

REGULATION I - GENERAL PROVISIONS

4/30/72

SECTION 101. TITLE: These rules and regulations shall be known as the Rules and Regulations of the Tulare County Air Pollution Control District.

11/10/76

SECTION 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 identified.

11/10/76

SECTION 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, 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.

- 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 shall 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 a justification is received and accepted.

6/30/72

SECTION 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.

5/23/79

SECTION 111. EQUIPMENT BREAKDOWN:

- a. Definition: For the purpose of this Section, 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 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 a recurrent breakdown of the same equipment.
- b. Criteria for Determining a Breakdown Condition: 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 96 hours), shall constitute a violation of 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 subsection 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 for which the period shall be 96 hours), unless the owner or operator has obtained an emergency variance.

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If the breakdown condition will either require more than 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 96 hours), the owner or operator may, in lieu of shutdown, request the Control Officer to commence the emergency variance procedure set forth in Section 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 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 subsection 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 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.

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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 subsection.)
 4. An estimate of the emissions caused by the occurrence.
 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 subsections d(1), and e(1) through e(5) of this Section shall constitute a separate violation of this Section.
- h. False Claiming of Breakdown Occurrence: It shall constitute a separate violation of this Section 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 Section 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 Section.

10/23/74

SECTION 114 Severability - If any provision, clause, sentence, paragraph, section or part of these Regulations or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect or invalidate the remainder of this Regulation and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Tulare County Air Pollution Control Board that these Regulations would have been adopted in any case had such invalid provision or provisions not been included.

6/30/72

SECTION 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, after review by the air pollution control officer.
- b. An application for a permit to operate shall be cancelled two years from the date of filing of the application, after review by the air pollution control officer.

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SECTION 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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SECTION 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 control district, on the effective date of Section 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 control officer. The time for compliance shall include each of the following time: time for engineering, time for procurement, time for fabrication, and time for installation and adjustment. The 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.

10/23/74

SECTION 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 3 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 Section.

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

5/23/79

SECTION 402. EXCEPTIONS: The provision of Section 401 of these Rules and Regulations does 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 the 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 necessary for the growing of crops or raising of fowls or animals. (Revised 8/31/76)
- 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 necessary for the growing of crops or the raising of fowl or animals.

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

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SECTION 407.1. DISPOSAL OF SOLID OR LIQUID WASTE:

- a. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, except as provided in paragraphs (b), (c), or (d) of this section, particulate matter in excess of 0.10 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions.
- c. A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in paragraph (d) of this section, particulate matter in excess of 0.30 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) 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 section, particulate matter in excess of 0.10 pounds per 100 pounds of combustible refuse charged.

Any carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂).

The provisions of this rule shall not apply to incinerators, approved by the governing fire control agency, used to dispose of residential rubbish by open burning as permitted by Section 417 of these Rules and Regulations.

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SECTION 807. 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_2).

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SECTION 419. 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.

10/23/74

SECTION 420. EXCEPTION: The provisions of Section ⁴¹⁹~~417~~ do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.
