air Resources Board as having authority to issue agricultural burning, including prescribed burning permits. The North Coast Unified Air Quality Management District, US Department of Agricultural Forest Service, and the California Department of Forestry and Fire Protection are so designated within their jurisdictions of the North Coast Unified Air Quality Management District.
- 2.15 Designated No-Burn Day:** Any day or portion thereof on which agricultural burning, including prescribed burning, is prohibited by the California Air Resources Board or by the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.
- 2.16 Designated Permissive Burn Day:** Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and Regulations. For the purposes of determining daily burn day status, the Air Pollution Control Officer shall utilize Designated Smoke Management Areas, shall consider local meteorological and air quality related factors, and shall be guided by the CARB daily determinations.

- 2.17 Designated Smoke Management Areas:** Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:
- 2.17.1 Coastal Smoke Management Area** including all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix A), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean Coast and identified by the Air Pollution Control Officer.
 - 2.17.2 Lower Inland Smoke Management Area** including all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.
 - 2.17.3 Upper Inland Smoke Management Area** including all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.
- 2.18 District:** The Air Quality Management District having jurisdiction in the area of the proposed burning.
- 2.19 Economic Hardship:** Possessing an annual income below the poverty level, as defined by the Bureau of Census, US Department of Commerce, or as defined in Section 39026.5 of the California Health and Safety Code.
- 2.20 Field Crop Waste:** Vegetative crop residue remaining in the field after the harvest of crops including, but not limited to: wheat, corn, barley, safflower, grasses and flowering plants.
- 2.21 Fire Hazard:** Either an imminent fire hazard or a potential fire hazard, as follows:
- 2.21.1 An imminent fire hazard** is a hazard which presents imminent danger to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its immanency, cannot immediately be abated by any other means. {H&S 41801 (a)}.
 - 2.21.2 AA potential fire hazard** is described as one which could in reasonable time present a hazard to the health and/or safety of a person or persons, but which does not impose imminent fire danger, and which cannot be abated by other means.
- 2.22 Forest Management Burning:** The use of open fires, as part as a forest management practice to remove forest debris or for forest management practices which include timber operations, agriculture practices or forest protection practices.

- 2.22.1** Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a storage area which is not contiguous with the forested area
- 2.22.2** Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if operations result in a net reduction in total forest debris to be burned.
- 2.23 Incinerator:** Any device constructed of nonflammable materials, including metal containers commonly known as burn barrels for the purpose of burning dried vegetation, non-glossy paper and cardboard on residential properties. This does not include AQMD permitted commercial multi-chambered incinerator containing primary and secondary burners.
- 2.24 Interagency Smoke Management Council:** A council composed of specified members to include: one representative from each of the interested local, state and federal fire protection agencies within the North Coast Unified Air Quality Management District (including the California Department of Forestry and Fire Protection); one representative each from the Forest Service, the Park Service, and the Bureau of Land Management Service; representatives from industries from the North Coast Fuels Management Cooperative; and staff which may be assigned by the Air Pollution Control Officer for the purpose of assisting in the issuance of Coordinated Burn Authorization Permits, assisting in determining Permissive Burn Day(s) in coordination with CARB and assisting in monitoring burn activity within the North Coast Unified Air Quality Management District.
- 2.25 Minimum Fire Safety Requirements:** Fire safety requirements for residential open burning which may minimize escape burn and smoke impacts, including but not limited to: maintenance of a 10 foot clearance area around the burn, requirement that all burning be conducted by a person at least 18 years of age who shall remain within line of eyesight of the burn, prohibition against burning when the wind exceeds 20 mph, presence of adequate extinguishing materials and equipment during burning activities, and maintenance of a controllable size burn to prevent escape.
- 2.26 Natural Vegetation:** All plants, including but not limited to grasses, trees, shrubs, bushes, canes, leaves, flowers or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetation that have been processed, treated, or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated timber, wood products or paper products.
- 2.27 Non-approved Combustibles:** Non-approved combustibles are materials that are illegal to be burned, unless otherwise specifically provided for in this Regulation. Such materials shall include, but are not necessarily limited to: construction and demolition debris, petroleum products, petroleum waste, coated wire, putrescent waste, tires, tar, tar paper, non-natural wood waste, processed or treated wood and wood products, metals, motor vehicle bodies and parts, rubber, synthetics, plastic, including plastic film, twine and pipe, fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial waste, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts or waste (including blood and fecal material and food contaminated material), asbestos shingles, floor tiles, and other

similar smoke producing materials. Unless otherwise specifically authorized by the APCO, prohibited materials shall also include poison oak near any residence. For the purposes of this Regulation, dry, natural vegetation from yard maintenance are not prohibited burn materials if reasonably free from dirt, soil and surface moisture.

- 2.28 Non-residential Waste Burning:** The disposal of natural vegetation from any dwelling unit or residence which is not a single or two family dwelling unit or residence, or burning of natural vegetation by a commercial business or entity for the purpose of fire hazard reduction or land clearing development; and which is not agricultural improvement burning, range improvement management burning, wild land vegetation burning, or a cooking, recreational, or ceremonial fire.. Non- residential waste burning may include the disposal of prohibited materials only to remove an imminent fire hazard and only with the direction of a fire official and approval of the APCO.
- 2.29 North Coast Air Basin:** That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.
- 2.30 North Coast Fuels Management Cooperative:** A Council including private timberland owners, private timberland managers, and the California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, created by agreement to coordinate weather data gathering and burning activities in order to reduce the potential for adverse affects from smoke within the Humboldt Bay Air Basin and the adjacent areas.
- 2.31 North Coast Unified Air Quality Management District (AQMD):** The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq., and the jurisdiction of the District including the entire geographic jurisdiction of Humboldt County, Del Norte County and Trinity County.
- 2.32 Open Outdoor Fire:** Any combustion of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.
- 2.33 Prescribed Burning:** The 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.
- 2.34 Processed or Treated Wood and Wood Products:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. For the purpose of this regulation, dimensional lumber that has been air-dried or kiln dried and which is proven or documented to contain no preservatives, insecticides, lacquers, pesticides, fungicides, creosote, rot or decay retardants, sealants, finishes, or any man made chemicals added, is not considered processed or treated wood.
- 2.35 Prohibited Ignition Devices:** Include but are not limited to: tires, tar, tar paper, oil and other high smoke-producing material(s).

- 2.36 Range Improvement Burning:** The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.
- 2.37 Residence:** A single or two family dwelling and the land and ancillary structures surrounding it.
- 2.38 Residential Waste Burning:** The disposal of the combustible or flammable waste from a single or two family dwelling unit or residence by burning outdoors. Residential waste burning is not prescribed burning or other agricultural burning.
- 2.39 Single and Two Family Dwelling:** A permanent or temporary building or structure and the area immediately adjacent to the residence, used as a one or two family residence, including pre-fabricated structure(s), mobile home(s) and house trailer(s).
- 2.40 Silviculture:** The establishment, development, care and reproduction of stands of timber.
- 2.41 Sunset:** The event or time of the daily disappearance of the sun below the western horizon.
- 2.42 Timber Operations:** Cutting or removal of timber or other forest vegetation.
- 2.43 Treated Brush:** Vegetative material to be burned that has been felled, cut, uprooted or crushed by manual or mechanical equipment or has been desiccated with herbicides or is dead.
- 2.44 Waste:** All discarded putrescent and non-putrescent solid, semisolid and liquid materials, including but not limited to: petroleum products, metals, motor vehicle bodies and parts, rubber, synthetics; plastic including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts (including blood, fecal material and food containing material, asbestos shingles, floor tiles and other similar smoke producing materials.
- 2.45 Wild land Vegetation Management Burning:** The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush.
- 2.46 Local Responsibility Area (LRA):** That area where the local department is responsible for wild land fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility Areas.
- 2.47 State Responsibility Area (SRA):** That area as defined in Public Resources Code Section 4126 and classified by the Board of Forestry and Fire Protection where the State is responsible for wild land fire protection. This excludes incorporated cities and lands owned or controlled by the federal government or other federal agencies.

Rule 201 General Prohibitions and Exemptions for Selected Open Burning
(Adopted and re-codified July 18, 2003; Revised December 16, 2004; Revised May 17th 2007)

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**RULE 201:
GENERAL PROHIBITIONS AND EXEMPTIONS FOR SELECTED OPEN BURNING**

1.0 GENERAL PROHIBITIONS.

- 1.1** Except as provided in these Rules and Regulations, no person shall use open outdoor fires for the purpose of disposal of any waste, including but not limited to natural vegetation, and non-approved combustibles. For purposes of this Section, a person shall be deemed to have permitted the setting or use of such fires if the person permits the setting or use of such fires for the disposal of such wastes under the person's control, on land owned by the person, under the person's control, by the person's agent(s), or by employees or other persons under the person's control.
- 1.2** No person shall dispose of approved combustibles from any property by burning them in a burn barrel or incinerator outdoors, except as specifically authorized pursuant to Rule 203.
- 1.3** No person shall ignite or allow to become ignited approved combustibles unless using an approved ignition device.
- 1.4** No person shall ignite or allow to become ignited approved combustibles unless it is a Permissive or Marginal Burn Day in the designated smoke management area where the residential waste burning is to take place.

2.0 EXEMPTIONS TO GENERAL PROHIBITIONS.

- 2.1 Single- and Two-Family Dwelling Exemption.** Burning for the disposal of approved combustibles of a single- or two-family dwelling on its premises, when such burning is performed pursuant to a valid Coordinated Burn Authorization Permit on a Permissive or Marginal Burn Day.
- 2.2 Agricultural Burning Exemption.** Burning for the disposal of agricultural waste as defined in Rule 200, section 2.1.
- 2.3 Right-of-Way, Levee, Reservoir and Ditch Clearing Exemption.** Burning by a public entity or utility for the right-of-way clearing or other property access, or for levee, reservoir and ditch or drainage maintenance. No material may be burned pursuant to this Section unless:
 - 2.3.1** The burning is done on a Permissive or Marginal Burn Day;
 - 2.3.2** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 2.3.3** Burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir and ditch or drainage maintenance where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 "Drying Periods," and Section 5 "Burning of Vines or Bushes Treated with Herbicides," provided, however, that material growing in or

on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted or treated; and,

- 2.3.4** Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.4 Land Clearing and Fire Hazard Reduction Exemption.** Burning of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes, or when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard may be disposed of by open outdoor fires on the property where it was grown, when authorized by the local fire protection agency having jurisdiction over the respective burn site, and when performed with a valid Coordinated Burn Authorization Permit. No material may be burned pursuant to this Section unless:
- 2.4.1** The burning is done on a Permissive Burn Day;
 - 2.4.2** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 2.4.3** Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
 - 2.4.4** Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.5 Public Officer Exemption.** Burning operations conducted 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 an officer is necessary and, when performed with a valid Coordinated Burn Authorization Permit will inhibit the emergency burning:
- 2.5.1** For the purpose of the prevention of a fire hazard which cannot be abated by any other means; or
 - 2.5.2** For the instruction of public employees in the methods of fire fighting; or
 - 2.5.3** For the purpose of disease or pest control and prevention.
- 2.6 Employee Instruction.** Burning operations on property for the purposes of instruction of employees in methods of fire fighting, when performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.7 Back Fires to Protect Life and Property.** Burning operations conducted pursuant to Section 4426 of the Public Resources Code as back fires necessary to save life or valuable property.
- 2.8 Wild land Vegetation Management Burning.** Burning operations conducted for the purpose of wild land vegetation management burning pursuant to Rule 207, and as defined in Rule 201, section 2.41 of these Rules and Regulations, and when performed with a valid Coordinated Burn Authorization Permit.
- 2.9 Multi-Unit Dwellings and Commercial Entities.** At multi-unit dwellings and commercial entities, burning for the purpose of fire hazard reduction when done for the purpose of compliance with local fire hazard reduction ordinances. No material may be burned pursuant to this Section unless:

- 2.9.1 The burning is done on a Permissive Burn Day;
 - 2.9.2 The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 2.9.3 Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
 - 2.9.4 Performed pursuant to a valid Coordinated Burn Authorization Permit.
- 2.10 **Residential Cooking and Recreational Fires.** Open outdoor fires used for cooking food for human beings or for recreational purposes such as bonfires, campfires, and warming fires. Recreational fires are fires used for recreational purposes where the fire is less than 3 feet in diameter, and which are in compliance with all minimal fire safety requirements as set out in Rule 200, 2.23.
- 2.11 **Ceremonial Fires.** Open outdoor fires used for religious or ceremonial purposes which are in compliance with all minimal safety requirements as set out in Rule 200, 2.23

3.0 REQUIRED COORDINATED BURN AUTHORIZATION BURN PERMITS

- 3.1 **Required Coordinated Burn Authorization Permit (CBA Permit).** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or allow the open burning activity on any property under the person’s ownership, control or possession without first obtaining a valid Coordinated Burn Authorization Permit, issued by the Air Pollution Control Officer or the Air Pollution Control Officer’s designee pursuant to State law. The Air Pollution Control Officer may designate specified designees to issue Coordinated Burn Authorization Permits and may utilize fire agency burn permits which meet the following criteria:

Each Coordinated Burn Authorization Permit must include, but is not limited to:

- 3.1.1 Identification of a responsible party during the burn activity;
- 3.1.2 Identification of Burn Zone in which the permitted burning is authorized;
- 3.1.3 Identification of the fire district jurisdiction in which the permitted burning is authorized;
- 3.1.4 Identification of the type of burning and what is to be burned;
- 3.1.5 A prohibition against burning of prohibited burn materials as defined in Section 2.33 of this Regulation;
- 3.1.6 Acknowledgement by written signature of the responsible party that the Authorized Permittee understands the prohibition against burning of prohibited materials, the requirement for burning only on Permissive or Marginal Burn Days, and other conditions set out in the Coordinated Burn Authorization Permit;
- 3.1.7 A prohibition against burning on No-Burn Days;
- 3.1.8 Identification of authorized burn hours during which burning is allowed and outside of which burning is prohibited;
- 3.1.9 Identifies minimum fire safety requirements necessary to minimize the potential for escape burns;

- 3.1.10** Includes an updated annual burn permit certification issued by the Air Pollution Control Officer;
- 3.1.11** Incorporates any additional conditions the local, State and federal fire protection agency fire official having jurisdiction over the burn site specifies, including the requirement for local fire protection agency on-site inspection and approval when required by the local fire protection agency fire chief; and,
- 3.1.12** A statement that open and residential burning may release toxic air contaminants and increase risk of adverse health effects.
- 3.2** **Required Conduct.** Any open burning which is not in full and complete compliance with the provisions of these Rules and Regulations is in violation of these Rules and Regulations.
- 3.3** **Parent or Guardian Liability.** The parent or legal guardian of any minor violating these Rules and Regulations is strictly liable for the minor's conduct and violation.
- 3.4** **Strict Liability.** Any person in possession of property or who exercises possessor rights on the property on which any open burning is performed in violation of these Rules and Regulations is strictly liable for any violation of these open burning Rules and Regulations. A contractor or agent acting on behalf of the person in possession of the property is independently and strictly liable for any violation.
- 3.5** **Required Burn Permit Information.** Each applicant for a burn permit shall provide such information as required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the Air Pollution Control Officer. No permit may be issued without the required information.
- 3.6** **Designated Smoke Management Area.** The North Coast Unified Air Quality Management District has established three (3) Designated Smoke Management Areas as defined in Rule 200, Section 2.16 consisting of:
- 3.6.1** Coastal Smoke Management Area;
- 3.6.2** Lower Inland Zone Smoke Management Area; and
- 3.6.3** Upper Inland Zone Smoke Management Area.

The Air Pollution Control Officer, or his designee, as guided by the California Air Resources Board, shall provide Permissive Burn Day or No-Burn Day daily determinations for each of the Designated Smoke Management Areas.

4.0 PERMISSIVE AND NO-BURN DAYS

- 4.1** **Permit Invalidation on No-Burn Days.** Coordinated Burn Authorization Permits are not valid on designated No-Burn Day. Any person, his/her employees or any other persons under his/her control shall not set or permit burning on a No Burn Day unless otherwise approved by the APCO.

- 4.2 Fire Prevention No-Burn Day Designations.** No Coordinated Burn Authorization burning permit is valid for any day on which burning is prohibited, by any local, State or federal fire protection agency having jurisdiction over the site of the burn. For burn barrels, a No-Burn Day shall also include any day or period of time that the chief fire official having jurisdiction over the site of the burn has issued a written determination that the use of a burn barrel may create or contribute to an unacceptable fire risk.
- 4.3 Restriction of Burning during Poor Air Quality Conditions.** Notwithstanding the issuance of a Coordinated Burn Authorization Permit and designation of a Permissive Burn Day, the Air Pollution Control Officer may restrict burning on a Permissive Burn Day if such burning could cause or contribute to potential adverse air quality conditions. No burning shall be conducted if meteorological conditions would cause an undue amount of emissions to be transported into populated or sensitive receptor areas. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of any federal or state Ambient Air Quality Standard. In no event shall a public nuisance be permitted to exist by the Air Pollution Control Officer or by the permittee.
- 4.4 Permit to Burn on a No-Burn Day.** Notwithstanding any other provision of this Regulation, the Air Pollution Control Officer may, by special condition for one day only, authorize agricultural burning on days designated by the CARB as No-Burn Days when denial of such permit would threaten imminent and substantial economic loss. The granting of such a special condition for one day only does not exempt the applicant from any other District or local, state or federal fire protection agency regulation(s). Each applicant requesting authorization to burn on a day designated by the CARB as a No-Burn Day, shall obtain an approved No Burn Day Permit prior to any and all burning. Approval or denial will be based upon the written justification to the Air Pollution Control Officer as to why denial of such permit would threaten imminent and substantial economic loss.

5.0 EXEMPTIONS TO PERMIT REQUIREMENTS

- 5.1 Residential Cooking and Recreational Fires.** Coordinated Burn Authorization Permits are not required for burning conducted for open outdoor fires used *only* for cooking food for human beings or for recreational purposes such as warming fires, campfires and bonfires.
- 5.2 Ceremonial or Religious Fires.** Coordinated Burn Authorization Permits are not required for open outdoor fires conducted for religious ceremonial purposes.

Rule 202 **Burn Hours and Notice of Ignition**

(Adopted July 18, 2003; Revised December 16, 2004, Revised May 15, 2008)

RULE 202 CONTENTS

- 1.0 GENERAL BURN HOURS AND NOTICE OF IGNITION
 - 1.1 Forest Management & Wildland Vegetation Management
 - 1.2 Field Crop Waste & Agricultural Burning
 - 1.3 Non-Agricultural and Residential Wastes
 - 1.4 Exception to Burn Hours
 - 1.5 Residential Wastes in Humboldt and Del Norte County

- 2.0 NOTICE OF INTENT TO IGNITE

- 3.0 NOTICE OF ESCAPE BURN

1.0 GENERAL BURN HOURS AND NOTICE OF IGNITION. Every Coordinated Burn Authorization Permit shall specify the burning hours for ignition of fires, and no person shall burn, allow any burning or knowingly ignite any waste otherwise authorized pursuant to this Regulation, or permit the ignition of such waste under the person's ownership, control, on land under the person's control or by the person's employees or agent(s) or other persons under the person's control, except during these hours.

1.1 Forest Management and Wildland Vegetation Management. Unless otherwise specifically authorized, no ignition of Forest Management or Wild land Vegetation Management fuels shall commence before 8:00A.M., and shall not continue after one (1) hour before sunset in any one (1) day, unless such burning is performed with a valid Coordinated Burn Authorization Permit and approved Smoke Management Plan. A Burn Authorization Number must be obtained daily from the AQMD prior to burning. Trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period. Notwithstanding any burn authorization permit issued, burning of vegetation greater than six (6) inches in diameter beyond the designated burn hours does not relieve the permittee from smoke impact liability or nuisance liability.

1.2 Field Crop Waste: Unless otherwise specifically authorized, no burning of field crop waste shall commence before 10:00 A.M. and shall not continue after 5:00 p.m. of any one (1) day. All burn projects must obtain daily a Burn Authorization Number from the AQMD prior to burning.

1.3 Non-Agricultural and Residential Wastes: No Non-Agricultural, commercial, property development, or large pile (greater than 4 feet by 4 feet), burning on residential properties shall commence before 7:45 a.m. and shall not continue after one (1) hour before sunset in any one (1) day.

1.4 Residential Wastes in Humboldt and Del Norte County. No residential burning shall commence before 6:00 a.m. and shall not continue after 12:00 Noon in Humboldt and Del Norte County.

- 1.5 Residential Wastes in Trinity County.** No residential burning shall commence before 6:00 a.m. and shall not continue after one (1) hour before sunset during the period from the end of the declared fire season until May 1st of each year. Beginning May 1st of each year and continuing through the end of the declared fire season, all residential burning shall be confined to permissive burn days and to the hours of 6:00 a.m. until 12:00 Noon.
- 1.6 Exceptions to Burn Hours:** Notwithstanding Sections 1.1, 1.2 and 1.3 of this Rule, the Air Pollution Control Officer may approve on a case by case basis, burning during other hours to address a known or suspected emergency and where significant economic loss either will occur or is imminent, or where the chief fire official requests authorization to burn during other hours for the purpose of reducing fire risk and where such exceptions are consistent with protecting air quality.

2.0 NOTICE OF INTENT TO IGNITE

- 2.1** Prior to ignition of waste pursuant to a Coordinated Burn Authorization Permit issued in accordance with these Rules, the permittees performing nonresidential burning shall give notice of intent to ignite to the District no sooner than 48 hours before any ignition.
- 2.2** Notwithstanding Section 2.1 of this Rule, when exempted in writing in the consolidated burn authorization permit and approved by the APCO, notice of intent to ignite for burning is not required for any contiguous burning site of less than one (1) acre.

3.0 NOTICE OF ESCAPE BURN

- 3.1** It is a violation of these Rules and Regulations to allow significant amounts of fuel to be consumed outside of the proposed burn area. Areas that are outside of the proposed burn area and that are greater than ¼ acre in size are assumed to add a significant amount of fuel to the ignition that is permitted on the Coordinated Burn Authorization Permit.
- 3.2** If, through act of intent, negligence or nature, any burn escapes beyond ¼ acre in size, the responsible party shall immediately notify the local, State or federal fire protection agency having jurisdiction over the burn. The responsible party shall notify the District within one hour following control of the escape or by the next business day, whichever is sooner.

Rule 203
General Burn Practices, Requirements and Conditions
(Adopted July 18, 2003; Revised December 16, 2004, Revised May 15, 2008)

RULE 203 CONTENTS

- 1.0 PROHIBITION OF BURN BARREL USE AND DRYING REQUIREMENTS
- 2.0 ARRANGEMENT OF BURNABLE WASTE
 - 2.1 Smoke Minimization
 - 2.2 Designated Burn Period
- 3.0 DRYING PERIOD
- 4.0 WIND DIRECTION
- 5.0 BURNING OF VINES OR BUSHES TREATED WITH HERBICIDES
- 6.0 TRANSPORTATION OF BURNABLE MATERIALS

RULE 203:
GENERAL BURN PRACTICES, REQUIREMENTS AND CONDITIONS

- 1.0 PROHIBITION OF BURN BARREL USE AND DRYING REQUIREMENTS.**
- 1.1** All wastes to be burned shall be free of prohibited burn materials and all other wastes prohibited by this Regulation or disallowed by the APCO, and shall be reasonably free of dirt, soil, visible surface moisture and moisture content so as to minimize smoke.
 - 1.2** Except as otherwise specifically authorized by this Regulation, the use of *any* type of burn barrel, incinerator, or similar device is prohibited during the ignition of any waste and the use for any burning activity, except as specifically authorized in Section 1.3.
 - 1.3** Notwithstanding Section 1 above, until December 31, 2013, dry non-glossy paper and cardboard and natural vegetation may be burned in a burn barrel at single or two family residences within any unincorporated area within the North Coast Unified Air Quality Management District (Humboldt, Del Norte, and Trinity Counties), which is outside the following designated areas:

- 1.3.1** Burn Barrel Use Permitted in those areas not included within
 The following Designated Areas:

Arcata Fire Protection District
Blue Lake Fire Protection District
Carlotta Community Services District
City of Eureka
City of Trinidad
County Service Area #4 District

Crescent City West of Six Rivers NF and North of T15N
Ferndale Fire Protection District
Fieldbrook Community Services District
Fortuna Fire Protection District
Garberville Fire Protection District
Hoopa
Humboldt #1 Fire Protection District
Kneeland Fire Protection District
Loleta Fire Protection District
Miranda Fire Protection District
Myers Flat Fire Protection District
Orick Community Services District
Phillipsville Community Services District
Redway Fire Protection District
Rio Dell Fire Protection District
Rio Dell Fire Protection District SOI NORTH
Rio Dell Fire Protection District SOI SOUTH
Samoa Peninsula Fire Protection District
Scotia Volunteer Fire
Smith River West of Six Rivers NF and North of T15N
Weaverville Fire District
Weott Community Services District
Westhaven Community Service District
Willow Creek Fire Protection District
ZIP Code 95521, Arcata
ZIP Code 95524, Bayside
ZIP Code 95503, Eureka
ZIP Code 95540, Fortuna
ZIP Code 95546, Hoopa
ZIP Code 95547, Hydesville
ZIP Code 95548, Klamath
ZIP Code 96052, Lewiston
ZIP Code 95551, Loleta
ZIP Code 95519, McKinleyville
ZIP Code 95553, Miranda
ZIP Code 95554, Myers Flat
ZIP Code 95560, Redway
ZIP Code 95563, Salyer
ZIP Code 95565, Scotia
ZIP Code 96093, Weaverville
ZIP Code 95573, Willow Creek

Notes: ¹ As shown in Figures 1 to 5, ² ZIP Code refers to US Census ZIP Code Tabulation Areas

1.3.2 Approved burn barrel zones by map depictions. The following maps are provided for general visual reference only and depict approved burn barrel zones within the counties of Del Norte, Trinity and Humboldt. Where any conflict or potential conflict appears between any of the maps depicted and the area references specified in Section 1.3.1 above, the reference(s) specified in Sections 1.3.1 above shall be enforced as the regulatory determination for approved burn barrel use.

Figure 1, District-Wide Burn Barrel Zone Exemption

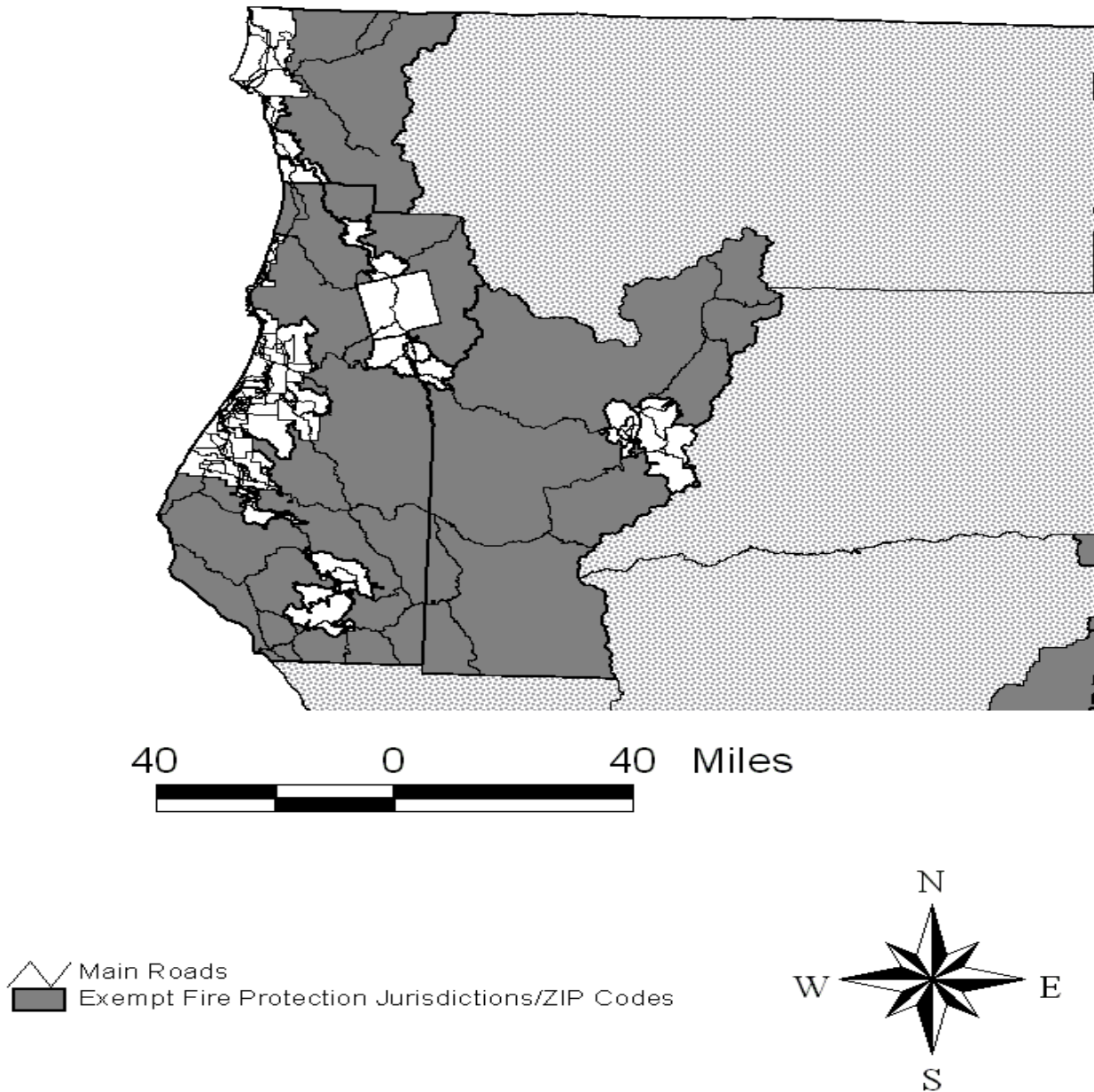


Figure 2, Del Norte County Burn Barrel Zone Exemption

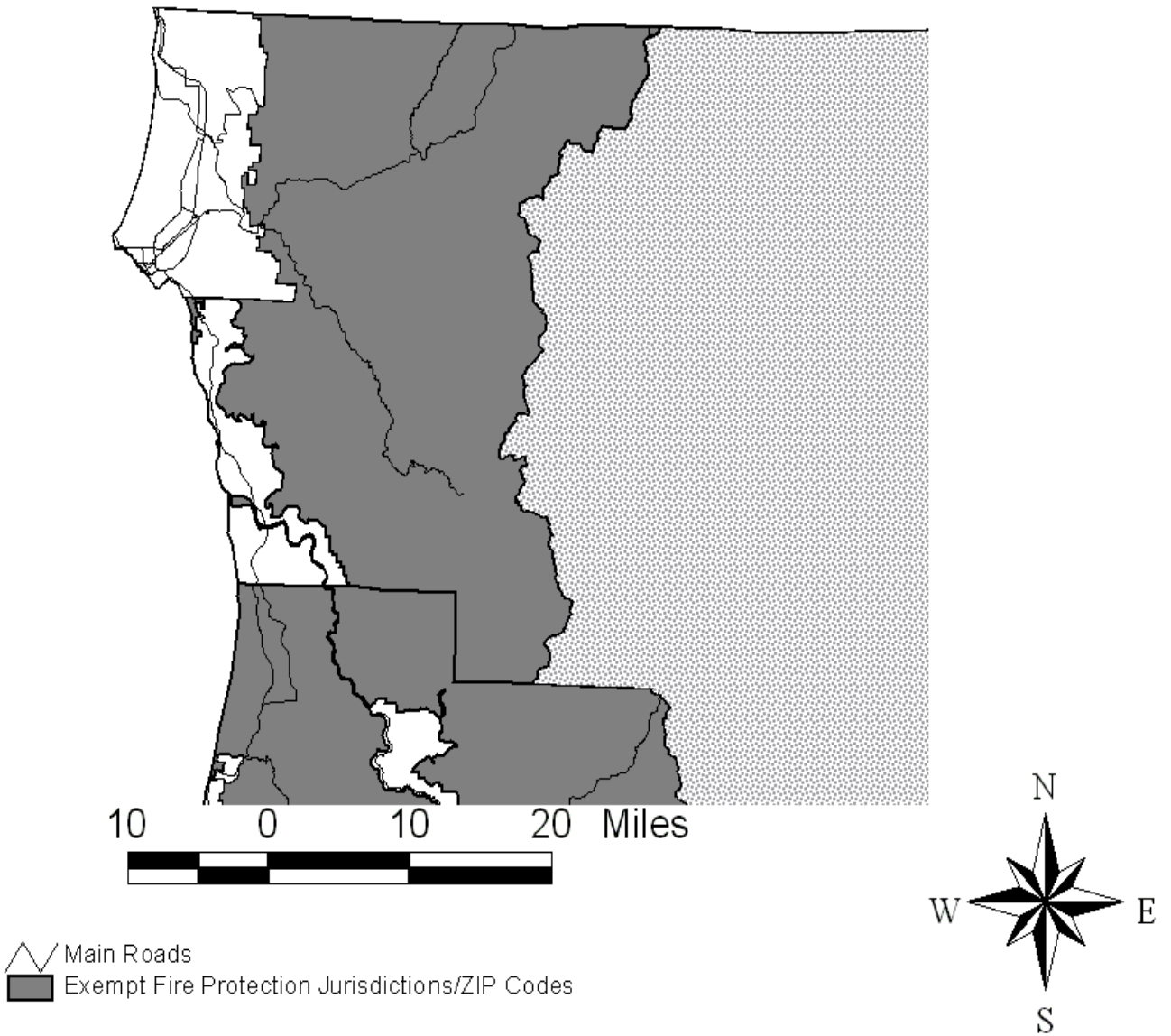


Figure 3, Trinity County Burn Barrel Zone Exemption

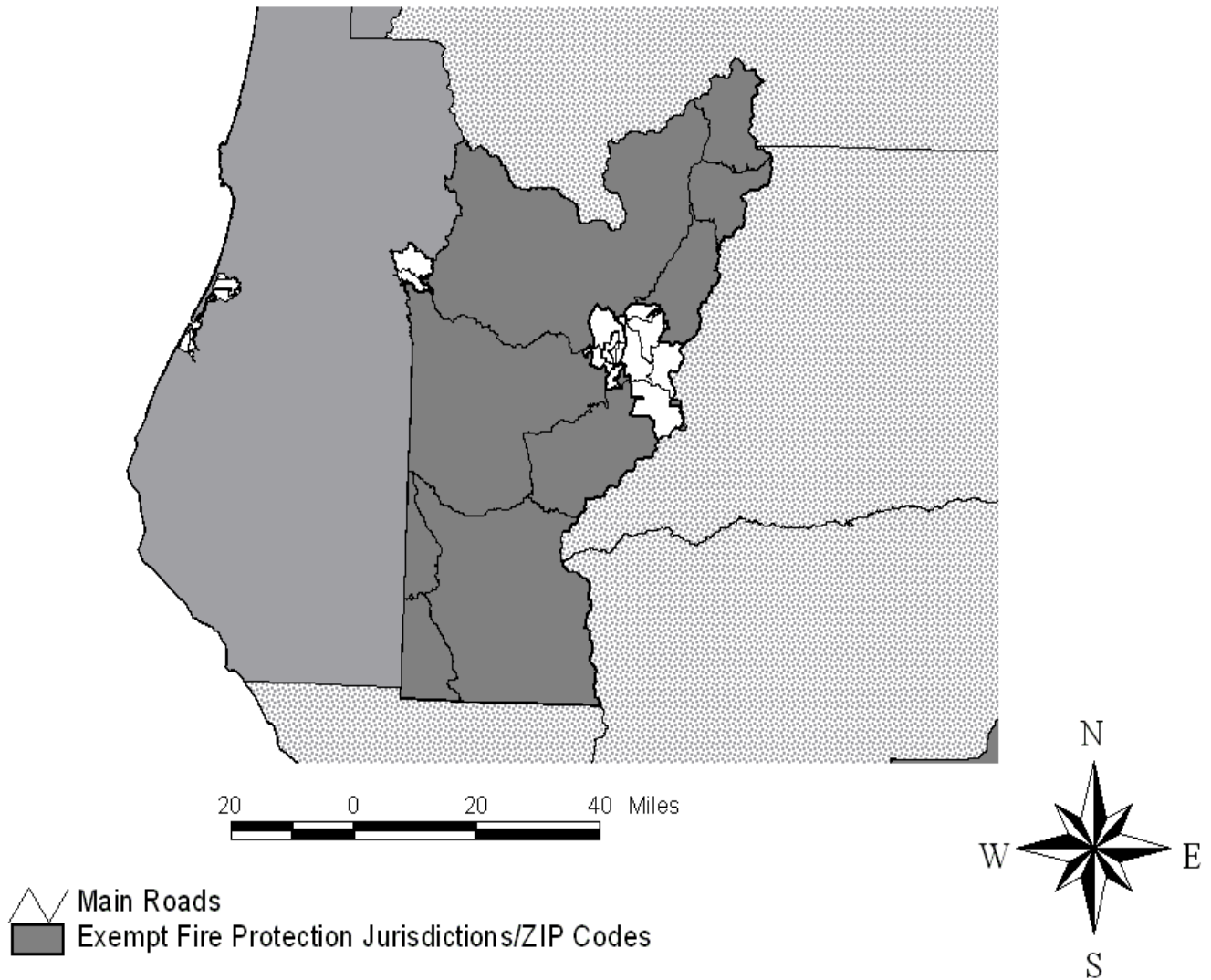


Figure 4, North Humboldt County Burn Barrel Zone Exemption

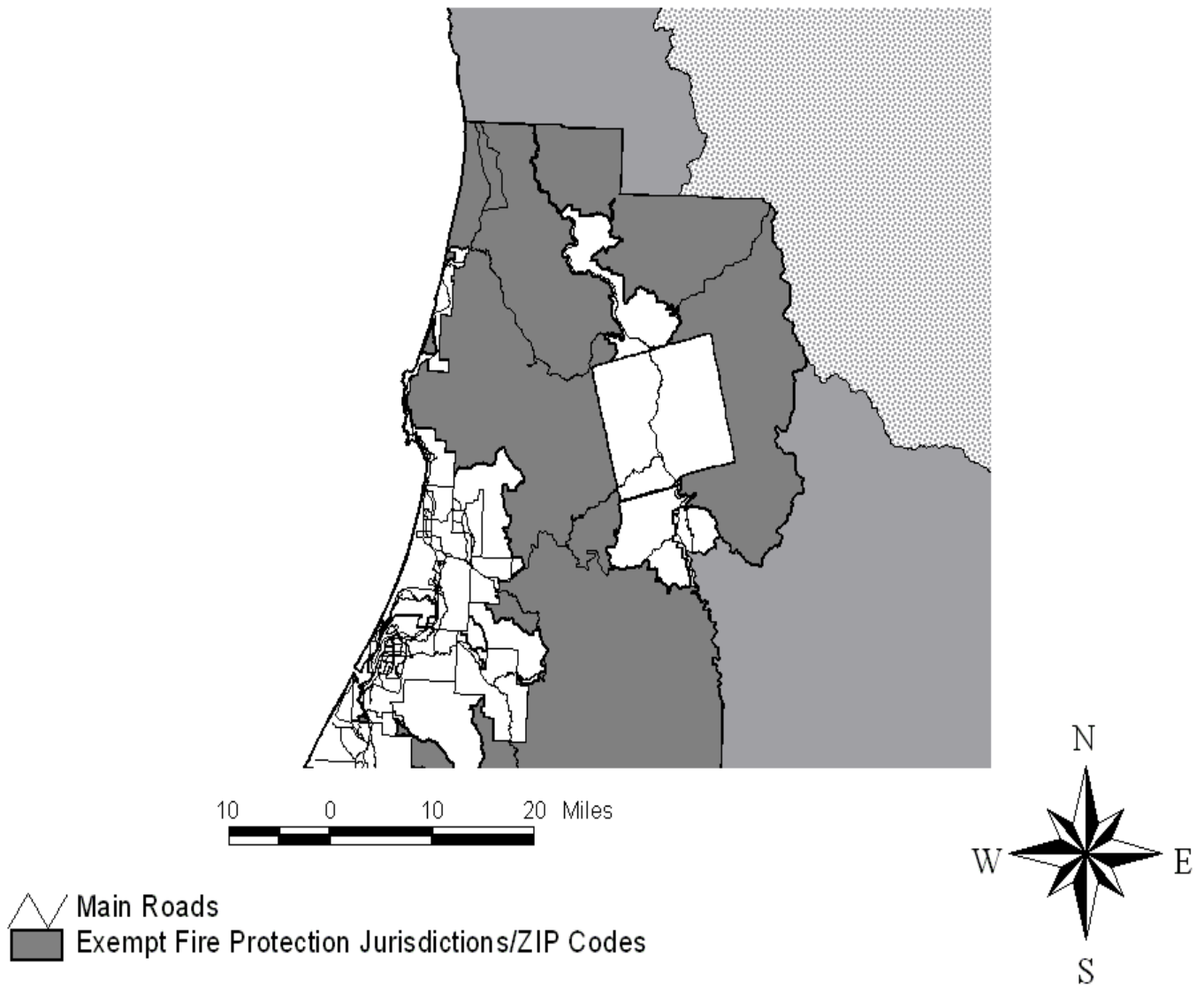


Figure 5, Central Humboldt County Burn Barrel Zone Exemption

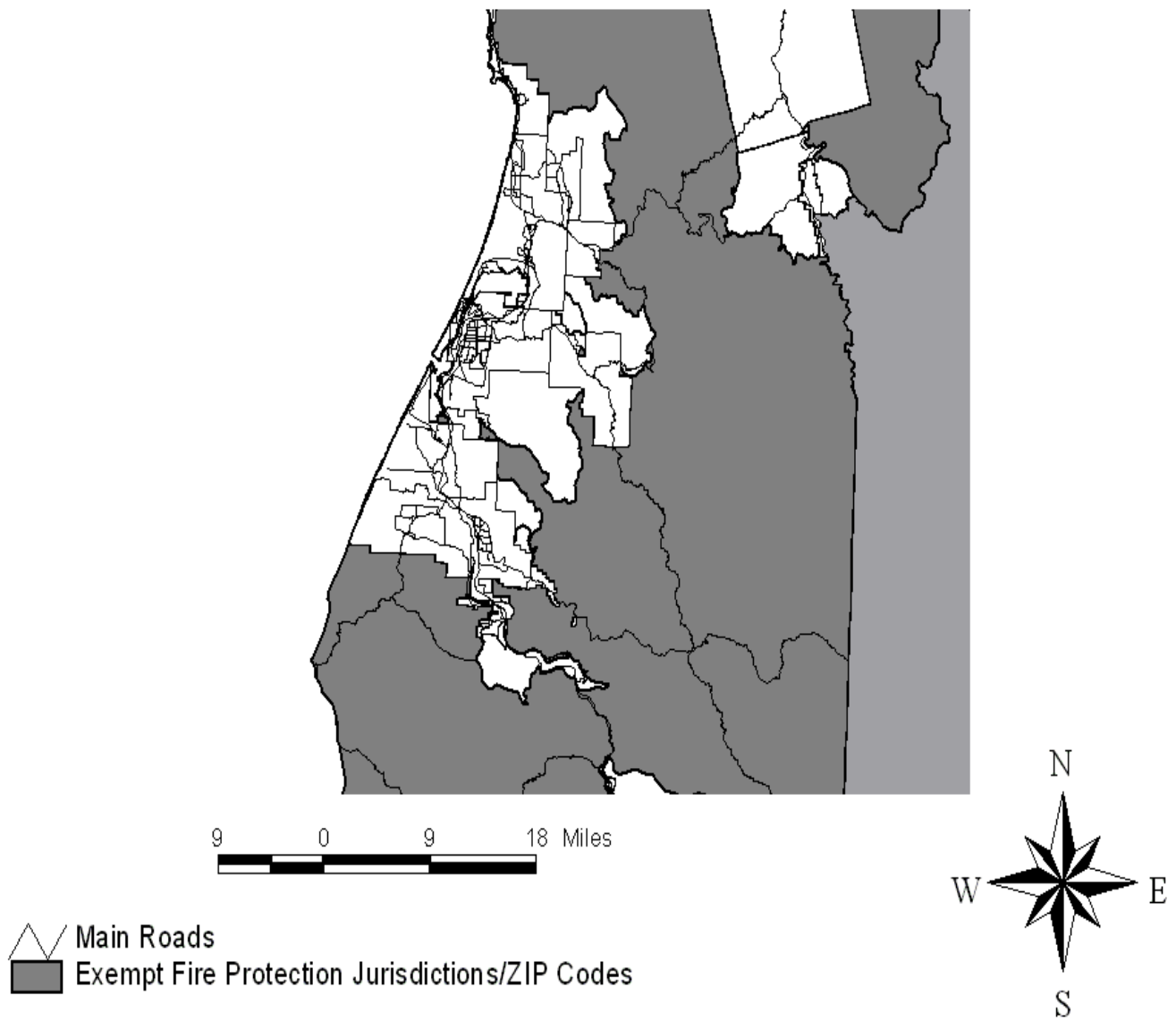
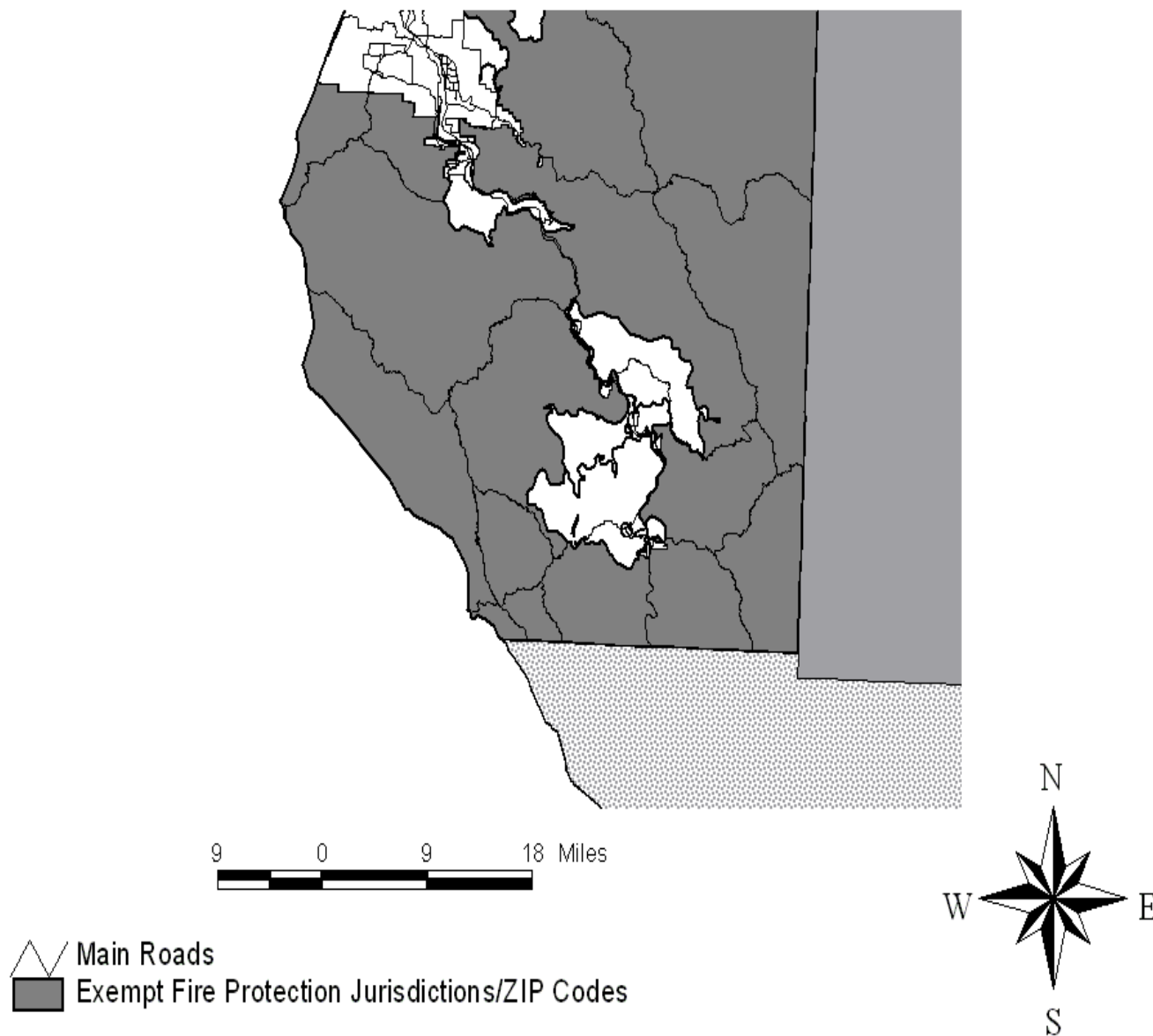


Figure 6, Southern Humboldt County Burn Barrel Zone Exemption



- 1.4** The exemptions provided for those areas exempt under Section 1.3, above, shall terminate on December 31, 2013, unless reviewed and approved by the North Coast Unified Air Quality Management District Governing Board prior to December 31, 2013, and approved by the California Air Resources Board.

2.0 ARRANGEMENT OF BURNABLE WASTE

- 2.1 Smoke Minimization.** All burnable waste shall be arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke.

- 2.2 Designated Burn Period.** Only that amount of waste that can reasonably be expected to completely burn within the burn period designated on a valid Coordinated Burn Authorization Permit following ignition shall be ignited on any one (1) day; provided, however, when approved by the APCO trees, stumps and branches greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period. Burning vegetation greater than six (6) inches in diameter may be ignited even though they cannot reasonably be expected to completely burn within such period. Burning vegetation greater than six (6) inches in diameter beyond the designated burn hours does not relieve the permittee from smoke impact liability.

- 3.0 DRYING PERIOD.** Except as provided for in Rule 203 of these Rules and Regulations to lower the moisture content of agricultural waste, the elapsed time between cutting, felling or uprooting and ignition or burning shall be:

- 3.1** A minimum of thirty (30) days for trees, stumps and branches greater than six (6) inches in diameter.

- 3.2** A minimum of fifteen (15) days for vines, bushes or branches less than or equal to six (6) inches in diameter.

- 4.0 WIND DIRECTION.** Waste authorized for burning shall not be ignited when the wind direction is such that smoke from the burning of such waste would be blown or carried into a nearby populated area and could create a public nuisance.

- 5.0 BURNING OF VINES OR BUSHES TREATED WITH HERBICIDES.** Notwithstanding the provisions of Section 3 of this Rule, vines or bushes may be burned in place without being cut or uprooted if they are treated and desiccated with herbicides and allowed to dry at least six (6) months prior to ignition or burning. However, such burning may be allowed by the Air Pollution Control Officer prior to the expiration of the six (6) month period when performed in accord with a valid Coordinated Burn Authorization Permit and where the applicant for a Coordinated Burn Authorization Permit demonstrates to the satisfaction of the Air Pollution Control Officer that burning vines or bushes treated with herbicides, prior to the expiration of such six (6) month period, could be accomplished in a manner which would produce no more smoke than would be produced by the burning of the same type of vines or bushes which had been cut or uprooted and dried for fifteen (15) days.

- 6.0 TRANSPORTATION OF BURNABLE MATERIALS.** All vegetative material to be burned pursuant to this Regulation must be burned on the property where the material was grown. No

material may be transported to another location to be burned, except in compliance with the exemption provided under Rule 206.

Rule 204 Ignition Devices and Methods
(Adopted July 18, 2003, Revised May 15, 2008)

RULE 204 CONTENTS

- 1.0 IGNITION DEVICES
- 2.0 FIELD CROP IGNITION METHODS

RULE 204
IGNITION DEVICES AND METHODS

- 1.0 IGNITION DEVICES.** All vegetative wastes to be burned shall be ignited only with approved ignition devices as defined in Rule 200.
- 2.0 FIELD CROP IGNITION METHODS.** Rice, barley, oat and wheat straw shall be ignited only by strip firing or by backfiring except under a special condition of the District issued when and where extreme fire hazards are declared by a local, state or federal public fire protection agency, or where crops are determined by the Air Pollution Control Officer not to lend themselves to these techniques.

Rule 205 Certificates From Department of Fish and Game
(Adopted July18, 2003)

- 1.0 CERTIFICATES FROM DEPARTMENT OF FISH AND GAME.** No agricultural burning shall be conducted for the sole purpose of the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the California Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat, and such statement is filed with the Air Pollution Control Officer, and such burning is conducted pursuant to a valid Coordinated Burn Authorization Permit.

Rule 206 Burning at Disposal Sites

(Adopted and Re-codified July 18, 2003; Revised December 16, 2004)

- 1.0 GENERAL PROHIBITION AGAINST BURNING AT DISPOSAL SITES.** It is unlawful to burn rubbish or garbage at dumps, refuse disposal areas or at any solid waste dump, whether public or private, or to burn garbage anywhere else in the counties of Humboldt, Del Norte and Trinity. However, fires used for the disposal of natural vegetation from trees, vines and brush at any approved disposal site in the North Coast Unified Air Quality Management District may occur if approved by the Air Pollution Control Officer (APCO). Such approval does not relieve the applicant from complying with the restrictions and limitations specified in valid permit to operate issued by the APCO. No material may be burned pursuant to this Section unless:
- 1.1** The state board has approved the use of open outdoor fires at the designated disposal site to dispose of such wood waste and the operation of the disposal site will not prevent the achievement and maintenance of ambient air quality standards;
 - 1.2** The burning is done on a Permissive Burn Day;
 - 1.3** The material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke;
 - 1.4** Where the vegetation is cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 203, Section 3 “Drying Periods,” and Section 5 “Burning of Vines or Bushes Treated with Herbicides;” and,
 - 1.5** Performed pursuant to a valid Coordinated Burn Authorization Permit
 - 1.6** No permit shall be issued until there is filed with the district a written statement by the owner of the land on which the disposal site is located, or his agent, or if some other person is lawfully in possession of such land, approving burning on said property.
 - 1.7** Prior to issuing a permit, the district may inspect the wood waste to be burned to verify that it is exclusively wood waste from trees, vines, and brush.

Rule 207 Wildland Vegetation Management Burning

(Adopted July 18, 2003, Revised May 15, 2008)

RULE 207 CONTENTS

- 1.0 BURN PLAN
- 2.0 ACREAGE LIMITATION
- 3.0 ADVANCE PERMISSIVE BURN NOTICE

**RULE 207
WILDLAND VEGETATION MANAGEMENT BURNING**

Wildland vegetation management burning shall comply with these Rules and Regulations of the North Coast Unified Air Quality Management District (“District”), including but not limited to the following specific requirements:

- 1.0 BURN PLAN.** Any proposed burn, greater than one (1) acre shall only be authorized when performed in accord with a valid Coordinated Burn Authorization Permit and shall require the following data to be submitted in a burn plan to the District at least seven (7) days prior to ignition, or shall be registered for smoke management planning in accordance with the Burn Registration Program established pursuant to the agreement and approved by California Air Resources Board (CARB) between the District and the Fuels Management Group:
 - 1.1** Acreage covered by the burn plan;
 - 1.2** Location and specific objectives of the burn project;
 - 1.3** Type and condition of fuel and arrangement of the vegetation to be burned;
 - 1.4** Direction and distances to populated or sensitive receptor areas;
 - 1.5** Project burn schedule (ignition to burn down) and fuel combustion prescription elements;
 - 1.6** Fuel condition, combustion and meteorological prescription elements developed for the burn projects;
 - 1.7** Specifications for monitoring and verifying project parameters;
 - 1.8** Procedures for notifying the public and other agencies of the burn.
- 2.0 ACREAGE LIMITATION.** No more than 6,000 acres of wildland vegetation as defined in these Rules and Regulations shall be ignited on any one (1) day within the entire

geographical area of counties of Humboldt, Del Norte and Trinity subject to the further limitation that the burn authorization system shall not allow more burning of wild land vegetation on a daily basis than is appropriate for the meteorological or air quality conditions within the entire geographical area of Humboldt, Del Norte and Trinity counties.

3.0 ADVANCE PERMISSIVE-BURN NOTICE. Upon request from a permittee through the District, seven (7) days in advance of a specific range improvement burn, forest management burn or wildland vegetation management burn at any elevation a 48-hour forecast, 72-hour outlook or a 96-hour trend will be issued by the state board for such a burn if requested to do so by the District.

3.1 Notwithstanding Section 3 of this Rule, the CARB 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.

3.2 A 72-hour outlook and a 96-hour trend will be available in advance of burns specified in Section 3 of this Rule.

Rule 208 Burn Registration Program

(Adopted and Re-codified July 18, 2003; Revised December 16, 2004)

RULE 208 CONTENTS

- 1.0 BURN REGISTRATION AND REPORTING
- 2.0 BURN AUTHORIZATION SYSTEM
- 3.0 SMOKE MANAGEMENT PLANNING

**RULE 208
BURN REGISTRATION PROGRAM****1.0 BURN REGISTRATION AND REPORTING:**

- 1.1 All persons who desire to conduct agricultural or prescribed burning in the District in any particular calendar year must register their planned burn projects with the District. The North Coast Fuels Management Cooperative (NCFMC) members register their burns in August of each year. Other agricultural and prescribed burners register their burns prior to the anticipated burn season. Updates and late additions to this registration process are accepted. The burn registration must include: the name of the permittee, including a contact person with phone number; a listing of all projects planned, with legal descriptions of their locations (township, range, Section #); an estimate of the total acreage and/or tons of material to be burned; and a meteorological prescription addressing smoke management concerns.
- 1.2 The District will accept burn registrations in whatever format the registrant wishes to use, as long as the required information is included in the registration. The District will supply and the registrant shall complete and submit to the AQMD, a Burn Registration Smoke Management Plan for each distinct project or watershed unit(s) prior to burning.
- 1.3 The Air Pollution Control Officer shall submit a report to the California Air Resources Board (CARB) of the agricultural and prescribed burning conducted each calendar year in the District, and no later than 45 days from the end of each calendar year. The report includes the estimated tonnage and/or acreage for each type of waste burned from both agricultural and prescribed burning by county.
- 1.4 The District shall report all special permits (no-burn day permits) issued each calendar year in the District to the California Air Resources Board (CARB), after December 31st of each year and no later than 45 days after that date. This report includes the number of such permits issued, the date of issuance of each permit, the person or persons to whom the permit was issued, and estimate of wastes burned pursuant to the permit, and a summary of the reasons why denial of each permit would have threatened imminent and substantial economic loss.
- 1.5 Once the California Air Resources Board establishes an electronic reporting system for agricultural and prescribed burning, the District will modify this Section of its Smoke

Management Program to participate in the reporting system, unless the system requires considerable District resources.

- 1.6** When a natural ignition occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless:
- 1.6.1** (1) After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or
 - 1.6.2** (2) For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB.
 - 1.6.3** (3) After 24 hours, the district has been contacted, or if the district is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.
 - 1.6.4** A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.
- 1.7** A post-burn smoke management evaluation shall be submitted by the burner for fires greater than 250 acres.

2.0 BURN AUTHORIZATION SYSTEM

- 2.1** The District operates a daily burn authorization system which regulates agricultural and prescribed burning. The burn authorization system specifies the amount, timing and conditions for burn projects on a daily basis within the District boundaries.
- 2.2** The purpose of the burn authorization system is to minimize smoke impacts in smoke sensitive areas, avoid cumulative smoke impacts and prevent public nuisance. As such, all burn authorization requests are evaluated first by these considerations.
- 2.3** In evaluating burn authorization requests the District considers the following factors:
- 2.3.1** Air quality; (Ambient Air Quality Standards)
 - 2.3.2** Meteorological conditions expected during burning;
 - 2.3.3** Types and amounts of materials to be burned;
 - 2.3.4** Location and timing of materials to be burned;
 - 2.3.5** Locations of smoke sensitive receptors; and
 - 2.3.6** Smoke from all burning activities, including burning in neighboring air districts or regions which may affect the air quality in this District.
- 2.4** Burn authorizations are given on a first come first served basis. Once a burn authorization is given it is only rescinded if meteorological conditions change such that adverse air quality impacts are likely, or if burning by a fire protection agency to abate an imminent fire hazard is suddenly and unexpectedly required in the same area.
- 2.5** A burn authorization from the District only authorizes the ignition of a burn *if* the smoke management conditions given in the burn registration are met at the time of ignition and are expected to be met for the duration of the burn. A burn authorization does not relieve the burner from meeting the conditions of the burn registration plan for the specific burn. It is the burner’s responsibility to make sure all conditions listed in the burn registration plan are met prior to ignition. To validate the specific smoke transport conditions that exist on

each site, the District requests the burn operators to either release a helium filled balloon or ignite a small pile of brush to verify that favorable smoke transport conditions exist.

- 2.6** When an authorization to burn has been given by the District, a unique identifying number shall be assigned to that burn to track the particular burn and provide confirmation to the burner that the burn has been authorized.
- 2.7** To request a burn authorization, a burner must contact the District by phone, fax, e-mail or in person no sooner than 48 hours prior to the planned ignition. The District shall respond to a request for authorization within 24 hours of receipt of the request or within 1 hour of the planned ignition in the event that the request is submitted less than 24 hours prior to the time of the planned ignition.
- 2.8** In order to help plan burn projects prior to requesting a burn authorization from the Air District, burners may obtain a 48-hour forecast, 72-hour outlook and a 96-hour trend for specific burns from the California Air Resources Board duty meteorologist. These forecasts are not a substitute for a burn authorization, and contain no guarantee that a favorable forecast will necessarily lead to a burn authorization approval, but are intended solely to help in burn project planning. District staff is also available to help in meteorological forecasting and smoke management planning if needed.
- 2.9** The District maintains a daily log, recording any burn authorizations approved, the location of the burns, the amounts of material burned, number of complaints received about agricultural and prescribed burning, planned and unplanned wildfires occurring that day and any other relevant information related to smoke impacts for that day, including notifications from the burners and planned project ignitions not authorized. This data is used in the burn authorization process in the following days, in evaluating the success and efficiency of the smoke management program, in response to citizen complaints and in the preparation of reports related to the smoke management program.
- 2.10** Multi-day burns require authorization be obtained on a daily basis from the Air District to continue with the burn.
- 2.11** A burn project may impact air sheds in other Districts of states the District staff shall notify the appropriate air quality agency prior to ignition. Any concerns these agencies have over the planned burn will be considered.

3.0 SMOKE MANAGEMENT PLANNING

- 3.1** Each burn project will be registered, subject to section 1.0, for smoke management planning purposes, either via the District's Burn Registration/Smoke Management Plan form, or an equivalent document providing the necessary smoke management planning information.
- 3.2** Burn projects less than 10 acres in size need only submit the information contained in the Burn Registration Section of the District smoke management plan (questions 1-6). Burn projects greater than 10 acres but less than 100 acres must complete all the questions found on the District smoke management form. Before issuing an authorization to burn, the District, at its discretion, may require additional smoke management procedures to be used

if a burn: a) is greater than 100 acres in size, b) may impact smoke sensitive areas, or c) presents other potential problems.

3.3 The following smoke management actions will be considered for every burn project, and may require written submittal to the District of the actions taken, consistent with the guidelines above and the District Burn Registration/Smoke Management Plan form.

3.3.1 Meteorological Prescription. Provide a detailed meteorological prescription that must be met to proceed with the burn. At a minimum the prescription must include acceptable wind direction. Other considerations may include wind speed, temperature profile, winds aloft, humidity, temperature, actual and predicted inversions, burn day status and forecast precipitation. Sources of where weather forecasts will be obtained to make smoke management decisions for the burn project may also be asked for.

3.3.2 Contingency Actions. The actions the burner will take if smoke from the burn project produces unacceptable smoke impacts, which may include: stopping further ignitions, active fire suppression, rapid mop up and other appropriate techniques that are discussed with the District.

3.3.3 Smoke Mitigation. Actions that will be taken to minimize smoke from the burn, which may include: minimum drying times/fuel moistures, piling and/or windrowing materials, active mop up of smoldering, pretreatment of fuels and other appropriate techniques.

3.3.4 Burning Alternatives. Describe the alternatives to burning which have been considered for this burn project and the basis of why the alternatives were not feasible or justified.

3.3.5 Smoke Sensitive Receptors. A description of what smoke sensitive receptors, such as towns, schools or roads, may be required. A map showing the location of sensitive receptors and predicted smoke travel may also be required.

3.3.6 Public Notification. The potentially affected public will be notified of the burn project by one or all of the following: media announcements, phone contact lists, road signs and other appropriate techniques.

3.3.7 Complaint Handling Procedures. A procedure shall be developed that insures that all complaints about smoke impacts received by a company or individual conducting the burn are promptly reported to the District.

3.3.8 Smoke Monitoring. Describe the procedures that will be used to monitor and track the smoke transport from the burn project, which may include: a smoke spotter to check on downwind sites, ambient air monitoring, aerial monitoring or other appropriate methods.

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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 judgement, 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.

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(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.

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(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.

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(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.

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(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

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(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 transferrable, 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.

11.10.74

CHAPTER IV - PROHIBITIONS

RULE 400 - GENERAL LIMITATIONS

RULE 51 - PROHIBITED EMISSIONS

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to 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.

(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.

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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.

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).

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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.

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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. (H&S 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. (H&S 41860)

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

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.

Revised
10/12/83

PROCEDURES FOR ENVIRONMENTAL IMPACT REVIEW

I. AUTHORITY OF THE CONTROL OFFICER

The Control Officer shall have the authority, in accordance with standards delineated by the regulations adopted by the California Resources Agency establishing guidelines for implementing the California Environmental Quality Act of 1970 (division 6, Title 14, California Administrative Code) to make the following determination:

1. whether or not an action is a project;
2. whether or not an action is a project or a portion of a project for which another public agency has already acted as the lead agency;
3. whether or not a project is categorically exempt;
4. whether or not a project is ministerial;
5. whether or not it can be seen with certainty that a project will not have a significant effect upon the environment;
6. whether or not a project may have a significant effect on the environment; and
7. whether or not an agency other than the District is to be the lead agency.

These determinations are subject to review and revision upon motion made by the Board of Directors of the District.

II. DETERMINATIONS OF THE CONTROL OFFICER

If the Control Officer determines that (1) 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 CEQA, (2) the project is categorically exempt, (3) the project is ministerial, or (4) it can be seen with certainty that the project will not have a significant effect on the environment, then neither a negative declaration nor an environmental impact report will be required. If subparagraphs 1, 2 and 3 above are not applicable and the Control Officer determines that a project may have a significant effect upon the environment and that the District is the lead agency, then an environmental impact report for the project will be required; provided, however, that only a negative declaration will be required for the project if the Control Officer determines that the project does not require an environmental impact report due to the circumstances peculiar to the specific project. If the Control Officer determines that another public agency should act as lead agency and subparagraphs 1, 2 and 3 above are not applicable, the matter shall be referred to the lead agency for compliance with CEQA.

The Control Officer's determination will be set forth in a written statement which shall be furnished to the applicant. A copy of said statement shall be affixed to any permit granted or denied.

III NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT - CONTROL OFFICER'S RESPONSIBILITY

After making his determination regarding the requirements for preparation of a negative declaration or an environmental impact report, the Control Officer shall:

1. recommend that an agency other than the District be the lead agency, or
2. prepare a negative declaration and file it with the Clerk of the County in which the project is proposed to be located, or
3. prepare an environmental impact report, or
4. obtain authorization of the Board of Directors to engage the services of an outside consultant for the purposes of preparing an environmental impact report.

If the District acts as the lead agency, after a draft environmental impact is completed, the Control Officer shall file a notice of completion with the Secretary of the Resources Agency.

IV CONSULTATION REGARDING ENVIRONMENTAL IMPACT REPORT

After completing the draft environmental impact report, the Control Officer shall consult with and obtain the comments of any public agency which has jurisdiction by law with respect to the project. The Control Officer may consult with any person with expertise with respect to the environmental impact involved.

V MAINTENANCE OF NOTIFICATION LIST

The Control Officer shall maintain a special notice list containing the names and addresses of all persons requesting special notice of either (1) the filing of a negative declaration with the County Clerk, or (2) the filing of a notice of completion of an environmental impact report with the Secretary of the Resources Agency. Each person requesting special notice shall:

1. pay an annual fee as determined by the Board of Directors to cover costs;
2. make written request for special notice to the Control Officer. Payment of the fees for special notice shall be made directly to the Control Officer. Upon payment of the required fee, the Control Officer shall include the applicant's name on the special notice list;

3. request for special notice shall be renewed annually on or before the first day of July, and the renewal fee shall be paid to the Control Officer at the time the request for special notice is renewed;

4. neither the failure to give special notice when required by these procedures nor the failure to publish notice in the proper manner when required by these procedures shall affect in any way the validity or legality or the approval or disapproval of a project.

In situations where either special notice or published notice or both is required by these procedures, the failure to give such notice shall be treated as if such notice had been given.

VI. CONSIDERATION OF NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORTS

After giving the notice required, the Control Officer shall set a time, date and place for consideration of the negative declaration or draft environmental impact report and any comments made thereon. The Control Officer shall give notice of that time, date and place when he will be available to receive comments from members of the public regarding the proposed negative declaration or environmental impact report. The Control Officer shall send such notice of time and place of consideration to all persons who have requested special notice, to the Resources Agency of the State of California, the Environmental Protection Agency and the California Air Resources Board. Any interested person may review the negative declaration or draft environmental impact report and may make written comments to be sent to the Control Officer and be made a part of the consideration of the Control Officer at the time and place specified above.

VII. CONSIDERATION OF NEGATIVE DECLARATION

Negative declarations, together with any written comments thereon, shall be transmitted to the Control Officer prior to the date set for his consideration. The Control Officer shall consider the negative declaration and comments, if any, and either adopt or reject the negative declaration prior to deciding to approve or disapprove the project. If the Control Officer decides to adopt the negative declaration, then the Control Officer shall proceed to approve or disapprove the project.

VIII. NEGATIVE DECLARATION FURTHER ACTION

The Control Officer shall file a copy of the negative declaration and notice of determination with the Clerk of the County in which the project would be located. After the determination by the Control Officer to approve the project, the determination shall become final.

IX. EVALUATION OF PROPOSED ENVIRONMENTAL IMPACT REPORT AND COMMENTS

After the period for considering comments on a draft environmental impact report has expired, the Control Officer (or consultant, if any) shall prepare a final environmental impact report.

X. PRESENTATION OF ENVIRONMENTAL IMPACT REPORTS

The Control Officer shall complete the final environmental impact report or shall receive from the consultant the final environmental impact report prior to his approval or disapproval of the project. The Control Officer shall formally adopt the final environmental impact report and consider its contents before he makes his decision on a project.

XI. ENVIRONMENTAL IMPACT REPORT - FURTHER ACTION

The Control officer shall file a notice of determination with the Clerk or the County in which the project is located. Such notice shall include:

1. whether an environmental impact report has been prepared pursuant to the provisions of CEQA, and the Control Officer's approval or disapproval of the report;
2. the Control Officer's approval or disapproval of the project; and
3. the determination of the Control Officer of whether the project will or will not have a significant effect upon the environment.

XII. CONTROL OFFICER'S DECISION ON PROJECT

Before making a decision on the application, the Control Officer shall consider the negative declaration or environmental impact report prepared pursuant to this procedure. If the application is for a project or portion of a project for which another public agency has acted as the lead agency, the Control Officer shall consider the lead agency's environmental impact report or negative declaration and shall certify that he has reviewed and considered the information contained in them before acting upon or approving the project. In considering any environmental impact report or negative declaration, the Control Officer shall consider all written and oral comments made in reference to such report or declaration.

After complying with all of the requirements of this procedure, the Control Officer shall make his determination on the application for an authority to construct or permit to operate in accordance with the rules and regulations of the District.

APPENDIX B - CONTINUOUS MONITORING

I. INSTALLATION AND STARTUP

Owners or operators of sources required to have continuous emission monitors shall have installed all necessary equipment and shall have begun monitoring and recording by October 6, 1978.

II. REPORTING

(a) File of Records

Owners or operators subject to the provisions of these rules and regulations shall maintain for a period of at least two years a record in a permanent form suitable for inspection and shall make such record available upon request, to the Air Resources Board and the District. The record shall include:

1. Occurrence and duration of any start up, shut down or malfunction in the operation of any affected facility.
2. Performance testing, evaluations, calibration checks, adjustments, and maintenance of any continuous emission monitors that have been installed pursuant to these rules.
3. Emission measurements reported in units consistent with applicable standards.

(b) Quarterly Report

Owners or operators subject to provisions of these rules and regulations shall submit a written report for each calendar quarter to the Control Officer. The report is due by the 30th day following the end of the calendar quarter and shall include:

1. Time intervals, date and magnitude of excess emissions, nature and cause of the excess (if known), corrective actions taken and preventive measures adopted.
2. Averaging period used for data reporting corresponding to averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question.
3. Time and date of each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of system repairs and adjustments.
4. A negative declaration when no excess emissions occurred.
5. Reports on opacity monitors giving the number of three- minute periods during which the average opacity exceeded the standard for each hour of operation. The averages may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced instantaneous opacity measurements per minute. Any time period exempted shall be considered before determining the excess averages of opacity.

(c) Reports of Violations

Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records of the monitoring device, shall be reported by the operator of the source to the District within 96 hours after such occurrence. The District shall, in turn, report the violation to the Air Resources Board within five working days after receiving the report of the violation from the operator.

III. DATA REDUCTION

Data shall be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by joint decision of the District, Air Resources Board, and Environmental Protection Agency.

IV. STANDARDS OF PERFORMANCE OF MONITORING SYSTEMS

(a) Systems shall be installed, calibrated, maintained, and operated in accordance with the following sections of 40 CFR:

1. Fossil-Fuel Fired Steam Generators: Section 60.45
2. Sulfuric Acid Plants: Section 60.84
3. Nitric Acid Plants: Section 60.73
4. Petroleum Refineries: Section 60.105
5. Kraft Pulp Mills: NCASI Technical Bulletin # 89

(b) Calibration gas mixtures shall meet the specifications in 40 CFR, Part 51, Appendix P, Section 3.3 and Part 60, Appendix B, Performance Specification 2, Section 2.11.

(c) Cycling times shall be those specified in 40 CFR, Part 51, Appendix P, Section 3.4, 3.4.1, and 3.4.2.

(d) The continuous SO₂ and NO_x monitors shall meet the applicable performance specification requirements in 40 CFR, Part 51, Appendix P, and Part 60, Appendix B.

(e) The continuous CO₂ and O₂ monitoring systems shall meet the performance specification requirements in CFR 40, Part 51, Appendix P, and Part 60, Appendix B.

(f) Opacity monitoring systems shall meet the performance specifications of 40 CFR 60, Appendix B, Performance Specification No. 1.

Equivalent alternate performance specifications may be established by mutual agreement of the Environmental Protection Agency, Air Resources Board and the District.

V. DEFINITIONS

Definitions shall be those given in 40CFR, Part 51.

3/14/84

CHAPTER II - PERMITS

All permit requirements and procedures covered by this chapter are in accordance with the provisions of; the Clean Air Act of 1977, The Code of Federal Regulations 52.21 (August 7, 1980), Division 26 of the California Health and Safety Code, and the California Environmental Quality Act of 1970, as applicable, to comply with the California State Implementation Plan (SIP).

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.

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(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).

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~~(6) Whether the project is classified as a major stationary source or major modification under the provisions of the Code of Federal Regulations 49 CFR and subject to the application of the provisions of the Code of Federal Regulations 49 CFR and subject to the provisions of the Code of Federal Regulations 49 CFR.~~

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(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) Steam generators, water boilers, water heaters or space heaters having a maximum fuel input heating value of less than 20 million British Thermal Units (BTU) per hour, and which are fired exclusively by natural gas, liquified petroleum gas, distillate fuel oil, or a combination thereof.
- (7) Mixing, blending, conveying, or other mechanical systems which do not, directly or indirectly, emit air contaminants.

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

(9) 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.

No exemption from the requirements listed herein under Rule 200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review in accordance with Rule 220(b).

8/6/82

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 C 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 C 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.

7/10/84

CHAPTER II - PERMITS

All permit requirements and procedures covered by this chapter are and shall be interpreted in accordance with the provisions of; the Clean Air Act of 1977, The Code of Federal Regulations 52.21 (August 7, 1980), Division 26 of the California Health and Safety Code, and the California Environmental Quality Act ~~on~~ of 1970, as applicable, to comply with the California State Implementation Plan (SIP).

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 30.

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 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 end subsequent Authority to Construct and Permit to Operate operating permit 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))

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 of 1977, 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 preconstruction 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 40 CFR 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 ~~provide~~ include the preliminary determination: present the expected 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 paragraph (4) above to the U.S. Environmental Protection Agency, the California Air Resources Board, all APCD's in the air basin, 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.

(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.

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.

(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) ~~Will not cause significant deterioration of existing air quality in excess of the guidelines established by the Environmental Protection Agency, California Air Resources Board, or the District, 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 employs best available control technology, BACT, for each air contaminant for which the significance level is exceeded; whichever is the more restrictive condition, and

- (6) Within 240 days of the filing date, the Air Pollution 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 Air Pollution Control Officer.

~~(5) Will operate within all emission standards established by the Environmental Protection Agency for hazardous air contaminants of the category types listed in Rule 492 for the District.~~

(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.

(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. ~~Such conditional approval for any proposed stationary source that would violate the general approval requirement of Rule 230(a)(2) may be granted only if all the following conditions are met:~~

~~(1) -- The new source is required to employ "Best Available Control Technology"~~

No conditional approval may be granted for any proposed stationary source that would violate the general approval requirements of Rule 230(a) unless all the requirements of Section 173 of the Clean Air Act and Section 52.21 of the Code of Federal Regulations are satisfied.

~~(2) -- Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements.~~

~~(3) -- The emission reductions stated above will provide a positive net air quality benefit in the affected area.~~

~~(4) -- The applicant certifies that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.~~

~~(5) -- The Control Officer may issue an Authority to Construct for a new or modified stationary source only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out.~~

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 250 - APPEALS

~~Within ten (10) days after notice by the Control Officer of denial of conditional approval of an Authority to Construct or Permit to Operate, or upon suspension of an existing permit the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.~~

RULE 260 - EXCLUSIONS

revised
10/12/83
(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).

REGULATION 1

AIR QUALITY CONTROL RULES

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

ADOPTED BY THE BASIN CONTROL COUNCIL

of the

CALIFORNIA NORTH COAST AIR BASIN

May 12, 1976
April 22, 1977
April 21, 1978
October 6, 1978
October 21, 1980
August 5, 1981
October 2, 1981
October 7, 1983
October 4, 1984
September 19, 1985
October 2, 1986
January 19, 1989
October 6, 1989
April 19, 1990
June 28, 1990
August 30, 1990
February 27, 1991
August 29, 1991
March 5, 1992
May 6, 1993
December 10, 1993
September 26, 1997
September 25, 1998

**SCHEDULE OF ADOPTION
by
AIR POLLUTION CONTROL BOARDS**

Del Norte County APCD*

Adopted on	Aug. 9, 1976
Revised on	July 25, 1977
Revised on	Aug. 14, 1978
Revised on	Feb. 26, 1979
Revised on	July 16, 1979
Revised on	July 13, 1981
Revised on	Dec. 14, 1981

Humboldt County APCD*

Adopted on	July 13, 1976
Revised on	June 28, 1977
Revised on	July 11, 1978
Revised on	Dec. 19, 1978
Revised on	Sept. 30, 1980
Revised on	July 28, 1981
Revised on	Dec. 8, 1981

Mendocino County APCD

Adopted on	July 13, 1976
Revised on	June 21, 1977
Revised on	Aug. 1, 1978
Revised on	Feb. 13, 1979
Revised on	Aug. 7, 1979
Revised on	Aug. 4, 1981
Revised on	Jan. 5, 1982
Revised on	Dec. 13, 1983
Revised on	Sept. 18, 1984
Revised on	July 8, 1986

Trinity County APCD*

Adopted on	July 12, 1976
Revised on	June 27, 1977
Revised on	July 24, 1978
Revised on	Jan. 15, 1979
Revised on	July 23, 1979
Revised on	July 27, 1981
Revised on	Dec. 7, 1981

North Coast Unified AQMD

Adopted on	Nov. 3, 1982
Revised on	Oct. 12, 1983
Revised on	Mar. 14, 1984
Revised on	Aug. 10, 1984
Revised on	Mar. 13, 1986
Revised on	Jan. 19, 1989
Revised on	Dec. 7, 1989
Revised on	June 28, 1990
Revised on	Aug. 30, 1990
Revised on	Feb. 27, 1991
Revised on	Aug. 29, 1991
Revised on	Mar. 5, 1992
Revised on	May 6, 1993
Revised on	Dec. 10, 1993
Revised on	Sept. 26, 1997
Revised on	Sept. 25, 1998

Northern Sonoma County APCD

Adopted on	June 6, 1976
Revised on	May 31, 1977
Revised on	June 27, 1978
Revised on	July 23, 1979
Revised on	June 2, 1981
Revised on	Feb. 23, 1982
Revised on	July 19, 1983
Revised on	Aug. 7, 1984
Revised on	July 1, 1985

* Merged into North Coast Unified AQMD on November 1, 1982

REGULATION 1

AIR QUALITY CONTROL RULES OF THE CALIFORNIA NORTH COAST AIR BASIN

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CHAPTER I - GENERAL PROVISIONS

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 intersection 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 intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection 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 130 - DEFINITIONS

Except as otherwise specifically provided in these rules and regulations, and except where the context indicates otherwise, words used in these rules and regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California, the Clean Air Act of 1977, and the Code of Federal Regulations 40 CFR 52.21 (August 7, 1980). Where the federal regulations of 40 CFR 52.21 refer to the responsibilities of the Administrator of the U.S. Environmental Protection Agency, the term Administrator shall be construed to mean Control Officer.

(a1) AGRICULTURAL OPERATION: The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.

(a2) AIR CONTAMINANT: Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acid, or any combination thereof.

(a3) AIR POLLUTION ABATEMENT OPERATION: Any operation which has as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission.

(a4) AMBIENT AIR QUALITY STANDARD: The specific concentrations and durations of air pollutants which reflect the relationship between intensity and composition of pollution to undesirable effects.

(a5) APPROVED COMBUSTIBLES: Paper, cardboard, brush, trees, native vegetation or other materials as approved by the Control Officer.

(b1) BASELINE/IMPACT AREA: That area where the concentration of emissions from a proposed new or modified stationary source is predicted to be equal to or greater than 1 ug/m³, using an EPA approved air quality model.

(b2) BASELINE CONCENTRATION: That ambient concentration level which exists in all regions of the North Coast Air Basin on January 1, 1988, or in the baseline area at the time of the establishment of the applicable baseline date as determined in accordance with Section 52.21 of the Code of Federal Regulations. (52.21(b)(13))

(b3) BEST AVAILABLE CONTROL TECHNOLOGY (BACT): An emission limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act of 1977 emitted from or which results from any stationary source or modification, which the 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 emission of any pollutants which will exceed the emissions allowed under Rules 490 and 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 unfeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirements for the application of BACT. The BACT process shall be applied to any toxic air contaminants which are referenced in Section 39660 of the Health & Safety Code (52.21(b)(12)).

(c1) COMBUSTION CONTAMINANTS: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

(c2) CONTROL OFFICER: The Air Pollution Control Officer of the District

(c3) CONTROL STRATEGY: A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan for the California North Coast Air Basin.

(d1) DISTRICT: The County Air Pollution Control District as required by Section 40002 of the California Health and Safety Code or a multi-county unified district authorized by Chapter 3, Part 3, Division 26 of said code.

(d2) DUST: Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, bagging, sweeping, etc.

(e1) EMISSION: The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

(e2) EPISODE ALERT: A condition in an air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level which threatens the ambient air quality standard as defined in Rule 160 depending upon the particular topography and meteorology of the air basin. "Verified" means the pertinent measuring instrument has been checked over the following fifteen-minute period and found to be operating correctly.

(g1) GEOTHERMAL OPERATIONS: Those activities related to the extraction, transmission, and utilization of geothermal steam which may directly, or indirectly, result in air contaminant emissions.

(h1) HEARING BOARD: The appellate review board of the District as provided for by Section 40800 of the California Health and Safety Code.

(i1) INDIRECT SOURCE: A facility, building, structure or installation, or combination thereof, which indirectly results in emissions of an air contaminant as a result of traffic greater than 20,000 or more vehicles per day within 10 years of construction; any new or modified facility which provides in excess of 1,000 new parking spaces; or any new or modified airport with more than 50,000 operations per year by regularly scheduled air carriers, or used by 1,600,000 or more passengers per year.

(i2) INSTALLATION: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises

(k1) KRAFT PULP MILL: Any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium sulfide in its pulping process.

(k2) KRAFT PULP MILL NON-CONDENSIBLES: The TRS portion of any gases and vapors released in a Kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks, multiple effect evaporator condensers, and condensate strippers or from the storage, transport or disposal of foul condensates from the above equipment.

(k3) KRAFT PULP MILL PRODUCTION: Tons of air-dried unbleached Kraft pulp produced by a Kraft pulp mill, or equivalent. A value equal to 50 percent of the weight of dry wood charged into the Kraft cooking process may be substituted for those mills where a value of air-dried unbleached Kraft pulp is not readily obtainable.

(k4) KRAFT RECOVERY FURNACE: The combustion device in which pulping chemicals are converted to a molten smelt and wood solids are incinerated. For these regulations, and where present, this term shall include the direct contact evaporator.

(l1) LIME KILN: Any production device in which calcium carbonate is thermally converted to calcium oxide.

(m1) MODELING: A procedure for estimating the ambient air concentration of air contaminants based upon emission profiles, dispersion simulations or other techniques approved by the Environmental Protection Agency, California Air Resources Board and the Control Officer. (52.21(l))

(m2) MODIFICATION: Any physical change in, or in the method of operation of any stationary source which increases the amount of any air contaminant emitted into the atmosphere by that source.

(m3) MULTIPLE-CHAMBER INCINERATOR: "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning. The incinerator must be comprised of three or more refractory-lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing primary/secondary burners designed for the combustion of the maximum amount and type of material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

(m4) MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT): An emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the District, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

(n1) NET INCREASE IN EMISSIONS: The amount by which the sum of any increase in actual emissions from a particular physical change or change in method of operation at a stationary source, and any other increases and decreases in actual emissions at the source that are creditable in accordance with 40 CFR 52.21(b)(3) and (21), exceeds zero.

(o1) OPERATION: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

(o2) ORCHARD, VINEYARD, OR CITRUS GROVE HEATER: Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

(o3) ORGANIC GAS: Any gas containing carbon and hydrogen, or carbon and hydrogen in combination with any other element.

(o4) OTHER KRAFT MILL SOURCES: Sources of TRS emissions in a Kraft mill other than recovery furnaces and lime kilns, including but not limited to: vents from knotters, brown stock washers, smelt tanks, black liquor oxidation systems, tall oil recovery operations, and any other vent which contributes over 1 percent of the total Kraft mill TRS emissions.

(o5) OWNER: Includes, but is not limited to, any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

(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: Refers to either an authority to construct, temporary permit to operate or permit to operate, whichever is legally in effect. For purposes of prevention of significant deterioration enforceability, the permit to operate will be considered a modified authority to construct.

(p3) PERSON OR PERSONS: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

(p4) POTENTIAL TO EMIT: The maximum capacity of a stationary source to emit an air contaminant under its physical and operational design, after considering physical and operational limitations that are enforceable by conditions imposed by the district in both the Authority to Construct and Permit to Operate. (52.21(b)(4))

(p5) PPM: Parts per million by volume expressed on a dry gas basis.

(p6) 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
 Total Suspended Particulate			
annual geometric mean	5	19	37
24-hour maximum*	10	37	75
 Nitrogen Dioxide			
Annual average	2.5	25	50

* Not to be exceeded more than once a year.

(p7) PROCESS WEIGHT PER HOUR: The total weight, including contained moisture of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continuous processes, the average hourly total weight of materials introduced into the process will be used in calculations.

(s1) SECTION: Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(s2) SIGNIFICANT: The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates in tons per year.

<u>Air Contaminant</u>	<u>Significant Emission Rate</u>
	tons per year
For BACT determinations:	
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25
PM-10	16
Ozone	49 as VOC
 Lead	 0.6
Asbestos	0.007
Beryllium	0.0004

Air Contaminant

Significant Emission Rate

	tons per year
Mercury	0.1
Vinyl chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
For MACT determinations: Hazardous Air Pollutant (HAPS) listed pursuant to section 112(b) of the Clean Air Act 1990:	10 for any one HAP 25 for two or more HAP

Notwithstanding the above significant emission rates for various air contaminants, significant 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 area equal to or greater than 1 microgram per cubic meter (24 hour average).(52.21(b)(23)(iii))

(s3) SMELT DISSOLVING TANK: A vessel used for dissolving the molten salts (smelt) recovered from the Kraft recovery furnace.

(s4) STACKING: The venting of geothermal steam from associated unit steam supply transmission line into the atmosphere during associated power plant shutdowns (outages), startups or load curtailments.

(s5) STANDARD CONDITIONS: As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (14.7 pounds per square inch absolute).

(s6) STANDARD CUBIC METER OF GAS (STANDARD CUBIC FOOT OF GAS): The amount of gas that would occupy the specified cubic measure, if free of combined water, at standard conditions.

(s7) STATIONARY SOURCE: All units of air contaminant emitting articles, machines, equipment or other contrivances, which are located on adjacent or contiguous properties under the control of the same person (or persons under common control) and all of which are determined by the Control Officer to be related to one another through a similar product, raw material or function and are included in the same standard industrial classification.

(s8) STEAM GENERATING UNIT: Any furnace or boiler used in the process of burning fuel for the purpose of producing steam by heat transfer.

(t1) TOTAL REDUCED SULFUR (TRS): "TRS" means total 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 mist are not to be included in the determination of TRS.

(t2) TOXIC AIR CONTAMINANTS: A toxic air contaminant is defined as any substance with the potential to contaminate the air with or to create, air contaminants which are referenced in 39660 of the Health & Safety Code.

(t3) TRADE SECRETS: As used in these rules and regulations, Trade Secrets include, but are not limited to, any formula, 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 to perform 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.

RULE 140 - EMERGENCY CONDITIONS

In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the Control Officer shall take immediate action in curtailing those emissions known to be contributing to a possible episode situation.

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.

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Rule 160 Ambient Air Quality Standards
INSERT 2 PAGES

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.

Insert page New Source Review Procedure flow chart
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CHAPTER II - PERMITS

All permit requirements and procedures covered by this chapter are and shall be interpreted in accordance with the provisions of the Clean Air Act of 1977; the Code of Federal Regulations 52.21 (August 7, 1980); Division 26 of the California Health and Safety Code; and the California Environmental Quality Act of 1970, as applicable, to comply with the California State Implementation Plan (SIP).

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 canceled 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).
- (6) Whether the project is classified as a major stationary source or major modification under the provisions of the Code of Federal Regulations 52.21 and subject to all applicable prevention of significant deterioration review requirements.

(d) General Exemptions

An Authority to Construct and Permit to Operate shall be required for all new or modified plants, equipment, process operations or indirect 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.

No exemption from the requirements listed herein under Rule 200(d) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review in accordance with Rule 220(b).

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.

RULE 220 - NEW SOURCE REVIEW STANDARDS

(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.
- (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, 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) Determine the maximum achievable control technology (MACT), except those sources already regulated by a CAA 1990 section 112(d) MACT standard, for: (1) any new source that exceeds the significant level, or an existing source that adds a new process or production unit which, in and of itself, exceeds the significant level; or (2) any source with an existing process line or unit with significant level emissions which is proposed for reconstruction at a capital cost exceeding 50 percent of a comparable new process line or unit. Such procedures shall be carried out in accordance with 40 CFR Part 63.40 through 63.44.
- (3) 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))
- (4) Determine that approved stack height good engineering practice is employed 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 40 CFR 52.21 (b), including any associated vessel emissions.
- (5) 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 permit action determination; present the expected additional and cumulative PSD increment consumption; any Notice of MACT Approval; 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.
- (6) 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.
- (7) On the date of publication forward copies of the notice required in paragraph (4) to the Environmental Protection Agency, and for any PSD permit to the California Air Resources Board, all APCD's in the air basin, 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.
- (8) 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.
- (9) Transmit copies of the application and notice of each action affecting the application to EPA, and for PSD actions the managers of any affected Class I areas.
- (10) 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 non-adjudicatory 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 determinations 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 re-submittal.
- (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.

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.

(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;
- (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;
- (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;
- (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 employs 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.

(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 acknowledgment 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 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)(2) with respect to a federal, state, or local ambient air quality standards, unless all the following conditions are met for the applicable (nonattainment) pollutant as defined in Rule 130 (s-2):

- (1) The new source is required to employ "Best Available Control Technology".
- (2) Emission reductions from existing sources in the area of the proposed new source are required such that the total actual emissions from the combined existing and proposed sources will be less than the total actual emissions from the existing sources prior to the date of application for the Authority to Construct. Any emission reductions of this type must be enforceable by revised permit conditions or written contract agreements. However, hydrogen sulfide reductions may not be required for geothermal power plant sources in Northern Sonoma County provided all such sources owned by the applicant are in compliance with the hydrogen sulfide emission limitations of Rule 455(b).
- (3) The emission reductions stated above will provide a positive net air quality benefit in the affected area.
- (4) The applicant certified that all existing sources owned or controlled by the owner or operator of the proposed source in the State are in compliance with all applicable rules, regulations or approved compliance schedules.

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 acknowledgment 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.

RULE 250 - APPEALS

Within ten (10) days after notice by the Control Officer of denial or conditional approval of an Authority to Construct or Permit to Operate, or upon suspension of an existing permit any aggrieved person who, in person or through a representative appeared, submitted written testimony, or otherwise participated in the action before the District, may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.

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 or 1.0 kg H₂S/hr (as provided below) provided it is not considered a major source or a major modification (Reference: 40 CFR 52.21(b)). The 1.0 kg H₂S/hr exclusion shall apply only to geothermal power facilities with an electrical generating capacity of 20 Megawatts or less, provided:

- (1) No more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or
- (2) The facility can provide a significant net annual H₂S emissions reduction.

CHAPTER III - FEES

RULE 300 - PERMIT FEES

(a) Application Fee

Every applicant, including any federal, state or local government agency or public district, for an Authority to Construct or a Permit to Operate any stationary source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required by the Rules and Regulations of the District or federal and state laws, including any applicant for a permit pursuant to Regulation 5, shall pay an application fee in the amount prescribed in Rule 310.

(b) New Source Review Fees

Every applicant, including any federal, state or local government agency or public district, for an Authority to Construct or a Permit to Operate any stationary source of air contaminant emissions for which the additional new source review procedures of Rule 220(b) are required, shall pay an additional fee to the District in an amount determined by the Control Officer. Said review fee shall not exceed the actual cost of administration of the new source review requirements.

(c) Cancellation or Denial

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

(d) Transfer of Location or Owner

Where an application is filed for a Permit to Operate any stationary source of air contaminant emissions by reason of transfer of location or owner, and where a Permit to Operate had previously been granted under Chapter II and no modifications to the source or change of operation have been made the applicant shall pay a \$50.00 transfer fee.

(e) Alteration of Equipment

Where an application is filed for an Authority to Construct or a Permit to Operate exclusively involving revisions to the conditions of an existing Authority to Construct or Permit to Operate or involving alterations or additions resulting in a change to any existing stationary source holding a permit under the provisions of Chapter II of these Rules and Regulations, or under Regulation 5, the permit fee shall be calculated on the basis of the weighted labor rate and time involved in processing the requested revisions.

(f) Annual Fee

On July 1 of each year, all holders of an Authority to Construct or Permit to Operate shall be notified by the District of the annual fee based upon the current fee schedules. The fee schedule shall be adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes

in the California Consumer Price Index for the preceding year. The fees shall not exceed the actual cost of District programs for the immediately preceding year with an adjustment not greater than the change in the annual California Consumer Price Index. The schedule of fees shall be calculated on an annual basis by the Control Officer.

1979-80 CPI Fee Base	=	1.00
1996-97 CPI Fee Adjustment Factor	=	2.28
1997-98 CPI Fee Adjustment Factor	=	2.33
1998-99 CPI Fee Adjustment Factor	=	2.37
1999-2000 CPI Fee Adjustment Factor	=	2.45
2000-2001 CPI Fee Adjustment Factor	=	2.52
2001-2002 CPI Fee Adjustment Factor	=	2.63
2002-2003 CPI Fee Adjustment Factor	=	2.70
2003-2004 CPI Fee Adjustment Factor	=	2.77

(ii) Clean air Act Title 5 Fee

In addition to the above permit fee, each major source as defined in Regulation 5, shall pay a Clean Air Act Title 5 fee equal in amount to one and one-half times the permit fee. This permit fee shall become operative upon the effective date of Regulation 5 or July 1, 1994 or whichever date is later.

The permittee shall pay the permit fee and Clean Air Act Title 5 fee to the District Office in person or by mail postmarked no later than August 30 of that year. If the fees (permit and Clean Air Act Title 5) are not paid by August 30, the fee shall be increased by one-half the amount thereof, and the District shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fees are not paid within 60 days after such notice, the permit shall be immediately suspended and the District shall so notify the permittee by mail. Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties or by filing a new application complete with initial fee. Fees will continue to be required until such time as the Authority to Construct and/or Permit to Operate cancellation or denial becomes final and all operations involving the stationary source have ceased. Fees for less than a one-year period will be prorated for the balance of the annual permit period.

(g) Multiple Locations

When permits have been issued to operate movable equipment at two or more locations, only one annual fee pursuant to Rule 300(f) will be charged.

(h) Duplicate Permit

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

(i) Late Fee Penalty

If any stationary source of air contaminant emissions is constructed, modified, operated or replaced (except for identical replacement) without the owner or operator obtaining an Authority to Construct in accordance with Rule 200, the applicant shall be assessed a late fee penalty which is one and one-half times the applicable initial fee. The assessment of a late fee penalty shall not limit the District's right to pursue any other remedy provided for by law.

RULE 310 - PERMIT FEE SCHEDULES

It is hereby determined that the cost of reviewing permit applications, issuing authorizations, and of inspections, testing and monitoring pertaining to such issuance, exceeds the fees prescribed herein. In determining the fees to be charged, identical or like equipment within each process unit that requires a permit may be totaled for each schedule. In the event that more than one fee schedule is applicable to an Authority to Construct or Permit to Operate, the governing schedule shall be that which results in the highest fee. The CPI adjustment factor shall be applied to the initial fee, as well as the annual fee.

SCHEDULE 1

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any stationary source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, where an electric motor or equivalent drive unit is used as the power supply, shall be assessed a permit fee based on the total rated horsepower of all such drive units, or their horsepower equivalent in kilovolt amperes (1 KVA=1.34 HP), included in such stationary source in accordance with the following schedule.

<u>HORSEPOWER</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>
Less than 25	\$ 20.00	\$ 10.00
25 or greater but less than 50	\$ 40.00	\$ 20.00
50 or greater but less than 100	\$100.00	\$ 50.00
100 or greater but less than 300	\$200.00	\$100.00
300 or greater but less than 1,000	\$300.00	\$150.00
1,000 or greater.....	\$400.00	\$200.00

SCHEDULE 2

FUEL BURNING AND POWER GENERATION EQUIPMENT SCHEDULE

Any stationary source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, in which fuel may at any time be burned or in which power may be generated, with the exception of incinerators or refuse burners which are covered in Schedule 3, shall be assessed a permit fee based upon its rated design capacity of heat input expressed in millions of British Thermal Units (BTU) per hour, using gross heating value of the fuel or its equivalent, in accordance with the following schedule:

<u>MILLION BRITISH THERMAL UNITS PER HOUR</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>
Less than 1	\$ 40.00	\$ 20.00
1 or greater but less than 5	\$ 100.00	\$ 50.00
5 or greater but less than 20	\$ 200.00	\$ 100.00
20 or greater but less than 50	\$ 400.00	\$ 200.00
50 or greater but less than 100	\$ 600.00	\$ 300.00
100 or greater but less than 250	\$ 800.00	\$ 400.00
250 or greater but less than 500	\$2000.00	\$1000.00
500 or greater but less than 1000	\$3000.00	\$1500.00
1000 or greater	\$4000.00	\$2000.00

SCHEDULE 3

INCINERATOR AND REFUSE BURNER SCHEDULE

Any stationary source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, for the disposal of approved combustibles by burning, shall be assessed a permit fee based on the maximum horizontal inside cross sectional area of the primary combustion chamber, in accordance with the following schedule.

<u>AREA, SQUARE FEET</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>
Less than 12	\$ 20.00	\$ 10.00
12 or greater but less than 100	\$ 40.00	\$ 20.00
100 or greater but less than 400	\$ 100.00	\$ 50.00
400 or greater but less than 1,000	\$ 300.00	\$150.00
1,000 or greater but less than 3,000	\$ 600.00	\$300.00
3,000 or greater	\$1000.00	\$500.00

SCHEDULE 4

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee based on capacities in gallons or cubic equivalent, in accordance with the following schedule. An annual renewal fee shall not be assessed for this equipment category, except for sources which are subject to compliance with federal new source performance standards.

<u>GALLONS</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>	<u>NSPS RENEWAL</u>
250 or greater but less than 4,000	\$ 20.00	None	None
4,000 or greater but less than 40,000	40.00	None	None
40,000 or greater but less than 400,000 ..	100.00	None	50.00
400,000 or greater	200.00	None	100.00

SCHEDULE 5

PROCESS WEIGHT SCHEDULE

Any stationary source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee based upon the annual average process weight rate calculated in pounds per hour.

<u>AVERAGE POUNDS PER HOUR</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>
less than 5,000.....	\$ 40.00	\$ 20.00
5,000 or greater but less than 20,000.....	100.00	50.00
20,000 or greater but less than 50,000.....	200.00	100.00
50,000 or greater but less than 100,000.....	300.00	150.00
100,000 or greater but less than 200,000.....	500.00	250.00
200,000 or greater but less than 400,000.....	700.00	350.00
400,000 or greater.....	1000.00	500.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any stationary source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee based upon the volumetric exhaust rate from the source, expressed in actual cubic feet per minute.

<u>VOLUME EXHAUSTED(CFM)</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>
up to and including 2,000.....	\$ 20.00	\$ 10.00
2,000 or greater but less than 5,000.....	40.00	20.00
5,000 or greater but less than 20,000.....	100.00	50.00
20,000 or greater but less than 50,000.....	200.00	100.00
50,000 or greater but less than 100,000.....	400.00	200.00
100,000 or greater but less than 200,000.....	800.00	400.00
200,000 or greater.....	1200.00	600.00

SCHEDULE 7

GEOHERMAL DEVELOPMENT SCHEDULE

Any stationary source of air contaminant emissions relative to the production or utilization of geothermal steam, for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee in accordance with the following schedule.

<u>GEOHERMAL SOURCES</u>	<u>INITIAL FEE</u>	<u>ANNUAL RENEWAL</u>
Geothermal Well.....	\$ 300.00	\$ 150.00
Geothermal Well Air Pollution Control Device.....	40.00	---
Power Plant Unit.....	--	2350.00
Power Plant Unit Air Pollution Control Device.....	240.00	---

RULE 320 - HEARING BOARD FEES

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of a Authority to Construct or Permit to Operate or appeal of Hearing Board decision, or request for rehearing including any federal, state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a basic fee of \$150.00 for hearings held by the Chairman of the Hearing Board and \$300.00 for hearings which involve the entire Hearing Board, adjusted in accordance with the CPI factor of Rule 300F. It is hereby determined that the cost of administration of the Hearing Board and Variance Procedures of Chapter VI of this regulation exceeds these costs. Additional Hearing Board fees and costs may be assessed by the District Hearing Board and District Board as a direct result of the action which the applicant or petitioner has brought before the Hearing Board.

Third party appeals and rehearings that lead to the overturning of a previous decision by the Hearing Board or the Air Pollution Control Officer shall be refunded 75% of the filing fee.

(b) Any person requesting a written transcript or tape recording of the hearing shall pay the cost of such transcript or recording. The parties to Hearing Board proceedings may be directed by the Hearing Board to pay the cost of transcripts necessary for the Hearing Board's determination of the matter, in such proportion as the Hearing Board may order.

(c) This rule shall not apply to petitions filed by the Control Officer.

(d) Excess Emission Fee

Each applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the filing fees required in paragraph (a), an emissions fee based on the total weight of emissions discharged, other than those described in paragraph (e) below, during the variance period in excess of that allowed by these rules in accordance with the schedule set forth in Table I, or the amount set forth in paragraph (f), whichever is greater.

In the event that more than one rule limiting the discharge of the same contaminant is violated, the excess emission fee shall consist of the fee for violation which will result in the payment of the greatest sum. For the purposes of this paragraph opacity rules and particulate mass emission rules shall not be considered rules limiting the discharge of the same contaminant.

(e) Excess Visible Emission Fee

Each applicant or petitioner for a variance from Rule 410, permit limitation or Health and Safety Code Section 41701 shall pay to the Clerk of the Hearing Board, in addition to the filing fees required in (a) above, and the excess emission fees required in paragraph (d) above (if any), an emission fee based on the difference between the opacity allowed by Rule 410 or permit limitation and the opacity of the emissions allowed from the source or sources operating under the variance, in accordance with the schedule set forth in Table II.

(f) Minimum Fees

When a variance is granted from a rule or rules which limit the discharge of air contaminants, such that an excess emission fee is due, a fee of at least \$15.00 per day shall be imposed and remitted.

(g) Applicability

The provisions of paragraph (d) shall apply only to those rules that specify quantitative emission limits.

(h) Fee Determination

- | _____(1) The excess emission fees shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions as set forth in paragraphs (d) and (e) above. The calculations and proposed fees shall be set forth in the petition.
- (2) The Hearing Board may adjust the excess emission fee required by paragraphs (d) and (e) of this rule based on evidence regarding emissions presented at the time of the hearing.

(i) Adjustment of Fees

If after the term of a variance for which emissions fees have been paid, petitioner can establish, to the satisfaction of the Executive Officer, that emissions were actually less than those upon which the fee was based, a pro rata refund shall be made. If excess emissions during the term of the variance are greater than calculated under subsection (h), the Executive Officer shall recalculate the excess emission fees and assess an additional fee.

(j) Emission Fee Assessment

The actual assessment of an excess emissions fee shall occur once the Hearing Board grants a variance.

(k) Fee Payment

Failure to pay the excess emission fees required by paragraphs (d), (e) and (f) of this rule within fifteen (15) days of the effective date of the variance shall invalidate the variance.

(l) Discretionary Powers

Any person may allege that payment of any of the foregoing excess emission fee provisions will cause an unreasonable hardship and may be excused from payment of such fees or a portion of such fees by order of the Hearing Board if the Board in its discretion determines after hearing evidence thereon that payment of such fees would cause financial hardship to the petitioner with no corresponding benefit to the public.

Schedule of Excess Emissions Fees

Table I

Air contaminant	Dollar Per Ton
Organic gases, except methane and those containing sulfur	\$ 200.00
Oxides of nitrogen (expressed as nitrogen dioxide)	\$ 100.00
Oxides of sulfur (expressed as sulfur dioxide)	\$ 100.00
Total reduced sulfur compounds (expressed as hydrogen sulfide)	\$ 200.00
Particulate matter	\$ 200.00

Table II

For each source with opacity emissions in excess of the limits of Rule 410 Visible Emissions or of a permit limitation the fee is calculated as follows:

Fee = Actual Opacity – Allowed Opacity x \$3.50/day x number of days allowed under the variance.

Note: For purposes of this rule, actual opacity shall be defined as the highest 3 minute average in any one hour. For sources subject to New Source Performance Standards, actual opacity shall be defined as the highest 6 minute average opacity during a 24 hour period. The actual and allowed opacity shall be expressed in a percent opacity.

RULE 340 - TECHNICAL REPORT CHARGES

Information, circulars, reports of technical work, and other reprints prepared by the District, when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged by the District in a sum not to exceed the cost of preparation and distribution of such documents. All monies collected shall be deposited to the general revenue fund of the District.

RULE 350 - MAJOR EMISSION ASSESSMENT

(a) Any District Board in the North Coast Air Basin may, after notice and a public hearing, adopt a schedule of fees based on an assessment of emissions. For the purposes of this rule, such emission assessment shall be described as an assessment of those emissions which total an annual combined stationary source release of 25 tons or more of any air contaminant. This schedule shall apply and the indicated charges shall be assessed by the District prior to November 1 of any fiscal year in which the district revenues do not cover the cost of operation of the program requirements as outlined in Section 42311 of the Health and Safety Code. This emission source assessment shall be based upon combined total stationary source emissions for the previous calendar year. In determining the emission assessment, the district shall use a dollar based program deficiency factor which in no case shall exceed the amounts indicated in the unit fee column of part (b) of this rule.

(b) The total emission assessment upon each stationary source shall be calculated as follows:

AIR CONTAMINANT	EMISSIONS TONS/YEAR	X	UNIT FEE \$/TON	X	DISTRICT FACTOR	=	EMISSION CHARGES
Particulate Matter	_____	X	\$20.00	X	_____	=	_____
Sulfur Oxides as SO ₂	_____	X	15.00	X	_____	=	_____
Nitrogen Oxides as NO ₂	_____	X	10.00	X	_____	=	_____
Carbon Monoxide	_____	X	1.00	X	_____	=	_____
Total Organics	_____	X	5.00	X	_____	=	_____
Total Reduced Sulfur	_____	X	90.00	X	_____	=	_____

Total Assessment for Major Emissions: \$ _____

These charges shall be in addition to any other required fees and shall be considered past due sixty days after notice of the assessment by the district and subject to the penalty and suspension procedures as specified in Rule 300(f). Any revenues received by the district pursuant to this rule which exceed the cost of activities of Section 42311 during any fiscal year shall be carried over for expenditure in the subsequent fiscal year, and such charges shall be changed to reflect the carryover.

RULE 360 - ACID DEPOSITION RESEARCH SURCHARGE

Applicable in the North Coast Unified AQMD only: Any stationary source which emits to the atmosphere nitrogen oxides or sulfur oxides, expressed as nitrogen dioxide or sulfur dioxide, respectively, in an amount equal to or exceeding 500 tons in a calendar year selected by the Air Resources Board, shall be assessed an Acid Deposition Research Surcharge pursuant to Section 90620 - 90623 and subsequent amendments of the California Code of Regulations.

The surcharge assessment shall occur once the Office of Administrative Law has approved the adopted State Regulations. This surcharge, in addition to an administrative fee, shall be assessed to the permittee by the District each year and will be based upon emissions from a base year inventory and a dollar per ton selected by the Air Resources Board and shall be calculated according to the formula:

(a) Surcharge = \$/Ton x E, where

E = Mass of emissions, in tons per calendar year, of nitrogen oxides and/or sulfur oxides, expressed as nitrogen dioxide or sulfur dioxide, from the stationary source as determined by the Control Officer. If only one pollutant is emitted in the amount of 500 tons or more per year the mass of emissions shall be determined based only on that one pollutant.

(b) Said surcharge shall be past due sixty days after notice of the assessment by the District and subject to the penalty and suspension procedures as specified in Rule 300(f).

RULE 370 - AIR TOXIC'S "HOT SPOTS" ASSESSMENT (AB 2588)

Any stationary source facility which manufactures, formulates, uses, or releases any of the substances listed pursuant to Section 44321 of the Health and Safety Code, or any other substance which reacts to form a substance so listed, shall pay, each year a toxic "Hot Spots" fee that is assessed by the District to cover the costs, of both the state and the District, that are associated with the implementation of this mandated statewide program. The fee shall be structured on a workload and toxicity basis and shall follow the methodology adopted by the Air Resources Board. The APCO shall be permitted to make adjustments in cases where the state methodology is altered, a change in workload, change in level of priority, or where a legislative change to the fee assessment program occurs.

(a) Assessed fees shall be past due sixty days after notice of the assessment by the District and subject to the penalty and suspension procedures as specified in Rule 300(f).

Rule 380 Fees for Testing, Emission Analysis, Monitoring Services

(a) Authority to Obtain Information

When the Air Pollution Control Officer finds that any inspection, test, or analysis, including any source testing of emissions is necessary to determine the nature, extent, or amount of pollutants being discharged into the atmosphere, or to determine compliance with permit conditions or with any State or local law, order, rule or regulation relating to air pollution, including potential emissions which may endanger the health, comfort or repose of the public or which may have a tendency to cause injury or damage to business or property, the Air Pollution Control Officer may order the inspection of a source or its records, collection of emission samples, or the analysis or evaluation of such samples by qualified personnel of the District, or by an independent contractor selected by the Air Pollution Control Officer if qualified District personnel are not available.

No person shall fail or refuse to comply fully with the terms of any order issued by the Air Pollution Control Officer.

(b) Services:

1. The Air Pollution Control Officer may undertake or order the collection, testing or analysis of emissions pursuant to this rule, to determine compliance with permit conditions, State or local law, order, rule or regulation relating to air pollution.

2. The Air Pollution Control Officer may undertake or order the auditing of continuous emission monitoring equipment to determine the accuracy and precision of the instrument(s) used to measure emissions from a source on a continuous basis.
3. The Air Pollution Control Officer may undertake special studies, i.e., ambient monitoring, collection of meteorological data, to assess a source's emissions impact on air quality.
4. Nothing in this rule shall be construed to prevent the Air Pollution Control Officer from assessing fees for multiple testing, or for multiple samples and analyses, where the same is necessary to determine compliance with any federal, State or local law, order, rule or regulation relating to air pollution including potential emissions which may endanger the health, comfort or repose of the public.
5. If any of the analyses or tests conducted pursuant herewith indicate that the subject source is not in compliance or raise reasonable doubt of the source complying with all federal, State and local regulations, the Air Pollution Control Officer may require additional analyses and/or testing as he determines necessary and may also include use of an independent tester for such additional tests. In such event, the owner or operator shall pay for each additional test accordingly.

(c) Fees:

The owner or operator of the subject premises shall pay the full costs of such services for which the said sum is not to exceed the actual cost for preparation, sample collection, sample analysis, materials and report preparation.

For the purposes of this rule the associated cost of analysis, emissions testing, CEM audits and special studies performed by the District shall be recovered on the basis of staff time involved, hourly rate of personnel involved, including fringe benefits, materials, laboratory analysis and the cost of any needed testing equipment which will be amortized on an hourly basis over a one year period. The staff activities and time involved include, planning and preparation for testing, equipment calibration, testing/sample collection time, sample analysis and development of a written report.

Payment for such services shall be made in full by the owner or operator of the premises within 30 days of notification thereof by either the District or the independent contractor conducting the activities.

(d) Appeal Rights

Any owner or operator of a source subject to the provisions of this rule, and who is dissatisfied with any requirements of, or determination or finding made by the Air Pollution Control Officer concerning the implementation of any part of this rule, may within 30 days of notification of the respective requirement, determination or finding thereof, petition the District Hearing Board to review the issue at question seeking relief from or modification of the subject requirement, determination or finding made by the Air Pollution Control Officer. In such event the provisions of Chapter VI - Procedure Before the Hearing Board shall apply.

RULE 390 - Asbestos Demolition and Renovation Projects

Any owner or operator of a demolition or renovation project which is subject to 40 CFR-61, Subpart M (NESHAPS) for asbestos and is required to submit a written notification of the demolition/renovation to the District shall pay to the District the following fee:

DEMOLITIONS AND ALL RENOVATION PROJECTS	\$100
Each revision notification	\$ 10

REFUNDS: If a person cancels a notification, he/she may request a fee refund provided:

- a) the person paid the fee for the notification
- b) the District has not performed an inspection
- c) the request is in writing
- d) the person requests the refund within ten (10) days following cancellation.

Where a demolition project includes the removal of RACM from a facility prior to the wrecking of the structure, the removal is treated as a separate renovation project for the purposes of fees, although they may be included in a single notification.

The appropriate fees listed above shall accompany the notification form. If the fees do not accompany the project notification form, the notification will be considered as a failure to notify, which could subject the owner or operator to significant penalties.

If a Fire Department receives a fee or donation from the property owner of a structure that's to be used for fire training purposes the demolition/renovation fees noted above shall be paid. Otherwise, Fire Department training burns shall be exempt from fees noted above.

CHAPTER IV - PROHIBITIONS

RULE 400 - GENERAL LIMITATIONS

(a) Public Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to 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&S 41700)

The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals. (H&S 41705)

(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.

RULE 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 Ringlemann 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 Ringlemann 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 Ringlemann 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 Ringlemann 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) Smoke from fires set pursuant to Regulation 2 of the North Coast Air Basin.
- (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).
- (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).
- (7) Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from start-up or shut-down of the combustion process or from the malfunction of emissions control equipment. This exception does 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 (H&S 41704n).

(d) On and after February 1, 1989, no owner or operation subject to this subpart shall cause to be discharged into the atmosphere from any new or modified recovery furnace, gases which exhibit an opacity of 20 percent or greater on a six minute average basis.

- (1) 410(d) does not apply during periods of start-up or shutdown, or during a breakdown condition. Start-up and shutdown shall be defined as those periods of time when black liquor is not being fired in the recovery furnace.

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) Steam Generating Utility Power Plants

Effective July 1, 1990, all existing steam generating power plants which produce electric power for sale to any public utility shall not discharge particulate matter into the atmosphere in excess of 0.10 pounds per million BTU heat input or any other specific applicable permit limitation, which ever is the more restrictive emission condition.

(d) Kraft Pulp Mills

- (1) Recovery Furnaces
 - (a) The emissions of particulate matter from any kraft recovery furnace shall not exceed 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas corrected to 8 percent oxygen or 4.0 pounds per ton of kraft pulp mill production, whichever is the more restrictive condition.
 - (b) The emissions of particulate matter from any new or modified Kraft recovery furnace shall not exceed 0.025 grains per standard cubic foot of exhaust gas corrected to 8 percent oxygen.
- (2) Lime Kiln
 - (a) The emissions of particulate matter from any lime kiln shall not exceed 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas corrected to 10 percent oxygen or 1.0 pounds per ton of kraft pulp mill production, whichever is the more restrictive condition.
- (3) Smelt Dissolvers
 - (a) The emissions of particulate matter from any smelt dissolving tank shall not exceed 0.5 pounds per ton of Kraft pulp mill production.
 - (b) The emissions of particulate matter from any new or modified smelt dissolving tank shall not exceed 0.20 pounds per ton of black liquor solids on a dry basis.
- (4) The requirements of Rule 420 (d)(1-3) are applicable unless superseded by any more restrictive NSPS, BACT, or permit conditions.

(e) 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.

(f) 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.

TABLE I
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Kg/Hr	Lb/Hr	Lb/Hr	Kg/Hr	Lb/Hr
100	45	0.55	6,000	2,720	8.6
200	92	0.88	7,000	3,380	9.5
400	183	1.40	8,000	3,680	10.4
400	183	1.40	8,000	3,680	10.4
600	275	1.83	9,000	4,134	11.2
800	377	2.22	10,000	4,540	12.0
1,000	454	2.58	12,000	5,460	13.6
1,500	681	3.38	16,000	7,260	16.5
2,000	920	4.10	18,000	8,220	17.9
2,500	1,147	4.76	20,000	9,070	19.2
3,000	1,362	5.38	30,000	13,600	25.2
3,500	1,690	5.96	40,000	18,100	30.5
4,000	1,840	6.52	50,000	22,700	35.4
5,000	2,300	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.

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.

RULE 450 - SULFIDE EMISSION STANDARDS FOR KRAFT PULP MILLS

(a) Kraft Recovery Furnace

The emission of total reduced sulfur, TRS, from any kraft recovery furnace shall not exceed:

- (1) 10 ppm of TRS or 0.30 pound of TRS per ton of kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.
- (2) 15 ppm of TRS as a daily arithmetic average.
- (3) 40 ppm of TRS for more than 60 cumulative minutes in any one day.

The daily and monthly arithmetic averages for TRS shall be based upon the actual hours of operation of burning liquor in the recovery furnace(s).

Effective February 1, 1989 the emission of total reduced sulfur, TRS, from any new or modified kraft recovery furnace shall not exceed 3 ppm of TRS, measured and reported in accordance with 40 CFR 60.284.

(b) Lime Kiln

The emission of total reduced sulfur, TRS, from any lime kiln shall not exceed 20 ppm of TRS or 0.10 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.

(c) Other Kraft Mill Sources

The emission of total reduced sulfur, TRS, from other kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition.

Notwithstanding these emission limits for other kraft mill sources, the gases from any smelt dissolving tank shall not contain TRS in excess of 0.0084 g/kg black liquor solids (0.0168 lb/ton black liquor solids) calculated on a dry basis. This corresponds approximately to 0.025 lb TRS per ton pulp production.

(d) Kraft Mill Non-Condensable

A person shall not discharge non-condensable into the atmosphere from any emission point, until said non-condensable have been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net emission of non-condensable from any such air pollution abatement operation shall not exceed a TRS concentration of 5 parts per million by volume except during periods when switching from one control system to another; which period or periods shall not aggregate more than 30 minutes in any one day.

(e) Kraft Mill Monitoring

Recording instruments to measure total reduced sulfur emissions shall be provided, installed, maintained and continuously operated by the owner in the exhaust stack from the kraft recovery furnace flue gas system, from the kraft pulp mill lime kiln and from all other emission points releasing in excess of 100 pounds of TRS per day into the atmosphere. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

(f) Compliance Verification

A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Control Officer once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the Control Officer.

RULE 455 - GEOTHERMAL EMISSION STANDARDS

(a) No person shall discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO₂), in excess of 1,000ppm(v).

(aa) Notwithstanding Rule 400(b) and Rule 455(a) geothermal wells on standby bleed shall be authorized in writing by the Control Officer to exceed 1000 ppm(v) (as measured in the bleeding steam) provided all the following conditions, which shall be annually verified, are met:

- (1) The geothermal well on standby bleed will emit less H₂S in pounds hour than if operated at or below 1000 ppm(v).
- (2) An air aspirator or other device(s) approved by the Control Officer is used to lower the emissions level to below 1000 ppm(v) at the point of emissions exit.
- (3) All other applicable emissions limitations in Regulation 1 are not exceeded.
- (4) The geothermal well on standby bleed, singularly or when combined with sources on the same well pad site or from adjacent well pad sites (within 33 meters), will not create a public nuisance as defined in Rule 400(a).

(b) No person shall discharge hydrogen sulfide (H₂S) into the atmosphere at a rate which exceeds those set forth in Table II and Table III.

TABLE II

Effective Date (Note *2)	GEOTHERMAL Initially operated on or before March 31, 1979, (includes PG&E Geysers Units 1-12).	POWERPLANTS Initially operated after March 31, 1979, but initially issued an Authority to Construct or Determination of Compliance by March 31, 1980, (Includes PG&E Geysers Units 14, 15, & 17 and NCPA #2).	(NOTE *1 AND *3) Initially issued an Authority to Construct or Determination of Compliance after March 31, 1989, (includes all others).
January 1, 1979	GEOTHERMAL For Units 3,4, 5,6,11, & 12 emit no more than 10% of the H ₂ S in the supplied steam at full power plant load or 200 g/hr/GMW ave. using allocation (See Notes *7).	POWERPLANTS	(NOTE *1 AND *3)
January 1, 1980		100 g/hr/GMW	100 g/hr/GMW
July 15, 1981	10% of the H ₂ S in the supplied steam at full load operation for Units 3,4, & 11 and 200 g/hr/GMW for Units 5, 6, & 12 (Comply as shown or per Note *8).		
June 1, 1985	Units 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, & 12: each at 200 g/hr GMW (Comply as shown or per Note *8).	50 g/hr/GMW (Note * 8)	50g/hr/GMW or 1 kg/hr (Note *10)
June 1, 1986	Units 1-12 each at 200 g/hr/GMW (Comply as shown or per Note *8).		

NOTES FOR TABLES II AND III

NOTE 1 All geothermal emission sources, including new construction, must comply with all applicable future emission rate limits specified in these tables as they become effective.

NOTE 2 H₂S emissions limitations for each category of emission source will become effective henceforth on the date indicated at the left of the Tables.

NOTE 3 The term "g/hr/GMW" shall read "grams/hr per Gross Megawatt". The rates of emission may be equaled but not exceeded. Gross Megawatt refers to the source's full load gross generating capacity of the turbine generator as guaranteed by the turbine generator manufacturer. Compliance shall be verified by the source testing or protocol method approved by the District for the applicable emission source(s). (See also note *8.)

NOTE 4 Individual well emissions shall be limited to 2.5 kg/hr/well unless a higher rate was determined by new source review or unless applicant provides data which subsequently can justify a re-determination of the emission rate by the Air Pollution Control Officer.

NOTE 5 Small sources included continuous well and pipeline bleeds. Allowable emissions are those shown in Table III unless otherwise determined by the Air Pollution Control Officer.

NOTE 6 "Reduce H₂S by 50%" shall mean emit no more than 50% of the H₂S normally found in the supplied stream at full power load. "Dual Units" shall refer to those steam transmission lines associated with two power plant units located in the same building and therefore such associated steam transmission lines shall be considered as one source.

NOTE 7 Allocation method - If an emissions rate less than the required gm/hr/GMW is attained at one power plant unit, the excess reduction (in grams) can be credited to another power plant unit or apportioned to other power plant units. For instance, a 10 megawatt plant can be allowed to emit 2,000 gm H₂S/hr, but if a credit of 500 gm H₂S were allocated from another unit, it could emit 2,500 gm H₂S/hr or 250 gm/hr/GMW. The allocation should be modified no more than quarterly and only if needed based on new data. (The major purpose of the allocation method is for individual power plant unit compliance verification and credit for greater H₂S reduction than required.)

NOTE 8 Protocol Method - Each geothermal facility may be allowed to establish a protocol acceptable to the District which

specifies the manner in which the facility will be operated to meet the emissions limitations set forth in Table II and Table III of this rule. Each protocol shall specify if applicable:

1. the frequency and method of sampling the incoming steam quality and flow rates;
2. the frequency and method of adjusting chemical feed rate settings;
3. the frequency and method of instrument and testing equipment calibration;
4. the predicted relationship between incoming steam quality and flow rates, chemical feed rates, and H₂S emissions;
5. the frequency and method of emissions source testing;
6. data logging requirements;
7. the locations of all logs and source test records; and
8. the requirement that periodic source tests be performed.

Each operating protocol can be modified by mutual agreement between the District and the operator. Changes in operating protocol(s) shall not take effect until copies of the revised protocol(s) are filed at the District office and the facility. Compliance with the operating protocol approved by the Control Officer shall be deemed compliance with the H₂S emissions limitations of this rule.

The major purpose of the protocol method is to provide a practical means of compliance with the specified emissions limitations given variations in incoming steam quality, chemical abatement system performance, and emission source test accuracy. A form of transferable emissions credits or allocation (pound for pound) among specified power plants shall be allowed in the protocol(s) as long as in the opinion of the Control Officer that enforceability can be reasonably achieved and ambient air quality would not be substantially degraded.

NOTE 9 Stacking emission standards will be required of any steam transmission line or power plant which is expected to have on the average three (3) or more stacking events per year; the normal enforcement of equipment breakdown per rule 540 for the applicable stacking facility will be followed.

NOTE 10 The 1.0 kg H₂S/hr limit shall apply only to geothermal power facilities with an electrical generation capacity of 20 Megawatts or less, provided:

1. no more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or
2. the facility can provide a significant net annual H₂S emissions reduction.

NOTE 11 Load Curtailment Emission Requirements - Each steam transmission line has a minimum steam flow rate, defined as "E", which results in the emission levels of Column "A" (Column D for Units 1 and 2). Each power plant unit, after curtailment, operates at a steam transmission line flow rate, defined as "F".

1. If the curtailed steam flow rate, "F", is greater than the minimum flow rate, "E", then the supplier shall eliminate within 30 minutes curtailment emissions from the unit stacking facility.
2. If the curtailed steam flow rate, "F", is less than the minimum flow rate, "E", then the supplier shall be allowed no more curtailment emissions from the unit stacking facility than that H₂S associated with the difference in steam flows, ("F"- "E"). In the event the curtailed power plant unit is part of a dual unit system, and the companion unit is operational at a level of 50% of full steam flow, then the supplier shall eliminate, within 1 hour, curtailment emissions from the unit stacking facility regardless of steam flow to the curtailed unit.

(b) Any geothermal power plant and associated steam transmission line, for which applications are submitted for Authority to Construct processing after January 1, 1985, shall employ Best Available Control Technology for stacking event avoidance.

(c) 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.

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. (H&S 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. (H&S 41860)

RULE 482 - PETROLEUM LOADING AND STORAGE

- (a) All petroleum storage tanks in excess of 40,000 gallons capacity shall conform with the requirements of Rule 490.
- (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 vapors and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gas tight except when gauging or sampling is taking place.
- (5) 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 gas tight except when gauging or sampling is taking place.

RULE 490 - FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS)

All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, which are adopted by reference and made a part of these rules and regulations. For the purpose of this rule, the word "Administrator" as used in these federal new source performance standards shall mean the Control Officer of the District, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the District Board to suit the needs of the District are noted in the affected Subpart. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant in cases of conflict or duplication, the most stringent rule, regulation provision, or requirement shall apply. Category types subject to NSPS are listed below:

<u>CATEGORY - NSPS</u>	<u>40 CFR 60 Subpart</u>	<u>Last Amended</u>
General Provisions	A	June 24, 1985
Adoption and Submittal of State Plans for Designated Facilities	B	
Fossil - Fuel Fired Steam Generators	D	September 27, 1984
Electric Utility Steam Generating Units	Da(1)	September 27, 1984
Industrial-Commercial-Institutional Steam Generating Units	Db(1)	December 16, 1987
Incinerators	E	March 3, 1978
Portland Cement Plants	F	March 3, 1978
Nitric Acid Plants	G	April 23, 1985
Sulfuric Acid Plants	H	October 20, 1983
Asphalt Concrete Plants	I	January 24, 1986

<u>CATEGORY - NSPS</u>	<u>40 CFR 60 Subpart</u>	<u>Last Amended</u>
Petroleum Refineries - Fluid Catalytic Cracking Unit Generators	J	August 17, 1989
Petroleum Storage Vessels (constructed June 11, 1973 to May 19, 1978)	K	January 27, 1983
Petroleum Storage Vessels (constructed after May 19, 1978)	Ka	January 27, 1983
Volatile Organic Liquid Storage Vessels	Kb(2)	June 16, 1989
Secondary Lead Smelters	L	March 3, 1978
Secondary Brass and Bronze Ingot Production	M	October 30, 1984
Iron and Steel Plants	N	January 2, 1986
Secondary Emissions from Basic Oxygen Process Steelmaking Facilities	Na	February 14, 1990
Sewage Treatment Plants	O	March 3, 1978
Primary Copper Smelters	P	May 25, 1983
Primary Zinc Smelters	Q	May 25, 1983
Primary Lead Smelters	R	May 25, 1983
Primary Aluminum Reduction Plants	S	May 23, 1983
Wet Process Phosphoric Acid Plants	T	February 17, 1983
Super Phosphoric Acid Plants	U	February 17, 1983
Diammonium Phosphate Plants	V	February 17, 1983
Triple Super Phosphate Plants	W	February 17, 1983
Granular Triple Super Phosphate Storage	X	January 27, 1983
Coal Preparation Plants	Y	January 27, 1983
Ferro Alloy Production	Z	January 27, 1983
Steel Plants - Electric Arc Furnaces	AA	October 31, 1984
Elec. Arc Furnaces & Argon-Oxygen Vessels	AAa	October 31, 1984
Kraft Pulp Mills	BB	May 20, 1986
Glass Manufacturing [except Sec.60292(d & e)]	CC	October 19, 1984
Grain Elevators	DD	August 3, 1978
Surface Coating of Metal Furniture	EE(1)	April 30, 1985
Stationary Gas Turbines	GG	July 31, 1984
Lime Manufacturing	HH	April 26, 1984
Lead - Acid Battery Manufacture	KK	April 16, 1982
Metallic Mineral Processing Plants	LL	February 21, 1984
Auto and Light - Duty Truck Surface Coating	MM(1)	September 9, 1985
Phosphate Rock Plants	NN	April 16, 1982
Ammonium Sulfate Manufacturing	PP	November 12, 1980
Graphic Arts Industry - Rotogravure Printing	QQ(1)	January 10, 1983
Pressure Sensitive Tape & Label Surface Coating	RR(1)	October 18, 1983
Industrial Surface Coating, Large Appliances	SS(1)	October 27, 1982
Metal Coil Surface Coating	TT(1)	January 10, 1983
Asphalt Processing and Asphalt Roofing Manufacture	UU	August 6, 1982
Synthetic Organic Chemical Manufacturing Industry	VV(2)	June 29, 1984
Beverage Can Surface Coating Industry	WW(1)	August 25, 1983
Bulk Gasoline Terminals	XX(3)	June 24, 1986
New Residential Wood Heaters	AAA	April 12, 1988
Rubber Tire Manufacturing Industry	BBB	September 19, 1989
Flexible Vinyl and Urethane Coating & Printing	FFF(1)	August 17, 1984

<u>CATEGORY - NSPS</u>	<u>40 CFR 60 Subpart</u>	<u>Last Amended</u>
Equipment Leaks of VOC in Petroleum Refineries	GGG(2)	May 30, 1984
Synthetic Fiber Production Facilities	HHH(1)	April 27, 1984
Petroleum Dry Cleaners	JJJ(2)	September 21, 1984
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	KKK	June 24, 1985
Onshore Natural Gas Processing Plants; So2	LLL	February 14, ,1989
Non-metallic Mineral Processing Plants	OOO	August 1, 1985
Wool Fiberglass Insulation Mfg. Plants	PPP	February 25, 1985
VOC Emissions from Petroleum Wastewater Systems	QQQ	November 23, 1988
Magnetic Tape Coating Facilities	SSS	October 3, 1988
Industrial Surface Coating of Plastic Parts for Business Machines	TTT	January 29, 1988
Polymeric Coating of Supporting Substrates Facilities	VVV	Sept 11, 1989

Note (1) The emissions averaging periods specified in the federal standard are deleted and replaced with 24-hour maximum emissions averaging periods for affected facilities in the District.

Note (2) The observation of a leak in excess of the requirements of the rule constitutes a violation of the rule.

Note (3) California Air Resources Board (CARB) Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks shall be followed in lieu of the federal procedure as shown in the CFR. Documentation and record keeping requirements shall record results of CARB Certification Tests.

RULE 492 - NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

The provisions of Part 61, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, are adopted by reference and made a part of these rules and regulations. For the purpose of this rule, the word "Administrator" as used in these national emission standards for hazardous air pollutants shall mean the Control Officer of the District, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the District Board to suit the needs of the District are noted in the affected Subpart. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication, the most stringent rule, regulation, provision, or requirement shall apply. Category types subject to NESHAPS are listed below:

<u>Category - NESHAPS</u>	<u>40 CFR 61 Subpart</u>	<u>Last Amended</u>
General Provisions	A	March 7, 1990
Beryllium	C	November 7, 1985
Beryllium Rocket Motor Firing	D	November 7, 1985

<u>Category - NESHAPS</u>	<u>40 CFR 61 Subpart</u>	<u>Last Amended</u>
Mercury	E	March 14, 1987
Vinyl Chloride	F	July 10, 1990
Equipment Leaks of Benzene (Fugitive Emissions)	J	August 19, 1988
Benzene Emissions from Coke By-Products Recovery Plants	L	September 19, 1991
Asbestos	M(1)	November 20, 1990
Equipment Leaks (Fugitive Emissions)	V	September 30, 1986
Benzene Emissions from Benzene Storage Vessels	Y	Sept 14, 1989

Note (1) - Viewports: Any owner or operator of a demolition or renovation project that is subject to 40 CFR.-61, Subpart M (NESHAPS) and required to construct physical barriers for the purpose of controlling asbestos emissions, shall install transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of regulated asbestos containing material from outside the containment area.

Rule 494 INCINERATOR BURNING

A person shall not burn combustible material in any incinerator within the North Coast Unified Air Pollution Control District, except in a multiple-chamber incinerator as described in Rule 130(m3), or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. (Rule becomes effective January 1, 1993).

CHAPTER V - ENFORCEMENT AND PENALTY ACTIONS

RULE 500 - ENFORCEMENT

No person shall violate any condition of an Authority to Construct, any condition of a Permit to Operate, any provision of these rules and regulations; or any order, rule, or regulation of the California Health and Safety Code. Any person violating this rule is guilty of a misdemeanor and/or is liable for a civil penalty and shall be subject to a fine or imprisonment in the county jail, or both as allowed by H&S Code Division 26, Part 4, Chapter 4, Article 3. Every day during any portion of which the violation occurs constitutes a separate offense.

RULE 510 - ORDERS FOR ABATEMENT

(a) The district board or the hearing board may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of Section 41700 or 41701 of the California Health and Safety Code, or of any order, rule or regulation prohibiting or limiting the discharge of air contaminants into the air. In holding such a hearing, the district board shall be vested with all the powers and duties of the hearing board. (H&S 42450 & 42451)

(b) The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met. (H&S 42452)

RULE 520 - CIVIL PENALTIES

(a) Except as otherwise provided in Rule 520(b)(c), any person who violates Section 41700 or 41701 of the California Health and Safety Code, or any rule or regulation of the District, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day in which such violation occurs. (H&S 42402)

(b) Any person who negligently emits an air contaminant in violation of any rule, regulation or order of the state board or of the District pertaining to emission regulations or limitations shall be liable for a civil penalty of not more than ten thousand dollars (\$10,000) for each day in which such violation occurs. (H&S 42402.1)

(c) Any person who emits an air contaminant in violation of any order, rule, or regulation of the state board or of the District pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action within a reasonable period of time, or which causes actual injury to the health or safety of a considerable number of persons or the public, shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs. (H&S 42402.2)

(d) Any person who intentionally or negligently violates any order for abatement issued by the district board or hearing board pursuant to Rule 510(a)(b)(c), shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs. (H&S 42401)

(e) The civil penalties prescribed in Rule 520 (a) & (b)(c)(d) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for the district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

RULE 530 - NOTICE TO COMPLY

(a) Purpose

The purpose of this rule is to implement the provisions of Chapter 3 of Part 1 of Division 26 of the California Health and Safety Code (commencing with section 39150) which define a minor violation and establish guidelines for issuing a Notice to Comply.

(b) Applicability

This rule applies to any person, owner, operator, employee or representative of a facility subject to state requirements, district rules or regulations, administrative or procedural plan/policy or permit conditions, or requests for information or records by a district.

(c) Definitions

(1) CHRONIC VIOLATION: A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source or facility or same piece of equipment.

(2) INFORMATION: Data, records, photographs, maintenance records, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit was issued or applied or which is subject to state or federal requirements, district rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by a district.

(3) (A) MINOR VIOLATION: The failure of any person to comply with administrative or procedural requirements of applicable state requirements, district rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the district which meets the following criteria:

- (i) Does not result in an increase of emissions that exceeds regulatory limits or permit conditions;
- (ii) Does not endanger the health, safety, or welfare of any person or persons;
- (iii) Does not endanger the environment;
- (iv) Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard;

- (v) Does not preclude or hinder the district's ability to determine compliance with other applicable state or federal requirements, district rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records.

(B) Notwithstanding subparagraph (c)(3)(A) above, no violation of an applicable state or federal requirement, district rule or regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:

- (i) The violation involves failure to comply with the emission standards in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions; or
- (ii) The violation is knowing, willful, or intentional; or
- (iii) The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or
- (iv) The violation is chronic; or
- (v) The violation is committed by a recalcitrant violator; or
- (vi) The violation results in a nuisance.

(4) NOTICE TO COMPLY: A written method of alleging a minor violation that meets the requirements of Health and Safety Code section 39151.

(5) PROCEDURAL REQUIREMENT: A provision of a rule, regulation or permit condition that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.

(6) RECALCITRANT VIOLATOR: A person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of district rules and regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

(d) Requirements

(1) Except as otherwise provided in paragraph (d), a Notice to Comply shall be the means by which the Air Pollution Control Officer (APCO)/Executive Officer shall cite a minor violation. The APCO shall not take any other enforcement action on a minor violation, if the person or facility has complied with the provisions of the Notice.

- (2) Any person or facility who receives a Notice to Comply pursuant to this subparagraph shall have a date specific in which compliance is to be achieved. Within five (5) working days of achieving compliance, the person or facility representative who received the Notice to Comply shall sign and return it to the Executive Officer, stating that the person or facility has complied with the Notice to Comply. The return shall also include a written statement describing when and how compliance was achieved. Failure to respond or giving a false statement describing when and how compliance was achieved is a violation subject to further legal action pursuant to the Health and Safety Code, section 42400, et seq.
- (3) A single Notice to Comply shall be issued for all minor violations cited during the same inspection and the Notice to Comply shall separately list each cited minor violation and the manner in which each minor violation may be brought into compliance.
- (4) A Notice to Comply shall not be issued for any minor violation that is corrected immediately in the presence of the inspector. Immediate compliance in that manner may be noted in the inspection report or other district documents, but the person or facility shall not be subject to any further action by the district's representative or an authorized or designated officer. Corrected minor violations may be used to show a pattern of disregard or neglect by a recalcitrant violator.
- (5) Notwithstanding any other provision of paragraph (d), if a person or facility fails to comply with a Notice to Comply within the prescribed period, or if the APCO determines that the circumstances surrounding a particular minor violation are such that immediate enforcement is warranted to prevent harm to the public health or safety or to the environment, the APCO may take any needed enforcement action authorized by law.
- (6) Nothing in this rule shall be construed as preventing the reinspection of a site or facility to ensure compliance or to verify that minor violations cited in a Notice to Comply have been corrected.
- (7) Nothing in this rule shall be construed as preventing the APCO, on a case-by-case basis, from requiring a person or facility subject to a Notice to Comply to submit reasonable and necessary information to support a claim of compliance by the person or facility.
- (8) The issuance of a Notice to Comply for a violation of state law will not interfere with an agency's ability to enforce all federal requirements or laws.

(9) Notwithstanding any other provisions of paragraph (d), if the APCO determines that the circumstances surrounding a particular minor violation are such that the assessment of a penalty pursuant to this rule is warranted or required by federal law, in addition to issuance of a Notice to Comply, the district shall assess a penalty in accordance with Division 26 of the Health and Safety Code, section 42400, et seq., if the APCO makes written findings that set forth the basis for the determination of the district.

(e) Appeals

Any person who is issued a Notice to Comply may appeal the issuance by filing a written appeal with the APCO within 10 working days of receipt of the Notice. The appeal shall state the grounds and basis for the appeal and include any evidence as to why the Notice to Comply should not have been issued. The APCO/Executive Officer shall grant or deny the appeal within 30 days of receiving the appeal. The APCO's decision shall be final.

(f) Penalty for failure to comply

Any person or facility who fails to comply by the date specified on the Notice to Comply shall be subject to further enforcement action pursuant to the Health and Safety Code section 42400, et seq., or any other applicable law.

(g) Expiration

This rule shall remain in effect only until January 1, 2001, and as of that date is repealed unless a later enacted rule, which is enacted on or before January 1, 2001, extends that date, or unless Health and Safety Code sections 39150 - 39153 are extended beyond that date by an act of the Legislature which is signed into law by the governor.

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.

CHAPTER VI - HEARING BOARD & VARIANCE PROCEDURES

RULE 600 - AUTHORIZATION

These procedures shall apply to all hearings before the Hearing Board of the Air Pollution Control District or Air Quality Management District as authorized by Division 26, Part 3, Chapter 8 of the California Health and Safety Code, and held in accordance with the provisions of Division 26, Part 4, Chapter 4 of said Code.

RULE 610 - PETITION PROCEDURE

(a) Filing Petitions

Requests for hearings shall be initiated by the filing of a petition with the Clerk of the Hearing Board, and the payment of the fee as provided for in Rule 320 of these Rules and Regulations. Service of a copy of the petition shall be made on the Control Officer, and on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(b) Contents of Petitions

Every petition for Hearing Board action shall state:

- (1) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.
- (2) Whether the petitioner is an individual, co-partnership, corporation or other entity, and the names and addresses of the partners if a co-partnership, the names and addresses of the officers if a corporation, and the names and addresses of the persons in control, if other entity.
- (3) The type of business or activity involved in the application and the street address at which it is conducted.
- (4) A brief description of the article, machine, equipment, or other contrivance, if any, involved in the application.
- (5) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:
 - (A) To review an Authority to Construct or Permit to Operate denied by the Control Officer (H&S 42302).
 - (B) To review the suspension of a permit by the Control Officer. (H&S 42306)
 - (C) To determine whether a permit shall be revoked. (H&S 42307)
 - (D) To request a variance under Section 42350 of the Health & Safety Code.
 - (E) To modify or revoke a variance previously granted. (H&S 42356)

- (F) To request a public hearing to determine whether a permit was properly issued (42302.1 of the Health & Safety Code.
- (6) Each Petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.
- (7) Petitions to review a denial of an Authority to Construct or Permit to Operate shall state the reasons given for the denial and reasons for the appeal.
- (8) Petitions for reinstatement of suspended permits shall state the alleged basis for such suspension.
- (9) Petitions for revocation of permits shall state the rule which is alleged to have been violated and a brief statement of the facts constituting such alleged violation.

(c) Variance Petitions

In addition to the requirements of Rule 610(b), petitions for variance shall state briefly:

- (1) The section, order or rule complained of.
- (2) The facts showing why compliance with the section, rule or order is unattainable.
- (3) For what period of time the variance is sought and specific dates for achieving various increments of progress.
- (4) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order by either an arbitrary or unreasonable taking of property; or the practical closing and elimination of a lawful business without a corresponding benefit in reducing air contaminants.
- (5) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.
- (6) Whether or not the subject equipment or process is covered by a Permit to Operate issued by the Control Officer.
- (7) That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.
- (8) During the period the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible.
- (9) During the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emission levels to the District pursuant to a schedule established by the District.

(d) Dismissal of Petition

The petitioner may dismiss his petition at any time prior to the date set for the hearing. Such dismissals requested at least 72 hours in advance of the hearing shall result in a 50% refund of the Hearing Board fee to the petitioner. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

RULE 615 - EMERGENCY VARIANCES

Notwithstanding other provisions of Chapter VI of these regulations, the Chairperson of the Hearing Board or any other member of that Hearing Board designated thereby as the Hearing Officer, may issue, without notice and hearing, an emergency variance or series of variances to an applicant. The emergency variance or series of variances shall be in effect until the hearing to consider a request by the applicant for a variance other than an emergency variance, but not to exceed 30 days.

(a) Upon receipt of a request for an emergency variance, the Control Officer shall contact the Hearing Officer to establish a time and place for consideration of the request. The Control Officer shall inform the applicant of such time and place.

(b) The applicant and Control Officer shall present testimony and evidence to the Hearing Officer. The burden of proof shall be on the applicant to demonstrate that a breakdown or other emergency situation exists.

(c) In order to consider the granting of an emergency variance for an extended breakdown situation, the Hearing Officer should determine the causes of the breakdown and that the equipment 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.

(d) After consideration of the emergency variance request, the Hearing Officer may grant or deny an emergency variance. Within five working days following the granting of an emergency variance, a written order shall be issued confirming the decision, with appropriate findings.

(e) No emergency variance shall be granted unless the Hearing Officer determines that:

- (1) The emergency variance request is caused by a breakdown condition or other emergency situation and may not be delayed until a properly noticed hearing.
- (2) Granting of the emergency variance will not cause a public nuisance.
- (3) Granting of the emergency variance will not create an immediate threat or hazard to public health or safety.
- (4) Granting of the emergency variance will not interfere with the attainment or maintenance of any national ambient air quality standard.
- (5) The requirements for a variance set forth in Rule 630(c) have been met.

(f) At any time after an emergency variance has been granted, the applicant or Control Officer may request the Hearing Officer to revise, revoke or further condition the variance and issue an amended written order. All procedures shall be as designated for the original hearing.

(g) An emergency variance shall remain in effect only as long as necessary to correct the breakdown or emergency condition, but not to exceed the time period required for a properly noticed hearing to consider an interim or 90-day variance in accordance with Rule 620(b), or 30 days, whichever is the shorter time period.

(h) Within ten (10) days after the date of expiration of an emergency variance, the applicant 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 a recurrence.

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

RULE 616 - INTERIM VARIANCE

Any person who has submitted an application for a variance and who desires to commence or continue operation pending the decision of the Hearing Board on the application, may submit an application for an interim variance. (H&S 42351)

(a) An interim variance may be granted for good causes stated in the order granting such a variance.

(b) The interim variance shall not be valid beyond the date of the decision of the Hearing Board on the application or for more than 90 days from the date of issuance of the interim variance, whichever comes first.

(c) The Hearing Board shall not grant any interim variance:

- (1) after it has held a hearing in compliance with the requirements of Rule 620; or
- (2) which is being sought to avoid the notice of hearing requirements of Rule 620.

RULE 618 - MODIFICATION OF INCREMENTS OF PROGRESS SCHEDULE

If a person granted a variance with a schedule of increments of progress, files an application for modification of the schedule and is unable to notify the Hearing Board sufficiently in advance to allow the Hearing Board to schedule a public hearing, the Hearing Board may grant a one time interim authorization which is valid for not more than 30 days, to continue operation pending decision of the Hearing Board on the application.

(a) In the North Coast Air Basin, the Chairman of the Hearing Board or any other Hearing Board member designated by the Board may hear such application.

(b) If a member of the public contests a decision made by one member of the Hearing Board, the application shall be reheard by the full Hearing Board within 10 days of the decision.

The interim authorization shall not be granted for a requested extension of a final compliance date or where the original variance expressly required advance application for the modification of an increment of progress. (H&S 42351.5)

RULE 620 - HEARING PROCEDURES

(a) Place of Hearing

All hearings shall be held at such time and place as designated by the Clerk of the Hearing Board on the notice of hearing.

(b) Notice of Hearing

- (1) Except as provided for in Rule 620 (c), (d) and (e) the Hearing Board shall serve notice of the time and place of the hearing upon the Control Officer and upon the applicant or permittee affected not less than 10 days prior to such hearing. (H&S 40823)
- (2) Except as provided for in Rule 620 (c), (d) and (e) the Hearing Board shall also send notice of hearing to every person who requests such notice and obtain publication of such notice in at least one daily newspaper of general circulation within the district. The notice shall state the time and place of the meeting, and reasonably apprise the people within the district of the purpose of the meeting. (H&S 40823)

(c) Short Term Variances/Modifications of Increments of Progress

In the case of a hearing to consider an application for a variance, or a series of variances to be in effect for a period of not more than 90 days, or an application for a modification of a schedule of increments of progress, or for an order of abatement:

- (1) The Hearing Board shall serve notice of the time and place of a hearing to grant such a variance or modification upon the Control Officer, all the North Coast Air Basin districts, the state board, the Environmental Protection Agency, and upon the applicant or permittee not less than 10 days prior to such hearing. (H&S 40825)
- (2) Subdivision 2 of Rule 620(b) shall not apply. (H&S 40825)
- (3) The Chairman of the Hearing Board or any other member of the Hearing Board so designated by the Hearing Board, may hear an application for an interim variance. If any member of the public contests a decision made by any one member of the Hearing Board, the application shall be reheard by the full Hearing Board within 10 days of the decision. (H&S 40825)

(d) Interim Variance

In the case of a hearing to consider an application for an interim variance, as authorized in Rule 616:

- (1) The Hearing Board shall serve reasonable notice of the time and place of the hearing on the Control Officer and upon the applicant.
- (2) Subdivision 2 of 620(b) shall not apply.

- (3) The Chairman of the Hearing Board or any other member of the Hearing Board so designated by the Hearing Board, may hear an application for an interim variance. If any one member of the public contests a decision made by any one member of the Hearing Board, the application shall be reheard by the full Hearing Board within 10 days of the decision. (H&S 40824)

(e) Regular Variance Procedure

In the case of a hearing to consider an application for variance, other than a 90 day variance, or an interim variance, or an application for a modification of a final compliance date in a variance previously granted, the notice requirements shall be as follows:

- (1) The Hearing Board shall serve a notice of the time and place of a hearing to the Control Officer, all other districts in the North Coast Air Basin, the state board, the Environmental Protection Agency, and upon the petitioner or permittee.
- (2) The Hearing Board shall also publish a notice of the hearing in at least one newspaper of general circulation within the district, and send such notice, at least 30 days prior to the hearing.
- (3) The notice shall state the time and the place of the hearing, the time when, commencing not less than 30 days prior to the hearing, and the place where the application including any proposed conditions or schedule of increments of progress is available for public inspection. (H&S 40826)

(f) Answers

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 610(a).

(g) Continuances

The Chairman or any three members of the Hearing Board may grant any reasonable continuance concurred in by petitioner, the Control Officer and by every person who has filed an answer in the action. Such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(h) Evidence

- (1) Oral evidence shall be taken only on oath or affirmation.
- (2) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross examination.

- (3) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.
- (4) Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the Chairman of the Hearing Board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control, material to such a hearing. A subpoena to appear before the Hearing Board shall be served in the same manner as a subpoena in a civil action. (H&S 40840 & 40841)
- (5) The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.
- (6) The Hearing Board shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its decision. (H&S 40828)

RULE 630 - DECISIONS

- (a) After a hearing, the Hearing Board may do any of the following: (H&S42309)
 - (1) Grant a permit denied by the Control Officer.
 - (2) Continue the suspension of a permit suspended by the Control Officer.
 - (3) Remove the suspension of an existing permit invoked by the Control Officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required.
 - (4) Find that no violation exists and reinstate an existing permit.
 - (5) Revoke an existing permit, if it finds any of the following:
 - (A) The permittee has failed to correct any conditions required by the Control Officer.
 - (B) A refusal of a permit would be justified.
 - (C) Fraud or deceit was employed in the obtaining of the permit.
 - (D) Any violation of this part, or of any order, rule, or regulation of the district.
 - (6) Grant a variance in accordance with the conditions as further specified in this rule.

(b) The Hearing Board shall announce its decision in writing, served and filed within 30 days after submission of the cause by the parties thereto and shall contain a statement of findings and the order of the Hearing Board.

(c) No variance shall be granted unless the Hearing Board makes all of the following findings: (H&S 42352)

- (1) That the petitioner for a variance is or will be in violation of a provision of the California Health & Safety Code or of any rule, regulation or order of the District.
- (2) That due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either an arbitrary or unreasonable taking of property, or the practical closing and elimination of a lawful business.
- (3) That such closing or taking would be without a corresponding benefit in reducing air contaminants.
- (4) That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.
- (5) During the period the variance is in effect, that the applicant will reduce excess emissions to the maximum extent feasible.
- (6) During the period the variance is in effect, that the applicant will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emissions levels to the district pursuant to a schedule established by the District.

(d) Upon making the specific findings set forth in Rule 630(c), the Hearing Board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the district board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual persons. However, no variance shall be granted if the operation under the variance, will result in a violation of Rule 400 of the District. (H&S 42353)

(e) In prescribing other and different requirements, in accordance with Rule 630(d), the Hearing Board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements. (H&S 42354)

(f) The Hearing Board may require, as a condition of granting a variance, that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the District an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance. (H&S 42355)

(g) The hearing board, in making any order permitting a variance, shall specify the time during which such order shall be effective, in no event, except as otherwise provided in Rule 630(h), to exceed one year, and shall set a final compliance date. (H&S 42358a)

(h) A variance may be issued for a period exceeding one year if the variance includes a schedule of increments of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards. (H&S 42358b)

(i) The Hearing Board may rehear a decision if a party petitions for a rehearing within 10 days after a copy of the decision has been mailed to him. (H&S 40861)

(j) The decision shall become effective 30 days after it is filed, unless either of the following occurs:

(1) A rehearing is granted by the Hearing Board.

(2) The Hearing Board orders that it be made effective sooner. (H&S 40863)

(k) A copy of the decision shall be mailed or delivered to the Control Officer, California Air Resources Board, the Environmental Protection Agency, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

RULE 640 - RECORD OF PROCEEDINGS

A record of all proceedings heard before the Hearing Board shall be made. All or any part of this record may be requested by any party to the proceedings or by any interested public citizen. Such requests shall be in writing and a reasonable fee may be charged, not to exceed the actual cost of providing the written transcript or tape recording copy.

RULE 650 - APPEAL OF DECISION

(a) Judicial review may be had of a decision of the Hearing Board by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this Rule, any such petition shall be filed within 30 days after the decision has been mailed. The right to petition shall not be affected by the failure to seek a rehearing before the Hearing Board. (H&S 40864a)

(b) The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the Hearing Board and shall be delivered to the petitioner within 30 days after a request therefore by him, upon payment of the fee specified in Rule 640. (H&S 40864b)

(c) The complete record includes the pleading, all notices and orders issued by the Hearing Board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. (H&S 40864c)

(d) Where the petitioner, within 10 days after the last day on which a rehearing can be ordered, requests the Hearing Board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The Hearing Board may file with the court the original of any document in the record in lieu of a copy thereof. (H&S 40864d)

(e) In any proceeding pursuant to Rule 650, the court shall receive in evidence any order, rule, or regulation of the district board, any transcript of the proceedings before the Hearing Board, and such further evidence as the court, in its discretion, deems proper. (H&S 40865)

APPENDIX A – PROCEDURES FOR ENVIRONMENTAL IMPACT REVIEW

I. AUTHORITY OF THE CONTROL OFFICER

The Control Officer shall have the authority in accordance with standards delineated by the regulations adopted by the California Resources Agency establishing guidelines for implementing the California Environmental Quality Act of 1970 (division 6, Title 14, California Administrative Code), to make the following determination:

- (1) Whether or not an action is a project.
- (2) Whether or not an action is a project or a portion of a project for which another public agency has already acted as the lead agency.
- (3) Whether or not a project is categorically exempt.
- (4) Whether or not a project is ministerial.
- (5) Whether or not it can be seen with certainty that a project will not have a significant effect upon the environment.
- (6) Whether or not a project may have a significant effect on the environment.
- (7) Whether or not an agency other than the District is to be the lead agency.

These determinations are subject to review and revision upon motion made by the Board of Directors of the District.

II. DETERMINATIONS OF THE CONTROL OFFICER

If the Control Officer determines that (1) 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 CEQA (2) the project is categorically exempt, (3) the project is ministerial or (4) it can be seen with certainty that the project will not have a significant effect on the environment, then neither a negative declaration nor an environmental impact report will be required. If 1, 2 and 3 above are not applicable and the Control Officer determines that a project may have a significant effect upon the environment and that the District is the lead agency, then an environmental impact report for the project will be required; provided, however, that only a negative declaration will be required for the project if the Control Officer determines that the project does not require an environmental impact report due to the circumstances peculiar to the specific project. If the Control Officer determines that another public agency should act as lead agency and 1, 2 and 3 above are not applicable the matter shall be referred to the lead agency for compliance with CEQA.

The Control Officer's determination will be set forth in a written statement which shall be furnished to the applicant. A copy of said statement shall be affixed to any permit granted or denied.

III. NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT – CONTROL OFFICER’S RESPONSIBILITY

After making his determination regarding the requirements for preparation of a negative declaration or an environmental impact report, the Control Officer shall:

- (1) recommend that an agency other than the District be the lead agency; or
- (2) prepare a negative declaration and file it with the Clerk of the County in which the project is proposed to be located; or
- (3) prepare an environmental impact report; or
- (4) obtain authorization of the Board of Directors to engage the services of an outside consultant for the purposes of preparing an environmental impact report.

If the District acts as the lead agency, after a draft environmental impact is completed, the Control Officer shall file a notice of completion with the Secretary of the Resources Agency.

IV. CONSULTATION REGARDING ENVIRONMENTAL MIPACT REPORT

After completing the draft environmental impact report, the Control Officer shall consult with and obtain the comments of any public agency which has jurisdiction by law with respect to the project. The Control Officer may consult with any person with expertise with respect to the environmental impact involved.

V. MAINTENANCE OF NOTIFICATION LIST

The Control Officer shall maintain a special notice list containing the names and addresses of all persons requesting special notice of either (1) the filing of a negative declaration with the County Clerk, or (2) the filing of a notice of completion of an environmental impact report with the Secretary of the Resources Agency. Each person requesting special notice shall:

- (1) Make written request for special notice to the Control Officer. Payment of the fees for special notice shall be made directly to the Control Officer. Upon payment of the required fee the Control Officer shall include the applicant’s name on the special notice list.
- (2) Pay an annual fee as determined by the Board of Directors to cover costs.
- (3) Request for special notice shall be renewed annually on or before the first day of July, and the renewal fee shall be paid to the Control Officer at the time the request for special notice is renewed.
- (4) Neither the failure to give special notice when required by these procedures nor the failure to publish notice in the proper manner when required by these procedures shall affect in any way the validity or legality or the approval or disapproval of a project.

In situations where either special notice or published notice or both is required by these procedures, the failure to give such notice shall be treated as if such notice had been given.

VI. CONSIDERATION OF NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORTS

After giving the notice required, the Control Officer shall set a time, date and place for consideration of the negative declaration or draft environmental impact report and any comments made thereon. The Control Officer shall give notice of that time, date and place when he will be available to receive comments from members of the public regarding the proposed negative declaration or environmental impact report. The Control Officer shall send such notice of time and place of consideration to all persons who have requested special notice, to the Resource Agency of the State of California, the Environmental Protection Agency and the California Air Resources Board. Any interested person may review the negative declaration or draft environmental impact report and may make written comments to be sent to the Control Officer and be made a part of the consideration of the Control Officer at the time and place specified above.

VII. CONSIDERATION OF NEGATIVE DECLARATION

Negative declarations, together with any written comments thereon, shall be transmitted to the Control Officer prior to the date set for his consideration. The Control Officer shall consider the negative declaration and comments, if any, and either adopt or reject the negative declaration prior to deciding to approve or disapprove the project. If the Control Officer decides to adopt the negative declaration, then the Control Officer shall proceed to approve or disapprove the project.

VIII. NEGATIVE DECLARATION FURTHER ACTION

The Control Officer shall file a copy of the negative declaration and notice of determination with the Clerk of the County in which the project would be located. After the determination by the Control Officer to approve the project, the determination shall become final.

IX. EVALUATION OF PROPOSED ENVIRONMENTAL IMPACT REPORT AND COMMENTS

After the period for considering comments on a draft environmental impact report has expired, the Control Officer (or consultant, if any) shall prepare a final environmental impact report.

X. PRESENTATION OF ENVIRONMENTAL IMPACT REPORTS

The Control Officer shall complete the final environmental impact report or shall receive from the consultant the final environmental impact report prior to this approval or disapproval of the project. The Control Officer shall formally adopt the final environmental impact report and consider its contents before he makes his decision on a project.

XI. ENVIRONMENTAL IMPACT REPORT – FURTHER ACTION

The Control Officer shall file a notice of determination with the Clerk or the County in which the project is located. Such notice shall include:

- (1) whether an environmental impact report has been prepared pursuant to the provisions of CEQA and the Control Officer's approval or disapproval of the report.
- (2) the Control Officer's approval or disapproval of the project: and
- (3) the determination of the Control Officer of whether the project will or will not have a significant effect upon the environment.

XII. CONTROL OFFICER'S DECISION ON PROJECT

Before making a decision on the application, the Control Officer shall consider the negative declaration or environmental impact report prepared pursuant to this procedure. If the application is for a project or portion of a project for which another public agency has acted as the lead agency, the Control Officer shall consider the lead agency's environmental impact report or negative declaration and shall certify that he has reviewed and considered the information contained in them before acting upon or approving the project. In considering any environmental impact report or negative declaration, the Control Officer shall consider all written and oral comments made in reference to such report or declaration.

After complying with all of the requirements of this procedure, the Control Officer shall make his determination on the application for an authority to construct or permit to operate in accordance with the rules and regulations of the District.

APPENDIX B – CONTINUOUS MONITORING

I. INSTALLATION AND STARTUP

Owners or operators of sources required to have continuous emission monitors shall have installed all necessary equipment and shall have begun monitoring and recording by October 6, 1978.

II. REPORTING

(a) File of Records

Owners or operators subject to the provisions of these rules and regulations shall maintain for a period of at least two years a record in a permanent form suitable for inspection and shall make such record available upon request, to the Air Resources Board and the District. The record shall include:

- (1) Occurrence and duration of any start up, shut down or malfunction in the operation of any affected facility.
- (2) Performance testing, evaluations, calibration checks, adjustments, and maintenance of any continuous emission monitors that have been installed pursuant to these rules.
- (3) Emission measurements reported in units consistent with applicable standards.

(b) Quarterly Report

Owners or operators subject to provisions of these rules and regulations shall submit a written report for each calendar quarter to the Control Officer. The report is due by the 30th day following the end of the calendar quarter and shall include:

- (1) Time intervals, date and magnitude of excess emissions, nature and cause of the excess (if known), corrective actions taken and preventive measures adopted.
- (2) Averaging period used for data reporting corresponding to averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question.
- (3) Time and date of each period during which the continuous monitoring system was inoperative except zero and span checks and the nature of system repairs and adjustments.
- (4) A negative declaration when no excess emission occurred.
- (5) Reports on opacity monitors giving the number of three-minute periods during which the average opacity exceeded the standard for each hour of operation. The averages may be obtained by integration over the averaging period or by arithmetically averaging a minimum of four equally spaced instantaneous opacity measurements per minute. Any time period exempted shall be considered before determining the excess averages of opacity.

(c) Reports of Violations

Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records of the monitoring device, shall be reported by the operator of the source to the District within 96 hours after such occurrence. The District shall, in turn, report the violation to the Air Resources Board within five working days after receiving the report of the violation from the operator.

III. DATA REDUCTION

Data shall be reduced according to the procedures established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by joint decision of the District, Air Resources Board, and Environmental Protection Agency.

IV. STANDARDS OF PERFORMANCE OF MONITORING SYSTEMS

(a) Systems shall be installed, calibrated, maintained, and operated in accordance with the following sections of 40 CFR:

- (1) Fossil-Fuel fired Steam Generators: Section 60.45
- (2) Sulfuric Acid Plants: Section 60.84
- (3) Nitric Acid Plants: Section 60.73
- (4) Petroleum Refineries: Section 60.105
- (5) Kraft Pulp Mills: NCASI Technical Bulletin #89

(b) Calibration gas mixtures shall meet the specifications in 40 CFR, Part 51, Appendix P, Section 3.3 and Part 60, Appendix B, Performance Specification 2, Section 2.11.

(c) Cycling times shall be those specified in 40 CFR, Part 51, Appendix P, Section 3.4, 3.4.1, and 3.4.2.

(d) The continuous SO₂ and NO_x monitors shall meet the applicable performance specification requirements in 40 CFR, Part 41, Appendix P, and Part 60, Appendix B.

(e) The continuous CO₂ and O₂ monitoring systems shall meet the performance specification requirements in CFR 40, Part 51, Appendix P, and Part 60, Appendix B.

(f) Opacity monitoring systems shall meet the performance specifications of 40 CFR 60, Appendix B, Performance Specification No. 1.

Equivalent alternate performance specifications may be established by mutual agreement of the Environmental Protection Agency, Air Resources Board and the District.

V. DEFINITIONS

Definitions shall be those given in 40 CFR, Part 51.