

6-30-72

REGULATION I - GENERAL PROVISIONS

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

11-4-77

RULE 103.1 Inspection of Public Records The Air Pollution Control Officer shall within ten working days make available records requested. If, for good cause, the information cannot be made available within the ten 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 identified.

7-25-80

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.

Official information furnished to the Air Pollution Control District by a state or federal agency which has determined that such information is confidential and not available to the public, shall be confidential information of this District.

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, 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, 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 data which constitute trade secrets and which are used to calculate emission data are not public records.

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**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.

11-9-82

**RULE 110 Equipment Breakdown**

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, and phase II gasoline vapor recovery processing units, 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 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:
1. The owner or operator submits the notification required by subparagraph D.1.
  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, and phase II gasoline vapor recovery processing units, for which the period shall be ninety-six hours), unless the owner or operator has obtained an emergency variance.

If the breakdown condition will require more than twenty-four hours to correct or persist longer than the end of the production run (except for continuous monitoring equipment, and phase II gasoline vapor recovery processing units, for which the period shall be ninety-six 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 of the occurrence and 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.
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, and abatement order or an injunction against further operation.

E. Reporting Requirements

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:

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 or causes from the occurrence sufficient to enable the Control Officer to determine whether the occurrence was a breakdown condition;

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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.



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.

8.30.83

RULE 213 - Violation of Permit Prohibited -

- A) Construction or operation of any source in violation of the terms and conditions of a permit issued pursuant to these rules is prohibited.
- B) Any violation of the terms or conditions of an authority to construct permit or permit to operate issued pursuant to district rules shall constitute a violation of these rules. A person violating these rules is subject to application of the criminal and civil enforcement provisions of the California Health and Safety Code."

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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.

~~Provisional~~ 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.

7-19-74

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.

~~This rule shall be effective on the date of its adoption for any source of emission not then completed and put into service. As to all other sources of emission this rule shall be effective on January 1, 1974.~~

1-19-74

RULE 402 Exceptions The provisions of Rule 401 ~~and 401.1~~ 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.
- 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.

7-19-74

RULE 403 Wet Plumes Where the presence of uncombined water is the only reason the failure of an emission to meet the limitation of Rules 401 ~~and 401.1~~, <sup>this</sup> ~~these~~ 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.

8.2.76

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, particulate matter in excess of 0.10 grains per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO<sub>2</sub>) at standard conditions or 0.10 pounds per 100 pounds of combustible refuse charged.
- Exception: Incinerators or other equipment used to dispose of 100 pounds per hour or less of combustible refuse shall not exceed 0.30 grains of particulate emissions per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO<sub>2</sub>) at standard conditions or 0.10 pounds per 100 pounds of combustible refuse charged.
- b. A person shall not discharge into the atmosphere from any equipment whatsoever to process combustible refuse, particulate matter in excess of 0.30 grains per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO<sub>2</sub>) at standard conditions or 0.10 pounds per 100 pounds of combustible refuse charged.
  - c. Any carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO<sub>2</sub>).

6.30.12

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 (SO<sub>2</sub>).



RULE 416 Exceptions The exceptions to the Open Burning Rule 415 are as follows:

- a. When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or for the instruction of public or industrial employees in methods of fire fighting.
- b. Safety flares for the combustion of waste gases.
- c. Fires used only for cooking of food for human being or recreational purposes.
- d. When the material to be burned is residential rubbish and originates on and is being burned on premises not served by an organized solid waste disposal service, or available to a disposal site.
- e. Backfires or other fire control methods used for the purpose of controlling an existing wild fire.
- f. These exceptions shall not apply to any industrial, commercial or institutional facility wherever located, or to a residential facility constructed for the use of more than two families.
- g. Burning for right-of-way clearing, levee and ditch bank maintenance, or open burning at dumps by a public entity or utility when a permit is obtained from the Air Pollution Control District. This exception shall be subject to all the provisions of Rule 416.1.

7-19-74

## **Emissions in General**

RULE 418 ~~the same~~ 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.

6-30-12

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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.

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