

REGULATION 1 - GENERAL PROVISIONS

6/30/72

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

19/ 10/ 76

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.

Trade secrets are not public records under this rule. Trade secrets may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, computer 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 duplicate, 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, including those emission data which constitute trade secrets, as defined in the above paragraph, are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision and which constitute trade secrets and which are used to calculate emission data are not public records.

Any person furnishing any records may label as "trade secret" any part of those records which are entitled to confidentiality. 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; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

Upon the receipt of an Application for "Confidential" Classification of Source Data, the Air Pollution Control Officer shall, within ten (10) working days, notify the applicant of his ruling. In cases of rejection, the Air Pollution Control Officer promptly notify the person making the justification, in writing, that the records in question shall, within twenty-one (21) days be subject to public inspection unless justification is received and accepted.

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 person 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 identifiable.

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.

3/14/84

RULE 110 Equipment Breakdown (Revised September 27, 1983)

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 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 the Control Officer's satisfaction that a breakdown condition exists and the following requirements are met:
  1. The owner or operator submits the notification required by subparagraph c.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.

3/14/84

c. 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 c.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.

d. 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) for 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.

e. 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.

f. Failure to Comply with Reporting Requirements

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

3/14/84

g. 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.

h. 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.

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 209.2 STANDARDS FOR PERMITS TO OPERATE

A. GENERAL

The Air Pollution Control Officer shall deny a Permit to Operate for any new or modified stationary source or any portion thereof to which Rule 209.1 applies unless:

1. The owner or operator of the source has obtained an Authority to Construct granted pursuant to Rule 209.1; and
2. The Air Pollution Control Officer has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective Authorities to Construct under Section (F) of Rule 209.1; and
3. The Air Pollution Control Officer has determined that any offsets required as a condition of the Authority to Construct will commence at the time of or prior to initial operations of the new source or modification, and that the offsets will be maintained throughout the operation of the new or modified source. In the case of a new or modified source which will be, in whole or in part, a replacement for an existing source on the same property, the Air Pollution Control Officer may allow a maximum of ninety (90) days as a start-up period for simultaneous operation of the existing stationary source and the new stationary source or replacement; and
4. The Air Pollution Control Officer has determined that all conditions specified in the Authority to Construct have been or will be complied with by any dates specified.

B. REQUIREMENTS

The Air Pollution Control Officer shall require as a condition for the issuance of any Permit to Operate for a new or modified source, that the source and any offset source be operated consistent with any conditions imposed on their respective Authorities to Construct under Section (F) of Rule 209.1.

C. PROCEDURES

1. The Air Pollution Control Officer shall perform the evaluations required to determine compliance with this Rule and shall take final action to approve, approve with conditions or disapprove any permit to operate a new or modified stationary source or any portion thereof to which Rule 209.1 applies within 60 days after receipt of an application for such a permit.
2. In the event that the Air Pollution Control Officer fails to take final action on such written request within such 60-day period, such failure to act shall be deemed denial of such Permit to Operate and may be appealed to the District Hearing Board.



10/15/79

D. EXEMPTIONS

The Air Pollution Control Officer shall exempt from the provisions of this Rule any stationary source which is a continuing operation, with modification or change in operating conditions, when a Permit to Operate is required solely because of permit renewal or change of ownership.

E. DEFINITIONS

The definitions contained in Rule 209.1 shall be applicable to this rule.

F. SEVERABILITY

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

10/15/79

RULE 209.3 STATE AMBIENT AIR QUALITY STANDARDS

All references in Rules 209.1 and 209.2 to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

10/15/79

RULE 209.4 IMPLEMENTATION PLANS

The Air Pollution Control Officer may issue an Authority to Construct a new stationary source or modification which is subject to Section (D) of Rule 209.1 only if all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with the plan.

5/23/79

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:  
(Revised January 9, 1979)

- 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.

"Observer" for the purpose of this rule shall be either a human observer or a certified, calibrated, in-stack monitoring system.

2/10/76

LE 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 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.

11/10/76

- c. Agricultural operations necessary for the growing of crops or raising of fowls or animals. (Section 41704g H & S Code)

2/10/76

- 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.

6/80/72

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.

2/10/76

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**RULE 407.1 Disposal of Solid and Liquid Wastes**

- a. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having burning rates greater than 100 pounds per hour, except as provided in paragraphs (b), (c), or (d) of this rule, particulate matter in excess of 0.10 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions.
- b. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having burning rates of 100 pounds per hour or less, except as provided in paragraph (d) of this rule, particulate matter in excess of 0.30 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the atmosphere.
- c. A person shall not discharge into the atmosphere from any equipment whatsoever, used to process material with combustible refuse, except as provided in paragraph (d) of this rule, particulate matter in excess of 0.30 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO<sub>2</sub>) at standard conditions.
- d. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse, except as provided in paragraphs (a), (b), or (c) of this rule, particulate matter in excess of 0.10 pounds per 100 pounds of combustible refuse charged.

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>).

*Amended July 1, 1973*

3/14/84

Rule 407 Sulfur Compounds (Revised September 27, 1983)

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 (SO<sub>2</sub>) on a dry basis averaged over 15 consecutive minutes.



6/30/72

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.