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REGULATION I - GENERAL PROVISIONS

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

8.2.76

RULE 103.1 Inspection of Public Records The Air Pollution Control Officer shall within ten (10) working days, make available records requested. If, for good cause, the information cannot be made available within the ten (10) working days, the Air Pollution Control Officer shall notify the requesting individual the reasons for the delay and when the information will be available.

The Air Pollution Control Officer may require the requests for public records to be specific and in sufficient detail so that the information may be readily justified.

8-2-74

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 any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

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

6-30-72

RULE 106 Land Use As part of his responsibility to protect the public health and property from the damaging effects of air pollution, it shall be the duty of the Air Pollution Control Officer to review and advise the appropriate planning authorities within the district - on all new construction or changes in land use which the Air Pollution Control Officer believes could become a source of air pollution problems.

RULE 109 Equipment Breakdown

10-15-79

Definitions

- A. For the purpose of this Rule, a breakdown condition means an unforeseeable failure or malfunction of 1) 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 2) 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;
  5. is not a recurrent breakdown of the same equipment.
- B. 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 (96) hours), shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, ...the Air Pollution 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:
1. The owner or operator submits the notification required by subparagraph D.1.; and
  2. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance.
  3. The Control Officer determines that the attainment or maintenance of national ambient air quality standards will not be endangered.
- C. 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 (96) hours), unless the owner or operator has obtained an emergency variance.

If the breakdown condition will either require more than twenty-four (24) hours to correct or persist longer than the end of the production run (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), the owner or operator may, in lieu of shutdown, request the Control Officer to commence the emergency variance procedure set forth in Rule 519.

**D. Breakdown Procedures**

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, and shall be given as soon as reasonably possible, but no later than one (1) hour after its detection, unless the owner or operator demonstrates to the Control Officer satisfaction that a longer period was necessary.
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 D.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.

**E. 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 which includes:

1. A statement that the occurrence has been corrected, together with the date of correction and proof of compliance;
2. A specific statement of the reason(s) or cause(s) from the occurrence sufficient to enable the Control Officer to determine whether the occurrence was a breakdown condition;

3. 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);
4. An estimate of the emissions caused by the occurrence; and
5. Pictures of the equipment or controls which failed, if available.

F. 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.

G. Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs D.1. and E.1. through E.5. of this Rule shall constitute a separate violation of this Rule.

H. 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.

I. Hearing Board Standards and Guidelines

The Hearing Board shall adopt standards and guidelines consistent with this Rule to assist the Chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny any emergency variance, and to assist the Control Officer in the enforcement of this Rule.

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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.



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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.

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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.

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REGULATION IV - PROHIBITIONS

RULE 401 Visible Emissions A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

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

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RULE 402 Exceptions The provisions of Rule 401 do not apply to:

- a. Smoke from fires set by or permitted by any public officer, if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
  - 1. For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or
  - 2. For instruction of public employees in the methods of fighting fire.
- b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- c. Agricultural operations in the growing of crops or raising of fowl or animals.
- d. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.
- e. The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

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RULE 403 Wet Plumes Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 401, that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

7.19.83

Rule 407 - Sulfur Compounds - Amend as underlined.

Rule 407 Sulfur Compounds - 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 ( $\text{SO}_2$ ), on a dry basis averaged over 15 consecutive minutes.

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RULE 407.1 Disposal of Solid or Liquid Waste A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO<sub>2</sub>).

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RULE 418 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 person 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 419 Exception The provisions of Rule 418 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.