San Luis Obispo County Air Pollution Control District.

RULE 101. TITLE

(Adopted 8/2/76)

These Rules and Regulations shall be known as the Rules and Regulations of the San Luis Obispo County Air Pollution Control District.

RULE 103 - CONFLICTS BETWEEN DISTRICT, STATE AND FEDERAL RULES

(Adopted 8/2/76)

In the event of any conflict between these Rules and Regulations and Federal and State rules and regulations, the more stringent rules and regulations shall prevail.

RULE 105. DEFINITIONS

A. Except as otherwise specifically provided in these Rules and Regulations and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words used in Division 26 of the Health and Safety Code.

1. Affected Pollutants. All pollutants for which an ambient air quality standard has been established by the Environmental Protection Agency or the Air Resources Board and the precursors to such pollutants, all pollutants regulated by the Environmental Protection Agency under the Clean Air Act or by the Air Resources Board under the Health and Safety Code, including reactive organic compounds (ROC), nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter less than ten microns (PM-10), carbon monoxide (CO), ethylene, lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds. Also all the pollutants which the Environmental Protection Agency, after the notice and opportunity for public comment, or the Air Resources Board, or the Air Pollution Control District after public hearing, determine may have significant adverse effect on the environment, the public health, or the public welfare.

2. Agricultural Burning. Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management or range improvement, improvement of land for wildlife and game habitat, or disease or pest prevention, or open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purpose specified above.

3. Agricultural Wastes. Unwanted or unmarketable materials produced wholly from agricultural operation, other than forest or range management operations, directly related: (1) to the growing and harvesting of crops or raising of animals if such crops or animals are grown for the primary purpose of making a profit or for a livelihood; or (2) to conducting agricultural research; or (3) to instruction in an

educational institution. Agricultural wastes include, but are not limited to, grass or weeds growing in or adjacent to fields used in the growing of crops or animals, and paper fertilizer and pesticide sacks or containers when such sacks or containers have been emptied in the field, or materials not produced wholly from such operations, but which are intimately related to growing or harvesting of crops and which are used in the field, except as prohibited by District Regulations.

4. Air Contaminant. Smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

5. Alteration. Any physical change in, or any change in method of operation of an existing stationary source which does not qualify for new source review.

6. Ambient Air Quality Standards. Standards set by the State and Federal government and described on page 7.

7. Atmosphere. Air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment such emission into the building shall be considered an industrial hygiene problem unless such emission subsequently is released to escape from the building.

8. Board. Air Pollution Control Board of the Air Pollution Control District of San Luis Obispo County.

9. Brush Treated. Material to be burned that has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, and that such material has been dried for the minimum drying times specified in Rule 502.

10. California Coastal Waters. That area between the California coastline and a line starting at the California-Oregon border at the Pacific Ocean

thence to 42.0 N125.5 W

thence to 41.0 N125.5 W
thence to 40.0 N125.5 W
thence to 39.0 N125.0 W
thence to 38.0 N124.5 W
thence to 37.0 N123.5 W
thence to 36.0 N122.5 W
thence to 35.0 N121.5 W
thence to 34.0 N120.5 W
thence to 33.0 N119.5 W
thence to 32.5 N118.5 W

and ending at the California-Mexico border at the Pacific Ocean.

11. Combustible Refuse. Any solid or liquid combustible waste material containing carbon in a free or combined state.

12. Combustion Contaminants. Solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

13. Condensed Fumes. Minute solid particles generated by the condensation of vapors from solid matter after volatization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particulates.

14. Containing Device. Any stack, duct, flue, oven, kettle, or other structure or device which so contains an air contaminant, as essentially to prevent its entering the atmosphere except through such openings as may be incorporated for emission purposes.

15. Control Officer. Air Pollution Control Officer of the Air Pollution Control District of San Luis Obispo County.

16. Days. Working calendar days unless otherwise stated.

17. Designated Agency. Any agency designated by the Air Resources Board as having authority to issue agricultural burning permits. The

U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

18. District. Air Pollution Control District of San Luis Obispo County.

19. Dusts. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

20. Emission. The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

21. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

22. Flue. Any duct or passage for air, gases, or the like, such as a stack or chimney.

23. Forest Management Burning. The use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices, and forest protection practices.

24. Hearing Board. Five member Board appointed by the Air Pollution Control Board of San Luis Obispo County pursuant to Division 26, Part 1, Chapter 8, Article 1, of the California Health and Safety Code with the powers and duties prescribed for Hearing Boards in Chapter 8, Division 26, of the California Health and Safety Code.

25. Household Rubbish. Household rubbish means the following waste material and trash normally accumulated by a family in the course of ordinary day-to-day living; garden trash and prunings, paper, paper products and wood waste.

26. Multiple Chamber Incinerator. Any equipment, article, machine, contrivance, structure or part of a structure, used to dispose of

combustible refuse by burning, consisting of three refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of materials to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the methods described in the American Society for Testing Materials, Method C-24.

27. Natural Gas. Fuel gas supplied to commercial, industrial, and residential subscribers by Public Utility Commission regulated gas companies. (This Natural Gas will typically contain less than 1 gram per 100 cubic feet of sulfur compounds calculated as hydrogen sulfide.)

28. No-Burn Day. Any day on which agricultural burning is prohibited by the Air Resources Board or the Air Pollution Control District. The San Luis Obispo County Air Pollution Control District may declare any permissive day designated by the State Air Resources Board to be a no-burn day if necessary to maintain suitable air quality.

29. Oil-Effluent Water Separator. Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

30. Open Outdoor Fire. Any combustion of combustible material of any type outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.

31. Orchard or Citrus Grove Heaters. Any article, machine, equipment or other contrivance burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

32. Particulate Matter. Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

33. Permissive Burn Day. Any day on which the Air Resources Board or the Air Pollution Control District does not prohibit burning of agricultural wastes.

34. Permittee. Any Person holding a valid, unrevoked agricultural burning permit issued by a designated agency.

35. Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, owner, state or local governmental agency or public district, or any officer or employee thereof.

36. Process Weight. The total weight of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered a part of the process weight, but liquid and gaseous fuels and combustion air will not. The Process Weight Per Hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof excluding any time during which equipment is idle.

37. PPM. Parts per million by volume.

38. Range Improvement Burning. The use of open fires to remove vegetation for a wildlife, game, or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.

39. Reduction. Any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

40. Regulation. One of the major subdivisions of the Rules and Regulations of the San Luis Obispo County Air Pollution Control District.

41. Rule. A rule of the Air Pollution Control District of San Luis Obispo County.

42. Section. A Section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

43. Silvicultural. The establishment, development, care and reproduction of stands of timber.

44. Single Source. Any single stack, duct, flue, structure, device, or operation which is capable of emitting air contaminants into the atmosphere.

45. South Central Coast Air Basin. San Luis Obispo County, Santa Barbara County and Ventura County.

46. State Board. The State Air Resources Board, or any person authorized to act on its behalf.

47. Stationary Source. Any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission.

    "Fugitive Emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

    "Installation" includes any operation, article, machine, equipment, contrivance, or grouping of equipment belonging to the same two-digit standard industrial classification code, which emits or may emit any affected pollutant, located on contiguous properties, and under common control.

    "Building, structure, or facility" includes all pollutant emitting activities, including activities located in California coastal waters adjacent to the South Central Coast Air Basin boundaries and those areas of the Outer Continental Shelf waters for which the District

has been designated the corresponding onshore area by the EPA which:

a. belong to the same industrial grouping, and

b. are located on one or more contiguous or adjacent properties (except for activities located in coastal waters), and

c. are under the same common ownership, operation, or control or which are owned or operated by entities which are under common control.

Pollutant emitting activities shall be considered as part of the same industrial grouping if they are part of a common production process. (Common production process includes industrial processes, manufacturing processes, and any connected processes involving a common raw material.)

"Common operations" includes operations which are related through dependent processes, storage or transportation of the same or similar products or raw material. The emissions within District boundaries, California coastal waters, and those areas of the Outer Continental Shelf waters for which the District has been designated the corresponding onshore area by the EPA from cargo carriers associated with the stationary source shall be considered emissions from the stationary source.

48. Subsection. A subsection of a rule of the Air Pollution Control District of San Luis Obispo County.

49. Timber Operations. Cutting or removal of timber or other forest vegetation.

50. Wildlife or Game Habitat. Any area used or planned to be used for conservation or management of wild plants or animals.

San Luis Obispo County Air Pollution Control District

RULE 106 - STANDARD CONDITIONS

(Adopted 8/2/76)

Standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

RULE 108 - SEVERABILITY

(Adopted 8/2/76)

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 provisions 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 judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Air Pollution Control Board that the regulations would have been adopted in any case had such invalid provision not been included.

San Luis Obispo County Air Pollution Control District

RULE 109 - PARTICULAR CONTROLS NOT REQUIRED

(Adopted 8/2/76)

Unless otherwise provided within these Rules and Regulations the Air Pollution Control Officer may not demand any particular control so long as the emission standards may be met.

San Luis Obispo County Air Pollution Control District

RULE 112 - PUBLIC AVAILABILITY OF INFORMATION

(Revised 12/6/76)

A. PUBLIC RECORDS

1. 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 the 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.
2. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.
3. Except as otherwise provided in Paragraph 4 of this Subsection A, trade secrets are not public records under this Rule. Trade secrets as used in this Rule may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compounds, 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.
4. Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in paragraph 3, 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.

B. DISTRICT'S REQUEST FOR INFORMATION

1. When requesting information for determining the amount of air contaminants from non-vehicular sources pursuant to Section 41511 or other sections of the Health and Safety Code or these Rules and Regulations, the District shall identify the information requested with sufficient specificity to enable the source operator or owner to identify the precise information sought. The District shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets which are not emission data; (2) to the California Air Resources Board; and (3) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act, as amended in 1970 and in Code 40 of Federal Regulations, Chapter 1, Part 2.
2. Any person from whom the District obtains any records, whether requested by the District or furnished by a person for some other reason, may label as "trade secret" any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code and Subsection A of this Rule. 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.
3. After preliminary review, the District may reject a justification as having inadequate merit, in which case the person making the justification shall be promptly notified in writing; the records in question shall, upon expiration of twenty-one (21) days from the date of the notice, be subject to public inspection unless a justification is received and accepted.

C. INSPECTION OF PUBLIC RECORDS - DISCLOSURE POLICY

It is the policy of the San Luis Obispo County Air Pollution Control District that all District records, not exempted from disclosure by State law, shall be open for public inspection with the least possible delay and expense to the requesting party.

D. INSPECTION OF PUBLIC RECORDS - DISCLOSURE PROCEDURE

1. A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District shall require that a request to inspect be in writing, and such a request shall include, but shall not be limited to the following:

   a. Name of applicant;

   b. Address and legal residence of applicant, if required for mailing purposes;

   c. Emission source of interest;

   d. Date or period of emissions of interest.

2. The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by State law and those records labeled pursuant to Subsection B as "trade secrets" which are not emission data, within ten (10) working days of the date of receipt of the request therefore. If, for good cause, the information cannotbe made available within ten (10) working days, the District will notify the requesting person the reasons for the delay and when the information will be available. Those records labeled as "trade secrets" shall be governed by the procedure set forth in Subsection E.

3. Within five (5) working days of receipt of a request to inspect public records, the District shall advise the requesting person of the following facts when appropriate:

   a. The location at which the public records in question may be inspected and the data and office hours during which they may be inspected.

   b. If copies of the public records are requested, the cost of providing such copies.

   c. Which of the records requested, if any, have been labeled pursuant to Subsection B as "trade secret" and are not public records. In such a case, the District shall give the notice required by Subsection E.2.

   d. The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to the following: the records are exempt from disclosure by State law; the records cannot be identified from the information contained in the request; the records do not exist; the District has determined pursuant to Section 6255 of the Government code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the District. In the latter situation the District shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

E. TRADE SECRETS

1. Only those portions of records in the custody of the District which are not emission data and (1) were labeled "trade secret" prior to the adoption of this Regulation; or (2) are hereafter specifically labeled as "trade secret" pursuant to Subsection B.2. shall be subject to the procedure set forth in this Rule. All other portions of such records shall be made available pursuant to Subsection D.
2. When the District receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that, (1) such record is designated a trade secret under Subsection B.2 and, if such is the case, under law it cannot be made available; (2) the district has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.

3. Upon receipt of such advice, the District shall, (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret(s); and (3) promptly notify those persons affected of its decision in writing. If the District withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send the notice required by this Regulation by certified mail, return receipt requested to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the District is restrained from so doing by the court of competent jurisdiction.
4. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

RULE 113 PARTICULATE MATTER (in place of Rule 403)

1. A person shall not discharge from any single source whatsoever particulate matter in excess of 0.3 grams per cubic foot of gas as measured at standard conditions over a period of one hour.

2. A person shall not discharge in any one hour from any source whatsoever particulate matter as measured at standard conditions in excess of the amount shown in Table I.

3. To use Table I, take the process weight per hour as such is defined in Subsection 18 of Rule 100. Then find this figure in the table and the number to the right is the maximum number of pounds of contaminants which may be discharges into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example 1,500 1bs., by 3 giving a process weight of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between the figures in the left hand column, the exact weight of permitted discharge may be interpolated.

4. Combustion Contaminants: A person shall not discharge combustion contaminants, as measured at standard conditions from any single source, in excess of 0.3 grams per cubic foot of gas corrected to 3% oxygen, on a wet basis, except during the start of an operation or change in energy source during the time necessary to bring the combustion process up to operating level. With respect to the measurement of combustion contaminants form incinerators used to dispose combustible refuse by burning, the correction shall be to 6%, rather than 3% oxygen on a dry basis, and as if no auxiliary fuel had been used.

5. Exceptions: Each of the following is a separate exception to Subsections 1, 2, 3, and 4 of this Rule:

    a. Mobile equipment used solely in agricultural operations
    b. Motor vehicles
    c. Self propelled earthmoving equipment.

TABLE I

*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)	*Process Wt/hr (lbs)	Maximum Wt Disch/hr (lbs)
50	.24	3,400	5.44
100	.46	3,500	5.52
150	.66	3,600	5.61
200	.85	3,700	5.69
250	1.03	3,800	5.77
300	1.20	3,900	5.85
350	1.35	4,000	5.93
400	1.50		
450	1.63		

500	1.77
550	1.89
600	2.01
650	2.12
700	2.24
750	2.34
800	2.43
850	2.53
900	2.62
950	2.72
1,000	2.80
1,100	2.97
1,200	3.12
1,300	3.26
1,400	3.40
1,500	3.54
1,600	3.66
1,700	3.79
1,800	3.91
1,900	4.03
2,000	4.14
2,100	4.24
2,200	4.34
2,300	4.44
2,400	4.55
2,500	4.64
2,600	4.74
2,700	4.84
2,800	4.92
2,900	5.02
3,000	5.10
3,100	5.18
3,200	5.27
3,300	5.36
4,100	6.01
4,200	6.08
4,300	6.15
4,400	6.22
4,500	6.30
4,600	6.37
4,700	6.45
4,800	6.52
4,900	6.60
5,000	6.67
5,500	7.03
6,000	7.37
6,500	7.71
7,000	8.05
7,500	8.39
8,000	8.71
8,500	9.03
9,000	9.36
9,500	9.67
10,000	10.0
11,000	10.63
12,000	11.28
13,000	11.89
14,000	12.50
15,000	13.13
16,000	13.74
17,000	14.36
18,000	14.97
19,000	15.58
20,000	16.19
30,000	22.22
40,000	28.3
50,000	34.3
60,000 or more	40.0

*See Definition in Rule 100, Subsection 18

San Luis Obispo County Air Pollution Control District

RULE 113 - CONTINUOUS EMISSIONS MONITORING

(Adopted 7/5/77)

A. DEFINITIONS

Definitions used shall be those given in 40 CFR, Part 51, or equivalent ones established by mutual agreement of the Air Pollution Control District, Air Resources Board, and Environmental Protection Agency.

B. SOURCES AND POLLUTANTS TO BE MONITORED

The owner or operator shall provide, properly install, and maintain in good working order and in operation, continuous monitoring systems to measure the following pollutants from the following sources:

1. Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a regular use factor of at least 30 percent per year, unless an exemption is granted as provided in paragraph d. below.

   a. Oxides of nitrogen.

   b. Carbon dioxide or oxygen.

   c. Sulfur dioxide, if control equipment is used.

   d. Upon written application by the owner or operator of a subject source, the Control Officer may grant an exemption from the requirements of this paragraph if the owner or operator demonstrated that the 30 percent use factor is exceeded on account of drought conditions. Any such exemption shall not extend beyond December 31, 1979. The Control Officer shall promptly inform the Executive Officer of the Air Resources Board of any such application received and approval granted.

2. All sulfur recovery plants required to limit emissions of SO_2 to comply with an adopted regulation of the State Implementation Plan, sulfur dioxide.
3. CO boilers of fluid cokers if feed rate is greater than 10,000 barrels (1,590,000) per day, sulfur dioxide.
4. All nitric acid plants, oxides of nitrogen.
5. All sulfuric acid plants, sulfur dioxide.

C. INSTALLATION AND STARTUP

Owners or operators of sources required to have continuous emission monitors shall have installed all necessary equipment and shall have begun monitoring and recording on or before January 5, 1979.

D. EXEMPTIONS

Exemptions may be granted to:

1. Sources complying with new source performance standards promulgated under 40 CFR, Part 60 and pursuant to Section III of the Clean Air Act.
2. Sources scheduled for retirement within five (5) years provided evidence and guarantees are written.

E. OTHER SOURCE CATEGORIES

The Air Pollution Control Officer may require the owner or operator of a stationary source to install, calibrate, operate and maintain in good working order equipment for continuously monitoring and recording emissions from the stationary source, provided each of the following conditions exist:

1. The stationary source emits into the atmosphere at least 2.3 kilograms per hour (5 lb/hr) of non-methane hydrocarbons, oxides of sulfur, reduced sulfur compounds or particulate matter or 40 lbs/hr of any other contaminant.
2. The stationary source emits into the atmosphere an air contaminant, for which an emission standard under these Rules and Regulations is applicable, at a rate in excess of 70 percent of such emission standard.
3. The California Air Resources Board has determined and specified pursuant to Health and Safety Code, Sections 42701 and 42702, that monitoring equipment is available, technologically feasible and economically reasonable for the type of stationary source in question.
4. After considering all of the relevant circumstances, the Air Pollution Control Officer has determined that requiring such monitoring equipment is necessary and reasonable. In making such determination, the Air Pollution Control Officer shall, without limitations, consider (i) the economic impact on the stationary source, and (ii) the extent to which similar emission information may be obtained through other less costly methods or reporting procedures with comparable accuracy and control.

F. APPEALS TO HEARING BOARD

Within thirty (30) days after receiving notice to install an in-stack monitoring system, pursuant to Subsection E of this Rule, or at any time during the monitoring period, the owner or operator may petition the Hearing Board of the Air Pollution Control District to hold a hearing to determine if there is sufficient reason to require the monitoring, if equipment required is appropriate, and if terms and conditions of operation are appropriate. The Air Pollution Control Officer's notice to install shall be suspended until decision by the Hearing Board. Petitions to the Hearing Board shall be filed in accordance with Regulation VIII of the Rules and Regulations.

G. DISCONTINUANCE OF IN-STACK MONITORING

The Air Pollution Control Officer may consent to the discontinuance of the in-stack monitoring required under Subsection E of this Rule when it appears that the reasons for monitoring no longer exist providing that the monitoring was not required by the Hearing Board.

H. REPORTING

1. File of Records

   Owners or operators subject to the provisions of this Rule shall maintain for a period of at least two years in a permanent form suitable for inspection and shall make such record available upon request, to the Air Pollution Control District. The record shall include:

   a. Occurrence and duration of any startup, shutdown or malfunction in the operation of any affected facility.

   b. Performance testing, evaluations, calibration, checks, adjustments, and maintenance of any continuous emission monitors that have been installed pursuant to this Rule.

   c. Emission measurements.

2. Quarterly Reports

   Owners or operators subject to provisions of this Rule shall submit a written report for each calendar quarter to the Control Officer. The report is due by the 30th day following the end of the calendar quarter and shall include:

a. Time interval, date and magnitude of excess emissions; nature and cause of the excess (if known), corrective actions taken and preventative measures adopted.

b. Averaging period used for data reporting corresponding to averaging period specified in the emission tests period used to determine compliance with an emission standard for the pollutant/source category in question.

3. Reports of Violations

   Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records of the monitoring device, shall be reported by the operator of the source to the Air Pollution Control District within 48 hours after such occurrence.

4. Monitoring Equipment Breakdown or Shutdown

   Within 4 hours of the start of the next business day, notify the Air Pollution Control Officer of any breakdown or shutdown of the monitoring equipment.

I. DATA REDUCTION

Data shall be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by joint decision of the Control District, Air Resources Board and Environmental Protection Agency.

J. STANDARDS OF PERFORMANCE OF MONITORING SYSTEMS

1. Systems shall be installed, calibrated, maintained and operated in accordance with the following sections of 40 CFR.

   a. Fossil-Fuel Fired Steam Generators: Section 60.45

   b. Sulfuric Acid Plants: Section 60.84

   c. Petroleum Refineries: Section 60.105

   d. Nitric Acid Plants: Section 60.73

2. Calibration gas mixtures shall meet the specification in 40 CFR, Part 51, Appendix P, Section 3.3, and Part 60, Appendix B, Performance Specification 2, Section 2.1, or shall meet equivalent specifications established by mutual agreement of the Control District, Air Resources Board, and Environmental Protection Agency.
3. Cycling times shall be those specified in 40 CFR, Part 51, Appendix P, Section 3.4, 3.4.1 and 3.4.2, or shall meet equivalent specification established by mutual agreement of the Control District, Air Resources Board and Environmental Protection Agency.
4. The continuous SO_2 and NO_x monitors shall meet the applicable performance specification requirements in 40 CFR, Part 51, Appendix P, and Part 60, Appendix B, or shall meet equivalent specifications established by mutual agreement of the Control District, Air Resources Board, and Environmental Protection Agency.
5. The continuous CO_2 and O_2 monitoring system shall meet performance specification requirements in 40 CFR, Part 51, Appendix P, and Part 60, Appendix B, or shall meet equivalent specifications established by mutual agreement of the Control District, Air Resources Board and Environmental Protection Agency.

RULE 114. GASEOUS CONTAMINANTS (in place of 404 A-D)

1. Sulfur Dioxide:

   a. A person shall not discharge from any single source whatsoever any Sulfur Compounds, calculated as sulfur dioxide, in excess of 0.2% by volume.

   b. A person shall not discharge from any single source any Sulfur Compounds, calculated as sulfur dioxide, in excess of 200 pounds in any 60 minute period if said source was built, erected, installed, or expanded after the effective date of this Regulation I.

   c. Scavenger Plants Exemption: Where a separate source of air pollution is a scavenger or recovery plant, recovering pollutants which would otherwise be emitted to the atmosphere, the Air Pollution Control Officer may grant a permit to operate where the total emission of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by this Subsection 1.

RULE 191. ACTION IN AREAS OF HIGH CONCENTRATIONS

If the Control Officer discovers ambient air concentrations in excess of half the limits of Rule 114, Subsection 3; 114, Subsection 4; or 116, Subsection 3 and if the Control Officer is unable to establish that non-compliance with this Regulation I is responsible for such concentrations, then the Control Officer may take any or all of the following actions within a reasonable distance from the site(s) of such concentrations:

1. Suspend any exception under Rule 190, Subsection 1 for any new source or for any source that is expanding that could increase such concentrations.
2. Refuse to issue an Authority to Construct or a Permit to Operate to any new source or to any source that is expanding that could increase such concentrations.
3. Take appropriate action to stop construction or expansion of any source that could increase such concentrations.

RULE 201 PERMITS

A. Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was files is granted or denied or the application is cancelled.

B. Permit to Operate. Before any article, machine, equipment or other contrivance, the use of which may cause, increase, eliminate, reduce or control the issuance of air contaminants may be operated or used, a Permit to Operate shall be obtained from the Control Officer. No Permit to Operate shall be granted either be the Control Officer or the Hearing Board unless the applicants provides such information of analysis as will disclose the nature, extent, quantity or degree of air contaminants which the source may discharge. The Air Pollution Control Officer may require that the disclosure be certified by a professional engineer registered in the State of California.

C. Permit to Sell or Rent. The Air Pollution Control Officer may issue a permit to sell, or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 203, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 203 under the revised conditions.

D. Notification to Building Officials, etc. It shall be the duty of the Air Pollution Control Officer to notify the building department or division of every governmental agency within the district boundaries that every applicant for construction, alteration or other permit which involves any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants will be required under these rules to obtain an “Authority to Construct” before commencing construction of any such article, machine, equipment or other contrivance, and will further be required thereafter to conform to these rules in such operation.

E. Posting of permit to Operate. A person who has been granted, under Rule 201, a Permit to Operate any article, machine, equipment or other contrivance described in Rule 201B, C or D shall firmly affix such Permit to Operate, an approved facsimile, or other approves identification bearing the Permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

F. Defacing a Permit to Operate. No person shall deface, alter, forge, counterfeit, or falsify a permit or facsimile thereof or identification to operate any article, machine, equipment or other contrivance issues or mounted or displayed pursuant to the provisions of the Rule 201.

RULE 205 CONDITIONAL APPROVAL

The Air Pollution Control Officer may issue an Authority to Construct or Permit to Operate, subject to conditions which will insure the compliance of any machine, article, equipment or other contrivance within the standards of Rule 203, in which case the conditions shall be specified in writing, Commencing operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivances can operate within the standards of Rule 203 under the revised conditions. Construction or operation of any source in violation of the conditions of the Authority to Construct or Permit to Operate is prohibited and shall constitute a violation of these District Rules and Regulations.

San Luis Obispo County Air Pollution Control District

RULE 209 - PROVISION FOR SAMPLING AND TESTING FACILITIES

(Adopted 8/2/76; Revised 11/5/91)

The Air Pollution Control Officer may require a person operating or using any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants to provide and maintain such facilities as are necessary for sampling and testing. In the event of such requirements the Air Pollution Control Officer shall notify the person in writing of the required size, number and location of sampling ports; the size and location of sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

RULE 209 TRANSFER

An authority to construct, permit to operate or permit to sell or rent shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

RULE 210 CANCELLATION OF APPLICATIONS

An authority to construct shall expire and the application shall be cancelled one year from the date of the issuance of the authority to construct, if unused. An application for Permit to Operate existing equipment shall be cancelled one year from the date of filing of the application if unused. The Control Officer may grant an extension of an Application for Authority to Construct or Permit to Operate upon receipt of a written request by the applicant explaining the need for an extension and the additional time required.

Rule 212 PERIODIC INSPECTION AND RECERTIFICATION OF PERMITS TO OPERATE

A. Inspection of Equipment

On the assigned anniversary date of a Permit to Operate, an inspection by the Air Pollution Control District shall be conducted to determine that the permitted equipment has not been altered, transferred either from one location to another or from one person to another, and that said equipment remains in compliance with all applicable Air Pollution Control District Rules and Regulation. Upon finding an alteration or transfer, or upon finding equipment being operated in violation of permit conditions, such action as is otherwise required by these Rules and Regulations shall be taken.

B. Recertification of Permit to Operate

1. A Permit to Operate any article, machine, equipment or other contrivance shall be recertified periodically at a frequency set by the District. In no instance shall recertification occur more often than once a year.

2. Following recertification inspection and compliance determination by the District and payment by the Permit holder of the Permit Recertification Fee established in Rule 302, the District shall issue to the Permit holder confirmation that his Permit to Operate is recertified.

RULE 220. FEDERAL PREVENTION OF SIGNIFICANT DETERIORATION

(Adopted 3/23/11; Last revision 1/22/2014)

A. Purpose

The federal Prevention of Significant Deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas classified as attainment or in areas that are unclassifiable for any criteria air pollutant. The application, processing requirements and procedures are those contained in District Rules 202 through 214 unless otherwise superseded by this rule. The intent of this Rule is to incorporate the federal PSD rule requirements into the District's Rules and Regulations by incorporating the federal requirements by reference.

B. Applicability

The provisions of this rule shall apply to any source and the owner or operator of any source subject to any requirement under Title 40 of the Code of Federal Regulations (hereinafter, 40 CFR) Part 52.21 as incorporated into this rule.

C. Incorporation by Reference

Except as provided below, the provisions of 40 CFR Part 52.21, in effect January 22, 2014, are incorporated herein by reference and made part of the Rules and Regulations of the San Luis Obispo Air Pollution Control District.

1. The following subsections of 40 CFR Part 52.21 are excluded: (a)(1), (b)(55-58), (f), (g), (k)(2), (p)(6-8), (q), (s), (t), (u), (v), (w), (x), (y), (z) and (cc).

2. The following incorporated provisions of 40 CFR Part 52.21(b) are revised as follows:

   a. The term "administrator" shall read as follows:

      1) " EPA administrator" in 40 C.F.R. 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), (b)(51), (l)(2) and (p)(2); and

      2) "Control Officer" elsewhere, as defined in Rule 105, Definitions.

   b. The phrase "paragraph (q) of this section" in 40 CFR 52.21(p)(1) and (1)(2) shall read as follows: the public notice and comment provisions of Rule 220, Section E.

   c. The definition of the term "Subject to regulation" as defined in 40 CFR 52.21(b)(49)(ii)(a) shall be read as: "Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of part 98 of this chapter--Global Warming Potentials."

d. The subparagraph in 40 CFR 52.21(i)(5)(i)(c) shall be revised to read as: "$PM_{2.5}$--no *de minimis* air quality level is provided;".

D. Requirements:

1. The Control Officer shall provide written notice of any permit application for a proposed major stationary source or major modification to the EPA administrator. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct.

2. The Control Officer shall determine whether an application is complete not later than 30 days after receipt of the application or after such longer time as both the applicant and the Control Officer may agree. If the Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information that is required. Upon receipt of any resubmittal of the application, a new 30-day period to determine completeness shall begin. Upon determination that the application is complete, the Control Officer shall notify the applicant in writing. The date of receipt of the application shall be the date on which the reviewing authority received all required information.

3. An owner or operator must obtain a prevention of significant deterioration (PSD) permit pursuant to this Rule before beginning actual construction of a new major stationary source, a major modification, or a PAL major modification, as defined in 40 CFR 52.21(b).

4. Not withstanding the provisions of any other District Rule or Regulation, the APCO/Control Officer shall require compliance with this rule prior to issuing a federal Prevention of Significant Deterioration permit as required by Clean Air Act (CAA) Section 165.

5. The applicant shall pay the applicable fees specified in District Rule 301 Fees and Rule 302, Schedule of Fees.

6. Greenhouse gas emissions shall not be subject to the requirements of subsections (k) or (m) of 40 CFR Part 52.21 in effect on January 22, 2014.

E. Public Participation:

1. Prior to issuing a federal PSD permit pursuant to this rule and within one year after receipt of a complete application, the APCO/Control Officer shall:

a. Make a preliminary determination whether construction should be approved with conditions or disapproved.

b. Make available in at least one location in San Luis Obispo County in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit

and a copy or summary of other materials, if any, considered in making the preliminary determination.

c. Notify the public, by advertisement in a newspaper of general circulation in San Luis Obispo County, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, the opportunity for comment at a public hearing and of the opportunity for written public comment.

d. Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: Any other State or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.

e. Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's/Control Officer's judgment such a hearing is warranted.

f. Consider all written comments that were submitted within 30 days after the notice of public comment is published and all comments received at any public hearing(s) in making a final decision on the approvability of the application and make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made available preconstruction information relating to the proposed source or modification.

g. Make a final determination whether construction should be approved with conditions or disapproved.

h. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the District made available preconstruction information and public comments relating to the source.

RULE 222. **Federal Emission Statement**
(Adopted proposed 5/28/2014)

A. Purpose

To establish the requirements for the submittal of emission statements from specified stationary sources pursuant to the requirements of the 1990 amendments to the Federal Clean Air Act [Section 182 (a)(3)(B)].

B. Applicability

The requirements of this rule are applicable to stationary sources permitted by the District and operating in federal ozone nonattainment areas of the county which have actual emissions or potential emissions in excess of twenty five (25) tons per year of volatile organic compounds or oxides of nitrogen.

C. Requirements

The owner or operator of any stationary source that is subject to this rule shall annually provide the District a written emission statement showing actual emissions, or operational data allowing the District to estimate actual emissions from that source.

1. The emission statement shall be on a form or in a format specified by the Air Pollution Control Officer (the Renewal Information Request) and shall contain the following information:

    a. Operational data necessary to estimate actual emissions of volatile organic compounds and oxides of nitrogen, in tons per year, for the calendar year prior to the preparation of the emission statement; and

    b. Information regarding seasonal or diurnal peaks in the emission of affected pollutants; and

    c, Certification by a responsible official of the company that the information contained in the emission statement is accurate to the best of their knowledge.

2. Annual emission statements shall be submitted to the District no later than the date specified in the Renewal Information Request.

D. Administrative Requirements

The Air Pollution Control Officer shall annually request and require the submission of a Renewal Information Request pursuant to Subsection C from each source within the District which has actual emissions or potential to emit in excess of twenty five (25) tons per year of volatile organic compounds or oxides of nitrogen.

E. Failure to Submit

A failure by the responsible official to submit a Renewal Information Request by the date required shall be deemed a willful failure to furnish information required to disclose the nature and quantity of emissions discharged by the stationary source.

1. The Air Pollution Control Officer may suspend the permit(s) of such a source.

2. The Air Pollution Control Officer shall serve notice in writing of such suspension and the reasons for the suspension upon the permittee.

3. The Air Pollution Control Officer will reinstate the suspended permit(s) when furnished with the required information.

11-10-14

REGULATION IV
SOURCE EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS

RULE 401. VISIBLE EMISSIONS.

A. 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 hour which is:

1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines.

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 1 of this Rule.

B. Exceptions: Each of the following is a separate exception to the Subsections 1 and 2 of this Rule:

1. Wet or Dry Plumes. Where the presence of uncombined water is the the only reason for the failure of an emission to meet the limitations of this Rule 401, said Rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.

2. Smoke from fires set by or permitted by any public officer if such a 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 the prevention of a fire hazard which cannot be abated by any other reasonable means, or
   b. The instruction of public employees in the methods of fighting fire.
   c. For the improvement of watershed, range or pasture.

3. 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.

5. Orchard and citrus heaters meeting the requirements provided for by Section 41860 of the Health and Safety Code except that this exemption shall not apply to the provisions of Rule 402.

6-30-12

d. Fires permitted by the Control Officer related to the use of farm equipment in agricultural operations.

7. Smoke from fires set pursuant to Rule 501 pertaining to backyard burning.

8. Smoke from burning for right of way clearing.

9. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over land devoted to the growing of crops and raising of fowls or animals.

RULE 404 Sulfur Compounds Emission Standards, Limitations and Prohibitions

E. Sulfur Content of Fuels

1. No person shall burn within any portion of San Luis Obispo County APCD any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet (calculated as hydrogen sulfide at standard conditions) or any liquid or solid fuel having a sulfur content in excess of 0.5 percent by weight; except the provisions of this Rule shall not apply:

   a. To the burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.

   b. To the incinerating of waste gases, provided the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and provided the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of the amount specified in this Rule.

   c. To the use of solid fuels in any metallurgical process.

   d. To the use of fuels where the gaseous products of combustion areused as raw materials for other processes..e. To the use of liquid or solid fuel to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.

   f. Where sulfur compounds are removed from combustion products, or a mixture of fuels is used to the extent that the emission of sulfur compounds in the atmosphere is no greater than that which would be emitted by using a liquid or solid fuel complying with this Rule.

   g. To the use of liquid fuel whenever the supply of liquid fuel with a sulfur content of 0.5% or less is not physically available to the user due to accident, strike, act of war, sabotage, act of God, failure of the supplier or by reason of any Federal or State of California rule or regulation prohibiting the purchase or use thereof, providing that an application for a variance to burn non-complying fuel is filed within three days with the Clerk of the Hearing Board of the Air Pollution Control District.

4.12.85

RULE 405 NITROGEN OXIDES EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS

A. Fuel Burning Equipment

1. A person shall not discharge into the atmosphere from any non-mobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1,775 million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO_2) at 3 percent oxygen, in excess of 225 ppm when fired by a gaseous fuel and 250 ppm when fired by a liquid or solid fuel for a new or modified source and 225 ppm when fired by a gaseous fuel and 300 ppm when fired by a liquid or solid fuel for a source in existence on January 1, 1970.

2. A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere does not exceed 140 pounds per hour of nitrogen oxides calculated as nitrogen dioxide.

For the purpose of this subsection, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

Nothing in this rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

B. Reserved for Measurement Methods.

San Luis Obispo County Air Pollution Control District

RULE 406 - CARBON MONOXIDE EMISSION STANDARDS AND LIMITATIONS

(Adopted 8/2/76; Revised 11/13/84)

A. A person shall not discharge into the atmosphere carbon monoxide in concentrations exceeding 2,000 ppm by volume measured on a dry basis.
B. The provisions of this Rule shall not apply to emissions from internal combustion engines.
C. **RESERVED FOR MEASUREMENT METHODS**

12.17.79

RULE 407. ORGANIC MATERIAL EMISSION STANDARDS, LIMITATIONS AND PROHIBITIONS

A. Storage of Petroleum Products. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all time to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

1. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater devices shall be gas-tight except when gauging or sampling is taking place.

2. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank, gauging and sampling devices gas-tight except when gauging or sampling is taking place.

3. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

B. Gasoline Bulk Plants and Gasoline Terminals.

1. Any gasoline loading facility, with a daily throughput equal to or greater than 20,000 gallons or an annual throughput equal to or greater than 3,000,000 gallons at any gasoline terminal, constructed prior to July 1, 1976, shall be equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control District.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

a. An absorber system or condensation system which processes the vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

b. A vapor handling system which directs the vapors to a fuel gas system.

c. Other equipment of an efficiency equal to or greater than "a" or "b" if approved by the Air Pollution Control District.

12.17.79

2. Any gasoline loading facility, with a daily throughput equal to or greater than 20,000 gallons or an annual throughput equal to or greater than 3,000,000 gallons at any gasoline terminal, constructed after July 1, 1976, shall be equipped with a vapor recovery system certified by the California Air Resources Board.

3. Any gasoline loading facility, with a daily throughput equal to or greater than 20,000 gallons or an annual throughput equal to or greater than 3,000,000 gallons at any gasoline bulk plant shall be equipped with a vapor recovery system certified by the California Air Resources Board which shall prevent emission to the atmosphere of 90 percent by weight of the gasoline vapors displaced during loading of delivery vessels.

C. Loading of Petroleum Products Into Tanks and Delivery Vessels.

1. Submerged Fill Pipes

a. Any person transferring or permitting the transfer of gasoline into any storage container, exempt from the requirements of Subsection A. of this rule, which has 250 gallons or more capacity shall ensure that such transfer is accomplished through a permanently installed submerged fill pipe and that such transfer is accomplished using a tight-fitting nozzle or some other method to prevent excessive aspiration of air into the storage container.

A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such a tank is equipped as described in the first paragraph of this Subsection C.

b. The provisions of Subsection C.1.a. shall not apply to the loading of gasoline into any underground tank installed prior to December 31, 1970, where the fill line between the fill connection and tank is offset.

c. Any person transferring or permitting the transfer of gasoline into any delivery vessel from any gasoline loading facility at any gasoline terminal or any gasoline bulk plant, exempt from the requirements of Subsection B. of this rule, shall ensure that such delivery vessel is loaded through a submerged fill pipe.

2. Vapor Recovery - Phase I

a. Any gasoline storage container, exempt from the requirements of Subsection A. of this rule, which has more than 1,500 gallons capacity shall be equipped with a Phase I vapor recovery system as defined in Subsection E.2. of this rule.

b. Any person transferring or permitting the transfer of gasoline into any storage container, exempt from the requirements of Subsection A., of this rule, which has more than 1,500 gallons capacity shall ensure that such transfer is accomplished using the Phase I vapor recovery system. The vapor recovery system

12-17-79

shall be operated as it was operated when the system type was certified by the California Air Resources Board.

c. Any delivery vessel loaded with gasoline at a gasoline terminal or gasoline bulk plant, equipped as required by Subsection B. of this rule, shall be equipped with a vapor recovery system certified annually by the California Air Resources Board.

d. Any gasoline delivery vessel, manufactured and purchased after the date of adoption of this rule, shall be equipped with vapor recovery system with a system design approved by the California Air Resources Board.

e. Any person transferring or permitting the transfer of gasoline into any delivery vessel from any gasoline loading facility or gasoline bulk plant facility required to have a vapor recovery system pursuant to Subsection B. of this rule shall load such vessel using the vapor recovery system. The vapor recovery system shall be operated as it was operated when the system type was certified by the California Air Resources Board or approved by the Air Pollution Control District. Loading shall be accomplished in such a manner that displaced organic gases will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

f. Any Phase I vapor recovery system, installed pursuant to the provisions of this rule, shall be maintained in accordance with the maintenance procedures used when that system type was certified by the California Air Resources Board or amended procedures approved by the Air Pollution Control District.

g. Any above ground gasoline storage container, exempt from the requirements of Subsection C.2.a. of this rule, which has more than 1,300 gallons capacity shall be equipped with a pressure-vacuum relief valve with minimum pressure and vacuum settings of 90 percent of the maximum, safe pressure and vacuum ratings of the container. The pressure-vacuum relief valve shall be maintained in good working order.

D. Exceptions

1. The provisions of this rule shall not apply to wind machines used in agricultural operations.

2. The provisions of Subsection C.2.a. of this rule, requiring installation of Phase I vapor recovery systems, shall not apply to any gasoline storage container, installed prior to the date of adoption of this rule, if all gasoline transferred into the container is loaded into the delivery vessel at a gasoline terminal or gasoline bulk plant exempt from the requirements of Subsection B. of this rule.

12-17-79

3. The provisions of Subsection C.2.b. of this rule, requiring the use of Phase I vapor recovery systems, shall not apply to any gasoline storage container if all the gasoline transferred into the container is loaded into the delivery vessel at a gasoline terminal or gasoline bulk plant, exempt from the requirements of Subsection B. of this rule.

   In order to qualify for this exception, the owner or operator of any gasoline terminal or gasoline bulk plant, exempt from the requirements of Subsection B. of this rule, must submit a petition to the Air Pollution Control Officer annually stating the maximum daily throughput and the annual throughput of gasoline at his facility and identifying all his gasoline customers who have storage containers of more than 1,500 gallons capacity. The petition shall also state that the owner or operator of the gasoline terminal or gasoline bulk plant does not transfer or permit the transfer of gasoline into any storage container which has 250 gallons or more capacity unless the container has a permanently installed submerged fill pipe.

E. Definitions

1. For the purpose of this rule, a "submerged fill pipe" means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container.

2. For the purpose of this rule, a "Phase I vapor recovery system" means:

   a. A system, certified by the California Air Resources Board, for reducing the emission into the atmosphere of organic gases resulting from the transfer of gasoline into a gasoline storage container.

   b. A system installed prior to July 1, 1976, approved by the Air Pollution Control District, for reducing the emission into the atmosphere of organic gases resulting from the transfer of gasoline storage container.

3. For the purposes of this rule, a "gasoline terminal" means a gasoline distribution facility where delivery to the facility's storage containers is by means other than truck.

4. For the purpose of this rule, a "gasoline bulk plant" means an intermediate gasoline distribution facility where delivery to the facility's storage containers and delivery from the facility is by truck.

5. For the purposes of this rule, "gasoline means any petroleum distillate having a Reid vapor pressure of 4.0 pounds per square inch or greater, which is sold or intended for sale for use in motor vehicle or engines and is commonly or commercially known or sold as gasoline.

12-17-79

F. Compliance Schedules

1. Subsection A.1. and Subsection D.1. of this rule, which require installation and use of submerged fill pipes, shall be effective on October 1, 1977.

2. Any person required by Subsection C.2. of this rule to install a Phase I vapor recovery system shall comply with the following compliance schedule:

   a. By October 1, 1977 - Apply for Authority to Construct from the Air Pollution Control Officer for the installation of the needed control system.

   b. By February 1, 1978 - Complete on-site construction or installation of emission control equipment and notify the Air Pollution Control Officer of completion.

   c. By April 1, 1978 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

G. Effluent Oil-Water Separators

1. A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

   a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

   b. A floating pontoon or double-deck type cover equipped with closure seals to enclose any space between the cover's edge and compartment wall.

   c. A vapor recovery sytem, which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

   d. Other equipment of an efficiency equal to or greater than a.,b., or c., if approved by the Air Pollution Control Officer.

2. This Subsection G. shall not apply to any oil-effluent water separator used exclusively in conjuction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

12.17.79

11. Solvents, Thinners and Coating

1. Organic Solvents

a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame, or is baked, heat-cured or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this Subsection E.1.a.

b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Subsection a for employing or applying any photochemically reactive solvent, as defined in Subsection j or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing or heat-polymerizing as described in Subsection a. shall be excluded from determination of compliance with this Subsection E.1.b. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section, shall be collectively subject to compliance with this Subsection E.1.b.

c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section, shall be included in determining compliance with this section. Emission resulting from baking, heat-curing or heat-polymerizing, as described in Subsection a. shall be excluded from determination of compliance with this section. Those portions of any series

12-17-79

of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire, which emit organic materials and using operations described in this section shall be collectively subject to compliance with this Subsection E.1.c.

d. Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvents, as defined in Subsection E.1.j of any article, machine, equipment or other contrivance described in Subsections E.1.a, b, or c. shall be included with the other emissions or organic materials from that article, machine, equipment or other contrivance for determining compliance with this Subsection E.1.

e. Emissions of organic materials into the atmosphere required to be controlled by Subsections E.1. a, b, or c. shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or
(2) Absorption; or
(3) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

f. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Subsection E.1. shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

g. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer upon request and in the manner and form prescribed by him written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

h. The provisions of this Subsection E.1. shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.
(2) The use of equipment for which other requirements are specified by Rules 407.A, B, D, and Rule 406.C, or which are exempt from air pollution control requirements by said rules.
(3) The spraying or other employment of insecticides, pesticides or herbicides.
(4) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.
(5) The use of any material, in any article, machine, equipment, or other contrivance described in Subsections E.1.a, b, c, or d, if:

12.17.79

(a) The volatile content of such material consists only of water and organic solvents; and
(b) The organic solvents comprised of not more than 20 percent by volume of said volatile content; and
(c) The volatile content is not photochemically reactive as defined in Subsection E.1.j; and
(d) The organic solvent or any material containing organic solvent does not come into contact with flame.

i. For the purpose of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220° F. at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

j. For the purposes of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent;

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones, having an olefinic or cyclolefinic type of unsaturation: 5 percent;
(2) A combination of aromatic compounds with 8 or more carbon atoms to the molecule, except ethylbenzene: 8 percent;
(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene; 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, i.e., that group having the least allowable percent of the total volume of solvents.

k. For the purpose of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

2.f. Metal Surface Coating Thinners and Reducers

a. The composition of the organics in all metal surface coating thinners and reducers that are manufactured after January 1, 1977, and used in San Luis Obispo County shall be such that it will not come under the definition of photochemically reactive solvents, set out in Subsection E.1.j. of this Rule 407.

b. After July 1, 1977, the composition of the organics in all metal surface coating thinners and reducers that are used in San Luis Obispo County shall not be photochemically reactive within the definitions of Subsection E.1.j. of Rule 407.

3.f. Architectural Coatings.

a. A person shall not sell or offer for sale for use in San Luis Obispo County in containers of the one quart capacity or larger, any architectural coating containing photochemically reactive solvent as defined in Subsection E.1.j. of this Rule 407.

b. A person shall not employ, apply, evaporate or dry in San Luis Obispo County any architectural coating purchased in containers of one quart capacity or larger containing photochemically reactive solvent as defined in Subsection E.1.j. of Rule 407.

c. A person shall not thin or dilute any architectural coating with photochemically reactive solvent, as defined in Subsection E.1.j. of this Rule 407..

12-17-79

d. For the purpose of this rule, and architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances, or industrial buildings.

H. Disposal and Evaporation of Solvents.

A person shall not during any one day dispose of a total or more than 1 1/2 gallons of any photochemically reactive solvent, as defined in Subsection 1.j. of this Rule 407, or of any material containing more than 1 1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

I. Dates of Compliance

1. Any article, machine, equipment or other contrivance required to come into compliance with the provisions of this Rule 407 shall meet the following final compliance date.

Subsection	Final Compliance Date
A. (Production Facilities)	Sep. 15, 1978
A. (Gasoline)	Feb. 1, 1978
A. (Crude Distillate)	Mar. 1, 1978
A. (Refineries)	Mar. 15, 1977
B.	Feb. 1, 1978
G. (Refineries)	Mar. 15, 1977
G. (Production Facilities)	Sep. 15, 1978
G. (Pipeline and Marketing)	Mar. 1, 1978
H. (Dry Cleaning Operations)	Jan. 1, 1978
H. (Degreasers)	Jan. 15, 1978
H. (Fiberglass Product Mfg.)	Sep. 1, 1978
H. (Paint Spray Booths)	Jan. 1, 1979
H. (Paint Baking Ovens)	Oct. 15, 1978
All Other Equipment	Jan. 15, 1979

Gasoline storage and transfer facilities shall meet the compliance dates set forth in Subsection F. of this Rule 407.

J. Reserved for Measurement Methods.

San Luis Obispo County Air Pollution Control District

RULE 409 - ORCHARD OR CITRUS GROVE HEATERS

(Adopted 8/2/76)

No person shall use within the District, any orchard or citrus grove heater which has not been approved and included on a list of approved heaters by the State Air Resources Board. Such list of orchard or citrus grove heaters which are now or may in the future be approved by the State Air Resources Board are available from the Control Officer and are incorporated herein by reference as though here fully set forth.

San Luis Obispo County Air Pollution Control District

RULE 410 - REDUCTION OF ANIMAL MATTER

(Adopted 8/2/76)

A. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

1. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less 0.3 seconds; or
2. Processed in such a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than 1. above.

B. A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule 410 shall provide, in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Control Officer, for indicating temperature, pressure or other operating conditions.

C. The provisions of this Rule 410 shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

RULE 411 SURFACE COATING OF MANUFACTURED METAL PARTS

A. Except as otherwise provided in Section C this rule is applicable to the coating of any manufactures metal parts and products excluding automobiles, light-duty trucks, aircraft, aerospace vehicles, marine vessels, cans, coils, and magnetic wire.

1. After January 1, 1982, a person shall not use or apply any coating on any manufactured metal part or product subject to the provision of this regulation which emits or may emit volatile organic compounds into the atmosphere in excess of the following limits:

VOC Limitation
grams per liter of coating
applied excluding water

Air Dried or Forced Air Dried	Baked
340	275

2. New Sources

A person shall not use or apply any oven-baked coating on any manufactured metal part or product subject to the provisions of this regulation which emits or may emit volatile organic compounds into the atmosphere in excess of 180 grams per liter of coating to build, erect, or install is required after January 1, 1982.

3. Before January 1, 1982, the amount of volatile organic compounds which may be emitted from any manufactured part or product coating application line shall be re-evaluated to determine whether another limit is justifies.

4. The emission limits prescribed in this section shall be achieved by:

a. The use of low solvent coating: or

b. Any other emission reduction process determined by the Air Pollution Control Officer to be as effective as a.

B. Application Equipment Requirements

Except as otherwise provided in Section C, after January 1, 1982, a person shall not use or operate any coating application equipment subject to the provisions of this regulation that does not provide transfer affiance equal to or greater than 65

percent. The application of coating by electrostatic attraction shall be deemed to constitute compliance with requirement.

C. EXEMPTIONS

1. The provisions of this Rule shall not apply to coatings which emit or may emit volatile organic compounds in excess of the specified limits provided that the total emissions form the use of such coating do not exceed 20 pounds in any one day for new sources or 40 pounds in any one day for existing sources.

2. The provisions of Subsection A.2 shall not apply to all touch-up repairs

D. DEFINITIONS

1. “Manufactured Metal Parts and Products” include any meal parts or products manufactured under the Standard Industrial Classification Code of Major Group 25 (furniture and fixtures), Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electrical machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), Major Group 39 (miscellaneous manufacturing industries).

2. "Volatile Organic Compound (VOC)": Means any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate as determined by an ARB approved reference test method.

3. “Forced Air Dried” means a process whereby the coated object is heated above ambient temperature up to a maximum of 90^{o} Celsius to decrease drying time.

4. "Transfer Efficiency": Means the ratio of the amount by volume of coating which is deposited on the object to be coated to the amount by volume of coating sprayed expressed as a percentage.

5. "Touch Up": Means that portion of the coating operation which is incidental to the main coating process, but necessary to cover minor imperfections or to achieve coverage as required.

6. "Repair": Means recoating portions of previously coated product due to mechanical damage to the coating following normal painting operations.

San Luis Obispo County Air Pollution Control District

RULE 415 - DRY CLEANING SOLVENTS

(Adopted 6/18/79)

A. Any dry cleaning establishment that uses solvents containing four percent or more by volume of any photochemically reactive solvent, except perchloroethylene or any saturated halogenated hydrocarbon, shall reduce the emissions of the discharged organics by 90 percent by use of activated carbon adsorption or other appropriate means.

B. Effective January 1, 1980, a person shall not operate any dry cleaning equipment which uses petroleum-based solvent unless:

1. There is no liquid leaking from any portion of the equipment.
2. Solvents are stored in closed containers, which may be equipped with vents approved by the Control Officer.
3. All washer lint traps, button traps, access doors and other parts of the equipment, where solvent may be exposed to the atmosphere, are kept closed at all times except as required for proper operation or maintenance.
4. The still residue is stored in sealed containers or underground tanks, and is disposed of at a Class I dump or is disposed of by other procedures approved by the Control Officer.
5. The used filtering material is put into a sealed container immediately after removal from the filter and is disposed of at a Class I dump, unless the dry cleaning system is equipped with one of the following filtering systems:

   a. Cartridge filters containing paper or carbon or a combination thereof, which are fully drained in the filter housing for at least 12 hours before removal.

   b. Diatomaceous earth filtering system, connected to a centrifugal solvent extractor or other device capable of removing sufficient solvent, so that the remaining diatomaceous earth and soil does not contain more than 0.4 pounds of solvent per pound of filter powder and soil removed.

   c. Any other type of filtering system or process found by the Control Officer to emit into the atmosphere 1 pound or less of solvent in the discarded soil, lint and filtering material per 100 pounds of articles cleaned.

C. A person shall not operate any dry cleaning equipment which uses petroleum-based solvent unless all exhaust gases from drying tumblers and cabinets are vented through a carbon adsorber or other control device which reduces the total emissions of hydrocarbon vapors to the atmosphere during the entire drying cycle by at least 90 percent by weight.

1. a. Effective July 1, 1981, all petroleum solvent dry cleaning plants consuming more than 50,000 liters (13,209 gallons) of solvent per year shall comply with the provisions of Section C.

   b. Effective July 1, 1983, all petroleum solvent dry cleaning plants consuming more than 25,000 liters (6,657 gallons) of solvent per year shall comply with the provisions of Section C.

   c. Effective July 1, 1985, all petroleum solvent dry cleaning plants consuming more than 10,000 liters (2,642 gallons) of solvent per year shall comply with the provisions of Section C.

2. Increments of Progress

   In order to conform with the compliance dates specified in Section C.1, an owner or operator of petroleum solvent dry cleaning equipment shall comply with the following increments of progress schedule.

a. Twelve months prior to the applicable effective date, submit to the Control Officer an application for Permit to Construct describing, at a minimum, the steps that will be taken to achieve compliance with the provisions of Section C of this Rule.

b. Nine months prior to the applicable effective date, award the contract for the emission control system, or issue purchase orders for the component parts to accomplish emission control.

c. Five months prior to the applicable effective date, commence on-site construction or installation of equipment to reduce or control emissions.

d. One month prior to the applicable effective date, complete on-site construction or installation of equipment to reduce or control emissions.

e. On the applicable effective date, be in full compliance with the provisions of Section C of this Rule.

D. <u>REPORTING REQUIREMENTS</u>

On or before February 1 of each year, any person using petroleum-based dry cleaning solvent for dry cleaning shall report to the Control Officer the quantity of solvent used in the previous calendar year.

E. A "dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

San Luis Obispo County Air Pollution Control District

RULE 416 - DEGREASING OPERATIONS

(Adopted 6/18/79)

A. A person shall not use photochemically reactive solvent, as defined in Rule 407.A.1.j, in surface cleaning or degreasing operations unless the emission of organic materials into the atmosphere is reduced by at least 85 percent by weight.

B. Effective January 1, 1980, a person who employs solvent metal cleaning (degreasing) shall utilize a device for such cleaning, which includes the following equipment:

1. A container for the solvent and articles being cleaned.
2. An apparatus or cover which prevents the solvent from evaporating when not processing work in the degreaser.

   a. For cold solvent cleaning, if the vapor pressure of the solvent is greater than 15 mm of mercury (0.3 psi) measured at 38^{o}C (100^{o}F), or if the solvent is heated above 50^{o}C (122^{o}F), or if the solvent is agitated, then the cover must be designed so that it can be easily operated with one hand.

   b. For open-top vapor degreasers, the cover shall be designed such that it can be opened and closed easily without disturbing the vapor zone.

   c. For conveyorized degreasers, covers shall be provided for closing off the entrance and exit during shutdown.

3. A facility for draining cleaned parts such that the drained solvent is returned to the container.
4. A permanent, conspicuous label, which lists each of the applicable operating requirements, appropriate for the type of cleaning operation being used, contained in Section C.
5. For cold solvent cleaning, if the vapor pressure of the solvent is greater than 33 mm Hg or 0.6 psi at 38^{o}C (100^{o}F), or if the solvent is heated above 50^{o}C (122^{o}F), then one of the following control devices shall be used:

   a. A freeboard such that the freeboard ratio is greater than or equal to 0.75;

   b. A water cover if the solvent is insoluble in and heavier than water; or

   c. Any other system of equivalent control demonstrated to be equivalent in emission control efficiency to the above, such as a refrigerated freeboard chiller or carbon adsorption system, and approved by the Control Officer.

6. If open-top vapor degreasing or conveyorized vapor degreasing are employed, then the following equipment shall be utilized:

   a. All of the following safety devices:

      1. A device which shuts off the sump heat if either the condenser coolant stops circulating or becomes warmer than specified.
      2. For degreasers of the spray type, a device (such as a temperature sensor) which prevents the spray pump operation unless the solvent vapor level is at the design operating level; and
      3. A device (of the manual reset type) which shuts off the sump heat if the solvent vapor level rises above the design operating level.

   b. One of the following or a combination of the following major control devices:
      1. A freeboard such that the freeboard ratio is greater than or equal to 0.75;
      2. A refrigerated freeboard chiller which achieves sufficient cooling capacity to maintain the vapor level at the

design operating level;

3. A carbon adsorption system which ventilates the air-vapor interface at a minimum rate of 15 cubic meters per minute per square meter (50 cfm per square foot), but not greater than 20 cubic meters per minute per square meter (65 cfm per square foot), and with with a control efficiency of 95 percent of the solvent vapors entering the carbon adsorber;
4. Any other system demonstrated to be equivalent in emission control efficiency to the above, and approved by the Control Officer.

1. For conveyorized vapor degreasers, both of the following control devices shall be utilized:

   a. Either a drying tunnel, or another means such as a rotating basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor; and

   b. Minimized openings: entrances and exits should silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than 10 cm or less than 10 percent of the width of the opening.

C. Effective January 1, 1980, a person who employs solvent metal cleaning (degreasing) must conform to the following operating requirements:

1. The degreasing equipment and emission control equipment must be operated and maintained in proper working order.
2. A person shall not allow any solvent to leak from any portion of the degreasing equipment.
3. A person shall not store or dispose of any solvent, including waste solvent, in such a manner as will cause or allow its evaporation into the atmosphere.
4. After distillation recovery of waste solvent, solvent residues shall not contain more than 20 percent solvent by weight.
5. A person shall not remove or open any device designed to cover the solvent unless processing work in the degreaser or performing maintenance on the degreaser.

   a. This section shall not apply to a vapor degreaser utilizing a refrigerated freeboard chiller, meeting the requirement of Section B.6.b.2, while the chiller is in effective operation.

6. For the cold solvent cleaning, a person shall drain cleaned parts for at least 15 seconds after cleaning or until dripping ceases.
7. If a solvent flow is utilized, then a person shall use only a continuous, fluid stream (not a fine, atomized, or shower type spray) and the pressure shall be such that it does not cause liquid solvent to splash outside of the solvent container.

   . This section shall not apply to a vapor degreaser where the solvent flow is below the vapor-air interface.

8. Solvent agitation, where necessary, shall be achieved through pump recirculation, by means of a mixer, or by ultrasonics.
9. For open-top vapor degreasers, a person shall minimize solvent carry-out by the following measures:

   a. Rack parts to facilitate drainage,

   b. Move parts in and out of the degreaser at less than 3.3 meters per minute (10 feet per minute),

   c. Degrease the work load in the vapor zone at least 30 seconds or until condensation ceases, and

   d. Allow parts to dry within the degreaser for 30 seconds or until the exterior surface of the parts becomes visually dry.

10. For conveyorized degreasers, a person shall minimize solvent carry-out by the following measures:

a. Rack parts to facilitate drainage, and

b. Maintain vertical conveyor speed at less than 3.3 meters per minute (10 feet per minute).

11. For open-top vapor degreasers:

a. Do not degrease porous or absorbent materials such as cloth, leather, wood, or rope; and

b. Do not spray above the vapor level.

D. EXEMPTIONS

1. The provisions of Sections B and C of this Rule shall not apply to the cleaning of materials by wipe cleaning.
2. The provisions of Section B.6.b shall not apply to the following:

a. Open-top vapor degreasers which have a vapor-air interface less than one square meter (10.8 square feet).

b. Conveyorized vapor degreasers which have a vapor-air interface area less than two square meters (21.5 square feet).

3. The provisions of paragraph B.5 shall not apply to cold solvent degreaser which have a vapor-air interface area less than 0.5 square meters (5.4 square feet).

E. DEFINITIONS

For the purposes of this Rule:

1. "Cold cleaner": Means any batch loaded, non-boiling solvent degreaser.
2. "Conveyorized degreaser": Means any continuously loaded conveyorized solvent degreaser, either boiling or non-boiling.
3. "Freeboard height":

a. For cold cleaning tanks, freeboard height means the distance from the top of the solvent or solvent drain to the top of the tank.

b. For vapor degreasing tanks, freeboard height means the distance from the solvent vapor-air interface to the top of the basic degreaser tank.

4. "Freeboard ratio": Is defined as the freeboard height divided by the width of the degreaser.
5. "Open-top vapor degreaser": Means any batch loaded, boiling solvent degreaser.
6. "Volatile organic compound": Means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and methane that has a vapor pressure greater than 0.1 mm of Hg at standard conditions.
7. "Wipe cleaning": Is defined as that method of cleaning which utilized a material such as a rag wetted with a solvent, coupled with a physical rubbing process to remove contaminants from metal surfaces.

San Luis Obispo County Air Pollution Control District

RULE 417 - CONTROL OF FUGITIVE EMISSIONS OF VOLATILE ORGANIC COMPOUNDS

(Adopted 2/9/93)

A. APPLICABILITY

The provisions of this Rule are applicable to refineries, chemical plants, oil and gas production fields, natural gas processing plants, offshore oil production platforms, and pipeline transfer stations to control fugitive emissions of volatile organic compounds (VOC) from components including but not limited to valves, fittings, pumps, compressors, pressure relief devices, diaphragms, hatches, sight-glasses, meters, open-ended lines, seal packing, and sealing mechanisms.

B. DEFINITIONS

For the purposes of this Rule, the following definitions shall apply:

1. "APCO": The Air Pollution Control Officer or his/her designee from the Air Pollution Control District.
2. "Background": A reading expressed as methane on a portable hydrocarbon detection instrument which is taken at least three meters upwind from any components to be inspected and which is not influenced by any specific emission point.
3. "Chemical Plant": Any facility engaged in producing organic or inorganic chemicals, and/or manufacturing products by chemical processes. Any facility or operation that has 282 as the first three digits in its four digit Standard Industrial Classification (SIC) Code, as defined in the Standard Industrial Classification Manual, is included.
4. "Closed-vent System": A system that is not open to the atmosphere and is composed of piping, connections, and, if necessary, flow inducing devices that transport gas or vapor from a piece or pieces of equipment to a vapor recovery or disposal system.
5. "Commercial Natural Gas": A gaseous fuel purchased or transported under a Federal Energy Regulatory Commission or a California Public Utility Commission jurisdictional tariff.
6. "Component": Any valve, fitting, pump, compressor, pressure relief device, hatch, sight-glass, meter, or open-ended lines. They are further classified as:

   a. Major component is any 4-inch or larger valve, any 5-hp or larger pump, any compressor, and any 4-inch or larger pressure relief device.

   b. Minor component is any component which is not a major component.

   c. Critical component is any component which would require the shutdown of the process unit if these components were shut down. These components must be identified by the source and approved by the APCO.

7. "Compressor": A device used to compress gasses and/or vapors.
8. "Exempt Compound": A compound identified as methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, 1,1,1-trichloroethane, methylene chloride, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluororethane (CFC-115), dichlorotrifluoroethane (HCFC-123), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), tetrafluoroethane (HFC-134a), dichlorofluoroethane (HCFC-141b), chlorodifluoroethane (HCFC-142b), 1,1,1-trifluoroethane (HFC-143a), and

1,1-difluoroethane (HFC-152a), and the following four classes of perfluorocarbon (PFC) compounds:

a. cyclic, branched, or linear, completely fluorinated alkanes;

b. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

c. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

d. saturated perfluorocarbons containing sulfur and with sulfur bonds only to carbon and fluorine atoms.

Perfluorocarbon compounds shall be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific compounds and the amounts present in the product or process and provides a validated test method which can be used to quantify and identify these compounds.

9. "Fitting": A component used to attach or connect pipes or piping details, including but not limited to, flanges and threaded connections.
10. "Fugitive Emissions": Any hydrocarbon emissions that are released into the atmosphere from any point other than a stack, chimney, vent, or other functionally equivalent opening.
11. "Gas Processing Plant": A facility engaged in the separation of liquids from field gas and/or fractionation of the liquids into gaseous products, such as ethane, propane, butane, and natural gasoline. Excluded from the definition are compressor stations, dehydration units, sweetening units, field treatment, underground storage facilities, liquified natural gas units, and field gas gathering systems unless these facilities are located at a gas processing plant.
12. "Hatch": Any covered opening system that provides access to a tank or container.
13. "Inaccessible Component": Any component located over fifteen (15) feet above ground when access is required from the ground; or any component located over six (6) feet away from a platform when access is required from the platform.
14. "Leak Minimization": Tightening or adjusting a component for the purpose of stopping or reducing leakage to the atmosphere.
15. "Major Gas Leak": The detection of total gaseous hydrocarbons for any component in excess of 10,000 ppm_v as methane above background measured according to test procedure in Subsection E.1.
16. "Major Liquid Leak": A visible mist or continuous flow of liquid.
17. "Minor Gas Leak": The detection of total gaseous hydrocarbons for any component in excess of 1,000 ppm_v but not more than 10,000 ppm_v as methane above background measured according to test procedure in Subsection E.1.
18. "Minor Liquid Leak": Any liquid leak which is not a major leak and drips liquid organic compounds at the rate of more than three drops per minute or 1 cubic centimeter per minute.
19. "Offshore Oil Production Platform": A unit used in the production of oil and gas that is located offshore within three (3) miles of the shoreline.
20. "Oil and Gas Production Field": A facility at which crude petroleum and natural gas production and handling are conducted, as defined by Standard Industrial Classification code number 1311, Crude Petroleum and Natural Gas.
21. "Pipeline Transfer Station": A facility which handles the transfer or storage of petroleum products or crude petroleum in pipelines.
22. "Platform": Any raised, permanent, horizontal surface that provides access to components.
23. "Polished Rod Stuffing Box (PRSB)": A packing device used on oil and gas production well-heads compressed around a reciprocating rod for the dual purpose of lubricating the polished rod and preventing fluid leaks.
24. "Pressure Relief Device (PRD)": A pressure relief valve or rupture disc.
25. "Pressure Relief Event": A release from a pressure release device resulting when the upstream static pressure reaches the setpoint of the pressure release device. A pressure relief event is not a leak.
26. "Pressure Relief Valve (PRV)": A valve which is automatically actuated by upstream static pressure and used for safety or emergency purposes.
27. "Process Unit": A manufacturing process which is independent of other processes and is continuous when supplied with a constant feed of raw material and sufficient storage facilities for the final product.
28. "Process Unit Shutdown": A work practice or operational procedure that stops production from a process unit or

part of a process unit. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than twenty-four (24) hours is not a process unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns.

29. "Pump": A device used to provide energy for transferring a liquid or gas/liquid mixture through a piping system from a source to a receiver.
30. "Refinery": A facility that processes petroleum, as defined by the Standard Industrial Classification Code number 2911, Petroleum Refining.
31. "Repair": Any corrective action for the purpose of eliminating leaks.
32. "Rupture Disc": A diaphragm held between flanges for the purpose of isolating a volatile organic compound from the atmosphere or from a downstream pressure relief valve.
33. "Seal": Packing gland or other material compressed around a moving rod, shaft, or stem to prevent the escape of gas or liquid.
34. "Unmanned Facility": A remote facility which has no permanent sited personnel and is greater than five (5) miles from the closest manned facility, operated by the same company or corporation.
35. "Unsafe to Monitor Components": Components installed at locations that would prevent the safe inspection or repair of components as defined by OSHA standards, the provisions for worker safety found in 29CFR1910, or a written owner-supplied criteria, approved by the APCO.
36. "Valve": A device that regulates or isolates the fluid flow in a pipe, tube, or conduit by means of an external actuator.
37. "Vapor Control System": Any system not open to the atmosphere intended to collect and reduce volatile organic compound emissions to the atmosphere and is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a vapor recovery or disposal system.
38. "Volatile Organic Compound (VOC)": Any compound containing at least one atom of carbon, except exempt compounds.

C. <u>EXEMPTIONS</u>

1. The provisions of Subsection D.1.b. shall not apply to pressure relief valves, pumps, and compressors that are equipped with a closed-vent system capable of capturing and transporting any leak to a vapor control system.
2. The provisions of Subsection D.1 shall not apply to the following cases, where the person seeking the exemption shall supply the proof of the applicable criteria to the satisfaction of the APCO:

   a. Components exclusively handling commercial natural gas.

   b. Components buried below ground.

   c. Components, except those at gas processing plants, exclusively handling fluids with a volatile organic compound concentration of 10 percent by weight or less, as determined according to test methods specified in Subsection E.2; or components exclusively handling liquids, if the weight percent evaporated is 10 percent or less at 150C (302F), as determined by test methods described in Subsection E.4.

   d. Components at oil and gas production facilities handling liquids of less than 30 degree API gravity which are located after the point of primary separation of oil and gas provided the separation vessel is equipped with a vapor recovery system and the pressure of the fluid is at atmospheric.

   e. Components incorporated in lines operating exclusively under negative pressure.

3. One-half inch and smaller fittings which have been demonstrated to the APCO to be leak-free based on an initial inspection in accordance with EPA Reference Method 21.
4. The provisions of this Rule shall not apply to any facility subject to and in compliance with Subpart GGG, Code of Federal Regulations, Title 40, Chapter I, Part 60. The person seeking this exemption shall supply proof of

compliance with Subpart GGG and a showing that their compliance program is essentially equivalent to or more stringent than the provisions of Section D of this Rule to the satisfaction of the APCO.

D. REQUIREMENTS

Effective on February 9, 1994, any person who operates any facility that is subject to this Rule shall comply with the following requirements:

1. Inspection Frequencies.

   a.

      i. A leak identified by Subsection D.1 shall be any liquid leak, a visual or audible vapor leak, the presence of bubbles using soap solutions, or a leak identified by the use of a vapor analyzer.

      ii. Any vapor leak which is identified during the inspection of components shall be measured to quantify emission concentrations according to EPA Reference Method 21.

   b.

      i. All pumps, compressors, and PRVs shall be inspected for leaks once during every eight-hour period or, with written approval of the APCO, once during every operating shift, except for components located at manned and unmanned oil and gas production fields and pipeline transfer stations.

      ii. All pumps, compressors, PRVs, and PRSBs located at manned oil and gas production fields and pipeline transfer stations shall be inspected for leaks once per day and components located at unmanned facilities shall be inspected once per week.

   c. All components shall be inspected quarterly according to EPA Method 21, except as provided in Subsections D.1.d through D.1.f.

   d.

      i. All inaccessible components shall be inspected annually according to EPA Method 21.

      ii. All fittings shall be inspected for leaks according to EPA Method 21 immediately after being placed in service and semi-annually thereafter, except as provided in Subsection D.1.g.

   e. All critical and unsafe to monitor components shall be inspected in accordance with an inspection plan approved by the APCO.

   f. A pressure relief valve shall be inspected according to EPA Reference Method 21 within 3 calendar days after every pressure relief.

   g. The inspection frequency for components, except pumps, compressors, PRVs, and PRSBs, as required in Subsections D.1.c. and D.1.d., may change to an annual inspection, provided all of the following conditions are met:

      i. All components at the facility have been successfully operated and maintained with no liquid leaks and no major gas leaks exceeding 0.5 percent of the total components inspected per inspection period for twelve consecutive months. For the purpose of Sections D.1.g and D.1.h leaks from PRSBs will not be included in the total count of leaking components.

      ii. The above is substantiated by documentation and written approval obtained from the APCO.

   h. Any annual inspection frequency approved in Subsection D.1.g shall revert to the inspection frequencies specified in Subsections D.1.c and D.1.d should any liquid leaks and major gas leaks exceed 0.5 percent of the

total components inspected per inspection period.

i. All leaking components shall be affixed with brightly colored, weatherproof tags showing the date of leak detection. The tags shall remain in place until the components are repaired and reinspected.

2. Equipment Repair. The requirements of this Subsection shall apply in all situations when a leak is detected including those leaks detected by the APCO or his designee and identified to the operator.

a. All noncritical components shall be successfully repaired or replaced within the following time periods after detection of the leak according to Table 1, Repair Periods.

TABLE 1. REPAIR PERIODS

Type of Leak	Time Period[a]	
	Onshore	Offshore
Minor Gas Leak	14 Days	14
Major Gas Leak	5 Days	5
Major Gas Leak over 50,000 ppm	1 Day[b,c]	5
Major Liquid Leak	1 Day[b,c]	5
Minor Liquid Leak	2 Day[b]	5

[a] Day means a 24 hour period from the time of leak detection.

[b] Unless prohibited by California Occupation Safety and Health Administration (Cal OSHA) standards or 29 CFR 1910.

[c] Components located at oil and gas production facilities or pipeline transfer stations shall be repaired within two (2) days.

b. Leaks from components shall be immediately minimized to the extent possible to stop or reduce leakage to the atmosphere.

c. All leaks from critical and unsafe to monitor components shall be minimized to the extent possible and shall be replaced with Best Available Control Technology (BACT) equipment as determined in accordance with District Rule 204, Requirements, within one year or during the next process unit shutdown, not to exceed two (2) years.

1. Any repaired or replaced component shall be re-inspected in accordance with EPA Method 21 by the operator within 30 days of the repair or replacement.
2. A component or part which incurs five (5) repair actions for a major gas or liquid leak within a continuous twelve-month period shall be replaced with Best Available Control Technology (BACT) equipment as determined in accordance with District Rule 204, Requirements.
3. Open-ended lines and valves located at the end of lines shall be sealed with a blind flange, plug, cap, or a second closed valve at all times except during operation. Operation includes draining or degassing operations, connection of temporary process equipment, sampling of process streams, emergency venting, and other normal operational needs.
4. Hatches shall be closed at all times except during sampling, adding process material, or attended maintenance operations.
5. Equipment Identification

a. All major and critical components shall be physically identified (clearly and visibly) for inspection, repair, replacement, and recordkeeping purposes.

b. All major, critical, inaccessible, and unsafe to monitor components except fittings shall be clearly identified in

diagrams for inspection, repair, replacement, and recordkeeping purposes as approved by the APCO.

E. TEST METHODS

1. Measurements of total gaseous hydrocarbon leak concentrations shall be conducted according to EPA Reference Method 21. The analyzer shall be calibrated with methane.
2. The volatile organic compound content of fluids shall be determined using ASTM Methods E 168-88, E 169-87, or E 260-85.
3. Determination of exempt compounds shall be performed in accordance with ASTM D 4457-85. For exempt compounds where no reference test method is available, a facility requesting the exemption shall provide appropriate test methods approved by the APCO and the U.S. Environmental Protection Agency.
4. Determination of evaporated compounds of liquids shall be performed in accordance with ASTM D 86-82.
5. Determination of the API gravity of crude oil shall be performed in accordance with ASTM Method D 287.

F. RECORDKEEPING

1. Each facility operator shall maintain an up-to-date inspection log containing, at a minimum, the following:

   a. Name, location, type of components, and description of any unit where leaking components are found.

   b. Date of leak detection, emission level (ppm_v) of leak, and method of leak detection.

   c. Date and emission level of re-check after leak is repaired.

   d. Total number of components inspected, and total number and percentage of leaking components found by component types.

2. Records of leaks detected by a quarterly or annual operator inspection, and each subsequent repair and reinspection, shall be submitted to the APCO upon request.
3. All records of operator inspection and repair shall be maintained at the facility for the previous two (2) year period and made available to the District upon request.
4. On or before February 1 of each year the operator shall submit to the APCO a report on the previous years inspection and maintenance activities which:

   a. Summarizes the inspection log entries, and

   b. Lists all leaking components identified that were not repaired within fifteen (15) days and all leaking components awaiting a unit turnaround for repairs.

G. COMPLIANCE SCHEDULE

1. An inspection and maintenance plan for all major, critical, inaccessible, and unsafe to monitor components shall be submitted to the APCO for approval by August 9, 1993. At a minimum, the plan shall include component identification information to ensure:

   a. that all major and critical components are physically identified, clearly and visibly, for inspection, repair, replacement, and recordkeeping purposes

   b. that all major, critical, inaccessible, and unsafe to monitor components, except fittings, are clearly identified in diagrams for inspection, repair, replacement, and recordkeeping purposes, and

   c. that the APCO is notified in writing of any changes in the identification, removal, replacement, or modification of a major component.

2. No later than August 9, 1993, a list of all critical and unsafe to monitor components shall be submitted to the APCO for approval. All changes to the list must be approved by the APCO.
3. No later than February 9, 1994, all facilities shall implement their inspection and maintenance plan and begin inspections in accordance with Section D.
4. The inspection and maintenance plan shall be updated annually, if changes are made, and submitted to the APCO for approval on or before February 1 of each year. The APCO shall be notified in writing if no changes to the plan are to be submitted.

San Luis Obispo County Air Pollution Control District

RULE 419 - PETROLEUM PITS, PONDS, SUMPS, WELL CELLARS, AND WASTEWATER SEPARATORS

(Adopted 7/12/94)

A. APPLICABILITY

This Rule is applicable to pits, ponds, sumps, well cellars, and wastewater separators where crude oil or petroleum material is produced, gathered, separated, processed or stored.

B. DEFINITIONS

For the purposes of this Rule, the following definitions shall apply:

1. "Emergency Pit": A pit used less than thirty (30) days per year to contain emergency releases of petroleum material. An emergency pit is dry when not in use.
2. "Leak":

   a. The detection of total gaseous hydrocarbons for any component in excess of 10,000 ppmv as methane above background measured according to the test procedure in Subsection E.3, or

   b. Exclusive of intermediate barrier seal fluids, any liquid leak which drips liquid organic compounds at the rate of more than three drops per minute or one (1) cubic centimeter per minute.

   A "leak" is not a gaseous emission from pressure relief devices on tanks or delivery vessels when normal process pressure exceeds the limit specified for the device.

3. "Pit": A receptacle, formed primarily of earthen materials, although it may be lined with artificial materials, used to receive intermittent flows of petroleum material during an emergency or from drilling and petroleum production processes. Neither a sample box of less than two (2) square feet in horizontal surface area nor a containment berm shall be considered a pit.
4. "Pond": A receptacle, formed primarily of earthen materials, although it may be lined with artificial materials, used to contain produced water from petroleum production processes for disposal or re-use. Ponds are not used for oil/water separation or evaporation.
5. "Sump": A lined or unlined surface impoundment or excavated depression in the ground that, during normal operations, is used for separating oil or other organic liquids, water, and solids in oil production operations. A sump is classified as:

   a. "Primary or First Stage Production Sump" is any sump which is in continuous use and receives a stream of crude oil and produced water directly from oil production wells or field gathering systems.

   b. "Secondary or Second Stage Sump" is any sump which is in continuous use and receives a wastewater stream from one or more first stage separators such as a primary or first stage production sump, a free water knockout device, or a wash tank as well as intermittent or emergency streams.

   c. "Tertiary or Third Stage Sump" is any sump which is in continuous use and receives a wastewater stream from second stage or subsequent separation processes upstream of the sump, and has a very small amount of oil present.

6. "Wastewater Separator": Any device primarily used to separate volatile organic compounds (VOCs) from the wastewater.
7. "Well Cellar": A lined or unlined area around one or more oil wells, allowing access to the wellhead components for servicing and/or installation of blowout prevention equipment.

C. EXEMPTIONS

The provisions of Section D of this Rule shall not apply to the following:

1. Equipment that exclusively receives, holds, or discharges rainwater, stormwater runoff, or non-contact cooling water.
2. Emergency pits and well cellars used in an emergency, if clean-up procedures are implemented within 24 hours after each emergency occurrence and completed within fifteen (15) calendar days.
3. Pits, ponds, or sumps, if the liquid surface area is less than one hundred (100) square feet.
4. Pits, ponds, sumps, or wastewater separators, if the VOC content of the liquid entering is less than five (5) milligrams per liter, as determined by EPA Test Method 8015 with stock standards prepared from gasoline. Sampling shall occur at the inlet to the pit, pond, sump or wastewater separator.
5. Drilling operation pits, if clean-up procedures are implemented within 48 hours after the drilling rig has been removed from the location, if clean-up procedures are completed within fifteen (15) calendar days, and if test production is routed to a closed top tank.
6. Any pit, pond, sump or wastewater separator, when it has been demonstrated to the satisfaction of the Air Pollution Control Officer (APCO) that the maximum degree of achievable emission reduction has already taken place. Each demonstration shall include a cost effectiveness calculation.
7. The provisions of Subsections D.2 and D.4 of this Rule shall not apply during maintenance operations on pits, sumps, or wastewater separators if the APCO is notified at least 24 hours prior to the maintenance operation, and if the maintenance operation will take no more than 24 hours to complete.

D. REQUIREMENTS

1. No person shall install, maintain, or operate a primary or first stage production sump.
2. No person shall use a second or third stage sump, a pit or a pond unless it is equipped with a properly installed and maintained cover which prevents the escape of VOCs into the atmosphere through openings other than pressure-vacuum relief valves. The cover and its appurtenances shall be maintained such that:

   a. The cover material is impermeable to VOCs,

   b. There are no holes, tears, or openings in the cover material which allow the emission of organic compounds into the atmosphere,

   c. All covers and hatches remain closed and leak-free, except during times of actual maintenance, inspection, or repair,

   d. The perimeter of any cover except for a rigid floating cover forms a leak-free seal with the foundation to which it is attached,

   e. All rigid floating covers are installed and maintained such that the gap between the wall and the seal does not exceed 1/8 inch for a cumulative length of 95 percent of the perimeter of the compartment. No single gap between the wall and the seal shall exceed 1/2 inch, and

   f. All pressure-vacuum relief valves are set to within ten (10) percent of the maximum allowable working pressure of the cover or in accordance with appropriate recommendations of the American Petroleum Institute or the American Society of Mechanical Engineers, and shall be properly installed, maintained in good operating order, and shall remain in a leak-free condition except when the operating pressure exceeds the valve set pressure.

3. No person shall hold crude oil or petroleum material in a well cellar except during periods of equipment

maintenance or well workover. In no case shall storage occur for more than five (5) consecutive calendar days.

a. A person shall not sample petroleum at the wellhead without using a portable container to catch and contain the portion that would otherwise drop into the well cellar. Such container shall be kept closed when not in use.

b. Immediately before a well is steamed or after a wellhead is steam cleaned, the well cellar in which it is located shall be pumped out.

4. No person shall use any compartment of a wastewater separator unless the following are implemented:

a. Vapors from all such compartments within 100 feet of a suitable vapor recovery system are processed by that vapor recovery system. A vapor recovery system is suitable if it is of operational capacity sufficient to comply with vapor recovery requirements of Rule 425, Storage of Volatile Organic Compounds, Section E.3 after separator streams are added.

b. All wastewater separators not described by Subsection D.4.a of this Rule are equipped with one of the following:

1. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment, except during attended inspection of the compartment.
2. A floating pontoon or double-deck type cover that rests on the surface of the liquid contents and is equipped with primary and secondary closure seals that meet the requirements of Rule 425.
3. A vapor recovery system which meets the requirements of Rule 425.
4. Other equipment having an overall vapor loss control efficiency of at least 90% by weight, provided

i. the equipment consists of an enclosure or intake designed to collect and deliver all emissions and a control device to remove VOCs from the delivered emissions, and

ii. an Authority to Construct for installation of such equipment is granted by the APCO.

5. Any cover used to achieve compliance with Subsections D.4.b.1, D.4.b.2, or D.4.b.4 of this Rule shall meet the requirements of Subsection D.2 of this Rule.

E. TEST METHODS

1. The VOC concentration of crude oil or petroleum material in milligrams per liter shall be determined by EPA Method 8015 with stock standards prepared from gasoline. Samples shall be prepared and extracted using EPA Method 5030. Sampling shall occur at the entry point of the device.
2. Vapor loss control efficiency shall be determined by ARB Method 202 or 203 as published in Volume 2 of ARB's Stationary Source Test Methods dated September 12, 1990. Sections of these ARB methods which relate to certification and fees (i.e. Sections V, VI, and VII) apply only to tanks subject to vapor recovery system certification requirements independently of this Rule. The applicability of Methods 202 and 203 shall be determined as follows:

a. ARB Method 202 applies to tanks receiving organic liquid by truck.

b. ARB Method 203 applies to tanks receiving organic liquid other than by truck.

3. Detection and measurement of leaks shall be conducted according to EPA Reference Method 21. The analyzer shall be calibrated with methane.

F. RECORDKEEPING

1. Any person claiming an exemption from this Rule pursuant to Subsection C.4 above may be required to justify the exemption every twelve (12) months. Such justification shall be submitted to the APCO, in writing, upon request

and shall include the results of an independent laboratory analysis.

2. Any person holding crude oil in a well cellar during periods of equipment maintenance or well workover pursuant to Subsection D.3 shall maintain records, which may include but are not limited to workover invoice documents, indicating the date(s) the material was stored in the well cellar or the date(s) of workover activity.
3. Any person claiming an exemption from this Rule pursuant to Subsections C.2, C.4, and C.6 shall maintain records to justify the exemption.
4. Records required pursuant to Subsections F.2 and F.3 shall be made available to the APCO upon request.

G. REPORTING

No later than January 12, 1995, the owner or operator shall submit to the APCO the following information:

1. The description, location, surface area, and Air Pollution Control District (APCD) Permit to Operate number (if one exists) for each petroleum pit, pond, sump, well cellar, and wastewater separator.
2. Any person claiming an exemption from this Rule pursuant to Subsections C.2, C.4, and C.6 shall submit records to justify the exemption.
3. The current compliance status of each process unit with respect to the requirements of this Rule.

H. COMPLIANCE SCHEDULE

1. All operations to which this Rule applies shall be in full compliance no later than July 12, 1996.
2. Before any person installs emission control equipment on an existing pit, pond, sump, well cellar, or wastewater separator pursuant to the requirements of this Rule, they shall submit an application for an Authority to Construct not later than July 12, 1995.

RULE 420. CUTBACK ASPHALT PAVING MATERIALS

A. COMPLIANCE DATES

1. After July 1, 1979, no person shall cause or allow the use or application of rapid cure cutback asphalt for highway or street or maintenance, nor manufacture, sell or offer to sell cutback asphalt for such use or application.

2. After July 1, 1980, no person shall cause or allow the use or application of cutback asphalt for highway or street paving or maintenance, nor manufacture, sell, or offer for sale cutback for use or application except as specified below:

   a. Where the cutback asphalt is to be used solely as a penetrating prime coat;

   b. Where the National Weather Service official forecast of the high temperature for the immediate vicinity of the asphalt application for the 24-hour period following application is below 50^{o}F (10^{o}C);

   c. Where the cutback asphalt is to be used for highway or street paving or maintenance purposes and the location of such use is a minimum of 25 miles from the nearest available commercial plant which produces and offers for sale plant mixed surfacing material.

3. In non-attainment areas after January 1, 1982, no person shall cause or allow the use or application of an emulsified asphalt containing petroleum solvents (diluents) in excess of 3 percent by volume or cutback asphalt for highway or street paving or maintenance. These provisions do not apply to cutback asphalt manufactured in this District for shipment and use outside this District.

   If by January 1, 1981, there are no suitable emulsified or slow cure asphalt alternatives available at a cost comparable to existing materials as approved by the APCD for uses listed in the exception under A.2, then the January 1, 1982 date will be extended on a year-to-year basis until such materials are available.

4. After January 1, 1982, road oils used for highway or street paving or maintenance applications shall contain no more than 5.0% of organic compounds which boil at less than 500^{o}F as determined by ASTM D 402.

B. DEFINITIONS

1. "Asphalt": Means oil asphalt or a homogenous mixture of refined liquid and solid asphalts suitable for use in the manufacture of asphalt concrete.

2. "Cutback Asphalt": Means paving grade asphalts liquefied with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid Cure Type:	ASTM D 2028
Medium Cure Type:	ASTM D 2027

3. "Dust Palliative": Means any light application of liquefied asphalt (cutback or emulsified asphalt) for the express purpose of controlling loose dust.

4. "Emulsified Asphalt": Means any asphalt liquefied with water containing an emulsifier. The two kinds of emulsions most pertinent are the anionic and cationic types.

5. "Penetrating Prime Coat": Means any application of asphalt to an absorptive surface to penetrate and bind the aggregate surface and promote adhesion between it and the new superimposed construction. Prime coats do not include dust palliatives of tack coats.

6. "Road Oils": Shall be synonymous with slow cure asphalts.

7. "Tack Coat": Means any application of asphalt applied to an existing surface to provide a bond between new surfacing and existing surface to eliminate slippage planes where the new and existing surfaces meet.

San Luis Obispo County Air Pollution Control District

RULE 422 - REFINERY PROCESS TURNAROUNDS

(Adopted 6/18/79)

A. A person shall not vent organic compounds to the atmosphere during the depressurization or the vessel purging steps of a refinery process turnaround.

B. Compliance with this Rule shall be accomplished by venting all uncondensed organic gases to a fuel gas system or to a flare, or by other methods which the Air Pollution Control Officer has determined will prevent said gases from being emitted to the atmosphere.

C. DEFINITIONS

1. For the purpose of this Rule "Process Turnaround" means the operation of unit (i.e. reactors, fractionators, etc.) shutdown.
2. For the purpose of this Rule "Organic Compound" means any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, carbonates, and methane.

RULE 424. GASOLINE DISPENSING FACILITIES

A. DEFINITIONS. For the purposes of this Rule, the following definitions shall apply:

1. "ARB-certified vapor recovery system": Means a vapor recovery system which has been certified by the State Air Resources Board pursuant to Section 41954 of the Health and Safety Code.

2. "Excavation": Means exposure to view by digging.

3. "Existing Gasoline Dispensing Facility": Means any gasoline dispensing facility operating, constructed, or under construction as of January 10, 1989.

4. "Gasoline": Means any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.

5. "Gasoline Dispensing Facility": Means any stationary facility which dispenses gasoline directly into the fuel tanks of motor vehicles. This facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing, and storage tanks.

6. "Hold-Open Latch": Means the integral component of a gasoline dispensing nozzle which permits the nozzle to remain open without a sustained effort on the part of the refueler.

7. "Leak":

a. The dripping at a rate of more than three (3) drops per minute of liquid containing reactive organic compounds; or

b. An emission of gaseous reactive organic compound which causes an appropriate analyzer sampling one (1) centimeter from a source to register at least 10,000 ppm, as methane, as determined by EPA Reference Method 21; or

c. An emission of gaseous reactive organic compounds which causes a soap bubble score of 3 or greater using the alternative screening procedure in EPA Reference Method 21.

d. The following are exceptions to the above definition and are not considered by this rule to be leaks:

1) Liquid leaks from a well maintained disconnecting transfer fitting of not more than 10 milliliters per disconnect, averaged over three disconnects.

2) Gaseous emissions from pressure relief devices on tanks when the process pressure exceeds the limit setting specified for the device.

8. "Motor vehicle": Has the same meaning as defined in Section 415 of the Vehicle Code.

9. "New gasoline dispensing facility": Means any gasoline dispensing facility which is not constructed or under construction as of January 10, 1989.

10. "Owner or operator": Means the owner or operator of a facility which dispenses gasoline.

11. "Phase I vapor recovery system": Means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.

12. "Phase II vapor recovery plumbing": Means all portions of an ARB-certified Phase II vapor recovery system excluding those components installed above ground.

13. "Phase II vapor recovery system": Means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.

14. "Soap Bubble Score": Means the magnitude of a leak as indicated by the size of bubble formation resulting from spraying the suspected area with a standard solution. The solution shall consist of 100 ml of rug shampoo in 1 gallon of distilled water or 100 ml of rug shampoo in 1 gallon of a 50/50 mixture of glycol and distilled water. Soap scores are assigned following six seconds of observation as follows:

Score	Estimated Bubble Volume (cubic centimeters in 6 seconds)
0	No detectable bubble
1	Up to 1 cc in 6 seconds
2	Greater than 1 cc but less than 10 cc in 6 seconds
3	Greater than 10 cc but less than 100 cc in 6 seconds
4	Greater than 100 cc in 6 seconds

15. "Tank replacement": Means replacement of one or more stationary gasoline storage tanks at an existing gasoline dispensing facility or excavation of 50 percent or more of an existing gasoline dispensing

facility's total underground liquid gasoline piping from the stationary storage tanks to the gasoline dispensers.

16. "Throughput": Means the volume of gasoline dispensed at a gasoline dispensing facility.

B. PHASE I VAPOR RECOVERY SYSTEM REQUIREMENTS

1. No owner or operator shall transfer, or permit the transfer, or provide equipment for the transfer of gasoline, and no other person shall transfer gasoline from a gasoline delivery vehicle into a stationary storage tank at a gasoline dispensing facility unless an ARB-certified Phase I vapor recovery system is installed on the stationary storage tank and used during transfer.

2. The installation provisions of Subsection B.1 shall not apply to:

   a. Storage tanks with a capacity of less than 1,500 gallons.

   b. Storage tanks used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.

   c. Storage tanks used exclusively to fuel motor vehicles with a fuel capacity of five gallons or less.

   d. Storage tanks at an existing gasoline dispensing facility which receives gasoline exclusively from delivery tanks that are not required to be equipped with vapor recovery systems as described in Rule 407.B.3.

   e. The temporary storage of gasoline in flexible containers to support equipment responding to an emergency or for the purposes of training to support such equipment.

3. The usage provisions of Subsection B.1 shall not apply to:

   a. Storage tanks at an existing gasoline dispensing facility while receiving gasoline from delivery tanks that are not required to be equipped with vapor recovery systems as described in Rule 407.B.3.

   b. Deliveries made and equipment used to completely fill stationary tanks for the purpose of leak testing, provided that such deliveries do not exceed 1,000 gallons at each tank.

4. Any Phase I vapor recovery system, installed pursuant to the provisions of this Rule, shall be maintained and operated in accordance with the procedures used when that system type was certified by the California Air

Resources Board. All vapor recovery equipment shall be maintained in good working order and shall not leak.

5. Any person storing or transferring gasoline shall follow good operating practices including, but not limited to: preventing spills, storing gasoline in closed containers, and disposing of gasoline in compliance with all state and local regulations.

C. PHASE II VAPOR RECOVERY SYSTEM REQUIREMENTS

1. No owner or operator shall transfer, permit the transfer or provide equipment for the transfer of gasoline from a stationary storage tank at a gasoline dispensing facility into a motor vehicle fuel tank unless an ARB-certified Phase II vapor recovery system is installed and used during the transfer.

2. The provisions of Subsection C.1 shall not apply to:

   a. The transfer of gasoline from a stationary storage tank which is exempt from the provisions of Subsection B.1.

   b. An existing gasoline dispensing facility with an annual gasoline throughput from tanks other than those described in Subsections B.2.a, b, c, and d of less than 240,000 gallons during the calendar year prior to January 10, 1989. If during any calendar year thereafter the gasoline throughput at the facility equals or exceeds 240,000 gallons, this exemption shall cease to apply, regardless of Subsection C.2.c, commencing with the first day of the following calendar year.

   c. An existing dispensing facility until the time of tank replacement regardless of Subsection C.2.b.

3. No owner or operator shall use or permit the use of any Phase II system or any component thereof containing a defect identified in Title 17, California Code of Regulations, Section 94006 until it has been repaired, replaced, or adjusted, as necessary to remove the defect.

4. All vapor recovery equipment shall be maintained in good working order and shall be leak free, except for the connection between the Phase II vapor recovery nozzle faceplate and the motor vehicle fill pipe during vehicle refueling.

5. The operator of each retail facility using a Phase II vapor recovery system shall conspicuously post operating instructions, the Air Resources Board toll-free telephone number for complaints and the District Office telephone number in the immediate gasoline dispensing area.

6. All Phase II vapor recovery system gasoline dispensing nozzles shall be equipped with a hold-open latch except where prohibited by law or the local fire marshall.

D. RECORDKEEPING REQUIREMENTS.

1. Any person wishing to maintain an exemption from the provisions of Section C of this Rule based on throughput shall keep monthly throughput records to substantiate that exemption. Records shall be made available to the Air Pollution Control Officer upon request and shall be maintained for a period of two (2) years.

E. COMPLIANCE SCHEDULES. For purposes of this Rule, the following compliance schedules shall apply:

1. The owner or operator of any new gasoline dispensing facility subject to the provisions of Section C, shall comply with the following schedule:

   a. For Authorities to Construct issued on or prior to October 10, 1990:

      1) Complete installation of the Phase II vapor recovery plumbing at the time gasoline is first dispensed at the facility.

      2) Be in full compliance with the provisions of Section C no later than January 10, 1991.

   b. For Authorities to Construct issued subsequent to October 10, 1990, be in full compliance with the provisions of Section C at the time that gasoline is first dispensed at the facility.

2. The owner or operator of an existing gasoline dispensing facility undergoing tank replacement shall comply with the following schedule:

   a. For Authorities to Construct issued on or prior to October 10, 1990:

      1) Complete installation of the Phase II vapor recovery plumbing at the completion of that tank replacement.

      2) Be in full compliance with the provisions of Section C no later than January 10, 1991.

   b. For Authorities to Construct issued subsequent to October 10, 1990, be in full compliance with the provisions of Section C at the completion of that tank replacement.

3. The owner or operator of an existing gasoline dispensing facility subject to the provisions of Section C as of January 10, 1989 shall comply with the following schedule:

a. Apply for an Authority to Construct to install the equipment required by Section C no later than April 10, 1990.

b. Complete installation of the Phase II vapor recovery plumbing at the time all underground work is finished.

c. Be in full compliance with the provisions of Section C no later than January 10, 1991.

4. The owner or operator of a gasoline dispensing facility, previously exempt from the provisions of Section C by virtue of the facility's throughput, shall comply with the following schedule:

a. Apply for an Authority to Construct to install the equipment required by Section C no later than 15 months following the calendar year in which the facility was no longer exempt.

b. Be in full compliance with the provisions of Section C no later than 24 months following the calendar year in which the facility was no longer exempt.

RULE 501. GENERAL BURNING PROVISIONS

A. Open Burning

No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire within the District except as follows:

1. A fire set by or permitted by a public officer, if such fire has been authorized by the Control Officer and is in the performance of the official duty of such public officer, and such fire in the opinion of such public officer is necessary for any of the following:

   a. For the purpose of the prevention of a fire hazard which cannot be abated by any other reasonable means;

   b. The instruction of public employees in the methods of fighting fires.

2. Fires permitted by the Control Officer on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

3. Fires authorized for agricultural burning for disposal of agricultural waste, as defined in Rule 105, Subsection A.2, and pursuant to Rule 502.

4. Fires permitted by the Control Officer related to the use of farm equipment in agricultural operations.

5. Any other fire permitted by the Control Officer for the performance of official duty of any public official, if such permission is given for the purpose of right-of-way clearing by a public entity or utility, levee, reservoir, and ditch maintenance, or the prevention of a fire hazard, which fire is, in the opinion of such official, necessary. Such authorization shall be predicated upon guidelines for meteorological data promulgated by the Air Resources Board of the State of California establishing the conditions of burning.

6. The burning of dry leaves, weeds, shrubbery and dry tree prunings by occupants of one or two-family dwellings shall be permitted at designated times throughout the year subject to strict control by public fire protection agencies. This shall be effective in all areas of the County where City or other Local Ordinance does not prohibit such burning.

8. Fires used only for cooking of food for human beings or for recreational purposes.

9. Any fire if it can be demonstrated that nothing but carbon dioxide, nitrogen dioxide or water vapor is emitted under all operating conditions.

10. Use of backfires to save life or valuable property pursuant to the Public Resources Code, Section 4426.

11. The abatement of fires pursuant to Chapter 2, (commencing with Section 13205) of Part 1 of Division 12 of the Health and Safety Code.

RULE 115 COMBUSTION OPERATIONS (in place of 501.B)

Incinerator Burning: A person shall not burn any combustible refuse in any incinerator in any Urban Area as defined in Section 2.04.160 of the San Luis Obispo County Code, except in multiple-chamber incinerators as described in Subsection 24a of Rule 100 or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

RULE 502. AGRICULTURAL BURNING

A. 1. No person shall set, permit, cause to be set, or allow, or maintain any open outdoor fire for the purpose of agricultural burning, unless he has a valid agricultural burning permit issued by a designated agency.

2. No permittee shall conduct agricultural burning unless such burning is in compliance with all State laws or regulations, applicable fire code provisions, and the provisions of this Rule.

3. The Agricultural Commissioner may authorize agricultural burning by a permittee for the purpose of disease and pest prevention related to an agricultural operation. Such authorization shall be in writing to the Control Officer and the permit issuing agency.

B. It shall be unlawful for any person (including, but not limited to, permittees) to conduct burning of agricultural waste unless such person complies with each of the following:

1. Agricultural burning shall take place only on days permitted by public fire protection agencies.

2. The following materials shall not be burned in agricultural burning: shop wastes, construction or demolition debris, oil filters, tires, tar paper, plastic, buildings, wastes resulting from conversion of farm land to non-agricultural purposes, or anything not conforming to the definitions of agricultural waste, range improvement burning, forest management burning.

C. Preparation of Materials

1. Agricultural waste and forest debris shall be reasonably free of dirt and soil, and shall be reasonably free of visible surface moisture.

2. Agricultural waste and forest debris shall be arranged so as to burn with a minimum of smoke, or shall be loosely piled or wind-rowed to allow maximum drying prior to burning. Forest debris is to be so prepared unless contrary to good silvicultural practice.

3. Range improvement burning: Brush to be burned shall be brush treated at least six months prior to the burn unless brush treatment will cause irrecoverable damage expense or brush treatment is technically unfeasible.

For the purposes of this Subsection, "technical unfeasibility" shall mean: (a) that the burn site cannot be reached by treatment equipment or methods; or (b) that there are unavoidable physical obstacles; or (c) that brush treatment may cause erosion because of slope or soil type; or (d) trees intended to be saved would be destroyed because of brush treatment; or (e) an insignificant reduction of air contaminants would be achieved

by brush treatment. Unwanted trees of over six inches in diameter shall be felled and dried for minimum periods specified below in Subsection D.1 of this Rule.

D. Drying Times

1. Except as provided in Subsection C.3 of this Rule, any materials to be burned as agricultural waste, or in range improvement burning, must be dried prior to burning for the minimum periods listed below:

-Six (6) weeks for trees and large branches;
-Three (3) weeks for prunings and small branches;
-Ten (10) days for wastes from field crops.

These periods shall be the time between day of dying or cutting and the day of burning.

2. Any material to be burned in forest management burning must be dried prior to burning for the minimum periods specified by the permit issuing agency.

E. Regulation of Total Tonnage

Range improvement burning shall be limited to 2,000 acres for a single burn on any one day; provided, however, that the designated agency having jurisdiction may increase this acreage to establish an effective perimeter for fire control.

F. Time Limits

Burning of agricultural waste, or forest management burning, may commence at any time after the announcement of a burn-day by the Air Resources Board, but in no case shall it commence before sunrise. No additional waste or other material for burning, or ignition fuel, shall be ignited or added to any fire after two hours before sunset for any agricultural burning unless required for safety reasons by a designated fire control agency.

h. Wind directions (from Rule 117)

The wind direction at the burning site shall be such that the smoke will not cause a nuisance in a populated area.

H. Ignition Devices and Methods

1. The materials to be burned shall be ignited only by the use of ignition devices approved by the Air Pollution Control Officer. Tires, tar paper, plastics, dirty oils, or similar materials shall not be used. Ignition devices must comply with the provisions of Rule 401.

2. Agricultural burns shall be ignited as rapidly as practicable within applicable fire control restrictions.

I. Permissive Burn or No-Burn Days

No person shall conduct agricultural burning on days designated as no-burn days by the State Air Resources Board, except as provided below in Subsection J of this Rule. The State Air Resources Board will designate each day as a permissive burn or no-burn day.

1. Upon request from a permittee through a designated agency, made seven days in advance of a specific range improvement burn, or forest management burn below 3,000 feet (MSL), a permissive burn or no-burn notice will be issued by the State Air Resources Board up to 48 hours prior to the date of the scheduled burn. Without further request, a daily notice will continue to be issued until a permissive burn notice is issued.

2. A permissive burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in Subsection I.1 of this Rule.

Rule 117 AGRICULTURAL BURNING (in place of 502.J)

4. Agriculture burning shall be subject to the following conditions:

a. Agricultural burning is permitted only on days designated as burn days by the State Air Resources Board, except as otherwise provided herein below. Such designations will be announced at 0745 daily, together with a prediction for the next 24 hours, and are based on meteorological measurements. A day may be designated as a no-burn day.

The Air Pollution Control Officer may, by permit, authorize burning of agricultural waste on days designated as no-burn days, by the Air Resources Board, because denial of such permit would threaten imminent and substantial economic loss, as determined and certified by the Agricultural Commissioner.

A person seeking an agricultural burning permit on a no-burn day shall apply for such a permit both to the Air Pollution Control Officer and the Agricultural Commissioner. The Agricultural Commissioner shall certify in writing that denial would threaten imminent and substantial economic loss. Written certification may follow verbal certification.

K. Restrictions on Total Tonnage

No permittee shall conduct, or cause to be conducted, any agricultural burning in violation of the Control Officer's restrictions when the Control Officer has restricted use of the permittee's permit as stated hereinafter in this Section K. All agricultural burning permits will be issued with sequential numbers. The Control Officer may restrict agricultural burning to odd or even numbered permits on specified days. The goal of this option is to ensure that a major portion of the total tonnage of agricultural materials is not ignited at one time.

L. Wildlife and Game Habitat

No person shall be granted an agricultural burning permit for range improvement burning where such burning is primarily for improvement of land for wildlife and game habitat, unless he has first filed with the Control Officer a statement from the Department of Fish and Game certifying that the burn is desirable and proper for the improvement of land for wildlife and game habitat.

M. Authorization for Agricultural Burning

No person shall be granted an agricultural burning permit for a range improvement, or forest management burn which involves material from more than five (5) acres, unless he has first filed an application for permit to burn from the designated agency at least 14 days prior to the intended burn date. A copy of this application will be sent promptly to the Control Officer by the designated agency.

N. Burn Reports

A permittee or applicant for an agricultural burning permit shall supply all information requested on the agricultural burning permit form or by the agency issuing the permit and shall make reports of dates of burning and type and amount of wastes burned as required by the Control Officer.

RULE 117 AGRICULTURAL BURNING (in place of 502.O)

6. Exceptions. The following are exceptions to this Rule 117

(a) Burning of agricultural waste at 4,000 feet or more above mean sea level.

(b) Burning of agricultural waste at areas 2,000 feet or more above mean sea level, in that portion of the District located south of 35^0 30'N latitude, east of 120^0 7.5'W longitude, and north of 35^0 00' latitude.

P. Revocation

The issuing designated agency or the Control Officer may revoke an agricultural burning permit if it is found that the permit conditions, any State or Federal laws, or the provisions of this Rule have been violated. The designated agency or the Control Officer shall notify the permit holder in writing of the revocation and the reasons therefore. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States post office, or a mail box, sub-post office, substation, or mail chute, or other like facility.

Q. Appeal

Within ten (10) days after service of notice of revocation specified in Subsection P above, the permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the Control Officer or the designated agency.