

REGULATION I - GENERAL PROVISIONS |

6/30/72

RULE 101 Title These rules and regulations shall be known as the Rules and Regulations of the Madera County Air Pollution Control District.

4/11/83

RULE 103 CONFIDENTIAL INFORMATION

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 any air pollution control district or any other State or local agency or district requires an applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance are public records.

All air and other pollution monitoring data, including data compiled from stationary sources, are public records.

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

All air pollution emission data are public records unless the Control Officer, for good cause, shall determine that certain air pollution emission data shall be designated "trade secrets" rather than public records. Data used to calculate emission data are not emission data for the purpose of this rule. Data which constitute trade secrets and which are used to calculate emission data are not public records.

Any person furnishing any records may label and claim as "trade secret" any part of those records which he believes are entitled to be held confidential. Written justification for the "trade secret" designation shall be furnished with the records so designated, and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret. Additional information may be submitted to support the justification. Such information, upon request, shall be kept confidential in the same manner as the trade secret.

Upon the receipt of an application for "trade secret" designation of source data, the Control Officer shall within ten working days notify the applicant of his ruling. In case of rejection of an application the Control Officer, in writing, shall so notify the applicant, and shall state that the records in question shall be subject within twenty-one days to public inspection unless a justification is received which causes the Control Officer to reverse his ruling.

Trade secret data may be released 1) to the Air Resources Board which protects trade secrets as provided in Section 62547 of the Government Code and Sections 91000 to 91022 of California Administrative Code, Title 17; or 2) to the federal Environmental Protection Agency which protects trade secrets as provided in Section 114C of the Clean Air Act and in 40 Code of Federal Regulations, Chapter 1, Part 2.

4/11/83

RULE 104 INSPECTION OF PUBLIC RECORDS

The Control Officer shall make available, within ten working days, the records requested. If, for good cause, the information cannot be made available within ten working days, the Control Officer shall notify the requesting person the reasons for the delay and when the information will be available. The Control Officer may require that requests for public records be specific and in sufficient detail so that the information may be identified readily.

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RULE 107 LAND USE

As part of his responsibility to protect the public and property from the damaging effects of air pollution, it shall be the duty of the Control Officer to review and advise the appropriate planning authorities within the District on all new construction or changes in land use which the Control Officer believes could become a source of an air pollution problem.

4/11/83

RULE 113 EQUIPMENT BREAKDOWN

A. Definition: 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 any instack 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; and
5. Is not a recurrent breakdown of the same equipment.

B. Requirements:

1. The owner or operator shall notify the Control Officer of any occurrence which constitutes a breakdown condition. Such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence. Such notification shall be given as soon as reasonably possible, but no later than one hour after its detection, unless the owner or operator demonstrates to the Control Officer's satisfaction that a longer period was necessary. Any failure to comply with the reporting requirements established in this subparagraph shall constitute a separate violation of this rule.
2. The Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
3. Upon receipt of notification pursuant to subparagraph B.1. the Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Control Officer determines that the occurrence does not constitute a breakdown condition, the Control Officer may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.
4. An occurrence which constitutes a breakdown condition, and which persists only until the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six hours), shall constitute a violation of any applicable emission limitation or restriction

prescribed by these rules and regulations. However, no enforcement action may be taken provided that the owner or operator demonstrates to the Control Officer that a breakdown condition exists and the following requirements are met:

- a. The owner or operator submits the notification required by subparagraph B.1.;
 - b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance; and
 - c. The Control Officer determines that the attainment or maintenance of National Ambient Air Quality Standards will not be endangered.
5. An occurrence which constitutes a breakdown condition shall not persist longer than the end of the production run or 24-hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six hours), unless the owner or operator, in lieu of shutdown, has requested and has obtained an emergency variance under the emergency variance procedure set forth in Rule 519.
6. Within ten days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Control Officer which includes:
- a. A statement that the occurrence has been corrected, together with the date of correction and proof of compliance;
 - b. A specific statement of the reason(s) or cause(s) of the occurrence sufficient to enable the Control Officer to determine whether the occurrence was a breakdown condition;
 - c. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subparagraph;
 - d. An estimate of the emissions caused by the occurrence; and
 - e. Photographs of the equipment or controls which failed, if available.
- Any failure to comply, or comply in a timely manner, with the reporting requirements established in this subparagraph shall constitute a separate violation of this rule.
7. 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.

8. 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.
9. The Hearing Board shall be guided by this rule and by Regulation V - Procedure Before the Hearing Board in determining whether to grant or deny any emergency variance.

6/30/72

RULE 205 Cancellation of Applications

- a. An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct.
- b. An application for a permit to operate shall be cancelled two years from the date of filing of the application.

6/30/72

RULE 207 Provision of Sampling and Testing Facilities A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.

10/15/79

RULE 210.3 National Ambient Air Quality Standard

All references in Rule 210.1 and 210.2 to the National Ambient Air Quality Standards shall be interpreted to include State Ambient Air Quality Standards.

6/30/72

RULE 214 Existing Sources Existing sources, where control equipment has been installed, that were in compliance and sources that are on a compliance schedule approved by the Air Pollution Control District on the effective date of Rule 201, shall be issued a conditional permit to operate. The conditional permit to operate will not be valid if there is a significant change in the process or significant increase in production.

Existing sources, requiring the installation of control equipment, shall be issued a conditional permit to operate provided that an acceptable time for compliance is filed with the Air Pollution Control Officer. The time for compliance shall include each of the following times: time for engineering, time for procurement, time for fabrication, and time for installation and adjustment. The Air Pollution Control Officer may require such periodic reports on each phase of the progress toward compliance. Failure at any phase to make reasonable progress toward completion of such installations as are required for final compliance shall be deemed an unreasonable delay in compliance and is subject to revocation of the conditional permit to operate.

2/7/89
RULE 401 VISIBLE EMISSIONS

A. Prohibitions:

No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than 3 minutes in any one hour which is:

1. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in section A.1. of this rule.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of this rule, this rule shall not apply. The burden of proof which establishes the degree to which uncombined water vapor contributes to a visible plume shall be upon the owner or operator of the source.

B. Exemptions: The provisions of this rule shall not apply to:

1. Fires set by or permitted by any public officer, if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - a. For the purpose of prevention of a fire or health hazard which cannot be abated by any other means, or
 - b. For instruction of public employees and/or volunteer fire fighters in methods of fighting fires.
2. Fires set pursuant to permit on property used for industrial purposes for the purpose of the instruction of employees in methods of fighting fire.
3. Agricultural burning as defined in and regulated by Rule 424.
4. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one gram per minute.
5. The use of other equipment in agricultural operations necessary in the growing of crops or the raising of fowl or animals.
6. Other open outdoor fires permitted under the provisions of section B. of Rule 422.

7/10/84

RULE 404 SULFUR COMPOUND EMISSIONS (GENERAL)

A person shall not discharge into the atmosphere sulfur compounds which would exist as a liquid or gas at standard conditions exceeding in concentration at the point of discharge 0.2 percent by volume calculated as sulfur dioxide (SO₂), on a dry basis averaged over 15 consecutive minutes. Air Resources Board Method 1-100 (Continuous Emission Stack Sampling), or another method deemed by the Control Officer to be equivalent, shall be used to determine such emissions.