

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 101 Title.

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

RULE 102 Definition

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

Air Contaminant or Pollutant. Any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Tuolumne County.

Allowable Emissions. The emission rate calculated using the maximum design capacity of the source unless the source is subject to Permit to Operate conditions which limit the operating rate or hours of operation, or both, which is the most stringent of applicable emission limitations contained in these Rules and Regulations or the emission rate, if any, specified as a Permit to Operate condition.

Alteration. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.

A.R.B. The California Air Resources Board, or any person authorized to act on its behalf.

Atmosphere. The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emissions into the building shall be considered to be an emission into the atmosphere.

Attainment Pollutant. A criteria pollutant in an Air Pollution Control District or sub-District zone designated by the Environmental Protection Agency as an attainment area or unclassified area for such pollutant.

Baseline Concentration. The ambient concentration level reflecting actual air quality as monitored or modeled as of (1) January 1, 1981, minus any contribution from major stationary facilities and major modifications on which construction commenced on or after January 5, 1975, for attainment pollutants; and (2) the date an application for an Authority to Construct is deemed complete by the Air Pollution Control Officer for nonattainment pollutants.

Best Available Control Technology. An emission limitation, based on the maximum degree of reduction for a criteria pollutant or precursor which would be emitted from any source or modification which the Air Pollution Control Officer, on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable for such source or modification through application of production processes or available control methods, systems, and techniques, for such pollutant. In no case shall application of best available control technology result in emissions of any pollutant or precursor which would exceed the emissions allowed by 40 CFR Part 60 and 61. If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement technology to a particular class of sources would make the imposition of an emission

standard infeasible, he may instead prescribe a design equipment, work practice or operations standard, or combination thereof. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

Board. The Tuolumne County Air Pollution Control Board.

Breakdown Condition. An unforeseeable failure or malfunction of (1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by State law, or (2) any in-stack continuous monitoring equipment, where such failure or malfunction:

- A. Is not the result of neglect or disregard of any air pollution control law or rule or regulation; and
- B. Is not intentional or the result of negligence; and
- C. Is not the result of improper maintenance; and
- D. Does not constitute a nuisance; and
- E. Is not a recurrent breakdown of the same equipment.

Combustion Contaminant. Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or combined state.

Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after the volatilization from the molten liquid state, or generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

Criteria Pollutant. An air pollutant regulated by a national ambient air quality standard contained within 40 CFR Part 50.

District. Is the Air Pollution Control District of Tuolumne County.

Dust. 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, or other similar processes.

Emission. The act of releasing or discharging air contaminants into the ambient air from any source.

Emission Data. Are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Production data used to calculate emission data are not emission data.

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

Facility. Any source or collection of sources of air contaminants which are located on one or more contiguous or adjacent properties within the District and which is owned, operated, or under shared entitlement to be used by the same person. Items of air contaminant emitting equipment shall be considered aggregated into the same facility and items of non-air contaminant emitting equipment shall be considered associated with air contaminant emitting equipment only if:

- A. The operation of each item of equipment is dependent upon, or affects the process of, the others; and
- B. The operation of all such items of equipment involves a common raw material or product.

Federal Land The Secretary of the United States Department with authority over applicable federal lands,

Manager. his authorized representative, or the President of the United States.

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

Fossil Fuel-Fired Generator. Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.

Fugitive Dust. Solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, as a direct result of operation of a facility.

Hearing Board The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.

Incineration. An operation in which combustion is carried on for the principal purpose, or with the principal result of, oxidizing a waste material to reduce its bulk or facilitate its removal.

Incinerator. Means any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.

Installation. The placement, assemblage, or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.

Institutional Facility. Means any hospital, boarding home, school, or like facility.

Lowest Achievable Emission Rate. For any source, the most stringent of:

- A. The most effective emission limitation which the Environmental Protection Agency certified is contained in the implementation plan of any state approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation is not achievable; or
- B. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or
- C. Any other emission control technique found, after public hearing, by the Air Pollution Control Officer to be technologically feasible and cost effective for such class or category of sources or for a specific source.

In no event shall the application of lowest achievable emission rate allow for emissions in excess of those allowable under 40 CFR Part 60.

Major Facility. Any facility which actually emits or has the potential to emit, when operating at maximum design capacity, 100 tons per year or 1000 pounds per day, or more, or a criteria pollutant or precursor.

Major Modification. Any modification of a facility which increases the actual emission or potential to emit a criteria pollutant or precursor by 100 tons per year or 1000 pounds per day or more. Emission increases shall include all accumulated increases in actual emissions or potential to emit at the facility since January 1, 1981, or since the date of issuance of the most recent Authority to Construct for initial construction or major modification of the facility.

Modification. Any physical change in, change in method of operation of, or addition to an existing stationary source, except that routine maintenance or repair shall not be considered to be a physical change. A change in the method of operation, unless previously limited by a Permit to Operate condition, shall not include:

- A. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.

- B. An increase in the hours of operation.
- C. A change in ownership of a source.

Multiple-Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.

Nonattainment Pollutant. A criteria pollutant in an air pollution control district or sub-district zone designated by the Environmental Protection Agency as a nonattainment area for that pollutant.

Operation. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of a material.

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

Owner or Operator. Means any person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.

Particulate Matter. Is any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.

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

Potential to Emit. The quantity of emissions that a source is capable of emitting at maximum design capacity calculated on the assumption that air pollution control equipment incorporated into the design of the source will function in the manner reasonably anticipated when the calculation is made.

ppm. Parts per million by volume expressed on a dried gas basis.

Precursor. A directly emitted pollutant that, when released into the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant which is a criteria pollutant. The following precursor-pollutant transformations shall be included in the determination of secondary pollutant concentrations: non-methane hydrocarbons - ozone; nitrogen oxides - nitrogen dioxide; sulfur oxides - sulfur dioxide.

Process Weight Per Hour. The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause discharge into the atmosphere. Solid fuels charged will be considered as 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 the equipment is idle.)

Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by the District, except "trade secrets" as defined in [Rule 514.C](#), Regulation V.

Record. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.

Resource Recovery Facility. Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Energy conversion facilities must utilize solid waste to provide more than 80% of the heat input to be considered a resource recovery facility.

Secondary Emissions. Emissions within the District from (1) all cargo carriers, excluding motor vehicles as defined in the Vehicle Code, which load or unload at a facility, and (2) all off-site support facilities which would be constructed as a result of construction or modification of a facility.

Section. As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the Health and Safety Code.

Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.

Source. Any machine, equipment, apparatus, device, process, or combination thereof, which emits, or may emit air contaminants to the atmosphere through a common duct or vent to a single emission point.

Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials, or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel, and (b) is not an air pollutant abatement operation.

Standard Conditions. As used in these regulations, "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 analysis and tests shall be calculated and reported at this gas temperature and pressure.

Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

Temporary Source. Any source or activity causing emissions which operates within a single air pollution control district for less than two (2) years in any ten (10) year period, including, but not limited to, pilot plants, portable facilities and construction activities.

Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 201 District-Wide Coverage.

Prohibitions as set forth in this Regulation, shall apply in all portions of the Tuolumne County Air Pollution Control District unless otherwise stated.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 202 Visible Emissions.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

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

Rule 203 Exceptions.

The provisions of Rule 202 do not apply to:

- A. Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - 1. for the purpose of the prevention of a fire hazard (or health hazard as determined by the Health Officer) which cannot be abated by any other means, or
 - 2. the instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- B. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.
- C. Open outdoor fires used for recreational purposes or for cooking of food for human consumption.
- D. The use of an experimental device, system, or method to study or research open burning authorized by Section 41707 and 41805 (b) of the Health and Safety Code and these Rules and Regulations.
- E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.
- F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.
- G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.
- H. Orchard or citrus heaters that are on the approved list published by the State Air Resources Board.
- I. The governing board of the district may by Rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of Rule 202 do not apply to smoke from fires set pursuant to such permit.
- J. Smoke emissions from tepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues with supplemental fossil fuels, and burners used to produce energy and fired with such fuels, when such emissions result from startup or shutdown of the combustion process or from the malfunction of emissions of control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

Rule 204 Wet Plumes.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 202 that Rule shall not apply. The burden of proof which establishes the application of this Rule shall be upon the person seeking to come within its provisions.

Rule 205 Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons, or to the public, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

Exception: The provisions of Rule 205 do not apply to odors emanating from agriculture operations necessary for the growing of crops or raising of fowl or animals.

Rule 206 Incinerator Burning.

Except for the burning of residential rubbish, as defined in Rule 102, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Tuolumne County Air Pollution Control District except in a multiple-chamber incinerator as defined in Rule 102 or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

Pathological Incineration. A person shall not burn any pathological waste in any incinerator within the boundaries of the Tuolumne County Air Pollution Control District unless all gases, vapors, and gas-entrained effluents from such an incinerator are:

- A. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, or
- B. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (A) above.

For the purpose of this Rule, "Pathological Waste" is defined as including, but not limited to, human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction, disease control or burial preparation.

Rule 207 Particulate Matter.

A person shall not release or discharge into the atmosphere from any source or single processing unit, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

Rule 208 Orchard or Citrus Heaters.

- A. No person shall use any orchard or citrus heater unless it has been approved by the ARB or does not produce more than one (1) gram per minute of unconsumed solid carbonaceous material.
- B. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment, and proper operation of the orchard heaters.
- C. It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or other substance containing rubber, or to burn oil or other combustible substances in drums, pails, or other containers except orchard heaters.

2/22/75

RULE 210

Sulfur Emissions. A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any sulfur combination thereof, exceeding in concentration at the point of discharge:

a) Sulfur compounds calculated as sulfur dioxide (SO₂) 0.2 percent, by volume.

b) Total reduced sulfur: Pending further investigation into a rule which will be applicable to the Mountain Counties Air Basin.

7/22/75

RULE 211 Process Weight Per Hour. A person shall not discharge into the atmosphere from any source operation particulate matter in excess of that allowed on the table in RULE 212.

Rule 212 Process Weight Table.

**ALLOWABLE RATE OF EMISSION
BASED ON**

PROCESS WEIGHT RATE

Process Weight Rate	Emission Rate
Lbs/Hr.	Lbs/Hr.
50	0.4
100	0.6
500	1.5
1,000	2.3
5,000	6.3
10,000	9.7
20,000	15.0
60,000	29.6
80,000	31.2
120,000	33.3
160,000	34.9
200,000	36.2
400,000	40.4
1,000,000	46.8

Interpolation of the data for the process weight rates up to 60,000 lbs/hr. shall be accomplished by the use of the following equation:

$$E=3.59 p^{0.62}$$

P is less than or equal to 30
tons/hr.

and interpolation or extrapolation of the data for process weight rates in excess of 60,000 lbs/hr. shall be accomplished by use of the equation:

$$E=17.31 p^{0.16}$$

P is greater than 30 tons/hr.

Where:

E=Emission in pounds per hour.

P=Process weight in tons per hour.

2/10/77

R.H.F. 213 Storage of Petroleum Products.

- A.
1. Except as provided in subdivision (2), no person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe, unless such tank is a pressure tank, or is equipped with a vapor recovery system, or with a floating roof, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the Air Pollution Control Officer.
 2. Subdivision (1) shall not apply to any stationary tanks installed prior to December 31, 1970.
 3. Subdivision (1) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, (as such vehicles defined in Division 16 (commencing with Section 36000) of the Vehicle Code.)
 4. For the purpose of this Rule, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 5. For the purpose of this Rule, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
 6. A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
 7. A "vapor recovery system" consists 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, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.
 8. A "floating roof" consists 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. This control equipment shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

- B. 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, (or equipped with a vapor recovery system, or a floating roof as described in subsection (A) of this rule, or other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.

Rule 214 Reduction of Animal Matter.

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:

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

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure, or other operating conditions.

For the purpose of this Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

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

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 215 Abrasive Blasting.

By reference Title 17, Subchapter 6, of the California Administrative Code shall apply.

2/15/79

RULE 217 Existing Sources. In any case where Regulation II imposes standards different than the standards applicable to an existing source of emissions (on day before adoption of new Regulation 1974), and the source of emissions was in compliance, under variance, or authority to construct, with the less restrictive standards applicable on such date, then the source shall remain in compliance with such Rule, until modified as described below or until July 1, 1984, whichever occurs first. In no event is any modification to cause an increase in emissions over that being emitted prior to such modification.

"Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a rule applies) emitted by such facility of which results in the emission of any air pollutant (to which a rule applies) not previously emitted, except that:

- A. Routine maintenance, repair, and replacement shall not be considered physical changes, and
- B. The following shall not be considered a change in the method of operation:
 - 1. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;
 - 2. An increase in hours of operation.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 218 Compliance Tests.

Except as otherwise provided in these Rules and Regulations, performance tests undertaken to determine compliance of sources with Regulation II shall comply with the provisions of CFR 40, Part 60, Appendix A except that Method 5 shall be modified to include the impinger train.

RULE 300 GENERAL DEFINITIONS

- A. **Agricultural Operation.** As defined for open burning; the growing and harvesting of crops, or the raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution, and includes the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation. Agricultural operations include forest management, range improvement, wildland vegetation management, or disease or pest prevention. (Section 39011)
- B. **Agricultural Wastes.** As defined in open burning:
 - 1. Unwanted or unsellable material produced wholly from agricultural operations.
 - 2. Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers are emptied in the fields, except as prohibited in this Regulation. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, waste oil, etc.(Title 17,80100)
- C. **APCD.** The Air Pollution Control District of Tuolumne County.
- D. **APCO.** The Air Pollution Control Officer of the Air Pollution Control District of Tuolumne County, or designated representative.
- E. **Approved Ignition Devices.** Those instruments or materials that will ignite open fires without the production of black smoke, including such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material as approved by the APCO. Tires, tar, tar paper, oil and other similar materials are not approved.
- F. **ARB.** The California Air Resources Board, or any person authorized to act on its behalf.
- G. **Brush Treated** The material to be burned has been felled, crushed or uprooted with mechanical equipment, has been desiccated with herbicides, or is dead.
- H. **Designated Agency.** Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction. (Title 17,80100)
- I. **No-Burn Day.** Any day on which Agricultural burning is prohibited by the State board or by a District.
- J. **Open Out-Door Fire.** As used in this Regulation means: Combustion of any combustible material of any type, outdoors in the open air, where the product of combustion is not directed through a flue.
- K. **Permissive Burn Day.** Any day on which Agricultural burning is not prohibited by the State board.
- L. **Person.** Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
- M. **Prescribed Burning.** Prescribed Burning is defined in this rule as the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Section 39011.
- N. **Section.** As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the California Health and Safety Code.
- O. **Silviculture Practices.** The establishment, development, care and reproductive of stands of timber.
- P. **Timber operations.** The cutting or removal of timber or other forest vegetation.

RULE 302 Burning Permits

302.1 Requirements

- A. No person shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the APCO or a designated agency. (Section 41852).
- B. A permit shall not be issued unless information is provided as required by the APCO or a designated agency, including:
 - 1. Name and address of the applicant.
 - 2. Location of proposed burn.
 - 3. Acreage or estimated tonnage, and type of material to be burned.
 - 4. Any other information the APCO or the designated agency may deem pertinent.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "**THIS PERMIT IS VALID ONLY ON THOSE DAYS DURING WHICH AGRICULTURAL BURNING IS NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE.**" (Section 41854).
- D. The designated agency shall forward the permit information received from applicants to the APCO within 48 hours for permit review.
- E. A designated agency shall not issue an APCD permit to itself or to another designated agency.

302.2 Exception.

Residential and Recreational open burning as described in Rule 310.2 E and F are exempt from burning permits from the APCO. This does not exempt persons from permits required by other agencies in compliance with the Public Resources Code or other ordinances.

RULE 303 Burn or No-Burn Day

303.1 Prohibition.

No person required to comply with this Rule shall knowingly permit open outdoor fires on days when such burning is prohibited by ARB, the APCO, or the fire agency with appropriate jurisdiction.(Section 41854)

303.2. Permissive Burn or No-Burn Days.

- A. A notice as to whether the following day is a permissive-burn day, or no-burn day, or whether the decision will be announced the following day, shall be provided by the ARB by 3:00 p.m. daily for each of the air basins. If the decision is made by the following day it shall be announced by 7:45 a.m. Such notices shall be based on the Meteorological Criteria for Regulating Agricultural Burning, Article 3, Sections 80180 through 80320 of these Agricultural Burning Guidelines.
- B. Agricultural burning is prohibited on no-burn days, except as specified in Section 80102, subdivisions (d) and (e), and as may be permitted by a provision in an implementation plan adopted pursuant to Section 80150(c)(5).
- C. Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement burn, forest management burn, or wildland vegetation management burn, at any elevation below 6,000 ft. (msl), a permissive-burn or no-burn notice will be issued by the ARB up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.
- D. Notwithstanding subdivision (c) of Section 80110, the ARB may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.
- E. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in subdivision (c) of Section 80110.

303.3 Exception. The APCO may issue a special permit to authorize the use of open outdoor fires on No-Burn Days, when denial of such a permit would threaten imminent and substantial economic loss. In authorizing such burning a District shall limit the amount of acreage which can be burned in any one day and only authorize burning downwind of metropolitan areas forecasted by the Air Resources Board to achieve the ambient standards. (Section 41862)

RULE 304 Burning Management Requirements

Title 17, 80150

- A. Material to be burned shall be arranged so that it will burn with a minimum of smoke.
- B. Except for large trees (diameter of six or more inches), only the amount that can be reasonably expected to completely burned within the following twenty-four hours shall be ignited in any one day.
- C. All outdoor fires shall be ignited only with approved ignition devices.
- D. Material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
- E. Mitigating measures shall be taken when smoke is drifting into a nearby populated area or creating a public nuisance.
- F. No material shall be burned unless it is free of tires, rubbish, tar paper, plastic, demolition and construction debris; is reasonably free of dirt, soil, and moisture; and is loosely stacked in such a manner to promote drying and insure combustion with a minimum of smoke.
- G. Any other conditions that the APCO may deem pertinent.

RULE 305 Minimum Drying Times

305.1 **Requirements.** As specified in Title 17, 80160; to lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

- A. A minimum of three days for green straw and stubble.
- B. Sufficient time for agricultural waste such as orchard prunings, small branches, vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- C. A minimum of six weeks for trees, stumps, and large branches greater than six inches in diameter.
- D. A minimum of 6 months, if economically and technically feasible for brush. (Applicable to Range Improvement Burning only.)
- E. Material to be windrowed and piled when required. (Applicable to Forest Management Burning only.)

305.2 Exception The APCO may, by permit, authorize shorter drying times if the denial of such a permit would threaten imminent and substantial economic loss.

RULE 306 Agricultural Burning

306.1 Definition Agricultural Burning is defined in this rule as any open outdoor fire used in agricultural operations or in operation or maintenance of a water delivery system for agricultural operations. Burning of material other than material produced from an agricultural operation is not allowed by this rule.

306.2 Agricultural Burning Requirement

- A. Agricultural burning is allowed by complying with the following Rules:
 - 1. Rule 302 Burning Permit
 - 2. Rule 303 Burn or No-Burn Day
 - 3. Rule 304 Burning Management
 - 4. Rule 305 Minimum Drying Times
- B. Burning conducted by a Public Agency or through a cooperative agreement or contract involving a public agency, shall comply with Rule 307, instead of this Rule.
- C. No burning shall be conducted for the improvement of land for wildlife or game wildlife or game habitat until the person who desires to conduct the burning files with the APCO a written statement from the Department of Fish and Game that certifies that the burning is desirable and proper. If the Department of Fish and Game wishes to conduct the burn itself, it shall, on its own behalf, issue and file the statement. (Section 41861)

306.3 Exception

The burning of empty sacks or containers which contained pesticides or fertilizers is exempt from 306.2, provided that the sacks or containers are within the definition of Agricultural Waste, Rule 300 (B).(Title 17, 80100)

RULE 307 Wildland Vegetation Management Burning

307.1 Wildland Vegetation Management Burning is defined in this rule as the use of prescribed burning conducted by a public agency or through a cooperative agreement or contract involving a public agency to burn land predominately covered with chaparral (as defined in the California Administrative Code, Title 14, Section 1561.1), trees, grass or standing brush.

307.2 Wildland Vegetation Management Burning Requirements

This rule applies to all burning which meets the definition as stated in Rule 307, regardless of whether such burning also meets another definition within this regulation.

- A. The APCO may regulate total acreage or tonnage that may be burned each day within the district.
- B. The APCO may regulate burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedence of a state or federal ambient air quality standard or cause a public nuisance.
- C. All open outdoor fires shall be ignited as rapidly as practicable with the applicable fire control restrictions and only with approved ignition devices as defined in Rule 300.E.
- D. Vegetation burned under this rule shall be free of tires, rubbish, tar paper or construction debris, and reasonably free of dirt and soil.
- E. Vegetation will be in a condition to facilitate combustion and minimize the amount of smoke emitted during combustion.
- F. Wildland Vegetation Management burning must comply with the requirements:
 1. Rule 302 Burning Permit
 2. Rule 303 Burn or No-Burn Day
 3. Rule 307.3 Burn Plan

307.3 Burn Plan

The following information will be provided to the APCO for review and approval at least 14 days in advance of the proposed burn:

- A. Location and specific objectives of the proposed burn.
- B. Acreage or tonnage, type, and arrangement of vegetation to be burned.
- C. Directions and distance to nearby sensitive receptor areas.
- D. Fuel condition, and combustion and meteorological prescription elements developed for the project.
- E. Projected schedule and duration of project ignition, combustion and burn down.
- F. Specifications for monitoring and verifying critical project parameters.
- G. Specification for disseminating project information.
- H. Other information requested by the APCO.

307.4 Exceptions

- A. The APCO may exempt project burns smaller in area or tonnage than threshold levels established by the District.
- B. The APCO may exempt projects located in zones as established by the District.

RULE 308 Forest Management Burning

308.1 Forest Management Burning

The use of open outdoor fires, in forest management, for forest debris removal or for timber operation, silvicultural or forest protection practices.

308.2 Forest Management Burning is allowed by complying with the following Rules:

- A. Rule 302 Burning Permit
- B. Rule 303 Burn and No-Burn Day
- C. Rule 305 Minimum Drying Times
- D. Rule 307.2 Wildland Vegetation Management Burning Requirements
- E. Rule 307.3 Burn Plan
- F. Rule 307.4 Exceptions

RULE 309 Range Improvement Burning

309.1 Range Improvement Burning is defined as 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.

309.2 Range Improvement Burning is allowed by complying with the following Rules:

- A. Rule 302 Burning Permit
- B. Rule 303 Burn and No-Burn Day
- C. Rule 305 Minimum Drying Times
- D. Rule 307.2 Wildland Vegetation Management Burning Requirements
- E. Rule 307.3 Burn Plan
- F. Rule 307.4 Exceptions

309.3 Range Improvement Burning if done primarily for wildlife and game habitat must also comply with Rule 306.2 (C), Fish & Game Certification.

RULE 310 Miscellaneous Burning

310.1 Prohibition

Except as otherwise provided in this Regulation, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, plastics, construction or demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies. (Section 41800)

310.2 Exceptions

A. Land Development Clearing

1. The APCD finds it more economically desirable to dispose of wood waste from trees, vines, and bushes on property being developed for commercial or residential purposes by burning instead of burial at a sanitary landfill.
2. This material shall be allowed for disposal by burning in compliance with the following Rules:
 - a. Rule 302 Burning Permit
 - b. Rule 303 Burn and No-Burn Day
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Times
3. Any other required permits as issued by other agencies shall be obtained and shall be valid.

B. Ditch and Road Maintenance

1. The use of open outdoor fires for right-of-way clearing by a public entity, or utility, or for levee, ditch, or reservoir maintenance shall be allowed in compliance with the following Rules:
 - a. Rule 302 Burning Permit
 - b. Rule 303 Burn and No-Burn Day
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Times
2. Any other required permits as issued by other agencies shall be obtained and shall be valid.

C. Hazard Reduction

1. The burning of vegetation such as, vines, bushes and waste from trees produced by fire safe clearing on property where grown will be allowed when this burning is done in compliance with State and local law ordinance to reduce a fire hazard. (Section 41802)
2. The burning shall be done in compliance with the following rules:
 - a. Rule 302 Burning Permit
 - b. Rule 303 Burn and No-Burn Day
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Times
3. Any other required permits as issued by other agencies shall be obtained and shall be valid.
4. If a fire officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life, or property, or where other authorized officials determine that a health hazard exists and that there is no alternative to burning, all other provisions of this Regulation shall be waived.

D. Fire Suppression and Training

Nothing in these Rules and Regulations shall be construed as limiting the authority of any public fire official granted under provisions of law to:

1. Set or permit a fire when such fire is, in his opinion, necessary for the instruction of public employees, and/or volunteer firemen, or on property used for industrial purposes, when instructing employees in the methods of fighting fires.
2. The burning shall be done in compliance with Rule 302, Burning Permit Requirements, and prior approval of the APCO.
3. Set or cause to be set backfires necessary to save lives, or valuable property pursuant to Section 4426 of the Public Resources Code. (Section 41801)

E. Residential Maintenance.

The burning of residential rubbish, that which originates from a single or two family dwelling, limited to untreated wood, paper, cardboard, tree trimmings, leaves, lawn clippings, and plants shall be allowed under the following conditions:

1. Burning shall be allowed only on the premises where the material originated.
2. Burning is allowed by complying with the following Rules:
 - A. Rule 303 Burn and No-Burn Day
 - B. Rule 304 Burning Management
 - C. Rule 305 Minimum Drying Times
3. Any other required permit as issued by other agencies shall be obtained and shall be valid.

F. Recreational Activity

The use of open outdoor fires in recreational activities shall be allowed under the following conditions:

1. Material to be burned shall be limited to charcoal, untreated wood, or cooking fuels.
2. Burning shall be managed in compliance with Rule 304. Burning Management.
3. Any other required permit as issued by other agencies shall be obtained and shall be valid.

G. Mechanized Burner Requirements

The APCO may authorize, by permit, open outdoor fires for the purpose of disposing agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged for a period or periods aggregating more than 30 minutes in any eight hour period which is:

1. As dark or darker in shade as that designated No.1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection A of these rules.

In authorizing the operation of a mechanized burner, the APCO may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Regulation. (Section 41812)

6-30-72

RULE 407 Specific Contaminants A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

- a. Sulfur compounds calculated as sulfur dioxide (SO₂) ✓
0.2 percent, by volume.
- b. Combustion contaminants: 0.1 grain per cubic feet of ✓
gas calculated to 12 percent of carbon dioxide (CO₂)
at standard conditions. In measuring the combustion
contaminants from incinerators used to dispose of com-
bustible refuse by burning, the carbon dioxide (CO₂)
produced by combustion of any liquid or gaseous fuels
shall be excluded from the calculation to 12 percent
of carbon dioxide (CO₂).

6/30/72

RULE 408 Fuel Burning Equipment A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);
2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);
3. 10 pounds per hour of combustion contaminants as defined in Rule 102h and derived from the fuel.

For the purpose of this rule, "fuel burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of 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.

6/30/72

RULE 413 Organic Liquid Loading A person shall not load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the air pollution control officer.

Loading shall be accomplished in such a manner that all displaced vapor and air 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.

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 all 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 all 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 officer.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading facility", for the purpose of this rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

6/30/72

RULE 414 Effluent Oil Water Separators 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 system 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.

This rule shall not apply to any oil-effluent water separator use exclusively in conjunction 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.

6/30/72

RULE 422 - ARCHITECTURAL COATINGS

- (a) A person shall not sell or offer for sale or use in Tuolumne County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 410 (k).
- (b) A person shall not employ, apply, evaporate or dry in Tuolumne County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 410 (k).
- (c) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 410 (k).
- (d) For the purposes of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

6/30/72

RULE 423 - DISPOSAL AND EVAPORATION OF SOLVENTS

A person shall not during any one day dispose of a total of more than 1½ gallons of any photochemically reactive solvent, as defined in Rule 410 (k), or of any material containing more than 1½ gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

This Rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction on June 1, 1972. This Rule shall be effective for all other sources on June 1, 1972.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 501 Permit Required

Before any source may be operated, a Permit to Operate shall be obtained from the Air Pollution Control Officer. No Permit to Operate shall be granted either by an Air Pollution Control Officer or the Hearing Board for any source constructed without authorization as required in Regulation IV until the information required is provided to the Air Pollution Control Officer and such source is altered, if necessary, and made to conform to the standards set forth in Regulation IV and elsewhere in these Rules and Regulations.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 502 Exemptions to Rule 501.

The Air Pollution Control Officer may exempt from the requirements of Rule 501 any item of equipment specified in Rule 402, Exemptions to Rule 401.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 505 Conditional Approval.

The Air Pollution Control Officer may issue a Permit to Operate subject to conditions which will insure the compliance of any equipment within the standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under an Authority to Construct, or operation under a Permit to Operate, shall be deemed acceptance of all the conditions so specified.

Rule 507 Responsibility

The fact that a Permit to Operate for an article, machine, equipment or other contrivance described therein shall not be an endorsement of such article, machine, equipment or other contrivance; neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards would not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm or corporation to whom such Permit to Operate is issued shall be and remain responsible under these Rules and Regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the Permit to Operate, and the fact of issuance shall not be a defense to or mitigation of any charge of violation. Issuance of a Permit to Operate pursuant to these Rules and Regulations does not release the permittee of the responsibility of any and all other applicable permits and authorizations issued by other local governmental agencies.

Rule 508 Posting of Permit to Operate

A person who has been granted a Permit to Operate under this Regulation shall firmly affix such Permit to Operate, and approved facsimile or other identification approved by the Air Pollution Control Officer upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible in an accessible place on the premises or maintained readily available at all times on the operating premises. A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate.

Rule 510 Separation of Emissions

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point. The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points, unless the person responsible for the source operation establishes the correct total emitted quantity to the Air Pollution Control Officer's satisfaction.

Rule 511 Combination of Emissions.

- A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control Officer in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity, and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each source operation separately.
- B. If air contaminants from two or more source operations are combined and the emissions cannot be separated according to the requirements of Section A above, the Rules and Regulations shall be applied to combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

Rule 512 Circumvention

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 26 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violations involved are Section 41700 of the Health and Safety Code, or of Rule 205 of these Rules and Regulations.

Rule 513 Source Recordkeeping

The owner or operator of any stationary source shall, upon notification from the Air Pollution Control Officer, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures. The Air Pollution Control Officer may require that such records be certified by a professional engineer registered in the State of California. Such studies shall be made at the expense of the person causing the emissions.

The information recorded shall be summarized and reported to the Air Pollution Control Officer, on forms or formats as required by the Air Pollution Control Officer, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, or other periods as may be specified by the Air Pollution Control Officer.

Information reported by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

Rule 514 Public Records and Trade Secrets.

- A. All information, analysis, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which will be produced by any source which the District requires any applicant to provide before such applicant builds, alters, replaces, operates, sells, rents, or uses such source, are public records.
- B. All air quality or other pollution monitoring data, including data compiled from stationary sources, are public records.
- C. Except as otherwise provided in Section D below, 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, process, tool mechanism, compound, procedure, production rate, or compilation of information 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. The owner or operator shall state in writing his justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the Air Pollution Control Officer to readily identify the information requested.
- D. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Section C above, are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

Rule 515 Provision of Sampling and Testing Facilities.

The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any source, 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:

- A. Provide to the Air Pollution Control Officer data on process and production rate, and techniques, flow diagrams, descriptions of basic equipment and control equipment, rates of emissions and other information which the Air Pollution Control Officer may require.
- B. Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant, in writing, of the required size, number and location of sampling holes, the size, and location of the sampling platform, All utilities shall be constructed in accordance with the general industry safety orders of the State of California.
- C.
 1. Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.
 2. A person installing, operating, or using any of the following equipment shall provide, properly install, maintain in good working order, and operate continuous stack monitoring systems as described below:
 - a. Oxides of nitrogen (NO_x) and carbon dioxide (CO₂) or oxygen (O₂) from steam generators with a heat input of 250 million British Thermal Units or more per hour and with a use factor of at least 30 percent.
 - b. Oxides of nitrogen (NO_x) from all new nitric acid plants.
 - c. Sulfur dioxide (SO₂) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) from boilers or regenerators of fluid catalytic cracking units, new fluid cokers and existing fluid cokers with a feed rate greater than 10,000 barrels per day.
 3. A person operating or using a stack monitoring system shall, upon written notice of the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of the data shall be available for public inspection at the office of the Air Pollution Control District.

Records from the monitoring equipment shall be kept by the owner or operator for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he directs.

4. A violation of emission standards of these Rules and Regulations, as shown by the stack monitoring system, shall be reported to the Air Pollution Control Officer within 96 hours.
 5. The owner or operator shall notify the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.
 6. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.
- D. The Air Pollution Control Officer may require that disclosures required under this Rule be certified by a professional engineer registered in the State of California. Studies necessary to provide such information shall be made at the expense of the person causing the emissions.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 517 Transfer.

A Permit to Operate 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.